

Exhibit 9

From: Pozza, Duane [DPozza@jenner.com]
Sent: Thursday, October 20, 2011 7:11 PM
To: Schoenberg, Tony (28) x4963
Cc: Thompson, Rod (27) x4445; Leibnitz, Andrew (21) x4932; Fabrizio, Steven B; Platzer, Luke C
Subject: RE: Hotfile - defendants' production

Tony, I'm following up on a number of issues still outstanding with defendants' production. The following is not meant to be a comprehensive list of defendants' outstanding discovery, but these are some specific priority items:

1. We are still waiting to receive documents and data related to Hotfile's implementation of Vobile filtering. Defendants have agreed to produce all documents related to content filtering, so there should not be any objection here to producing these documents.
2. Defendants still have not produced all records of requests and removals through Hotfile's SRA accounts. Defendants should be able to produce these merely by exporting data from a database, so there should be no further delay in producing them.
3. Defendants have not produce chat logs, though there is no question they need to be searched and produced. I've already pointed to one example of Andrei Ianokov inviting private chats with Affiliates regarding Hotfile, and it's clear that Hotfile personnel have communicated in this way. If defendants claim that they somehow do not have such logs, let us know expeditiously what platforms on which they communicated (e.g., on ICQ or on specific forums such as Linkbucks) so we can seek further discovery of any missing communications.
4. As a related point, it has now been two months since you agreed to supplement the response to Interrogatory No. 13(a). We will move to compel on this if we cannot get a commitment to produce this response to a date certain. Defendants also should produce any public posts by Hotfile personnel that are otherwise responsive to our requests.
5. It appears that defendants still have not produced some responsive data. The production of hash data earlier this week confirms that Hotfile stores unique identifiers of content files that did not include in its initial production. Are there others? For example, Hotfile almost certainly stores unique identifiers in connection with Vobile-based filtering. Additionally, we've noted that Hotfile appears to store a "lastdl" (or a user's last download) – a fact which is evident based on the documents we've received and observation of Hotfile's cookies operate. Yet Hotfile has never produced this data, though it is plainly responsive to Requests Nos. 1 and 2. What is the basis for withholding it? More broadly, please confirm whether there are any other data fields of which defendants are withholding production that are responsive to Requests 1, 2, and 3. We did not request production of sufficient data about content files, users, and Affiliates – we requested all responsive data. (To the extent that you believe this to be burdensome to investigate, I would note that we requested portions of database schemas so we could identify this information ourselves, but defendants refused.)
6. Regarding the referrer URL data, on our call last week you identified the limited referrer URL data that's included in the data production we have received. Thanks for that. However, we still do expect that there are additional documents showing referrer URLs for downloading users. For example, you've confirmed that Hotfile receives the referrer URL information when users arrive to at Hotfile – as we discussed, it temporarily places that information in a cookie – so it may be stored elsewhere in the data in fields on which we are not aware. Can you confirm whether there is any other data field recording referrer URLs? Further, this data may also be available in other locations in defendants' possession, custody, or control – for example, in data hosted by Google Analytics. Can you confirm whether defendants have access to such data and whether all Google Analytics reports regarding referrer URLs have been produced? (This data is responsive to Requests Nos. 3 and 13, among others.)

Please let me know the responses on the above issues, or a good time to meet and confer.

Regards,
Duane

From: TSchoenberg@fbm.com [mailto:TSchoenberg@fbm.com]
Sent: Monday, October 10, 2011 6:38 PM
To: Pozza, Duane
Cc: RThompson@fbm.com; ALeibnitz@fbm.com; Fabrizio, Steven B; Platzer, Luke C
Subject: RE: Hotfile - sufficiency of "status" data production

Duane – I'm working on responding to your inquiries, so it's not clear to me what purpose a meet and confer phone call will serve. In any event, I'm tied up tomorrow. If you want to talk on Wednesday, I can be available.

Regards,
Tony

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From: Pozza, Duane [mailto:DPozza@jenner.com]
Sent: Monday, October 10, 2011 2:48 PM
To: Schoenberg, Tony (28) x4963
Cc: Thompson, Rod (27) x4445; Leibnitz, Andrew (21) x4932; Fabrizio, Steven B; Platzer, Luke C
Subject: RE: Hotfile - sufficiency of "status" data production

Tony, it's now been over two weeks since I raised a number of questions regarding the defendants' Court-ordered data production, which appears to be incomplete. I appreciate that you have been checking with your client but we still have no indication when we will get a response to the questions, much less a supplemental production. In light of this delay, we should meet and confer to determine where we stand on these issues. I am available from 2pm to 5pm Eastern tomorrow to discuss. Let me know what works for you.

Thanks,
Duane

From: TSchoenberg@fbm.com [mailto:TSchoenberg@fbm.com]
Sent: Friday, October 07, 2011 7:59 PM
To: Pozza, Duane
Cc: RThompson@fbm.com; ALeibnitz@fbm.com; Fabrizio, Steven B; Platzer, Luke C
Subject: RE: Hotfile - sufficiency of "status" data production

Duane – I'm following up on your questions and will get back to you when I have additional information. Titov's emails went out today. It's my understanding that [REDACTED] emails were produced earlier this week. I will have to get back to you about Manov's emails.

Regards,
Tony

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From: Pozza, Duane [mailto:DPozza@jenner.com]
Sent: Friday, October 07, 2011 1:55 PM
To: Schoenberg, Tony (28) x4963
Cc: Thompson, Rod (27) x4445; Leibnitz, Andrew (21) x4932; Fabrizio, Steven B; Platzer, Luke C
Subject: RE: Hotfile - sufficiency of "status" data production

Tony,
We still have not heard back from you on the data questions below. Additionally, as you know, we are still waiting for custodial productions at least from Titov, [REDACTED], and Manov. Can you confirm when you expect those to be provided? And in particular, now that it has just been disclosed that Mr. Manov apparently no longer works for [REDACTED] [REDACTED] can you confirm that his email and any computer used for work have been searched for responsive documents?

Regards,
Duane

From: Pozza, Duane
Sent: Thursday, October 06, 2011 3:36 PM
To: TSchoenberg@fbm.com
Cc: RThompson@fbm.com; ALeibnitz@fbm.com; Fabrizio, Steven B; Platzer, Luke C
Subject: FW: Hotfile - sufficiency of "status" data production

Tony,
I'm following up on my questions below about Hotfile's data production (you had requested that we postpone this discussion until after Monday's production deadline). As I noted, we still do not appear to have received two specific data fields: (a) the hash value of any file, including any blocked file, and (b) the time of blocking or removal of any file. We also need confirmation that the pre-Feb. 28 log data will be produced. As for the "referrer URLs," we believe that Hotfile should have at least some data on this, as its referral program for site owners pays site owners based on traffic coming from their website (see <http://hotfile.com/affiliate.html>); Hotfile therefore must receive information about the URL from which downloading users arrive on the site in order to calculate Affiliate payments. Please confirm whether this information is received and/or preserved.

Finally, we are still waiting on a supplemental response to Interrogatory No. 13(a). If the delay is attributable to just obtaining a verification, we would appreciate the information being provided informally, so discovery can move forward.

Regards,
Duane

From: TSchoenberg@fbm.com [mailto:TSchoenberg@fbm.com]
Sent: Tuesday, September 27, 2011 8:43 PM
To: Pozza, Duane; ALeibnitz@fbm.com
Cc: RThompson@fbm.com; Fabrizio, Steven B; Platzer, Luke C
Subject: RE: Hotfile - sufficiency of "status" data production

Duane,

We're still looking into the log file question. As to your other question, Hotfile does not collect "referrer URLs" as you have speculated, which is why that data point was not produced. We will follow up on your new questions.

Regards,

Tony

-----Original Message-----

From: Pozza, Duane [mailto:DPozza@jenner.com]
Sent: Tuesday, September 27, 2011 4:56 PM
To: Schoenberg, Tony (28) x4963; Leibnitz, Andrew (21) x4932
Cc: Thompson, Rod (27) x4445; Fabrizio, Steven B; Platzer, Luke C
Subject: RE: Hotfile - sufficiency of "status" data production

Tony, I'm following up on the questions about the remaining log data and the referrer URL – what additional information do you have on these? As we continue to review the data, we also appear to be missing two other data fields: (a) the hash value of any file, including any blocked file, and (b) the time of blocking or removal of any file. To the extent that Hotfile references unique hash values – which it claims to do – those values are clearly responsive to Request 1 (see Instruction 17(b)) and Request 23 (seeking documents about blocking using hashes). As for the time of blocking or removal, we agreed that documents showing that time would be provided in response to Request 5(b). Please confirm this data will also be produced.

Thanks,
Duane

From: TSchoenberg@fbm.com [mailto:TSchoenberg@fbm.com]
Sent: Saturday, September 24, 2011 2:31 PM
To: Pozza, Duane; ALeibnitz@fbm.com
Cc: RThompson@fbm.com; Fabrizio, Steven B; Platzer, Luke C
Subject: RE: Hotfile - sufficiency of "status" data production

Duane -- I do not; we will look into it.

-----Original Message-----

From: Pozza, Duane [mailto:DPozza@jenner.com]
Sent: Friday, September 23, 2011 5:36 PM
To: Schoenberg, Tony (28) x4963; Leibnitz, Andrew (21) x4932
Cc: Thompson, Rod (27) x4445; Fabrizio, Steven B; Platzer, Luke C
Subject: RE: Hotfile - sufficiency of "status" data production

Tony, aside from the referrer URL log question (which I realize may require some follow-up to investigate), do you have more information on the date range of the log files, given that defendants have previously provided us excerpts of log files from Feb. 18? Please let us know. Thanks –

Duane

From: Pozza, Duane
Sent: Friday, September 23, 2011 10:21 AM
To: TSchoenberg@fbm.com; ALeibnitz@fbm.com
Cc: RThompson@fbm.com; Fabrizio, Steven B; Platzer, Luke C
Subject: RE: Hotfile - sufficiency of "status" data production

Tony, thanks for this information on the "status" data.

On further review, we also appear to be missing some user log data. It appears that the first user download logs that we have are from late on February 28. However, during our meet and confer on the evidence preservation motion, Andy provided examples of logs as far back as February 18. Those should also be provided under the Court's order. What is the status of the pre-Feb. 28 logs?

Additionally, we would expect that Hotfile collects "referrer URLs" for users who come to Hotfile and download content, given that Hotfile compensates Affiliates in part based on certain traffic from the Affiliate's registered URLs. I understand that this "referrer URL" may not be contained in the same specific log entry as the actual download log, but it is still information that Hotfile receives about every downloading user. That data is responsive to Request No. 3 as it is used to calculate payments to Affiliates. Please check with your client as to whether and where this data is separately maintained and let us know that it will be provided. If there is any question about the technical form in which this referrer data would be received and stored, I am happy to discuss.

Thanks,
Duane

From: TSchoenberg@fbm.com [mailto:TSchoenberg@fbm.com]
Sent: Wednesday, September 21, 2011 1:33 PM
To: Pozza, Duane; ALeibnitz@fbm.com
Cc: RThompson@fbm.com; Fabrizio, Steven B; Platzer, Luke C

[REDACTED]

[REDACTED]

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