
EXHIBIT D

**Exhibit D to the Declaration of Brandon Baum
in Support of Motion to Compel**

FAQ

FAQ

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Questions about Copyright Infringement Notices

BayTSP receives many calls from internet users who have received infringement notices. This document may help answer the most common questions.

Information is included for parents about how a notice may relate to the use of the computer by their children. Please remember that infringements can be generated by anyone on your computer or network downloading copyrighted materials, even friends who have access to your system or network for as little as 15 minutes. Regardless, you are responsible for any copyright violations that occur through your internet access account.

- I have received an email (or letter in the mail) from my Internet provider and I don't know what it's about?
- How do I take care of this and what do I need to do?
- When did this occur and what is GMT?
- Who is BayTSP in this process?
- Am I or my son/daughter being sued?
- How do I find the file on our computer?
- Do I still need to reply if we don't find the file on our computer?
- Has BayTSP invaded our privacy? Do you know what else is on my personal computer?
- We paid for downloading by subscribing to a peer-to-peer website. Why did I get a notice if I've paid for it?
- My Internet service is down because of this.
- I still need more help
- Where can I find more information about copyright laws pertaining to the Internet?

I have received an email (or letter) from my Internet provider and I don't know what its about.

You have received an "unauthorized use of copyrighted material" notice. These notices are sent when copyrighted material has been illegally downloaded from and/or uploaded to the Internet. The information on your notice provides you with details, including the name of the file, the time that the file was seen and the file size.

How do I take care of this and what do I need to do?

Getting this resolved is easy. Find and remove the file from your computer, and use the link or email address provided in the notice to reply to BayTSP that the infringing file is removed. Replying to the notice is essential in resolving the issue. If you have problems please use the contact information at the end of this FAQ.

When did this occur and what is GMT?

The time stamp in the notice reflects the time that BayTSP detected the file on your computer, not necessarily when it was downloaded. The time listed is Greenwich Mean Time (GMT). To find your local time for the time of detection, use the following guidelines (be sure to factor in Daylight Savings Time, if appropriate):

- Eastern Time: Subtract 4 hours from the time stated in the notice
- Central Time: Subtract 5 hours from the time stated in the notice
- Mountain Time: Subtract 6 hours from the time stated in the notice
- Pacific Time: Subtract 7 hours from the time stated in the notice

Who is BayTSP?

BayTSP is a service company retained by copyright owners to identify individuals who are making their copyrighted works available for download on the Internet. BayTSP sends infringement notices on behalf of the clients and monitors for compliance. BayTSP does not own the copyrighted file; the company named in the notice is the copyright holder. BayTSP is the company's assigned agent to take care of these matters. In most cases you are asked in the notice to reply with your compliance directly to BayTSP and not the copyright holder. BayTSP reports who has complied and who has not to the copyright holders weekly.

Am I or my son/daughter being sued?

This notice is not initiating a lawsuit against you. BayTSP is requesting that

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you delete the file listed in the notice and reply to BayTSP confirming that you did so. BayTSP will notify the copyright holder that you are no longer violating copyright laws. BayTSP does not initiate lawsuits on behalf of its clients. BayTSP cannot say what the copyright holder will do, but if this is your first notice, chances are that you will not be sued.

How do I find the file on our computer?

If you are using Microsoft Windows, click on your start button, scroll to search, then select "for files or folders." You can choose to search by exact file name or with key words. You'll want to look on your hard drive for this file. Once your computer finds the file, it will list possible matches. You must determine which file corresponds to the one listed in the notice.

Do I still need to reply if we don't find the file on our computer?

Yes. Respond stating that the file is not on your computer. BayTSP will notify the copyright holder that you do not believe you violated copyright laws. If you have problems please use the contact information at the end of this FAQ.

Has BayTSP invaded our privacy? Do you know what else is on my personal computer?

BayTSP does not scan your computer or invade your privacy. BayTSP collected the information identifying your computer through the file sharing network or public Internet site that your computer was connected to. Most peer-to-peer file sharing programs require that you share files (allow others to download from you) even as you are downloading from others using the network. By using a file sharing program, you are potentially allowing strangers to download files from your computer. File Sharing programs are not illegal themselves - it's what is shared over them that can cause problems. Sharing your personal pictures, home movies, and other things you own is legal.

It is possible for you to receive a notice for material that you did not download, but legitimately purchased.

The most likely cause of this would be that the file sharing application on your computer scanned your entire hard drive and is making available music, software or movie files other than those in the shared folder of the file sharing application. This is a violation of copyright holder's rights and you must take steps to stop it. Deleting the file sharing application is the best way to stop your files from being made available to others on the Internet. A few popular file sharing programs you may find on your system are eDonkey2000, eMule, Limewire, BearShare, FastTrack, Overnet, WinMX, Ares, DC++, Shareaza, Souseek, KaZaA, and BitTorrent clients such as Azureus, BitTomato, BT++, and BitComet.

You are responsible for what your PC is doing and what network it is sharing with - So these are our recommendations

- Know whether any computer in your home has file sharing software installed on it.
- If you continue to use a file sharing program, turn off file sharing so that others don't have access to your computer.
- Do not download files you know or suspect to be copyrighted material. In general - If you pay money to see, run, or listen to it normally, then it is most likely copyrighted.

We have paid for permission to download by subscribing to a peer-to-peer website. Why did I still get a notice?

Your subscription is limited to the use of these companies' websites and file sharing software. Sharing your personal pictures, home movies, and the like are legal. But sharing or downloading copyrighted material from the network is not legal. Some companies may lead people to believe that a subscription authorizes you to download copyrighted material (software programs, music or movies). BayTSP recommends you read all the information regarding the subscription and agreement to clearly understand what they are offering.

My Internet service is disconnected because of this.

Your Internet Service Provider (ISP) controls your access to the Internet. Nearly all ISPs have Terms of Service agreements that customers must abide by and most of these address issues relating to copyright infringement. Depending on the ISP, your Internet connectivity can be suspended upon your receiving one or more infringement notices. If your connectivity has been suspended, you should contact your ISP to determine what you must do to have it reinstated.

I still need more help

Contact our infringement resolution team at 408-341-2300 or email to compliance@baytsp.com

Where can I find more information about Copyright laws pertaining to the Internet?

- United States Copyright Office Main Page:
<http://www.copyright.gov>
- Help prevent online piracy at home:
<http://www.microsoft.com/athome/security/children/kidspracy.msp>

World Legal Resource Center, Internet Law Library:
<http://www.lawmoose.com/internetlawlib/325.htm>
World Intellectual Property Organization (for international violations):
<http://www.copyright.gov/wipo/treaty1.html>

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Tracking

Online Video Tracking

Content
Authentication
Platform

Enforcement Services

Pre-Release Detection

RADAR High Level
Detection

Auction Services

Brand Protection

Home / Solutions / Brand Protection

Brand Protection

Brand and Trademark Protection Services

BayTSP provides internet tracking, enforcement notification services, and monitoring to help our customers effectively combat the illegal distribution and use of their intellectual property on P2P and public networks.

Online Tracking

When digital content is pirated, BayTSP can locate and identify the individuals who are posting and sharing that content and assist the copyright holders in having the content removed from the internet.

BayTSP's approach begins with patent-pending search technology that monitors all aspects of the internet. On the public networks, BayTSP searches for misuse of brands in Web sites, text and document files, links and meta-tags. In addition, BayTSP can search for image files such as logos or other trademarked content using our unique image fingerprinting technology. BayTSP also monitors the content in Usenet groups, public Web sites, auction sites (i.e., eBay), internet Relay Chat (IRC) channels, and chat groups where individuals comment on a company's name or brand. The search results are filtered to remove any false positives and then the information is collected into a database that is accessible worldwide.

Auction Monitoring

BayTSP auction service monitors eBay, worldwide, for counterfeit or bootleg items and notifies you immediately. BayTSP can automatically send removal notices and has a "Blind Buy" program that allows us to send you questionable items for inspection.

Account Management and Reporting

Account management and reporting are done through our Customer Information Management System (CIMS) software application. Customers can manage the sending of removal notices manually, or use rules-based engines to automate "Take Down" notices. Reports can be generated by any metric and used to track reduction progress or trends. A number of preconfigured charts are available, such as infraction results by brand, country, and type of network. Also notice effectiveness data and infraction counts are available to correlate trends. Customers only need a current Windows-based PC or notebook with access to the internet to manage the information provided by BayTSP.

In addition, customers can request "evidence packages" that include a digital copy of the infringing content and background materials needed to take additional legal steps.

Sustained Protection

One of the most effective aspects of BayTSP's technology is the sustainability of the service levels. Our ability to find infractions is consistent regardless of the number of infractions found.

BayTSP's systems continually monitor the infringers for compliance with the Take Down notice, and record when it was removed. BayTSP establishes "case files" for infringers and can track them long-term to make sure they don't use copyrighted material at a later date.

Customer Success Stories

A processing firm affiliated with a large credit card company found that some merchants were accepting payment for forbidden types of merchandise, and the credit card company was at risk. BayTSP was able to find on the merchant sites the types of products disallowed by the contracts and enable the processing company to continually monitor for merchant violations.

A large computer company discovered the source of false rumors about high product failure rates. As a result, the company was able to stop the erosion of sales in one of their most profitable product categories.

A tractor company found out that many internet search requests for service or parts to repair their equipment were directed to a network of unauthorized dealers. Through BayTSP's services they were able to eliminate the illegal use of their name and direct service inquiries their way.

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A very large software company called BayTSP to track down the source of a code leak. Within hours the source had been located, as well as all other sites that contained copies. The software company used this data to swiftly plug the leak and close down the new sources.

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Online Video Tracking

Content Authentication Platform

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Online Video Tracking

Tracking Video: Viral Video Tracking Services

BayTSP's latest tracking tool for Web-based video posting and sharing sites allows quick identification and removal of your copyrighted content.

Online Tracking

It is inevitable that televised shows will be pirated, but those who are sharing that content can be quickly located and identified. When pirated content appears online, rights holders around the world work with BayTSP to have it removed.

BayTSP's approach begins with patent pending search technology that monitors peer-to-peer networks, video sharing sites, Usenet groups, public FTP sites, auction sites and Internet Relay Chat (IRC) channels for individuals offering television shows and movies for viewing or download. When a potential infringement is found, it's checked to confirm that it is an unauthorized copy of the client's content.

Video Sharing Sites: The Latest Challenge

BayTSP's newest monitoring system – Bay Video Manager (BVM) – scans YouTube, Google Video, Yahoo Video and others for copies of unauthorized video and audio. BVM can identify infringing content even if the individual who uploaded it edited the file to make it more difficult to locate. The system also monitors a growing number of social networking systems like MySpace, where users link to infringing content posted on the various video hosting websites. MySpace alone accounts for 83% of traffic to social network websites, followed a distant second by Facebook, with 7%, according to the San Francisco Chronicle (2006).

Video Sites Covered:

- . YouTube.com
- . Video.MySpace.com
- . Video.Yahoo.com
- . Video.Google.com
- . DailyMotion.com
- . Metacafe.com
- . Veeh.com
- . *Additional sites being added

The Enforcement Process

Bay Video Manager searches by keywords, hit counts and the date the video was uploaded. BVM displays results in a table format and includes a thumbnail image of the infringing video. Videos are categorized by title and the results include a drop down menu that lists multiple titles and infringements for each title. BayTSP reviews the results and individually validates each infringement as an authentic copy of the client's intellectual property.

When a file is confirmed as an infringement, the file and identifying data are imported into BayTSP's Customer Information Manager System (CIMS).

CIMS: Flexible Notice Sending & Reporting

CIMS allows clients to review individual infringements or establish automated processes that direct the system to send DMCA-compliant takedown notices to the video hosting site.

Clients have access to automated reporting capabilities to monitor and report on the progress of infringement removal. The database is accessible worldwide and reports can be generated by any metric to track reduction progress including infringement results by title, country, ISP, and location found.

In addition each BayTSP client has a personal Customer Service Manager (CSM) who works with them to tune the monitoring and enforcement service to attain maximum effectiveness.

Evidence Download Packages

BayTSP offers a separate service that downloads evidence packages that can be used for potential litigation. Each package typically includes a copy of

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the infringing video downloaded from the hosting site and information on the individual who posted it.

This report and a disk are sent to the client, a technical lab, or a legal firm as determined by the client's preferences. Packages are prepared with "chain of evidence" documentation and shipped by courier or overnight delivery.

Litigation Support Services

One of the most effective aspects of BayTSP's technology is its dependability. Evidence collected by BayTSP has supported several successful civil prosecutions. BayTSP can also provide expert witness testimony to support its methods and technology for identifying individuals who infringe on client intellectual property.

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