

# 10-3342-CV

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## United States Court of Appeals *for the* Second Circuit

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THE FOOTBALL ASSOCIATION PREMIER LEAGUE LIMITED,  
BOURNE CO., CAL IV ENTERTAINMENT, LLC, CHERRY LANE MUSIC  
PUBLISHING COMPANY, INC., NATIONAL MUSIC PUBLISHERS'  
ASSOCIATION, THE RODGERS & HAMMERSTEIN ORGANIZATION,  
EDWARD B. MARKS MUSIC COMPANY, FREDDY BIENSTOCK MUSIC  
COMPANY, ALLEY MUSIC CORPORATION, X-RAY DOG MUSIC, INC.,  
FEDERATION FRANCAISE DE TENNIS, THE MUSIC FORCE MEDIA  
GROUP LLC, SIN-DROME RECORDS, LTD., MURBO MUSIC PUBLISHING,  
INC., STAGE THREE MUSIC (US) INC., THE MUSIC FORCE, LLC,

*Plaintiffs-Appellants,*

– v. –

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

*Defendants-Appellees.*

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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### **BRIEF FOR CBS CORPORATION AS *AMICUS CURIAE* SUPPORTING APPELLANTS**

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## **CORPORATE DISCLOSURE STATEMENT**

Pursuant to Rules 26.1 and 29(c)(1) of the Federal Rules of Appellate Procedure, *amicus curiae*, CBS Corporation, certifies that it is a publicly traded corporation and has no publicly owned parent corporation. National Amusements, Inc., a privately held company, directly owns the majority of the voting stock of CBS Corporation.

DATED: December 10, 2010

LEVINE SULLIVAN KOCH &  
SCHULZ, LLP

By /s/Robert PENCHINA

ROBERT PENCHINA

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## **INTEREST OF *AMICUS CURIAE***

*Amicus curiae* CBS Corporation (“CBS”) respectfully submits this brief in support of appellants.<sup>1</sup>

Through its various subsidiaries and affiliated companies, CBS is engaged in the creation and production of original television and radio programming and content, gathering news and information, and broadcasting, publicly performing, publicly displaying, licensing and otherwise distributing its copyrighted programming and content.

As creator and distributor of many of the nation’s most popular television programs and other content, effective copyright protection is crucial to CBS. As a result, CBS has a significant interest in the important issues before this Court concerning the interpretation of the Copyright Act, 17 U.S.C. §§ 101 *et seq.*, and in particular the Digital Millennium Copyright Act provisions codified at § 512 (the “DMCA”). CBS is filing this brief because of its significant concerns with the district court’s decision. CBS believes that, if not reversed by this Court, that decision threatens to impose

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<sup>1</sup> All of the parties to this appeal have consented to the submission of an *amicus* brief by CBS. Pursuant to Federal Rule of Appellate Procedure 29(c)(5) and Second Circuit Rule 29.1(b), CBS states that no counsel for a party has written this brief in whole or in part; and that no person or entity, other than CBS, has made a monetary contribution that was intended to fund the preparation or submission of this brief.

substantial negative consequences for all copyright owners who are subject to mass Internet piracy of their works.

## **ARGUMENT**

*Amici curiae* the Motion Picture Association of America, Inc. (“MPAA”) and the Independent Film & Television Alliance<sup>®</sup> (IFTA<sup>®</sup>) have submitted an *amici curiae* brief, dated as of today, which thoughtfully sets forth the reasons why the decision of the district court should be reversed. CBS adopts the arguments for reversal of the district court’s decision made in IFTA<sup>®</sup> and MPAA’s brief as though fully set forth herein, and respectfully urges that the decision of the district court be reversed.

CONCLUSION

For the reasons set forth herein, CBS respectfully submits that the district court's judgment should be reversed.

DATED: December 10, 2010

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**CERTIFICATE OF COMPLIANCE, FED. R. APP. P. 29 & 32**

Pursuant to Rules 29 and 32 of the Federal Rules of Appellate Procedure, I certify that:

1. This brief complies with the type-volume limitation of Rule 32(a)(7)(B) because this brief contains 335 words, excluding the parts of the brief exempted by Rule 32(a)(7)(B)(iii); and

2. This brief complies with the typeface requirements of Rule 32(a)(5) and the type-style requirements of Rule 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 2003 in Times New Roman, 14 point.

Dated: December 10, 2010

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