

ATTACHMENT E

EXHIBIT B

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF FLORIDA
3 CASE NO. 11-20427-WILLIAMS/TURNOFF

4 - - - - -
5 DISNEY ENTERPRISES,
6 INC., TWENTIETH CENTURY
7 FOX FILM CORPORATION,
8 UNIVERSAL CITY STUDIOS
9 PRODUCTIONS LLLP,
10 COLUMBIA PICTURES
11 INDUSTRIES, INC., and
12 WARNER BROS.
13 ENTERTAINMENT, INC.,

14 Plaintiff,

15 v.

16 HOTFILE CORP., ANTON
17 TITOV, and DOES 1-10,

18 Defendants.

19 HOTFILE CORP.,

20 Counterclaimant,

21 v.

22 WARNER BROS ENTERTAINMENT
23 INC.,

24 Counterdefendant.

25 - - - - -
26 VOLUME II

27 H I G H L Y C O N F I D E N T I A L
28 (Pursuant to protective order, the following
29 transcript has been designated highly confidential)

30 30(b)(6) DEPOSITION OF ANTON TITOV
31 Radisson Blu Hotel
32 Sofia, Bulgaria
33 Tuesday, December 6, 2011
34 AT: 9:10 a.m.
35 Job No: 44175

1 was there a regular practice of identifying copyright
2 infringers and tracking copyright infringers so that
3 Hotfile could identify repeat copyright infringers?

4 MR. THOMPSON: Objection, vague.

5 A. The practice was to terminate repeat infringers after
6 a complaint from owner of a copyright, and -- or even
7 just an indication from copyright owner that he has
8 a certain problem with the user. And there might be
9 other ways to -- I mean, the general idea was that it
10 was by discretion.

11 BY MR. FABRIZIO:

12 Q. By discretion of who?

13 A. Most of the time it was by Ianakov and [REDACTED].

14 Q. Did you or any of the other shareholders, to your
15 knowledge, give Mr. Ianakov or [REDACTED] instructions as to
16 when they should terminate copyright infringers?

17 MR. THOMPSON: Objection. Overbroad, vague as to time.

18 BY MR. FABRIZIO:

19 Q. For the current time, all my questions concern the
20 period of time prior to the filing of this action. When
21 we're shifting to the post complaint period of time,
22 I'll let you know. Okay?

23 A. Yes.

24 Q. So did you -- or, to your knowledge, any of the other
25 Hotfile shareholders -- ever give Mr. Ianakov or

1 Mr. [REDACTED] instructions with regard to terminating
2 copyright infringers?

3 MR. THOMPSON: Objection, overbroad.

4 A. I believe so.

5 BY MR. FABRIZIO:

6 Q. What instructions did you give them?

7 A. I don't remember any specifics, but I think that the
8 outline of the instructions was to terminate on request
9 and to try to help the complaining party.

10 Q. Prior to the filing of this complaint, when Hotfile
11 received a DMCA notice from a copyright owner, did
12 Hotfile attempt to identify the user who had uploaded
13 the offending file?

14 MR. THOMPSON: Objection, overbroad.

15 A. I don't believe that would be the case most of the time.
16 But again, on discretion, employees could investigate
17 further.

18 BY MR. FABRIZIO:

19 Q. When you say "on occasion," [sic] do you mean when
20 a copyright owner insisted?

21 MR. THOMPSON: Objection. Vague, misstates testimony.

22 BY MR. FABRIZIO:

23 Q. Well, let me -- let me rephrase that.

24 Absent a request, a specific request by a copyright
25 owner, prior to the filing of this action, did Hotfile

1 have a practice of identifying the user who had uploaded
2 files identified as infringing in DMCA notices?

3 MR. THOMPSON: Objection. Overbroad, and asked and
4 answered.

5 A. I won't say "specific request," but if a copyright
6 holder would raise some kind of concern that I -- I
7 think can be -- can be summarized, again, a discretion,
8 identification could be made.

9 BY MR. FABRIZIO:

10 Q. Okay. My question, though, is without a request from
11 a copyright owner, when Hotfile received a DMCA notice,
12 did Hotfile, as a matter of practice, identify the user
13 who had uploaded the offending file?

14 MR. THOMPSON: Objection. Asked and answered.

15 A. I don't believe so.

█ [REDACTED]

█ █ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ █ [REDACTED]

█ █ [REDACTED]

█ [REDACTED]

█ [REDACTED] [REDACTED] [REDACTED]

█ █ [REDACTED]

[REDACTED]

8 MR. FABRIZIO: We've marked as Titov exhibit 34 a document
9 produced by Hotfile, Bates numbered HF00000048 through
10 315. The version we have marked as exhibit 34 is an
11 excerpt of that document that omits the pages between
12 HF49 through HF284. Those pages reflect dates after the
13 filing of this complaint, and we were focusing on dates
14 prior to the filing of this complaint.

15 Mr. Thompson, this is the document I sent you some
16 days ago and asked you if Mr. Titov would read and
17 affirm whether the entries highlighted in yellow
18 represented the only instances, prior to the filing of
19 this complaint, that Hotfile had terminated a user for
20 reasons related to copyright infringement.

21 (Titov exhibit 34 marked for identification.)

22 BY MR. FABRIZIO:

23 Q. Mr. Titov, have you had an opportunity to review what
24 we've marked as exhibit 34 prior to today?

25 A. I didn't review it before, no.

1 Q. And did you look at the yellow entries and consider the
2 question we had posed through your counsel? And that is
3 whether the entries highlighted in yellow represent the
4 only instances prior to the filing of this complaint
5 where Hotfile terminated a user for reasons of copyright
6 infringement?

7 A. I spoke with Andrew on this matter, and since at the
8 beginning we didn't have the functionality of suspending
9 the user rather than -- we only had functionality of
10 deleting the user, which would vanish all information
11 about it from the database. He thinks that at least
12 some users were terminated by deletion.

13 MR. THOMPSON: I'm not sure everyone got the -- "vanished
14 the information."

15 BY MR. FABRIZIO:

16 Q. Does Hotfile have any records of any other users being
17 terminated for reasons related to copyright
18 infringement?

19 MR. THOMPSON: Objection, overbroad.

20 A. I don't think Hotfile has any records that are not
21 produced.

22 BY MR. FABRIZIO:

23 Q. And do you personally have any knowledge of any user
24 being terminated for reasons of copyright infringement,
25 prior to the filing of this complaint, beyond those

1 highlighted on exhibit 34?

2 A. If "personally" doesn't apply to information I haven't
3 been told, then no.

4 Q. In this case "personally" means information of which you
5 have personal knowledge. Do you personally have any
6 information as to users terminated for reasons related
7 to copyright infringement before this case began, other
8 than those highlighted in yellow in exhibit 34?

9 A. I don't think so.

10 MR. FABRIZIO: Counsel, if Hotfile is going to rely on some
11 vague assertion by Mr. Ianakov that there may have been
12 others of -- and this corporate designee doesn't have
13 any information beyond that, Hotfile needs to produce
14 Mr. Ianakov as a 30(b)(6) designee.

15 MR. THOMPSON: Mr. Fabrizio, as we mentioned this morning,
16 you're not the judge; if you want to make requests of us
17 in discovery, that's fine. But we're not making rulings
18 in the middle of the deposition.

19 MR. FABRIZIO: I wasn't making a ruling. I was simply
20 pointing out that this witness can't provide evidence to
21 a topic that is obviously of central relevance to the
22 case, and that we sent you a document in advance to
23 consider, and other than saying he had a conversation
24 with someone who said there may have been something
25 else, has no further knowledge on the subject.

1 MR. THOMPSON: Mr. Titov investigated the question you
2 asked. I don't think your summary of his testimony is
3 accurate. He also mentioned that there were documents
4 produced in the case, which he had, obviously.

5 MR. FABRIZIO: We are requesting, while we are here in
6 Bulgaria, that Hotfile produce Andre Ianakov as
7 a 30(b)(6) designee on this topic.

8 MR. THOMPSON: Your request will be considered. I can tell
9 you we don't have the time for this trip, as you know,
10 for any more depositions.

11 MR. FABRIZIO: Well, it would be part of the Hotfile
12 30(b)(6), so it would come out of the Hotfile 30(b)(6)
13 part. I'm not looking to add time to the deposition
14 schedule.

15 MR. THOMPSON: Mr. Fabrizio, you can't dictate who the
16 30(b)(6) witness is. Mr. Titov is prepared to testify;
17 I suggest you ask him questions.

18 MR. FABRIZIO: I wasn't trying to dictate; I was making
19 a request and clarifying the request since you made an
20 excuse that I didn't think was valid.

21 MR. THOMPSON: Let's -- let's not argue. I understand your
22 request.

■ [REDACTED]

■ ■ [REDACTED]

■ [REDACTED]