

EXHIBIT 1

Scott Malzahn

From: Ryan Baker
Sent: Thursday, October 10, 2013 4:31 PM
To: Shepard, Julie A.; Blackburn, James S.
Cc: Scott Malzahn; Brian Klein; Ulin, John C.; Wagman, Jennifer L.
Subject: RE: Fox v. FilmOn (DC Dist.)

Basis is FilmOn X technology (which Collyer assumed is same as Aereo's) has been considered and found not to be a basis for an injunctive relief. In other words, under First Circuit law, FilmOn should not be enjoined from offering its service to enable users to watch your clients free, over-the-air programming.

Collyer expressly stated we might seek such relief if the court of a different circuit followed the Second Circuit precedent. That is what happened in Boston.

Let me know if you need me to explain further.

Thanks

Sent via the Samsung GALAXY S34, an AT&T 4G LTE smartphone

----- Original message -----

From: "Shepard, Julie A." <JShepard@jenner.com>
Date: 10/11/2013 01:40 (GMT+02:00)
To: Ryan Baker <rbaker@bakermarquart.com>,"Blackburn, James S." <James.Blackburn@APORTER.COM>
Cc: Scott Malzahn <smalzahn@bakermarquart.com>,"Brian Klein <bklein@bakermarquart.com>,"Ulin, John C." <John.Ulin@APORTER.COM>,"Wagman, Jennifer L." <JWagman@jenner.com>
Subject: RE: Fox v. FilmOn (DC Dist.)

Ryan

You haven't provided the basis for FilmOnX's motion to modify, which is one reason we oppose the motion. We are currently aware of no basis to modify based on Judge Gorton's decision. Hence, we will oppose. If you'd like to tell us why you think the order can and should be modified, we'll respond more fully.

Julie

From: Ryan Baker [mailto:rbaker@bakermarquart.com]
Sent: Thursday, October 10, 2013 1:36 PM
To: Shepard, Julie A.; Blackburn, James S.
Cc: Scott Malzahn; Brian Klein
Subject: RE: Fox v. FilmOn (DC Dist.)

On what grounds?

Sent via the Samsung GALAXY S34, an AT&T 4G LTE smartphone

----- Original message -----

From: "Shepard, Julie A." <JShepard@jenner.com>

Date: 10/10/2013 23:16 (GMT+02:00)

To: Ryan Baker <rbaker@bakermarquart.com>, "Blackburn, James S." <James.Blackburn@APORTER.COM>

Cc: Scott Malzahn <smalzahn@bakermarquart.com>, Brian Klein <bklein@bakermarquart.com>

Subject: RE: Fox v. FilmOn (DC Dist.)

Ryan

On the second point, Fox will oppose the motion for modification.

Julie

-----Original Message-----

From: Ryan Baker [<mailto:rbaker@bakermarquart.com>]

Sent: Thursday, October 10, 2013 10:09 AM

To: Blackburn, James S.; Shepard, Julie A.

Cc: Scott Malzahn; Brian Klein

Subject: Re: Fox v. FilmOn (DC Dist.)

Jim and Julie,

First, I never heard back from you with regard to my request that you let me know whether your clients will stipulate that they will not file any dispositive motions in the DC Circuit Court of Appeals. Will you let me know on that issue?

Second, as you know the District of Massachusetts today ruled in favor of Aereo's opposition to Hearst's motion of preliminary injunction. On that basis, FilmOn intends to bring an emergency motion seeking a modification of the injunction in the district court. I expect that motion will be filed either later today or tomorrow morning. Please let me know whether or not your clients will oppose that motion.

Fyi, I am traveling in Europe, so please reply all in response to the issues raised in this email. Although I am doing my best to be available, I am not able to respond at all times.

Thanks,

Ryan

Ryan G. Baker

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