

MEMO ENDORSED

CBS Broadcasting Inc. et al v. FilmOn.com, Inc.

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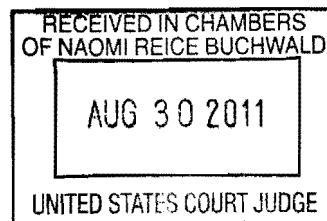
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August 29, 2011



The Honorable Naomi Reice Buchwald
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: CBS Broadcasting Inc. v. FilmOn.com, Inc., Case No. 1:10-cv-7532-NRB

Dear Judge Buchwald:

MEMO ENDORSED

In accordance with Your Honor's individual practice 2.A, we write with respect to our contemplated motion to amend the complaint to add four new plaintiffs – American Broadcasting Companies, Inc.; CBS Studios Inc.; Big Ticket Television, Inc.; and Open 4 Business Productions LLC. A copy of the proposed amended complaint is enclosed. We have discussed the proposed amendment with FilmOn counsel, and they have confirmed that they have no opposition.

So
Ordered
Naomi
Reice
Buchwald
USDC
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The proposed new plaintiffs are all affiliates of the existing plaintiffs. These affiliates own the copyrights in certain of the television programs and films that defendant FilmOn streamed to viewers before the Court issued its restraining order. The registration certificates for those copyrights were all submitted to the defendant by the existing plaintiffs during discovery.

The addition of these affiliates would create no new issues of fact or law and would not occasion any additional discovery. The amendment would merely ensure that all infringement claims supported by the certificates or applications submitted by the original plaintiffs can be resolved in this action, without the need for the proposed new plaintiffs to commence a separate lawsuit to assert their claims. The new plaintiffs will be represented by the same counsel as the existing plaintiffs, and none of the claims asserted in the original complaint will change.

Respectfully yours,

Hadrian R. Katz

Enclosure

cc: Toby M. Butterfield, Esq.