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 13 IN THE UNITED STATES DISTRICT COURT
 14 IN AND FOR THE CENTRAL DISTRICT OF CALIFORNIA
 15 WESTERN DIVISION

16 CAMELOT DISTRIBUTION GROUP, INC.,
 17 Plaintiff,
 18 vs.
 19 DOES 1 through 5,865, inclusive,
 20 Defendants.

Case No.: CV11-01949 DDP (FMOx)

DECLARATION OF TOBIAS FIESER IN
SUPPORT OF RESPONSE TO ORDER TO
SHOW CAUSE

21 I, Tobias Fieser,, declare as follows:

22 1. I am the Technical Administrator of IPP International UG and have personal
 23 knowledge of the facts set forth in this declaration except as to matters stated upon information
 24 and belief, and as to those matters I believe them to be true and if called upon to do so, I
 25 could and would competently so testify under oath.

26 2. Each of the Doe Defendants have effectuated the illegal transfer of Plaintiff's
 27 Movie through the use of the "BitTorrent protocol" (or "torrent") in connection with a peer-to-
 28 peer ("P2P") network. This architecture is significantly different in form from the older P2P

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1 protocols which were employed on networks such as Napster, Kazaa, Limewire, and Gnutella.

2 3. The BitTorrent protocol allow computers to exchange large amounts of data
3 across a network while consuming minimal bandwidth on the network. With the BitTorrent
4 protocol an initial file-provider elects to share a "seed" file via a BitTorrent network. Thereafter,
5 other users ("peers") connect to the seed file and begin downloading data from the seed, while
6 simultaneously sharing the downloaded data with other peers.

7 4. As additional peers request the same file, each additional user becomes a part
8 of the network (or "swarm") and begins sharing its data with other peers, which means that
9 each additional user's computer is connected not only to the seeder/uploader but also is
10 connected to myriad other peer/downloaders.

11 5. The BitTorrent protocol used to download Plaintiff's Movie would have each new
12 file downloader receive a different piece of the data from each user who has already
13 downloaded that piece of data, all of which pieces together comprise the whole. This means
14 that every peer user who has a copy of the infringing copyrighted material on such a network—
15 or even a portion of a copy—can also be a source of download for that infringing file,
16 potentially both copying and distributing the infringing work simultaneously.

17 6. The distributed nature of the BitTorrent protocol leads to a rapid spreading of a
18 file through a huge number of peer users all of whom are both uploading and downloading
19 portions of the file simultaneously. The propagation of copying files employing the BitTorrent
20 protocol is similar to that of a computer virus. As more peers join the swarm, more parts of the
21 original file become readily available, and the likelihood of a successful download increases.

22 7. Because of the nature of the swarm downloads as described above, every
23 infringer is simultaneously stealing copyrighted material through collaboration with multiple
24 other infringers, through a number of ISPs, in numerous jurisdictions around the country. One
25 difference between this BitTorrent protocol and the older P2P network protocols Employed by
26 networks such as Napster, Grokster, Limewire, and Gnutella is how those networks locate and
27 trade bits of the files.

28 8. Napster, Kazaa, Limewire, Gnutella, and similar first generation P2P networks

1 are simple file sharing networks. Through use of a common interface, infringers are
2 interconnected to a variety of people each of whom are sharing a variety of files. Users search
3 the P2P network to locate other users who have files that are being sought by. Thereafter an
4 individual chooses a specific user from whom to download a file, and begins the process of
5 copying the entire file from the particular user who has offered the file for copying.

6 9. BitTorrent is fundamentally different. Instead of being user-focused, BitTorrent is
7 file-focused. The person seeking to share a file creates a "tracker" and makes the tracker
8 available. Rather than finding that tracker by sending out search requests along a file sharing
9 network, infringers find it in various location on the internet, including without limitation,
10 websites, via recommendations in chat rooms, and in links posted to mailing lists. Once a
11 tracker has been made available anyone interested in sharing that specific file can use the
12 tracker to essentially create a network dedicated to sharing just that specific file.

13 10. The most important characteristic of BitTorrent is the concept of the swarm,
14 which is a group of peers who are using the BitTorrent protocol to transfer a single file amongst
15 themselves. Peers engaged in downloading a file as part of a torrent cooperate to replicate the
16 file among each other using swarming techniques. A user joins an existing torrent by
17 downloading a ".torrent" file, adding it to its client and connecting to the specified tracker.
18 The ".torrent" file contains data regarding the file to be downloaded (e.g., the number of
19 pieces, encryption and error checking data called "SHA-1 hash values") and the IP address of
20 the "tracker" of the torrent. The tracker is the only centralized component of the BitTorrent
21 protocol, however it is not involved in the actual distribution of the file. Rather, the tracker
22 only keeps track of the peers who are currently members of the swarm and directs a
23 downloader's computer to the other peers to facilitate the downloading of the pieces of the file.

24 11. When joining a swarm, a new peer receives from the tracker a list of IP
25 addresses of peers who are available to connect to and cooperate with. For a typical file, such
26 as Plaintiff's Movie, 50 or more peers are chosen at random in the list of peers currently
27 involved in the torrent. This group of peers forms the peer set of the new user joining the
28 swarm. The group of peers will then distribute the file among each other. Each peer knows

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what pieces each other peer has, and each peer helps the other to successfully download the entire file.

12. There are a very few original copies of Plaintiff's Movie being tracked through the use of BitTorrent trackers. Because of the nature of the BitTorrent protocol, it is a near certainty that each of the infringers who have copied and distributed Plaintiff's movie have been involved with the copying and distribution of the exact same infringing file from the time of its initial seeding up to and including the present day. The coordinated actions of the Doe Defendants have caused a single copy of the Movie to be distributed to thousands of individuals without Plaintiff's consent, and without compensation to Plaintiff.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 12 day of May, 2011, at Karlsruhe.

Dated: May 12, 2011

By: Tieser
Tobias Fieser