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15 Attorneys for Plaintiff  
16 Libyan Jamahiriya Broadcasting Corporation

17 UNITED STATES DISTRICT COURT  
18  
19 NORTHERN DISTRICT OF CALIFORNIA

20 Libyan Jamahiriya Broadcasting  
21 Corporation,

22 Plaintiff,

23 vs.

24 Abdalla Saleh,

25 Defendant.

Civil Action No. 5:10-CV-03713-JF PVT

DECLARATION OF JOHN R FUISZ IN  
SUPPORT OF EX PARTE MOTION

26 Pursuant to 28 U.S.C. § 1746, I, John R Fuisz, being of mature age and having mental  
27 capacity to do so, hereby, declare and state as follows:

28 1. I have personal knowledge of the facts alleged herein and could competently  
testify thereto in a court of law.

1           2.       On information and belief, Plaintiff Libyan Jamahiriya Broadcasting Corporation  
2 (“LJBC”) provided YouTube LLC with Notification under the United States Digital Millennium  
3 Act, 17 U.S.C. §512 that an individual with the user name of “abdoellibie” had posted materials  
4 that infringed upon one or more LJBC owned copyrights. A true and accurate copy of the May  
5 22, 2010 email submission is attached as Exhibit A.

6  
7           3.       On information and belief, “abdoellibie” provided the attached counter-designation  
8 to YouTube LLC using “abdoellibie@yahoo.com.” A true and accurate copy of the August 10,  
9 2010 email is attached as Exhibit B. The email address “abdoellibie@yahoo.com” was used by  
10 an individual identified as Abdalla Saleh. In the counter-designation, the individual states under  
11 penalty of perjury:

12                   I hereby consent to the jurisdiction of the Federal District Court for the  
13 district in which I reside (or if my address is outside of the United States,  
14 the judicial district in which YouTube is located, and will accept service of  
process from the claimant....

15                   My name, address, and telephone number are:  
16 Abdalla Saleh 20 Sahllmar Blvd, Toronto ON  
17 Tel.: 6476286321  
18 E-mail: [abdoellibie@yahoo.com](mailto:abdoellibie@yahoo.com)  
YouTube user Account Name: Abdoellibie

19           4.       .....  
20 On information and belief, YouTube LLC is located at 901 Cherry Ave., San  
Bruno, California, 94066.

21           5.       On August 20, 2010, YouTube LLC was provided with Notification under 17  
22 U.S.C. §512(g). The Notification, including a copy of the complaint, was faxed and emailed to  
23 YouTube (fax 650.872.8513 and email [copyright@youtube.com](mailto:copyright@youtube.com)) and emailed to Abdalla Saleh  
24 (email [abdoellibie@yahoo.com](mailto:abdoellibie@yahoo.com)). A true and accurate copy is attached as Exhibit C.

25  
26           6.       On August 21, 2010, the Civil Cover Sheet, Complaint, Summons, Certification of  
27 Interest, Application for Pro Hac Vice, Order Setting Initial Case management Conference and  
28

1 ADR Deadlines, Civil Standing Orders for Magistrate Judge Joseph C. Spero, Notice of Rule  
2 Discontinuing Mail Service, Notice of Assignment of Case and Order of Chief Judge In Re:  
3 Electronic Filing was sent by U.S. Post Office Global Express to Abdalla Saleh, 20 Shallmar  
4 Blvd., Toronto ON, Canada. A true and accurate copy of the mailing receipts are attached as  
5 Exhibit D. On information and belief, 20 Shallmar is an apartment building and requires an  
6 apartment number for delivery. On information and belief, the August 21, 2010 package has not  
7 been able to be delivered. A true and accurate copy of the tracking information is attached as  
8 Exhibit E.

10 7. A true and accurate copy of *Popular Enters., LLC v. Webcom Media Group, Inc.*,  
11 225 F.R.D. 560 (E.D. Tenn. 2004) is attached as Exhibit F.

12 8. A true and accurate copy of *Williams-Sonoma, Inc. v. FriendFinder*, 2007 WL  
13 4973848 (N.D. Cal. 2007) is attached as Exhibit G.

14 9. A true and accurate copy of *BP Products of North America, Inc. v. Dagra*, 236  
15 F.R.D. 270 (E.D. Va. 2006) is attached as Exhibit H.

16 10. A true and accurate copy of *MPS IP Services Corp. v. Modis Communications,*  
17 *Inc.*, 2007 WL 723841(M.D. Fla. 2007)(Dkt. 11) is attached as Exhibit I.

18 11. A true and accurate copy of *Nanya Technology Corp. v. Fujitsu Ltd.*, 2007 WL  
19 269087 (D. Guam 2007) is attached as Exhibit J.

20 12. The United States and Canada are both signatories to the Hague Convention on  
21 the Service Abroad of Judicial and Extra-Judicial Documents in Civil and Commercial Matters.

22 See [http://www.hcch.net/index\\_en.php?act=conventions.status&cid=17](http://www.hcch.net/index_en.php?act=conventions.status&cid=17).

1 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
2 ability.

3  
4 Dated: September 27, 2010

/s/ John R. Fuisz

John R. Fuisz