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## High court debates file-share conundrum

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WASHINGTON - The mostly silver-haired Supreme Court debated the file-swapping, instant-messaging world of the justices' grandchildren Tuesday, openly worrying that allowing lawsuits to protect Internet movie and music rights could stunt development of the next iPod or other cool high-tech gadget.

During a lively hour-long argument, the court puzzled over the repercussions of granting the entertainment industry authority to sue technology manufacturers over consumers who use their products to steal music and movies online.

Justices wondered aloud whether lawsuits against manufacturers might have discouraged past inventions like copy machines and VCRs as well as newer innovations like iPod music players. All can be used to make illegal copies of documents, films and songs.

Justice Antonin Scalia said a ruling against Grokster Ltd., a developer of leading file-sharing software, could mean that if "I'm a new inventor, I'm going to get sued right away."

Scalia, 69, referred to the company as "Grokster, whatever this outfit is called," eliciting chuckles from the packed courtroom.

The entertainment industry's lawyer, Donald Verrilli Jr., said his clients have no interest in suing inventors who take steps to block customers from stealing. But Grokster and other file-sharing services actively encourage consumers to steal, Verrilli said.

Verrilli called Grokster's software "a gigantic engine of infringement" that thieves use to steal 2.6 billion songs, movies and other digital files each month.

"The scale of the whole thing is mind-boggling," Verrilli said.

The case has star power on both sides.

Don Henley, Sheryl Crow, the Dixie Chicks and other musicians are backing the major recording labels, saying their livelihoods are threatened if millions of people can obtain their songs for nothing.

About 20 independent recording artists, including musician and producer Brian Eno, rockers Heart and rapper-activist Chuck D, support the file-sharing technology. They say it allows greater distribution of their music and limits the power of huge record companies.

The entertainment industry is eager to use the Internet to sell more music and movies, and points to the stunning popularity of Apple Computer's iPod, which can be used to play songs purchased online.

But Justice David H. Souter noted that even iPod users can play music downloaded illegally.

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