

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

VIACOM INTERNATIONAL INC., COMEDY
PARTNERS, COUNTRY MUSIC
TELEVISION, INC., PARAMOUNT
PICTURES CORPORATION, BLACK
ENTERTAINMENT TELEVISION LLC,

Plaintiffs-Appellants,

v.

YOUTUBE, INC., YOUTUBE, LLC,
GOOGLE, INC.,

Defendants-Appellees.

10-3270

ECF Case Electronically Filed

**AFFIRMATION OF
STEPHEN M. WURZBURG,
ESQ. IN SUPPORT OF
MOTION FOR LEAVE TO
FILE AN *AMICUS CURIAE*
BRIEF**

State of California)
) ss.:
County of Santa Clara)

Stephen M. Wurzburg, Esq., duly admitted to practice in the State of California, under penalty of perjury, hereby declares as follows:

1. I am a member of Pillsbury Winthrop Shaw Pittman LLP, counsel for Proposed *Amicus Curiae*, Vobile, Inc. (“Vobile”) in the above-captioned action. I submit this Affirmation in support of Vobile’s Motion for Leave to File an *Amicus Curiae* Brief.

2. Vobile respectfully moves this Court, pursuant to Federal Rule of Appellate Procedure 29 and Local Rule 29.1 for leave to file the Brief submitted

herewith, as *Amicus Curiae* to provide the Court with information only and takes no position on the legal issues raised on appeal.

3. As more fully explained in the Brief itself, Vobile is interested in educating the Court regarding the currently available and widespread commercial use of technology for identifying infringing digital video content. Vobile has built a successful business based on automated content identification for a variety of digital media, including video, music and images. Vobile's current and former clients include, major studios (including Appellant Viacom), leading broadcast television networks, several leading websites, U.S. professional sports leagues, and many others.

4. Vobile's Brief is desirable because it addresses the use of the technology it has developed, and in particular, explains the reliability and accuracy of its technology in identifying instances of infringement by websites on its customers' digital content. This information should be of interest to this Court in rendering its decision, particularly in light of district court's decision, which touched upon the reliability of technology employed by Defendants-Appellees YouTube and Google.

5. Wherefore, Vobile respectfully moved this Court for leave to file the accompanying Brief as *Amicus Curiae*.

Dated: Palo Alto, California
December 10, 2010

/s/ Stephen M. Wurzburg
Stephen M. Wurzburg, Esq.