

EXHIBIT “A”

PUBLIC VERSION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 11-CIV-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.,

Counter-Defendant.

_____ /

[REDACTED] DECLARATION OF DEEPAK GUPTA
IN SUPPORT OF DEFENDANT HOTFILE CORPORATION'S
MOTION FOR PARTIAL SUMMARY JUDGMENT
BASED ON THE
THE DIGITAL MILLENNIUM COPYRIGHT ACT SAFE HARBOR

I, Deepak Gupta, declare as follows:

1. I am an attorney at Farella Braun + Martel LLP and counsel for defendant Hotfile Corporation and Anton Titov. I have personal knowledge of the matters stated herein and, if called and sworn as a witness, I could and would competently testify to the fact set forth herein.

2. Attached hereto as Exhibit 1 is a true and correct copy of United States Senate Report No. 105-190, *The Digital Millennium Copyright Act of 1998*, dated May 11, 1998.

3. Attached hereto as Exhibit 2 is a true and correct copy of the Expert Report of Professor James Boyle. This document is Exhibit 3 to the deposition of James Boyle, taken on December 21, 2011 in the above-captioned case.

4. Attached hereto as Exhibit 3 is a true and correct copy of the Rebuttal Expert Report of Professor James Boyle, dated January 12, 2012. This document is Exhibit 2 to the deposition of James Boyle, taken on January 19, 2012 in the above-captioned case.

5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts of the deposition of James Boyle, taken on December 21, 2011 and January 19, 2012 in the above-captioned case.

6. Attached hereto as Exhibit 5 is a true and correct copy of excerpts of the

[REDACTED]

[REDACTED]

7. Attached hereto as Exhibit 6 is a true and correct copy of [REDACTED]

[REDACTED]

[REDACTED]

8. Attached hereto as Exhibit 7 is a true and correct copy of excerpts of the

[REDACTED]

9. Attached hereto as Exhibit 8 is a true and correct copy of excerpts of the deposition of Michael Bentkover, taken on December 13, 2011 in the above-captioned case.

10. Attached hereto as Exhibit 9 is a true and correct copy of Defendants' Supplemental Response to Plaintiffs' Interrogatory No. 10, dated February 10, 2012.

11. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the deposition of David Kaplan, taken on December 13, 2011 and December 14, 2011 in the above-captioned case.

12. Attached hereto as Exhibit 11 is a true and correct copy of an emails between Rod Thompson and Duane Pozza.

13. Attached hereto as Exhibit 12 is a true and correct copy of *Perfect 10, Inc. v. Google, Inc.*, No. CV 04-9484 (AHM), Dkt. No. 937 (C.D. Cal. July 26, 2010).

14. Attached hereto as Exhibit 13 is a true and correct copy of an excerpt from Plaintiffs' Responses and Objections to Hotfile's First Set of Requests for Admission, dated January 3, 2012.

15. Attached hereto as Exhibit 14 is a true and correct copy of Defendants' Amended Supplemental Response to Plaintiffs' Interrogatory No. 2, dated June 2, 2011.

16. Attached hereto as Exhibit 15 is a true and correct copy of excerpts from the Deposition of Braxton Perkins, taken on December 16, 2011 in the above-captioned case.

17. Attached hereto as Exhibit 16 is a true and correct copy of an email between chris@filesolve.com and Michael Bentkover, from June to July, 2010. This document is Exhibit 4 to the deposition of Michael Bentkover, taken on December 13, 2011 in the above-captioned case.

18. Attached hereto as Exhibit 17 is a true and correct copy of an excerpt from Plaintiffs' Responses and Objections to Defendant Hotfile Corp.'s Third Set of Interrogatories, dated December 1, 2011.

19. Attached hereto as Exhibit 18 is a true and correct copy of excerpts of the deposition of Yangbin Wang, taken on December 22, 2011 in the above-captioned case.

20. Attached hereto as Exhibit 19 is a true and correct copy of a press release from Vobile, dated September 26, 2011. This document is Exhibit 2 to the deposition of Yangbin Wang, taken on December 22, 2011 in the above-captioned case.

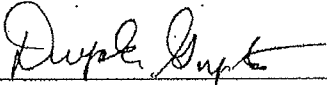
21. Attached hereto as Exhibit 20 is a true and correct copy of excerpts from the deposition of Kevin Suh, taken December 20, 2011 in the above-captioned case.

22. Attached to the Declaration of Anton Titov as Exhibits 8, 9, 15, and 17 are all printouts reflecting various pages of the Hotfile website from different points in time that were obtained and printed from the website archive.org by staff at Farella Braun + Martel at my direction.

23. Attached hereto as Exhibit 21 is a true and correct copy of an Affidavit of Christopher Butler, the Office Manager at the Internet Archive, located in San Francisco, California, dated July 20, 2011.

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

Executed on this 17th day of February 2012, at San Francisco, California.



Deepak Gupta