

SoftLayer Technologies, Inc  
c/o Legal Department  
4849 Alpha Road  
Dallas, TX 75244  
United States

Date: 22 October 2010  
Our Ref: L3605

## NOT FOR PUBLICATION

Dear Sirs

**RE: GDS PUBLISHING LIMITED; GDS PUBLISHING, INC  
TRADING AS GDS INTERNATIONAL  
DEFAMATION**

We act for GDS Publishing Limited and GDS Publishing, Inc.

GDS Publishing Limited ("GDS") is a company incorporated in accordance with the laws of England and Wales; GDS Publishing, Inc is incorporated under the laws of the State of New York. GDS Publishing, Inc is a wholly subsidiary of GDS Publishing Limited. This letter is written pursuant to the Pre-Action Protocol for Defamation.

### Background

Since GDS was incorporated, it has spent considerable financial and commercial resources expanding its business across the globe as market needs have expanded. GDS maintains offices in four countries, including the United States and two offices in the UK. GDS employs no less than 479 people world-wide. In recent years, GDS has supplied its goods and services to companies involved in industrial sectors including pharmaceuticals, financial services, energy, telecommunications, oil and gas and information technology. Over the last two years, GDS has achieved 25% market growth across the industries in which it competes. The goods and services of our clients focus on issues confronting multinational enterprises.

GDS engages with its chosen industries by (1) offering attendances at events which it arranges, convenes and hosts, namely summits and conferences, and (2) publishing business to business publications.

The GDS organises and hosts events for senior executives in a number of

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INVESTOR IN PEOPLE

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industries in the UK and abroad. These events follow two distinct formats. Summits are marketed extensively in the UK and elsewhere and take the format of roundtable discussions, workshops, one-to-one meetings and open networking. Typically, these events attract between 50 and 70 delegates, and sponsored by 25 leading companies in the relevant market sector. Each of these sponsors pay between £25,000 to £40,000 to participate in the event and procure access to the delegates as part of their chosen sponsorship package.

Sponsorship of summits are convened and organised by GDS. Past delegates include C-level executives from Vodafone, Burger King, AT&T, former advisors to the US President, Pfizer, American Electric Power, AstraZeneca and BP.

The delegates selected by our client are senior representatives of blue-chip companies and government advisors. The events are hosted in five-star hotels or resorts entirely at the expense of our client.

Our client hosted 54 such summits in 2010 and is scheduled to host 103 events in 2011.

Also, GDS hosts conferences in the UK and abroad. These events usually attract over 200 delegates, including executives from Adidas, American Express, Coca-Cola and Facebook, at conferences hosted in the UK charging delegates between £895 - £1,500 to attend. The speakers at these conferences are senior executives of notoriously well-known brands such as, Monster, Kodak, Real Madrid and Microsoft.

GDS also has an extensive online catalogue of interviews at [www.MeetTheBoss.tv](http://www.MeetTheBoss.tv), which features preeminent business people with companies that the industries in which they participate. This business attracted 650,000 unique users from around the globe in September 2010. This "Meet the Boss" service streams video interviews specifically made for publication on this website by leaders in the worldwide business community which include the Co-Chairman of Disney, the President of Paypal, the President of Virgin Galactic, the Chief Executive Officer of Adidas, the Chief Evangelist of Google, the Chief Technology Officer of Amazon, the President of Lamborghini and the Chief Executive Officer of Dominos Pizza.

Our client also works closely with Thomson Reuters for the provision of content produced by GDS to subscribers of the services of Thomson Reuters. Thomson Reuters syndicate our client's content to Project Insider - which is fed to finance news terminals. Thomson Reuters also sponsored our client's sports programming during the Football World Cup 2010. Clearly, our client is a serious and respected player in the financial services market. It continues to develop its reputation in that market.

Moreover, senior executives from Dell, Google, Lego, Pfizer and BP have made themselves available for interviews for publication within the titles published by our client. Companies such as Dell, Verizon, Siemens, Motorola, McAfee, and Oracle, in addition States Governments of the US advertise their goods and services in our clients' publications. We refer you to the Annex to this letter for a list of our clients' publications at the time of writing which currently enjoy circulation in the UK, Continental Europe and the US.

Our client also successfully promotes its business by online newsletters which are dispatched to over 250,000 subscribers per month.

As a result of its investment, GDS has developed significant reputation of an excellent standing in each of the countries in which it trades including the UK. Such reputation allows it to command prices for sponsorship and advertising which reflect the prestige associated with its publications and events in the markets it serves.

### Claims

A WHOIS and other searches of relevant registries upon the domain name 800notes.com ("Domain Name") reveal that:

1. the Domain name is registered in the name a Julia Forte, of "624 Holly Springs Rd St. #303, Holly Springs, North Carolina 27540";
2. the ICANN Registrar of the Domain Name is Wild West Domains, Inc;
3. the website published at the Domain Name ("the Website") is hosted from the IP address 174.37.39.102; and
4. The ARIN database reports that the IP address is 174.37.39.102 is assigned to the SoftLayer Technologies, Inc ("SLT"), as it is within the range of IP addresses allocated to SLT, 174.36.0.0 - 174.37.255.255.

SLT is responsible for the hosting of the Website.

### Defamation

The Website contains postings which may be conveniently grouped into three broad categories . They are, those which assert or imply that:

- A. GDS defrauds its customers who advertise in its publications and participants at the events it arranges and hosts;
- B. GDS fabricates the distribution figures of its magazines; and
- C. GDS tolerates and/or encourages drug use by its employees.

We enclose a Schedule of the postings about which GDS complains.

The natural and ordinary meanings of these postings are:

- i. GDS sales representatives procure advertising and attendance at its events through misrepresentation to customers by making false and highly misleading sales claims .;
- ii. sales representatives of GDS employ bogus and fraudulent tactics that do not comply with the laws in force in the UK and/or US;
- iii. the goods and services offered by GDS are nothing more than a scam or fraud intended to deceive honest people and/businesses out of substantial sums of money; and/or
- iv. GDS condones and/or encourages the use of Class A drugs in its workplaces.

These false allegations amount to grave libels upon our clients' good name and trade reputation. The postings containing the defamatory allegations have been accessed and read in the jurisdiction of England and Wales as is self-evident from the fact that some of the posters purport

to have been employed in the UK offices of GDS. As will be obvious from the serious nature of the allegations their publication has caused and continues to cause significant harm to the reputation of GDS. GDS has never been contacted by the hosts or users of the Website to verify the allegations. If that had been the case, the enquirers would have been informed that the allegations were entirely false and without basis in fact.

We have contacted Ms Forte and she has informed us that she is not associated with the Website. Please see the attached copy correspondence. We therefore ask that you provide us with confirmation that Ms Forte is the account holder for the hosting of the Website or provide details of the person or company who is the account holder for hosting the Website. If you do not provide us with this information GDS we will take instructions to apply for Court Orders to obtain disclosure of the same. Please confirm that you will not oppose GDS' proposed application for disclosure of this information and would, upon service of that Order, comply with its provisions.

#### *Malicious Falsehood*

As we have explained above, the statements made on the Website are false. The statements have been made with the requisite malice, in that they are calculated to cause actual damage to GDS in the sense that the statements are made with reckless disregard for the truth.

#### *Action Required*

GDS requests that SLT to remove these malicious and libellous allegations from the Website immediately.

Regulation 19 of the Electronic Commerce (EC Directive) Regulations 2002 provides a defence to liability for defamation under English law to those who act expeditiously to remove or disable access to the defamatory publications. We invite you remove all reference to the postings appearing at [800notes.com/Phone.aspx/1-212-920-8181](http://800notes.com/Phone.aspx/1-212-920-8181) and implement technical measures to prevent further comments of the nature referred to above.

#### *Next Steps*

Please let us have your position by Friday, 5 November 2010. If you are unable to respond within this timeframe please inform us by return. Should you fail to respond, GDS reserves the right to issue proceedings without further notice.

Yours faithfully



**GILLHAMS**

**Annex**Summits Scheduled for 2010

CFO Health Summit	NG Oil&Gas Summit Africa
CIO Summit MENA	NG Oil&Gas Summit LA
CFO Summit US	NG Oil&Gas Mena Summit - Fall
CIO Summit US	NG Oil&Gas APAC Summit
CIO Summit EU	NG Pharmaceuticals US
CIO Summit Europe	NG Pharmaceuticals Europe
CIO Summit LA	NG Pharmaceuticals DD Europe
CIO Summit Australia	NG Pharmaceuticals Asia
CIO Summit Asia	NG Retail Summit US
CIO Summit Africa	NG Retail Summit Europe
FST Summit US	NG Telecoms Africa
FST Summit Europe	NG Telecoms Apac (ASIA)
Food Solutions Europe	NG Telecoms EMEA Europe
Government CIO Summit US	NG Telecoms The Latin American Summit
HR Summit US	NG Telecoms MENA
NG Healthcare Summit US	NG Telecoms North America
NG Healthcare Summit MENA	NG Utilities Summit US
NG Mining Summit	NG Utilities Summit APAC
NG Mining Summit Latin America	NG Utilities Summit LA
NG Mining Summit Australia	NG Utilities Summit NA
NG Oil&Gas Summit US - November	NG Utilities Summit Europe
NG Oil&Gas Summit US	NG Utilities Summit MENA

Publications*Title*

Business Management Europe  
 Business Management Middle East  
 Business Management US  
 CIS Oil and Gas  
 CXO (Chief Executive Officer)  
 Executive Healthcare Management  
 Financial Services Technology EU  
 Financial Services Technology US  
 HR Management  
 Infrastructure EU  
 Infrastructure MENA  
 Infrastructure US  
 Next Generation Food  
 Next Generation Healthcare EU  
 Next Generation Oil and Gas MENA  
 Next Generation Pharmaceutical EU  
 Next Generation Pharmaceutical US  
 Next Generation Power and Energy EU  
 Next Generation Retail EU  
 Next Generation Retail US