



U.S. Department of Justice
United States Attorney
Eastern District of Virginia

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January 27, 2012

VIA ELECTRONIC MAIL

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Counsel for Mathias Ortmann, Finn Batato, and Bram van der Kolk

Re: *United States v. Kim Dotcom et al.*, 1:12-cr-3 (E.D. Va.)

Dear Counsel:

On January 19, 2012, United States law enforcement executed search warrants at premises controlled by Carpathia Hosting, Inc. ("Carpathia"), in the Eastern District of Virginia, and Cogent Communications, Inc. ("Cogent"), in the District of Columbia. These search warrants were directed toward servers leased by the defendants in 1:12-cr-3 for use by the Megaupload and Megavideo websites (hereinafter "Mega Servers"). The execution of those search warrants has now been completed. The United States copied selected Mega Servers and copied selected data from some of the other Mega Servers, but did not remove any of the Mega Servers from the premises.

Now that the United States has completed execution of its search warrants, the United States has no continuing right to access the Mega Servers. The Mega Servers are not in the actual or constructive custody or control of the United States, but remain at the premises controlled by, and currently under the control of, Carpathia and Cogent. Should the defendants wish to obtain independent access to the Mega Servers, or coordinate third-party access to data housed on Mega Servers, that issue must be resolved directly with Cogent or Carpathia. It is our understanding that the hosting companies may begin deleting the contents of the servers

beginning as early as February 2, 2012.

Sincerely,

Neil H. MacBride
United States Attorney

By: _____ /s
Jay V. Prabhu
Chief, Cybercrime Unit
Assistant United States Attorney

cc: The Honorable Liam O’Grady, United States District Judge
Chief Legal Officer, Cogent Communications
Outside Counsel, Carpathia Hosting