

# EXHIBIT E

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January 18, 2008

BY ELECTRONIC MAIL

Steven Hemminger  
Akin Gump Strauss Hauer & Feld LLP  
3000 El Camino Real  
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**Re: *Viacom International, Inc. v. Youtube, Inc.***  
**No. 1:07-cv-2103 (S.D.N.Y.):**  
**Subpoena to BayTSP**

Dear Steve:

I write to confirm and accept the proposal you made on behalf of BayTSP, during our January 7, 2008 conference call.


You proposed that BayTSP would omit two categories of documents from its initial production in response to Youtube's subpoena:

- Documents specific to BayTSP clients that are neither named plaintiffs in the Youtube cases nor related to any such plaintiff; and
- BayTSP's source code.

You agreed that these proposals were made expressly without prejudice to Youtube's rights to seek further production, including by meet and confer, subsequent subpoenas, or motion practice.

Youtube accepts BayTSP's proposal, and reserves all rights to seek further production. Please let us know your estimated production date at your earliest convenience.

Very truly yours,



Brandon Baum