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 8 BayTSP, Inc.

9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**
 11 **SAN JOSE DIVISION**

12 Viacom International Inc., *et al.*,

13 Plaintiffs,

14 v.

15 YouTube, Inc. *et al.*,

16 Defendants.

Miscellaneous Action
 Case No. 08-MC-80211-JF-PVT

**DECLARATION OF C. AUGUSTINE
 RAKOW IN SUPPORT OF BAYTSP'S
 OBJECTION TO JANUARY 14, 2009
 ORDER RE YOUTUBE SUBPOENA**

18 The Football Association Premier League Limi-
 19 ted, *et al.*,

20 Plaintiffs,

21 v.

22 YouTube, Inc. *et al.*,

23 Defendants.

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DECLARATION OF C. AUGUSTINE RAKOW

I, C. AUGUSTINE RAKOW, declare:

1. I am an associate at Alston & Bird, LLP, counsel for nonparty BayTSP.com, Inc., and I make this declaration based on information known to me in that capacity. Unless indicated otherwise, I have personal knowledge of the facts contained in this declaration, and, if called upon to do so, I could and would testify competently thereto.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Honorable Patricia V. Trumbull’s 1/14/2009 Order Granting YouTube’s Motion to Compel.

3. Attached hereto as **Exhibit B** is a true and correct copy of the official reporter’s Transcript of Proceedings Before the Honorable Patricia V. Trumbull on December 9, 2008.

4. Attached hereto as **Exhibit C** is a true and correct copy of 17 U.S.C. § 512(c) of the Digital Millennium Copyright Act.

5. Attached hereto as **Exhibit D** is a true and correct copy of Exhibits D-F to the 10/16/08 Declaration of Brandon Baum In Support of Motion to Compel.

6. Attached hereto as **Exhibit E** is a true and correct copy of an email exchange between Steven Hemminger, counsel for BayTSP, and John Mancini, counsel for YouTube.

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

Executed at Palo Alto, California.

Dated: January 29, 2009

/s/
C. Augustine Rakow