

EXHIBIT C

INSTRUCTIONS FOR SAMPLE SELECTION

The following outlines a protocol for sample selection in connection with download data from the website Hotfile.com (“Hotfile”).

1. Populate a database (“Download Database”) with the data contained in the “dailydownload” file produced in discovery by defendants. Each entry in the database will be considered to be a “Hotfile Record.”
2. Assign each weekday during January 2011 a number between 1 and 21 (corresponding to the number of weekdays in January 2011). Using a random permutation of numbers between 1 and 21, select the weekday corresponding to the first five numbers in the random permutation. Each such weekday will be a “Selected Day.” Assign each weekend day during January 2011 a number between 1 and 10 (corresponding to the number of weekend days in January 2011). Using a random permutation of numbers between 1 and 10, select the weekend day corresponding to the first two numbers in the random permutation. Each such weekend day will also be a “Selected Day.”
3. For each Selected Day, perform the following process: Identify all Hotfile Records with a date value of the Selected Day. For those Hotfile Records, sum the “Free” and “Premium” values, and designate that sum as a “Download Total”. Assign each Hotfile Record at least one sequential number, starting with “1”, assigning as many numbers as the value in the Download Total, such that the total of the numbers assigned equals the sum of the Download Totals in the Selected Day. Using a random permutation of numbers encompassing the total sum of Download Totals within the Selected Day, select the Hotfile Records corresponding to the first 250 numbers from the random list and place them within the randomly selected sample (“Analysis Sample”).
4. Repeat the process in paragraph 3 for each Selected Day, using a different random permutation for each Selected Day.
5. In the event that the content reference data of a particular Hotfile Record selected as part of the Analysis Sample indicates that the content file associated with that Hotfile Record contains child pornography or other illegal content, provide the content reference data information to Jenner & Block, which will make the determination whether that content file should be included in the Analysis Sample or set permanently aside and replaced in the Analysis Sample with the Record corresponding to the next unused number on the randomized list. Any such Hotfile Records shall be preserved.
6. Jenner & Block will request copies of the content files associated with the Hotfile Records corresponding to the first 350 numbers from the random list for each Selected Day, and, if the Hotfile Record is associated with one part of a multi-part archive of a content file, a copy of all other parts of the multi-part archive. For purposes of clarity, the Analysis Sample will contain only the Hotfile Records

corresponding to the first 250 numbers from the random list for each Selected Day, unless any of those Records are replaced in the Analysis Sample according to the protocol defined here. Defendants should provide copies of all requested content files associated with the Hotfile Record for which content files are still available. If a content file associated with a Hotfile Record within the Analysis Sample is not available, that fact will be recorded along with any information regarding why it is not available.

7. Assemble the components of any content file comprised of multiple parts into a single content file. If a produced content file associated with a Hotfile Record within the Analysis Sample is corrupt, inoperable, or unplayable/undisplayable, for reasons other than being password-protected or encrypted (a "Corrupt File"), that fact will be recorded along with any information regarding why it cannot be operated, opened, or played. Replace any such Hotfile Record in the Analysis Sample with the Hotfile Record corresponding to the next number in the random permutation for that Selected Day. Any files that are replaced in this Sample under this paragraph shall be preserved. (Files that are password-protected and encrypted shall not be discarded and replaced in the Sample under this paragraph.)
8. The content files corresponding to each Hotfile Record in the Analysis Sample will be reviewed to make an infringement determination on each file.
9. Preserve and store all content files without alteration for further analysis.