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CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

10 Attorneys for Defendants  
11 YOUTUBE, INC., YOUTUBE, LLC, and  
GOOGLE INC.

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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION

JF

CV 08 - 80211 MISC.

15  
16 VIACOM INTERNATIONAL INC., ET AL.  
17 Plaintiffs,  
18 v.  
19 YOUTUBE, INC., ET AL.  
20 Defendants.

CASE NO. MISC.: PVT  
[Case No. 07-cv-02103 (LLS) in the  
U.S.D.C., S.D.N.Y.]  
**DECLARATION OF BRANDON  
BAUM IN SUPPORT OF MOTION  
TO COMPEL PRODUCTION OF  
DOCUMENTS PURSUANT TO  
SUBPOENA DUCES TECUM TO  
BAYTSP.COM, INC.**

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22  
23 THE FOOTBALL ASSOCIATION PREMIER  
LEAGUE LIMITED, ET AL.,  
24 Plaintiffs,  
25 v.  
26 YOUTUBE, INC., ET AL.  
27 Defendants.

[Case No. 07-cv-03532 (LLS) in the  
U.S.D.C., S.D.N.Y.]  
Date: November 24, 2008  
Time: 9:00 a.m.  
Courtroom: Eight  
Judge: James Ware

28 DECLARATION OF BRANDON BAUM  
CASE NO. MISC.:

1 I, Brandon Baum, declare as follows:

2 1. I am a Partner in the law firm of Mayer Brown LLP (“Mayer Brown”), counsel of record  
3 for defendants YOUTUBE, INC., YOUTUBE, LLC, and GOOGLE INC., (“YouTube”), and am  
4 admitted to practice before this Court. I make this declaration in support of the motion to compel  
5 third-party BayTSP.com, Inc.’s (“BayTSP”) compliance with YouTube’s subpoena *duces tecum*.  
6 I have personal knowledge of the facts set forth herein and if necessary, I could and would  
7 competently testify to these facts.

8 2. Meet and confer letters were exchanged between counsel for BayTSP and counsel for  
9 YouTube on at least November 7, 2007, January 18, 2008, February 8, 2008, February 13, 2008,  
10 February 15, 2008, February 20, 2008, February 27, 2008, March 24, 2008, March 26, 2008,  
11 March 28, 2008, April 2, 2008, April 23, 2008, May 2, 2008, May 8, 2008, May 9, 2008, May  
12 13, 2008, May 14, 2008, May 21, 2008, May 28, 2008, May 29, 2008, May 30, 2008, June 4,  
13 2008, June 9, 2008, and June 10, 2008—and dozens of meet and confer emails have also been  
14 exchanged through and including August 2008.

15 3. Meet and confer teleconferences between counsel for BayTSP and counsel for YouTube  
16 were held on at least November 27, 2007, December 4, 2007, December 18, 2007, January 7,  
17 2008, January 30, 2008, and May 12, 2008.

18 4. Attached hereto as **Exhibit A** is a true and correct copy of the subpoena *duces tecum*  
19 issued to BayTSP’s counsel on September 27, 2007 in the underlying action, *Viacom Int’l Inc., v.*  
20 *YouTube, Inc.*, S.D.N.Y. Case No. 1:07-cv-02103 (LLS).

21 5. Attached hereto as **Exhibit B** is a true and correct copy of “Response of Third-Party  
22 BayTSP.com, Inc. to YouTube, Inc.’s, YouTube LLC’s and Google, Inc.’s Subpoena”, served on  
23 November 7, 2007 in the underlying action, *Viacom Int’l Inc., v. YouTube, Inc.*, S.D.N.Y. Case  
24 No. 1:07-cv-02103 (LLS).

25 6. Attached hereto as **Exhibit C** is a true and correct copy of Viacom’s First Amended  
26 Complaint, filed April 24, 2008 in the underlying action, *Viacom Int’l Inc., v. YouTube, Inc.*,  
27 S.D.N.Y. Case No. 1:07-cv-02103 (LLS).

28 7. Attached hereto as **Exhibit D** is a true and correct copy of “FAQ” webpage from the

1 BayTSP website. This copy was obtained on June 16, 2008 from BayTSP's website at  
2 <http://www.baytsp.com/faq.html>.

3 8. Attached hereto as **Exhibit E** is a true and correct copy of "Brand Protection" webpage  
4 from the BayTSP website. This copy was obtained on June 16, 2008 from BayTSP's website at  
5 <http://www.baytsp.com/solutions/index.html>.

6 9. Attached hereto as **Exhibit F** is a true and correct copy of "Online Video Tracking"  
7 webpage from the BayTSP website. This copy was obtained on June 16, 2008 from BayTSP's  
8 website at [http://www.baytsp.com/solutions/online\\_video\\_tracking.html](http://www.baytsp.com/solutions/online_video_tracking.html).

9 10. Attached hereto as **Exhibit G** is a true and correct copy of Viacom's Initial Disclosures  
10 Pursuant to Fed. R. Civ. P. 26(A)(1) filed July 19, 2007 in the underlying action, *Viacom Int'l*  
11 *Inc., v. YouTube, Inc.*, S.D.N.Y. Case No. 1:07-cv-02103 (LLS).

12 11. Attached hereto as **Exhibit H** is a true and correct copy of "News" webpage from the  
13 BayTSP website. This copy was obtained on June 16, 2008 from BayTSP's website at  
14 <http://www.baytsp.com/pressroom/index.html>.

15 12. Attached hereto as **Exhibit I** is a true and correct copy of "Blades of Glory - How  
16 Viacom Researched YouTube Videos for Its \$1 Billion Lawsuit" webpage from the  
17 LawFuel.com website. This copy was obtained on June 16, 2008 by clicking through the link on  
18 BayTSP's website shown in Exhibit M and being redirected to LawFuel's website at  
19 <http://lawfuel.com/show-release.asp?ID=11565>.

20 13. Attached hereto as **Exhibit J** is a true and correct copy of a letter from Baum to Ellinikos  
21 dated May 13, 2008, which describes, *inter alia*, "You have agreed to attempt to produce the  
22 responsive database records no later than May 9, 2008, but if you cannot meet that deadline, you  
23 have agreed to produce sample records with headers by May 19, 2008 so that we can make  
24 preparations to use the records upon receipt, with the complete production to follow during the  
25 week of May 26, 2008 when you return from holiday."

26 14. Attached hereto as **Exhibit K** is a true and correct copy of a letter from Ellinikos to  
27 Baum dated May 2, 2008.

28 15. Attached hereto as **Exhibit L** is a true and correct copy of a letter from Ellinikos to Baum

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dated May 14, 2008.

16. Attached hereto as **Exhibit M** is a true and correct copy of a letter from Baum to Ellinikos dated June 9, 2008.

17. Attached hereto as **Exhibit N** is a true and correct copy of a letter from Ellinikos to Baum dated June 10, 2008.

18. Attached hereto as **Exhibit O** is a true and correct copy of an email from Hemminger to Baum dated August 21, 2008.

19. Attached hereto as **Exhibit P** is a true and correct copy of the Civil L.R. 37-2 Appendix for the underlying action, *Viacom Int'l Inc., v. YouTube, Inc.*, S.D.N.Y. Case No. 1:07-cv-02103 (LLS).

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

Executed on this the 14th day of October, 2008, at Palo Alto, California.

  
BRANDON BAUM