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CLERK OF COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO, CALIFORNIA  
07 30031-MISC.



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CRB

January 18, 2007

## VIA MESSENGER

Clerk of Court  
United States District Court for the  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, CA 94102

Re: Request for Subpoena Pursuant to Section (h) of the Digital  
Millennium Copyright Act (17 U.S.C. § 512(h))

Dear Sir or Madam:

On behalf of my client, Twentieth Century Fox Film Corporation ("Fox"), I submit this request for the issuance of a subpoena pursuant to the District Court's subpoena power granted under 17 U.S.C. § 512(h). The purpose of this subpoena is to request the identity of an infringer of Fox's copyrights in several works, including four episodes of the TV series "24" and twelve episodes of the animated TV series "The Simpsons" (collectively, the "Works").

As explained in the accompanying declaration, Fox is the exclusive United States distributor of, and sole owner of the copyrights in the United States in and to, the Works. On or about January 8, 2007, Fox became aware that a subscriber (the "Subscriber") of YouTube, Inc.'s Internet-based service ("YouTube") uploaded pirated copies of the Works onto YouTube, making it available for illegal viewing over the Internet to anyone who wishes to access it. Fox has not authorized this distribution or display of the Works. The subpoena requests YouTube, Inc. to disclose information sufficient to identify the Subscriber so that Fox can stop this infringing activity. As attested to in the accompanying declaration, this information will only be used for the purpose of protecting Fox's rights under 17 U.S.C. § 101 et seq.

This subpoena request complies with all the requirements set forth in 17 U.S.C. § 512(h)(2)(A-C); accordingly, Fox respectfully requests that the Clerk

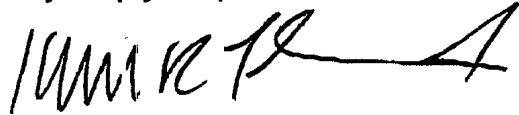
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Clerk of United States District Court for the  
Northern District of California  
January 17, 2007  
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expeditiously issue and sign the proposed subpoena pursuant to 17 U.S.C. § 512(h)(4) and return it to my attention at Loeb & Loeb LLP, which is authorized to act on Fox's behalf, for delivery to YouTube, Inc.

Thank you for your cooperation and consideration of this matter.

Very truly yours,



Karen Thorland  
Loeb & Loeb LLP

Enclosure

**DECLARATION OF JANE SUNDERLAND**

I, Jane Sunderland, hereby testify and swear to the following facts:

1. I am Vice President, Content Protection - Anti-Piracy of Fox Group Legal and Assistant Secretary of Twentieth Century Fox Film Corporation ("Fox"). I submit this Declaration in support of Fox's request for a subpoena on YouTube, Inc. ("YouTube"). I have personal knowledge of the facts set forth herein and have been authorized to submit this Declaration on Fox's behalf.
2. Fox is the exclusive United States distributor of, and exclusive owner of the copyrights for the United States in and to, the television series "24" and the animated television series "The Simpsons" (collectively, the "Works").
3. Season six of "24" is one of Fox's most highly anticipated television series of 2007. The four-episode season premiere of "24" (the "2007 season premiere") initially aired in the United States on January 14-15, 2007, exclusively on Fox's own television network affiliate Fox Broadcasting Company ("FBC"). Fox released the DVD of the 2007 season premiere on January 16, 2007 exclusively through distributors authorized by Fox.
4. "The Simpsons" has been one of Fox's most successful television series since its initial airing in 1989. Each season of "The Simpsons" has aired initially on FBC. Past seasons of "The Simpsons" continue to air in syndication on various television stations across the United States with authorization from Fox.

5. On or about January 8, 2007, Fox became aware that pirated copies of the Works, including the yet-to-be-aired 2007 season premiere of "24" and twelve episodes of "The Simpsons," were being distributed on YouTube's Internet-based service by a subscriber identified by the username "ECOtotal" (the "Subscriber"). This distribution has not been authorized by Fox.

6. Fox was able to view and download these pirated copies of the Works from YouTube's service. Fox has been unable to discover through its own investigation the identity of the Subscriber other than the Subscriber's YouTube username.

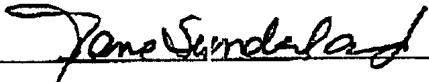
7. The unauthorized distribution of the Works by the Subscriber is an infringement of Fox's copyrights and has caused irreparable harm to Fox's valuable rights in the Works, in particular with respect to the 2007 season premiere of "24." Fox intends to take immediate action to halt this illegal distribution of the Works.

8. On January 8, 2007, Fox sent the official notification letter attached to this Declaration to YouTube, identifying the infringed episodes of "24," providing the location of the infringing material on the YouTube's service, and requesting that YouTube immediately remove or disable access to the episodes from its service.

9. The purpose of the proposed subpoena submitted with this Declaration is to obtain information sufficient to identify the Subscriber from YouTube. This information will only be used for the purpose of protecting Fox's rights under 17 U.S.C. § 101 et seq.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing  
is true and correct.

Sworn to and executed on this 18th day of January, 2007.

  
\_\_\_\_\_  
JANE SUNDERLAND