

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 11-20427-WILLIAMS/TURNOFF

DISNEY ENTERPRISES, INC.,
TWENTIETH CENTURY FOX FILM CORPORATION,
UNIVERSAL CITY STUDIOS PRODUCTIONS LLLP,
COLUMBIA PICTURES INDUSTRIES, INC., and
WARNER BROS. ENTERTAINMENT INC.,

Plaintiffs,

v.

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

Defendants.

_____ /

HOTFILE CORP.,

Counterclaimant,

v.

WARNER BROS. ENTERTAINMENT INC.,

Counterdefendant.

_____ /

**DECLARATION OF JENNIFER V. YEH IN SUPPORT OF WARNER BROS.
ENTERTAINMENT INC.'S MOTION FOR SUMMARY JUDGMENT**

PUBLIC REDACTED VERSION

I, Jennifer V. Yeh, declare as follows:

1. I am an attorney at the law firm of Jenner & Block LLP, and counsel to counter-defendants Warner Bros. Entertainment Inc. (“Warner”). The statements made in this declaration are based on my personal knowledge including on information provided to me by colleagues or other personnel working under my supervision on this case. If called to testify, I would testify as follows:

2. Attached hereto as Exhibit A is a true and correct copy of excerpts of the deposition of Matthew Lynde, Ph. D., taken on Dec. 16, 2011 in the above-captioned case.

3. Attached hereto as Exhibit B is a true and correct copy of excerpts of the deposition of defendant Anton Titov, in his personal capacity and as Fed. R. Civ. P. 30(b)(6) representative of defendant Hotfile Corp., taken from Dec. 5 to Dec. 8, 2011 in the above-captioned case.

4. Attached hereto as Exhibit C is a true and correct copy of Exhibit 21 to the deposition of Richard Waterman, Ph. D., taken on Nov. 29, 2011 in the above-captioned case.

5. Attached hereto as Exhibit D is a true and correct copy of a printout of a U.S. Immigration and Customs Enforcement Press Release titled “ICE, Manhattan U.S. Attorney seize multiple Web sites for criminal copyright violations”, dated June 30, 2010, printed by Jenner & Block from the indicated URL on Feb. 7, 2012.

6. Attached hereto as Exhibit E is a true and correct copy of Exhibit 27 to the deposition of defendant Anton Titov, in his personal capacity and as Fed. R. Civ. P. 30(b)(6) representative of defendant Hotfile Corp., taken from Dec. 5 to Dec. 8, 2011 in the above-captioned case.

7. Attached hereto as Exhibit F is a true and correct copy of Exhibit 1 to the deposition of Matthew Lynde, Ph. D., taken on Dec. 16, 2011 in the above-captioned case.

8. Attached hereto as Exhibit G is a true and correct copy of excerpts of the deposition of defendant Anton Titov, as Fed. R. Civ. P. 30(b)(6) representative of defendant Hotfile Corp., taken on Nov. 17, 2011 in the above-captioned case.

9. Attached hereto as Exhibit H is a true and correct copy of Exhibit 146 to the deposition of defendant Anton Titov, in his personal capacity and as Fed. R. Civ. P. 30(b)(6) representative of defendant Hotfile Corp., taken from Dec. 5 to Dec. 8, 2011 in the above-captioned case.

10. Attached hereto as Exhibit I is a true and correct copy of Exhibit 147 to the deposition of defendant Anton Titov, in his personal capacity and as Fed. R. Civ. P. 30(b)(6) representative of defendant Hotfile Corp., taken from Dec. 5 to Dec. 8, 2011 in the above-captioned case.

11. Attached hereto as Exhibit J is a true and correct copy of Exhibit 148 to the deposition of defendant Anton Titov, in his personal capacity and as Fed. R. Civ. P. 30(b)(6) representative of defendant Hotfile Corp., taken from Dec. 5 to Dec. 8, 2011 in the above-captioned case.

12. Attached hereto as Exhibit K is a true and correct copy of a printout of a forum thread from WJunction.com titled "Hotfile: Account Termination", dated Feb. 18, 2011, printed by Jenner & Block from the indicated URL on Feb. 25, 2011.

13. Attached hereto as Exhibit L is a true and correct copy of a printout of a forum thread from DigitalPoint.com titled "Hotfile is Becoming Scam: Stay Away", dated Feb. 18, 2011, printed by Jenner & Block from the indicated URL on Feb. 25, 2011.

14. Attached hereto as Exhibit M is a true and correct copy of a printout of an article from TorrentFreak.com titled "Hotfile goes to war against copyright infringers", dated Feb. 19, 2011, printed by Jenner & Block from the indicated URL on Feb. 25, 2011.

15. Attached hereto as Exhibit N is a true and correct copy of a printout of a webpage from Alexa.com showing the change in the percentage of global internet users who visited Hotfile.com over time, printed by Jenner & Block from the indicated URL on Nov. 30, 2011.

16. Attached hereto as Exhibit O is a true and correct copy of excerpts from Defendants' Supplemental Responses to Plaintiffs' Interrogatory Nos. 6 and 9, dated September 12, 2011.

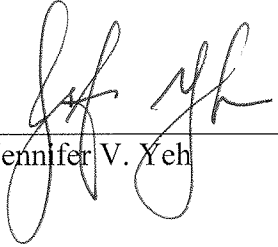
17. Attached hereto as Exhibit P is a true and correct copy of a printout of the "News" webpage from Hotfile.com containing a posting titled "Policy of Terminating Accounts - Update", dated Feb. 19, 2011, printed by Jenner & Block from the indicated URL on June 23, 2011.

18. Attached hereto as Exhibit Q is a true and correct copy of Exhibit 3 to the deposition of Matthew Lynde, Ph. D., taken on Dec. 16, 2011 in the above-captioned case.

19. At the request of counsel, Dr. Ian Foster provided data that identified whether another file with a title corresponding to a counterclaim file had been taken down for reasons related to copyright infringement (a "title match"), or whether a company identified as owning the copyright of a counterclaim file had previously issued a notice of infringement to Hotfile (a "company match"). Persons under my supervision undertook a manual review of Dr. Foster's search results and summarized whether there was a title or company match for each counterclaim file. This information is reflected in the "Title Noticed" and "Company Notice" fields of Exhibit B to the Declaration of Scott A. Zebrak, filed in Support of Warner Bros. Entertainment Inc.'s Motion for Summary Judgment.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 9, 2012.



Jennifer V. Yeh