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Hon. Robert P. Patterson, Jr.
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
Room 2550
New York, New York 10007

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Re: Warner Bros. Ent. Inc., et al. v. RDR Books et al., 07-CV-9667 (RPP)

Dear Judge Patterson:

We represent plaintiffs Warner Bros. Entertainment Inc. and J. K. Rowling (collectively, the "Plaintiffs") in connection with the above-referenced matter. We are writing in opposition to today's request by defendant RDR Books ("RDR") for an adjournment of the briefing schedule and preliminary injunction hearing date set by Your Honor last week after the Plaintiffs moved by order to show cause for an order granting expedited discovery and setting such a schedule. In a letter to Your Honor of earlier today, David Hammer, Esq., RDR's New York counsel, stated that his client is seeking to adjourn the briefing schedule and hearing date to the first week in January 2008, a delay of approximately seven weeks. As I told Mr. Hammer when he called me this morning regarding the adjournment request, my clients vehemently oppose any such adjournment.

As Your Honor may recall, the briefing schedule calls for the Plaintiffs to file and serve their Motion for Preliminary Injunction today, November 8th. RDR has known of this deadline since Your Honor's Order was issued last Friday, November 2nd. As set forth in the Plaintiffs' supporting papers in connection with the Order to Show Cause, prior to filing the Complaint in this case the Plaintiffs repeatedly asked RDR to cease and desist from publishing its forthcoming "Harry Potter" companion guide, which makes extensive use of the Plaintiffs' copyrighted expression and bears a misleading cover. Not only did RDR adamantly refuse, it also stalled responding to Plaintiffs' numerous cease and desist letters while surreptitiously continuing to market its forthcoming book. RDR's actions left my clients with no alternative but to file suit and seek injunctive relief to safeguard their valuable intellectual property.

Although Mr. Hammer's letter refers to RDR as a small company with limited resources that is ill-positioned to respond to the Plaintiffs' preliminary injunction motion, RDR faced no such obstacles in garnering significant national and international attention for itself and its book. Indeed, upon information and believe RDR continues to trumpet its intention to publish its book in violation of my clients' intellectual property rights, and is currently engaged in lining up international licenses for that book, suggesting it lacks neither sophistication nor resources.

In fact, RDR has used this lawsuit as an opportunity to publicize the book and to disparage my clients in the press. RDR has worked hard to try this case in the press and to cast a cloud on Plaintiffs' intellectual property rights. Plaintiffs are thus eager for this Court to rule on their motion for a preliminary injunction to clarify the parties' rights. This is part of the reason Plaintiffs oppose RDR's request for an adjournment. It will only perpetuate the cloud on Plaintiffs' ability to protect their intellectual property and would most likely be perceived as some sort of vindication for RDR -- which had been given every conceivable chance to resolve this matter amicably prior to the filing of the lawsuit.

Plaintiffs also object to RDR's request for an adjournment due to its 11th hour nature. RDR has known since last week of the briefing and hearing schedule and has represented to us for months that it was consulting with legal counsel. Plaintiffs have worked extremely hard over the past week to finalize their preliminary injunction brief and related declarations. If the schedule were delayed, no doubt new facts would develop or facts would change such that Plaintiffs be obligated to undertake further effort to revise their papers. Of course, it would be even worse of Plaintiffs were to submit their papers today and RDR were then given seven weeks in which to respond.

The bottom line is that Plaintiffs are the owners of precious intellectual property rights that are placed at risk as a result of RDR's proposed book and marketing plan. We see this latest request as simply one more in a long line of delaying tactics on the part of RDR. We have worked very hard to be in a position to vindicate Plaintiffs' rights, and we respectfully request that the Court deny RDR's belated effort to avoid having this Court rule on this matter.

Respectfully,



Dale M. Cendlai
of O'MELVENY & MYERS LLP

cc: David Hammer, Esq.