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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
 REPLY BRIEF**

18 The Football Assoc. Premier League Ltd., *et al.*,

19 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. 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 Exhibit 9 to the Declaration of Caroline Wilson (“Wilson Decl.”) accompanying YouTube’s Motion to Compel Production of Documents.

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: February 27, 2009

/s/
C. Augustine Rakow