

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FOX TELEVISION STATIONS, INC., et al.

Case No. 1:13-cv-00758 (RMC)

Plaintiffs & Counter-
Defendants,

v.

AEREOKILLER LLC, et al.

Defendants & Counter-
Plaintiffs.

DECLARATION OF WILLIAM H. LORD

I, William H. Lord, declare as follows:

1. I am Vice President and General Manager of WJLA-TV/NewsChannel 8, a division of Allbritton Communications Company (“Allbritton”).
2. I submit this declaration in support of Plaintiffs’ Motion for Preliminary Injunction. This declaration is based on my own personal knowledge, my review of Allbritton’s books and records, or on information provided to me in my capacity as Vice President and General Manager of Allbritton. If called as a witness, I will provide testimony regarding the subject matter addressed in this declaration.
3. Allbritton owns and operates television station WJLA-TV, which is licensed by the FCC and broadcasts to viewers over-the-air on channel 7 in the Washington, D.C. market. WJLA-TV is affiliated with the ABC Television Network.

4. Allbritton is actively engaged, among other things, in the production and distribution of television programming and other copyrighted works, including local news programming.

5. Attached hereto as Exhibit 1 is a true and correct copy of a non-exhaustive list of television programs in which Allbritton holds the copyrights, and for which I have direct knowledge were broadcast on WJLA-TV on May 27, 2013, and May 28, 2013. I have direct knowledge that other episodes of television programs in which Allbritton holds the copyright have been aired on WJLA-TV (as original or repeat airings) at various times between May 27, 2013, and the present.

6. Attached hereto as Exhibit 2 is a true and correct copy of a notice that was sent with my knowledge and approval to defendants' counsel, which informed defendants, pursuant to Section 411(c) of United States Copyright Act and Section 201.22 of the Copyright Office's regulations, of their potential copyright infringement related to the programming listed in Exhibit 1 and Allbritton's intent to secure a copyright in that programming.

7. Allbritton has submitted applications to register its copyrights in the programming listed in Exhibit 1. A true and correct copy of those applications are attached hereto as Exhibit 3.

8. Allbritton has not licensed to any of the Defendants the right to publicly display or perform, distribute or reproduce copies of any of its television programs or other works in

which it owns the copyrights, including those works listed in Exhibit 1.

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

Executed this 12 day of JULY, 2013 at Arlington, Virginia.

A handwritten signature in black ink, appearing to read "William H. Lord", written over a horizontal line.

William H. Lord

EXHIBIT 1

No.	Program Title	Broadcast Date	Copyright Owner	Registration Application
1.	ABC 7 News at 6 05/27/2013	5/27/2013	Allbritton Communications Company	1-948842652
2.	ABC 7 News at 6 05/28/2013	5/28/2013	Allbritton Communications Company	1-948842678

EXHIBIT 2



Jerald N. Fritz
Senior Vice President
Legal and Strategic Affairs
Tel: (703) 647-8747
Fax: (703) 647-8740
jfritz@allbritton.com

May 23, 2013

VIA FIRST CLASS MAIL RETURN RECEIPT REQUESTED
AND EMAIL: copyright@filmon.com

Aereokiller LLC
400 E. 58th Street, Apt. 8B
New York, NY 10022

FilmOn.TV, Inc.
FilmOn.TV Network, Inc.
FilmOn.com, Inc.
301 N. Canon Drive
Beverly Hills, CA 90210

c/o Jaime W. Marquart
10990 Wilshire Blvd, Fourth Floor
Los Angeles, CA 90024
jmarquart@bakermarquart.com

RE: ADVANCE NOTICE OF POTENTIAL INFRINGEMENT

On behalf of Allbritton Communications Company ("Allbritton"), we submit this advance notice of potential infringement pursuant to Section 411(c) (formerly 411(b)) of the United States Copyright Act, 17 U.S.C. § 411(c), and Section 201.22 of the Copyright Office's regulations, 37 C.F.R. § 201.22 (2009).

The Federal Communications Commission has licensed Allbritton to operate the television station identified by the call letters WJLA-TV, the signal of which is broadcast to viewers over-the-air in the Washington, DC metropolitan area. WJLA-TV will telecast the following programs:

<u>Program</u>	<u>Date</u>	<u>Time (E.S.T.)</u>
ABC 7 News at 6	May 27, 2013	6:00 p.m. – 6:30 p.m.
ABC 7 News at 6	May 28, 2013	6:00 p.m. – 6:30 p.m.

Each telecast will be a copyrighted work consisting of sounds and images, the first fixation of which will be made simultaneously with its transmission. Allbritton, the copyright claimant of these works, intends to secure a copyright in these telecasts upon their fixation and to file an application for copyright registration in such telecasts within three months of their first transmission.

Advance Notice Of Potential Infringement

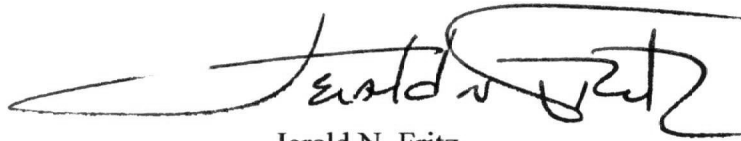
May 23, 2013

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Your streaming of these telecasts over the Internet to subscribers and users of the Aereokiller retransmission service, including through the websites www.filmon.com, www.filmonx.com, www.filmon.tv, and www.aereokiller.com, or any other service owned or controlled by you, would, if carried out, result in an infringement of the copyright in such telecasts. Allbritton objects to such activities that, if carried out, would subject you to liability for copyright infringement. In view of this notice, such infringement would be willful.

This notice does not purport to be a full or complete statement of facts or the law and is without prejudice to any rights, claims and remedies available to Allbritton, whether legal or equitable in nature, all of which are expressly reserved.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jerald N. Fritz". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Jerald N. Fritz
Sr. Vice President
Legal and Strategic Affairs

EXHIBIT 3

-APPLICATION-

Title _____

Title of Work: ABC 7 News at 6 05/27/2013

Completion/Publication _____

Year of Completion: 2013

Date of 1st Publication: May 27, 2013

Nation of 1st Publication: United States

Author _____

▪ Author: Allbritton Communication Company

Author Created: entire motion picture

Work made for hire: Yes

Domiciled in: United States

Copyright claimant _____

Copyright Claimant: Allbritton Communications Company

1000 Wilson Blvd., 1000, Arlington, VA, 22209, United States

Certification _____

Name: Jerald Fritz

Date: June 12, 2013

Registration #:

Service Request #: 1-948842652

Priority: Routine

Application Date: June 12, 2013 03:33:47 PM

Correspondent

Name: Jerald Fritz

Email: jfritz@allbrittontv.com

Address: 1000 Wilson Blvd.
Arlington, VA 22209 United States

Mail Certificate

Allbritton Communications Company
Jerald Fritz
1000 Wilson Blvd..
1000
Arlington, VA 22209 United States

-APPLICATION-

Title _____

Title of Work: ABC 7 News at 6 05/28/2013

Completion/Publication _____

Year of Completion: 2013

Date of 1st Publication: May 28, 2013

Nation of 1st Publication: United States

Author _____

▪ **Author:** Allbritton Communication Company

Author Created: entire motion picture

Work made for hire: Yes

Domiciled in: United States

Copyright claimant _____

Copyright Claimant: Allbritton Communications Company

1000 Wilson Blvd., 1000, Arlington, VA, 22209, United States

Certification _____

Name: Jerald Fritz

Date: June 12, 2013

Registration #:

Service Request #: 1-948842678

Priority: Routine

Application Date: June 12, 2013 03:34:32 PM

Correspondent

Name: Jerald Fritz

Email: jfritz@allbrittontv.com

Address: 1000 Wilson Blvd.
Arlington, VA 22209 United States

Mail Certificate

Allbritton Communications Company
Jerald Fritz
1000 Wilson Blvd.,
1000
Arlington, VA 22209 United States