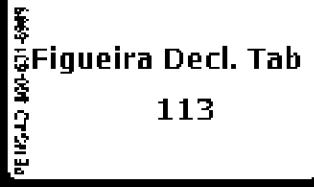


## DECLARATION OF ROBERT TUR



113

1  
2  
3 I, Robert Tur, declare as follows:

4 1. I am an owner of the Los Angeles News Service (“LANS”).

5  
6 2. LANS is a duly accredited news gathering and reporting organization,  
7 which produces video and audio tape recordings of newsworthy events.

8  
9 3. LANS both operates and contracts to other news organizations and  
10 licenses and sells news video, videotapes, photographs, and other products used by  
11 other news operations for all media, including television, cable, motion picture,  
12 Internet and print media.

13  
14 4. I am the owner of, *inter alia*, the following registered copyrighted  
15 works:

16  
17 a. PA-576-702: “Beating of man in brown hatchback with  
18 rescue;”

19  
20 b. PA-576-703: “Beating of man in white panel truck;”

21  
22 c. PA-839-603: “Earthquake;”

23  
24 d. PA-576-704: “Beating of Reginald Denny”, and

25  
26 e. PA-862-544: “North Hollywood shootout.”

27 Each of these five works (collectively, “Infringed Works-A”) has been uploaded  
28 on the YouTube website, YouTube.com, both before the filing of the complaint in  
this case, after service of the complaint on YouTube, and presently.

1           5.     At no time have I given an assignment, license, or permission of any  
2 kind to YouTube or to any of its users who have uploaded my <sup>113-0002</sup> copyrighted works  
3 onto YouTube.com.  
4

5           6.     A representative set of infringements currently ongoing of my  
6 Infringed Works-A include Exhibits 1-8, attached hereto. These exhibits are true  
7 and correct copies of downloads of YouTube.com taken after my complaint was  
8 served upon YouTube. Each of them shows a frame from one of my Infringed  
9 Works-A juxtaposed against the following types of advertising: (a) banner  
10 advertising – such as for NetFlix; (b) promotion of other YouTube.com videos (on  
11 the right side of the screen captured); (c) promotion/branding of the YouTube.com  
12 logo and name (at the upper part of the screen captured).  
13  
14  
15

16           7.     At the YouTube.com website is the User Agreement, which must  
17 automatically be accepted electronically by each user. Section 5.B of the User  
18 Agreement states in relevant part:  
19

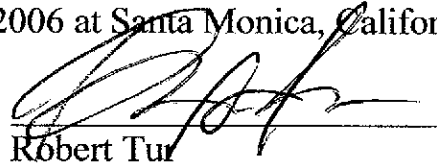
20                     ...you hereby grant YouTube a worldwide, non-exclusive,  
21 royalty-free, sublicenseable and transferable license to use, reproduce,  
22 distribute, prepare derivative works of, display, and perform the User  
23 Submissions in connection with the YouTube Website and YouTube's  
24 (and its successor's) business, including without limitation for  
25 promoting and redistributing part or all of the YouTube Website (and  
26 derivative works thereof) in any media formats and through any media  
27 channels. You also hereby grant each user of the YouTube Website a  
28 non-exclusive license to access your User Submissions through the  
Website, and to use, reproduce, distribute, prepare derivative works of,  
display and perform such User Submissions as permitted through the  
functionality of the Website and under these Terms of Service....

1 derivative works thereof) in any media formats and through any media  
2 channels. You also hereby grant each user of the YouTube Website a  
3 non-exclusive license to access your User Submissions through the <sup>113-0003</sup>  
4 Website, and to use, reproduce, distribute, prepare derivative works of,  
5 display and perform such User Submissions as permitted through the  
6 functionality of the Website and under these Terms of Service....

7 The foregoing facts are within my personal knowledge, and I could  
8 competently testify to them.

9 I declare under penalty of perjury under the laws of the United States of  
10 America that the foregoing is true and correct.  
11

12 Executed this 13<sup>th</sup> day of November, 2006 at Santa Monica, California.

13  
14   
15 Robert Tur

15



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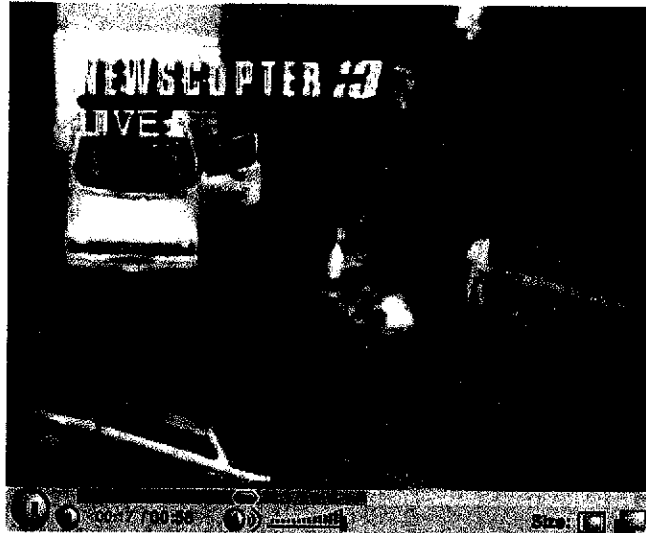
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L.A. Riot



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Favorited: 2 times  
Honors: 0  
Links to show this video:

About This Video

Added July 12, 2006  
From [grolabo](#)

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Tags [L.A. Riot](#) [Violence](#)

URL <http://www.youtube.com/watch?v=XVx5RpqA>

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[411VM 14.1 Commercial](#)  
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- [LARiotProjectFinal](#)  
03:50  
From: [golaia420](#)  
Views: 3317
- [British Hooligans Vol 9 DVD preview](#)  
01:02

[Hope Is Emo: Chapter One "The Words Are Dying"](#)  
03:24  
From: [digitalfilmmaker](#)

[Mom does "Crouching Tiger Hidden Dragon"](#)  
00:16  
From: [contron](#)

EXHIBIT 1

113-0004

intera  
much ti

113-0005



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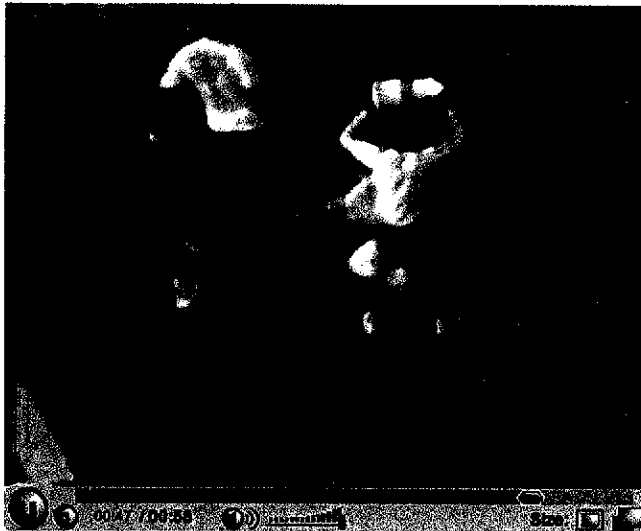
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L.A. Riot



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About This Video

Added July 12, 2006  
From [grolabo](#)

ロサンゼルス暴動のーコマ

Tags [L.A. Riot](#) [Violence](#)

URL <http://www.youtube.com/watch?v=XVx5RpqA>

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**L.A. riots**  
00:44  
From: [swban](#)  
Views: 751

**LARiotProjectFinal**  
03:50  
From: [colins420](#)  
Views: 3317

**British Hoodlans Vol 9 DVD preview**  
01:02

**Hope Is Emo: Chapter One "The Words Are Dying"**  
03:24  
From: digitalfilmmaker

**Mem does "Crouching Tiger Hidden Dragon"**  
00:16  
From: [contron](#)

113-0006

EXHIBIT 2

16

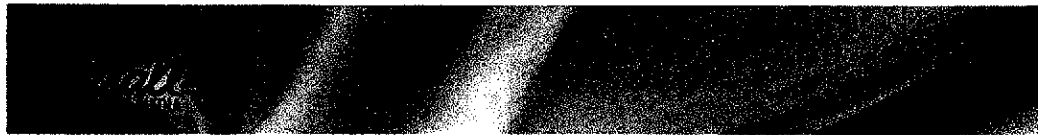
113-0007



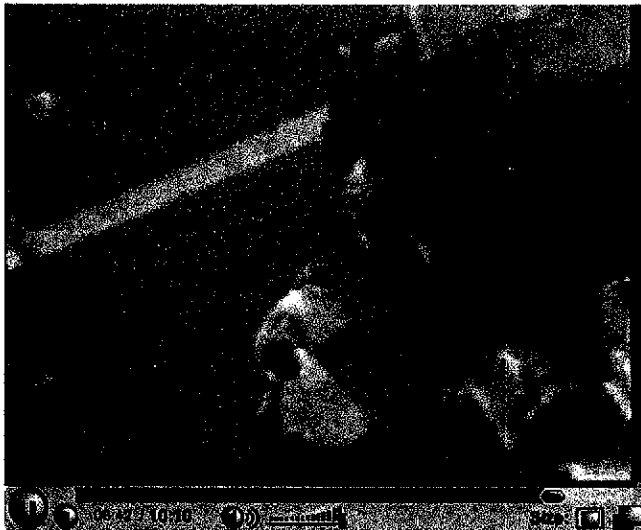
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### LA Riots Part 2



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Views: 4,352  
Comments: 20  
Favorited: 32 times  
Honors: 0  
Links to show this video:

#### About This Video

Added May 22, 2006  
From OsamaKilla

This is part 2 of the LA riots footage f... (more)

Tags LA Riots Danger Army (more)

URL <http://www.youtube.com/watch?v=-yFTrooYx9M>

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- LARiotProjectFinal**  
03:50  
From: oolala420  
Views: 3571
- la riots**  
04:54  
From: underlinesk0  
Views: 7221
- quiet riot 6-22-79 LA**  
03:20  
From: fredhoffman1988  
Views: 1567
- L.A. riots**  
00:44  
From: sxban

#### Director Videos

- The Heart of Steel**  
01:30  
From: THEDIRECTOR
- Dilly in the grass 2**  
00:22  
From: clickbrain
- Ask A Ninja: Question 9 "Ninja Love"**  
02:20  
From: digitalfilmmaker

113-0008

EXHIBIT 3

17



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113-0009

113-0009

18



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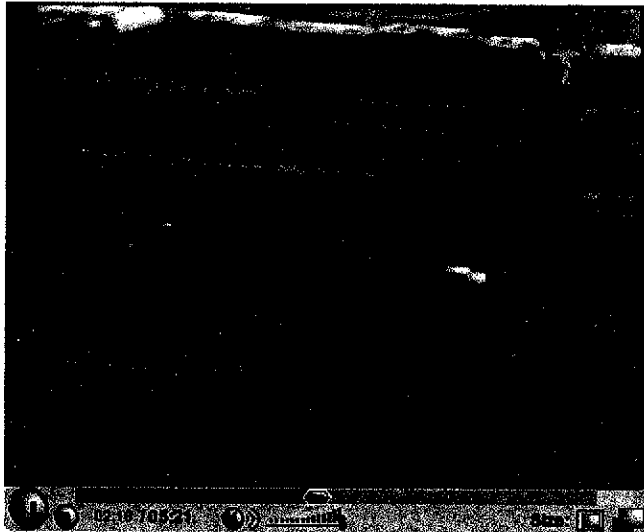
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\*Click here for details

### Guns N' Roses - Welcome To The Jungle



#### About This Video

Added March 11, 2006  
From **Souldesen**

Welcome to the jungle by Guns N' Roses, ... (more)

Tags [live](#) [era](#) [video](#) [gunseroses](#) (more)

URL <http://www.youtube.com/watch?v=cxHHRnAr>

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#### Director Videos

**Mambo Dance**  
01:59  
From: Directorian

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**Guns N' Roses - Welcome To The Jungle**  
04:32  
From: [lasha2892](#)  
Views: 101668

**Guns N' Roses - Welcome To The Jungle**  
04:34  
From: [u4ku](#)  
Views: 12543

**Welcome To The Jungle**  
04:25  
From: [indigo67](#)  
Views: 1410

**Welcome to the One Place Jungle**  
02:21

**GSS - Let's Make Love and Listen to Death From Above**  
03:56  
From: [subpoprecords](#)

**A Dedication To My Friends (Bonnie and Clyde) by Haystack**  
04:34  
From: [mookie1](#)

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61 ratings

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Views: 16926

Comments: 17

Favorited: 93 times

Honors: 0

Links to show this video:

EXHIBIT 4

113-0010

113-0011



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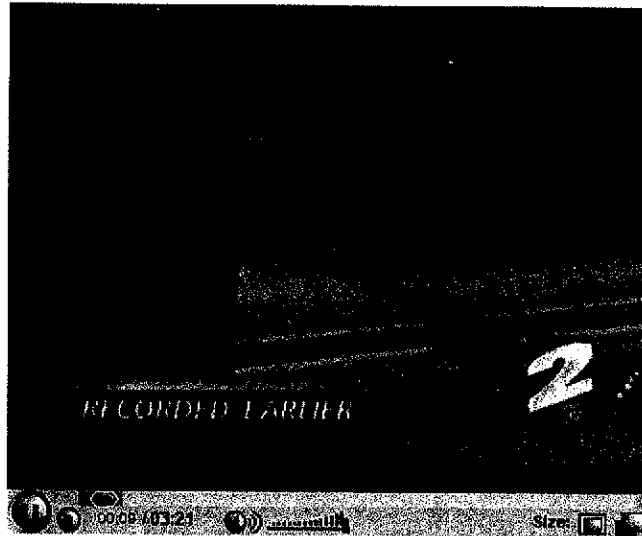
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### North Hollywood Shootout



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Views: 1,903  
Comments: 0  
Favorited: 9 times  
Honors: 0

#### About This Video

Added July 31, 2006  
From [entertainment4u](#) to entertainment4u  
Different Angle.

Tags [Bank Robbery](#) [North Hollywood](#) (more)  
URL [http://www.youtube.com/watch?v=bCuG\\_gqI3i0](http://www.youtube.com/watch?v=bCuG_gqI3i0)  
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- North Hollywood Shootout**  
03:21  
From: [entertainment4u](#)  
Views: 1504  
« Now Playing
- North Hollywood Shootout**  
00:53  
From: [Droid1983](#)  
Views: 871
- North Hollywood Shootout**  
01:45  
From: [Droid1983](#)  
Views: 376

EXHIBIT 5

19

113-0013

20

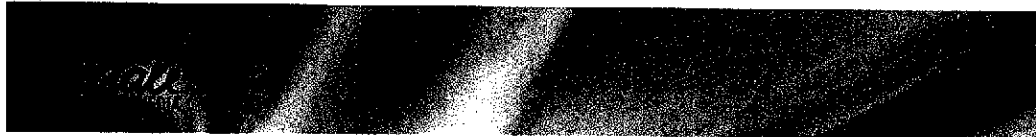


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hollywood shootout

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### Hollywood Shootout



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2 ratings

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Views: 764  
 Comments: 0  
 Favorited: 2 times  
 Honors: 0  
 Links to this video: [show](#)

#### About This Video

Added November 30, 2005  
 From [zenos](#) [Subscribe](#)

I would love to have one of those AK's

Tags [hollywood](#)

URL <http://www.youtube.com/watch?v=E6ZNs24Oy7Q>

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Showing 1-20 of 3263 [See All Videos](#)

- xbox**  
01:31  
From: [lastpyrefly](#)  
Views: 665
- Texas Shootout**  
01:20  
From: [unbelievablyhot](#)  
Views: 6499
- mikes shootout**  
00:22  
From: [McMaster](#)  
Views: 2258
- Summer ShootOut**  
06:08  
From: [13WhiteFang37](#)

#### Director Videos

- Queen "Bohemian Rhapsody" Video**  
06:01  
From: [hollywoodrec](#)
- Space Game**  
02:05  
From: [mylkhead](#)
- GYM CLASS HEROES: New Friend Request**  
04:12  
From: [fuelobyadam](#)

113-0014

EXHIBIT 6

113-0015



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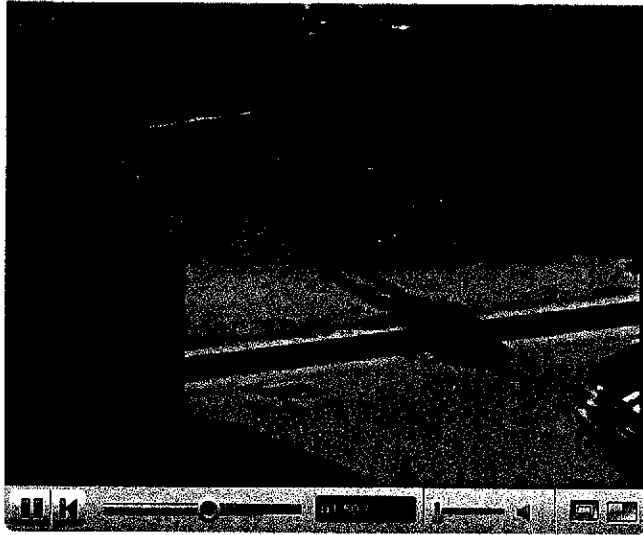
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2 ratings

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Views: 657  
Comments: 1  
Favorited: 11 times  
Honors: 0  
Links to this video: None

Added October 06, 2006  
From [RoffleWaffle223](#)  to RoffleWaffle223  
Guess what? It ain't the one with the UN ... (more)  
Category **People**  
Tags [bank robbery](#) [larry emil](#) (more)  
URL <http://www.youtube.com/watch?v=CStUbKJCooA>  
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- One For All and All For Me**  
04:07  
From: [RoffleWaffle223](#)  
Views: 3090
- One for All and All For Me (Re-make)**  
04:30  
From: [RoffleWaffle223](#)  
Views: 1694
- The Pedestrian**  
03:39  
From: [RoffleWaffle223](#)  
Views: 697
- The AOL Shootout**  
03:51  
From: [RoffleWaffle223](#)  
Views: 288

#### Director Videos

**Beer vs. Wine**  
00:56  
From: [BriggsBeerCannon](#)

**Beer vs. Flowerpot**  
01:08  
From: [BriggsBeerCannon](#)

**Billie Joe Armstrong Gibson Interview**  
02:10  
From: [GibsonGuitarCorp](#)



113-0016

21

EXHIBIT 7



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113-0017

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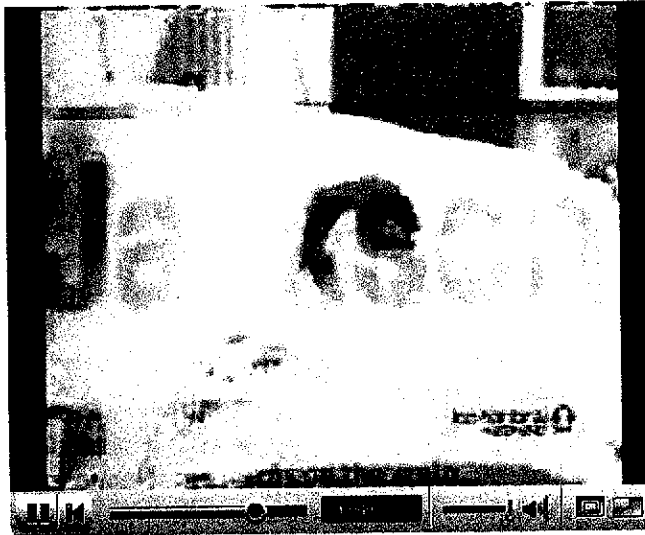
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### Michael Jackson Gets burned by Pepsi



Added February 25, 2006  SUBSCRIBE to Jadore

Short Clip about the Infamous 1984 Pepsi ... (more)

Category [Entertainment](#)

Tags [michael jackson](#) [fire](#) [hariv](#) (more)

URL <http://www.youtube.com/watch?v=QmpTpVRJnpg>

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#### Director Videos

**Gone Daddy Gone**  
02:48  
From: [gnarisberkleyvideos](#)

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- Michael Jackson Gets burned by Pepsi**  
01:27  
From: [Jadore](#)  
Views: 9885  
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- Michael Jackson 80's Pepsi**  
01:26  
From: [mmulbra](#)  
Views: 47466
- Michael Jackson Pepsi Advert**  
00:30  
From: [ozzyynike58](#)  
Views: 13103
- Michael Jackson - Pepsi**  
01:26  
From: [loginutube](#)

- Ronaldinho: Touch of Gold**  
02:44  
From: [Nikesoccer](#)
- Moby featuring Debbie Harry - New York New York**  
04:04  
From: [MuteChannel](#)

Rate this video: ★★★★★ 17 ratings

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EXHIBIT 8

113-0018

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