



OFFICE *of the* ATTORNEY GENERAL
GREG ABBOTT

December 21, 2005

Re: Sony BMG XCP CD Titles

On November 21, 2005, this office filed a lawsuit against Sony BMG, alleging violations of Texas' Consumer Protection Against Computer Spyware Act. Our allegations are based upon files that are secretly installed on a consumer's computer whenever any Sony CD which includes "XCP" technology is placed in a personal computer running the Windows operating system. These files create security risks on those consumers' systems. Shortly before this lawsuit was filed, Sony announced a recall of all "XCP" CDs. Our understanding was that you were contacted at that time by Sony and alerted of the recall and the potential harm that is caused by these "XCP" CDs. A list of all recalled CDs can be found at the website, <http://cp.sonybmg.com/xcp/english/titles.html>.

If you have already returned your unsold copies of these CDs to Sony, we appreciate your cooperation in preventing these dangerous items from falling into the hands of additional consumers, and you may disregard this letter. Based upon our investigation, however, our office believes that several stores throughout Texas continue to sell these CDs, despite the dangers associated with them and the recall instituted by Sony.

Our office remains committed to enforcing the laws of this State, especially where the potential harm to consumers is so widespread. Towards that end, we consider any store that continues to sell these CDs, knowing of the dangers associated with them and the recall instituted by Sony, to potentially be in violation of the Texas Deceptive Trade Practices Act. This letter serves as notice of our concerns, and we hope that if you have not already begun to remove these CDs, you will do so immediately. Should you wish to discuss these allegations, or to update us on your efforts to remove these CDs, we would welcome the opportunity to discuss this matter with you further.

Sincerely,

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