

EXHIBIT B

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

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

13 Plaintiff,

14 v.

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

17 Defendants.

18 HOTFILE CORP.,
19 Counterclaimant,

20 v.

21 WARNER BROS ENTERTAINMENT
22 INC.,

23 Counterdefendant.

24 -----
25 VOLUME I

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

29 30(b)(6) DEPOSITION OF ANTON TITOV

30 Radisson Blu Hotel

31 Sofia, Bulgaria

32 Monday, December 5, 2011

33 Job Number: 44174

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A P P E A R A N C E S

ATTORNEY FOR THE PLAINTIFFS:

JENNER & BLOCK

BY: STEVEN B. FABRIZIO, ESQ.

1099 New York Avenue, NW

Washington, DC 20001

ATTORNEY FOR THE DEFENDANTS HOTFILE CORP.,

AND ANTON TITOV:

FARELLA, BRAUN & MARTEL

BY: RODERICK M. THOMPSON, ESQ.

235 Montgomery Street

San Francisco, California 94104

BOSTON LAW GROUP

VALENTIN GURVITS

825 Beacon Street

Newton Center, MA 02459

1 Also present:

2 Court reporter:

3 Fiona Farson

TSG Reporting

4

5 Videographer:

6 Simon Rutson

TSG Reporting

7

8 Interpreter:

9 Assist. Prof. Boris Naimushin, Ph.D.

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█ [REDACTED]
█ [REDACTED]
█ [REDACTED]

4 A. The counterclaim against Warner reflects the fact that
5 we've given Warner a powerful tool to be able to take
6 down and block content on the Hotfile website, and that
7 this tool, in our opinion, was misused to take down
8 files for which Warner doesn't hold the copyright.
9 That's the substance, without the legal part.

10 BY MR. FABRIZIO:

11 Q. And do you believe Warner took down material that it
12 didn't own on purpose?

13 MR. THOMPSON: Objection, vague.

14 A. I don't know about the motives of Warner doing so.

15 BY MR. FABRIZIO:

16 Q. Would you believe Warner saw a file, recognized that it
17 wasn't one of their properties, but sent a notice
18 through the special rights holder's account, knowing
19 that it wasn't their property?

20 MR. THOMPSON: Objection. Hypothetical, calls for
21 speculation.

22 A. I don't know what was Warner's goal or policy, so
23 I don't know.

█ [REDACTED]
█ [REDACTED]

1 A. I don't want to say that, and probably somebody
2 operating an online banking account won't agree to you,
3 but mistakes happen.

4 BY MR. FABRIZIO:

5 Q. But mistakes do happen?

6 A. Yes, they do.

■ ■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED] [REDACTED] [REDACTED]

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■ [REDACTED] [REDACTED]

■ ■ [REDACTED]

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■ ■ [REDACTED]

■ [REDACTED]

[REDACTED]

6 Q. Is it true, is it not, that Hotfile began looking for
7 a basis for a counterclaim almost immediately upon being
8 sued by plaintiffs?

9 MR. THOMPSON: Objection, assumes facts.

10 A. Yes, I think so.

[REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED] [REDACTED] [REDACTED]

█ [REDACTED] [REDACTED]

5 Q. Mr. Titov, you personally participated in the process of
6 Hotfile looking for mistakes among the takedown notices
7 Warner sent, correct?

8 A. That is correct.

9 Q. Okay. And do you understand the files listed on
10 exhibits A through D of the counterclaim to reflect
11 files that Hotfile located that they believed to have
12 been sent in error?

13 A. Hotfile itself identified a small number of files, and
14 further research was performed by counsels and experts.
15 I -- I don't really know.

16 Q. Okay. And all of the files that are identified on
17 exhibits A through D, is it fair to say that the first
18 time Hotfile formed the belief that these files were
19 sent in error was after the complaint in this case had
20 been filed?

21 A. Yes, I believe so.

22 Q. And is it also fair to say that within Hotfile, the
23 process of identifying potential mistaken takedowns sent
24 by Warner was a high priority?

25 MR. THOMPSON: Objection, vague.

REDACTED

REDACTED

REDACTED

REDACTED

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REDACTED

1 belief that there were strikes assigned with --
2 connected to these deletions.

3 BY MR. FABRIZIO:

4 Q. So my question is, why did you assign a strike to the
5 users who uploaded those files if you believed that
6 Warner's notices were in error?

7 MR. THOMPSON: Objection, overbroad.

8 A. The strike was probably assigned quite earlier in time
9 quite earlier in time than Hotfile became -- Hotfile
10 started to believe that these files are mistakenly
11 removed.

12 BY MR. FABRIZIO:

13 Q. When did you start assigning strikes? It was only after
14 the complaint was filed, correct?

15 A. Correct.

16 Q. Okay. And shortly after the complaint was filed, you
17 began investigating filing a claim against Warner,
18 correct?

19 MR. THOMPSON: Objection. Vague, asked and answered.

20 A. Correct.

21 BY MR. FABRIZIO:

22 Q. So I believe it's the case that every single one of the
23 files on exhibits A through D are -- were taken down
24 after the filing of this, or -- I shouldn't say that;
25 either within a week of or -- the filing or after the

1 filing of this complaint, but you didn't start assigning
2 it strikes until afterwards -- let me do this
3 a different way. I'm going to stop. Strike that.

4 At some point before you were assigning strikes, you
5 believe that Warner -- some of the Warner notices were
6 mistaken, correct?

7 MR. THOMPSON: Objection, misstates prior testimony.

8 A. I don't know about the exact timeline.

9 BY MR. FABRIZIO:

10 Q. All right. Let me just ask it this way: Why didn't you
11 just go back and remove the strikes you had given the
12 users that uploaded the files on exhibits A through D of
13 the counterclaim, if you believed that those files were
14 taken down in error?

15 MR. THOMPSON: Objection. Overbroad, and vague as to time.

16 A. I don't know.

17 BY MR. FABRIZIO:

18 Q. There's no technical reason why you couldn't have
19 removed a strike, is there?

20 MR. THOMPSON: Same objections.

21 A. Yeah, there is no technical reason not to remove
22 a strike, but it might be too late after months or --
23 generally, this investigation, it takes time.

24 BY MR. FABRIZIO:

25 Q. Did you go back and remove any strikes?

1 A. I did not.

2 Q. Did anyone in Hotfile, to your knowledge?

3 A. To my knowledge, no.

4 Q. Why not?

5 A. I don't know.

[REDACTED]

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HIGHLY CONFIDENTIAL
CERTIFICATE OF COURT REPORTER

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I, Fiona Farson, with TSG Reporting, hereby certify that the testimony of the witness Anton Titov in the foregoing transcript, taken on Monday, December 5, 2011 was reported by me in machine shorthand and was thereafter transcribed by me; and that the foregoing transcript is a true and accurate verbatim record of the said testimony.

I further certify that I am not a relative, employee, counsel or financially involved with any of the parties to the within cause, nor am I an employee or relative of any counsel for the parties, nor am I in any way interested in the outcome of the within cause.

Signed:

Fiona Farson

Dated: December 15th, 2011

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HIGHLY CONFIDENTIAL
CERTIFICATE OF DEPONENT

I, ANTON TITOV, hereby certify that I have read the foregoing pages of my deposition of testimony taken in these proceedings on Monday, December 5, 2011, and, with the exception of the changes listed on the next page and/or corrections, if any, find them to be a true and accurate transcription thereof.

Signed:
Name: ANTON TITOV
Date: 1/22/2012

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E R R A T A

Deposition of ANTON TITOV

Page/Line No.	Description	Reason for change
14:18	Eitinerum --> Itinerum	Correct transcription
14:20	EITINERUM --> ITINERUM	Correct transcription
14:21	internet --> intranet	Correct transcription
14:24	all in shelves --> online shops	Correct transcription
15:7	webcasting --> webhosting	Correct transcription
15:10	webcasting --> webhosting	Correct transcription
18:6	Ilan --> Elan	Correct transcription
20:9	Manix: M-A-N-I-X -> Maniax: M-A-N-I-A-X	Correct trans.
35:16	unimportant --> important	Correct transcription
35:17	he show choice --> he may choose	Clarify record
37:6	Stillings --> Stallings	Correct transcription
37:8	S-T-I-L-L-I-N-G-S --> S-T-A-L-L-I-N-G-S	Correct trans.
38:3	qualification --> collocation	Correct transcription
39:2	Equinix bandwith --> Equinix, bandwith	Clarify record

Signed:

Name: ANTON TITOV

Date:

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E R R A T A

Deposition of ANTON TITOV

Page/Line No.	Description	Reason for change
44:1	IT --> IP	Correct transcription
46:16	with the grade, --> would degrade	Correct trans.
46:17	the traffic flows into there from --> when the traffic flows into their network from	Correct transcription
47:3	We can say any old --> We cannot say we want	Correct trans.
57:23	costing --> hosting	Correct transcription
61:15	Vlad --> Blue Ant	Correct transcription
65:24	Konstantin Lucyan --> Constantin Luchian	Correct trans.
77:11	lemur --> Lima	Correct transcription
89:6	SA --> Yes	Correct transcription
89:21	I know what --> I don't know what	Correct trans.
99:11	Panek --> Penev	Correct transcription
109:23	Chubarov --> Chuburov	Correct transcription

Signed:

Name: ANTON TITOV

Date:

1 HIGHLY CONFIDENTIAL

2 E R R A T A

3 Deposition of ANTON TITOV

Page/Line No.	Description	Reason for change
5 110:1	Mr. Ianakov manages --> Mr. Stoyanov and Mr. Vangelov manage	Conform to facts
7 111:15	SecPay --> SegPay	Correct transcription
8 119:5	Limewire --> Limelight	Correct transcription
9 119:13	Limewire --> Limelight	Correct transcription
10 126:10	I was there --> I checked	Correct transcription
11 128:17	And that is tradition the Blue Ant contract is to -->	
12	And the Blue Ant contract is still	Correct transcription
13 128:18	enforce --> in force	Correct transcription
14 138:8	Ignitov --> Ignatov	Correct transcription
15 138:10	I-G-N-I-T-O-V --> I-G-N-A-T-O-V	Correct transcription
16 65:24, 66:3, 66:8, 67:4, 68:3,	Lucyan --> Luchian	Correct trans.
17 68:16, 70:13, 70:19, 70:21, 71:13, 71:18, 72:3, 72:7, 72:9,		"
18 74:3, 75:10, 75:18, 76:4, 76:5, 76:8		"
19 72:17	Lucyan's --> Luchian's	Correct transcription

20 Signed:

21 Name: ANTON TITOV

22 Date: 8/20/2012

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

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5 DISNEY ENTERPRISES,
6 INC., TWENTIETH CENTURY
7 FOX FILM CORPORATION,
8 UNIVERSAL CITY STUDIOS
9 PRODUCTIONS LLLP,
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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

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A P P E A R A N C E S

ATTORNEY FOR THE PLAINTIFFS:

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1 Also present:

2 Court reporter:

3 Fiona Farson

TSG Reporting

4

5 Videographer:

6 Simon Rutson

TSG Reporting

7

8 Interpreter:

9 Assist. Prof. Boris Naimushin, Ph.D.

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11 Technical expert:

12 Kelly Truelove

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[REDACTED]

5 Q. Is it the case that currently Hotfile terminates users
6 who have received three strikes based on Hotfile's
7 receipt of DMCA notices?

8 A. That is correct, to my knowledge, yes.

[REDACTED]

15 A. I don't know.

16 BY MR. FABRIZIO:

17 Q. You don't know?

18 A. It's a very broad topic. I don't have any factual
19 information.

20 Q. Okay. Let me ask it this way: Does Hotfile consider
21 itself entitled to revenue from users who are repeat
22 copyright infringers by Hotfile's own standard?

23 MR. THOMPSON: Objection. Vague and ambiguous, calls for
24 a legal conclusion, and argumentative.

25 A. I don't think so.

1 BY MR. FABRIZIO:

2 Q. Okay, let me make sure I understand your answer.

3 Is it correct that Hotfile does not consider itself
4 entitled to revenue from users who are repeat copyright
5 infringers by Hotfile's own standard?

6 MR. THOMPSON: Same objections, and also it's overbroad.

7 A. Well, I've said that our standards expect, of course,
8 copyright owners to co-operate; it means to issue right
9 and correct taking-down notices. So I don't think
10 Hotfile considers income from confirmed copyright
11 infringers -- Hotfile doesn't consider to be entitled
12 for income from repeated copyright infringers.

13 Q. In Hotfile's counterclaim against Warner, does Hotfile
14 claim damages based on users who were properly
15 terminated by Hotfile's repeat infringer policy pursuant
16 to Hotfile's own three-strikes policy?

17 MR. THOMPSON: Objection. Calls for a legal conclusion,
18 vague and ambiguous as to "properly."

19 A. My belief is that we called for damages that are
20 for users that terminated based on wrongful takedown.

21 BY MR. FABRIZIO:

22 Q. Okay, let me put it a different way.

23 MR. THOMPSON: Excuse me, the last word, I think the
24 reporter didn't hear him correctly.

25 MR. FABRIZIO: It's a rough, but I'm sure she'll correct it.

1 It says "wrongful data"; it should say "wrongful
2 takedowns."

3 MR. THOMPSON: Thank you.

4 BY MR. FABRIZIO:

5 Q. Hotfile's current policy is that users who are the
6 subject of three DMCA notices from copyright owners
7 should be terminated, correct?

8 A. Yes. To my belief, it's the current policy.

9 Q. Okay. If a user had received more than three notices
10 before a Warner notice that was in error, should that
11 user have been terminated irrespective of the Warner
12 notice?

13 MR. THOMPSON: Objection. Vague and ambiguous, incomplete
14 hypothetical.

15 A. If you assume that other notices were correct, then
16 I believe so.

17 BY MR. FABRIZIO:

18 Q. Okay. So in that case, if Warner was -- if the Warner
19 notice that was in error was the fourth, fifth, sixth or
20 tenth strike, Hotfile would not consider that Warner
21 notice to be the cause of that user termination because
22 the user already should have been terminated based on
23 having three previous strikes. Is that correct?

24 MR. THOMPSON: Objection. Hypothetical, calls for
25 speculation.

1 Q. Okay, let me be more specific: Have you had discussions
2 or communications with any Hotfile affiliates about
3 Warner takedowns that Hotfile believes to be erroneous?

4 A. I'm not aware of any.

5 Q. Have you had discussions or communications with any site
6 operator regarding Warner takedowns that Hotfile
7 believes to be erroneous?

8 A. As I sit here today, I can't think of any.

9 Q. Are you aware that anyone else at Hotfile having had
10 such conversations or discussions?

11 A. No, I'm not. I don't think so.

12 Q. Have you had communications with any user who was
13 terminated by Hotfile about any Warner takedowns that
14 Hotfile believes to have been erroneously made?

15 A. I don't know.

■ ■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED] [REDACTED]

■ [REDACTED]

■ [REDACTED] [REDACTED]

■ [REDACTED]

■ ■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

█ [REDACTED]
█ [REDACTED]
█ [REDACTED]
█ [REDACTED] [REDACTED]
█ [REDACTED]

6 Q. Can you explain to us what damage to Hotfile's
7 reputation and goodwill you believe resulted from
8 Warner's sending the takedown notices on exhibits A
9 through D of the counterclaim?

10 A. Users had their files suspended, or even received
11 strikes, and been terminated without a reason for that.
12 That -- normally that will -- it's my opinion that that
13 will damage the reputation.

14 Q. That's your opinion?

15 A. It is.

16 Q. But you previously testified that you can't identify any
17 user who complained about having one of their files
18 taken down as a result of one of the exhibit A through D
19 takedowns, correct?

20 MR. THOMPSON: Objection. The testimony speaks for itself.
21 Asked and answered.

22 A. I'm currently not aware of any.

23 BY MR. FABRIZIO:

24 Q. Okay. And you also testified that you're not aware of a
25 single user who was terminated as a result of one of the

1 takedown notices sent by Warner that are on exhibits A
2 through D of your counterclaim, correct?

3 MR. THOMPSON: Same objections.

4 A. I think my testimony was that Hotfile never performed
5 such analysis for its own use and enjoyment.

6 BY MR. FABRIZIO:

7 Q. Is there any other basis for the contention that
8 Hotfile's reputation and goodwill was injured, other
9 than what you perceived to be wrongly taken down files
10 and wrongly terminated users?

11 MR. THOMPSON: Objection. Misstates prior testimony.

12 A. As of now, I can't think of any, but there might be
13 others.

14 BY MR. FABRIZIO:

15 Q. In what way does having a user's file removed impact
16 Hotfile's reputation and goodwill?

17 MR. THOMPSON: Objection, vague. Do you mean wrongfully
18 removed? Overbroad.

19 A. I think that when user receives -- a user -- user's file
20 are being wrongfully take down, he will lose trust and
21 respect for the company who he expected to host him --
22 his file.

23 BY MR. FABRIZIO:

24 Q. Anything else?

25 A. Nothing that I think of -- can think of now. Remind me.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

11 Q. And does Hotfile, in your view, lose the trust and
12 respect of its users when it terminates a user who is
13 a repeat infringer under Hotfile's post complaint
14 policies?

15 MR. THOMPSON: Objection, overbroad.

16 A. I don't know if Hotfile is concerned about this.

17 BY MR. FABRIZIO:

18 Q. What do you mean by that?

19 MR. THOMPSON: Objection, vague.

20 A. I mean that if the user is confirmed as copyright
21 infringer, it's not Hotfile's concern what the user
22 thinks about Hotfile.

[REDACTED]

[REDACTED]

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REDACTED

REDACTED

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I, Fiona Farson, with TSG Reporting, hereby certify that the testimony of the witness Anton Titov in the foregoing transcript, taken on Tuesday, December 6, 2011 was reported by me in machine shorthand and was thereafter transcribed by me; and that the foregoing transcript is a true and accurate verbatim record of the said testimony.

I further certify that I am not a relative, employee, counsel or financially involved with any of the parties to the within cause, nor am I an employee or relative of any counsel for the parties, nor am I in any way interested in the outcome of the within cause.

Signed:

Fiona Farson

Dated: 12/17/2011

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HIGHLY CONFIDENTIAL
CERTIFICATE OF DEPONENT

I, ANTON TITOV, hereby certify that I have read the foregoing pages of my deposition of testimony taken in these proceedings on Tuesday, December 6, 2011, and, with the exception of the changes listed on the next page and/or corrections, if any, find them to be a true and accurate transcription thereof.

Signed:

Name: ANTON TITOV

Date: 1/20/2012

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E R R A T A

Deposition of ANTON TITOV

Page/Line No.	Description	Reason for change
225:25	Remind me. --> There might be.	Correct transcription
234:20	Presentation --> representation	Correct transcription
234:20	cost of the --> concept of	Correct transcription
261:2	As --> That's	Correct transcription
273:20	Limewire --> Limelight	Correct transcription
279:3	is --> would	Correct transcription
293:11	following --> logging	Correct transcription
306:5	calls --> holds	Correct transcription
306:6	service at hotfile.com --> to abuse@hotfile.com	Correct trans.
321:6	would decide it --> with this ID	Correct transcription
333:20	brought --> blocked	Correct transcription
337:7	file --> file ID	Correct transcription

Signed:

Name: ANTON TITOV

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HIGHLY CONFIDENTIAL

E R R A T A

Deposition of ANTON TITOV

Page/Line No.	Description	Reason for change
361:25	state --> table	Correct transcription
368:7	users stay on our uploads --> users_cowner_upload	Correct trans

Signed:

Name: ANTON TITOV

Date: 1/20/2012