

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 PLAINTIFFS' MOTION  
FOR SUMMARY JUDGMENT AGAINST DEFENDANTS HOTFILE CORP. AND  
ANTON TITOV**

**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 the plaintiffs Disney Enterprises, Inc., Twentieth Century Fox Film Corporation, Universal City Studios Productions LLLP, Columbia Pictures Industries, Inc., and Warner Bros. Entertainment Inc. 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 1 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.

3. Attached hereto as Exhibit 2 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.

4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts of the deposition of Rumen Stoyanov, taken on December 8, 2011 in the above-captioned case.

5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts of the deposition of Atanas Vangelov, taken on December 7, 2011 in the above-captioned case.

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

7. Attached hereto as Exhibit 6 is a true and correct copy of excerpts of the deposition of Constantin Luchian, taken on December 15, 2012 in the above-captioned case.

8. Attached hereto as Exhibit 7 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.

9. Attached hereto as Exhibit 8 is a true and correct copy of excerpts of the deposition of Yangbin Wang, taken on December 22, 2011 in the above-captioned case.

10. Attached hereto as Exhibit 9 is a true and correct copy of the Declaration of Anton Titov in Support of Defendants' Opposition to Plaintiffs' Emergency Motion for Order Preserving Evidence, filed in the above-captioned case on February 27, 2011 (Dkt. # 30-1).

11. Attached hereto as Exhibit 10 is a true and correct copy of Exhibit 32 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 11 is a true and correct copy of Exhibit 33 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.

13. Attached hereto as Exhibit 12 is a true and correct copy of Exhibit 159 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.

14. Attached hereto as Exhibit 13 is a true and correct copy of Defendants' Responses to Plaintiffs' First Set of Interrogatories in the above-captioned case, dated May 5, 2011.

15. Attached hereto as Exhibit 14 is a true and correct copy of Exhibit 34 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.

16. Attached hereto as Exhibit 15 is a true and correct copy of the Declaration of Duane C. Pozza in Support of Plaintiffs' Motion to Compel Responses to Subpoena to Third Party Lemuria Communications, Inc., filed in the above-captioned case on August 3, 2011 (Dkt. # 109-1).

17. Attached hereto as Exhibit 16 is a true and correct copy of Exhibits 35-37 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.

18. Attached hereto as Exhibit 17 is a true and correct copy of Exhibit 38 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.

19. Attached hereto as Exhibit 18 is a true and correct copy of Exhibits 39-40 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.

20. Attached hereto as Exhibit 19 is a true and correct copy of Exhibit 41 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.

21. Attached hereto as Exhibit 20 is a true and correct copy of Exhibit 42 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.

22. Attached hereto as Exhibit 21 is a true and correct copy of Exhibit 43 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.

23. Attached hereto as Exhibit 22 is a true and correct copy of a printout of a screenshot of the Digital Point Forum titled "File hosting affiliate program presentation," dated April 18, 2009, printed on July 26, 2011 from the indicated URL.

24. Attached hereto as Exhibit 23 is a true and correct copy of Exhibit 143 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.

25. Attached hereto as Exhibit 24 is a true and correct copy of Exhibit 145 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. Exhibit 24 indicates that Hotfile Corp. registered 1007 N. Federal Hwy., Suite 240, Fort Lauderdale, FL 33304 as the address for its designated agent with the Copyright Office. The UPS Store website, <http://www.theupsstorelocal.com/0530/>, indicates that UPS Store #0530 is located at 1007 N. Federal Hwy, Fort Lauderdale, FL 33304. Persons under my supervision telephoned UPS Store #0530 and spoke with a UPS employee who confirmed that no other businesses are located at the address and suite number, and that the store provides customers with rented mailboxes at that address and suite number.

26. Attached hereto as Exhibit 25 is a true and correct copy of Exhibit 1 to the deposition of Constantin Luchian, taken on December 15, 2012 in the above-captioned case.

27. Attached hereto as Exhibit 26 is a true and correct copy of Exhibits 137-42 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.

28. Pursuant to Rule 1006 of the Federal Rules of Evidence, attached hereto as Exhibit 27 is a chart summarizing user communications sent to Hotfile, where the "lastdl" field in the user communication matches the title of a copyrighted work owned by plaintiffs. Persons under my supervision reviewed user communications produced by Defendants to identify communications where the "lastdl" entry corresponded with a copyrighted work owned by plaintiffs. The bates number of the user communication produced by defendants, the URL listed in the "lastdl" field, and the corresponding title of plaintiffs' copyrighted work has been summarized in Exhibit 27.

29. Attached hereto as Exhibit 28 is a true and correct copy of Exhibits 51-60 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.

30. Attached hereto as Exhibit 29 is a chart summarizing an analysis of files that were downloaded from Hotfile by Hotfile personnel. Defendants produced the content files of files that were downloaded by its personnel, and persons under my supervision reviewed and investigated these files to determine whether such files were likely to be infringing. A classification of "Highly Likely Infringing" was based off a number of factors, including whether the work at issue was being offered for sale, and if the particular URL had been posted on a link site associated with infringing content.

31. Attached hereto as Exhibit 30 is a true and correct copy of Exhibits 61-131 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.

32. Attached hereto as Exhibit 31 is a true and correct copy of a printout of a screenshot of the website currentmoviesreleases.net, printed by Jenner & Block personnel under my supervision on February 13, 2012 from the indicated URL.

33. Attached hereto as Exhibit 32 is a true and correct copy of a printout of a screenshot of the website [online-television.tv](http://online-television.tv), printed by Jenner & Block personnel under my supervision on February 14, 2012 from the indicated URL.

34. Attached hereto as Exhibit 33 is a true and correct copy of a printout of a screenshot of the website [free-albums.net](http://free-albums.net), printed by Jenner & Block personnel under my supervision on February 13, 2012 from the indicated URL.

35. Attached hereto as Exhibit 34 is a true and correct copy of a printout of a screenshot of the website [ebook-free-download.net](http://ebook-free-download.net), printed by Jenner & Block personnel under my supervision on February 16, 2012 from the indicated URL.

36. Attached hereto as Exhibit 35 is a true and correct copy of a printout of a screenshot of the website [copymovie.net](http://copymovie.net), printed by Jenner & Block personnel under my supervision on February 13, 2012 from the indicated URL.

37. Attached hereto as Exhibit 36 is a true and correct copy of a printout of a screenshot of the website [topdvdmovie.net](http://topdvdmovie.net), printed by Jenner & Block personnel under my supervision on February 14, 2012 from the indicated URL.

38. Attached hereto as Exhibit 37 is a true and correct copy of a printout of a screenshot of the website [amazingtv.info](http://amazingtv.info), printed by Jenner & Block personnel under my supervision on February 14, 2012 from the indicated URL.

39. Attached hereto as Exhibit 38 is a true and correct copy of a printout of a screenshot of the website [tvrip.info](http://tvrip.info), printed by Jenner & Block personnel under my supervision on February 14, 2012 from the indicated URL.

40. Attached hereto as Exhibit 39 is a true and correct copy of a printout of a screenshot of the website [hotfilemovie.net](http://hotfilemovie.net), printed by Jenner & Block personnel under my supervision on February 13, 2012 from the indicated URL.

41. Attached hereto as Exhibit 40 is a true and correct copy of a printout of a screenshot of the website [tvseries.me](http://tvseries.me), printed by Jenner & Block personnel under my supervision on February 14, 2012 from the indicated URL.

42. Attached hereto as Exhibit 41 is a true and correct copy of a printout of a screenshot of the website [seriesfree.biz](http://seriesfree.biz), printed by Jenner & Block personnel under my supervision on February 14, 2012 from the indicated URL.

43. Attached hereto as Exhibit 41 is a true and correct copy of a printout of a screenshot of the website best-movies.info, printed by Jenner & Block personnel under my supervision on February 13, 2012 from the indicated URL.

44. Attached hereto as Exhibit 43 is a true and correct copy of a printout of the screenshots of various websites, printed by Jenner & Block personnel under my supervision on February 13, 2012 from the indicated URLs.

45. Attached hereto as Exhibit 44 is a true and correct copy of Exhibit 155 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.

46. Attached hereto as Exhibit 45 is a true and correct copy of Exhibit 162 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.

47. Attached hereto as Exhibit 46 is a true and correct copy of Exhibit 163 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.

48. Attached hereto as Exhibit 47 is a true and correct copy of Exhibit 164 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.

49. Attached hereto as Exhibit 48 is a true and correct copy of a printout of a screenshot of the Digital Point Forum titled "File hosting affiliate program presentation," dated July 23, 2009, printed on July 26, 2011 from the indicated URL.

50. Attached hereto as Exhibit 49 is a true and correct copy of Exhibit 161 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.

51. Attached hereto as Exhibit 50 is a true and correct copy of Exhibit 29 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.

52. Attached hereto as Exhibit 51 is a true and correct copy of Exhibit 30 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.

53. Attached hereto as Exhibit 52 is a true and correct copy of Exhibit 176 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.

54. Attached hereto as Exhibit 53 is a true and correct copy of Exhibits 19-20 to the deposition of Rumen Stoyanov, taken on December 8, 2011 in the above-captioned case.

55. Attached hereto as Exhibit 54 is a true and correct copy of Exhibits 25-26 to the deposition of Atanas Vangelov, taken on December 7, 2011 in the above-captioned case.

56. Attached hereto as Exhibit 55 is a true and correct copy of the Electronic Frontier Foundation publication titled “What Peer-to-Peer Developers Need to Know about Copyright Law”, dated January 2006, available at [http://w2.eff.org/IP/P2P/p2p\\_copyright\\_wp\\_v5.pdf](http://w2.eff.org/IP/P2P/p2p_copyright_wp_v5.pdf).

57. Attached hereto as Exhibit 56 is a spreadsheet summarizing information about files corresponding to the plaintiffs’ works that plaintiffs allege have been infringed via the Hotfile Website, and on which plaintiffs are moving for summary judgment. The summary contains the following information for each file: the Hotfile URL, Title of the work contained in the file (and Season/Episode if applicable), the copyright registration number for the work, the plaintiff that owns the copyright or exclusive right infringed, information regarding whether the file was uploaded or downloaded in the United States based on defendants’ data extracted by Dr. Ian Foster,<sup>1</sup> and the total number of recorded downloads of that file (the sum of the “downloads” and “paddeddownloads” fields in the “uploaddownload” table for each file). Persons under my supervision have reviewed the content files for each of the files listed in Exhibit 56 and

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<sup>1</sup> Where the “U.S. Downloads” column contains a number, it reflects the number of distinct IP addresses associated with a download of the file in the download logs, using Prof. Foster’s data. “DT” indicates that the file was downloaded in the United States by DtecNet, as explained in the Declaration of Thomas Sehested.

confirmed that each file contains a copy of the corresponding copyrighted work indicated on Exhibit 56.

58. Attached hereto as Exhibit 57 is a true and correct copy of Exhibit 165 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.

59. Attached hereto as Exhibit 58 is a true and correct copy of Exhibit 170 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.

60. Attached hereto as Exhibit 59 is a true and correct copy of Exhibit 167 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.

61. Attached hereto as Exhibit 60 is a true and correct copy of Exhibit 171 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.

62. Attached hereto as Exhibit 61 is a true and correct copy of Exhibit 173 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.

63. Attached hereto as Exhibit 62 is a true and correct copy of Exhibit 169 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.

64. Attached hereto as Exhibit 63 is a true and correct copy of Exhibit 166 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.

65. Attached hereto as Exhibit 64 is a true and correct copy of Exhibit 172 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.

66. Attached hereto as Exhibit 65 is a true and correct copy of Exhibits 17-18 to the deposition of Rumen Stoyanov, taken on December 8, 2011 in the above-captioned case.

67. Attached hereto as Exhibit 66 is a true and correct copy of Exhibits 132-36 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.

68. Attached hereto as Exhibit 67 is a true and correct copy of a document produced by defendants bearing bates label HF02299758.

69. Attached hereto as Exhibit 68 is a true and correct copy of Exhibits 146-48 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.

70. Attached hereto as Exhibit 69 is a true and correct copy of Exhibits G and H to the Reply Declaration of Duane C. Pozza in Support of Plaintiffs' Motion to Compel Responses to Requests for Production of Documents and Interrogatories, filed in the above-captioned case on June 24, 2011 (Dkt. #s 87-8 & 87-9).

71. Attached hereto as Exhibit 70 is Defendants' Supplemental Responses to Interrogatories Nos. 6 and 9, served in the above-captioned case on September 12, 2011.

72. Attached hereto as Exhibit 71 is a true and correct copy of Exhibits 9-14 to the deposition of Atanas Vangelov, taken on December 7, 2011 in the above-captioned case.

73. Attached hereto as Exhibit 72 is a true and correct copy of Exhibit 18 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.

74. Attached hereto as Exhibit 73 is a true and correct copy of Exhibit 19 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.

75. Attached hereto as Exhibit 74 is a true and correct copy of Exhibit A to the Declaration of Duane C. Pozza in Support of Plaintiffs' Motion to Compel Responses to Subpoena to Third Party Lemuria Communications, Inc., filed in the above-captioned case on August 3, 2011 (Dkt. # 109-2).

76. Attached hereto as Exhibit 75 is a true and correct copy of Exhibit B to the Declaration of Duane C. Pozza in Support of Plaintiffs' Motion to Compel Responses to Subpoena to Third Party Lemuria Communications, Inc., filed in the above-captioned case on August 3, 2011 (Dkt. # 109-3).

77. Attached hereto as Exhibit 76 is a true and correct copy of Exhibit C to the Declaration of Duane C. Pozza in Support of Plaintiffs' Motion to Compel Responses to Subpoena to Third Party Lemuria Communications, Inc., filed in the above-captioned case on August 3, 2011 (Dkt. # 109-4).

78. Attached hereto as Exhibit 77 is a true and correct copy of Exhibit 20 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.

79. Attached hereto as Exhibit 78 is a true and correct copy of Exhibit 22 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.

80. Attached hereto as Exhibit 79 is a true and correct copy of Exhibit 23 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.

81. Attached hereto as Exhibit 80 is a true and correct copy of Exhibit 21 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.

82. Attached hereto as Exhibit 81 is Defendants' Second Supplemental Response to Plaintiffs' Interrogatory No. 1, served in the above-captioned case on December 5, 2011.

83. Attached hereto as Exhibit 82 is Defendants' Opposition to Plaintiffs' Motion to Compel Responses to Requests for Production and Interrogatories filed in the above-captioned case on August 26, 2011 (Dkt. # 130).

84. Attached hereto as Exhibit 83 is the Declaration of Anton Titov in Support of Defendants' Opposition to Plaintiffs' Motion to Compel Responses to Requests for Production of Documents and Interrogatories, filed in the above-captioned case on June 17, 2011 (Dkt. # 81-17).

85. Attached hereto as Exhibit 84 is a true and correct copy of a document produced by defendants bearing bates label HF02134706.

86. Attached hereto as Exhibit 85 is a true and correct copy of a publication by IT News, titled "MPAA sues Hotfile file sharing service", dated February 8, 2011, and printed on February 16, 2012 at the indicated URL by Jenner & Block personnel under my supervision.

87. Attached hereto as Exhibit 86 is a true and correct copy of a printout of a screenshot of the Digital Point Forum titled "Hotfile – new rules – who like it?", dated July 16, 2009, printed on July 26, 2011 from the indicated URL under my supervision.

88. Attached hereto as Exhibit 87 is a true and correct copy of Exhibit 5 to the deposition of Rumen Stoyanov, taken on December 8, 2011 in the above-captioned case.

89. Attached hereto as Exhibit 88 is a true and correct copy of Exhibit 6 to the deposition of Rumen Stoyanov, taken on December 8, 2011 in the above-captioned case.

90. Attached hereto as Exhibit 89 is a true and correct copy of Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion to Compel the Deposition of Andrei Ianakov, filed in the above-captioned case on December 19, 2011 (Dkt. # 190).

91. Attached hereto as Exhibit 90 is a true and correct copy of the "Administration's White Paper on Intellectual Property Enforcement Legislative Recommendations", dated March 2011, available at [http://www.whitehouse.gov/sites/default/files/ip\\_white\\_paper.pdf](http://www.whitehouse.gov/sites/default/files/ip_white_paper.pdf).

92. Attached hereto as Exhibit 91 is a true and correct copy of the Order Denying Plaintiffs' Motion for Preliminary Injunction in *Perfect 10, Inc. v. Rapidshare A.G.*, No. 09-CV-2596 H (WMC) (S.D. Cal. May 15, 2010) (Dkt. # 71).

93. Attached hereto as Exhibit 92 is a true and correct copy of Exhibit 24 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.

94. Attached hereto as Exhibit 93 is a true and correct copy of Exhibit 25 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.

95. Attached hereto as Exhibit 94 is a true and correct copy 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 on February 17, 2012 from the indicated URL under my supervision.

96. Attached hereto as Exhibit 95 is a true and correct copy of Exhibit 156 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.

97. Attached hereto as Exhibit 96 is a true and correct copy of a printout of a screenshot of the "Premium" page of the Hotfile Website, printed on December 2, 2011 from the indicated URL under my supervision.

98. Attached hereto as Exhibit 97 is a true and correct copy of an email dated January 20, 2012, sent from support@hotfile.com upon activation of a Hotfile premium account.

99. Attached hereto as Exhibit 98 is a true and correct copy of the Indictment in *United States v. Kim Dotcom et al.*, Case No. 1-12-cr-00003 (E.D. Va.), filed on January 5, 2012.

100. Attached hereto as Exhibit 99 is a true and correct copy of a document produced by defendants bearing bates label HF01989056.

101. Attached hereto as Exhibit 100 is a true and correct copy of a document produced by defendants bearing bates label HF02828128.

102. Attached hereto as Exhibit 101 is a true and correct copy of a document produced by defendants bearing bates label HF02828130.

103. Attached hereto as Exhibit 102 is a true and correct copy of a printout of a screenshot of the website allyoulike.com, dated October 26, 2010, and printed on February 16, 2012 from the indicated URL under my supervision.

104. Attached hereto as Exhibit 103 is a true and correct copy of a printout of a screenshot of the website allyoulike.com, dated and printed on February 16, 2012 from the indicated URL under my supervision.

105. Attached hereto as Exhibit 104 is a true and correct copy of a document produced by defendants bearing bates label HF02867918.

106. Attached hereto as Exhibit 105 is a true and correct copy of Civil Minutes in *Warner Bros. Entertainment, Inc., et al. v. Free-TV-Video-Online.Info, et al.*, No. CV 08-8484-JFW (FMOx) (C.D. Cal.), filed on February 2, 2010 (Dkt. # 124).

107. Attached hereto as Exhibit 106 is a summary chart of domains registered by certain Hotfile Affiliates and the corresponding Hotfile user identification numbers (“userid”) of the registering Affiliates. As is evident from reviewing this list, each of the domain names suggests that the website at the domain provides access to copyrighted content.

108. Attached hereto as Exhibit 107 is a true and correct copy of Exhibit F to the Reply Declaration of Duane C. Pozza in Support of Plaintiffs’ Motion to Compel Responses to Requests for Production of Documents and Interrogatories, filed in the above-captioned case on June 24, 2011 (Dkt. # 87-7).

109. Attached hereto as Exhibit 108 is a true and correct copy of Exhibit D to the Declaration of Duane C. Pozza in Support of Plaintiffs’ Motion to Compel Responses to Subpoena to Third Party Lemuria Communications, Inc., filed in the above-captioned case on August 3, 2011 (Dkt. # 109-1).

110. Attached hereto as Exhibit 109 is Appendix A to Plaintiffs’ Motion for Summary Judgment against Hotfile Corp. and Anton Titov, a demonstrative showing that the larger a file is, the more likely the file is infringing. Information contained in this exhibit is based on data provided by Dr. Ian Foster, showing, for example, that more than [REDACTED] of files larger than [REDACTED] had been classified as infringing. Further explanation of the information contained in this exhibit is described at SUF 16(a)(xi).

111. Attached hereto as Exhibit 110 is Appendix B to Plaintiffs’ Motion for Summary Judgment against Hotfile Corp. and Anton Titov, a demonstrative illustrating the results of a

statistical analysis conducted by Dr. Richard Waterman. Based on a representative sample of files downloaded daily from Hotfile.com, Dr. Waterman concluded that more than 90% of daily downloads from Hotfile were downloads of files classified as highly likely infringing. Further explanation of the information contained in this exhibit is described at SUF 10(a)(i).

112. Attached hereto as Exhibit 111 is Appendix C to Plaintiffs' Motion for Summary Judgment against Hotfile Corp. and Anton Titov, a demonstrative comparing the results of the statistical study conducted by Dr. Richard Waterman in this case, *see* SUF 10(a)(i), to the results of similar studies in other online infringement cases in which the defendants were found liable.

113. Attached hereto as Exhibit 112 is Appendix D to Plaintiffs' Motion for Summary Judgment against Hotfile Corp. and Anton Titov, a demonstrative illustrating the upload activity of the users whose files were selected in the sample in Dr. Richard Waterman's statistical analysis. More than [REDACTED] of these users were determined to be copyright infringers. Further explanation of the information contained in this exhibit is described at SUF 10(a)(ii).

114. Attached hereto as Exhibit 113 is Appendix E to Plaintiffs' Motion for Summary Judgment against Hotfile Corp. and Anton Titov, a demonstrative illustrating that the more a file on Hotfile has been downloaded, the more likely that the file is to be removed for reasons related to copyright infringement. Further explanation of the information contained in this exhibit is described at SUF 10(a)(iii).

115. Attached hereto as Exhibit 114 is Appendix F to Plaintiffs' Motion for Summary Judgment against Hotfile Corp. and Anton Titov, a demonstrative showing the more files a user uploads, the more likely that user is engaged in copyright infringement, as evidenced by Hotfile "strikes," a notice of infringement, or removal for copyright infringement. Further explanation of the information contained in this exhibit is described at SUF 10(a)(iv).

116. Attached hereto as Exhibit 115 is Appendix G to Plaintiffs' Motion for Summary Judgment against Hotfile Corp. and Anton Titov, a demonstrative illustrating the timeline of pre-complaint copyright suspensions, and the results of defendants' failure to implement a "three-strike" termination policy prior to the filing of the Complaint. Based on defendants' data, there were [REDACTED] suspensions for copyright reasons prior to the Complaint. In the pre-complaint period, more than [REDACTED] users had accumulated 3 or more "strikes" and would have been terminated for copyright infringement had defendants implemented a "three-strike" termination policy prior to



the Complaint. Further explanation of the information contained in this exhibit is described at SUF 4(c) & 5(a).

117. Attached hereto as Exhibit 116 is Appendix H to Plaintiffs' Motion for Summary Judgment against Hotfile Corp. and Anton Titov, a demonstrative illustrating the user activity of those users who received more than three "strikes" prior to the Complaint. Dr. Ian Foster analyzed the files uploaded by these users and determined that these users uploaded a substantial amount of files, including plaintiffs' works, which were heavily downloaded. Further explanation of the information contained in this exhibit is described at SUF 5(a).

118. Attached hereto as Exhibit 117 is Appendix I to Plaintiffs' Motion for Summary Judgment against Hotfile Corp. and Anton Titov, a demonstrative illustrating data on the top paid 500 Affiliates, of which [REDACTED] have been terminated as repeat infringers based on implementation of Hotfile's "three-strike" policy. These top affiliates who have been terminated as repeat infringers were responsible for uploading almost [REDACTED] that were downloaded [REDACTED] million times. These same affiliates were also the subject of more than [REDACTED] infringement notices. Further explanation of the information contained in this exhibit is described at SUF 5(b).

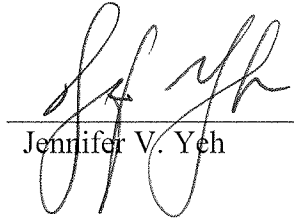
119. Attached hereto as Exhibit 118 is a demonstrative concerning the files from the statistics study ("statistics file"). At the request of counsel, Dr. Ian Foster provided data that identified whether another file with a title corresponding to a statistics file had been taken down for reasons related to copyright infringement (a "title match"), or whether a company identified as owning the copyright of a statistics 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 statistics file. This information is reflected in the "Title Noticed" and "Company Notice" fields of Exhibit B to the Declaration of Scott A. Zembrak, filed in Support of Plaintiffs' Motion for Summary Judgment Against Defendants.

120. Attached hereto as Exhibit 119 and provided in electronic format are true and correct copies of Schedule A, attached to Plaintiffs' Third Supplemental Responses and Objections to Defendant Hotfile Corp.'s Interrogatory No. 1, on Behalf of Universal Studios LLLP (October 11, 2011), and Disney Enterprises (October 12, 2011); and copies of Schedule A attached to Plaintiffs' Fourth Supplemental Responses and Objections to Defendant Hotfile Corp.'s

Interrogatory No. 1, on Behalf of Columbia Pictures Industries, Inc., Twentieth Century Fox Film Corporation, and Warner Bros. Entertainment Inc. (December 23, 2011). In helping to prepare the response to plaintiffs' Interrogatory No. 1, persons under my supervision reviewed data of files uploaded to the Hotfile Website and produced by defendants in the above-captioned case. Using information such as filename, size, and other metadata, we identified files that appeared to be copies of plaintiffs' copyrighted works. The attached Exhibit 119 lists, by individual plaintiff, the filename and Hotfile URL of each uploaded file that appears to correspond to one of plaintiffs' copyrighted works, and the name of the work to which it corresponds. In total, we identified [REDACTED] files that appear to correspond to copyrighted works owned by plaintiffs.

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

Executed on February 16, 2012.



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Jennifer V. Yeh