

**UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
CIVIL APPEAL PRE-ARGUMENT STATEMENT (FORM C)**

1. SEE NOTICE ON REVERSE.

2. PLEASE TYPE OR PRINT.

3. STAPLE ALL ADDITIONAL PAGES

Case Caption: VIACOM INTERNATIONAL INC., COMEDY PARTNERS, COUNTRY MUSIC TELEVISION, INC., PARAMOUNT PICTURES CORPORATION, and BLACK ENTERTAINMENT TELEVISION LLC, <p style="text-align: center;">Plaintiffs-Appellants</p> <p style="text-align: center;">v.</p> YOUTUBE, INC., YOUTUBE, LLC, and GOOGLE INC., <p style="text-align: center;">Defendants-Appellees</p>	District Court or Agency: Southern District of New York	Judge: Hon. Louis L. Stanton
	Date the Order or Judgment Appealed from was Entered on the Docket: 08/10/2010	District Court Docket No.: 1:07-CV-2103 (LLS)
	Date the Notice of Appeal was Filed: 08/11/2010	Is this a Cross Appeal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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Has Transcript Been Prepared? N.A.	Approx. Number of Transcript Pages: N.A.	Number of Exhibits Appended to Transcript: N.A.	Has this matter been before this Circuit previously? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide the following: Case Name: 2d Cir. Docket No.: Reporter Citation: (i.e., F.3d or Fed. App.)
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ADDENDUM "A": COUNSEL MUST ATTACH TO THIS FORM: (1) A BRIEF, BUT NOT PERFUNCTORY, DESCRIPTION OF THE NATURE OF THE ACTION; (2) THE RESULT BELOW; (3) A COPY OF THE NOTICE OF APPEAL AND A CURRENT COPY OF THE LOWER COURT DOCKET SHEET; AND (4) A COPY OF ALL RELEVANT OPINIONS/ORDERS FORMING THE BASIS FOR THIS APPEAL, INCLUDING TRANSCRIPTS OF ORDERS ISSUED FROM THE BENCH OR IN CHAMBERS.

ADDENDUM "B": COUNSEL MUST ATTACH TO THIS FORM A LIST OF THE ISSUES PROPOSED TO BE RAISED ON APPEAL, AS WELL AS THE APPLICABLE APPELLATE STANDARD OF REVIEW FOR EACH PROPOSED ISSUE.

PART A: JURISDICTION

1. Federal Jurisdiction	2. Appellate Jurisdiction
<input type="checkbox"/> U.S. a party <input type="checkbox"/> Diversity <input checked="" type="checkbox"/> Federal question (U.S. not a party) <input type="checkbox"/> Other (specify): _____	<input checked="" type="checkbox"/> Final Decision <input type="checkbox"/> Order Certified by District Judge (i.e., Fed. R. Civ. P. 54(b)) <input type="checkbox"/> Interlocutory Decision Appealable As of Right <input type="checkbox"/> Other (specify): _____

IMPORTANT. COMPLETE AND SIGN REVERSE SIDE OF THIS FORM.

PART B: DISTRICT COURT DISPOSITION (Check as many as apply)

1. Stage of Proceedings <input checked="" type="checkbox"/> Pre-trial <input type="checkbox"/> During trial <input type="checkbox"/> After trial	2. Type of Judgment/Order Appealed <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Default judgment <input type="checkbox"/> Dismissal/jurisdiction <input checked="" type="checkbox"/> Dismissal/merit <input checked="" type="checkbox"/> Summary judgment <input type="checkbox"/> Declaratory judgment </div> <div> <input checked="" type="checkbox"/> Judgment / Decision of the Court <input type="checkbox"/> Jury verdict <input type="checkbox"/> Judgment NOV <input type="checkbox"/> Directed verdict <input type="checkbox"/> Other (specify): _____ </div> </div>	3. Relief <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Damages: <input type="checkbox"/> Sought: \$ _____ <input type="checkbox"/> Granted: \$ _____ <input type="checkbox"/> Denied: \$ _____ </div> <div> <input type="checkbox"/> Injunctions: <input type="checkbox"/> Preliminary <input type="checkbox"/> Permanent <input type="checkbox"/> Denied </div> </div>
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PART C: NATURE OF SUIT (Check as many as apply)

1. Federal Statutes <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Antitrust <input type="checkbox"/> Bankruptcy <input type="checkbox"/> Banks/Banking <input type="checkbox"/> Civil Rights <input type="checkbox"/> Commerce, <input type="checkbox"/> Energy <input type="checkbox"/> Commodities <input type="checkbox"/> Other (specify): _____ </div> <div> <input type="checkbox"/> Communications <input type="checkbox"/> Consumer Protection <input checked="" type="checkbox"/> Copyright <input type="checkbox"/> Patent <input type="checkbox"/> Trademark <input type="checkbox"/> Election <input type="checkbox"/> Soc. Security <input type="checkbox"/> Environmental </div> <div> <input type="checkbox"/> Freedom of Information Act <input type="checkbox"/> Immigration <input type="checkbox"/> Labor <input type="checkbox"/> OSHA <input type="checkbox"/> Securities <input type="checkbox"/> Tax </div> </div>	2. Torts <input type="checkbox"/> Admiralty/ <input type="checkbox"/> Maritime <input type="checkbox"/> Assault / <input type="checkbox"/> Defamation <input type="checkbox"/> FELA <input type="checkbox"/> Products Liability <input type="checkbox"/> Other (Specify): _____	3. Contracts <input type="checkbox"/> Admiralty/ <input type="checkbox"/> Maritime <input type="checkbox"/> Arbitration <input type="checkbox"/> Commercial <input type="checkbox"/> Employment <input type="checkbox"/> Insurance <input type="checkbox"/> Negotiable <input type="checkbox"/> Instruments <input type="checkbox"/> Other Specify	4. Prisoner Petitions <input type="checkbox"/> Civil Rights <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Mandamus <input type="checkbox"/> Parole <input type="checkbox"/> Vacate Sentence <input type="checkbox"/> Other
5. Other <input type="checkbox"/> Forfeiture/Penalty <input type="checkbox"/> Real Property <input type="checkbox"/> Treaty (specify): _____ <input type="checkbox"/> Other (specify): _____	6. General <input type="checkbox"/> Arbitration <input type="checkbox"/> Attorney Disqualification <input type="checkbox"/> Class Action <input type="checkbox"/> Counsel Fees <input type="checkbox"/> Shareholder Derivative <input type="checkbox"/> Transfer	7. Will appeal raise constitutional issue(s)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Will appeal raise a matter of first impression? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

1. Is any matter relative to this appeal still pending below? <input type="checkbox"/> Yes, specify: _____ <input checked="" type="checkbox"/> No			
2. To your knowledge, is there any case presently pending or about to be brought before this Court or another court or administrative agency which:			
(A) Arises from substantially the same case or controversy as this appeal?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(B) Involves an issue that is substantially similar or related to an issue in this appeal?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, state whether <input type="checkbox"/> "A," or <input checked="" type="checkbox"/> "B," or <input type="checkbox"/> both are applicable, and provide in the spaces below the following information on the <i>other</i> action(s):			
Case Name: <i>The Football Ass'n Premier League Ltd. v. Youtube</i>	Docket No. 1:07-cv-3582 (LLS)	Citation: --- F.Supp.2d ---, 2010 WL 2532404	Court or Agency: Southern District of New York
Name of Appellant: The Football Association Premier League Limited, et al.			

Date: <i>08/26/2010</i>	Signature of Counsel of Record:
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NOTICE TO COUNSEL

Once you have filed your Notice of Appeal with the District Court or the Tax Court, you have only 14 days in which to complete the following important steps:

1. Complete this Civil Appeal Pre-Argument Statement (Form C); serve it upon all parties, and file the **original** with the Clerk of the Second Circuit.
2. File the **original** of the Court of Appeals Transcript Information/Civil Appeal Form (Form D) with the Clerk of the Second Circuit.
3. Pay the \$455 docketing fee to the Clerk of the United States District Court unless you are authorized to prosecute the appeal without payment.

PLEASE NOTE: IF YOU DO NOT COMPLY WITH THESE REQUIREMENTS WITHIN 14 DAYS, YOUR APPEAL WILL BE DISMISSED. SEE LOCAL RULE 12.1.

**UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
CIVIL APPEAL PRE-ARGUMENT STATEMENT (FORM C)**

ADDENDUM A

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

Court of Appeals No. 10-3270

Plaintiffs-Appellants,

v.

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

District Court Docket No.:
1:07-cv-02103(LLS)

Defendants-Appellees.

1. Description of the Nature of the Action

On March 13, 2007, plaintiffs-appellants Viacom International Inc., Comedy Partners, Country Music Television, Inc., Paramount Pictures Corporation, and Black Entertainment Television LLC (collectively, “Viacom”), commenced the above-referenced district court action against defendants-appellees YouTube, Inc., YouTube, LLC, and Google, Inc. (collectively, “Defendants”). Viacom sought to recover damages and obtain declaratory and certain other equitable relief based on the following claims for direct and secondary copyright infringement of Viacom’s copyrighted works on the YouTube website:

1. Direct Copyright Infringement – Public Performance
2. Direct Copyright Infringement – Public Display
3. Direct Copyright Infringement – Reproduction
4. Inducement of Copyright Infringement

5. Contributory Copyright Infringement

6. Vicarious Copyright Infringement

On April 30, 2007, Defendants answered Plaintiffs' complaint, asserting a number of defenses, including "one or more of the DMCA Safe Harbors contained in 17 U.S.C. § 512."

On April 24, 2008, Viacom filed an amended complaint, adding a claim for "Direct Copyright Infringement – Distribution Right," and a jury demand.

On May 23, 2008, Defendants filed an answer to Viacom's First Amended Complaint and Demand for a Jury Trial, again asserting a number of defenses, including "one or more of the DMCA Safe Harbors contained in 17 U.S.C. § 512."

On March 5, 2010, Viacom and Defendants cross-moved for summary judgment. Viacom moved for summary judgment on certain of its claims for direct and secondary copyright liability and on Defendants' DMCA safe harbor defense under 17 U.S.C. § 512(c). Defendants moved for summary judgment on Viacom's claim for inducement liability and on Defendants' DMCA safe harbor defense under 17 U.S.C. § 512(c).

2. Result Below

On June 23, 2010, the court below granted Defendants' motion for summary judgment on all of Viacom's claims and denied Viacom's motion for summary judgment.

3. Notice of Appeal and Docket Below

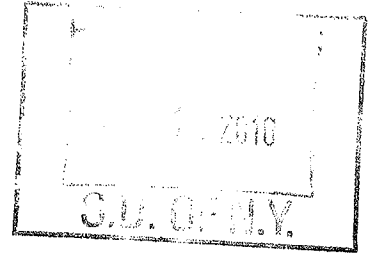
Attached hereto is a copy of the Notice of Appeal filed on August 11, 2010, and the lower court docket sheet.

4. Opinions/Orders Forming the Basis of the Appeal

Attached to the Notice of Appeal are a copy of the Opinion and Order of the Hon. Louis L. Stanton, dated June 23, 2010, and the Judgment of the Clerk Ruby J. Krajick, dated August 10, 2010, forming the basis for this appeal.

NOTICE OF APPEAL

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK



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

Plaintiffs,

v.

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

Defendants.

Case No. 1:07-cv-02103 (LLS)
(Related Case No. 1:07-cv-03582 (LLS))
ECF Case

NOTICE OF APPEAL

Notice is hereby given that all plaintiffs in the above captioned action hereby appeal to the United States Court of Appeals for the Second Circuit from the Judgment entered in this action on the 10th day of August, 2010, which refers to the Opinion and Order dated June 23, 2010 granting Defendants' motion for summary judgment on all of Plaintiffs' claims.

Dated: August 11, 2010

Respectfully Submitted,

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DOCKET SHEET
1:07-CV-02103-LLS

CLOSED, APPEAL, ECF

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-02103-LLS

Viacom International, Inc. et al v. Youtube, Inc. et al
Assigned to: Judge Louis L. Stanton
Related Case: 1:07-cv-03582-LLS
Cause: 17:501 Copyright Infringement

Date Filed: 03/13/2007
Date Terminated: 08/10/2010
Jury Demand: Defendant
Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

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Plaintiff

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Date Filed	#	Docket Text
03/13/2007	<u>1</u>	COMPLAINT against Youtube, Inc., Youtube, LLC, Google, Inc.. (Filing Fee \$ 350.00, Receipt Number 608839) Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners.(tro) Additional attachment(s) added on 3/14/2007 (Rodriguez, Tiffany). (Entered: 03/13/2007)
03/13/2007		SUMMONS ISSUED as to Youtube, Inc., Youtube, LLC, Google, Inc.. (tro) (Entered: 03/13/2007)
03/13/2007		Magistrate Judge Frank Maas is so designated. (tro) (Entered: 03/13/2007)
03/13/2007		Case Designated ECF. (tro) (Entered: 03/13/2007)
03/13/2007	<u>2</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Viacom, Inc. as Corporate Parent. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners.(tro) Additional attachment(s) added on 3/14/2007 (Rodriguez, Tiffany). (Entered: 03/13/2007)
03/13/2007		Mailed notice to Register of Copyrights to report the filing of this action. (tro) (Entered: 03/13/2007)
03/13/2007	<u>3</u>	NOTICE OF APPEARANCE by Donald B. Verrilli, Jr on behalf of Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners (Verrilli, Donald) (Entered: 03/13/2007)
03/14/2007	<u>4</u>	SUMMONS RETURNED EXECUTED Summons and Complaint, served. Google, Inc. served on 3/13/2007, answer due 4/2/2007. Service was accepted by Ed Choi, Authorized Agent. Document filed by Country Music Television, Inc.; Paramount Pictures Corporation; Viacom International, Inc.; Black Entertainment Television, LLC; Comedy Partners. (Verrilli, Donald) (Entered: 03/14/2007)
03/14/2007	<u>5</u>	SUMMONS RETURNED EXECUTED Summons and Complaint, served. Service was accepted by Gladys Ryan, Service of Process Representative. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Verrilli, Donald) (Entered: 03/14/2007)
03/14/2007	<u>6</u>	SUMMONS RETURNED EXECUTED Summons and Complaint, served.

		Youtube, Inc. served on 3/13/2007, answer due 4/2/2007. Service was accepted by Steve Chen, Authorized Agent. Document filed by Country Music Television, Inc.; Paramount Pictures Corporation; Viacom International, Inc.; Black Entertainment Television, LLC; Comedy Partners. (Verrilli, Donald) (Entered: 03/14/2007)
03/14/2007	<u>7</u>	SUMMONS RETURNED EXECUTED Summons and Complaint, served. Youtube, LLC served on 3/13/2007, answer due 4/2/2007. Service was accepted by Steve Chen, Authorized Agent. Document filed by Country Music Television, Inc.; Paramount Pictures Corporation; Viacom International, Inc.; Black Entertainment Television, LLC; Comedy Partners. (Verrilli, Donald) (Entered: 03/14/2007)
03/16/2007	<u>8</u>	ORDER FOR CONFERENCE PURSUANT TO RULE 16 (b): This action is scheduled for a conference in accordance with Fed. R. Civ. P. 16(b) on Friday June 29th, 2007 at 12:30 p.m. in Room 21C. (Signed by Judge Louis L. Stanton on 3/16/07) (js) (Entered: 03/19/2007)
03/16/2007		Set Deadlines/Hearings: Status Conference set for 6/29/2007 12:30 PM before Judge Louis L. Stanton. (js) (Entered: 03/19/2007)
03/26/2007	<u>10</u>	LETTER addressed to Judge Louis L. Stanton from Donald B. Verrilli Jr. dated 3/23/07 re: Writing to confirm that the parties are available to appear before the Court for the Rule 16(b) conference on Friday July 27, 2007 at 11:30 a.m. In addition Defendants have not yet retained counsel to represent them in this matter. Plaintiffs have agreed to defendants request for a thirty day extension of time until May 2, 2007 for the Defendants to answer or otherwise respond to plaintiffs complaint. (js) (Entered: 03/27/2007)
03/27/2007	<u>9</u>	NOTICE OF APPEARANCE by William M. Hohengarten on behalf of Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners (Hohengarten, William) (Entered: 03/27/2007)
04/02/2007	<u>11</u>	MOTION for Amy L. Tenney to Appear Pro Hac Vice. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (jco) (Entered: 04/04/2007)
04/06/2007		CASHIERS OFFICE REMARK on <u>11</u> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 04/02/2007, Receipt Number 610472. (jd) (Entered: 04/06/2007)
04/06/2007	<u>13</u>	MOTION for Scott B. Wilkens to Appear Pro Hac Vice. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (jco) (Entered: 04/12/2007)
04/11/2007	<u>12</u>	NOTICE OF APPEARANCE by Sharmila Sohoni on behalf of Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners (Sohoni, Sharmila) (Entered: 04/11/2007)

04/12/2007	<u>14</u>	NOTICE OF APPEARANCE by Luke Cardillo Platzer on behalf of Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners (Platzer, Luke) (Entered: 04/12/2007)
04/13/2007	<u>15</u>	MEMO ENDORSED granting <u>11</u> Motion for Amy L. Tenney to Appear Pro Hac Vice. No opposition SO ORDERED.(Signed by Judge Louis L. Stanton on 4/13/2007) (jmi) (Entered: 04/16/2007)
04/16/2007		CASHIERS OFFICE REMARK on <u>13</u> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 04/09/2007, Receipt Number 611107. (jd) (Entered: 04/16/2007)
04/20/2007	<u>16</u>	MEMO ENDORSED, granting <u>13</u> Motion for Scott B. Wilkens to Appear Pro Hac Vice. (Signed by Judge Louis L. Stanton on 4/20/07) (js) (Entered: 04/23/2007)
04/20/2007		Transmission to Attorney Admissions Clerk. Transmitted re: <u>16</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (js) (Entered: 04/23/2007)
04/30/2007	<u>17</u>	NOTICE OF APPEARANCE by Tonia Maria Ouellette Klausner on behalf of Youtube, Inc., Youtube, LLC, Google, Inc. (Klausner, Tonia Maria) (Entered: 04/30/2007)
04/30/2007	<u>18</u>	NOTICE OF APPEARANCE by Jonathan M. Jacobson on behalf of Youtube, Inc., Youtube, LLC, Google, Inc. (Jacobson, Jonathan) (Entered: 04/30/2007)
04/30/2007	<u>19</u>	NOTICE OF APPEARANCE by Tonia Maria Ouellette Klausner on behalf of Youtube, Inc., Youtube, LLC, Google, Inc. (Klausner, Tonia Maria) (Entered: 04/30/2007)
04/30/2007	<u>20</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc..(Klausner, Tonia Maria) (Entered: 04/30/2007)
04/30/2007	<u>21</u>	ANSWER to Complaint. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc..(Klausner, Tonia Maria) (Entered: 04/30/2007)
05/01/2007	<u>23</u>	MOTION for Carrie A. Jablonski to Appear Pro Hac Vice. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.(jco) (Entered: 05/03/2007)
05/01/2007	<u>24</u>	MOTION for Shayna S. Cook to Appear Pro Hac Vice. Document filed by Youtube, Inc., Youtube, LLC.(jco) (Entered: 05/03/2007)
05/01/2007	<u>25</u>	MOTION for Mark S. Ouweleen to Appear Pro Hac Vice. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.(jco) (Entered: 05/03/2007)
05/01/2007	<u>26</u>	MOTION for Alison G. Wheeler to Appear Pro Hac Vice. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.(jco) (Entered: 05/03/2007)
05/01/2007	<u>27</u>	MOTION for Phillip S. Beck to Appear Pro Hac Vice. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.(jco) (Entered: 05/03/2007)

05/02/2007	<u>22</u>	NOTICE OF APPEARANCE by Susan Joan Kohlmann on behalf of Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners (Kohlmann, Susan) (Entered: 05/02/2007)
05/08/2007		CASHIERS OFFICE REMARK on <u>23</u> Motion to Appear Pro Hac Vice, <u>26</u> Motion to Appear Pro Hac Vice, <u>24</u> Motion to Appear Pro Hac Vice, <u>27</u> Motion to Appear Pro Hac Vice, <u>25</u> Motion to Appear Pro Hac Vice in the amount of \$125.00, paid on 05/01/2007, Receipt Number 613728. (jd) (Entered: 05/08/2007)
05/08/2007	<u>33</u>	MOTION for Caroline E. Wilson to Appear Pro Hac Vice. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.(jco) (Entered: 05/11/2007)
05/08/2007	<u>34</u>	MOTION for Maura L. Rees to Appear Pro Hac Vice. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.(jco) (Entered: 05/11/2007)
05/08/2007	<u>35</u>	MOTION for Bart E. Volkmer to Appear Pro Hac Vice. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.(jco) (Entered: 05/11/2007)
05/08/2007	<u>36</u>	MOTION for David H. Kramer to Appear Pro Hac Vice. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.(jco) (Entered: 05/11/2007)
05/09/2007	<u>28</u>	MEMO ENDORSEMENT on re: <u>24</u> MOTION for Shayna S. Cook to Appear Pro Hac Vice. Granted. No opposition. filed by Youtube, LLC, Youtube, Inc. (Signed by Judge Louis L. Stanton on 5/9/07) (dj) (Entered: 05/10/2007)
05/09/2007	<u>29</u>	MEMO ENDORSEMENT on re: Granted. NO opposition <u>26</u> MOTION for Alison G. Wheeler to Appear Pro Hac Vice. filed by Youtube, LLC, Youtube, Inc., Google, Inc. (Signed by Judge Louis L. Stanton on 5/9/07) (dj) (Entered: 05/10/2007)
05/09/2007	<u>30</u>	MEMO ENDORSEMENT on re: Granting. No Opposition <u>25</u> MOTION for Mark S. Ouwelleen to Appear Pro Hac Vice. filed by Youtube, LLC, Youtube, Inc., Google, Inc. (Signed by Judge Louis L. Stanton on 5/9/07) (dj) (Entered: 05/10/2007)
05/09/2007	<u>31</u>	MEMO ENDORSEMENT on re: Granted. No Opposition <u>23</u> MOTION for Carrie A. Jablonski to Appear Pro Hac Vice. filed by Youtube, LLC, Youtube, Inc., Google, Inc. (Signed by Judge Louis L. Stanton on 5/9/07) (dj) (Entered: 05/10/2007)
05/09/2007	<u>32</u>	MEMO ENDORSEMENT on re: Granted. No Opposition <u>27</u> MOTION for Phillip S. Beck to Appear Pro Hac Vice. filed by Youtube, LLC, Youtube, Inc., Google, Inc. (Signed by Judge Louis L. Stanton on 5/9/07) (dj) (Entered: 05/10/2007)
05/10/2007		Transmission to Attorney Admissions Clerk. Transmitted re: <u>28</u> Memo Endorsement, to the Attorney Admissions Clerk for updating of Attorney Information. (dj) (Entered: 05/10/2007)
05/10/2007		Transmission to Attorney Admissions Clerk. Transmitted re: <u>29</u> Memo Endorsement, to the Attorney Admissions Clerk for updating of Attorney Information. (dj) (Entered: 05/10/2007)

05/10/2007		Transmission to Attorney Admissions Clerk. Transmitted re: <u>30</u> Memo Endorsement, to the Attorney Admissions Clerk for updating of Attorney Information. (djc) (Entered: 05/10/2007)
05/10/2007		Transmission to Attorney Admissions Clerk. Transmitted re: <u>31</u> Memo Endorsement, to the Attorney Admissions Clerk for updating of Attorney Information. (djc) (Entered: 05/10/2007)
05/10/2007		Transmission to Attorney Admissions Clerk. Transmitted re: <u>32</u> Memo Endorsement, to the Attorney Admissions Clerk for updating of Attorney Information. (djc) (Entered: 05/10/2007)
05/16/2007	<u>37</u>	ORDER granting <u>35</u> Motion for Bart E. Volkmer to Appear Pro Hac Vice. (Signed by Judge Louis L. Stanton on 5/16/07) (js) (Entered: 05/17/2007)
05/16/2007		Transmission to Attorney Admissions Clerk. Transmitted re: <u>37</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (js) (Entered: 05/17/2007)
05/16/2007	<u>38</u>	ORDER granting <u>36</u> Motion for David H. Kramer to Appear Pro Hac Vice. (Signed by Judge Louis L. Stanton on 5/16/07) (js) (Entered: 05/17/2007)
05/16/2007		Transmission to Attorney Admissions Clerk. Transmitted re: <u>38</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (js) (Entered: 05/17/2007)
05/16/2007	<u>39</u>	ORDER granting <u>33</u> Motion for Caroline E. Wilson to Appear Pro Hac Vice. (Signed by Judge Louis L. Stanton on 5/16/07) (js) (Entered: 05/17/2007)
05/16/2007		Transmission to Attorney Admissions Clerk. Transmitted re: <u>39</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (js) (Entered: 05/17/2007)
05/16/2007	<u>40</u>	ORDER granting <u>34</u> Motion for Maura L. Rees to Appear Pro Hac Vice. (Signed by Judge Louis L. Stanton on 5/16/07) (js) (Entered: 05/17/2007)
05/16/2007		Transmission to Attorney Admissions Clerk. Transmitted re: <u>40</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (js) (Entered: 05/17/2007)
05/23/2007		CASHIERS OFFICE REMARK on <u>40</u> Order on Motion to Appear Pro Hac Vice, <u>38</u> Order on Motion to Appear Pro Hac Vice, <u>37</u> Order on Motion to Appear Pro Hac Vice, <u>39</u> Order on Motion to Appear Pro Hac Vice in the amount of \$100.00, paid on 05/08/2007, Receipt Number 614362. (jd) (Entered: 05/23/2007)
06/05/2007	<u>41</u>	ORDER PERMITTING FILING OF, AND DENYING, MOTION TO INTERVENE: Ms. Sandra Ann Bradshaw Lucas-Morrow's May 22, 2007 motion to intervene shall be accepted for filing and docketed by the clerk. The motion is denied. Ms. Lucas-Morrow's motion to intervene is accepted for filing, and is denied. SO ORDERED. (Signed by Judge Louis L. Stanton on 6/4/2007) (jmi) (Entered: 06/06/2007)
06/05/2007	42	MOTION for an Order, purs. to FRCP 24(a) to Intervene. Document filed by

		Sandra Ann Bradshaw Lucas-Morrow. Received by the Chambers of Louis L. Stanton, see Order dated 6/4/07. (tro) (Entered: 06/07/2007)
06/15/2007	<u>43</u>	MOTION for Reconsideration re; <u>41</u> Order. Document filed by Sandra Ann Bradshaw Lucas-Morrow.(jco) (Entered: 06/19/2007)
06/28/2007	<u>44</u>	ORDER: Ms. Sandra Ann Bradshaw Lucas-Morrow's motion for reconsideration of my June 4, 2007 order denying her application to intervene, is denied. So Ordered. (Signed by Judge Louis L. Stanton on 6/28/07) (js) (Entered: 06/29/2007)
07/05/2007	<u>47</u>	NOTICE OF APPEAL from <u>44</u> Order on Motion for Reconsideration. Document filed by Sandra Ann Bradshaw Lucas-Morrow. Copies sent to attorney(s) of record: Wilson Sonsini Goodrich & Rosati, P.C.; Barlit Beck Herman Palenchar & Scott LLP. (tp) (Entered: 07/20/2007)
07/05/2007		Appeal Remark as to <u>47</u> Notice of Appeal filed by Sandra Ann Bradshaw Lucas-Morrow. \$455.00 APPEAL FEE DUE. (tp) (Entered: 07/20/2007)
07/18/2007	<u>45</u>	NOTICE OF APPEARANCE by Peter H. Hanna on behalf of Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners (Hanna, Peter) (Entered: 07/18/2007)
07/19/2007	<u>46</u>	NOTICE OF APPEARANCE by Matthew William Alsdorf on behalf of Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners (Alsdorf, Matthew) (Entered: 07/19/2007)
07/20/2007		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>47</u> Notice of Appeal. (tp) (Entered: 07/20/2007)
07/20/2007		Transmission of Notice of Appeal to the District Judge re: <u>47</u> Notice of Appeal. (tp) (Entered: 07/20/2007)
07/20/2007		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>4</u> Summons Returned Executed, filed by Country Music Television, Inc., Paramount Pictures Corporation, Comedy Partners, Viacom International, Inc., Black Entertainment Television, LLC, <u>13</u> MOTION for Scott B. Wilkens to Appear Pro Hac Vice. filed by Country Music Television, Inc., Paramount Pictures Corporation, Comedy Partners, Viacom International, Inc., Black Entertainment Television, LLC, <u>32</u> Memo Endorsement, <u>28</u> Memo Endorsement, <u>17</u> Notice of Appearance filed by Youtube, LLC, Youtube, Inc., Google, Inc., <u>5</u> Summons Returned Executed, filed by Country Music Television, Inc., Paramount Pictures Corporation, Comedy Partners, Viacom International, Inc., Black Entertainment Television, LLC, <u>22</u> Notice of Appearance filed by Country Music Television, Inc., Paramount Pictures Corporation, Comedy Partners, Viacom International, Inc., Black Entertainment Television, LLC, <u>15</u> Order on Motion to Appear Pro Hac Vice, <u>1</u> Complaint, filed by Country Music Television, Inc., Paramount Pictures Corporation, Comedy Partners, Viacom International, Inc., Black Entertainment Television, LLC, <u>47</u> Notice of Appeal filed by Sandra Ann Bradshaw Lucas-Morrow, <u>30</u> Memo

Endorsement, 21 Answer to Complaint filed by Youtube, LLC, Youtube, Inc., Google, Inc., 31 Memo Endorsement, 18 Notice of Appearance filed by Youtube, LLC, Youtube, Inc., Google, Inc., 19 Notice of Appearance filed by Youtube, LLC, Youtube, Inc., Google, Inc., 16 Order on Motion to Appear Pro Hac Vice, 40 Order on Motion to Appear Pro Hac Vice, 38 Order on Motion to Appear Pro Hac Vice, 37 Order on Motion to Appear Pro Hac Vice, 44 Order on Motion for Reconsideration, 9 Notice of Appearance filed by Country Music Television, Inc., Paramount Pictures Corporation, Comedy Partners, Viacom International, Inc., Black Entertainment Television, LLC, 46 Notice of Appearance filed by Country Music Television, Inc., Paramount Pictures Corporation, Comedy Partners, Viacom International, Inc., Black Entertainment Television, LLC, 34 MOTION for Maura L. Rees to Appear Pro Hac Vice. filed by Youtube, LLC, Youtube, Inc., Google, Inc., 2 Rule 7.1 Corporate Disclosure Statement, filed by Country Music Television, Inc., Paramount Pictures Corporation, Comedy Partners, Viacom International, Inc., Black Entertainment Television, LLC, 45 Notice of Appearance filed by Country Music Television, Inc., Paramount Pictures Corporation, Comedy Partners, Viacom International, Inc., Black Entertainment Television, LLC, 39 Order on Motion to Appear Pro Hac Vice, 29 Memo Endorsement, 23 MOTION for Carrie A. Jablonski to Appear Pro Hac Vice. filed by Youtube, LLC, Youtube, Inc., Google, Inc., 35 MOTION for Bart E. Volkmer to Appear Pro Hac Vice. filed by Youtube, LLC, Youtube, Inc., Google, Inc., 26 MOTION for Alison G. Wheeler to Appear Pro Hac Vice. filed by Youtube, LLC, Youtube, Inc., Google, Inc., 24 MOTION for Shayna S. Coot to Appear Pro Hac Vice. filed by Youtube, LLC, Youtube, Inc., 8 Order, 41 Order, 27 MOTION for Phillip S. Beck to Appear Pro Hac Vice. filed by Youtube, LLC, Youtube, Inc., Google, Inc., 25 MOTION for Mark S. Ouwelleen to Appear Pro Hac Vice. filed by Youtube, LLC, Youtube, Inc., Google, Inc., 6 Summons Returned Executed, filed by Country Music Television, Inc., Paramount Pictures Corporation, Comedy Partners, Viacom International, Inc., Black Entertainment Television, LLC, 11 MOTION for Amy L. Tenney to Appear Pro Hac Vice. filed by Country Music Television, Inc., Paramount Pictures Corporation, Comedy Partners, Viacom International, Inc., Black Entertainment Television, LLC, 10 Letter, 33 MOTION for Caroline E. Wilson to Appear Pro Hac Vice. filed by Youtube, LLC, Youtube, Inc., Google, Inc., 3 Notice of Appearance filed by Country Music Television, Inc., Paramount Pictures Corporation, Comedy Partners, Viacom International, Inc., Black Entertainment Television, LLC, 20 Rule 7.1 Corporate Disclosure Statement filed by Youtube, LLC, Youtube, Inc., Google, Inc., 14 Notice of Appearance filed by Country Music Television, Inc., Paramount Pictures Corporation, Comedy Partners, Viacom International, Inc., Black Entertainment Television, LLC, 12 Notice of Appearance filed by Country Music Television, Inc., Paramount Pictures Corporation, Comedy Partners, Viacom International, Inc., Black Entertainment Television, LLC, 36 MOTION for David H. Kramer to Appear Pro Hac Vice. filed by Youtube, LLC, Youtube, Inc., Google, Inc., 7 Summons Returned Executed, filed by Country Music Television, Inc., Paramount Pictures Corporation, Comedy Partners, Viacom International, Inc., Black Entertainment Television, LLC were transmitted to the U.S. Court of Appeals. (tp) (Entered: 07/20/2007)

	<u>48</u>	MOTION for Rebecca Weinstein Bacon to Appear Pro Hac Vice. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.(jco) (Entered: 07/26/2007)
07/26/2007	<u>49</u>	NOTICE OF APPEARANCE by Stuart Jay Baskin on behalf of Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners (Baskin, Stuart) (Entered: 07/26/2007)
07/26/2007	<u>50</u>	NOTICE OF APPEARANCE by John Gueli on behalf of Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners (Gueli, John) (Entered: 07/26/2007)
07/27/2007		Minute Entry for proceedings held before Judge Louis L. Stanton : Initial Pretrial Conference held on 7/27/2007. Pretrial Conference set for 8/6/2007 at 03:00 PM in Courtroom 21C, 500 Pearl Street, New York, NY 10007 before Judge Louis L. Stanton. (db) (Entered: 08/02/2007)
07/30/2007		CASHIERS OFFICE REMARK on <u>48</u> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 07/24/2007, Receipt Number 622075. (jd) (Entered: 07/30/2007)
08/01/2007	<u>51</u>	TRANSCRIPT of proceedings held on 07/27/07 before Judge Louis L. Stanton. (es) (Entered: 08/01/2007)
08/03/2007	<u>52</u>	NOTICE OF APPEARANCE by Stephen Robert Fishbein on behalf of Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners (Fishbein, Stephen) (Entered: 08/03/2007)
08/06/2007	<u>53</u>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION. Attorney Rebecca Weinstein Bacon for Youtube, Inc. and Youtube, LLC admitted Pro Hac Vice. This action has been assigned to the Electronic Case Filing (ECF) system and as such, counsel shall immediately register for an ECF password. (Signed by Judge Louis L. Stanton on 8/6/07) (tro) (Entered: 08/07/2007)
08/06/2007		Transmission to Attorney Admissions Clerk. Transmitted re: <u>53</u> Order Admitting Attorney Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (tro) (Entered: 08/07/2007)
08/07/2007	<u>54</u>	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Sandra Ann Bradshaw Lucas-Morrow.(pl) (Entered: 08/09/2007)
08/09/2007	<u>55</u>	STIPULATED PRE-TRIAL PROTECTIVE ORDER regarding procedures to be followed that shall govern the handling of confidential material. (Signed by Judge Louis L. Stanton on 8/8/07) (jco) (Entered: 08/13/2007)
08/09/2007	<u>56</u>	VIACOM AND YOUTUBE JOINT RULE 16(b) SCHEDULING ORDER:Amended Pleadings due by 12/31/2007. Deposition due by 12/7/2008. Discovery due by 12/7/2008. this proposed scheduling order has been agreed to by parties in this action, and is deemed sufficient. So Ordered.

		(Signed by Judge Louis L. Stanton on 8/8/07) (jco) (Entered: 08/13/2007)
08/10/2007	<u>58</u>	VIACOM AND YOUTH JOINT RULE 16(b) SCHEDULING ORDER: Amended Pleadings due by 12/31/2007. Discovery due by 12/7/2008. All other deadlines are set forth in this order. (Signed by Judge Louis L. Stanton on 8/8/07) (kco) (Entered: 08/13/2007)
08/13/2007	<u>57</u>	TRANSCRIPT of proceedings held on 7/27/07 before Judge Louis L. Stanton. (jbe) (Entered: 08/13/2007)
08/20/2007	<u>60</u>	Motion to forward the complete record under F.R.A.P. 10(a)(1). Document filed by Sandra Ann Bradshaw Lucas-Morrow.(dle) (Entered: 08/30/2007)
08/23/2007	<u>59</u>	MOTION for James J. Hartnett, IV to Appear Pro Hac Vice. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc. (jco) (kkc). (Entered: 08/28/2007)
08/23/2007	<u>86</u>	MOTION for John H. Hinderaker to Appear Pro Hac Vice. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.(kkc) (Entered: 02/13/2008)
08/31/2007		CASHIERS OFFICE REMARK on <u>59</u> Motion to Appear Pro Hac Vice in the amount of \$50.00, paid on 08/23/2007, Receipt Number 625286. (jd) (Entered: 08/31/2007)
09/07/2007	<u>61</u>	MEMO ENDORSEMENT on 60 Motion to forward the complete record under F.R.A.P. 10(a)(1). ENDORSEMENT: In light of today's entry upon this Court's docket for this case: "Sent photocopies of documents 42 & 43 to USCA 2nd Circuit" this application is dismissed as moot. SO ORDERED. (Signed by Judge Louis L. Stanton on 9/6/07) (kco) (Entered: 09/07/2007)
09/27/2007	<u>62</u>	STIPULATION AND ORDER: It hereby stipulated and agreed by and between the undersigned attorneys for the respective parties that the parties shall have until October 5, 2007 to stipulate to an ESI Plan. (Signed by Judge Louis L. Stanton on 9/26/2007) (jpo) Additional attachment(s) added on 9/27/2007 (Polanco, Juan). (Entered: 09/27/2007)
10/10/2007	<u>63</u>	STIPULATION AND ORDER: that the parties will stipulate to that part of the ESI plan on which agreement can be reached by 10/5/2007; that the parties will then exchange letters, by 10/8/2007 at 5:00 PM, identifying any matters regarding the ESI plan that remain to be agreed upon and that the parties will continue to meet and confer on those remaining matters and that by 10/12/2007 at 5:00 PM, the parties will file an amended ESI plan to the extent that additional issues have been agreed upon, and will at the same time exchange letters setting out their respective positions with respect to any issues that remain to be agreed upon. No other dates in the Rule 16(b) scheduling order shall be changed or affected by this stipulation and order. (Signed by Judge Louis L. Stanton on 10/9/07) (kco) (Entered: 10/10/2007)
10/24/2007	<u>64</u>	NOTICE OF APPEARANCE by Steven Bernard Fabrizio on behalf of Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners (Fabrizio, Steven) (Entered: 10/24/2007)
10/26/2007	<u>65</u>	MOTION for Michael H. Rubin to Appear Pro Hac Vice. Document filed by

		Youtube, Inc., Youtube, LLC, Google, Inc. (jco) (Entered: 10/31/2007)
10/26/2007		Minute Entry for proceedings held before Judge Louis L. Stanton : Interim Pretrial Conference held on 10/26/2007. (jar) (Entered: 11/01/2007)
11/09/2007	<u>66</u>	TRANSCRIPT of proceedings before Judge Louis L. Stanton. (dj) (Entered: 11/09/2007)
11/09/2007	<u>67</u>	MOTION for Leo Cunningham to Appear Pro Hac Vice. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc. (jco) (Entered: 11/14/2007)
11/09/2007	<u>68</u>	MOTION for Leo Cunningham to Appear Pro Hac Vice. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc. (jco) (Entered: 11/15/2007)
11/09/2007	<u>69</u>	MOTION for Dylan J. Liddiard to Appear Pro Hac Vice. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc. (jco) (Entered: 11/19/2007)
11/13/2007		CASHIERS OFFICE REMARK on <u>65</u> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 10/26/2007, Receipt Number 631287. (jd) (Entered: 11/13/2007)
11/20/2007	<u>70</u>	ORDER granting <u>65</u> Motion for Michael H. Rubin to Appear Pro Hac Vice as counsel for Defendant. (Signed by Judge Louis L. Stanton on 11/16/2007) (jar) (Entered: 11/20/2007)
11/20/2007		Transmission to Attorney Admissions Clerk. Transmitted re: <u>70</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (jar) (Entered: 11/20/2007)
11/21/2007		CASHIERS OFFICE REMARK on <u>67</u> Motion to Appear Pro Hac Vice, <u>69</u> Motion to Appear Pro Hac Vice in the amount of \$50.00, paid on 11/09/2007, Receipt Number 632339. (jd) (Entered: 11/21/2007)
11/28/2007	<u>71</u>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION granting <u>69</u> Motion for Dylan J. Liddiard to Appear Pro Hac Vice as counsel for Defendants in the above-captioned case. (Signed by Judge Louis L. Stanton on 11/28/07) (tro) (Entered: 11/28/2007)
11/28/2007	<u>72</u>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION granting <u>67</u> Motion for Leo Cunningham to Appear Pro Hac Vice as Counsel for Defendants in the above captioned matter. (Signed by Judge Louis L. Stanton on 11/28/07) (tro) (Entered: 11/28/2007)
11/28/2007		Transmission to Attorney Admissions Clerk. Transmitted re: <u>72</u> Order on Motion to Appear Pro Hac Vice, <u>71</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (tro) (Entered: 11/28/2007)
12/26/2007	<u>73</u>	NOTICE OF APPEARANCE by A. John P. Mancini on behalf of Youtube, Inc., Youtube, LLC, Google, Inc. (Mancini, A.) (Entered: 12/26/2007)
01/07/2008	<u>74</u>	STIPULATION AND ORDER SUBSTITUTING ATTORNEYS: The undersigned hereby stipulate and consent to the substitution of the law firm of Mayer Brown, LLP, by and through its attorneys, Richard Ben-Veniste, Andrew H. Schapiro, and A. John P. Mancini, as attorneys of record for

		Defendant YouTube, Inc, YouTube, LLC, and Google, Inc. in the above-captioned action in place and instead of the law firm of Barlitt Beck Herman Palenchar & Scott, LLP, and its attorneys, Philip S. Beck, Mark S. Ouweleen, Rebecca Weinstein Bacon, Shayna S. Cook, Carrie A. Jablonski and Alison G. Wheeler. (Signed by Judge Louis L. Stanton on 1/7/08) (tro) (Entered: 01/08/2008)
01/10/2008	<u>75</u>	TRANSCRIPT of proceedings held on 10/26/07 before Judge Judge Louis L. Stanton. (jbe) (Entered: 01/10/2008)
01/24/2008	<u>76</u>	AMENDED STIPULATED PRE-TRIAL PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material.... The terms of the foregoing Stipulation are adopted and shall govern this action unless otherwise ordered by the Court. (Signed by Judge Louis L. Stanton on 1/24/2008) (jar) (Entered: 01/24/2008)
01/24/2008	<u>77</u>	AMENDED STIPULATED PRE-TRIAL PROTECTIVE ORDER; regarding the procedures that will govern the handling of Confidential information. (Signed by Judge Louis L. Stanton on 1/25/08) (pl) (Entered: 01/25/2008)
01/25/2008		Minute Entry for proceedings held before Judge Louis L. Stanton: Interim Pretrial Conference held on 1/25/2008. (pl) (Entered: 03/05/2008)
01/28/2008	<u>78</u>	MANDATE of USCA (Certified Copy) as to <u>47</u> Notice of Appeal filed by Sandra Ann Bradshaw Lucas-Morrow USCA Case Number 07-3122-cv. Appellant, pro se, moves for leave to proceed in forma pauperis and for remand to the district court. Upon due consideration, it is hereby ORDERED that the motions are DENIED and the appeal is DISMISSED because it lacks an arguable basis in law or fact. See Neitzke v. Williams, 490 U.S. 319, 325 (1989); 28 U.S.C. 1915(e). Catherine O'Hagan Wolfe, Clerk USCA. Issued As Mandate: 1/23/2008. (nd) (Entered: 01/28/2008)
01/28/2008		Transmission of USCA Mandate/Order to the District Judge re: <u>78</u> USCA Mandate,, (nd) (Entered: 01/28/2008)
01/29/2008	<u>79</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Susan J. Kohlmann dated 1/18/08 re: the plaintiffs in both actions have agreed to submit a consolidated brief. The parties have agreed on a proposed briefing schedule as follows: Moving Briefs 2/8/08; Opposition Briefs 2/28/08 and Reply Briefs - 3/7/08. Endorsement: So Ordered. (Signed by Judge Louis L. Stanton on 1/25/08) (pl) (Entered: 01/29/2008)
02/08/2008	<u>80</u>	MOTION for Leave to File First Amended Complaint. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Verrilli, Donald) (Entered: 02/08/2008)
02/08/2008	<u>81</u>	MEMORANDUM OF LAW in Support re: <u>80</u> MOTION for Leave to File First Amended Complaint.. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Exhibit First Amended Complaint, # <u>2</u> Exhibit First Amended Complaint ("Blackline"), # <u>3</u> Text of Proposed Order)(Verrilli, Donald) (Entered: 02/08/2008)

		02/08/2008)
02/11/2008	<u>82</u>	MEMORANDUM OF LAW in Opposition re: <u>80</u> MOTION for Leave to File First Amended Complaint.. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 02/11/2008)
02/11/2008	<u>83</u>	DECLARATION of Andrew H. Schapiro in Opposition re: <u>80</u> MOTION for Leave to File First Amended Complaint.. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 1 to Declaration of Andrew H. Schapiro)(Schapiro, Andrew) (Entered: 02/11/2008)
02/11/2008	<u>85</u>	MOTION to Compel. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners.(Verrilli, Donald) (Entered: 02/11/2008)
02/15/2008	<u>87</u>	REPLY MEMORANDUM OF LAW in Support re: <u>80</u> MOTION for Leave to File First Amended Complaint.. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Verrilli, Donald) (Entered: 02/15/2008)
02/15/2008	<u>88</u>	ORDER granting <u>86</u> Motion for John H. Hinderaker to Appear Pro Hac Vice. (Signed by Judge Louis L. Stanton on 2/15/08) (mr) (Entered: 02/15/2008)
02/15/2008		Transmission to Attorney Admissions Clerk. Transmitted re: <u>88</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (mr) (Entered: 02/15/2008)
02/15/2008	<u>89</u>	ORDER granting <u>59</u> Motion for James J. Hartnett, IV to Appear Pro Hac Vice. (Signed by Judge Louis L. Stanton on 2/15/08) (mr) (Entered: 02/15/2008)
02/15/2008		Transmission to Attorney Admissions Clerk. Transmitted re: <u>89</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (mr) (Entered: 02/15/2008)
02/22/2008		Minute Entry for proceedings held before Judge Louis L. Stanton: Interim Pretrial Conference held on 2/22/2008. (pl) (Entered: 02/28/2008)
02/29/2008	<u>90</u>	CROSS MOTION for Protective Order. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc..(Schapiro, Andrew) (Entered: 02/29/2008)
03/06/2008	<u>94</u>	NOTICE OF APPEARANCE by Michael Brian Desanctis on behalf of Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners (Desanctis, Michael) (Entered: 03/06/2008)
03/07/2008	<u>95</u>	OPINION AND ORDER # 95808: Plaintiffs' motion for leave to amend the complaint to assert a punitive damages claim is denied. (Signed by Judge Louis L. Stanton on 3/7/2008) (jpo) Modified on 3/12/2008 (rw). (Entered: 03/10/2008)
03/10/2008	96	TRANSCRIPT of proceedings held on 1/25/08 before Judge Louis L.

		Stanton. (ama) (Entered: 03/10/2008)
03/13/2008	<u>97</u>	TRANSCRIPT of proceedings held on 2/22/08 before Judge Louis L. Stanton. (ama) (Entered: 03/13/2008)
03/31/2008	<u>101</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Andrew H. Schapiro dated 3/28/2008 re: Requesting permission to file a sur-reply responding to the new material that Plaintiffs have presented. ENDORSEMENT: YouTube may file a sur-reply. SO ORDERED. (Signed by Judge Louis L. Stanton on 3/31/2008) (ae) (Entered: 04/02/2008)
04/02/2008	<u>102</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Susan J. Kohlman dated 4/1/2008 re: Requesting that the Court reconsider its order granting Defendants leave to file a surreply in opposition to Plaintiffs' motion to compel. ENDORSEMENT: Denied. (Signed by Judge Louis L. Stanton on 4/1/2008) (jpo) (Entered: 04/02/2008)
04/02/2008	<u>103</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Susan J. Kohlmann dated 4/1/08 re: counsel writes on behalf of the Plaintiffs to respectfully request that the Court reconsider its order granting Defendants leave to file a surreply in opposition to Plaintiffs' motion to compel. ENDORSEMENT: Denied. (Signed by Judge Louis L. Stanton on 4/1/08) (djc) (Entered: 04/02/2008)
04/10/2008	<u>105</u>	STIPULATION AND ORDER, all Mayer Brown attorneys and other personnel who performed services in connection with Mayer Brown's prior engagement by Plaintiffs and their affiliates relating to document retention shall be screened from offensive document discovery directed at Viacom in the action titled Viacom Intl etal v. YouTube etal, and as further set forth in this document. This screen shall continue in place only until the conclusion of fact discovery. (Signed by Judge Louis L. Stanton on 4/9/08) (cd) (Entered: 04/10/2008)
04/24/2008	<u>106</u>	AMENDED COMPLAINT for Declaration and injunctive Relief and Damages and Demand for Jury Trial amending <u>1</u> Complaint, against Youtube, Inc., Youtube, LLC, Google, Inc. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. Related document: <u>1</u> Complaint, filed by Country Music Television, Inc., Paramount Pictures Corporation, Comedy Partners, Viacom International, Inc., Black Entertainment Television, LLC.(jmi) (Additional attachment(s) added on 5/6/2008: # <u>1</u> Exhibit) (dle). (Entered: 04/25/2008)
05/15/2008	<u>107</u>	SECOND AMENDED STIPULATED PRETRIAL PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material.... (Signed by Judge Louis L. Stanton on 5/14/08) (cd) (Entered: 05/15/2008)
05/22/2008	<u>108</u>	NOTICE OF CHANGE OF ADDRESS by Donald B. Verrilli, Jr on behalf of Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. New Address: Jenner & Block LLP, 1099 New York Avenue, NW, Suite 900, Washington, DC, USA 20001-4412, 202-639-6000. (Verrilli, Donald)

		(Entered: 05/22/2008)
05/22/2008	<u>109</u>	NOTICE OF CHANGE OF ADDRESS by Michael Brian Desanctis on behalf of Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. New Address: Jenner & Block LLP, 1099 New York Avenue, NW, Suite 900, Washington, DC, USA 20001-4412, 202-639-6000. (Desanctis, Michael) (Entered: 05/22/2008)
05/22/2008	<u>110</u>	NOTICE OF CHANGE OF ADDRESS by Sharmila Sohoni on behalf of Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. New Address: Jenner & Block LLP, 1099 New York Avenue, NW, Suite 900, Washington, DC, USA 20001-4412, 202-639-6000. (Sohoni, Sharmila) (Entered: 05/22/2008)
05/22/2008	<u>111</u>	NOTICE OF CHANGE OF ADDRESS by William M. Hohengarten on behalf of Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. New Address: Jenner & Block LLP, 1099 New York Avenue, NW, Suite 900, Washington, DC, USA 20001-4412, 202-639-6000. (Hohengarten, William) (Entered: 05/22/2008)
05/23/2008	<u>112</u>	ANSWER to Amended Complaint with JURY DEMAND. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc..(Mancini, A.) (Entered: 05/23/2008)
05/27/2008	<u>113</u>	NOTICE OF CHANGE OF ADDRESS by Amy L. Tenney on behalf of Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. New Address: Jenner & Block LLP, 1099 New York Avenue, NW, Suite 900, Washington, D.C., USA 20001, 202-639-6000. (Tenney, Amy) (Entered: 05/27/2008)
05/27/2008	<u>114</u>	NOTICE OF CHANGE OF ADDRESS by Scottt Block Wilkens on behalf of Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. New Address: Jenner & Block LLP, 1099 New York Avenue, NW, Suite 900, Washington, D.C., USA 20001, 202-639-6000. (Wilkens, Scottt) (Entered: 05/27/2008)
06/04/2008	<u>115</u>	NOTICE OF CHANGE OF ADDRESS by Luke Cardillo Platzer on behalf of Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. New Address: Jenner & Block LLP, 1099 New York Avenue, NW, Suite 900, Washington, DC, USA 20001-4412, (202) 639-6094. (Platzer, Luke) (Entered: 06/04/2008)
06/23/2008		Minute Entry for proceedings held before Judge Louis L. Stanton: Pretrial Conference held on 6/23/2008. Next conference set for 9/5/08 at 3:00 and 10/28/08 at 3:00. (jmi) (Entered: 06/27/2008)
06/24/2008	<u>116</u>	ORDER; that the issues presented in defendants' motion to Compel dated

		2/8/08 are disposed of by the rulings stated upon the record in open court today. (Signed by Judge Louis L. Stanton on 6/23/08) (pl) (Entered: 06/24/2008)
07/02/2008	<u>117</u>	OPINION AND ORDER #96195: For the reasons set forth in this Order; (1) The cross-motion for a protective order barring disclosure of the source code for the YouTube.com search function is granted, and the motion to compel production of that search code is denied; (2) The motion to compel production of the source code for the Video ID program is denied; (3) The motion to compel production of all removed videos is granted; (4) The motion to compel production of all data from the Logging database concerning each time a YouTube video has been viewed on the YouTube website or through embedding on a third-party website is granted; (5) the motion to compel production of those data fields which defendants have agreed to produce for the works-in-suit, for all videos that have been posted to the YouTube website is denied; (6) The motion to compel production of the schema for the Google Video Advertising database is denied; (7) The motion to compel production of the schema for the Google Video Content database is granted; and (8) The motion to compel production of the private videos and data related to them is denied at this time except to the extent it seeks production of the specified non-content data about such videos. So ordered. (Signed by Judge Louis L. Stanton on 7/1/2008) (tve) Modified on 7/2/2008 (mr). (Entered: 07/02/2008)
07/07/2008	<u>118</u>	TRANSCRIPT of proceedings held on 6/23/08 before Judge Louis L. Stanton. (ama) (Entered: 07/07/2008)
07/07/2008	<u>119</u>	STIPULATION AND ORDER: The Viacom plaintiffs and defendants have agreed to settle their differences with respect to such possible disqualification by means of an appropriate screen to avoid any leakage of the previously disclosed highly confidential information pertaining to Google's business, as set forth herein. (Signed by Judge Louis L. Stanton on 7/7/2007) (jpo) (Entered: 07/07/2008)
07/17/2008	<u>120</u>	STIPULATION REGARDING 7/1/08 OPINION AND ORDER, with respect to Section 4 of the Court's Opinion and Order dated 7/1/08, in light of certain user privacy concerns which have been raised. (Signed by Judge Louis L. Stanton on 7/17/08) (cd) (Entered: 07/17/2008)
07/18/2008	<u>121</u>	MOTION for Sarah A. Maquire to Appear Pro Hac Vice. w/ attch. Affidavit in support. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC.(pl) (Entered: 07/21/2008)
07/18/2008	<u>122</u>	MOTION for James C. Cox to Appear Pro Hac Vice; w/ attch. Affidavit in support. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners.(pl) (rw). (Entered: 07/21/2008)
07/28/2008		CASHIERS OFFICE REMARK on <u>122</u> Motion to Appear Pro Hac Vice, <u>121</u> Motion to Appear Pro Hac Vice in the amount of \$50.00, paid on 7/18/08, Receipt Number 657128. (Quintero, Marcos) (Entered: 07/28/2008)

08/12/2008	<u>123</u>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION granting <u>121</u> Motion for Sarah A. Maguire to Appear Pro Hac Vice for plaintiffs Viacom International etal. (Signed by Judge Louis L. Stanton on 8/11/08) (cd) (Entered: 08/12/2008)
08/12/2008		Transmission to Attorney Admissions Clerk. Transmitted re: <u>123</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (cd) (Entered: 08/12/2008)
08/12/2008	<u>124</u>	ORDER FOR ADMISSION PRO HAC ON WRITTEN MOTION: granting <u>122</u> Motion for James C. Cox to Appear Pro Hac Vice. (Signed by Judge Louis L. Stanton on 8/11/2008) (jfe) Modified on 8/20/2008 (rw). (Entered: 08/15/2008)
08/15/2008		Transmission to Attorney Admissions Clerk. Transmitted re: <u>124</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (jfe) (Entered: 09/17/2008)
08/26/2008	<u>125</u>	MOTION for Melissa A. Cox to Appear Pro Hac Vice. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (dle) (Entered: 08/27/2008)
09/05/2008		CASHIERS OFFICE REMARK on <u>124</u> Order on Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 8/26/08, Receipt Number 661583. (Quintero, Marcos) (Entered: 09/05/2008)
09/12/2008		Minute Entry for proceedings held before Judge Louis L. Stanton: Interim Pretrial Conference held on 9/12/2008. (js) (Entered: 09/19/2008)
09/18/2008	<u>126</u>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION granting <u>125</u> Motion for Melissa A. Cox to Appear Pro Hac Vice. (Signed by Judge Louis L. Stanton on 9/18/08) (mme) (Entered: 09/18/2008)
09/18/2008		Transmission to Attorney Admissions Clerk. Transmitted re: <u>126</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (mme) (Entered: 09/18/2008)
09/26/2008	<u>127</u>	NOTICE OF CHANGE OF ADDRESS by Sharmila Sohoni on behalf of Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. New Address: Jenner & Block LLP, 919 Third Avenue, 37th Floor, New York, New York, United States 10022, 212-891-1674. (Sohoni, Sharmila) (Entered: 09/26/2008)
10/02/2008	<u>128</u>	TRANSCRIPT of proceedings held on 9/12/2008 before Judge Louis L. Stanton. (jn) (Entered: 10/02/2008)
10/10/2008	<u>129</u>	ENDORSED LETTER addressed to Judge Louis Stanton from Susan Kohlmann dated 10/7/08 re: Request to remove Adam F. Watkins as attorney for plaintiffs and to add Sarah A. Maguire on behalf of plaintiffs. ENDORSEMENT: So ordered. (Signed by Judge Louis L. Stanton on 10/10/08) (cd) (Entered: 10/10/2008)

10/10/2008		Transmission to Attorney Admissions Clerk. Transmitted re: <u>129</u> Endorsed Letter to the Attorney Admissions Clerk for updating of Attorney Information. (cd) (Entered: 10/10/2008)
10/16/2008		Minute Entry for proceedings held before Judge Louis L. Stanton: Telephone Conference held on 10/16/2008. Ruled on discovery issue. (tro) (Entered: 10/22/2008)
11/14/2008		Minute Entry for proceedings held before Judge Louis L. Stanton: Status Conference held on 11/14/2008. (mro) (Entered: 11/18/2008)
11/25/2008	<u>130</u>	TRANSCRIPT of proceedings held on 11/14/08 before Judge Louis L. Stanton. (ama) (Entered: 11/25/2008)
02/12/2009	<u>132</u>	MOTION For Leave To Withdraw Donald B. Verrilli, Jr., Steven B. Fabrizio, And Peter H. Hanna As Counsel For Viacom International Inc., Et al. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Text of Proposed Order) (Hohengarten, William) (Entered: 02/12/2009)
02/20/2009	<u>133</u>	LETTER addressed to Judge Louis L. Stanton from Sandra Ann Bradshaw Lucas-Morrow dated 1/20/2009 re: Pro Se Movant writes seeking the Court's permission to submit a motion to join both the United Department of Justice ("DOJ") and Movant as indispensable parties under Federal Rule 19 in the above captioned related actions. (tve) (Entered: 02/20/2009)
02/20/2009	<u>134</u>	MEMO ENDORSEMENT on re: <u>133</u> Letter. ENDORSEMENT: Treating Ms. Lucas-Harrow's letter dated January 20, 2009 as a pro se motion under Fed. R. Civ. P. 19 to join both herself and the United States Department of Justice ("DOJ") as necessary and indispensable parties in these related actions alleging violations of the Copyright Act of 1976 on the YouTube website, the motion is denied. Ms. Lucas-Morrow's pro se application for leave to move to join herself and the DOJ as parties in these cases is denied. So ordered. (Signed by Judge Louis L. Stanton on 2/19/2009) (tve) (Entered: 02/20/2009)
03/25/2009	<u>135</u>	MEMORANDUM ENDORSEMENT: It is ORDERED that her instant pro se request by letter dated 3/19/09 for another review of the Order denying her pro se motion to intervene in this action is denied. (Signed by Judge Louis L. Stanton on 3/25/09) Copies Mailed By Chambers. (tro) (Entered: 03/25/2009)
04/01/2009	<u>136</u>	MOTION for Eric Haren to Appear Pro Hac Vice. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (dle) (Entered: 04/02/2009)
04/02/2009		Minute Entry for proceedings held before Judge Louis L. Stanton: Discovery Hearing held and concluded on 4/2/2009. (mro) (Entered: 04/03/2009)
04/15/2009	<u>137</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Andrew H. Schapiro dated 4/15/2009 re: Counsel for defendant You Tube writes requesting that the Court confirm that the 225 hours allotted to YouTube for depositions of the "Collective Plaintiff" applies only to depositions of

		Viacom, Premier Lounge, and Bourne; that the depositions of the 15 plaintiffs added to this case after the Rule 16(b) Order was entered are not included within the 225 hours allotted to YouTube for depositions of the "Collective Plaintiffs"; and that the parties should negotiate in good faith towards an allocation of remaining hours for depositions of the latter-added plaintiffs, on the basis of whatever is realistically needed. ENDORSEMENT: That is correct. (Signed by Judge Louis L. Stanton on 4/15/2009) (tve) (Entered: 04/15/2009)
04/15/2009		TRANSCRIPT of proceedings held on 4/2/2009 before Judge Louis L. Stanton. (jmi) (Entered: 04/23/2009)
04/20/2009	<u>138</u>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION granting <u>136</u> Motion for Eric R. Haren to Appear Pro Hac Vice. (Signed by Judge Louis L. Stanton on 4/20/2009) (jpo) (Entered: 04/20/2009)
04/20/2009		Transmission to Attorney Admissions Clerk. Transmitted re: <u>138</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (jpo) (Entered: 04/20/2009)
04/23/2009		CASHIERS OFFICE REMARK on <u>136</u> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 04/01/2009, Receipt Number 683076. (jd) (Entered: 04/23/2009)
04/29/2009	<u>139</u>	STIPULATION AND ORDER REGARDING JUNE 23, 2008 order and VIACOM'S DISCOVERY OBLIGATIONS (Signed by Judge Louis L. Stanton on 4/29/09) (djc) (Entered: 05/01/2009)
06/12/2009	<u>140</u>	MOTION for Amy L. Tenney to Withdraw as Attorney / <i>Motion for Leave to Withdraw Amy L. Tenney as Counsel for Viacom International Inc., et al.</i> . Document filed by Viacom International, Inc..(Kohlmann, Susan) (Entered: 06/12/2009)
07/07/2009	<u>141</u>	STIPULATION AND ORDER REGARDING PRIVILEGE LOGS. The following precedures shall apply to the creation and production of privilege logs in these actions. (Signed by Judge Louis L. Stanton on 7/7/09) (djc) (Entered: 07/07/2009)
07/17/2009		Minute Entry for proceedings held before Judge Louis L. Stanton: Pre-Motion Conference held on 7/17/2009. (tro) (Entered: 07/21/2009)
07/27/2009	<u>142</u>	SEALED DOCUMENT placed in vault.(jri) (Entered: 07/28/2009)
07/28/2009		Minute Entry for proceedings held before Judge Louis L. Stanton: Interim Pretrial Conference held on 7/28/2009. (tro) (Entered: 07/29/2009)
07/30/2009	<u>143</u>	SEALED DOCUMENT placed in vault.(jri) (Entered: 07/31/2009)
08/05/2009	<u>148</u>	TRANSCRIPT of proceedings held on 7/17/09 before Judge Louis L. Stanton. (pl) (Entered: 08/11/2009)
08/06/2009	<u>145</u>	TRANSCRIPT of proceedings held on 7/28/09 before Judge Louis L. Stanton. (pl) (Entered: 08/07/2009)
08/07/2009	<u>144</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Kirsten

		Nelson Cunha dated 8/6/09 re: Counsel write concerning Defendants' Motion to Compel that was filed on 7/27/09. The parties have agreed to request to an extension of the briefing scheduled as follows: Plaintiffs' answering brief would be due on 8/14/09, and Defendants' reply would be due on 8/24/09. ENDORSEMENT: So Ordered. (Signed by Judge Louis L. Stanton on 8/6/09) (tro) (Entered: 08/07/2009)
08/07/2009	<u>146</u>	ORDER granting <u>140</u> Motion to Withdraw as Attorney. Upon the motion of Jenner & Block, LLP, Amy L. Tenney is hereby granted leave to withdraw as counsel for plaintiffs in this action. Attorney Amy L. Tenney terminated. (Signed by Judge Louis L. Stanton on 8/7/09) (tro) (Entered: 08/07/2009)
08/07/2009	<u>147</u>	ORDER GRANTING MOTION OF JENNER & BLOCK LLP FOR LEAVE TO WITHDRAW DONALD B. VERRILLI, JR., STEVEN B. FABRIZIO, AND PETER H. HANNA AS COUNSEL re: <u>132</u> Motion. Upon the motion of Jenner & Block LLP, and there being no opposition, IT IS HEREBY ORDERED that Donald B. Verrilli, Jr., Steven B. Fabrizio, and Peter H. Hanna are granted leave to withdraw as counsel for the plaintiffs in the above-captioned action. (Signed by Judge Louis L. Stanton on 8/7/09) (tro) (Entered: 08/07/2009)
08/18/2009	<u>149</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Kristen Nelson Cunha dated 8/14/2009 re: Requesting a further extension of the briefing schedule such that: Plaintiffs' answering brief would be due on August 18, 2009 and Defendants' reply would be due on August 26, 2009. ENDORSEMENT: So Ordered. (Signed by Judge Louis L. Stanton on 8/17/2009) (jpo) (Entered: 08/18/2009)
08/25/2009	<u>150</u>	STIPULATION & ORDER REGARDING VIACOM'S COPYRIGHT MONITORING PRIVILEGE ASSERTIONS: The terms set forth herein shall govern the stipulated relief to be entered by the Court concerning the July 27 motion. (Signed by Judge Louis L. Stanton on 8/24/09) (dle) (Entered: 08/25/2009)
08/28/2009	<u>151</u>	SEALED DOCUMENT placed in vault.(jri) (Entered: 08/28/2009)
09/11/2009	<u>152</u>	MOTION for Melissa A. Cox to Withdraw as Attorney. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Kohlmann, Susan) (Entered: 09/11/2009)
09/14/2009	<u>153</u>	MEMO ENDORSEMENT ON MOTION FOR LEAVE TO WITHDRAW MELISSA A. COX FOR VIACOM INTERNATIONAL INC., ET AL. ENDORSEMENT: So Ordered. (Signed by Judge Louis L. Stanton on 9/14/09) (dle) (Entered: 09/14/2009)
10/05/2009	<u>154</u>	ORDER that, consistent with Paragraph 1 of the July 7, 2009 Stipulation, the Viacom Plaintiffs will produce all MSO Agreement Materials in their possession, custody or control, related to the following multiple system cable operators and satellite television providers by no later than October 15, 2009: Time Warner Cable, Inc. and Verizon Communications Inc. (Signed by Judge Louis L. Stanton on 10/5/2009) (jmi) (Entered: 10/05/2009)

10/09/2009		Minute Entry for proceedings held before Judge Louis L. Stanton: Interim Pretrial Conference held on 10/9/2009. (mro) (Entered: 10/22/2009)
10/16/2009	155	TRANSCRIPT of proceedings held on October 9, 2009 before Judge Louis L. Stanton. (mro) (Entered: 10/29/2009)
10/23/2009		Minute Entry for proceedings held before Judge Louis L. Stanton: Discovery Hearing held on 10/23/2009. (mro) (Entered: 10/27/2009)
10/28/2009	156	TRANSCRIPT of proceedings held on 10/9/09 before Judge Louis L. Stanton. (ldi) (Entered: 11/03/2009)
11/05/2009		Minute Entry for proceedings held before Judge Louis L. Stanton: Telephone Conference held regarding discovery question on 11/5/2009. (mro) (Entered: 11/06/2009)
11/10/2009	158	TRANSCRIPT of proceedings held on October 23, 2009 before Judge Louis L. Stanton. (mro) (Entered: 11/12/2009)
11/10/2009	159	TRANSCRIPT of proceedings held on October 23, 2009 at 11:35 am before Judge Louis L. Stanton. (rdz) (Entered: 11/12/2009)
11/12/2009	<u>157</u>	STIPULATION & ORDER REGARDING CERTAIN OF DEFENDANTS' COMMON INTEREST PRIVILEGE ASSERTIONS. IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel of record, for the parties hereto, to the following terms: Defendants agree to produce documents described on the July 27 Privilege Log without redaction within 14 days of the execution of this stipulation. Unless Defendants expressly indicate to the contrary, the production of documents pursuant to this Paragraph is not an indication that Defendants have withdrawn their initial claims of privilege, although Defendants agree that they will no longer assert such a claim with respect to these documents... and as further set forth regarding the procedures to be followed that shall govern the handling of this STIPULATION & ORDER REGARDING CERTAIN OF DEFENDANTS' COMMON INTEREST PRIVILEGE ASSERTIONS. Relates to 07-2103, 07-3582. (Signed by Judge Louis L. Stanton on 11/10/09) (rjm) (Entered: 11/12/2009)
11/13/2009		Minute Entry for proceedings held before Judge Louis L. Stanton: Hearing re: protective order held on 11/13/2009. (mro) (Entered: 11/16/2009)
11/16/2009		Minute Entry for proceedings held before Judge Louis L. Stanton: Discovery Hearing held on 11/16/2009. (mro) (Entered: 11/17/2009)
12/08/2009	160	TRANSCRIPT of proceedings held on 11/16/2009 before Judge Louis L. Stanton. (tve) (Entered: 12/10/2009)
12/08/2009	161	TRANSCRIPT of proceedings held on 11/13/2009 before Judge Louis L. Stanton. (tve) (Entered: 12/10/2009)
12/21/2009	<u>162</u>	ORDER: Plaintiffs may withdraw "accused clips" by notice of their dismissal with prejudice under Fed. R. Civ. P. 41 (a) (2), which I will "So Order." Partial judgment in defendants' favor on those claims will not be entered, lest it give an appearance of having an effect beyond that accorded by Rule 54(b).

		(Signed by Judge Louis L. Stanton on 12/18/2009) (jpo) (Entered: 12/21/2009)
12/22/2009	<u>163</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Andrew H. Schapiro dated 12/1/09 re: On behalf of Defendants ("YouTube"), we write in reply to Viacom's November 25, 2009 letter concerning Viacom's recent effort to withdraw infringement claims in this case. ENDORSEMENT: To the Clerk of the Court: Please docket and place this document in the public file. (Signed by Judge Louis L. Stanton on 12/21/09) (rjm) (Entered: 12/22/2009)
12/22/2009	<u>164</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Andrew H. Schapiro dated 11/20/09 re: On behalf of Defendants ("YouTube"), we write to request a Court conference to address Viacom's recent attempt to unilaterally make material changes to its list of works in suit and alleged infringements. ENDORSEMENT: To the Clerk of the Court: Please docket and place this document in the public file. (Signed by Judge Louis L. Stanton on 12/21/09) (rjm) (Entered: 12/22/2009)
12/22/2009	<u>165</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Susan J. Kohlmann dated 11/25/09 re: Plaintiffs Viacom International Inc. et al. ("Viacom") write in response to Defendants' November 20, 2009, letter to this Court, in which Defendants request a conference to address Viacom's withdrawal of roughly 250 "accused clips" from its prior responses to Defendants' discovery requests for identification of works in suit. ENDORSEMENT: To the Clerk of the Court: Please docket and place this document in the public file. (Signed by Judge Louis L. Stanton on 12/21/09) (rjm) (Entered: 12/22/2009)
12/30/2009	<u>166</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Andrew H. Schapiro dated 12/21/2009 re: Requesting that the Court order Stone and Parker to produce all responsive documents by December 31, 2009. ENDORSEMENT: SO ORDERED. (Signed by Judge Louis L. Stanton on 12/28/2009) (jpo) (Entered: 12/30/2009)
01/07/2010	<u>167</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Stuart J. Baskin dated 12/21/2009 re: Plaintiff Viacom International Inc., et al., respectfully request a premotion conference in advance of filing or alternatively seek permission to file a motion for summary judgment on Defendants' liability for copy right infringement and applicability of the Digital Millennium Copyright Act. ENDORSEMENT: To the Clerk of the Court: Please docket and place this document in the public file. So Ordered. (Signed by Judge Louis L. Stanton on 12/30/2009) (jfe) (Entered: 01/07/2010)
01/07/2010	<u>168</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Stuart J. Baskin dated 12/30/2009 re: Counsel encloses a redacted version of Plaintiffs' December 21, 2009 letter requesting a premotion conference in advance of filing or alternatively seeking permission to file a motion for summary judgment on Defendants' liability for copyright infringement and applicability of the Digital Millennium Copyright Act (DMCA). ENDORSEMENT: To the Clerk of the Court: Please docket and place this document in the public file. So Ordered. (Signed by Judge Louis L. Stanton on 12/30/2009) (jfe) (Entered: 01/07/2010)

		01/07/2010)
01/07/2010	<u>169</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Andrew H. Schapiro dated 12/28/2009 re: Counsel writes in response to Plaintiffs' 12/21/2009 pre-motion letter in the issue of summary judgment motions in the cases set forth within. ENDORSEMENT: In this case, no pre-motion conference will be required. Each side may move for summary judgment, on a schedule for briefs to be agreed by counsel and approved by the Court. So Ordered. (Signed by Judge Louis L. Stanton on 12/30/2009) (jfe) (Entered: 01/07/2010)
03/01/2010	<u>170</u>	MOTION for Matthew S. Hellman to Appear Pro Hac Vice. Document filed by Viacom International, Inc., et al. (mro) (Entered: 03/02/2010)
03/04/2010	<u>171</u>	VIACOM PLAINTIFFS' AND YOUTUBE'S JOINT STIPULATION SUMMARY JUDGMENT: It is hereby stipulated and agreed by and between the parties that the parties' summary judgment motions shall be briefed in accordance with the following schedule and additional understandings, as set forth in this stipulation. Moving briefs shall be filed on or before March 5, 2010. Opposition briefs shall be filed on Or before April 30, 2010. Reply briefs shall be filed on or before June 4, 2010 and as further set forth in this stipulation. (Signed by Judge Louis L. Stanton on 3/4/2010) (jpo) (Entered: 03/04/2010)
03/04/2010		Set Deadlines/Hearings: Motions due by 3/5/2010. Replies due by 6/4/2010. Responses due by 4/30/2010 (jpo) (Entered: 03/04/2010)
03/04/2010		Minute Entry for proceedings held before Judge Louis L. Stanton: Telephone Conference held on 3/4/2010. (mro) (Entered: 03/08/2010)
03/04/2010		***DELETED DOCUMENT. Deleted document number 172 Stipulation and Order. The document was incorrectly filed in this case. (jmi) (Entered: 03/15/2010)
03/05/2010	<u>173</u>	SEALED DOCUMENT placed in vault.(nm) (Entered: 03/05/2010)
03/05/2010		CASHIERS OFFICE REMARK on <u>170</u> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 03/01/2010, Receipt Number 895628. (jd) (Entered: 03/05/2010)
03/05/2010	<u>174</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Stuart J. Baskin dated 3/1/2010 re: Requesting that the Court "so order" Viacom's proposal for promptly unsealing the judicial record as it is placed before the Court. ENDORSEMENT: Please docket and place this document in the public file. (Signed by Judge Louis L. Stanton on 3/5/2010) (jpo) (Entered: 03/05/2010)
03/05/2010	<u>175</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Andrew H. Schapiro dated 3/3/2010 re: We submit this letter in response to Viacom's March 1, 2010 letter proposing a timetable and procedure for unsealing materials and documents related to the upcoming motions for summary judgment. ENDORSEMENT: Please docket and place this document in the public file. (Signed by Judge Louis L. Stanton on 3/5/2010) (jpo) (Entered: 03/05/2010)

		03/05/2010)
03/05/2010	<u>176</u>	MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense</i> . Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Affirmation of Service)(Kohlmann, Susan) (Entered: 03/05/2010)
03/05/2010	<u>177</u>	MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> . Document filed by Youtube, Inc., Youtube, LLC, Google, Inc..(Schapiro, Andrew) (Entered: 03/05/2010)
03/05/2010	180	SEALED DOCUMENT placed in vault.(nm) (Entered: 03/09/2010)
03/08/2010	<u>178</u>	LETTER addressed to Judge Louis L. Stanton from Stuart J. Baskin dated 3/3/10 re: summary judgment motions. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners.(db) (Entered: 03/08/2010)
03/08/2010	<u>179</u>	MEMO ENDORSEMENT: 1. The parties' briefs and evidentiary materials related to the parties' summary judgment motions shall be filed under seal; 2. Within 10 days of filing, each party shall identify to its adversary the portions of the filings which it claims should be kept redacted. Objections to the unsealing of portions not thus identified are waived, and they shall promptly be unsealed; 3. Within the following week, the parties shall meet and confer with respect to contested items; 4. Within the week following those meetings, the parties shall submit unresolved matters to the Court; 5. The Court will either rule on the contested items, or set a date when the parties can be heard on specific items; and 6. With respect to each item which the parties agree should be redacted, they (jointly or singly) shall within the next following 10 days submit proposed findings of fact, narrowly tailored to the item, justifying its redaction. (Signed by Judge Louis L. Stanton on 3/5/10) (db) (Entered: 03/08/2010)
03/10/2010	<u>181</u>	NOTICE OF DISMISSAL OF SPECIFIED CLIPS WITH PREJUDICE, that pursuant to the Court's Order of December 18, 2009, which provides that "Plaintiffs may withdraw 'accused clips' by notice of their dismissal with prejudice under Fed. R. Civ. P. 41(a)(2), which I will 'So Order,'" and which further provides that "Partial judgment in defendants' favor on those claims will not be entered, lest it give an appearance of having an effect beyond that accorded by Rule 54(b)," the plaintiffs in the above-captioned action ("Viacom") hereby provide notice of the dismissal with prejudice under Fed. R. Civ. P. 41(a)(2) of the video clips listed on the attached Schedules A and B. Viacom respectfully requests that the Court "So Order" this notice of dismissal. Additional relief as set forth in this Order. (Signed by Judge Louis L. Stanton on 3/10/10) (pl) Modified on 3/10/2010 (pl). (Entered: 03/10/2010)
03/12/2010	182	SEALED DOCUMENT placed in vault.(nm) (Entered: 03/16/2010)

03/16/2010	<u>183</u>	SEALED DOCUMENT placed in vault.(nm) (Entered: 03/16/2010)
03/17/2010	<u>184</u>	ORDER granting <u>170</u> Motion for Matthew S. Hellman to Appear Pro Hac Vice. (Signed by Judge Louis L. Stanton on 3/16/2010) (js) (Entered: 03/17/2010)
03/18/2010	<u>185</u>	STIPULATION AND ORDER: NOW THEREFORE IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel of record, for the parties hereto, that the unsealing of the materials relating to the parties' summary judgment motions in the above referenced actions shall be implemented as follows: 1. To the extent practicable and with the express exception of exhibits in a format that cannot be filed via ECF and overly voluminous exhibits (e.g., large Excel spreadsheets), the parties intend to file all materials related to the parties' summary judgment motions via simultaneous ECF submissions on Thursday, March 18, 2010 at 1pm EDT with those portions of the materials the parties contend should remain under seal redacted; 2. To the extent any ECF "filing event" that occurs pursuant to Paragraph 1 would exceed 15MB, the parties will, unless they are unable to, break it into subparts with subsequent parts clearly identified. Those materials shall remain on the ECF system to allow continued public access. 3. So as to further facilitate public access to the parties' summary judgment submissions, the parties shall also file a complete set of all materials related to the parties' summary judgment motions, with those portions of the materials the parties contend should remain under seal redacted, manually with the Clerk of the Court in hard copy to the extent possible and CD/DVD as necessary, promptly after this Stipulation and Order is so-ordered by the Court, but in no event earlier than the filing in Paragraph 1; 4. The original materials filed under seal in connection with the parties' summary judgment motions shall remain under seal unless the Clerk of the Court is otherwise directed by the Court. (Signed by Judge Louis L. Stanton on 3/18/2010) (tro) (Entered: 03/18/2010)
03/18/2010	<u>186</u>	MEMORANDUM OF LAW in Support re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense</i> .. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Kohlmann, Susan) (Entered: 03/18/2010)
03/18/2010	<u>187</u>	RULE 56.1 STATEMENT. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Kohlmann, Susan) (Entered: 03/18/2010)
03/18/2010	<u>188</u>	MEMORANDUM OF LAW in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>189</u>	RULE 56.1 STATEMENT. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 03/18/2010)

03/18/2010	<u>190</u>	DECLARATION of Daniel Ostrow in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>191</u>	DECLARATION of William M. Hohengarten (Part One) in Support re: <u>176</u> MOTION for Partial Summary Judgment <i>/Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense</i> .. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2 - Part 1, # <u>3</u> Exhibit 2 - Part 2, # <u>4</u> Exhibit 2 - Part 3, # <u>5</u> Exhibit 2 - Part 4, # <u>6</u> Exhibit 3, # <u>7</u> Exhibit 4, # <u>8</u> Exhibit 5, # <u>9</u> Exhibit 6, # <u>10</u> Exhibit 7, # <u>11</u> Exhibit 8, # <u>12</u> Exhibit 9, # <u>13</u> Exhibit 10, # <u>14</u> Exhibit 11, # <u>15</u> Exhibit 12 - Part 1, # <u>16</u> Exhibit 12 - Part 2, # <u>17</u> Exhibit 12 - Part 3, # <u>18</u> Exhibit 12 - Part 4)(Kohlmann, Susan) (Entered: 03/18/2010)
03/18/2010	<u>192</u>	DECLARATION of Arthur Chan in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>193</u>	DECLARATION of William M. Hohengarten (Part Two) Exhibit 12 - Part 5 in Support re: <u>176</u> MOTION for Partial Summary Judgment <i>/Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense</i> .. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Exhibit 12 - Part 6, # <u>2</u> Exhibit 12 - Part 7, # <u>3</u> Exhibit 12 - Part 8, # <u>4</u> Exhibit 12 - Part 9, # <u>5</u> Exhibit 12 - Part 10, # <u>6</u> Exhibit 12 - Part 11, # <u>7</u> Exhibit 12 - Part 12, # <u>8</u> Exhibit 12 - Part 13, # <u>9</u> Exhibit 12 - Part 14) (Kohlmann, Susan) (Entered: 03/18/2010)
03/18/2010	<u>194</u>	DECLARATION of Roelof Botha in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>195</u>	DECLARATION of Chad Hurley in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit to Hurley Declaration Part 1, # <u>2</u> Exhibit to Hurley Declaration Part 2)(Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>196</u>	DECLARATION of Micah Schaffer in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit to Schaffer Declaration)(Schapiro, Andrew) (Entered: 03/18/2010)

03/18/2010	<u>197</u>	DECLARATION of Christopher Maxcy in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>198</u>	DECLARATION of David King in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>199</u>	DECLARATION of Hunter Walk in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>200</u>	DECLARATION of Zahavah Levine in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit to Levine Declaration Part 1) (Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>201</u>	DECLARATION of William M. Hohengarten (Part Three) Exhibit 12 - Part 15 in Support re: <u>176</u> MOTION for Partial Summary Judgment <i>/Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense</i> .. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Exhibit 12 - Part 16, # <u>2</u> Exhibit 12 - Part 17, # <u>3</u> Exhibit 12 - Part 18, # <u>4</u> Exhibit 12 - Part 19, # <u>5</u> Exhibit 12 - Part 20, # <u>6</u> Exhibit 13, # <u>7</u> Exhibit 14, # <u>8</u> Exhibit 15, # <u>9</u> Exhibit 16, # <u>10</u> Exhibit 17, # <u>11</u> Exhibit 18, # <u>12</u> Exhibit 19, # <u>13</u> Exhibit 20, # <u>14</u> Exhibit 21, # <u>15</u> Exhibit 22, # <u>16</u> Exhibit 23, # <u>17</u> Exhibit 24, # <u>18</u> Exhibit 25, # <u>19</u> Exhibit 26, # <u>20</u> Exhibit 27, # <u>21</u> Exhibit 28, # <u>22</u> Exhibit 29, # <u>23</u> Exhibit 30, # <u>24</u> Exhibit 31, # <u>25</u> Exhibit 32, # <u>26</u> Exhibit 33, # <u>27</u> Exhibit 34, # <u>28</u> Exhibit 35, # <u>29</u> Exhibit 36, # <u>30</u> Exhibit 37, # <u>31</u> Exhibit 38, # <u>32</u> Exhibit 39, # <u>33</u> Exhibit 40, # <u>34</u> Exhibit 41)(Kohlmann, Susan) (Entered: 03/18/2010)
03/18/2010	<u>202</u>	DECLARATION of Suzanne Reider in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>203</u>	DECLARATION of Michael Solomon in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>207</u>	DECLARATION of Andrew Schapiro in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 1-10 to Schapiro Declaration, # <u>2</u>

		Exhibit 11-12 to Schapiro Declaration, # <u>3</u> Exhibit 13 Part 1 to Schapiro Declaration, # <u>4</u> Exhibit 13 Part 2 to Schapiro Declaration, # <u>5</u> Exhibit 14-20 to Schapiro Declaration, # <u>6</u> Exhibit 21-26 to Schapiro Declaration, # <u>7</u> Exhibit 27 to 35 to Schapiro Declaration)(Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>208</u>	DECLARATION of William M. Hohengarten (Part Four) Ex. 42 in Support re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense</i> .. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Exhibit 43, # <u>2</u> Exhibit 44, # <u>3</u> Exhibit 45, # <u>4</u> Exhibit 46, # <u>5</u> Exhibit 47, # <u>6</u> Exhibit 48, # <u>7</u> Exhibit 49, # <u>8</u> Exhibit 50, # <u>9</u> Exhibit 51 - Part 1, # <u>10</u> Exhibit 51 - Part 2, # <u>11</u> Exhibit 51 - Part 3, # <u>12</u> Exhibit 51 - Part 4, # <u>13</u> Exhibit 51 - Part 5, # <u>14</u> Exhibit 52, # <u>15</u> Exhibit 53, # <u>16</u> Exhibit 54, # <u>17</u> Exhibit 55, # <u>18</u> Exhibit 56, # <u>19</u> Exhibit 57, # <u>20</u> Exhibit 58, # <u>21</u> Exhibit 59, # <u>22</u> Exhibit 60, # <u>23</u> Exhibit 61, # <u>24</u> Exhibit 62, # <u>25</u> Exhibit 63, # <u>26</u> Exhibit 64, # <u>27</u> Exhibit 65, # <u>28</u> Exhibit 66, # <u>29</u> Exhibit 67, # <u>30</u> Exhibit 68, # <u>31</u> Exhibit 69, # <u>32</u> Exhibit 70, # <u>33</u> Exhibit 71, # <u>34</u> Exhibit 72, # <u>35</u> Exhibit 73, # <u>36</u> Exhibit 74, # <u>37</u> Exhibit 75, # <u>38</u> Exhibit 76, # <u>39</u> Exhibit 77, # <u>40</u> Exhibit 78, # <u>41</u> Exhibit 79, # <u>42</u> Exhibit 80, # <u>43</u> Exhibit 81, # <u>44</u> Exhibit 82, # <u>45</u> Exhibit 83, # <u>46</u> Exhibit 84, # <u>47</u> Exhibit 85, # <u>48</u> Exhibit 86, # <u>49</u> Exhibit 87, # <u>50</u> Exhibit 88, # <u>51</u> Exhibit 89, # <u>52</u> Exhibit 90, # <u>53</u> Exhibit 91, # <u>54</u> Exhibit 92, # <u>55</u> Exhibit 93, # <u>56</u> Exhibit 94, # <u>57</u> Exhibit 95, # <u>58</u> Exhibit 96, # <u>59</u> Exhibit 97, # <u>60</u> Exhibit 98, # <u>61</u> Exhibit 99, # <u>62</u> Exhibit 100, # <u>63</u> Exhibit 101, # <u>64</u> Exhibit 102, # <u>65</u> Exhibit 103, # <u>66</u> Exhibit 104)(Kohlmann, Susan) (Entered: 03/18/2010)
03/18/2010	<u>209</u>	DECLARATION of William M. Hohengarten (Part Five) Ex. 105 - Part 1 in Support re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense</i> .. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Exhibit 105 - Part 2, # <u>2</u> Exhibit 105 - Part 3, # <u>3</u> Exhibit 105 - Part 4, # <u>4</u> Exhibit 105 - Part 5, # <u>5</u> Exhibit 105 - Part 6, # <u>6</u> Exhibit 105 - Part 7, # <u>7</u> Exhibit 105 - Part 8, # <u>8</u> Exhibit 105 - Part 9, # <u>9</u> Exhibit 106, # <u>10</u> Exhibit 107, # <u>11</u> Exhibit 108, # <u>12</u> Exhibit 109, # <u>13</u> Exhibit 110, # <u>14</u> Exhibit 111)(Kohlmann, Susan) (Entered: 03/18/2010)
03/18/2010	<u>210</u>	DECLARATION of William M. Hohengarten (Part Six) Ex. 112 - Part 1 in Support re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense</i> .. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Exhibit 112 - Part 2, # <u>2</u> Exhibit 112 - Part 3, # <u>3</u> Exhibit 112 - Part 4, # <u>4</u> Exhibit 113, # <u>5</u> Exhibit 114, # <u>6</u> Exhibit 115, # <u>7</u> Exhibit 116, # <u>8</u> Exhibit 117, # <u>9</u> Exhibit 118, # <u>10</u> Exhibit 119, # <u>11</u> Exhibit 120, # <u>12</u> Exhibit 121, # <u>13</u> Exhibit 122, # <u>14</u> Exhibit 123, # <u>15</u> Exhibit 124, # <u>16</u>

		Exhibit 125, # <u>17</u> Exhibit 126, # <u>18</u> Exhibit 127, # <u>19</u> Exhibit 128, # <u>20</u> Exhibit 129, # <u>21</u> Exhibit 130, # <u>22</u> Exhibit 131, # <u>23</u> Exhibit 132, # <u>24</u> Exhibit 133, # <u>25</u> Exhibit 134 - Part 1, # <u>26</u> Exhibit 134 - Part 2, # <u>27</u> Exhibit 134 - Part 3, # <u>28</u> Exhibit 134 - Part 4)(Kohlmann, Susan) (Entered: 03/18/2010)
03/18/2010	<u>211</u>	DECLARATION of Andrew Schapiro Part 2 in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 36 Part 2 to Schapiro Declaration, # <u>2</u> Exhibit 37-42 to Schapiro Declaration, # <u>3</u> Exhibit 43-56 to Schapiro Declaration, # <u>4</u> Exhibit 57-68 to Schapiro Declaration, # <u>5</u> Exhibit 69-81 to Schapiro Declaration, # <u>6</u> Exhibit 82-84 to Schapiro Declaration)(Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>212</u>	DECLARATION of William M. Hohengarten (Part Seven) Ex. 134 - Part 5 in Support re: <u>176</u> MOTION for Partial Summary Judgment <i>/Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense</i> .. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Exhibit 134 - Part 6, # <u>2</u> Exhibit 134 - Part 7, # <u>3</u> Exhibit 134 - Part 8, # <u>4</u> Exhibit 134 - Part 9, # <u>5</u> Exhibit 134 - Part 10, # <u>6</u> Exhibit 134 - Part 11, # <u>7</u> Exhibit 135, # <u>8</u> Exhibit 136, # <u>9</u> Exhibit 137, # <u>10</u> Exhibit 138, # <u>11</u> Exhibit 139, # <u>12</u> Exhibit 140, # <u>13</u> Exhibit 141, # <u>14</u> Exhibit 142, # <u>15</u> Exhibit 143, # <u>16</u> Exhibit 144, # <u>17</u> Exhibit 145 - Part 1, # <u>18</u> Exhibit 145 - Part 2, # <u>19</u> Exhibit 145 - Part 3, # <u>20</u> Exhibit 145 - Part 4, # <u>21</u> Exhibit 145 - Part 5, # <u>22</u> Exhibit 146, # <u>23</u> Exhibit 147, # <u>24</u> Exhibit 148, # <u>25</u> Exhibit 149, # <u>26</u> Exhibit 150, # <u>27</u> Exhibit 151, # <u>28</u> Exhibit 152, # <u>29</u> Exhibit 153, # <u>30</u> Exhibit 154, # <u>31</u> Exhibit 155, # <u>32</u> Exhibit 156, # <u>33</u> Exhibit 157, # <u>34</u> Exhibit 158, # <u>35</u> Exhibit 159)(Kohlmann, Susan) (Entered: 03/18/2010)
03/18/2010	<u>213</u>	DECLARATION of Andrew Schapiro Part 3 in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 92-102 to Schapiro Declaration, # <u>2</u> Exhibit 103-114 to Schapiro Declaration, # <u>3</u> Exhibit 115-129 to Schapiro Declaration, # <u>4</u> Exhibit 130-139 to Schapiro Declaration, # <u>5</u> Exhibit 140-145 to Schapiro Declaration)(Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>214</u>	DECLARATION of William M. Hohengarten (Part Eight) Ex. 160 in Support re: <u>176</u> MOTION for Partial Summary Judgment <i>/Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense</i> .. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Exhibit 161, # <u>2</u> Exhibit 162, # <u>3</u> Exhibit 163, # <u>4</u> Exhibit 164, # <u>5</u> Exhibit 165, # <u>6</u> Errata 166, # <u>7</u> Exhibit 167, # <u>8</u> Exhibit 168, # <u>9</u> Exhibit 169, # <u>10</u> Exhibit 170, # <u>11</u> Exhibit 171, # <u>12</u> Exhibit 172, # <u>13</u> Exhibit 173, # <u>14</u> Exhibit 174, # <u>15</u> Exhibit 175, # <u>16</u> Exhibit 176, # <u>17</u> Exhibit 177, # <u>18</u> Exhibit 178, # <u>19</u> Exhibit 179, # <u>20</u> Exhibit 180, # <u>21</u>

		Exhibit 181, # <u>22</u> Exhibit 182, # <u>23</u> Exhibit 183, # <u>24</u> Exhibit 184, # <u>25</u> Exhibit 185, # <u>26</u> Exhibit 186, # <u>27</u> Exhibit 187, # <u>28</u> Exhibit 188, # <u>29</u> Exhibit 189, # <u>30</u> Exhibit 190, # <u>31</u> Exhibit 191, # <u>32</u> Exhibit 192, # <u>33</u> Exhibit 193, # <u>34</u> Exhibit 194, # <u>35</u> Exhibit 195, # <u>36</u> Exhibit 196, # <u>37</u> Exhibit 197, # <u>38</u> Exhibit 198, # <u>39</u> Exhibit 199, # <u>40</u> Exhibit 200, # <u>41</u> Exhibit 201, # <u>42</u> Exhibit 202, # <u>43</u> Exhibit 203, # <u>44</u> Exhibit 204, # <u>45</u> Exhibit 205, # <u>46</u> Exhibit 206, # <u>47</u> Exhibit 207, # <u>48</u> Exhibit 208, # <u>49</u> Exhibit 209, # <u>50</u> Exhibit 210, # <u>51</u> Exhibit 211, # <u>52</u> Exhibit 212, # <u>53</u> Exhibit 213, # <u>54</u> Exhibit 214, # <u>55</u> Exhibit 215, # <u>56</u> Exhibit 216, # <u>57</u> Exhibit 217, # <u>58</u> Exhibit 218, # <u>59</u> Exhibit 219, # <u>60</u> Exhibit 220, # <u>61</u> Exhibit 221, # <u>62</u> Exhibit 222, # <u>63</u> Exhibit 223, # <u>64</u> Exhibit 224, # <u>65</u> Exhibit 225, # <u>66</u> Exhibit 226, # <u>67</u> Exhibit 227, # <u>68</u> Exhibit 228, # <u>69</u> Exhibit 229, # <u>70</u> Exhibit 230, # <u>71</u> Exhibit 231, # <u>72</u> Exhibit 232, # <u>73</u> Exhibit 233, # <u>74</u> Exhibit 234, # <u>75</u> Exhibit 235, # <u>76</u> Exhibit 236, # <u>77</u> Exhibit 237, # <u>78</u> Exhibit 238, # <u>79</u> Exhibit 239, # <u>80</u> Exhibit 240, # <u>81</u> Exhibit 241, # <u>82</u> Exhibit 242, # <u>83</u> Exhibit 243, # <u>84</u> Exhibit 244, # <u>85</u> Exhibit 245, # <u>86</u> Exhibit 246, # <u>87</u> Exhibit 247)(Kohlmann, Susan) (Entered: 03/18/2010)
03/18/2010	<u>215</u>	DECLARATION of Andrew Schapiro Part 4 in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 161-170 to Schapiro Declaration, # <u>2</u> Exhibit 171-177 to Schapiro Declaration, # <u>3</u> Exhibit 178 to Schapiro Declaration, # <u>4</u> Exhibit 179 Part1 to Schapiro Declaration, # <u>5</u> Exhibit 179 Part 2 to Schapiro Declaration, # <u>6</u> Exhibit 180-210 to Schapiro Declaration, # <u>7</u> Exhibit 211-212 to Schapiro Declaration, # <u>8</u> Exhibit 213-215 to Schapiro Declaration)(Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>216</u>	DECLARATION of Andrew Schapiro Part 5 in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 218-220 to Schapiro Declaration, # <u>2</u> Exhibit 221-223 to Schapiro Declaration, # <u>3</u> Exhibit 224-227 to Schapiro Declaration, # <u>4</u> Exhibit 228 to Schapiro Declaration, # <u>5</u> Exhibit 229-231 to Schapiro Declaration, # <u>6</u> Exhibit 232-234 to Schapiro Declaration)(Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>217</u>	DECLARATION of William M. Hohengarten (Part Nine) Ex. 248 in Support re: <u>176</u> MOTION for Partial Summary Judgment <i>/Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense</i> .. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Exhibit 249, # <u>2</u> Exhibit 250, # <u>3</u> Exhibit 251, # <u>4</u> Exhibit 252, # <u>5</u> Exhibit 253, # <u>6</u> Exhibit 254, # <u>7</u> Exhibit 255, # <u>8</u> Exhibit 256, # <u>9</u> Exhibit 257, # <u>10</u> Exhibit 258, # <u>11</u> Exhibit 259, # <u>12</u> Exhibit 260, # <u>13</u> Exhibit 261, # <u>14</u> Exhibit 262, # <u>15</u> Exhibit 263, # <u>16</u> Exhibit 264, # <u>17</u> Exhibit 265, # <u>18</u> Exhibit 266, # <u>19</u> Exhibit 267, # <u>20</u> Exhibit 268, # <u>21</u> Exhibit 269, # <u>22</u> Exhibit 270, # <u>23</u> Exhibit 271, # <u>24</u> Exhibit 272, # <u>25</u> Exhibit 273, # <u>26</u> Exhibit 274, # <u>27</u> Exhibit 275, # <u>28</u> Exhibit 276, # <u>29</u>

		Exhibit 277, # <u>30</u> Exhibit 278, # <u>31</u> Exhibit 279, # <u>32</u> Exhibit 280, # <u>33</u> Exhibit 281, # <u>34</u> Exhibit 282, # <u>35</u> Exhibit 283, # <u>36</u> Exhibit 284, # <u>37</u> Exhibit 285, # <u>38</u> Exhibit 286, # <u>39</u> Exhibit 287 - Part 1, # <u>40</u> Exhibit 287 - Part 2)(Kohlmann, Susan) (Entered: 03/18/2010)
03/18/2010	<u>218</u>	DECLARATION of Andrew Schapiro Part 6 in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 238-241 to Schapiro Declaration, # <u>2</u> Exhibit 242-246 to Schapiro Declaration, # <u>3</u> Exhibit 247-250 to Schapiro Declaration, # <u>4</u> Exhibit 251-254 to Schapiro Declaration, # <u>5</u> Exhibit 255 to Schapiro Declaration, # <u>6</u> Exhibit 256-258 to Schapiro Declaration)(Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>219</u>	DECLARATION of William M. Hohengarten (Part Nine) Ex. 287 - Part 3 in Support re: <u>176</u> MOTION for Partial Summary Judgment <i>/Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense</i> .. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Exhibit 287 - Part 4, # <u>2</u> Exhibit 287 - Part 5, # <u>3</u> Exhibit 287 - Part 6, # <u>4</u> Exhibit 287 - Part 8, # <u>5</u> Exhibit 287 - Part 8, # <u>6</u> Exhibit 288, # <u>7</u> Exhibit 289, # <u>8</u> Exhibit 290, # <u>9</u> Exhibit 291, # <u>10</u> Exhibit 292, # <u>11</u> Exhibit 293, # <u>12</u> Exhibit 294, # <u>13</u> Exhibit 295, # <u>14</u> Exhibit 296, # <u>15</u> Exhibit 297, # <u>16</u> Exhibit 298)(Kohlmann, Susan) (Entered: 03/18/2010)
03/18/2010	<u>220</u>	DECLARATION of Andrew Schapiro Part 7 in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 262-264 to Schapiro Declaration, # <u>2</u> Exhibit 265-268 to Schapiro Declaration, # <u>3</u> Exhibit 269-271 to Schapiro Declaration, # <u>4</u> Exhibit 272-273 to Schapiro Declaration, # <u>5</u> Exhibit 274-275 to Schapiro Declaration, # <u>6</u> Exhibit 276-277 to Schapiro Declaration) (Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>221</u>	DECLARATION of Andrew Schapiro Part 8 in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 279 to Schapiro Declaration, # <u>2</u> Exhibit 280-281 to Schapiro Declaration, # <u>3</u> Exhibit 282-283 to Schapiro Declaration, # <u>4</u> Exhibit 284-286 to Schapiro Declaration, # <u>5</u> Exhibit 287-290 to Schapiro Declaration, # <u>6</u> Exhibit 291-294 to Schapiro Declaration) (Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>222</u>	DECLARATION of William M. Hohengarten (Part Eleven) Ex. 299 in Support re: <u>176</u> MOTION for Partial Summary Judgment <i>/Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense</i> .. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Exhibit 300, # <u>2</u> Exhibit 301, # <u>3</u> Exhibit 302, # <u>4</u> Exhibit 303 - Part 1, # <u>5</u> Exhibit 303 - Part 2, # <u>6</u> Exhibit 303 - Part 3, # <u>7</u> Exhibit 303

		- Part 4, # <u>8</u> Exhibit 303 - Part 5, # <u>9</u> Exhibit 304, # <u>10</u> Exhibit 305, # <u>11</u> Exhibit 306, # <u>12</u> Exhibit 307, # <u>13</u> Exhibit 308, # <u>14</u> Exhibit 309, # <u>15</u> Exhibit 310, # <u>16</u> Exhibit 311, # <u>17</u> Exhibit 312, # <u>18</u> Exhibit 313, # <u>19</u> Exhibit 314, # <u>20</u> Exhibit 315, # <u>21</u> Exhibit 316, # <u>22</u> Exhibit 317, # <u>23</u> Exhibit 318, # <u>24</u> Exhibit 319, # <u>25</u> Exhibit 320, # <u>26</u> Exhibit 321, # <u>27</u> Exhibit 322, # <u>28</u> Exhibit 323, # <u>29</u> Exhibit 324, # <u>30</u> Exhibit 325, # <u>31</u> Exhibit 326, # <u>32</u> Exhibit 327, # <u>33</u> Exhibit 328)(Kohlmann, Susan) (Entered: 03/18/2010)
03/18/2010	<u>223</u>	DECLARATION of Andrew Schapiro Part 9 in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 297-299 to Schapiro Declaration, # <u>2</u> Exhibit 300-302 to Schapiro Declaration, # <u>3</u> Exhibit 303 to Schapiro Declaration, # <u>4</u> Exhibit 304-306 to Schapiro Declaration, # <u>5</u> Exhibit 307-310 to Schapiro Declaration, # <u>6</u> Exhibit 311-314 to Schapiro Declaration, # <u>7</u> Exhibit 315-386 to Schapiro Declaration)(Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>224</u>	DECLARATION of William M. Hohengarten (Part Twelve) Ex. 329 in Support re: <u>176</u> MOTION for Partial Summary Judgment <i>/Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense</i> .. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Exhibit 330, # <u>2</u> Exhibit 331, # <u>3</u> Exhibit 332, # <u>4</u> Exhibit 333, # <u>5</u> Exhibit 334, # <u>6</u> Exhibit 335, # <u>7</u> Exhibit 336, # <u>8</u> Exhibit 337, # <u>9</u> Exhibit 338, # <u>10</u> Exhibit 339, # <u>11</u> Exhibit 340, # <u>12</u> Exhibit 341, # <u>13</u> Exhibit 342, # <u>14</u> Exhibit 343, # <u>15</u> Exhibit 344, # <u>16</u> Exhibit 345, # <u>17</u> Exhibit 346, # <u>18</u> Exhibit 347, # <u>19</u> Exhibit 348, # <u>20</u> Exhibit 349, # <u>21</u> Exhibit 350, # <u>22</u> Exhibit 351, # <u>23</u> Exhibit 352)(Kohlmann, Susan) (Entered: 03/18/2010)
03/18/2010	<u>225</u>	DECLARATION of William M. Hohengarten (Part Thirteen) Ex. 353 in Support re: <u>176</u> MOTION for Partial Summary Judgment <i>/Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense</i> .. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Exhibit 354, # <u>2</u> Exhibit 355, # <u>3</u> Exhibit 356, # <u>4</u> Exhibit 357, # <u>5</u> Exhibit 358, # <u>6</u> Exhibit 359, # <u>7</u> Exhibit 360, # <u>8</u> Exhibit 361, # <u>9</u> Exhibit 362, # <u>10</u> Exhibit 363, # <u>11</u> Exhibit 364, # <u>12</u> Exhibit 365, # <u>13</u> Exhibit 366, # <u>14</u> Exhibit 367, # <u>15</u> Exhibit 368, # <u>16</u> Exhibit 369, # <u>17</u> Exhibit 370, # <u>18</u> Exhibit 371, # <u>19</u> Exhibit 372, # <u>20</u> Exhibit 373, # <u>21</u> Exhibit 374, # <u>22</u> Exhibit 375, # <u>23</u> Exhibit 376, # <u>24</u> Exhibit 377, # <u>25</u> Exhibit 378, # <u>26</u> Exhibit 379, # <u>27</u> Exhibit 380, # <u>28</u> Exhibit 381, # <u>29</u> Exhibit 382, # <u>30</u> Exhibit 383, # <u>31</u> Exhibit 384, # <u>32</u> Exhibit 385, # <u>33</u> Exhibit 386, # <u>34</u> Exhibit 387, # <u>35</u> Exhibit 388)(Kohlmann, Susan) (Entered: 03/18/2010)
03/19/2010	<u>226</u>	DECLARATION of Michael Rubin in Support re: <u>177</u> MOTION for

		Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 1-17 to Rubin Declaration, # <u>2</u> Exhibit 18 to Rubin Declaration, # <u>3</u> Exhibit 19-27 to Rubin Declaration, # <u>4</u> Exhibit 28-36 to Rubin Declaration, # <u>5</u> Exhibit 37-48 to Rubin Declaration, # <u>6</u> Exhibit 49-59 to Rubin Declaration, # <u>7</u> Exhibit 60-67 to Rubin Declaration)(Schapiro, Andrew) (Entered: 03/19/2010)
03/19/2010	<u>227</u>	DECLARATION of Michael Rubin Part 2 in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 1 to Rubin Declaration Part 2, # <u>2</u> Exhibit 2 to Rubin Declaration Part 2, # <u>3</u> Exhibit 3 to Rubin Declaration Part 2, # <u>4</u> Exhibit 4 to Rubin Declaration Part 2)(Schapiro, Andrew) (Entered: 03/19/2010)
03/19/2010	<u>228</u>	DECLARATION of Michael Rubin Part 3 in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 1 to Rubin Declaration Part 3, # <u>2</u> Exhibit 2 to Rubin Declaration Part 3)(Schapiro, Andrew) (Entered: 03/19/2010)
03/23/2010	<u>229</u>	ORDER, the Clerk of the Court is directed to strike docket entries 204, 205, and 206 from the record, including attached PDF files. So ordered. (Signed by Judge Louis L. Stanton on 3/22/10) (cd) (Entered: 03/23/2010)
03/24/2010	<u>230</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Susan J. Kohlmann dated 3/23/2010 re: Counsel respectfully request that Your Honor permit Viacom to file the above-listed corrected materials. ENDORSEMENT: Granted. So Ordered. (Signed by Judge Louis L. Stanton on 3/24/2010) (jfe) (Entered: 03/24/2010)
03/25/2010	<u>231</u>	SEALED DOCUMENT placed in vault.(nm) (Entered: 03/25/2010)
03/26/2010	<u>233</u>	STIPULATION AND ORDER....regarding procedures to be followed that shall govern the handling of confidential material... (This document was previously sealed in envelope #149 and unsealed on 3/26/2010 by document #199 in 07-cv-3582) (Signed by Judge Louis L. Stanton on 11/16/09) (tro) (Entered: 04/01/2010)
03/26/2010	<u>234</u>	STIPULATION AND ORDER: An identical copy of the original forensic images of each of Robert Tur's computers or devices captured by Iris Data Services, LLC, will be provided to a New York office of FTI Consulting, Inc. by the latter of 5pm ET on December 4, 2009 or within 2 business days after the parties submit to the Court a fully executed Stipulation to be so ordered. FTI agrees to execute and be bound by the Protective Order entered in the action. The parties agree to cooperate to use their best efforts to present this stipulation for prompt so-ordering by the Court, including trying to arrange a time with Chambers for presenting and so-ordering same; and notwithstanding the above, if the Court refuses to so order the stipulation, FTI shall immediately return the Forensic Images to Iris. FTI shall do nothing but

		maintain such Forensic Images in its possession, in strict confidence and in a highly secure location, and shall not review, access, copy, image, investigate, analyze, transfer, or forward the Forensic Images or permit any other person or entity to do so, until either (a) the undersigned counsel of record and special counsel for Mr. Tur have executed a written agreement concerning any constraints posed by any alleged privilege, immunity, confidentiality, privacy, or other protection of the Forensic Images as further set forth in this Order....The provision of the Forensic Images to FTI provided for in paragraph 1 above shall not to any extent waive or prejudice any Protection claimed to be due by or to the Forensic Images or by or to Mr. Tur or any other person or entity. Mr. Tur shall be entitled to designate material or information, or any analyses or results thereof, as Highly confidential under the terms of the Protective Order. (This document was previously sealed in envelope #152 and unsealed on 3/26/2010 by document #199 in 07-cv-3582) (Signed by Judge Louis L. Stanton on 12/14/09) (tro) (Entered: 04/01/2010)
03/31/2010	<u>232</u>	ENDORSED LETTER addressed to Judge Louis Stanton from Susan J. Kohlman dated 3/29/2010 re: The parties respectfully request that the Court grant a one week extension to the deadlines set forth in Paragraphs 4 and 6 of the Court's order, such that the parties would have until April 8 to "submit unresolved matters to the Court," and would have until April 11 to "submit proposed findings of fact" regarding items on which there is agreement. ENDORSEMENT: So ordered. (Signed by Judge Louis L. Stanton on 3/30/2010) (tve) (Entered: 03/31/2010)
04/12/2010	<u>235</u>	NOTICE OF APPEARANCE by Edward Hernstadt on behalf of American Library Association, et al. (Hernstadt, Edward) (Entered: 04/12/2010)
04/12/2010	<u>236</u>	Amicus Curiae APPEARANCE entered by Edward Hernstadt on behalf of American Library Association, et al..(Hernstadt, Edward) (Entered: 04/12/2010)
04/12/2010	<u>237</u>	MOTION to File Amicus Brief. Document filed by American Library Association, et al..(Hernstadt, Edward) (Entered: 04/12/2010)
04/12/2010	<u>238</u>	DECLARATION of Fred Von Lohman in Support re: <u>237</u> MOTION to File Amicus Brief.. Document filed by American Library Association, et al.. (Hernstadt, Edward) (Entered: 04/12/2010)
04/12/2010	<u>239</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by American Library Association, et al..(Hernstadt, Edward) (Entered: 04/12/2010)
04/12/2010	<u>240</u>	BRIEF of <i>Amici Curiae</i> . Document filed by American Library Association, et al..(Hernstadt, Edward) (Entered: 04/12/2010)
04/12/2010	<u>241</u>	DECLARATION of Edward Hernstadt in Support re: <u>237</u> MOTION to File Amicus Brief.. Document filed by American Library Association, et al.. (Attachments: # <u>1</u> Exhibit Proposed Order)(Hernstadt, Edward) (Entered: 04/12/2010)
04/14/2010	<u>242</u>	RESPONSE in Opposition re: <u>237</u> MOTION to File Amicus Brief.. Document filed by Country Music Television, Inc., Paramount Pictures

		Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Kohlmann, Susan) (Entered: 04/14/2010)
04/15/2010	<u>243</u>	DECLARATION of William M. Hohengarten (Certain Unsealed Exhibits to Declaration of William M. Hohengarten in Support of Viacom's Motion for Partial Summary Judgment in Support re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense</i> .. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Exhibit 52 - Pt. 1, # <u>2</u> Exhibit 52 - Pt. 2, # <u>3</u> Exhibit 59, # <u>4</u> Exhibit 60, # <u>5</u> Exhibit 63, # <u>6</u> Exhibit 81, # <u>7</u> Exhibit 242, # <u>8</u> Exhibit 314, # <u>9</u> Exhibit 321, # <u>10</u> Exhibit 340)(Kohlmann, Susan) (Entered: 04/15/2010)
04/15/2010	<u>244</u>	ORDER: I have determined that the protection of the value of this private, proprietary and commercially sensitive information to its owners clearly outweighs any countervailing public interest in its disclosure to the general public and to competitors, and justifies its redaction, together with personally identifiable matter such as addresses, telephone and account numbers, family and personal affairs and similar information, from material publicly filed and disclosed. (Signed by Judge Louis L. Stanton on 4/15/2010) (tro) (Additional attachment(s) added on 4/16/2010: # <u>1</u> Main Document) (ae). (Entered: 04/15/2010)
04/16/2010	<u>245</u>	MEMO ENDORSEMENT on <u>237</u> NOTICE OF MOTION AND MOTION OF NONPARTIES AMERICAN LIBRARY ASSOCIATION, ASSOCIATION OF COLLEGE AND RESEARCH LIBRARIES, ASSOCIATION OF RESEARCH CENTER FOR DEMOCRACY AND TECHNOLOGY, COMPUTER AND COMMUNICATIONS INDUSTRY ASSOCIATION, ELECTRONIC FRONTIER FOUNDATION, HOME RECORDING RIGHTS COALITION, INTERNET ARCHIVE, NETCOALITION, AND PUBLIC KNOWLEDGE TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF DEFENDANTS. ENDORSEMENT: Granted. (Signed by Judge Louis L. Stanton on 4/16/2010) (jpo) (Entered: 04/16/2010)
04/22/2010	<u>246</u>	DECLARATION of William M. Hohengarten (Corrected Exhibit 17 to Declaration of William M. Hohengarten in Support of Viacom's Motion for Partial Summary Judgment in Support re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense</i> .. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Exhibit 17)(Kohlmann, Susan) (Entered: 04/22/2010)
04/26/2010	<u>247</u>	ORDER: Thus, the redactions sought to be made by defendants, as listed on the attached appendix (without regard to the particular categories into which the documents have been placed by defendants in paragraphs 12-20 of that appendix), are authorized. The deposition testimony of Larry Page, attached as Exhibit 315 to the Declaration of William M. Hohengarten, shall remain

		under seal pending a decision regarding defendants' motion to strike that testimony. So ordered. (Signed by Judge Louis L. Stanton on 4/23/2010) (tve) (Entered: 04/26/2010)
04/26/2010		***DELETED DOCUMENT. Deleted document number 248 ORDER. The document was incorrectly filed in this case. (jpo) (Entered: 04/29/2010)
04/30/2010	248	SEALED DOCUMENT placed in vault.(nm) (Entered: 04/30/2010)
04/30/2010	250	SEALED DOCUMENT placed in vault.(nm) (Entered: 05/03/2010)
05/01/2010	<u>249</u>	MOTION to Strike. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc..(Schapiro, Andrew) (Entered: 05/01/2010)
05/03/2010		Minute Entry for proceedings held before Judge Louis L. Stanton: Pre-Motion Conference held regarding page testimony on 5/3/2010. (mro) (Entered: 05/04/2010)
05/04/2010	<u>251</u>	MEMO ENDORSED denying <u>249</u> Motion to Strike. After hearing counsel, and having reviewed the challenged material, this motion is denied, with leave to defendants to identify transcript portions and references in Mr. Baskins 4/30/10 letter to the court which should be redacted before public filing. SO ORDERED. (Signed by Judge Louis L. Stanton on 5/3/2010) (jmi) (Entered: 05/04/2010)
05/04/2010	252	SEALED DOCUMENT placed in vault.(cb) (Entered: 05/04/2010)
05/05/2010	<u>253</u>	MEMO ENDORSEMENT on Viacom's Evidentiary Objections to and Motion to Strike Portions of Declarations Submitted in Support of Defendants' Motion for Summary Judgment: Denied. So ordered. (Signed by Judge Louis L. Stanton on 5/5/10) (cd) (Entered: 05/05/2010)
05/05/2010	<u>254</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Andrew Schapiro dated 5/4/10 re: Requesting clarification of the Court's Order denying motion to strike the Page deposition. ENDORSEMENT: The questioned order denied all relief sought in the 4/30/10 Notice of Motion and Motion to Strike. (Signed by Judge Louis L. Stanton on 5/5/10) (cd) (Entered: 05/05/2010)
05/07/2010	<u>255</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Washington Legal Foundation.(Wachtler, Lauren) (Entered: 05/07/2010)
05/07/2010	<u>256</u>	Amicus Curiae APPEARANCE entered by Lauren J. Wachtler on behalf of Washington Legal Foundation.(Wachtler, Lauren) (Entered: 05/07/2010)
05/07/2010	<u>257</u>	NOTICE of Motion for Leave to File Amicus Curiae Brief in Support of Plaintiffs. Document filed by Washington Legal Foundation. (Wachtler, Lauren) (Entered: 05/07/2010)
05/07/2010	<u>258</u>	MOTION for Leave to File brief of amicus curiae. Document filed by Washington Legal Foundation.(Wachtler, Lauren) (Entered: 05/07/2010)
05/07/2010	<u>259</u>	DECLARATION of Paul D. Montclare in Support re: <u>258</u> MOTION for Leave to File brief of amicus curiae.. Document filed by Washington Legal

		Foundation. (Wachtler, Lauren) (Entered: 05/07/2010)
05/07/2010	<u>260</u>	MEMORANDUM OF LAW in Support re: <u>258</u> MOTION for Leave to File brief of amicus curiae.. Document filed by Washington Legal Foundation. (Wachtler, Lauren) (Entered: 05/07/2010)
05/07/2010	<u>261</u>	DECLARATION of Paul D. Montclare in Support re: <u>258</u> MOTION for Leave to File brief of amicus curiae.. Document filed by Washington Legal Foundation. (Attachments: # <u>1</u> Exhibit BRIEF OF AMICUS CURIAE) (Wachtler, Lauren) (Entered: 05/07/2010)
05/07/2010	<u>262</u>	AFFIDAVIT of PAUL D. MONTCLARE. Document filed by Washington Legal Foundation. (Wachtler, Lauren) (Entered: 05/07/2010)
05/07/2010	<u>263</u>	Amicus Curiae APPEARANCE entered by Mary Eleanor Rasenberger on behalf of American Society of Composers, Authors And Publishers, Broadcast Music, Inc., SESAC, Inc., Disney Enterprises, Inc., NBC Universal, Inc., Warner Bros. Entertainment Inc., Association Of American Publishers, Center For The Rule Of Law, Institute For Policy Innovation, The Media Institute, Picture Archive Council Of America, Professional Photographers of America, Rosetta Stone Ltd., Zuffa, LLC.(Rasenberger, Mary) (Entered: 05/07/2010)
05/07/2010	<u>264</u>	DECLARATION of Paul D. Montclare in Support re: <u>258</u> MOTION for Leave to File brief of amicus curiae.. Document filed by Washington Legal Foundation. (Attachments: # <u>1</u> Exhibit Brief of Amicus Curiae)(Wachtler, Lauren) (Entered: 05/07/2010)
05/07/2010	<u>265</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Gannett Co., Inc., The Walt Disney Company, General Electric Company, Vivendi S.A., Time Warner Inc., Rosetta Stone Inc., as Corporate Parent. Document filed by American Society of Composers, Authors And Publishers, Broadcast Music, Inc., SESAC, Inc., Disney Enterprises, Inc., NBC Universal, Inc., Warner Bros. Entertainment Inc., Association Of American Publishers, Center For The Rule Of Law, Institute For Policy Innovation, The Media Institute, Picture Archive Council Of America, Professional Photographers of America, Rosetta Stone Ltd., Zuffa, LLC.(Rasenberger, Mary) (Entered: 05/07/2010)
05/07/2010	<u>266</u>	Amicus Curiae APPEARANCE entered by Christopher Gardner Clark on behalf of American Society of Composers, Authors And Publishers, Broadcast Music, Inc., SESAC, Inc., Disney Enterprises, Inc., NBC Universal, Inc., Warner Bros. Entertainment Inc., Association Of American Publishers, Center For The Rule Of Law, Institute For Policy Innovation, The Media Institute, Picture Archive Council Of America, Professional Photographers of America, Rosetta Stone Ltd., Zuffa, LLC.(Clark, Christopher) (Entered: 05/07/2010)
05/07/2010	<u>267</u>	MOTION to File Amicus Brief. Document filed by American Society of Composers, Authors And Publishers, Broadcast Music, Inc., SESAC, Inc., Disney Enterprises, Inc., NBC Universal, Inc., Warner Bros. Entertainment Inc., Association Of American Publishers, Center For The Rule Of Law, Institute For Policy Innovation, The Media Institute, Picture Archive Council

		Of America, Professional Photographers of America, Rosetta Stone Ltd., Zuffa, LLC.(Rasenberger, Mary) (Entered: 05/07/2010)
05/07/2010	<u>268</u>	BRIEF of <i>AMICI CURIAE</i> . Document filed by American Society of Composers, Authors And Publishers, Broadcast Music, Inc., SESAC, Inc., Disney Enterprises, Inc., NBC Universal, Inc., Warner Bros. Entertainment Inc., Association Of American Publishers, Center For The Rule Of Law, Institute For Policy Innovation, The Media Institute, Picture Archive Council Of America, Professional Photographers of America, Rosetta Stone Ltd., Zuffa, LLC.(Rasenberger, Mary) (Entered: 05/07/2010)
05/07/2010	<u>273</u>	MOTION for Clifford M. Sloan to Appear Pro Hac Vice. Document filed by American Society of Composers, Authors And Publishers, Broadcast Music, Inc., SESAC, Inc., Disney Enterprises, Inc., NBC Universal, Inc., Warner Bros. Entertainment Inc., Association Of American Publishers, Center For The Rule Of Law, Institute For Policy Innovation, The Media Institute, Picture Archive Council Of America, Professional Photographers of America, Rosetta Stone Ltd., Zuffa, LLC.(mro) (Entered: 05/11/2010)
05/11/2010	<u>269</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Peter D. DeChiara dated 5/5/2010 re: Counsel request a pre-motion conference concerning the application of the Guilds and Unions to file an amicus curiae brief in support of plaintiffs. ENDORSEMENT: Leave to file the brief amicus is granted. So Ordered. (Signed by Judge Louis L. Stanton on 5/10/2010) (jfe) Modified on 5/19/2010 (jfe). (Entered: 05/11/2010)
05/11/2010	<u>270</u>	MEMO ENDORSEMENT on re <u>267</u> Motion to File Amicus Brief. ENDORSEMENT: Granted. So Ordered. (Signed by Judge Louis L. Stanton on 5/10/2010) (jfe) (Entered: 05/11/2010)
05/11/2010	<u>271</u>	MEMO ENDORSEMENT on re: <u>257</u> Notice (Other) filed by Washington Legal Foundation. ENDORSEMENT: Granted. So Ordered (Signed by Judge Louis L. Stanton on 5/10/2010) (jfe) (Entered: 05/11/2010)
05/11/2010	<u>272</u>	SEALED DOCUMENT placed in vault.(nm) (Entered: 05/11/2010)
05/13/2010	<u>274</u>	NOTICE OF APPEARANCE by Paul March Smith on behalf of Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners (Smith, Paul) (Entered: 05/13/2010)
05/13/2010	<u>275</u>	NOTICE OF APPEARANCE by Peter Dante DeChiara on behalf of Directors Guild of America, Screen Actors Guild, American Federation of Television and Radio Artists, International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, AFL-CIO (DeChiara, Peter) (Entered: 05/13/2010)
05/13/2010	<u>276</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Directors Guild of America, Screen Actors Guild, American Federation of Television and Radio Artists, International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, AFL-CIO.(DeChiara, Peter) (Entered: 05/13/2010)

05/13/2010	<u>277</u>	BRIEF of <i>Amici Curiae</i> . Document filed by Directors Guild of America, Screen Actors Guild, American Federation of Television and Radio Artists, International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, AFL-CIO.(DeChiara, Peter) (Entered: 05/13/2010)
05/14/2010	278	TRANSCRIPT of proceedings held on May 3, 2010 at 3:15 pm before Judge Louis L. Stanton. (eef) (Entered: 05/14/2010)
05/14/2010	279	TRANSCRIPT of proceedings held on 5/3/2010 before Judge Louis L. Stanton. (ab) (Entered: 05/18/2010)
05/17/2010	<u>280</u>	MOTION for Russell J. Frackman to Appear Pro Hac Vice. Document filed by Washington Legal Foundation.(mbe) (Entered: 05/19/2010)
05/18/2010		CASHIERS OFFICE REMARK on <u>273</u> Motion to Appear Pro Hac Vice, in the amount of \$25.00, paid on 05/07/2010, Receipt Number 902731. (jd) (Entered: 05/18/2010)
05/19/2010	281	SEALED DOCUMENT placed in vault.(nm) (Entered: 05/19/2010)
05/21/2010	<u>282</u>	STIPULATION AND ORDER; that, consistent with the March 17, 2010 Stipulation and Order, the unsealing of materials relating to the parties' oppositions to summary judgment motions and certain documents from their motions for summary judgment in the above referenced actions shall be implemented as follows: (1) To the extent practicable and with the express exception of exhibits in a format that cannot be filed via ECF and overly voluminous exhibits (e.g., large Excel spreadsheets), the parties intend to file all materials related to the parties' summary judgment motions via simultaneous ECF submissions on Friday, May 21, 2010 at 1pm EDT with those portions of the materials the parties contend should remain under seal redacted; (2) To the extent any ECF "filing event" that occurs pursuant to Paragraph 1 would exceed 15 MB, the parties will, unless they are unable to, break it into subparts with subsequent parts clearly identified. Those materials shall remain on the ECF system to allow continued public access. (3) To extent the parties are unsealing certain additional documents from their summary judgment motions because redactions were approved by the Court or have been withdrawn, the parties shall only file those additional documents. (4) So as to further facilitate public access to the parties' summary judgment submissions, the parties shall also file a complete set of all materials related to the parties' summary judgment motions being filed via ECF on May 21, 2010, with those portions of the materials the parties contend should remain under seal redacted, manually with the Clerk of the Court in hard copy to the extent possible and CD/DVD as necessary, promptly after this Stipulation and Order is so-ordered by the Court, but in no event earlier than the filing in Paragraph 1; (5) The original materials filed under seal in connection with the parties' summary judgment motions shall remain under seal unless the Clerk of the Court is otherwise directed by the Court. SO ORDERED. (Signed by Judge Kimba M. Wood, Part I (signed at request of Judge Stanton's chambers), on 5/20/2010) (tve) (Entered: 05/21/2010)

05/21/2010	<u>283</u>	MEMORANDUM OF LAW in Opposition re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense.</i> Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>284</u>	MEMORANDUM OF LAW in Opposition re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims.</i> Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Kohlmann, Susan) (Entered: 05/21/2010)
05/21/2010	<u>285</u>	COUNTER STATEMENT TO <u>189</u> Rule 56.1 Statement. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Kohlmann, Susan) (Entered: 05/21/2010)
05/21/2010	<u>286</u>	RESPONSE in Opposition re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense. YouTube's Counterstatement to Viacom's Statement of Undisputed Facts.</i> Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>287</u>	RESPONSE in Opposition re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense. Defendants' Counterstatement To Class Plaintiffs' Statement of Uncontroverted Material Facts.</i> Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>288</u>	MEMORANDUM OF LAW in Support re: <u>249</u> MOTION to Strike.. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>289</u>	DECLARATION of David King in Opposition re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense.</i> Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 9)(Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>290</u>	DECLARATION of Micah Schaffer in Opposition re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense.</i> Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>291</u>	DECLARATION of Anthony Weibell in Opposition re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense.</i> Document filed by Youtube, Inc.,

		Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>292</u>	DECLARATION of Chad Hurley in Opposition re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense.</i> Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>293</u>	DECLARATION of Steve Chen in Opposition re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense.</i> Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>294</u>	DECLARATION of Christopher Maxcy in Opposition re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense.</i> Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>295</u>	DECLARATION of Zahavah Levine in Opposition re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense.</i> Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>296</u>	COUNTER STATEMENT TO 189 Rule 56.1 Statement. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Kohlmann, Susan) (Entered: 05/21/2010)
05/21/2010	<u>297</u>	DECLARATION of Brent Hurley in Opposition re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense.</i> Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>298</u>	DECLARATION of Michael Solomon in Opposition re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense.</i> Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>299</u>	DECLARATION of Michael Gordon in Opposition re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense.</i> Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>300</u>	DECLARATION of Andrew H. Schapiro in Opposition re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense.</i> Document filed by Youtube, Inc.,

		Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 1 - 15, # <u>2</u> Exhibit 16, Part 1, # <u>3</u> Exhibit 16, Part 2, # <u>4</u> Exhibit 16, Part 3, # <u>5</u> Exhibit 16, Part 4, # <u>6</u> Exhibit 16, Part 5)(Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>301</u>	Objection re: <u>221</u> Declaration in Support of Motion,, <u>196</u> Declaration in Support of Motion, <u>192</u> Declaration in Support of Motion, <u>211</u> Declaration in Support of Motion,, <u>197</u> Declaration in Support of Motion, <u>199</u> Declaration in Support of Motion, <u>200</u> Declaration in Support of Motion, <u>198</u> Declaration in Support of Motion, <u>194</u> Declaration in Support of Motion, <u>226</u> Declaration in Support of Motion,, <u>190</u> Declaration in Support of Motion, <u>195</u> Declaration in Support of Motion, <u>228</u> Declaration in Support of Motion, <u>215</u> Declaration in Support of Motion,, <u>216</u> Declaration in Support of Motion,, <u>213</u> Declaration in Support of Motion,, <u>227</u> Declaration in Support of Motion, <u>218</u> Declaration in Support of Motion,, <u>202</u> Declaration in Support of Motion, <u>223</u> Declaration in Support of Motion,, <u>220</u> Declaration in Support of Motion,, <u>207</u> Declaration in Support of Motion,, <i>/Viacom's Evidentiary Objections to and Motion to Strike Portions of Declarations Submitted in Support of Defendants' Motion for Summary Judgment</i> . Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Kohlmann, Susan) (Entered: 05/21/2010)
05/21/2010	<u>302</u>	DECLARATION of Andrew H. Schapiro, Group 2, Exhibit 16, Part 6 in Opposition re: <u>176</u> MOTION for Partial Summary Judgment <i>/Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 16, Part 7, # <u>2</u> Exhibit 16, Part 8, # <u>3</u> Exhibit 16, Part 9, # <u>4</u> Exhibit 16, Part 10, # <u>5</u> Exhibit 17 - 24)(Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>303</u>	DECLARATION of Andrew H. Schapiro, Group 3, Exhibit 25 - 38 in Opposition re: <u>176</u> MOTION for Partial Summary Judgment <i>/Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 39 - 45, # <u>2</u> Exhibit 46 - 59, # <u>3</u> Exhibit 60 - 63, # <u>4</u> Exhibit 64, Part 1, # <u>5</u> Exhibit 64, Part 2, # <u>6</u> Exhibit 65 - 68, # <u>7</u> Exhibit 69 - 77)(Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>304</u>	DECLARATION of Andrew H. Schapiro, Group 4, Exhibit 78, Part 1 in Opposition re: <u>176</u> MOTION for Partial Summary Judgment <i>/Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 78, Part 2, # <u>2</u> Exhibit 79 - 84, # <u>3</u> Exhibit 85 - 90) (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>305</u>	DECLARATION of Andrew H. Schapiro, Group 5, Exhibit 91, Part 1 in Opposition re: <u>176</u> MOTION for Partial Summary Judgment <i>/Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor</i>

		<i>Defense.. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 91, Part 2, # <u>2</u> Exhibit 91, Part 3, # <u>3</u> Exhibit 91, Part 4, # <u>4</u> Exhibit 91, Part 5, # <u>5</u> Exhibit 91, Part 6, # <u>6</u> Exhibit 92 - 104, # <u>7</u> Exhibit 105 -115)(Schapiro, Andrew) (Entered: 05/21/2010)</i>
05/21/2010	<u>306</u>	DECLARATION of Andrew H. Schapiro, Group 6, Exhibit 116 - 127 in Opposition re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense.. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 128, # <u>2</u> Exhibit 129 - 134, # <u>3</u> Exhibit 135 - 141, # <u>4</u> Exhibit 142 - 174, # <u>5</u> Exhibit 175 -194, # <u>6</u> Exhibit 195 - 204, # <u>7</u> Exhibit 205 - 214)(Schapiro, Andrew) (Entered: 05/21/2010)</i>
05/21/2010	<u>307</u>	DECLARATION of Andrew H. Schapiro, Group 7, Exhibit 215, Part 1 in Opposition re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense.. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 215, Part 2, # <u>2</u> Exhibit 215, Part 3, # <u>3</u> Exhibit 215, Part 4, # <u>4</u> Exhibit 215, Part 5, # <u>5</u> Exhibit 216 - 222, # <u>6</u> Exhibit 223 - 237)(Schapiro, Andrew) (Entered: 05/21/2010)</i>
05/21/2010	<u>308</u>	DECLARATION of Andrew H. Schapiro, Group 8, Exhibit 238 -259 in Opposition re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense.. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 260 - 272, # <u>2</u> Exhibit 273 - 285, # <u>3</u> Exhibit 286 - 288, # <u>4</u> Exhibit 289 - 296, # <u>5</u> Exhibit 297 - 310, # <u>6</u> Exhibit 311, Part 1, # <u>7</u> Exhibit 311, Part 2, # <u>8</u> Exhibit 312 - 314)(Schapiro, Andrew) (Entered: 05/21/2010)</i>
05/21/2010	<u>309</u>	DECLARATION of Andrew H. Schapiro, Group 9, Exhibit 315 -318 in Opposition re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense.. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 319 - 335, # <u>2</u> Exhibit 336, Part 1, # <u>3</u> Exhibit 336, Part 2, # <u>4</u> Exhibit 336, Part 3, # <u>5</u> Exhibit 337 - 345, # <u>6</u> Exhibit 346 - 368, # <u>7</u> Exhibit 369 - 373)(Schapiro, Andrew) (Entered: 05/21/2010)</i>
05/21/2010	<u>310</u>	DECLARATION of Andrew H. Schapiro, Group 10, Exhibit 374- 378 in Opposition re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense.. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 380 - 386, # <u>2</u> Exhibit 387 - 412, # <u>3</u> Exhibit 413 - 420, # <u>4</u> Exhibit 421 - 422, # <u>5</u> Exhibit 423, Part 1, # <u>6</u> Exhibit 423, Part 2, # <u>7</u> Exhibit 423, Part 3, # <u>8</u> Exhibit 424 -425)(Schapiro, Andrew) (Entered: 05/21/2010)</i>

05/21/2010	<u>311</u>	RESPONSE in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims. Defendants' Local Rule 56.1 Statement.</i> Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>312</u>	DECLARATION of Andrew H. Schapiro in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims.</i> Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>313</u>	DECLARATION of Michael Rubin in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims.</i> Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>314</u>	DECLARATION of Micah Schaffer in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims.</i> Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>315</u>	DECLARATION of Suzanne Reider in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims.</i> Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>316</u>	DECLARATION of Susan J. Kohlmann in Support re: <u>176</u> MOTION for Partial Summary Judgment <i>/Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense.</i> Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25, # <u>26</u> Exhibit 26, # <u>27</u> Exhibit 27, # <u>28</u> Exhibit 28, # <u>29</u> Exhibit 29)(Kohlmann, Susan) (Entered: 05/21/2010)
05/21/2010	<u>317</u>	DECLARATION of Susan J. Kohlmann/ Exhibits to Declaration of Susan J. Kohlmann in Support of Viacom's Opposition to Defendants' Motion for Summary Judgment in Support re: <u>284</u> Memorandum of Law in Opposition to Motion,. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Exhibit 30 - Part 1, # <u>2</u> Exhibit 30 - Part 2, # <u>3</u> Exhibit 30 - Part 3, # <u>4</u> Exhibit 30 -Part 4, # <u>5</u> Exhibit 30 - Part 5, # <u>6</u> Exhibit 31, # <u>7</u> Exhibit 32, # <u>8</u> Exhibit 33, # <u>9</u> Exhibit 34, # <u>10</u> Exhibit 35, # <u>11</u> Exhibit 36, # <u>12</u> Exhibit 37, # <u>13</u> Exhibit 38, # <u>14</u> Exhibit 39, # <u>15</u> Exhibit 40, # <u>16</u> Exhibit 41, # <u>17</u> Exhibit 42, # <u>18</u> Exhibit 43, # <u>19</u> Exhibit 44, # <u>20</u> Exhibit 45, # <u>21</u> Exhibit 46, # <u>22</u> Exhibit 47, # <u>23</u> Exhibit 48, # <u>24</u> Exhibit 49, # <u>25</u> Exhibit 50, # <u>26</u> Exhibit 51)(Kohlmann, Susan) (Entered: 05/21/2010)

05/21/2010	<u>318</u>	DECLARATION of Susan J. Kohlmann/ Exhibits to Declaration of Susan J. Kohlmann in Support of Viacom's Opposition to Defendants' Motion for Summary Judgment in Support re: <u>284</u> Memorandum of Law in Opposition to Motion,. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Exhibit 52, # <u>2</u> Exhibit 53, # <u>3</u> Exhibit 54, # <u>4</u> Exhibit 55, # <u>5</u> Exhibit 56, # <u>6</u> Exhibit 57, # <u>7</u> Exhibit 58, # <u>8</u> Exhibit 59, # <u>9</u> Exhibit 60, # <u>10</u> Exhibit 61, # <u>11</u> Exhibit 62 - Part 1, # <u>12</u> Exhibit 62 - Part 2, # <u>13</u> Exhibit 62 - Part 3, # <u>14</u> Exhibit 62 - Part 4, # <u>15</u> Exhibit 62 - Part 5, # <u>16</u> Exhibit 62 - Part 6, # <u>17</u> Exhibit 62 - Part 7, # <u>18</u> Exhibit 62 - Part 8, # <u>19</u> Exhibit 62 - Part 9, # <u>20</u> Exhibit 63, # <u>21</u> Exhibit 64, # <u>22</u> Exhibit 65, # <u>23</u> Exhibit 66, # <u>24</u> Exhibit 67, # <u>25</u> Exhibit 68, # <u>26</u> Exhibit 69, # <u>27</u> Exhibit 70, # <u>28</u> Exhibit 71, # <u>29</u> Exhibit 72, # <u>30</u> Exhibit 73, # <u>31</u> Exhibit 74, # <u>32</u> Exhibit 75, # <u>33</u> Exhibit 76, # <u>34</u> Exhibit 77, # <u>35</u> Exhibit 78, # <u>36</u> Exhibit 79, # <u>37</u> Exhibit 80)(Kohlmann, Susan) (Entered: 05/21/2010)
05/21/2010	<u>319</u>	DECLARATION of Susan J. Kohlmann/ Exhibits to Declaration of Susan J. Kohlmann in Support of Viacom's Opposition to Defendants' Motion for Summary Judgment in Support re: <u>284</u> Memorandum of Law in Opposition to Motion,. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Exhibit 81, # <u>2</u> Exhibit 82, # <u>3</u> Exhibit 83, # <u>4</u> Exhibit 84, # <u>5</u> Exhibit 85, # <u>6</u> Exhibit 86, # <u>7</u> Exhibit 87, # <u>8</u> Exhibit 88, # <u>9</u> Exhibit 89, # <u>10</u> Exhibit 90, # <u>11</u> Exhibit 91, # <u>12</u> Exhibit 92, # <u>13</u> Exhibit 93)(Kohlmann, Susan) (Entered: 05/21/2010)
05/21/2010	<u>320</u>	DECLARATION of Declaration of Scott B. Wilkens in Support of Viacom's Opposition to Defendants' Motion for Summary Judgment in Support re: <u>284</u> Memorandum of Law in Opposition to Motion,. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25, # <u>26</u> Exhibit 26, # <u>27</u> Exhibit 27, # <u>28</u> Exhibit 28, # <u>29</u> Exhibit 29, # <u>30</u> Exhibit 30, # <u>31</u> Exhibit 31, # <u>32</u> Exhibit 32, # <u>33</u> Exhibit 33, # <u>34</u> Exhibit 34, # <u>35</u> Exhibit 35, # <u>36</u> Exhibit 36, # <u>37</u> Exhibit 37, # <u>38</u> Exhibit 38, # <u>39</u> Exhibit 39, # <u>40</u> Exhibit 40, # <u>41</u> Exhibit 41, # <u>42</u> Exhibit 42, # <u>43</u> Exhibit 43, # <u>44</u> Exhibit 44, # <u>45</u> Exhibit 45, # <u>46</u> Exhibit 46)(Kohlmann, Susan) (Entered: 05/21/2010)
05/21/2010	<u>321</u>	DECLARATION of Andrew H. Schapiro, Group 11, Exhibit 379 in Opposition re: <u>176</u> MOTION for Partial Summary Judgment /Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense.. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 05/21/2010)

05/21/2010	<u>322</u>	RULE 56.1 STATEMENT. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Kohlmann, Susan) (Entered: 05/21/2010)
05/21/2010	<u>323</u>	DECLARATION of William M. Hohengarten/ Additional Unsealed Exhibits to the Declaration of William M. Hohengarten in Support of Viacom's Motion for Partial Summary Judgment in Support re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense.</i> . Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Exhibit 38, # <u>2</u> Exhibit 76, # <u>3</u> Exhibit 78, # <u>4</u> Exhibit 79, # <u>5</u> Exhibit 80, # <u>6</u> Exhibit 83, # <u>7</u> Exhibit 86, # <u>8</u> Exhibit 110, # <u>9</u> Exhibit 113, # <u>10</u> Exhibit 137, # <u>11</u> Exhibit 182, # <u>12</u> Exhibit 192, # <u>13</u> Exhibit 193, # <u>14</u> Exhibit 194, # <u>15</u> Exhibit 195, # <u>16</u> Exhibit 197, # <u>17</u> Exhibit 198, # <u>18</u> Exhibit 201, # <u>19</u> Exhibit 202, # <u>20</u> Exhibit 292, # <u>21</u> Exhibit 301)(Hohengarten, William) (Entered: 05/21/2010)
05/21/2010	<u>324</u>	DECLARATION of William M. Hohengarten/ Additional Unsealed Exhibits to the Declaration of William M. Hohengarten in Support of Viacom's Motion for Partial Summary Judgment in Support in Support re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense.</i> . Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Exhibit 312 - Part 1, # <u>2</u> Exhibit 312 - Part 2, # <u>3</u> Exhibit 312 - Part 3, # <u>4</u> Exhibit 313, # <u>5</u> Exhibit 315 - Part 1, # <u>6</u> Exhibit 315 - Part 2, # <u>7</u> Exhibit 315 - Part 3)(Hohengarten, William) (Entered: 05/21/2010)
05/21/2010	<u>325</u>	DECLARATION of William M. Hohengarten/ Additional Unsealed Exhibits to the Declaration of William M. Hohengarten in Support of Viacom's Motion for Partial Summary Judgment in Support in Support re: <u>176</u> MOTION for Partial Summary Judgment / <i>Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense.</i> . Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Exhibit 322, # <u>2</u> Exhibit 323, # <u>3</u> Exhibit 338, # <u>4</u> Exhibit 374, # <u>5</u> Exhibit 376, # <u>6</u> Exhibit 377)(Hohengarten, William) (Entered: 05/21/2010)
05/25/2010		CASHIERS OFFICE REMARK on <u>280</u> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 05/17/2010, Receipt Number 904254. (jd) (Entered: 05/25/2010)
05/26/2010	326	VOLUME 1: EXHIBITS 1-75 (attached to the Declaration of Andrew H. Schapiro in support of defendants' opposition to plaintiffs' motions for partial summary judgment and defendants' objections to evidence and motion to strike material from Viacom's summary judgment submissions and putative class plaintiffs' Rule 56.1 statement). Document filed by the defendants.

		***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238.(mro) (Entered: 05/26/2010)
05/26/2010	327	VOLUME 2: EXHIBITS 76-116 (attached to the Declaration of Andrew H. Schapiro in support of defendants' opposition to plaintiffs' motions for partial summary judgment and defendants' objections to evidence and motion to strike material from Viacom's summary judgment submissions and putative class plaintiffs' Rule 56.1 statement). Document filed by the defendants. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. (mro) (Entered: 05/26/2010)
05/26/2010	328	VOLUME 3: EXHIBITS 117-150(attached to the Declaration of Andrew H. Schapiro in support of defendants' opposition to plaintiffs' motions for partial summary judgment and defendants' objections to evidence and motion to strike material from Viacom's summary judgment submissions and putative class plaintiffs' Rule 56.1 statement). Document filed by the defendants. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. (mro) (Entered: 05/26/2010)
05/26/2010	329	VOLUME 4: EXHIBITS 151-210(attached to the Declaration of Andrew H. Schapiro in support of defendants' opposition to plaintiffs' motions for partial summary judgment and defendants' objections to evidence and motion to strike material from Viacom's summary judgment submissions and putative class plaintiffs' Rule 56.1 statement). Document filed by the defendants. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238.(mro) (Entered: 05/26/2010)
05/26/2010	330	VOLUME 5: EXHIBITS 211-230(attached to the Declaration of Andrew H. Schapiro in support of defendants' opposition to plaintiffs' motions for partial summary judgment and defendants' objections to evidence and motion to strike material from Viacom's summary judgment submissions and putative class plaintiffs' Rule 56.1 statement). Document filed by the defendants. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238.(mro) (Entered: 05/26/2010)
05/26/2010	331	VOLUME 6: EXHIBITS 231-275(attached to the Declaration of Andrew H. Schapiro in support of defendants' opposition to plaintiffs' motions for partial summary judgment and defendants' objections to evidence and motion to strike material from Viacom's summary judgment submissions and putative class plaintiffs' Rule 56.1 statement). Document filed by the defendants. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. (mro) (Entered: 05/26/2010)
05/26/2010	332	VOLUME 7: EXHIBITS 276-312(attached to the Declaration of Andrew H. Schapiro in support of defendants' opposition to plaintiffs' motions for partial summary judgment and defendants' objections to evidence and motion to strike material from Viacom's summary judgment submissions and putative class plaintiffs' Rule 56.1 statement). Document filed by the defendants. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238.(mro) Modified on 5/26/2010 (mro). (Entered: 05/26/2010)

05/26/2010	333	VOLUME 8: EXHIBITS 313-349(attached to the Declaration of Andrew H. Schapiro in support of defendants' opposition to plaintiffs' motions for partial summary judgment and defendants' objections to evidence and motion to strike material from Viacom's summary judgment submissions and putative class plaintiffs' Rule 56.1 statement). Document filed by the defendants. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. (mro) (Entered: 05/26/2010)
05/26/2010	334	VOLUME 9: EXHIBITS 350-425(attached to the Declaration of Andrew H. Schapiro in support of defendants' opposition to plaintiffs' motions for partial summary judgment and defendants' objections to evidence and motion to strike material from Viacom's summary judgment submissions and putative class plaintiffs' Rule 56.1 statement). Document filed by the defendants. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. (mro) (Entered: 05/26/2010)
05/26/2010	335	DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTIONS FOR PARTIAL SUMMARY JUDGMENT. Document filed by the defendants. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. (mro) (Entered: 05/26/2010)
05/26/2010	336	DECLARATION OF ANDREW H. SCHAPIRO IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTIONS FOR PARTIAL SUMMARY JUDGMENT AND DEFENDANTS' OBJECTIONS TO EVIDENCE AND MOTION TO STRIKE MATERIAL FROM VIACOM'S SUMMARY JUDGMENT SUBMISSIONS AND PUTATIVE CLASS PLAINTIFFS' RULE 56.1 STATEMENT. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. (mro) (Entered: 05/26/2010)
05/26/2010	337	DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT OF OBJECTIONS TO EVIDENCE AND MOTION TO STRIKE MATERIAL FROM VIACOM'S SUMMARY JUDGMENT SUBMISSIONS AND PUTATIVE CLASS PLAINTIFFS' RULE 56.1 STATEMENT. Document filed by the defendants. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. (mro) (Entered: 05/26/2010)
05/26/2010	338	DECLARATION OF DAVID KING IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTIONS FOR SUMMARY JUDGMENT.***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. (mro) (Entered: 05/26/2010)
05/26/2010	339	DECLARATION OF CHAD HURLEY SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTIONS FOR PARTIAL SUMMARY JUDGMENT. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. (mro) (Entered: 05/26/2010)
05/26/2010	340	DEFENDANTS' COUNTER STATEMENT TO CLASS PLAINTIFFS' STATEMENT OF UNCONTROVERTED MATERIAL FACTS IN SUPPORT OF THEIR MOTION FOR PARTIAL SUMMARY JUDGMENT. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. (mro) (Entered: 05/26/2010)

05/26/2010	<u>341</u>	DECLARATION OF MICAH SCHAFER IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. (mro) (Entered: 05/26/2010)
05/26/2010	<u>342</u>	YOUTUBE'S COUNTER STATEMENT TO VIACOM'S STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT ON LIABILITY AND INAPPLICABILITY OF THE DIGITAL MILLENNIUM COPYRIGHT ACT SAFE HARBOR DEFENSE. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. (mro) (Entered: 05/26/2010)
05/26/2010	<u>343</u>	NOTICE OF APPEARANCE by Asim M. Bhansali on behalf of eBay, Inc., Facebook, Inc., IAC/Interactivecorp, Yahoo! Inc. (Bhansali, Asim) (Entered: 05/26/2010)
05/26/2010	<u>344</u>	MOTION for Leave to File Brief. Document filed by eBay, Inc., Facebook, Inc., IAC/Interactivecorp, Yahoo! Inc..(Bhansali, Asim) (Entered: 05/26/2010)
05/26/2010	<u>345</u>	DECLARATION of Michael S. Kwun in Support re: <u>344</u> MOTION for Leave to File Brief.. Document filed by eBay, Inc., Facebook, Inc., IAC/Interactivecorp, Yahoo! Inc.. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Bhansali, Asim) (Entered: 05/26/2010)
05/26/2010	<u>346</u>	BRIEF of Amici Curiae eBay Inc., Facebook, Inc., IAC/Interactivecorp, and Yahoo! Inc. in Support of Defendants. Document filed by eBay, Inc., Facebook, Inc., IAC/Interactivecorp, Yahoo! Inc..(Bhansali, Asim) (Entered: 05/26/2010)
05/26/2010	<u>347</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by eBay, Inc., Facebook, Inc., IAC/Interactivecorp, Yahoo! Inc..(Bhansali, Asim) (Entered: 05/26/2010)
05/27/2010	<u>348</u>	MEMO ENDORSED granted, no opposition re <u>273</u> Motion for Clifford M. Sloan to Appear Pro Hac Vice. (Signed by Judge Louis L. Stanton on 5/27/10) (cd) (Entered: 05/27/2010)
05/28/2010	<u>349</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Leave to File Amicus Brief. Document filed by The Sideshow Coalition. (Attachments: # <u>1</u> Affidavit of Eric J. Grannis, # <u>2</u> Exhibit Amicus Brief of the Sideshow Coalition)(Grannis, Eric) Modified on 6/1/2010 (db). (Entered: 05/28/2010)
05/28/2010		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Eric Joseph Grannis to RE-FILE Document <u>349</u> MOTION for Leave to File Amicus Brief. ERROR(S): Supporting Documents (Declaration in Support and Memorandum of Law in Support) are filed separately, each getting there own Document #. ***REMINDER*** - First Re-File Motion, then file and link any supporting documents - found under the Event Type Replies, Opposition and Supporting Documents. (db) (Entered: 06/01/2010)
06/01/2010	<u>350</u>	MOTION for Leave to File Amicus Brief. Document filed by The Sideshow

		Coalition.(Grannis, Eric) (Entered: 06/01/2010)
06/01/2010	<u>351</u>	DECLARATION of Eric J. Grannis in Support re: <u>350</u> MOTION for Leave to File Amicus Brief.. Document filed by The Sideshow Coalition. (Grannis, Eric) (Entered: 06/01/2010)
06/01/2010	<u>352</u>	BRIEF of Amicus Curiae The Sideshow Coalition in Support of Defendants. Document filed by The Sideshow Coalition.(Grannis, Eric) (Entered: 06/01/2010)
06/04/2010	353	SEALED DOCUMENT placed in vault.(nm) (Entered: 06/07/2010)
06/04/2010	355	SEALED DOCUMENT placed in vault.(nm) (Entered: 06/07/2010)
06/07/2010	<u>354</u>	STIPULATION AND ORDER STIPULATED HIGHLY CONFIDENTIAL FILED UNDER SEAL...regarding procedures to be followed that shall govern the handling of confidential material...SO ORDERED. (Signed by Judge Louis L. Stanton on 6/7/2010) (jmi) Modified on 6/22/2010 (jmi). (Entered: 06/07/2010)
06/08/2010	<u>356</u>	MEMO ENDORSED ON NOTICE OF MOTION FOR ADMISSION PRO HAC VICE OF RUSSELL J. FRACKMAN: ENDORSEMENT: Granted. No opposition. So Ordered (Signed by Judge Louis L. Stanton on 6/7/2010) (js) (Entered: 06/08/2010)
06/11/2010	<u>357</u>	MOTION for Matthew W. Alsdorf to Withdraw as Attorney. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Kohlmann, Susan) (Entered: 06/11/2010)
06/14/2010	<u>358</u>	MEMO ENDORSEMENT on re: <u>344</u> Motion for Leave to File Document. ENDORSEMENT: Granted. No opposition. So Ordered. (Signed by Judge Louis L. Stanton on 6/14/2010) (jfe) (Entered: 06/14/2010)
06/14/2010	<u>359</u>	MEMO ENDORSEMENT on re: <u>357</u> Motion to Withdraw as Attorney. Attorney Matthew William Alsdorf terminated. ENDORSEMENT: Leave granted. So Ordered. (Signed by Judge Louis L. Stanton on 6/14/2010) (jfe) (Entered: 06/14/2010)
06/14/2010	360	SEALED DOCUMENT placed in vault.(nm) (Entered: 06/15/2010)
06/15/2010	361	SEALED DOCUMENT placed in vault.(nm) (Entered: 06/15/2010)
06/18/2010	<u>362</u>	ORDER granting <u>350</u> Motion for Leave to File Document. ENDORSEMENT: granted. No opposition. So Ordered.(Signed by Judge Louis L. Stanton on 6/18/2010) (jmi) (Entered: 06/18/2010)
06/23/2010	<u>363</u>	STIPULATION AND ORDER: It is hereby stipulated and agreed by and between the parties that, consistent with the March 17, 2010 and May 21, 2010 Stipulations and Orders, the unsealing of materials relating to the parties' replies to summary judgment motions and certain documents from their motions for summary judgment motions in the above referenced actions shall be implemented as set forth in this Stipulation and Order. (Signed by Judge Louis L. Stanton on 6/23/2010) (jpo) (Entered: 06/23/2010)

06/23/2010	<u>364</u>	OPINION AND ORDER: #99090 Defendants are granted summary judgment that they qualify for the protection of 17 U. S. C. § 512 (c), as expounded above, against all of plaintiffs' claims for direct and secondary copyright infringement. Plaintiffs' motions for judgment are denied. The parties shall meet and confer about any issues requiring judicial attention remaining in these cases, and submit a report (jointly, if possible) by July 14, 2010. (Signed by Judge Louis L. Stanton on 6/23/2010) (jpo) Modified on 6/24/2010 (ajc). Modified on 6/30/2010 (jpo). (Entered: 06/23/2010)
06/23/2010		Set Deadlines/Hearings:(Status Report due by 7/14/2010.) (jpo) (Entered: 06/23/2010)
06/25/2010	<u>365</u>	REPLY MEMORANDUM OF LAW in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims.</i> . Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>366</u>	REPLY TO CLASS PLAINTIFFS' COUNTERSTATEMENT OF CONTROVERTED MATERIAL FACTS IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>367</u>	REPLY MEMORANDUM OF LAW in Support re: <u>176</u> MOTION for Partial Summary Judgment <i>/Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense. / Viacom's Reply Memorandum of Law in Support of Viacom's Motion for Partial Summary Judgment.</i> Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Kohlmann, Susan) (Entered: 06/25/2010)
06/25/2010	<u>368</u>	REPLY TO VIACOM'S COUNTER-STATEMENT IN RESPONSE TO DEFENDANTS' LOCAL RULE 56.1 STATEMENT IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT & RESPONSE TO VIACOM'S SUPPLEMENTAL COUNTER-STATEMENT. Document filed by Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>369</u>	DECLARATION of DAVID KING in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims.</i> . Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>370</u>	REPLY re: <u>286</u> Response in Opposition to Motion,. Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Kohlmann, Susan) (Entered: 06/25/2010)
06/25/2010	<u>371</u>	DECLARATION of ANDREW H. SCHAPIRO in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims.</i> . Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 1 - 3, # <u>2</u> Exhibit 4 - 12, # <u>3</u> Exhibit 13 - 17, # <u>4</u> Exhibit 18 Part 1, # <u>5</u> Exhibit 18 Part 2, # <u>6</u> Exhibit 19 -

		32, # <u>7</u> Exhibit 33 - 41, # <u>8</u> Exhibit 42 Part 1)(Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>372</u>	Objection re: <u>292</u> Declaration in Opposition to Motion, <u>289</u> Declaration in Opposition to Motion, <u>300</u> Declaration in Opposition to Motion,, <u>294</u> Declaration in Opposition to Motion, <u>293</u> Declaration in Opposition to Motion, / <i>Viacom's Evidentiary Objections to Portions of Declarations Submitted in Support of Defendants' Opposition to Viacom's Motion for Partial Summary Judgment</i> . Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Kohlmann, Susan) (Entered: 06/25/2010)
06/25/2010	<u>373</u>	DECLARATION of ANDREW H. SCHAPIRO in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 43 - 55, # <u>2</u> Exhibit 56 - 62, # <u>3</u> Exhibit 63 - 64, # <u>4</u> Exhibit 65 - 72, # <u>5</u> Exhibit 73 Part 1, # <u>6</u> Exhibit 73 Part 2)(Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>374</u>	DECLARATION of Scott B. Wilkens in Support re: <u>367</u> Reply Memorandum of Law in Support of Motion,, Document filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, Comedy Partners. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14)(Kohlmann, Susan) (Entered: 06/25/2010)
06/25/2010	<u>375</u>	DECLARATION of ANDREW H. SCHAPIRO in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 73 Part 4, # <u>2</u> Exhibit 73 Part 5, # <u>3</u> Exhibit 73 Part 6, # <u>4</u> Exhibit 73 Part 7, # <u>5</u> Exhibit 74 - 91)(Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>376</u>	DECLARATION of ANDREW H. SCHAPIRO in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 96 - 109, # <u>2</u> Exhibit 110 Part 1, # <u>3</u> Exhibit 110 Part 2, # <u>4</u> Exhibit 110 Part 3, # <u>5</u> Exhibit 110 Part 4) (Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>377</u>	DECLARATION of ANDREW H. SCHAPIRO in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 110 Part 6, # <u>2</u> Exhibit 111 - 134, # <u>3</u> Exhibit 136 - 146, # <u>4</u> Exhibit 147 Part 1, # <u>5</u> Exhibit 147 Part 2, # <u>6</u> Exhibit 148 - 155, # <u>7</u> Exhibit 156 - 161, # <u>8</u> Exhibit 162 - 198)(Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>378</u>	DECLARATION of MICHAEL RUBIN in Support re: <u>177</u> MOTION for

		Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 1 - 6, # <u>2</u> Exhibit 7 Part 1, # <u>3</u> Exhibit 7 Part 2, # <u>4</u> Exhibit 7 Part 3, # <u>5</u> Exhibit 7 Part 4, # <u>6</u> Exhibit 7 Part 5, # <u>7</u> Exhibit 7 Part 6)(Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>379</u>	DECLARATION of MICHAEL RUBIN in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 16 - 17, # <u>2</u> Exhibit 18 - 26, # <u>3</u> Exhibit 27 - 30, # <u>4</u> Exhibit 31 - 42, # <u>5</u> Exhibit 43 - 44, # <u>6</u> Exhibit 45 - 71) (Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>380</u>	DECLARATION of MICHAEL RUBIN in Support re: <u>177</u> MOTION for Summary Judgment <i>Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 162 - 177, # <u>2</u> Exhibit 178 - 180, # <u>3</u> Exhibit 181 - 184, # <u>4</u> Exhibit 185, # <u>5</u> Exhibit 186 - 191, # <u>6</u> Exhibit 192 - 355)(Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>381</u>	DECLARATION of ANDREW H. SCHAPIRO in Opposition re: <u>176</u> MOTION for Partial Summary Judgment <i>/Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Attachments: # <u>1</u> Exhibit 117, # <u>2</u> Exhibit 213, # <u>3</u> Exhibit 267 and 360)(Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>382</u>	MEMORANDUM OF LAW in Opposition re: <u>176</u> MOTION for Partial Summary Judgment <i>/Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense</i> .. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (Schapiro, Andrew) (Entered: 06/25/2010)
06/28/2010	383	REPLY MEMORANDUM OF LAW in Support of Class Plaintiffs' Motion for Partial Summary Judgment dismissing defendants' first defense(DMCA Safe Harbor Defense). Document filed by class plaintiffs. ***Accepted for filing by the Honorable Louis L. Stanton on 6/23/10 (document number 363). (mro) (Entered: 06/29/2010)
06/30/2010	384	(REDACTED PUBLIC VERSION) REPLY MEMORANDUM OF LAW in Support of Defendants' Motion for Summary Judgment. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc. (mbe) (Entered: 07/06/2010)
06/30/2010	385	(REDACTED PUBLIC VERSION) REPLY to Class plaintiffs' counter-statement of controverted material facts in Opposition to defendants' Motion for Summary Judgment. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc. (mbe) (Entered: 07/06/2010)
06/30/2010	386	(REDACTED PUBLIC VERSION) DECLARATION of David King in Support of Defendants' motion for Summary Judgment. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc. (mbe) (Entered: 07/06/2010)

06/30/2010	387	(REDACTED PUBLIC VERSION) REPLY DECLARATION of Michael Rubin in Support of defendants' motion for Summary Judgment. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc. (mbe) (Entered: 07/06/2010)
06/30/2010	388	(REDACTED PUBLIC VERSION) DECLARATION of Andrew H. Schapiro in Support of defendants' motion for Summary Judgment. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc. (mbe) (Entered: 07/06/2010)
06/30/2010	389	(REDACTED PUBLIC VERSION) REPLY to Viacom's counter-statement in response to defendants' Local Rule 56.1 Statement in Support of defendants' motion for Summary Judgment & Response to Viacom's Supplemental Counter-Statement. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc. (mbe) (Entered: 07/06/2010)
06/30/2010	390	(REDACTED PUBLIC VERSION) REPLY DECLARATION of Michael Rubin in Support of defendants' Motion for Summary Judgment. (Volume 1: Exhibits 1-50) Document filed by Youtube, Inc., Youtube, LLC, Google, Inc. (mbe) (Entered: 07/06/2010)
06/30/2010	391	(REDACTED PUBLIC VERSION) REPLY DECLARATION of Michael Rubin in Support of defendants' Motion for Summary Judgment. (Volume 2: Exhibits 51-355). Document filed by Youtube, Inc., Youtube, LLC, Google, Inc. (mbe) (Entered: 07/06/2010)
06/30/2010	392	(REDACTED PUBLIC VERSION) DECLARATION of Andrew H. Schapiro in Support of defendants' motion for Summary Judgment. (Volume 1: Exhibits 1-50) Document filed by Youtube, Inc., Youtube, LLC, Google, Inc. (mbe) (Entered: 07/06/2010)
06/30/2010	393	(REDACTED PUBLIC VERSION) DECLARATION of Andrew H. Schapiro in Support of defendants' motion for Summary Judgment. (Volume 2: Exhibits 51-80. Document filed by Youtube, Inc., Youtube, LLC, Google, Inc.. (mbe) (Entered: 07/06/2010)
06/30/2010	394	(REDACTED PUBLIC VERSION) DECLARATION of Andrew H. Schapiro in Support of defendants' motion for Summary Judgment. (Volume 3: Exhibits 81-198). Document filed by Youtube, Inc., Youtube, LLC, Google, Inc. (mbe) (Entered: 07/06/2010)
07/29/2010	<u>395</u>	RULING ON VIACOM'S DISPUTED PRIVILEGE CLAIMS; I have considered the parties' submissions regarding the two claims of privilege asserted by Viacom. In sequence, the decisive issue in each claim is disposed of in the manner that is set forth in this Order. (Signed by Judge Louis L. Stanton on 7/28/10) (pl) (Entered: 07/29/2010)
07/30/2010	<u>396</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from William F. Bly dated 6/30/10 re: The enclosed documents submitted in response to the Court's Order of March 5, 2010, regarding the unsealing of documents. ENDORSEMENT: I have reviewed the documents and proposed redactions submitted with this letter. The redactions are narrowly tailored, fully justified, approved and shall remain in effect. So ordered. (Signed by Judge Louis L.

		Stanton on 7/29/10) (rjm) (Entered: 07/30/2010)
07/30/2010	<u>397</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Philip M. Kelly dated 7/1/10 re: BayTSP respectfully requests that the Court maintain the Confidential Document under seal. ENDORSEMENT: Because of the prospect that its disclosure may reveal anti-piracy methods, this document (Exhibit 33 to the Schapiro Declaration in support of Google's Reply Brief) shall remain sealed. So ordered. (Signed by Judge Louis L. Stanton on 7/29/10) (rjm) (Entered: 07/30/2010)
08/03/2010	<u>398</u>	ORDER re redactions proposed by the plaintiffs with respect to confidential personal and business information contained in submissions filed in support of Defendants' Opposition to Plaintiffs' motions for Partial Summary Judgment et al: I have determined that the protection of the value of this private, proprietary and commercially sensitive information to its owners clearly outweighs any countervailing public interest in its disclosure to the general public and to competitors, and as further set forth in this document. (Signed by Judge Louis L. Stanton on 8/3/10) (cd) (Entered: 08/03/2010)
08/04/2010	<u>399</u>	ORDER After examining the redactions proposed by the defendants with respect to confidential personal and business information contained in submissions filed in support of Defendants' Opposition to Plaintiffs' Motions for Partial Summary Judgment, Viacom's Opposition to Defendants' Motion for Summary Judgment, Class Plaintiffs' Opposition to Defendants' Motion for Summary Judgment, Defendants' Reply in Support of Defendants' Motion for Summary Judgment, Viacom's Reply in Support of Viacom's Motion for Partial Summary Judgment, and Class Plaintiffs' Reply Motion for Partial Summary Judgment - together with the reasons given for continued confidential treatment of the designated material, I have determined that the protection of the value of this private, proprietary and commercially sensitive information to its owners clearly outweighs any countervailing public interest in its disclosure to the general public and to competitors, and justifies its redaction, together with personally identifiable matter such as addresses, telephone and account numbers, family and personal affairs and similar information, publicly filed and disclosed. So ordered. (Signed by Judge Louis L. Stanton on 8/4/2010) (jmi) (Entered: 08/04/2010)
08/10/2010	<u>400</u>	STIPULATION AND ORDER: The parties have met and conferred and reach a stipulated resolution regarding the treatment of removed videos, as further set forth in this Order. (Signed by Judge Louis L. Stanton on 8/9/2010) (tro) (Entered: 08/10/2010)
08/10/2010	<u>401</u>	FINAL JUDGMENT that for the reasons set forth in the Court's Opinion and Order dated June 23, 2010, judgment is entered for Defendants and against Plaintiffs on all of Plaintiffs' claims. (Signed by Judge Louis L. Stanton on 8/9/10) (Attachments: # <u>1</u> notice of right to appeal)(ml) (Entered: 08/10/2010)
08/10/2010		***DELETED DOCUMENT. Deleted document number <u>402</u> Final Judgment. The document was incorrectly filed in this case. (ml) (Entered: 08/10/2010)
08/11/2010	<u>402</u>	NOTICE OF APPEAL from <u>364</u> Memorandum & Opinion,, <u>401</u> Judgment,.

		Document filed by Black Entertainment Television, LLC, Comedy Partners, Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc.. Filing fee \$ 455.00, receipt number E 911709. (nd) (Entered: 08/11/2010)
08/11/2010		Transmission of Notice of Appeal to the District Judge re: <u>402</u> Notice of Appeal,. (nd) (Entered: 08/11/2010)
08/11/2010		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>402</u> Notice of Appeal,. (nd) (Entered: 08/11/2010)
08/11/2010		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>4</u> Summons Returned Executed, filed by Country Music Television, Inc., Paramount Pictures Corporation, Comedy Partners, Viacom International, Inc., Black Entertainment Television, LLC, <u>347</u> Rule 7.1 Corporate Disclosure Statement filed by IAC/Interactivecorp, Facebook, Inc., Yahoo! Inc., eBay, Inc., <u>221</u> Declaration in Support of Motion,, filed by Youtube, LLC, Youtube, Inc., Google, Inc., <u>196</u> Declaration in Support of Motion, filed by Youtube, LLC, Youtube, Inc., Google, Inc., <u>369</u> Declaration in Support of Motion filed by Youtube, LLC, Youtube, Inc., Google, Inc., <u>375</u> Declaration in Support of Motion, filed by Youtube, LLC, Youtube, Inc., Google, Inc., <u>284</u> Memorandum of Law in Opposition to Motion, filed by Country Music Television, Inc., Paramount Pictures Corporation, Comedy Partners, Viacom International, Inc., Black Entertainment Television, LLC, <u>265</u> Rule 7.1 Corporate Disclosure Statement,, filed by NBC Universal, Inc., Disney Enterprises, Inc., Broadcast Music, Inc., Picture Archive Council Of America, Warner Bros. Entertainment Inc., SESAC, Inc., American Society of Composers, Authors And Publishers, Zuffa, LLC, Center For The Rule Of Law, Association Of American Publishers, Rosetta Stone Ltd., The Media Institute, Institute For Policy Innovation, Professional Photographers of America, <u>197</u> Declaration in Support of Motion filed by Youtube, Inc., Google, Inc., Youtube, LLC, <u>5</u> Summons Returned Executed, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, <u>22</u> Notice of Appearance filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, <u>199</u> Declaration in Support of Motion filed by Youtube, Inc., Google, Inc., Youtube, LLC, <u>133</u> Letter, <u>381</u> Declaration in Opposition to Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, <u>83</u> Declaration in Opposition to Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, <u>1</u> Complaint, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, <u>203</u> Declaration in Support of Motion filed by Youtube, Inc., Google, Inc., Youtube, LLC, <u>47</u> Notice of Appeal filed by Sandra Ann Bradshaw Lucas-Morrow, <u>73</u> Notice of Appearance filed by Youtube, Inc., Google, Inc., Youtube, LLC, <u>62</u> Stipulation and Order, <u>325</u> Declaration in Support of Motion,, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, <u>200</u> Declaration in Support of Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, <u>152</u> MOTION for Melissa A. Cox to Withdraw as

Attorney. filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 344 MOTION for Leave to File Brief. filed by IAC/Interactivecorp, Facebook, Inc., Yahoo! Inc., eBay, Inc., 343 Notice of Appearance filed by IAC/Interactivecorp, Facebook, Inc., Yahoo! Inc., eBay, Inc., 18 Notice of Appearance filed by Youtube, Inc., Google, Inc., Youtube, LLC, 19 Notice of Appearance filed by Youtube, Inc., Google, Inc., Youtube, LLC, 370 Reply filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 321 Declaration in Opposition to Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 185 Stipulation and Order,,,,,, 48 MOTION for Rebecca Weinstein Bacon to Appear Pro Hac Vice. filed by Youtube, Inc., Google, Inc., Youtube, LLC, 38 Order on Motion to Appear Pro Hac Vice, 371 Declaration in Support of Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 209 Declaration in Support of Motion,,, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 188 Memorandum of Law in Support of Motion filed by Youtube, Inc., Google, Inc., Youtube, LLC, 358 Order on Motion for Leave to File Document, 58 Scheduling Order, 306 Declaration in Opposition to Motion,, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 107 Protective Order, 191 Declaration in Support of Motion,,, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 167 Endorsed Letter,, 168 Endorsed Letter,, 300 Declaration in Opposition to Motion,, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 64 Notice of Appearance filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 23 MOTION for Carrie A. Jablonski to Appear Pro Hac Vice. filed by Youtube, Inc., Google, Inc., Youtube, LLC, 268 Brief, filed by NBC Universal, Inc., Disney Enterprises, Inc., Broadcast Music, Inc., Picture Archive Council Of America, Warner Bros. Entertainment Inc., SESAC, Inc., American Society of Composers, Authors And Publishers, Zuffa, LLC, Center For The Rule Of Law, Association Of American Publishers, Rosetta Stone Ltd., The Media Institute, Institute For Policy Innovation, Professional Photographers of America, 35 MOTION for Bart E. Volkmer to Appear Pro Hac Vice. filed by Youtube, Inc., Google, Inc., Youtube, LLC, 315 Declaration in Support of Motion filed by Youtube, Inc., Google, Inc., Youtube, LLC, 213 Declaration in Support of Motion,, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 125 MOTION for Melissa A. Cox to Appear Pro Hac Vice. filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 102 Endorsed Letter, 166 Endorsed Letter, Set Deadlines/Hearings,, 41 Order, 399 Order,,,,, 320 Declaration in Support,,,,, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 274 Notice of Appearance filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 90 CROSS MOTION for Protective Order. filed by Youtube, Inc.,

Google, Inc., Youtube, LLC, 165 Endorsed Letter,, 230 Endorsed Letter, 120 Stipulation and Order, 79 Endorsed Letter, Set Scheduling Order Deadlines,, 258 MOTION for Leave to File brief of amicus curiae. filed by Washington Legal Foundation, 127 Notice of Change of Address, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 3 Notice of Appearance filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 249 MOTION to Strike. filed by Youtube, Inc., Google, Inc., Youtube, LLC, 108 Notice of Change of Address, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 214 Declaration in Support of Motion,,,,,,, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 253 Memo Endorsement, 237 MOTION to File Amicus Brief. filed by American Library Association, et al., 261 Declaration in Support of Motion filed by Washington Legal Foundation, 61 Order on Motion for Miscellaneous Relief, 12 Notice of Appearance filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 378 Declaration in Support of Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 346 Brief filed by IAC/Interactivecorp, Facebook, Inc., Yahoo! Inc., eBay, Inc., 201 Declaration in Support of Motion,,, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 55 Protective Order, 225 Declaration in Support of Motion,,, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 13 MOTION for Scott B. Wilkens to Appear Pro Hac Vice. filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 301 Objection (non-motion), Objection (non-motion), Objection (non-motion), Objection (non-motion), Objection (non-motion) filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 257 Notice (Other) filed by Washington Legal Foundation, 89 Order on Motion to Appear Pro Hac Vice, 318 Declaration in Support,,, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 94 Notice of Appearance filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 303 Declaration in Opposition to Motion,, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 262 Affidavit filed by Washington Legal Foundation, 316 Declaration in Support of Motion,,, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 171 Stipulation and Order,, 28 Memo Endorsement, 314 Declaration in Support of Motion filed by Youtube, Inc., Google, Inc., Youtube, LLC, 212 Declaration in Support of Motion,,,,, filed by Country Music Television, Inc., Comedy Partners, Paramount

Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 350 MOTION for Leave to File Amicus Brief. filed by The Sideshow Coalition, 277 Brief, filed by International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, AFL-CIO, Directors Guild of America, American Federation of Television and Radio Artists, Screen Actors Guild, 129 Endorsed Letter, 290 Declaration in Opposition to Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 273 MOTION for Clifford M. Sloan to Appear Pro Hac Vice. filed by NBC Universal, Inc., Disney Enterprises, Inc., Broadcast Music, Inc., Picture Archive Council Of America, Warner Bros. Entertainment Inc., SESAC, Inc., American Society of Composers, Authors And Publishers, Zuffa, LLC, Center For The Rule Of Law, Association Of American Publishers, Rosetta Stone Ltd., The Media Institute, Institute For Policy Innovation, Professional Photographers of America, 304 Declaration in Opposition to Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 85 MOTION to Compel. filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 305 Declaration in Opposition to Motion,, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 87 Reply Memorandum of Law in Support of Motion, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 31 Memo Endorsement, 243 Declaration in Support of Motion,,, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 153 Order on Motion to Withdraw as Attorney, 124 Order on Motion to Appear Pro Hac Vice, 276 Rule 7.1 Corporate Disclosure Statement, filed by International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, AFL-CIO, Directors Guild of America, American Federation of Television and Radio Artists, Screen Actors Guild, 52 Notice of Appearance filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 189 Rule 56.1 Statement filed by Youtube, Inc., Google, Inc., Youtube, LLC, 112 Answer to Amended Complaint filed by Youtube, Inc., Google, Inc., Youtube, LLC, 16 Order on Motion to Appear Pro Hac Vice, 224 Declaration in Support of Motion,,, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 286 Response in Opposition to Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 157 Stipulation and Order,,, 162 Order, 317 Declaration in Support,,, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 181 Notice of Voluntary Dismissal - Signed,,, 291 Declaration in Opposition to Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 240 Brief filed by American Library Association, et al., 269 Endorsed Letter, 46 Notice of Appearance filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 178 Letter, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black

Entertainment Television, LLC, 123 Order on Motion to Appear Pro Hac Vice, 287 Response in Opposition to Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 319 Declaration in Support,, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 251 Order on Motion to Strike, 313 Declaration in Support of Motion filed by Youtube, Inc., Google, Inc., Youtube, LLC, 86 MOTION for John H. Hinderaker to Appear Pro Hac Vice. filed by Youtube, Inc., Google, Inc., Youtube, LLC, 71 Order on Motion to Appear Pro Hac Vice, 29 Memo Endorsement, 217 Declaration in Support of Motion,,,,, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 264 Declaration in Support of Motion filed by Washington Legal Foundation, 132 MOTION For Leave To Withdraw Donald B. Verrilli, Jr., Steven B. Fabrizio, And Peter H. Hanna As Counsel For Viacom International Inc., Et al. filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 76 Protective Order, 352 Brief filed by The Sideshow Coalition, 356 Memo Endorsement, 26 MOTION for Alison G. Wheeler to Appear Pro Hac Vice. filed by Youtube, Inc., Google, Inc., Youtube, LLC, 293 Declaration in Opposition to Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 27 MOTION for Phillip S. Beck to Appear Pro Hac Vice. filed by Youtube, Inc., Google, Inc., Youtube, LLC, 308 Declaration in Opposition to Motion,, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 70 Order on Motion to Appear Pro Hac Vice, 88 Order on Motion to Appear Pro Hac Vice, 239 Rule 7.1 Corporate Disclosure Statement filed by American Library Association, et al., 275 Notice of Appearance, filed by International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, AFL-CIO, Directors Guild of America, American Federation of Television and Radio Artists, Screen Actors Guild, 311 Response in Support of Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 146 Order on Motion to Withdraw as Attorney, 63 Stipulation and Order, Set Deadlines,,,,, 223 Declaration in Support of Motion,, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 101 Endorsed Letter, 81 Memorandum of Law in Support of Motion, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 220 Declaration in Support of Motion,, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 396 Endorsed Letter, 36 MOTION for David H. Kramer to Appear Pro Hac Vice. filed by Youtube, Inc., Google, Inc., Youtube, LLC, 7 Summons Returned Executed, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 74 Stipulation and Order,, 310 Declaration in Opposition to Motion,, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 134 Memo Endorsement,, 150 Stipulation and Order of Dismissal, 377 Declaration in Support of Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 78 USCA Mandate,, 235 Notice of Appearance filed by American Library Association, et al., 176 MOTION for Partial Summary Judgment /*Viacom's Notice of Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense.*

filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 193 Declaration in Support of Motion,, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 126 Order on Motion to Appear Pro Hac Vice, 139 Stipulation and Order, 323 Declaration in Support of Motion,,,, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 186 Memorandum of Law in Support of Motion, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 30 Memo Endorsement, 260 Memorandum of Law in Support of Motion filed by Washington Legal Foundation, 280 MOTION for Russell J. Frackman to Appear Pro Hac Vice. filed by Washington Legal Foundation, 177 MOTION for Summary Judgment *Regarding Applicability of the DMCA and on Plaintiffs' Inducement Claims.* filed by Youtube, Inc., Google, Inc., Youtube, LLC, 354 Protective Order, 309 Declaration in Opposition to Motion,, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 292 Declaration in Opposition to Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 164 Endorsed Letter, 256 Amicus Curiae Appearance filed by Washington Legal Foundation, 67 MOTION for Leo Cunningham to Appear Pro Hac Vice. filed by Youtube, Inc., Google, Inc., Youtube, LLC, 21 Answer to Complaint filed by Youtube, Inc., Google, Inc., Youtube, LLC, 115 Notice of Change of Address, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 376 Declaration in Support of Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 198 Declaration in Support of Motion filed by Youtube, Inc., Google, Inc., Youtube, LLC, 135 Memo Endorsement, 373 Declaration in Support of Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 255 Rule 7.1 Corporate Disclosure Statement filed by Washington Legal Foundation, 296 Counter Statement to Rule 56.1 filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 44 Order on Motion for Reconsideration, 289 Declaration in Opposition to Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 401 Judgment, 147 Order on Motion for Miscellaneous Relief, 68 MOTION for Leo Cunningham to Appear Pro Hac Vice. filed by Youtube, Inc., Google, Inc., Youtube, LLC, 2 Rule 7.1 Corporate Disclosure Statement, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 195 Declaration in Support of Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 244 Order,, 382 Memorandum of Law in Opposition to Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 170 MOTION for Matthew S. Hellman to Appear Pro Hac Vice. filed by Viacom International, Inc., 109 Notice of Change of Address, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 299 Declaration in Opposition to Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 39 Order on Motion to Appear Pro Hac Vice, 216 Declaration in Support of Motion,, filed by

Youtube, Inc., Google, Inc., Youtube, LLC, 110 Notice of Change of Address, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 366 Reply filed by Youtube, Inc., Google, Inc., Youtube, LLC, 117 Memorandum & Opinion,,,,, 8 Order, 295 Declaration in Opposition to Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 169 Endorsed Letter, 82 Memorandum of Law in Opposition to Motion filed by Youtube, Inc., Google, Inc., Youtube, LLC, 218 Declaration in Support of Motion,, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 154 Order, 398 Order,, 10 Letter, 247 Order,, 20 Rule 7.1 Corporate Disclosure Statement filed by Youtube, Inc., Google, Inc., Youtube, LLC, 140 MOTION for Amy L. Tenney to Withdraw as Attorney / *Motion for Leave to Withdraw Amy L. Tenney as Counsel for Viacom International Inc., et al.* filed by Viacom International, Inc., 372 Objection (non-motion), Objection (non-motion), Objection (non-motion) filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 50 Notice of Appearance filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 103 Endorsed Letter, 379 Declaration in Support of Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 245 Order on Motion to File Amicus Brief,, 263 Amicus Curiae Appearance, filed by NBC Universal, Inc., Disney Enterprises, Inc., Broadcast Music, Inc., Picture Archive Council Of America, Warner Bros. Entertainment Inc., SESAC, Inc., American Society of Composers, Authors And Publishers, Zuffa, LLC, Center For The Rule Of Law, Association Of American Publishers, Rosetta Stone Ltd., The Media Institute, Institute For Policy Innovation, Professional Photographers of America, 59 MOTION for James J. Hartnett, IV to Appear Pro Hac Vice. filed by Youtube, Inc., Google, Inc., Youtube, LLC, 322 Rule 56.1 Statement filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 113 Notice of Change of Address, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 149 Endorsed Letter, Set Deadlines/Hearings,, 365 Reply Memorandum of Law in Support of Motion filed by Youtube, Inc., Google, Inc., Youtube, LLC, 137 Endorsed Letter,,, 210 Declaration in Support of Motion,,,, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 395 Order, 106 Amended Complaint,, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 53 Order Admitting Attorney Pro Hac Vice, 192 Declaration in Support of Motion filed by Youtube, Inc., Google, Inc., Youtube, LLC, 285 Counter Statement to Rule 56.1 filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 297 Declaration in Opposition to Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 32 Memo Endorsement, 174 Endorsed Letter, Set Deadlines/Hearings,, 211 Declaration in Support of Motion,, filed by Youtube, Inc., Google, Inc.,

Youtube, LLC, 229 Order, 144 Endorsed Letter, Set Motion and R&R Deadlines/Hearings,, 368 Reply, filed by Youtube, Inc., Youtube, LLC, 17 Notice of Appearance filed by Youtube, Inc., Google, Inc., Youtube, LLC, 116 Order, 184 Order on Motion to Appear Pro Hac Vice, 266 Amicus Curiae Appearance, filed by NBC Universal, Inc., Disney Enterprises, Inc., Broadcast Music, Inc., Picture Archive Council Of America, Warner Bros. Entertainment Inc., SESAC, Inc., American Society of Composers, Authors And Publishers, Zuffa, LLC, Center For The Rule Of Law, Association Of American Publishers, Rosetta Stone Ltd., The Media Institute, Institute For Policy Innovation, Professional Photographers of America, 241 Declaration in Support of Motion filed by American Library Association, et al., 15 Order on Motion to Appear Pro Hac Vice, 288 Memorandum of Law in Support of Motion filed by Youtube, Inc., Google, Inc., Youtube, LLC, 351 Declaration in Support of Motion filed by The Sideshow Coalition, 324 Declaration in Support of Motion,,, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 397 Endorsed Letter, 246 Declaration in Support of Motion,, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 283 Memorandum of Law in Opposition to Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 232 Endorsed Letter,, 80 MOTION for Leave to File First Amended Complaint. filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 56 Scheduling Order, 141 Stipulation and Order, 226 Declaration in Support of Motion,, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 402 Notice of Appeal, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 282 Stipulation and Order,,,,,,, 400 Stipulation and Order, 238 Declaration in Support of Motion filed by American Library Association, et al., 364 Memorandum & Opinion,, 40 Order on Motion to Appear Pro Hac Vice, 37 Order on Motion to Appear Pro Hac Vice, 95 Memorandum & Opinion, 9 Notice of Appearance filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 34 MOTION for Maura L. Rees to Appear Pro Hac Vice. filed by Youtube, Inc., Google, Inc., Youtube, LLC, 190 Declaration in Support of Motion filed by Youtube, Inc., Google, Inc., Youtube, LLC, 179 Memo Endorsement,,, 380 Declaration in Support of Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 65 MOTION for Michael H. Rubin to Appear Pro Hac Vice. filed by Youtube, Inc., Google, Inc., Youtube, LLC, 45 Notice of Appearance filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 122 MOTION for James C. Cox to Appear Pro Hac Vice. filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 312 Declaration in Support of Motion filed by Youtube, Inc., Google, Inc., Youtube, LLC, 228 Declaration in Support of Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 215 Declaration in Support of Motion,, filed by Youtube, Inc., Google, Inc., Youtube, LLC,

69 MOTION for Dylan J. Liddiard to Appear Pro Hac Vice. filed by Youtube, Inc., Google, Inc., Youtube, LLC, 187 Rule 56.1 Statement filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 259 Declaration in Support of Motion filed by Washington Legal Foundation, 163 Endorsed Letter, 270 Order on Motion to File Amicus Brief, 294 Declaration in Opposition to Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 49 Notice of Appearance filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 24 MOTION for Shayna S. Coot to Appear Pro Hac Vice. filed by Youtube, Inc., Youtube, LLC, 298 Declaration in Opposition to Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 233 Protective Order, 267 MOTION to File Amicus Brief. filed by NBC Universal, Inc., Disney Enterprises, Inc., Broadcast Music, Inc., Picture Archive Council Of America, Warner Bros. Entertainment Inc., SESAC, Inc., American Society of Composers, Authors And Publishers, Zuffa, LLC, Center For The Rule Of Law, Association Of American Publishers, Rosetta Stone Ltd., The Media Institute, Institute For Policy Innovation, Professional Photographers of America, 227 Declaration in Support of Motion, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 138 Order on Motion to Appear Pro Hac Vice, 25 MOTION for Mark S. Ouwelleen to Appear Pro Hac Vice. filed by Youtube, Inc., Google, Inc., Youtube, LLC, 359 Order on Motion to Withdraw as Attorney, 348 Order on Motion to Appear Pro Hac Vice, 367 Reply Memorandum of Law in Support of Motion,, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 6 Summons Returned Executed, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 374 Declaration in Support,, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 11 MOTION for Amy L. Tenney to Appear Pro Hac Vice. filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 111 Notice of Change of Address, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 202 Declaration in Support of Motion filed by Youtube, Inc., Google, Inc., Youtube, LLC, 105 Stipulation and Order,, 114 Notice of Change of Address, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 363 Stipulation and Order, 307 Declaration in Opposition to Motion,, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 121 MOTION for Sarah A. Maquire to Appear Pro Hac Vice. filed by Country Music Television, Inc., Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 345 Declaration in Support of Motion filed by IAC/Interactivecorp, Facebook, Inc., Yahoo! Inc., eBay, Inc., 136 MOTION for Eric Haren to Appear Pro Hac Vice. filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television,

LLC, 254 Endorsed Letter, 234 Stipulation and Order,,,,,, 362 Order on Motion for Leave to File Document, 33 MOTION for Caroline E. Wilson to Appear Pro Hac Vice. filed by Youtube, Inc., Google, Inc., Youtube, LLC, 222 Declaration in Support of Motion,,, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 236 Amicus Curiae Appearance filed by American Library Association, et al., 119 Stipulation and Order, 208 Declaration in Support of Motion,,,,,, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 14 Notice of Appearance filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 357 MOTION for Matthew W. Alsdorf to Withdraw as Attorney. filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 271 Memo Endorsement, 302 Declaration in Opposition to Motion,, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 242 Response in Opposition to Motion filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC, 207 Declaration in Support of Motion,, filed by Youtube, Inc., Google, Inc., Youtube, LLC, 219 Declaration in Support of Motion,,, filed by Country Music Television, Inc., Comedy Partners, Paramount Pictures Corporation, Viacom International, Inc., Black Entertainment Television, LLC were transmitted to the U.S. Court of Appeals. (js) (Entered: 08/11/2010)

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OPINION AND ORDER

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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

Plaintiffs,

07 Civ. 2103 (LLS)

-against-

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

Defendants,

-----X

THE FOOTBALL ASSOCIATION PREMIER
LEAGUE LIMITED, et al., on
behalf of themselves and all
others similarly situated,

Plaintiffs,

OPINION AND ORDER

-against-

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

07 Civ. 3582 (LLS)

Defendants.

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Defendants move for summary judgment that they are entitled to the Digital Millennium Copyright Act's ("DMCA"), 17 U.S.C. § 512(c), "safe harbor" protection against all of plaintiffs' direct and secondary infringement claims, including claims for "inducement" contributory liability, because they had insufficient notice, under the DMCA, of the particular infringements in suit.

Plaintiffs cross-move for partial summary judgment that defendants are not protected by the statutory "safe harbor" provision, but "are liable for the intentional infringement of thousands of Viacom's copyrighted works, . . . for the vicarious infringement of those works, and for the direct infringement of those works . . . because: (1) Defendants had 'actual knowledge' and were 'aware of facts and circumstances from which infringing activity [was] apparent,' but failed to 'act[] expeditiously' to stop it; (2) Defendants 'receive[d] a financial benefit directly attributable to the infringing activity' and 'had the right and ability to control such activity;' and (3) Defendants' infringement does not result solely from providing 'storage at the direction of a user' or any other Internet function specified in section 512." (See the parties' Notices of Motion).

Resolution of the key legal issue presented on the parties' cross-motions requires examination of the DMCA's "safe harbor" provisions, 17 U.S.C. § 512(c), (m) and (n) which state:

(c) Information residing on systems or networks at direction of users.—

(1) In general.—A service provider shall not be liable for monetary relief, or, except as provided in subsection (j), for injunctive or other equitable relief, for infringement of copyright by reason of the storage at the direction of a user of material that resides on a system or network controlled or operated by or for the service provider, if the service provider—

(A) (i) does not have actual knowledge that the material or an activity using the material on the system or network is infringing;

(ii) in the absence of such actual knowledge, is not aware of facts or circumstances from which infringing activity is apparent; or

(iii) upon obtaining such knowledge or awareness, acts expeditiously to remove, or disable access to, the material;

(B) does not receive a financial benefit directly attributable to the infringing activity, in a case in which the service provider has the right and ability to control such activity; and

(C) upon notification of claimed infringement as described in paragraph (3), responds expeditiously to remove, or disable access to, the material that is claimed to be infringing or to be the subject of infringing activity.

(2) Designated agent.—The limitations on liability established in this subsection apply to a service provider only if the service provider has designated an agent to receive notifications of claimed infringement described in paragraph (3), by making available through its service, including on its website in a location accessible to the public, and by providing to the Copyright Office, substantially the following information:

(A) the name, address, phone number, and electronic mail address of the agent.

(B) Other contact information which the Register of Copyrights may deem appropriate.

The Register of Copyrights shall maintain a current directory of agents available to the public for inspection, including through the Internet, in both electronic and hard copy formats, and may require payment of a fee by service providers to cover the costs of maintaining the directory.

(3) Elements of notification.—

(A) To be effective under this subsection, a notification of claimed infringement must be a written communication provided to the designated agent of a service provider that includes substantially the following:

(i) A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

(ii) Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site.

(iii) Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the service provider to locate the material.

(iv) Information reasonably sufficient to permit the service provider to contact the complaining party, such as an address, telephone number, and, if available, an electronic mail address at which the complaining party may be contacted.

(v) A statement that the complaining party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.

(vi) A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

(B) (i) Subject to clause (ii), a notification from a copyright owner or from a person authorized to act on behalf of the copyright owner that fails to comply substantially with the provisions of subparagraph (A) shall not be considered under paragraph (1)(A) in determining whether a service provider has actual knowledge or is aware of facts or circumstances from which infringing activity is apparent.

(ii) In a case in which the notification that is provided to the service provider's designated agent fails to comply substantially with all the provisions of subparagraph (A) but substantially complies with clauses (ii), (iii), and (iv) of subparagraph (A), clause (i) of this subparagraph applies only if the service provider promptly attempts to contact the person making the notification or takes other reasonable steps to assist in the receipt of notification that substantially complies with all the provisions of subparagraph (A).

* * *

(m) Protection of privacy.—Nothing in this section shall be construed to condition the applicability of subsections (a) through (d) on—

(1) a service provider monitoring its service or affirmatively seeking facts indicating infringing activity, except to the extent consistent with a standard technical measure complying with the provisions of subsection (i); or

(2) a service provider gaining access to, removing, or disabling access to material in cases in which such conduct is prohibited by law.

(n) Construction.—Subsections (a), (b), (c), and (d) describe separate and distinct functions for purposes of applying this section. Whether a

service provider qualifies for the limitation on liability in any one of those subsections shall be based solely on the criteria in that subsection, and shall not affect a determination of whether that service provider qualifies for the limitations on liability under any other such subsection.

Defendant YouTube, owned by defendant Google, operates a website at <http://www.youtube.com> onto which users may upload video files free of charge. Uploaded files are copied and formatted by YouTube's computer systems, and then made available for viewing on YouTube. Presently, over 24 hours of new video-viewing time is uploaded to the YouTube website every minute. As a "provider of online services or network access, or the operator of facilities therefor" as defined in 17 U.S.C. § 512(k)(1)(B), YouTube is a service provider for purposes of § 512(c).

From plaintiffs' submissions on the motions, a jury could find that the defendants not only were generally aware of, but welcomed, copyright-infringing material being placed on their website. Such material was attractive to users, whose increased usage enhanced defendants' income from advertisements displayed on certain pages of the website, with no discrimination between infringing and non-infringing content.

Plaintiffs claim that "tens of thousands of videos on YouTube, resulting in hundreds of millions of views, were taken unlawfully from Viacom's copyrighted works without

authorization" (Viacom Br., Dkt. No. 186, p. 1), and that "Defendants had 'actual knowledge' and were 'aware of facts or circumstances from which infringing activity [was] apparent,' but failed to do anything about it." (Id. at 4) (alteration in original).

However, defendants designated an agent, and when they received specific notice that a particular item infringed a copyright, they swiftly removed it. It is uncontroverted that all the clips in suit are off the YouTube website, most having been removed in response to DMCA takedown notices.

Thus, the critical question is whether the statutory phrases "actual knowledge that the material or an activity using the material on the system or network is infringing," and "facts or circumstances from which infringing activity is apparent" in § 512(c)(1)(A)(i) and (ii) mean a general awareness that there are infringements (here, claimed to be widespread and common), or rather mean actual or constructive knowledge of specific and identifiable infringements of individual items.

1.

Legislative History

The Senate Committee on the Judiciary Report, S. Rep. No. 105-190 (1998), gives the background at page 8:

Due to the ease with which digital works can be copied and distributed worldwide virtually instantaneously, copyright owners will hesitate to make their works readily available on the Internet without reasonable assurance that they will be protected against massive piracy. Legislation implementing the treaties provides this protection and creates the legal platform for launching the global digital on-line marketplace for copyrighted works. It will facilitate making available quickly and conveniently via the Internet the movies, music, software, and literary works that are the fruit of American creative genius. It will also encourage the continued growth of the existing off-line global marketplace for copyrighted works in digital format by setting strong international copyright standards.

At the same time, without clarification of their liability, service providers may hesitate to make the necessary investment in the expansion of the speed and capacity of the Internet. In the ordinary course of their operations service providers must engage in all kinds of acts that expose them to potential copyright infringement liability. For example, service providers must make innumerable electronic copies by simply transmitting information over the Internet. Certain electronic copies are made in order to host World Wide Web sites. Many service providers engage in directing users to sites in response to inquiries by users or they volunteer sites that users may find attractive. Some of these sites might contain infringing material. In short, by limiting the liability of service providers, the DMCA ensures that the efficiency of the Internet will continue to improve and that the variety and quality of services on the Internet will continue to expand.

It elaborates:

There have been several cases relevant to service provider liability for copyright infringement. Most have approached the issue from the standpoint of contributory and vicarious liability. Rather than embarking upon a wholesale clarification of these doctrines, the Committee decided to leave current law in its evolving state and, instead, to create a series of "safe harbors," for certain common activities of

service providers. A service provider which qualifies for a safe harbor, receives the benefit of limited liability.

Id. at 19 (footnote omitted).

The Senate Judiciary Committee Report and the House Committee on Commerce Report, H.R. Rep. No. 105-551, pt. 2 (1998), in almost identical language describe the DMCA's purpose and structure (Senate Report at 40-41, House Report at 50):

New section 512 contains limitations on service providers' liability for five general categories of activity set forth in subsections (a) through (d) and subsection (f). As provided in subsection (k), section 512 is not intended to imply that a service provider is or is not liable as an infringer either for conduct that qualifies for a limitation of liability or for conduct that fails to so qualify. Rather, the limitations of liability apply if the provider is found to be liable under existing principles of law.

The limitations in subsections (a) through (d) protect qualifying service providers from liability for all monetary relief for direct, vicarious and contributory infringement. Monetary relief is defined in subsection (j)(2) as encompassing damages, costs, attorneys' fees, and any other form of monetary payment. These subsections also limit injunctive relief against qualifying service providers to the extent specified in subsection (i). To qualify for these protections, service providers must meet the conditions set forth in subsection (h), and service providers' activities at issue must involve a function described in subsection (a), (b), (c), (d) or (f), respectively. The liability limitations apply to networks "operated by or for the service provider," thereby protecting both service providers who offer a service and subcontractors who may operate parts of, or an entire, system or network for another service provider.

They discuss the "applicable knowledge standard"

(Senate Report at 44-45, House Report at 53-54):

Subsection (c)(1)–In general.—Subsection (c)(1)(A) sets forth the applicable knowledge standard. This standard is met either by actual knowledge of infringement or in the absence of such knowledge by awareness of facts or circumstances from which infringing activity is apparent. The term "activity" is intended to mean activity using the material on the system or network. The Committee intends such activity to refer to wrongful activity that is occurring at the site on the provider's system or network at which the material resides, regardless of whether copyright infringement is technically deemed to occur at that site or at the location where the material is received. For example, the activity at an online site offering audio or video may be unauthorized public performance of a musical composition, a sound recording, or an audio-visual work, rather than (or in addition to) the creation of an unauthorized copy of any of these works.

Subsection (c)(1)(A)(ii) can best be described as a "red flag" test. As stated in subsection (1), a service provider need not monitor its service or affirmatively seek facts indicating infringing activity (except to the extent consistent with a standard technical measure complying with subsection (h)), in order to claim this limitation on liability (or, indeed any other limitation provided by the legislation). However, if the service provider becomes aware of a "red flag" from which infringing activity is apparent, it will lose the limitation of liability if it takes no action. The "red flag" test has both a subjective and an objective element. In determining whether the service provider was aware of a "red flag," the subjective awareness of the service provider of the facts or circumstances in question must be determined. However, in deciding whether those facts or circumstances constitute a "red flag"—in other words, whether infringing activity would have been apparent to a reasonable person operating under the same or similar circumstances—an objective standard should be used.

Subsection (c)(1)(A)(iii) provides that once a service provider obtains actual knowledge or awareness of facts or circumstances from which infringing material or activity on the service provider's system or network is apparent, the service provider does not lose the limitation of liability set forth in subsection (c) if it acts expeditiously to remove or disable access to the infringing material. Because the factual circumstances and technical parameters may vary from case to case, it is not possible to identify a uniform time limit for expeditious action.

Subsection (c)(1)(B) sets forth the circumstances under which a service provider would lose the protection of subsection (c) by virtue of its benefit from the control over infringing activity. In determining whether the financial benefit criterion is satisfied, courts should take a common-sense, fact-based approach, not a formalistic one. In general, a service provider conducting a legitimate business would not be considered to receive a "financial benefit directly attributable to the infringing activity" where the infringer makes the same kind of payment as non-infringing users of the provider's service. Thus, receiving a one-time set-up fee and flat periodic payments for service from a person engaging in infringing activities would not constitute receiving a "financial benefit directly attributable to the infringing activity." Nor is subparagraph (B) intended to cover fees based on the length of the message (per number of bytes, for example) or by connect time. It would however, include any such fees where the value of the service lies in providing access to infringing material.

and at Senate Report 45, House Report 54:

Section 512 does not require use of the notice and take-down procedure. A service provider wishing to benefit from the limitation on liability under subsection (c) must "take down" or disable access to infringing material residing on its system or network of which it has actual knowledge or that meets the "red flag" test, even if the copyright owner or its agent does not notify it of a claimed infringement. On the other hand, the service provider is free to refuse to "take down" the material or site, even after receiving a notification of claimed infringement from

the copyright owner; in such a situation, the service provider's liability, if any, will be decided without reference to section 512(c). For their part, copyright owners are not obligated to give notification of claimed infringement in order to enforce their rights. However, neither actual knowledge nor awareness of a red flag may be imputed to a service provider based on information from a copyright owner or its agent that does not comply with the notification provisions of subsection (c)(3), and the limitation of liability set forth in subsection (c) may apply.

The reports continue (Senate Report at 46-47, House Report at 55-56):

Subsection (c)(3)(A)(iii) requires that the copyright owner or its authorized agent provide the service provider with information reasonably sufficient to permit the service provider to identify and locate the allegedly infringing material. An example of such sufficient information would be a copy or description of the allegedly infringing material and the URL address of the location (web page) which is alleged to contain the infringing material. The goal of this provision is to provide the service provider with adequate information to find and address the allegedly infringing material expeditiously.

* * *

Subsection (c)(3)(B) addresses the effect of notifications that do not substantially comply with the requirements of subsection (c)(3). Under this subsection, the court shall not consider such notifications as evidence of whether the service provider has actual knowledge, is aware of facts or circumstances, or has received a notification for purposes of subsection (c)(1)(A). However, a defective notice provided to the designated agent may be considered in evaluating the service provider's knowledge or awareness of facts and circumstances, if (i) the complaining party has provided the requisite information concerning the identification of the

copyrighted work, identification of the allegedly infringing material, and information sufficient for the service provider to contact the complaining party, and (ii) the service provider does not promptly attempt to contact the person making the notification or take other reasonable steps to assist in the receipt of notification that substantially complies with paragraph (3)(A). If the service provider subsequently receives a substantially compliant notice, the provisions of paragraph (1)(C) would then apply upon receipt of the notice.

When discussing section 512(d) of the DMCA which deals with information location tools, the Committee Reports contain an instructive explanation of the need for specificity (Senate Report at 48-49, House Report at 57-58):

Like the information storage safe harbor in section 512(c), a service provider would qualify for this safe harbor if, among other requirements, it "does not have actual knowledge that the material or activity is infringing" or, in the absence of such actual knowledge, it is "not aware of facts or circumstances from which infringing activity is apparent." Under this standard, a service provider would have no obligation to seek out copyright infringement, but it would not qualify for the safe harbor if it had turned a blind eye to "red flags" of obvious infringement.

For instance, the copyright owner could show that the provider was aware of facts from which infringing activity was apparent if the copyright owner could prove that the location was clearly, at the time the directory provider viewed it, a "pirate" site of the type described below, where sound recordings, software, movies or books were available for unauthorized downloading, public performance or public display. Absent such "red flags" or actual knowledge, a directory provider would not be similarly aware merely because it saw one or more well known photographs of a celebrity at a site devoted to that person. The provider could not be expected, during the course of its brief cataloguing visit, to determine whether the photograph was still protected by copyright or was in the public domain; if the

photograph was still protected by copyright, whether the use was licensed; and if the use was not licensed, whether it was permitted under the fair use doctrine.

The important intended objective of this standard is to exclude sophisticated "pirate" directories—which refer Internet users to other selected Internet sites where pirate software, books, movies, and music can be downloaded or transmitted—from the safe harbor. Such pirate directories refer Internet users to sites that are obviously infringing because they typically use words such as "pirate," "bootleg," or slang terms in their uniform resource locator (URL) and header information to make their illegal purpose obvious to the pirate directories and other Internet users. Because the infringing nature of such sites would be apparent from even a brief and casual viewing, safe harbor status for a provider that views such a site and then establishes a link to it would not be appropriate. Pirate directories do not follow the routine business practices of legitimate service providers preparing directories, and thus evidence that they have viewed the infringing site may be all that is available for copyright owners to rebut their claim to a safe harbor.

In this way, the "red flag" test in section 512(d) strikes the right balance. The common-sense result of this "red flag" test is that online editors and catalogers would not be required to make discriminating judgments about potential copyright infringement. If, however, an Internet site is obviously pirate, then seeing it may be all that is needed for the service provider to encounter a "red flag." A provider proceeding in the face of such a red flag must do so without the benefit of a safe harbor.

Information location tools are essential to the operation of the Internet; without them, users would not be able to find the information they need. Directories are particularly helpful in conducting effective searches by filtering out irrelevant and offensive material. The Yahoo! Directory, for example, currently categorizes over 800,000 online locations and serves as a "card catalogue" to the World Wide Web, which over 35,000,000 different users visit each month. Directories such as Yahoo!'s usually are created by people visiting sites to categorize them. It is precisely the human judgment

and editorial discretion exercised by these cataloguers which makes directories valuable.

This provision is intended to promote the development of information location tools generally, and Internet directories such as Yahoo!'s in particular, by establishing a safe-harbor from copyright infringement liability for information location tool providers if they comply with the notice and takedown procedures and other requirements of subsection (d). The knowledge or awareness standard should not be applied in a manner which would create a disincentive to the development of directories which involve human intervention. Absent actual knowledge, awareness of infringement as provided in subsection (d) should typically be imputed to a directory provider only with respect to pirate sites or in similarly obvious and conspicuous circumstances, and not simply because the provider viewed an infringing site during the course of assembling the directory.

The tenor of the foregoing provisions is that the phrases "actual knowledge that the material or an activity" is infringing, and "facts or circumstances" indicating infringing activity, describe knowledge of specific and identifiable infringements of particular individual items. Mere knowledge of prevalence of such activity in general is not enough. That is consistent with an area of the law devoted to protection of distinctive individual works, not of libraries. To let knowledge of a generalized practice of infringement in the industry, or of a proclivity of users to post infringing materials, impose responsibility on service providers to discover which of their users' postings infringe a copyright would contravene the structure and operation of the DMCA. As

stated in Perfect 10, Inc. v. CCBill LLC, 488 F.3d 1102, 1113 (9th Cir. 2007):

The DMCA notification procedures place the burden of policing copyright infringement—identifying the potentially infringing material and adequately documenting infringement—squarely on the owners of the copyright. We decline to shift a substantial burden from the copyright owner to the provider

That makes sense, as the infringing works in suit may be a small fraction of millions of works posted by others on the service's platform, whose provider cannot by inspection determine whether the use has been licensed by the owner, or whether its posting is a "fair use" of the material, or even whether its copyright owner or licensee objects to its posting. The DMCA is explicit: it shall not be construed to condition "safe harbor" protection on "a service provider monitoring its service or affirmatively seeking facts indicating infringing activity" Id. § 512(m)(1); see Senate Report at 44, House Report at 53.

Indeed, the present case shows that the DMCA notification regime works efficiently: when Viacom over a period of months accumulated some 100,000 videos and then sent one mass take-down notice on February 2, 2007, by the next business day YouTube had removed virtually all of them.

2.

Case Law

In CCBill LLC, supra, the defendants provided web hosting and other services to various websites. The plaintiff argued that defendants had received notice of apparent infringement from circumstances that raised "red flags": websites were named "illegal.net" and "stolencelebritypics.com," and others involved "password-hacking." 488 F.3d at 1114 (internal quotation marks omitted). As to each ground, the Ninth Circuit disagreed, stating "We do not place the burden of determining whether photographs are actually illegal on a service provider"; and "There is simply no way for a service provider to conclude that the passwords enabled infringement without trying the passwords, and verifying that they enabled illegal access to copyrighted material. We impose no such investigative duties on service providers." Id.

The District Court in UMG Recordings, Inc. v. Veoh Networks, Inc., 665 F. Supp. 2d 1099, 1108 (C.D. Cal. 2009), concluded that "CCBill teaches that if investigation of 'facts and circumstances' is required to identify material as infringing, then those facts and circumstances are not 'red flags.'" That observation captures the reason why awareness of pervasive copyright-infringing, however flagrant and blatant,

does not impose liability on the service provider. It furnishes at most a statistical estimate of the chance any particular posting is infringing – and that is not a “red flag” marking any particular work.

In Corbis Corp. v. Amazon.com, Inc., 351 F. Supp. 2d 1090, 1108 (W.D. Wash. 2004) the court stated that “The issue is not whether Amazon had a general awareness that a particular type of item may be easily infringed. The issue is whether Amazon actually knew that specific zShops vendors were selling items that infringed Corbis copyrights.” It required a “showing that those sites contained the type of blatant infringing activity that would have sent up a red flag for Amazon.” Id. at 1109. Other evidence of “red flags” was unavailing, for it “provides no evidence from which to infer that Amazon was aware of, but chose to ignore, red flags of blatant copyright infringement on specific zShops sites.” Id.

A similar recent decision of the Second Circuit involved analogous claims of trademark infringement (and therefore did not involve the DMCA) by sales of counterfeit Tiffany merchandise on eBay, Inc.’s website. In Tiffany (NJ) Inc. v. eBay Inc., 600 F.3d 93 (2d Cir. April 1, 2010) the Court of Appeals affirmed the dismissal of trademark infringement and dilution claims against eBay’s advertising and listing practices. The sellers on eBay offered Tiffany sterling silver

jewelry of which a significant portion (perhaps up to 75%) were counterfeit, although a substantial number of Tiffany goods sold on eBay were authentic. (Id. at 97-98). The particular issue was "whether eBay is liable for contributory trademark infringement - i.e., for culpably facilitating the infringing conduct of the counterfeiting vendors" (id. at 103) because "eBay continued to supply its services to the sellers of counterfeit Tiffany goods while knowing or having reason to know that such sellers were infringing Tiffany's mark." (Id. at 106). Tiffany alleged that eBay knew, or had reason to know, that counterfeit Tiffany goods were being sold "ubiquitously" on eBay, and the District Court had found that eBay indeed "had *generalized* notice that some portion of the Tiffany goods sold on its website might be counterfeit" (id.; emphasis in original). Nevertheless, the District Court (Sullivan, J.) dismissed, holding that such generalized knowledge was insufficient to impose upon eBay an affirmative duty to remedy the problem. It held that "for Tiffany to establish eBay's contributory liability, Tiffany would have to show that eBay 'knew or had reason to know of specific instances of actual infringement' beyond those that it addressed upon learning of them." (Id. at 107).

The Court of Appeals held (Id.):

We agree with the district court. For contributory trademark infringement liability to lie, a service provider must have more than a general knowledge or reason to know that its service is being used to sell counterfeit goods. Some contemporary knowledge of which particular listings are infringing or will infringe in the future is necessary.

And at p. 110:

eBay appears to concede that it knew as a general matter that counterfeit Tiffany products were listed and sold through its website. Tiffany, 576 F.Supp.2d at 514. Without more, however, this knowledge is insufficient to trigger liability under Inwood.^[1]

Although by a different technique, the DMCA applies the same principle, and its establishment of a safe harbor is clear and practical: if a service provider knows (from notice from the owner, or a "red flag") of specific instances of infringement, the provider must promptly remove the infringing material. If not, the burden is on the owner to identify the infringement. General knowledge that infringement is "ubiquitous" does not impose a duty on the service provider to monitor or search its service for infringements.

¹ See Inwood Labs., Inc. v. Ives Labs., Inc., 456 U.S. 844, 102 S. Ct. 2182 (1982).

3.

The Grokster Case

Metro-Goldwyn-Mayer Studios Inc. v. Grokster, Ltd., 545 U.S. 913 (2005) and its progeny Arista Records LLC v. Usenet.com, Inc., 633 F. Supp. 2d 124 (S.D.N.Y. 2009) (dismissing DMCA defense as sanction for spoliation and evasive discovery tactics), Columbia Pictures Industries, Inc. v. Fung, No. 06 Civ. 5578, 2009 U.S. Dist. LEXIS 122661 (C.D. Cal. Dec. 21, 2009), and Arista Records LLC v. Lime Group LLC, No. 06 Civ. 5936 (KMW), ___ F. Supp. 2d ___, 2010 WL 2291485 (S.D.N.Y. May 25, 2010), which furnish core principles heavily relied on by plaintiffs and their supporting amici, have little application here. Grokster, Fung, and Lime Group involved peer-to-peer file-sharing networks which are not covered by the safe harbor provisions of DMCA § 512(c). The Grokster and Lime Group opinions do not even mention the DMCA. Fung was an admitted copyright thief whose DMCA defense under § 512(d) was denied on undisputed evidence of "'purposeful, culpable expression and conduct' aimed at promoting infringing uses of the websites" (2009 U.S. Dist. LEXIS 122661, at *56).

Grokster addressed the more general law of contributory liability for copyright infringement, and its application to the particular subset of service providers

protected by the DMCA is strained. In a setting of distribution of software products that allowed computer-to-computer exchanges of infringing material, with the expressed intent of succeeding to the business of the notoriously infringing Napster (see 545 U.S. at 923-26) the Grokster Court held (id. at 919, 936-37):

. . . that one who distributes a device with the object of promoting its use to infringe copyright, as shown by clear expression or other affirmative steps taken to foster infringement, is liable for the resulting acts of infringement by third parties.

On these cross-motions for summary judgment I make no findings of fact as between the parties, but I note that plaintiff Viacom's General Counsel said in a 2006 e-mail that ". . . the difference between YouTube's behavior and Grokster's is staggering." Ex. 173 to Schapiro Opp. Affid., Dkt. No. 306, Att. 4. Defendants asserted in their brief supporting their motion (Dkt. No. 188, p.60) and Viacom's response does not controvert (Dkt. No. 296, p.29, ¶ 1.80) that:

It is not remotely the case that YouTube exists "solely to provide the site and facilities for copyright infringement." . . . Even the plaintiffs do not (and could not) suggest as much. Indeed, they have repeatedly acknowledged the contrary.

The Grokster model does not comport with that of a service provider who furnishes a platform on which its users post and access all sorts of materials as they wish, while the provider is unaware of its content, but identifies an agent to receive complaints of infringement, and removes identified

material when he learns it infringes. To such a provider, the DMCA gives a safe harbor, even if otherwise he would be held as a contributory infringer under the general law. In this case, it is uncontroverted that when YouTube was given the notices, it removed the material. It is thus protected "from liability for all monetary relief for direct, vicarious and contributory infringement" subject to the specific provisions of the DMCA. Senate Report at 40, House Report at 50.

4.

Other Points

(a)

Plaintiffs claim that the replication, transmittal and display of videos on YouTube fall outside the protection § 512(c)(1) of the DMCA gives to "infringement of copyright by reason of the storage at the direction of a user of material" on a service provider's system or network. That confines the word "storage" too narrowly to meet the statute's purpose.

In § 512(k)(1)(B) a "service provider" is defined as "a provider of online services or network access, or the operator of facilities therefor," and includes "an entity offering the transmission, routing, or providing of connections

for digital online communications." Surely the provision of such services, access, and operation of facilities are within the safe harbor when they flow from the material's placement on the provider's system or network: it is inconceivable that they are left exposed to be claimed as unprotected infringements. As the Senate Report states (p. 8):

In the ordinary course of their operations service providers must engage in all kinds of acts that expose them to potential copyright infringement liability. . . . In short, by limiting the liability of service providers, the DMCA ensures that the efficiency of the Internet will continue to improve and that the variety and quality of services on the Internet will continue to expand.

As stated in Io Group, Inc. v. Veoh Networks, Inc., 586 F. Supp. 2d 1132, 1148 (N.D. Cal. 2008), such "means of facilitating user access to material on its website" do not cost the service provider its safe harbor. See also UMG Recordings, Inc. v. Veoh Networks, Inc., 620 F. Supp. 2d 1081, 1089 (C.D. Cal. 2008):

Although Veoh correctly observes that the language of § 512(c) is "broad," it does not venture to define its outermost limits. It is unnecessary for this Court to do so either, because the critical statutory language really is pretty clear. Common sense and widespread usage establish that "by reason of" means "as a result of" or "something that can be attributed to" So understood, when copyrighted content is displayed or distributed on Veoh it is "as a result of" or "attributable to" the fact that users uploaded the content to Veoh's servers to be accessed by other means. If providing access could trigger liability without the possibility of DMCA immunity, service providers would be greatly

deterred from performing their basic, vital and salutary function—namely, providing access to information and material for the public.

To the extent defendants' activities go beyond what can fairly be characterized as meeting the above-described collateral scope of "storage" and allied functions, and present the elements of infringements under existing principles of copyright law, they are not facially protected by § 512(c). Such activities simply fall beyond the bounds of the safe harbor and liability for conducting them must be judged according to the general law of copyright infringement. That follows from the language of § 512(c)(1) that "A service provider shall not be liable . . . for infringement of copyright by reason of the storage" However, such instances have no bearing on the coverage of the safe harbor in all other respects.

(b)

The safe harbor requires that the service provider "not receive a financial benefit directly attributable to the infringing activity, in a case in which the service provider has the right and ability to control such activity" § 512(c)(1)(B). The "right and ability to control" the activity requires knowledge of it, which must be item-specific. (See Parts 1 and 2 above.) There may be arguments whether revenues

from advertising, applied equally to space regardless of whether its contents are or are not infringing, are "directly attributable to" infringements, but in any event the provider must know of the particular case before he can control it. As shown by the discussion in Parts 1 and 2 above, the provider need not monitor or seek out facts indicating such activity. If "red flags" identify infringing material with sufficient particularity, it must be taken down.

(c)

Three minor arguments do not singly or cumulatively affect YouTube's safe harbor coverage.

(1) YouTube has implemented a policy of terminating a user after warnings from YouTube (stimulated by its receipt of DMCA notices) that the user has uploaded infringing matter (a "three strikes" repeat-infringer policy). That YouTube counts as only one strike against a user both (1) a single DMCA take-down notice identifying multiple videos uploaded by the user, and (2) multiple take-down notices identifying videos uploaded by the user received by YouTube within a two-hour period, does not mean that the policy was not "reasonably implemented" as required by § 512(i)(1)(A). In Corbis Corp. v. Amazon.com, Inc., 351 F. Supp. 2d 1090, 1105 (W.D. Wash. 2004), in

evaluating whether Amazon complied with § 512(i), the Court stated that even DMCA-compliant notices "did not, in themselves, provide evidence of blatant copyright infringement." In UMG Recordings, Inc. v. Veoh Networks, Inc., 665 F. Supp. 2d 1099, 1116, 1118 (C.D. Cal. 2009), the Court upheld Veoh's policy of terminating users after a second warning, even if the first warning resulted from a take-down notice listing multiple infringements. It stated:

As the Corbis court noted, "[t]he key term, 'repeat infringer,' is not defined. . . . The fact that Congress chose not to adopt such specific provisions when defining a user policy indicates its intent to leave the policy requirements, and the subsequent obligations of the service providers, loosely defined." Corbis, 351 F.Supp.2d at 1100-01. This Court finds that Veoh's policy satisfies Congress's intent that "those who repeatedly or flagrantly abuse their access to the Internet through disrespect for the intellectual property rights of others should know that there is a realistic threat of losing that access." H.R. Rep. 105-551(II), at 61.

Id. at 1118. (alteration and omission in original).

(2) In its "Claim Your Content" system, YouTube used Audible Magic, a fingerprinting tool which removed an offending video automatically if it matched some portion of a reference video submitted by a copyright owner who had designated this service. It also removed a video if the rights-holder operated a manual function after viewing the infringing video. YouTube assigned strikes only when the rights-holder manually requested the video to be removed. Requiring the rights-holder to take

that position does not violate § 512(i)(1)(A). See UMG Recordings, 665 F. Supp. 2d at 1116-18 (automated Audible Magic filter "does not meet the standard of reliability and verifiability required by the Ninth Circuit in order to justify terminating a user's account"); see also Perfect 10, Inc. v. CCBill LLC, 488 F.3d 1102, 1112 (9th Cir. 2007) ("We therefore do not require a service provider to start potentially invasive proceedings if the complainant is unwilling to state under penalty of perjury that he is an authorized representative of the copyright owner, and that he has a good-faith belief that the material is unlicensed.").

YouTube's initial hesitation in counting such rights-holder requests as strikes was reasonable: the six month delay was needed to monitor the system's use by rights-holders, and for engineering work to assure that strikes would be assigned accurately.

(3) Plaintiffs complain that YouTube removes only the specific clips identified in DMCA notices, and not other clips which infringe the same works. They point to the provision in § 512(c)(3)(A)(ii) that a notification must include "Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site." This "representative list"

reference would eviscerate the required specificity of notice (see discussion in Parts 1 and 2 above) if it were construed to mean a merely generic description ("all works by Gershwin") without also giving the works' locations at the site, and would put the provider to the factual search forbidden by § 512(m). Although the statute states that the "works" may be described representatively, 512(c)(3)(A)(ii), the subsection which immediately follows requires that the identification of the infringing material that is to be removed must be accompanied by "information reasonably sufficient to permit the service provider to locate the material." 512(c)(3)(A)(iii). See House Report at 55; Senate Report at 46: "An example of such sufficient information would be a copy or description of the allegedly infringing material and the so-called "uniform resource locator" (URL) (i.e., web site address) which allegedly contains the infringing material." See also UMG Recordings, 665 F. Supp. 2d at 1109-10 (DMCA notices which demanded removal of unspecified clips of video recordings by certain artists did not provide "'information reasonably sufficient to permit the service provider to locate [such] material.'" (alteration in original)).

4.

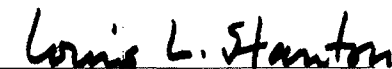
Conclusion

Defendants are granted summary judgment that they qualify for the protection of 17 U.S.C. § 512(c), as expounded above, against all of plaintiffs' claims for direct and secondary copyright infringement. Plaintiffs' motions for judgment are denied.

The parties shall meet and confer about any issues requiring judicial attention remaining in these cases, and submit a report (jointly, if possible) by July 14, 2010.

So ordered.

Dated: June 23, 2010
New York, New York



Louis L. Stanton
U.S.D.J.

FINAL JUDGMENT

ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORKUSDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/10/10VIACOM INTERNATIONAL INC.,
COMEDY PARTNERS,
COUNTRY MUSIC TELEVISION, INC.,
PARAMOUNT PICTURES CORPORATION,
and BLACK ENTERTAINMENT TELEVISION
LLC,

Plaintiffs,

v.

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

Defendants.

Case No. 1:07-cv-02103 (LLS)
(Related Case No. 1:07-cv-03582 (LLS))
ECF CaseFINAL JUDGMENT

YouTube Inc., YouTube, LLC, and Google Inc. ("Defendants"), having moved for summary judgment that they are protected by the safe-harbor provisions of the Digital Millennium Copyright Act, 17 U.S.C. § 512 et seq., for all of Plaintiffs' direct and secondary copyright infringement claims, and such motion having come before the Honorable Louis L. Stanton, United States District Judge, and the Court thereafter, on June 23, 2010 having rendered its ~~Memorandum Decision~~ ^{Opinion} and Order granting the Defendants' motion for summary judgment; and

LLS

Plaintiffs having moved for partial summary judgment on certain of their claims for relief and against Defendants' DMCA defense, and said motion having come before the Honorable Louis L. Stanton, United States District Judge, and the Court thereafter, on June 23, 2010 having rendered its ~~Memorandum Decision~~ ^{Opinion} and Order denying Plaintiffs' motion; and

LLS

Plaintiffs having affirmed: (i) that all of their remaining claims for relief in this case are disposed of by the June 23, 2010 Order; (ii) that they do not seek injunctive relief in this action pursuant to 17 U.S.C. § 512(j); and (iii) that there are no claims for relief that still remain to be adjudicated, it is

ORDERED, ADJUDGED AND DECREED that for reasons set forth in the Court's ^{*Opinion*} ~~Memorandum Decision~~ and Order dated June 23, 2010, judgment is entered for Defendants and against Plaintiffs on all of Plaintiffs' claims. LLS

New York, New York
August 9, 2010

SO ORDERED:

Louis L. Stanton
Hon. Louis L. Stanton
United States District Judge

Entered:

Ruby S. Amick
Clerk of Court

By:

2
Deputy Clerk of Court

**UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
CIVIL APPEAL PRE-ARGUMENT STATEMENT (FORM C)**

ADDENDUM B

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

Court of Appeals No. 10-3270

Plaintiffs-Appellants,

v.

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

District Court Docket No.:
1:07-cv-02103(LLS)

Defendants-Appellees.

ISSUES PROPOSED TO BE RAISED ON APPEAL AND STANDARDS OF REVIEW

1. Did the District Court err in granting Defendants' motion for summary judgment on the Digital Millennium Copyright Act (DMCA) safe harbor defense, 17 U.S.C. § 512(c), and on inducement liability, against all of Viacom's claims for direct and secondary copyright infringement? This Court reviews a district court's grant of summary judgment de novo, construing the evidence in the light most favorable to the non-moving party. *New York Marine and Gen. Ins. Co. v. Lafarge North America, Inc.* 599 F.3d 102, 114 (2d Cir. 2010).
2. Did the District Court err in denying Viacom's motion for summary judgment on certain of its claims for direct and secondary copyright infringement and on the Defendants' Digital Millennium Copyright Act safe harbor defense? This Court reviews a district court's denial of summary judgment de novo, construing the evidence in the light most favorable to the non-moving party. *Travelers Ins. Co. v. Carpenter*, 313 F.3d 97, 103 (2d Cir. 2002).