

## OPTION SHEET

### What Is The Digital Archive of the Birth Of The Dot Com Era?

The Library of Congress's National Digital Information Infrastructure and Preservation Program ("NDIIPP") is part of a national effort to preserve our digital heritage. Joined by The University of Maryland and other partners, NDIIPP aims to memorialize the Dot Com Era by preserving the Brobeck Digital Records in an archive that will be established upon closure of the bankruptcy estate. In the interim, you may choose among the following options:

#### Your Three Options:

**IF YOU TAKE NO ACTION**, the estate will turn over all Digital Files to the archive and your digital files will be preserved in an archive subject to the restrictions of a closed archive methodology on file with the Court.

**OPT-IN:** \_\_\_\_\_ [Company Name] (the "Company") understands that, in connection with Brobeck's representation of the Company, Brobeck created, received and/or stored information and materials that are protected by and subject to the attorney-client privilege, the work product doctrine and/or other confidentiality obligations ("Protected Materials") that prevent Brobeck from disclosing such Protected Materials without the Company's consent. Nonetheless, in the interest of contributing to historical scholarship and archival preservation of cultural materials, the Company hereby waives any such privilege, work product and other confidentiality obligations, and consents to the use of the Protected Materials by the Library of Congress and its sublicensees. Access to the Company's records will continue to be governed by traditional archive principles as set forth in the Code of Ethics of the Society of American Archivists.

**OPT-OUT:** I do not wish \_\_\_\_\_ [Company Name] (the "Company")'s Digital Files to be turned over to the Closed Archive.  
You may contact the interim repository regarding disposition of your digital files at: Gallivan Gallivan O'Melia LLP, 101 Yesler Way Suite 507, Seattle, WA 98104-3448 -- Tel: 206-652-1441.

Acting on behalf of \_\_\_\_\_ [Company Name], I hereby request execution of the above checked option.

By: \_\_\_\_\_

(Former) Title: \_\_\_\_\_

Date: \_\_\_\_\_

**If you opt-in or opt-out, please check the appropriate box, sign, and return to:**

**David Kirsch  
University of Maryland  
Robert H. Smith School of Business  
4544 Van Munching Hall  
College Park, MD 20742**