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**FILED**

AUG 03 2018

6 Attorneys for Petitioner  
7 BBC Worldwide Limited t/a BBC Studios (Distribution)

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**DMR**

9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 **CV 18 80 129MISC**

12 IN RE: DMCA SECTION 512(h)  
13 SUBPOENA TO TWITTER, INC.

Case No.:

**BBC WORLDWIDE LIMITED T/A BBC  
STUDIOS (DISTRIBUTION)'S REQUEST  
TO THE CLERK FOR ISSUANCE OF A  
SUBPOENA PURSUANT TO 17 U.S.C. §  
512(h) TO IDENTIFY ALLEGED  
INFRINGEMENTS**

18 Petitioner BBC Worldwide Limited t/a BBC Studios (Distribution) ("BBC Studios"), by  
19 and through its undersigned counsel of record, hereby requests that the Clerk of this Court issue a  
20 subpoena directed to Twitter, Inc. ("Twitter") to identify an alleged infringer or infringers,  
21 pursuant to the Digital Millennium Copyright Act ("DMCA"), 17 U.S.C. § 512(h) (the  
22 "Subpoena"). A copy of the proposed Subpoena is attached hereto as Exhibit 2 to the Declaration  
23 of David K. Caplan ("Caplan Decl.").  
24

25 The requested subpoena relates to infringing material that BBC Studios discovered on the  
26 websites <twitter.com> and <pbs.twimg.com>, which BBC Studios is informed and believes are  
27 operated by Twitter. The infringing material includes, without limitation, unauthorized copies of  
28

BBC WORLDWIDE LTD'S REQUEST FOR ISSUANCE OF A  
DMCA SECTION 512(H) SUBPOENA TO TWITTER, INC.

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BY FAX



1 copyrighted photographic content from Season 11, Episode 1 of Doctor Who, for which BBC  
2 Worldwide Limited t/a BBC Studios (Distribution) is the exclusive licensee.

3 BBC Studios has satisfied the requirements for issuance of a subpoena pursuant to 17  
4 U.S.C. § 512(h), namely:

- 5 (1) BBC Studios has submitted a copy of the notifications required by 17 U.S.C. §  
6 512(c)(3)(A). *See* Caplan Decl. ¶ 3, Ex. 1.  
7  
8 (2) BBC Studios has submitted the proposed Subpoena concurrently herewith. *See*  
9 Caplan Decl. ¶ 5, Ex. 2.  
10  
11 (3) BBC Studios has submitted a sworn declaration confirming that the purpose for  
12 which the Subpoena is sought is to obtain the identity of the alleged infringer or  
13 infringers, and that such information will only be used for the purpose of protecting  
14 rights under Title 17 U.S.C. § 512(h)(2). *See* Caplan Decl. ¶ 4.

15 Because BBC Studios has complied with the statutory requirements, BBC Studios  
16 respectfully requests that the Clerk expeditiously issue and sign the proposed Subpoena pursuant  
17 to 17 U.S.C. § 512(h)(4) and return it to the undersigned counsel for service on the subpoena  
18 recipient.

19  
20  
21 DATED: August 3, 2018

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP

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23  
24 By: 

DAVID K. CAPLAN

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26 Attorneys for Petitioner BBC Worldwide Limited t/a  
BBC Studios (Distribution)

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