

Issued by the
UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

Viacom International Inc.,
 Comedy Partners,
 Country Music Television, Inc.,
 Paramount Pictures Corporation,
 and Black Entertainment Television LLC,
 Plaintiffs,

SUBPOENA IN A CIVIL CASE

CASE NUMBER: 1:07-cv-02103 (LLS)
 (related Case No. 1:07-cv-03582 (LLS))

v.

SOUTHERN DISTRICT OF NEW YORK

YouTube, Inc., YouTube, LLC, and
 Google Inc.,
 Defendants.

TO: BayTSP.com, Inc.
 c/o Mark Ishikawa
 131 Albright Way, Suite A
 Los Gatos, CA 95032

■ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):
See Attachment A.

PLACE Metro Legal Services (612-349-9521) c/o Bender's Legal Services 1625 The Alameda Suite 511 San Jose, CA 95126	DATE AND TIME October 24, 2007 at 9:00 a.m.
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
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ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
 James J. Hartnett, IV
 FAEGRE & BENSON LLP
 2200 Wells Fargo Center
 90 South Seventh Street
 Minneapolis, MN 55402
 (612) 766-7000

9/27/07

Attorneys for Defendants

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____ DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45 Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party servicing the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place

where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(ii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot otherwise be met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

ATTACHMENT A
SUBPOENA TO BAYTSP, INC.

DEFINITIONS

1. "You," "Your," or "BayTSP" refers to BayTSP, Inc., and all predecessors, successors, subsidiaries, parents, affiliates, employees, and others acting on behalf of BayTSP, Inc. who could reasonably be expected to have responsive information for these requests, including your attorneys.
2. "YouTube" refers to YouTube, Inc., YouTube LLC, Google Inc., and www.youtube.com.
3. "SDNY Actions" refers to the civil actions filed by Viacom International Inc. et al. and The Football Association Premier League, et al. against YouTube, Inc. et al. in the United States District Court for the Southern District of New York, Case Nos. 1:07-cv-02103 (LLS) (FM) 1:07-cv-3582 (LLS) (FM), respectively.
4. "Takedown notice" means any notice to an individual or entity requesting that any allegedly infringing material be removed from a website, network or other location, or that access to such material be blocked or otherwise restricted.
5. "Communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).
6. "Concerning" means relating to, referring to, describing, evidencing or constituting.
7. "Document" is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a), including, without limitation, electronic or computerized data. A draft or non-identical copy is a separate document within the meaning of this term.

INSTRUCTIONS

1. If you claim that the attorney-client privilege or any other privilege or protection is applicable to any document that is sought by these document requests, please provide sufficient information regarding each such assertion in a manner that will enable YouTube to assess the applicability of the privilege or protection claimed.
2. A protective order has been entered in the SDNY Actions and is attached hereto as Attachment 2 for your reference.

REQUESTS FOR PRODUCTION

Pursuant to the Federal Rule of Civil Procedure 45, YouTube, Inc. ("YouTube") requests that BayTSP produce for inspection and copying the following documents, electronically stored information and tangible things that are in your possession, custody, or control:

1. All documents and communications concerning your monitoring, searching or screening of YouTube.
2. All documents and communications concerning the nature, use and development of software or any other means that You use or have used to monitor, search for, identify, or analyze allegedly infringing material and/or to send takedown notices to any individual or entity concerning alleged copyright violations, including but not limited to design specifications, user manuals, training documents, documents discussing the features or limitations of the software, and application programming interfaces (APIs).
3. All documents and communications concerning YouTube, including but not limited to any internal communications concerning YouTube, any communications with third parties concerning YouTube, any takedown notices You have sent to

YouTube, any databases containing such notices or statistics, data or analysis of such notices, or any communications between You and YouTube.

4. All communications concerning YouTube that were sent or received from the email account canneca@idcats.org.
5. All documents and communications concerning Your relationship with any third party concerning the monitoring, searching, or screening of www.youtube.com for alleged copyright violations, including but not limited to any service contracts, invoices or agreements.
6. All documents and communications concerning copyrights allegedly owned by or licensed to Viacom.
7. All documents and communications concerning any training of your employees or agents to monitor, search or screen any website that hosts user-generated content, including but not limited to www.youtube.com.
8. All documents and communications concerning any comparisons or statistics regarding how any website, network or other location, including but not limited to www.youtube.com, responded to Takedown notices sent by you, including but not limited to comparisons or statistics regarding response time, number of notices received, and performance relative to other websites, networks or other locations.
9. All documents and communications concerning the SDNY Actions, including any and all communications with any party to the SDNY Actions or attorney representing a party to the SDNY Actions.
10. All documents and communications concerning the effectiveness of Your software or any other means You use or have used to monitor, search for, distinguish, identify, or analyze allegedly infringing material.
11. Documents sufficient to identify any civil action in which You have given testimony in any form, including but not limited to declarations, depositions, and trial testimony.

12. Documents sufficient to identify all individuals and entities who have retained you to monitor, search or screen www.youtube.com.

13. Documents and communications concerning Your or Your clients use of YouTube, including but not limited to: (a) documents sufficient to show any occasions on which You or Your clients have uploaded videos to YouTube; (b) documents sufficient to show any instances of which You are aware of where Your clients uploaded videos onto YouTube; (c) all documents and communication concerning any occasions on which You viewed videos on YouTube, shared videos found on YouTube with others, or used the embed HTML code on YouTube to embed videos found on YouTube onto any website; and (d) all documents sufficient to identify YouTube user accounts used by You at any time.

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