

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FOX TELEVISION STATIONS, INC., et al.,

CIVIL ACTION NO. 1:13-cv-00758 (RMC)

Plaintiffs/Counter-Defendants,

v.

FILMON X, LLC, et al.,

Defendants/Counter-Plaintiffs.

DECLARATION OF COMPLIANCE WITH PRELIMINARY INJUNCTION ORDER

I, Alkiviades David, declare:

1. I submit this declaration to provide a report to the Court regarding defendants' efforts to comply with the Preliminary Injunction Order filed on September 5, 2013 in this action ("the Order"). I have personal knowledge of the facts set forth herein and, if called as a witness, I could and would testify competently thereto.

2. When I refer to "defendants" throughout this declaration, I mean to include myself, FilmOn X LLC, Aereokiller LLC, FilmOn.TV Networks, Inc., FilmOn TV, Inc. and FilmOn.com, Inc. I include myself within the meaning of the term "defendants" only to comply with the Court's request in the Order that I declare as to my compliance with the Order. I have not been served in this matter, have not appeared in this matter and do not by this declaration intend to appear in this matter.

A. Review and Discussion of the Order

3. On or about September 5, 2013, defendants reviewed the Order and discussed it with legal counsel.

4. Shortly after receiving and discussing the Order with counsel, defendants discussed the necessary technological steps that would be required to comply with the Order with counsel and one another.

5. I understand that the Order applies throughout the United States, with the exception of the geographic boundaries of the United States Court of Appeals for the Second Circuit. I am informed that Connecticut, New York and Vermont are within the Second Circuit and therefore are outside the geographic scope of the Order.

6. I am further informed that the Order only relates to “Copyrighted Programming” which is a defined term in the Order which defendants have also reviewed.

B. Technological Efforts to Comply with the Order

7. The process for ensuring compliance with the Order was fairly straightforward because defendants already utilize a geographically specific database to restrict particular services (i.e., channels) to particular users based upon their designated market areas. Therefore, to ensure that no unlicensed Copyrighted Programming was in any way being retransmitted, streamed, or otherwise publicly performed or displayed within the territories covered by the Order, defendants merely removed all access to the unlicensed Copyrighted Programming to users logging on to any of the websites or mobile applications operated by defendants from within any designated market areas outside the Second Circuit.

8. The above-described restriction was accomplished by removing any available links for such individuals to the Copyright Programming from the web sites and other applications that service individuals logging on from outside the Second Circuit.

9. Defendants are no longer “streaming, retransmitting, retransmitting, or otherwise publicly performing, displaying, or distributing” any unlicensed Copyrighted Programming outside the Second Circuit. Users who attempt to access defendants’ services from within a designated market area outside the Second Circuit do not receive the option of accessing any of the unlicensed Copyrighted Programming subject to the Order.

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

Athens Greece

Executed on September 12, 2013, at _____.

By _____



Alkiviades David