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December 9, 2003

Via Facsimile

Fred von Lohmann,  
Staff Attorney  
Electronic Frontier Foundation  
454 Shotwell Street  
San Francisco, CA 94110

Re: Roland MT-32 Emulator

Dear Mr. von Lohmann:

Welcome back. I hope you had a nice vacation.

Pursuant to the request contained in your November 3 letter, I asked my client to obtain for me the documents demonstrating that the sound recordings contained in the MT-32 qualify as a "restored work." Among other things, I asked my client to obtain the documents demonstrating that first sale in the United States followed first sale in Japan by thirty days. Unfortunately, due to the age of the documents, my client has thus far been unable to locate any documentary evidence showing first sale in the United States. Although my client is continuing the search, including contacting distributors in an effort to find old files, we are concerned that we not take advantage of your patience.

Of course, were my client to be required to prove the point in court, it could and would proceed anecdotally. For many decades now, Roland products have routinely been sold in Japan at least 30 days before first sale in the United States. It is therefore most unfortunate that with respect to this particular product, Roland has been unable to find paperwork to prove the point.

However, under the circumstances, it would not be fair to Mr. Beeler to ask him to wait any longer to publish his emulator. Accordingly, as a gesture of good faith, Roland has no objection to Mr. Beeler publishing his MT-32 Emulator on the Internet. In the meantime, my client will continue to search for the documents.

GREENBERG GLUSKER FIELDS CLAMAN  
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This offer is, of course, without prejudice to the rights of any of the parties. Specifically, should Roland be able to locate the documentary evidence proving that the MT-32 sound recordings qualify as a "restored work," Roland will contact you to request that Mr. Beeler remove the emulator from the Internet. In the meantime, Mr. Beeler is free to publish the emulator, and Roland agrees that it will not use this publication against Mr. Beeler for any purpose.

Should you have any questions, please do not hesitate to contact me.



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