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 INTERNET ARCHIVE

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 RICHARD W. WIERING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN FRANCISCO DIVISION**

ORIGINAL

13 INTERNET ARCHIVE, a California 501(c)(3)
 non-profit organization,

14 Plaintiff,

15 v.

16 SUZANNE SHELL, a Colorado resident,

17 Defendant.

Case No.: C 06 0397

**DECLARATION OF MOLLY
 BRAGG IN SUPPORT OF
 INTERNET ARCHIVE'S
 OPPOSITION TO SHELL'S
 MOTION TO TRANSFER**

Date: May 19, 2006
 Time: 9:00 a.m.
 Before: Hon. Jeffrey S. White
 Location: Courtroom 2, 17th Floor

20 I, Molly Bragg, declare as follows:

21 1. I am a Partner Specialist with plaintiff Internet Archive in the above-captioned
 22 action. I have worked with Internet Archive since May 2003. In my current position at Internet
 23 Archive, I work with institutional partners for Internet Archive's subscription service, Archive-It,
 24 which allows institutions to build, manage and search their own web archive through a user-
 25 friendly web application, without requiring any technical expertise. I also act as a liaison for
 26 various legal matters at Internet Archive, such as responding to subpoenas from third parties and
 27 interacting with United States Attorneys. In my capacity at Internet Archive, I have interacted
 28

1 with nearly all of our employees and have gained a deep knowledge of how we operate. I make
2 this declaration of my own personal knowledge, and, if called as a witness, I could and would
3 testify competently to the facts set forth herein.

4 **The Internet Archive**

5 2. Internet Archive is located in the Presidio of San Francisco, California. With only
6 a handful of exceptions, all of Internet Archive's employees live and work in the Bay Area. As a
7 result, San Francisco is where the vast majority of Internet Archive's activities take place: our
8 headquarters are located here, our documents are located here, and the servers and other
9 computers that hold the vast content we archive are located at various sites throughout the Bay
10 Area.

11 3. Internet Archive board members Brewster Kahle, Rick Prelinger and Kathleen
12 Burch each live in San Francisco, California.

13 4. Internet Archive has no employees and facilities in Colorado.

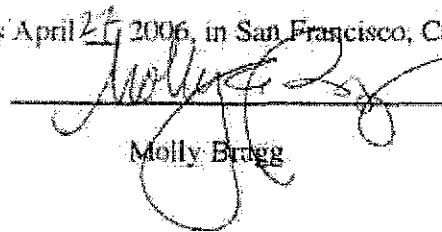
14 **This Litigation**

15 5. Defendant and Counterclaimant Suzanne Shell began to threaten Internet Archive
16 with a copyright infringement suit in December 2005. The first threat came in the form of a
17 letter directed to Internet Archive's San Francisco headquarters. In that letter, Shell threatened to
18 sue Internet Archive for copyright infringement and to seek actual and/or statutory damages from
19 Internet Archive, including any additional liability created by third parties who accessed the
20 www.profane-justice.org Web site through Internet Archive's Wayback Machine. Attached
21 hereto as Exhibit A is a true and accurate copy of that letter.

22 6. In response to that initial demand letter, Internet Archive removed the copy of
23 Shell's Web site from its archives. We then sent Shell an email informing her that we had taken
24 that action. Shell responded to Internet Archive's notice of takedown of her website by sending
25 additional demand emails to Internet Archive's San Francisco headquarters. In these emails,
26 Shell threatened to sue Internet Archive unless a substantial amount of money was paid to her. I
27 was the principal point of contact between Internet Archive and Shell at this time. Although we
28 tried through subsequent email correspondence to arrive at an amicable settlement, Shell's

1 Attached hereto as Exhibit B are true and correct copies of these additional communications
2 between Internet Archive and Shell.

3
4 I declare under penalty of perjury under the laws of the United States that the foregoing is
5 true and correct. This declaration is executed this April 27, 2006, in San Francisco, California.

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7 Molly Bragg

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