

EXHIBIT 4

From: TSchoenberg@fbm.com [mailto:TSchoenberg@fbm.com]
Sent: Tuesday, January 31, 2012 1:13 PM
To: DPozza@jenner.com
Subject: RE: Hotfile Schedule

I can't promise that it will be done by noon Eastern, but it will be done during business hours California time.

Anthony P. Schoenberg
Attorney at Law

Farella Braun + Martel LLP
RUSS BUILDING
235 MONTGOMERY STREET
SAN FRANCISCO / CA 94104

T 415.954.4400
D 415.954.4963
F 415.954.4480
www.fbm.com

From: Pozza, Duane [mailto:DPozza@jenner.com]
Sent: Tuesday, January 31, 2012 1:08 PM
To: Schoenberg, Tony (28) x4963
Subject: Re: Hotfile Schedule

Tony, I should have the ftp information shortly. I actually think we should have our data ready to produce by noon Eastern. Does that timing work for you? Thanks -
Duane

From: TSchoenberg@fbm.com [mailto:TSchoenberg@fbm.com]
Sent: Monday, January 30, 2012 06:03 PM
To: Pozza, Duane
Subject: RE: Hotfile Schedule

Thanks. Yes, please arrange for an FTP site, and we can arrange to complete the production to the site during business hours on Wednesday.

Anthony P. Schoenberg
Attorney at Law

Farella Braun + Martel LLP
RUSS BUILDING
235 MONTGOMERY STREET
SAN FRANCISCO / CA 94104

T 415.954.4400
D 415.954.4963
F 415.954.4480
www.fbm.com

From: Pozza, Duane [mailto:DPozza@jenner.com]
Sent: Monday, January 30, 2012 3:56 PM
To: Schoenberg, Tony (28) x4963
Subject: RE: Hotfile Schedule

Tony, in the interest of getting this done, we agree to your proposal from Friday afternoon. We can arrange an FTP for the production, if you do not already have one set up. My preference is to have the data production done during business hours if possible – please confirm you can do that on your end (my understanding from last week was that the data production was already in progress). Thanks,
Duane

From: TSchoenberg@fbm.com [mailto:TSchoenberg@fbm.com]
Sent: Monday, January 30, 2012 6:17 PM
To: Pozza, Duane
Subject: RE: Hotfile Schedule

Duane – We are not agreeing to provide any data past December 23. I think I've made that abundantly clear.

Anthony P. Schoenberg
Attorney at Law

Farella Braun + Martel LLP
RUSS BUILDING
235 MONTGOMERY STREET
SAN FRANCISCO / CA 94104

T 415.954.4400
D 415.954.4963
F 415.954.4480
www.fbm.com

From: Pozza, Duane [mailto:DPozza@jenner.com]
Sent: Monday, January 30, 2012 1:07 PM
To: Schoenberg, Tony (28) x4963
Subject: RE: Hotfile Schedule

Tony, can you let me know where we stand on this? I am out of my office the rest of the day, but this will not take long and I will give you a call if you have a time you are free. Thanks –
Duane

From: Pozza, Duane
Sent: Monday, January 30, 2012 12:42 PM

To: TSchoenberg@fbm.com
Subject: RE: Hotfile Schedule

Tony,

It is not meant to be a moving target or a shift in what we are seeking. We just want to know whether data is being extracted now (i.e., as of the last few days) without modification of any dynamic fields in the extraction. If your clients are doing that, then we have no issue. If they're not, then it raises a question about what data we're getting – I don't know of any process by which any dynamic fields (e.g., download counts) could be "reset" to Dec. 23. I'm just trying to be clear on what we're getting. Please let me know so we can nail this down. Thanks,
Duane

From: TSchoenberg@fbm.com [mailto:TSchoenberg@fbm.com]
Sent: Monday, January 30, 2012 12:34 PM
To: Pozza, Duane
Subject: RE: Hotfile Schedule

Duane,

You have indicated on multiple occasions that plaintiffs would agree to supplementation through December 23, the last day of fact discovery. You are now suddenly demanding – for the first time – supplementation of certain unidentified data fields through the present date. Your sudden about-face is inconsistent with your prior statements on this topic, contrary to the court's December 23 fact discovery cut-off, and is turning this process into a moving target. Our proposal is clear. Let me know if you are willing to agree to it.

Regards,
Tony

Anthony P. Schoenberg
Attorney at Law

Farella Braun + Martel LLP
RUSS BUILDING
235 MONTGOMERY STREET
SAN FRANCISCO / CA 94104

T 415.954.4400
D 415.954.4963
F 415.954.4480
www.fbm.com

From: Pozza, Duane [mailto:DPozza@jenner.com]
Sent: Sunday, January 29, 2012 7:10 PM
To: Schoenberg, Tony (28) x4963
Subject: RE: Hotfile Schedule

Tony,

We need to get confirmation that Hotfile is producing the current version of dynamic fields (or the version exported last week if that is when the export was done), rather than producing versions of the dynamic fields reset in some way to Dec. 23. If you can confirm that, we can agree to the terms as modified by your email on Friday.

Regards,
Duane

From: TSchoenberg@fbm.com [mailto:TSchoenberg@fbm.com]
Sent: Sunday, January 29, 2012 4:02 PM
To: Pozza, Duane
Subject: RE: Hotfile Schedule

Duane – Can you confirm that plaintiffs agree to the terms of defendants’ proposal, as modified in my email on Friday? I’m working on getting an answer about dynamic fields.

Regards,
Tony

From: Pozza, Duane [mailto:DPozza@jenner.com]
Sent: Sunday, January 29, 2012 9:38 AM
To: Schoenberg, Tony (28) x4963
Subject: RE: Hotfile Schedule

Tony, I left you a voicemail on Friday afternoon regarding the data production date issue. Let me know if you did not receive it or if it is not clear. Can you confirm that any dynamic data fields (e.g., download counts) are being provided as of the export date (i.e., in the last few days) rather than being reset in some way to what they were on Dec. 23? As I mentioned, this question only concerns the dynamic fields, so we are clear on the scope of the data we are getting and how to interpret it – we’re fine with, for example, producing all the uploadIDs and user suspension records created through Dec. 23.

I can talk today or early tomorrow if this is unclear, but let’s try to wrap this up. Thanks,
Duane

From: TSchoenberg@fbm.com [mailto:TSchoenberg@fbm.com]
Sent: Friday, January 27, 2012 4:33 PM
To: Pozza, Duane
Subject: RE: Hotfile Schedule

Duane –You state that you will agree to our proposal, but our proposal states that “no further supplementation will occur.” Your statement about “without prejudice to any argument to seek additional supplementation at any time” seems directly at odds with that. We want and are entitled to some finality on discovery. That is a key part of this proposal for defendants. In order to compromise, we will agree to modify the proposal to state that “no further supplementation will occur absent a stipulation or court order based upon a showing of good cause.” Let me know if you will agree to that. If you will, then we are in agreement, including the Wednesday production date.

Regards,
Tony

Anthony P. Schoenberg
Attorney at Law

Farella Braun + Martel LLP
RUSS BUILDING
235 MONTGOMERY STREET
SAN FRANCISCO / CA 94104

T 415.954.4400
D 415.954.4963

F 415.954.4480

www.fbm.com

From: Pozza, Duane [mailto:DPozza@jenner.com]
Sent: Friday, January 27, 2012 10:56 AM
To: Schoenberg, Tony (28) x4963
Subject: RE: Hotfile Schedule

Tony,

We will agree to your supplementation proposal below, without prejudice to any argument to seek any additional supplementation at a later time, with the clarifications we have discussed: defendants will produce the data table "Uploads" instead of "Uploadip," and Warner will supplement its response to Request 47 by producing any responsive, non-privileged documents that it locates after a reasonable search subject to and without re-opening dispute on its original objections to RFP 47. As we discussed, we need to set a fixed date for the supplemental data productions, and I believe it should be next Wednesday February 1. I also think we should agree to production of data by FTP.

Please confirm that defendants are in agreement.

Regards,
Duane

From: TSchoenberg@fbm.com [mailto:TSchoenberg@fbm.com]
Sent: Tuesday, January 24, 2012 8:39 PM
To: Pozza, Duane
Subject: RE: Hotfile Schedule

Duane,

Here is our proposal regarding supplementation. We will agree to supplement the data tables that you identified on the phone last week as the ones for which plaintiffs seek supplementation (Userdat, Actiondat, Strikes, Affpay, Dmcanotices, Userownerupload, Payments, Uploaddownload, Dailydownload and Uploadip) as follows:

1. Supplemental data for both sides need only cover through Dec. 23, 2011, the date on which fact discovery closed, and no further supplementation will occur;
2. The parties agree that they will not seek to modify the case schedule in any way based on the supplemental productions;
3. The parties agree that they will not seek to supplement any expert report (if any) based on the supplemental data other than the reports of Dr. Foster and James Boyle, and then only if the expert is made available for a further deposition;
4. Plaintiffs agree that they will supplement [REDACTED] for all documents generated on or before Dec. 23, 2011.

Let me know if plaintiffs are agreeable to these terms.

Regards,
Tony

Anthony P. Schoenberg
Attorney at Law

Farella Braun + Martel LLP
RUSS BUILDING
235 MONTGOMERY STREET
SAN FRANCISCO / CA 94104

T 415.954.4400
D 415.954.4963
F 415.954.4480
www.fbm.com

From: Pozza, Duane [mailto:DPozza@jenner.com]
Sent: Tuesday, January 24, 2012 11:38 AM
To: Schoenberg, Tony (28) x4963
Subject: RE: Hotfile Schedule

OK, we need to set an anticipated production date, and if we can't talk until tomorrow, please be ready with some information on how long you expect production to take. We've said repeatedly that if we can't get a timely production of the supplemental data, we're going to have to move to push the schedule back again. I don't see why there should be further delays merely to run database extractions.

I can talk at noon Eastern / 9 Pacific tomorrow.

Thanks,
Duane

From: TSchoenberg@fbm.com [mailto:TSchoenberg@fbm.com]
Sent: Tuesday, January 24, 2012 12:22 PM
To: Pozza, Duane
Subject: RE: Hotfile Schedule

No, I don't. Let's talk tomorrow.

Anthony P. Schoenberg
Attorney at Law

Farella Braun + Martel LLP
RUSS BUILDING
235 MONTGOMERY STREET
SAN FRANCISCO / CA 94104

T 415.954.4400
D 415.954.4963
F 415.954.4480
www.fbm.com

From: Pozza, Duane [mailto:DPozza@jenner.com]
Sent: Tuesday, January 24, 2012 9:21 AM

To: Schoenberg, Tony (28) x4963
Subject: RE: Hotfile Schedule

Tony, we need to nail this down as soon as we can given the schedule – do you not have 15 minutes this afternoon to talk? I'm available after 2 Eastern.

From: TSchoenberg@fbm.com [mailto:TSchoenberg@fbm.com]
Sent: Tuesday, January 24, 2012 11:52 AM
To: Pozza, Duane
Subject: RE: Hotfile Schedule

Today is not good for me. I can speak tomorrow any time before 11:30 PST other than from 10 to 10:30.

Anthony P. Schoenberg
Attorney at Law

Farella Braun + Martel LLP
RUSS BUILDING
235 MONTGOMERY STREET
SAN FRANCISCO / CA 94104

T 415.954.4400
D 415.954.4963
F 415.954.4480
www.fbm.com

From: Pozza, Duane [mailto:DPozza@jenner.com]
Sent: Tuesday, January 24, 2012 8:50 AM
To: Schoenberg, Tony (28) x4963
Subject: RE: Hotfile Schedule

Tony, what's a good time to speak about this today?

From: Pozza, Duane
Sent: Monday, January 23, 2012 8:34 PM
To: TSchoenberg@fbm.com
Subject: RE: Hotfile Schedule

Tony, we spoke about this last Wednesday, so it's now been a few days to speak to your client. Notwithstanding the "surprise," I'm not seeing the issue with supplementation of the data outside the "small universe" you reference – is there some issue with burden? We are fine getting this in waves (e.g., actiondat, userdat, and the DMCA / SRA tables first) if that's easier. Is there a good time to speak tomorrow?

Regards,
Duane

From: TSchoenberg@fbm.com [mailto:TSchoenberg@fbm.com]
Sent: Monday, January 23, 2012 5:08 PM
To: Pozza, Duane
Subject: RE: Hotfile Schedule

Duane – If there is to be any supplementation, our position would be that it should not extend beyond Dec. 23. At this point, I do not have a further position to convey to you. As I told you on our call, our inclination had been to agree to mutual supplementation through Dec. 23 when we believed that you were seeking supplementation of a much smaller universe of data files. Your unexpected and sudden request for a much larger universe of data files took us by surprise, and we are still considering how that effects our position.

Regards,
Tony

Anthony P. Schoenberg
Attorney at Law

Farella Braun + Martel LLP
RUSS BUILDING
235 MONTGOMERY STREET
SAN FRANCISCO / CA 94104

T 415.954.4400
D 415.954.4963
F 415.954.4480
www.fbm.com

From: Pozza, Duane [mailto:DPozza@jenner.com]
Sent: Monday, January 23, 2012 1:55 PM
To: Schoenberg, Tony (28) x4963
Subject: RE: Hotfile Schedule

I think supplementation at least until the end of fact discovery is appropriate. I had understood your position on our call to be that defendants were fine with supplementation until Dec. 23, 2011. I don't see that we need to get into anything post-Dec.,23 for the data at this time. Am I misunderstanding your position?

-Duane

From: TSchoenberg@fbm.com [mailto:TSchoenberg@fbm.com]
Sent: Monday, January 23, 2012 4:26 PM
To: Pozza, Duane
Subject: RE: Hotfile Schedule

Duane – By your definition of relevance, it would seem that you would expect us to supplement until the day of trial. Is that really your position?

Anthony P. Schoenberg
Attorney at Law

Farella Braun + Martel LLP
RUSS BUILDING
235 MONTGOMERY STREET
SAN FRANCISCO / CA 94104

T 415.954.4400
D 415.954.4963
F 415.954.4480
www.fbm.com

From: Pozza, Duane [mailto:DPozza@jenner.com]
Sent: Monday, January 23, 2012 12:15 PM
To: Schoenberg, Tony (28) x4963
Subject: Re: Hotfile Schedule

Tony, apologies for the belated response in light of the depositions last Thursday and Friday. Given that we initially requested supplementation of this data before the close of fact discovery, I don't think it's relevant whether fact or expert discovery is over – this is information that we believe should have been provided prior to the close of fact discovery. But in any event, the data is relevant as a factual matter (in addition to clearly being relevant for expert consideration). In short – and without attempting to be comprehensive – the tables Userdat, Actiondat, and Strikes show information about user strikes and user terminations for infringement, which are relevant to Hotfile's DMCA defense. The Dmcanotices and Userownerupload tables show Hotfile's notice of particular infringing files (which may be correlated to particular users). Affpay shows how much terminated users were paid, which is relevant to inducement. Uploadip shows whether where a file uploader is located, and Uploaddownload and dailydownload show number of downloads of files; all of those are relevant to showing direct infringement. And the Payments table is relevant to showing financial benefit.

Have you had a chance to speak to your client about this? Is there an ETA on the supplementation?

Thanks,
Duane

From: TSchoenberg@fbm.com [mailto:TSchoenberg@fbm.com]
Sent: Wednesday, January 18, 2012 8:59 PM
To: Pozza, Duane
Subject: RE: Hotfile Schedule

Duane – I meant to ask on our call today, but why are plaintiffs seeking supplementation of all of these data files (which I've listed below)? Expert reports (and rebuttals) are complete.

Userdat
Actiondat
Strikes
Affpay
Dmcanotices
Userownerupload
Payments
Uploaddownload
Dailydownload
Uploadip

Anthony P. Schoenberg
Attorney at Law

Farella Braun + Martel LLP

RUSS BUILDING
235 MONTGOMERY STREET
SAN FRANCISCO / CA 94104

T 415.954.4400

D 415.954.4963

F 415.954.4480

www.fbm.com

From: Pozza, Duane [mailto:DPozza@jenner.com]

Sent: Wednesday, January 18, 2012 10:25 AM

To: Schoenberg, Tony (28) x4963

Subject: RE: Hotfile Schedule

Yes, let's plan on that.

From: TSchoenberg@fbm.com [mailto:TSchoenberg@fbm.com]

Sent: Wednesday, January 18, 2012 1:16 PM

To: Pozza, Duane

Subject: RE: Hotfile Schedule

I have a noon meeting (which I'm leading). I could talk at 11:30. Will that work?

Anthony P. Schoenberg

Attorney at Law

Farella Braun + Martel LLP

RUSS BUILDING
235 MONTGOMERY STREET
SAN FRANCISCO / CA 94104

T 415.954.4400

D 415.954.4963

F 415.954.4480

www.fbm.com

From: Pozza, Duane [mailto:DPozza@jenner.com]

Sent: Wednesday, January 18, 2012 10:15 AM

To: Schoenberg, Tony (28) x4963

Subject: RE: Hotfile Schedule

I can talk at noon Pacific, but will be on a flight shortly thereafter. Does that work?

From: TSchoenberg@fbm.com [mailto:TSchoenberg@fbm.com]

Sent: Wednesday, January 18, 2012 12:17 PM

To: Pozza, Duane

Cc: RThompson@fbm.com; ALeibnitz@fbm.com; Fabrizio, Steven B; Platzer, Luke C

Subject: RE: Hotfile Schedule

Can you talk this afternoon? I'm tied up this morning.

Anthony P. Schoenberg
Attorney at Law

Farella Braun + Martel LLP
RUSS BUILDING
235 MONTGOMERY STREET
SAN FRANCISCO / CA 94104

T 415.954.4400
D 415.954.4963
F 415.954.4480
www.fbm.com

From: Pozza, Duane [mailto:DPozza@jenner.com]
Sent: Wednesday, January 18, 2012 7:49 AM
To: Schoenberg, Tony (28) x4963
Cc: Thompson, Rod (27) x4445; Leibnitz, Andrew (21) x4932; Fabrizio, Steven B; Platzer, Luke C
Subject: FW: Hotfile Schedule

Tony, are you available this morning to discuss the data supplementation (per email exchange below)? Let me know a time that works best and I can give you a call. Thanks,
Duane:

From: Fabrizio, Steven B
Sent: Tuesday, January 17, 2012 4:15 PM
To: RThompson@fbm.com; Pozza, Duane; ALeibnitz@fbm.com
Cc: Platzer, Luke C
Subject: RE: Hotfile Schedule

Duane is in deposition so I will respond. First we are not linking the extension, which the court said it would grant, with the data supplementation. They are separate. We are just advising you that, absent getting the data supplement forthwith, we may go back and ask the court to extend the schedule as a result of defendants' failure to supplement. We have been asking for this supplement for weeks. All we have gotten in response is the same general non-answer that you just gave. So, we propose the schedule Duane circulated. If we get the data soon, that should suffice. If we don't get the data soon, we are reserving our right to seek additional time.

Accordingly, please indicate whether you approve the schedule in Duane's email so we can get it to the court asap.

SBF

From: RThompson@fbm.com [mailto:RThompson@fbm.com]
Sent: Tuesday, January 17, 2012 4:10 PM
To: Pozza, Duane; ALeibnitz@fbm.com
Cc: Fabrizio, Steven B; Platzer, Luke C
Subject: RE: Hotfile Schedule

Duane, you are correct about the timing of my trip to Hong Kong for my son's wedding. And I appreciate Plaintiffs' and the Court's willingness to work around that date.

The threat in your last line, however, is unfortunate and inappropriate. In response to Judge Williams' direct question, Plaintiffs agreed to this professional courtesy and did not condition the schedule issue on anything else. We are checking on supplementing the specific data you've asked about and trust you are doing the same with respect to our requests. (Tony or I will discuss the timing and extent of supplementation by all parties with you separately.) But there is no basis to tie the issues together.

Alternatively, if Plaintiffs would now prefer to stick to the current schedule, we can still live with it. Just let us know promptly so we can plan accordingly.

Rod

From: Pozza, Duane [mailto:DPozza@jenner.com]
Sent: Monday, January 16, 2012 6:29 PM
To: Thompson, Rod (27) x4445; Leibnitz, Andrew (21) x4932
Cc: Fabrizio, Steven B; Platzer, Luke C
Subject: Hotfile Schedule

Rod,

Per the Court's direction at the status conference, below is a proposed schedule that extends the time for filing the initial summary judgment motions and compresses the rest of the dates. I believe you said that you were leaving the weekend of March 17-18 (correct me if I'm mistaken), and the proposed date of Monday the 19th date for the final reply reflects that the parties will be dealing with the filing mechanics on the due date rather than finishing the brief itself.

The plaintiffs' agreement to this is subject to the caveat that we receive all outstanding supplemental data immediately – I am sending a separate email on that.

Regards,
Duane

Friday, February 10, 2012

Motions for Summary Judgment on Hotfile Corp.'s Counterclaim against Warner Bros. Entertainment, Inc. ("Counterclaim") are filed.

Friday, February 17, 2012 All other Motions for Summary Judgment
unrelated to the Counterclaim are filed.

Monday, February 27, 2012 Oppositions to Motions for Summary
Judgment on the Counterclaim are filed.

Wednesday March 7, 2012 Oppositions to Motions for Summary
Judgment unrelated to the Counterclaim are filed.

Monday, March 12, 2012 Replies in Support of Motions for Summary
Judgment on the Counterclaim are filed.

Monday, March 19, 2012 Replies in Support of Motions for Summary
Judgment unrelated to the Counterclaim are filed.

Duane Pozza
Jenner & Block LLP
1099 New York Avenue, N.W.
Suite 900
Washington, DC 20001-4412
Tel (202) 639-6027
Fax (202) 661-4962
DPozza@jenner.com
www.jenner.com

CONFIDENTIALITY WARNING: This email may contain privileged or confidential information and is for the sole use of the intended recipient(s). Any unauthorized use or disclosure of this communication is prohibited. If you believe that you have received this email in error, please notify the sender immediately and delete it from your system.

This e-mail message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Thank you.

Farella Braun + Martel LLP