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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WPIX, INC., et al.

10-cv-7415

Plaintiffs,

v.

IVI, INC. and TODD WEAVER

Defendants.

DECLARATION OF TODD WEAVER IN SUPPORT OF
IVI, INC. AND WEAVER'S MOTION TO TRANSFER

I, Todd Weaver, hereby declare as follows.

1. I am the Chief Executive Officer of ivi, Inc. I am over eighteen years of age and make this declaration based on personal knowledge.

2. ivi is an entity having a principal place of business in Seattle, Washington and which receives over-the-air broadcasts of television content that originates with others. ivi then makes the original content from the primary transmissions available to consumers who download the ivi TV player. The ivi TV player allows consumers to receive the television content over the internet in the same way that cable or satellite television consumers are able to play the identical content using a set top box or similar player.

1 3. ivi began providing its secondary transmissions of such television content to
2 consumers on September 13, 2010. ivi's service promptly drew the attention of television
3 stations and media companies, including the Plaintiffs in this action, who demanded that ivi
4 immediately and/or promptly cease and desist its television services.

5 4. Attached as Exhibit 1 is a true and correct copy of a letter directed to ivi from
6 Fisher Communications.

7 5. Attached as Exhibit 2 is a true and correct copy of a letter directed to ivi from
8 ABC, CBS, The CW, Disney, Fox, major League Baseball, Fox, WGBH, and WNET.ORG.

9 6. Attached as Exhibit 3 is a true and correct copy of a letter directed to ivi from
10 NBC.

11 7. A week after receiving the cease and desist letter of Exhibit 1, ivi filed a
12 complaint in the Western District of Washington seeking a declaratory judgment that its business
13 did not infringe any copyrights owned by any of the companies that had accused it of copyright
14 infringement. That action is Case No. 2:10-cv-0512-JLR. Attached as Exhibit 4 is a true and
15 correct copy of the complaint filed in the Western District of Washington.

16 8. I am a resident of Seattle, Washington. I own no real property in New York, have
17 not traveled to New York in the past several years for either personal or business purposes, and
18 not been to New York with respect to any of the alleged conduct concerning the business of ivi.

19 9. ivi is a very small company with only 12 full-time employees. It would be a
20 substantial hardship to ivi to litigate in New York, literally at the opposite end of the country.
21 With so few employees, the time associated with court events and trial in New York would pose
22 a potentially large disruption to ivi's business.

23 10. The inconvenience and expense I would expect to experience if forced to defend
24 myself as an individual defendant would pose a tremendous hardship.

25 11. By contrast, I expect that the Plaintiffs would experience far less inconvenience
26 by pursuing this action in Seattle. The Plaintiffs are large corporations with sizeable legal

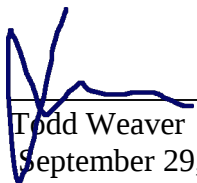


1 departments and continuous litigation across the country, including Seattle. For example,
2 attached as Exhibit 5 are true and correct copies of Federal Court records from the Pacer system
3 listing litigation involving a sample of the Plaintiffs to this action.

4 12. In addition to the Plaintiffs already named in this action, ivi has been accused of
5 copyright infringement by Seattle-based television broadcaster KIRO TV. Attached as Exhibit 6
6 is a true and correct copy of such notice of infringement.

7 13. Attached as Exhibit 7 are true and correct copies of the Judicial Caseload Profiles
8 for the Western District of Washington and the Southern District of New York.

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

11 
12 Todd Weaver
13 September 29, 2010