



October 2, 2015

Emilie Kennedy, Esq.
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Via Certified Mail and E-Mail

Re: Malibu Media, LLC v. Robert Dare, Civil Action No. 0:14-cv-61957-JIC

Dear Ms. Kennedy:

I am in receipt of a Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (the "Subpoena") issued to OpenPeak Inc. in connection with the above-referenced matter.

Without waiving any objections to the Subpoena, I hereby inform you that the Computer Device that was Issued to Mr. Dare during the Period of Recorded Infringement (as those capitalized terms are defined in the Subpoena) is no longer in the possession, custody, or control of OpenPeak Inc. In addition, OpenPeak Inc. has no documents or files in its possession, custody, or control that are responsive to items (a) through (e) of Schedule A of the Subpoena.

I have attached a copy of a document that is responsive to item (f) of Schedule A of the Subpoena.

Please feel free to contact me if you have any questions regarding the foregoing.

OpenPeak reserves all its rights under the law and otherwise.

Sincerely,

A handwritten signature in blue ink that reads "Howard A. Kwon".

Howard A. Kwon
VP and General Counsel

Enclosure

Cc: Cynthia Conlin, Esq.