

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VIACOM INT'L INC., ET AL.,
Plaintiffs,

v.

YOUTUBE, INC., ET AL.,
Defendants.

Civil No. 07-CV-2103 (LLS)

ECF Case

THE FOOTBALL ASSOCIATION
PREMIER LEAGUE LIMITED, ET AL., on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

YOUTUBE, INC., ET AL.,
Defendants.

ELECTRONICALLY FILED

Civil No. 07-CV-3582 (LLS)

**NOTICE OF MOTION AND MOTION FOR LEAVE TO FILE BRIEF OF
AMICI CURIAE EBAY INC., FACEBOOK, INC., IAC/INTERACTIVECORP, AND
YAHOO! INC. IN SUPPORT OF DEFENDANTS**

TO ALL PARTIES AND COUNSEL OF RECORD:

Nonparties eBay Inc. (“eBay”), Facebook, Inc. (“Facebook”), IAC/InterActiveCorp (“IAC”), and Yahoo! Inc. (“Yahoo!”) (collectively, “*amici*”) hereby move for leave to file the accompanying *amicus curiae* brief in the above-captioned case in support of Defendants’ pending motion for partial summary judgment, filed on March 5, 2010. Defendants have consented to the filing of the brief. The Viacom Plaintiffs do not object to the filing of the brief. As of the filing of this motion, Class Plaintiffs have not consented to the filing of the brief.

Amici are some of the best known online service providers. All of *amici* regularly host material at the direction of their users, and all of *amici* have copyright policies designed to comply with the safe harbor provisions of the Digital Millenium Copyright Act of 1998 (the “DMCA”). Millions of users every day post material that is made available by *amici* on the Internet in real-time. All of *amici* offer services that depend on the DMCA’s safe harbors. Thus, *amici* have a strong interest in the proper interpretation of 17 U.S.C. § 512(c), and seek leave to file a brief in order to assist the Court in this effort.

For the foregoing reasons and based on the declaration of Michael S. Kwun filed herewith, *amici* respectfully request that the Court grant the motion for leave to file the accompanying *amicus curiae* brief.

Dated: May 26, 2010

By: /s/ Asim M. Bhansali

Asim M. Bhansali
KEKER & VAN NEST LLP
710 Sansome Street
San Francisco, CA 94111-1704
Telephone: (415) 391-5400
Facsimile: (415) 397-7188
Attorney for Amici Curiae
eBay Inc., Facebook, Inc.,
IAC/InterActiveCorp, and Yahoo! Inc.

Of Counsel:

Michael S. Kwun
Benjamin W. Berkowitz
KEKER & VAN NEST LLP
710 Sansome Street
San Francisco, CA 94111-1704
Telephone: (415) 391-5400
Facsimile: (415) 397-7188

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 26, 2010, a copy of each of the following documents was served upon Plaintiffs and Defendants:

1. Notice of Motion and Motion for Leave to File *Amicus Curiae* Brief;
2. Declaration of Michael S. Kwun in Support of Motion for Leave to File *Amicus Curiae* Brief;
3. Proposed Order;
4. Brief of *Amici Curiae* eBay Inc., Facebook, Inc., IAC/InterActiveCorp, and Yahoo! Inc. in Support of Defendants; and
5. Rule 7.1. Corporate Disclosure Statement.

Service was accomplished via the Court's ECF system. Lead counsel for the parties will also receive a courtesy copy via electronic mail.

/s/ Asim M. Bhansali