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DEC 22 2008	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	M DEPUTY

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December 22, 2008

**VIA HAND DELIVERY**

Clerk of Court  
U.S. District Court for the  
District of Arizona  
401 W. Washington St., Suite 130, SPC 1  
Phoenix, AZ 85003-2118

**MC 08 - 0130 PHX**

RE: Subpoena to DMCA Designated Agent or Network Administrator for  
CrystalTech Web Hosting Inc.

Dear Clerk of Court:

We are writing on behalf of the Motion Picture Association of America ("MPAA") and its member studios ("MPAA member studios"). We are writing to obtain a subpoena issued by the Clerk of this Court pursuant to 17 U.S.C. § 512(h).

The MPAA member studios are the owners and exclusive licensees of copyrights in and to a significant number of motion pictures and television shows. The MPAA member studios actively seek to protect their rights against individuals using the Internet to infringe their copyrights. We have uncovered a large-scale copyright infringer operating a website, Catchmovie.com, at the IP address 208.106.192.27 (the "infringing website"). The website offers pirated DVDs for sale, thereby infringing thousands of the MPAA member studio's copyright works in violation of the Copyright Act. See 17 U.S.C. § 106; see also *Hotaling v. Church of Jesus Christ of Latter-Day Saints*, 118 F.3d 199, 203 (4th Cir. 1997) ("distributing unlawful copies of a copyrighted work does violate the copyright owner's distribution right and, as a result, constitutes copyright infringement"). The website is also facilitating the infringement of thousands of the MPAA member studios' copyrighted works, in violation of longstanding principles of inducement, contributory, and vicarious liability under the copyright laws. See *Metro-Goldwyn-Mayer Studios, Inc. v. Grokster, Ltd.*, 545 U.S. 913 (2005); *In re Aimster Copyright Litig.*, 334 F.3d 643 (7th Cir. 2003); *A&M Records, Inc. v. Napster, Inc.*, 239 F.3d 1004 (9th Cir. 2001). Publicly available information indicates that this website is being hosted on the facilities of CrystalTech Web Hosting Inc., a Phoenix-based Internet service provider (ISP).

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The MPAA member studios can learn the identities of those behind this infringing website only by obtaining such information from the infringers' ISP. The Digital Millennium Copyright Act of 1998 ("DMCA") provides a method for expeditiously obtaining such information from an ISP.

Pursuant to 17 U.S.C. § 512(h), a copyright owner or its agent may obtain a subpoena ("DMCA subpoena") from the Clerk of any United States District Court for the purpose of seeking the identity of an alleged copyright infringer. Section 512(h)(4) provides that "the clerk shall expeditiously issue and sign the proposed subpoena" upon presentation of three documents in proper form: (i) a copy of a DMCA notice of copyright infringement, § 512(h)(2)(A); (ii) a proposed subpoena, § 512(h)(2)(B); and (iii) a sworn declaration meeting the requirements of § 512(h)(2)(C).

On behalf of the MPAA member studios, we are seeking to obtain a DMCA subpoena, issued by the Clerk of this Court, to serve on CrystalTech Web Hosting Inc. to learn the identity of the individuals behind the infringing website. With this letter, we are providing a DMCA notification, a proposed subpoena, and a declaration satisfying the requirements of the DMCA.

As required by the DMCA, the notification specifies a representative list of the copyrighted works that are the subject of infringing activity on the ISP's network, identifies the allegedly infringing material to be removed, and provides the ISP with information sufficient to locate the material. The declaration attests, on penalty of perjury, that the purpose of the subpoena is to obtain the identity of an alleged copyright infringer and that information obtained in response to the subpoena will be used only to protect rights under the Copyright Act.

Because of the irreparable harm to the MPAA member studios by ongoing copyright infringement and the DMCA's command that DMCA subpoenas be issued and complied with "expeditiously," we request that the Clerk's office issue this subpoena as soon as possible. If you have any questions, please do not hesitate to call me at (602) 229-5261.

Very truly yours,



*for* C. Bradley Vynalek

Enclosures  
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