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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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 CAPITOL RECORDS, LLC,

Plaintiff,

Civil Action No: 12 CIV 0095  
 (RJS)

- against -

REDIGI, INC. ,

Defendant.  
 -----X

**DECLARATION OF COLIN WORTH IN SUPPORT OF  
 DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

I, Colin Worth, pursuant to 28 U.S.C. § 1746, declares under the penalty of perjury, as follows:

1. I am the author of the ReDigi client software for Macintosh computers.
2. My background in computers dates from 1982, when my 3<sup>rd</sup> grade teacher taught me Basic on a Tandy TRS-80 computer. I also learned to use the DOS operating system and did a small amount of 6502 Assembly language programming on several models of Atari 8-bit computers.
3. In high school, I learned the C programming language (hereinafter "C Language"), which continues to be my primary programming language today.

4. I graduated with a M.S. In Physics from Haverford College in 1995, and a Ph.D. in Physics from Boston University in 2005.

5. During my tenure at Boston University, I worked on an optical waveguide biosensor to detect trace amounts of pathogens in liquid samples. I did data acquisition using a detector array connected to a Labview program that I wrote, and analyzed the results with programs I wrote in the C Language, and other waveguide simulation software.

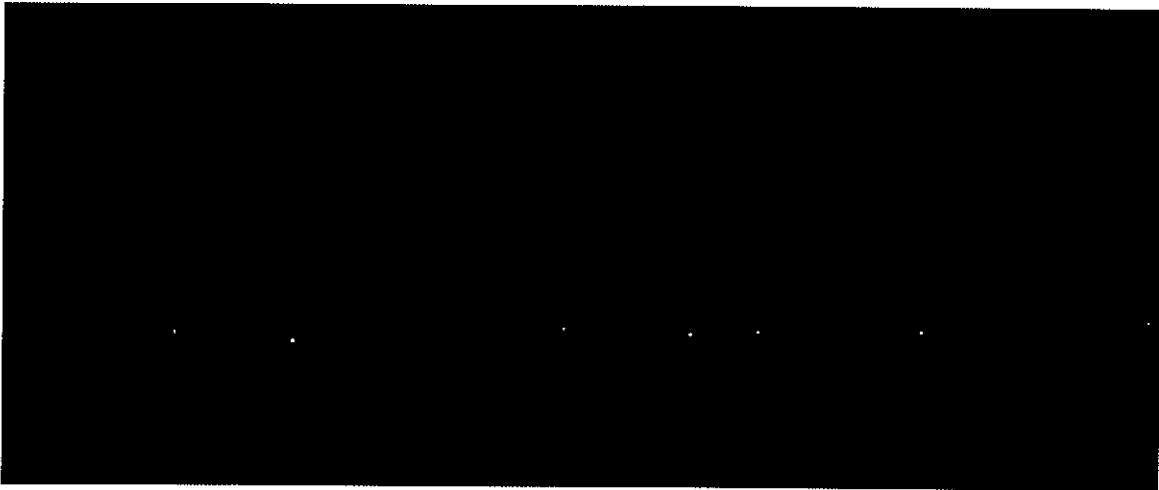
6. During this time, I also became familiar with the computer languages of Perl, Bash scripting, Matlab, and the Unix/Linux operating system, on which the Mac operating system is based.

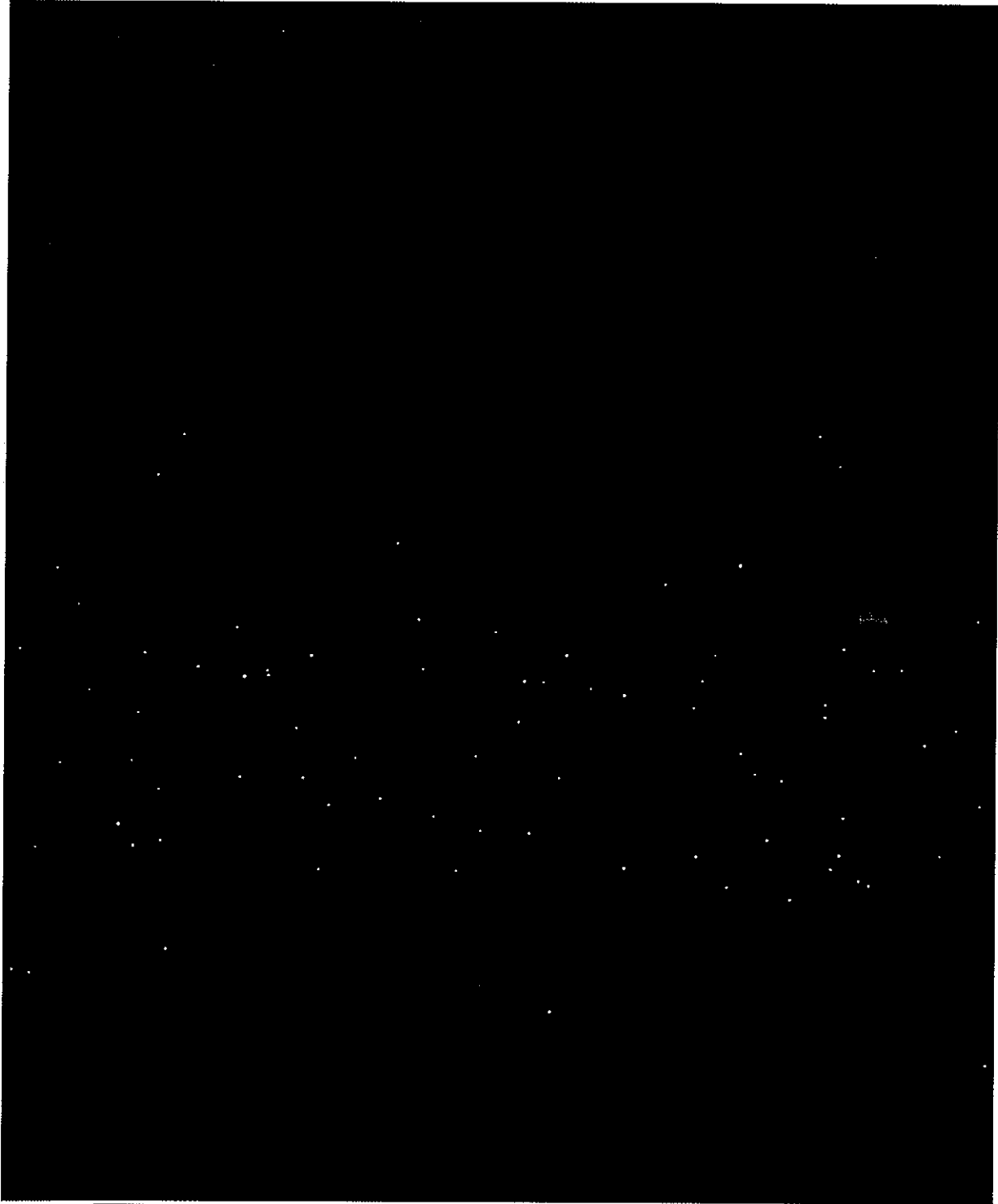
7. Thereafter, I worked for three (3) years at Photodetection Systems in Acton, MA, where I did scientific programming on the software side of a full body PET scanner. Most of the software work involved coordinating and analyzing data from a ring of 12 sensors surrounding the PET patient, piped into a cluster of eleven (11) Linux-based computers. Data collection, physics-based corrections, and image reconstruction were done in the C++ Language, in parallel algorithms across all eleven (11) computers.

#### **FILE TRANSFERS FROM THE REDIGI MACINTOSH CLIENT TO THE REDIGI SERVER**

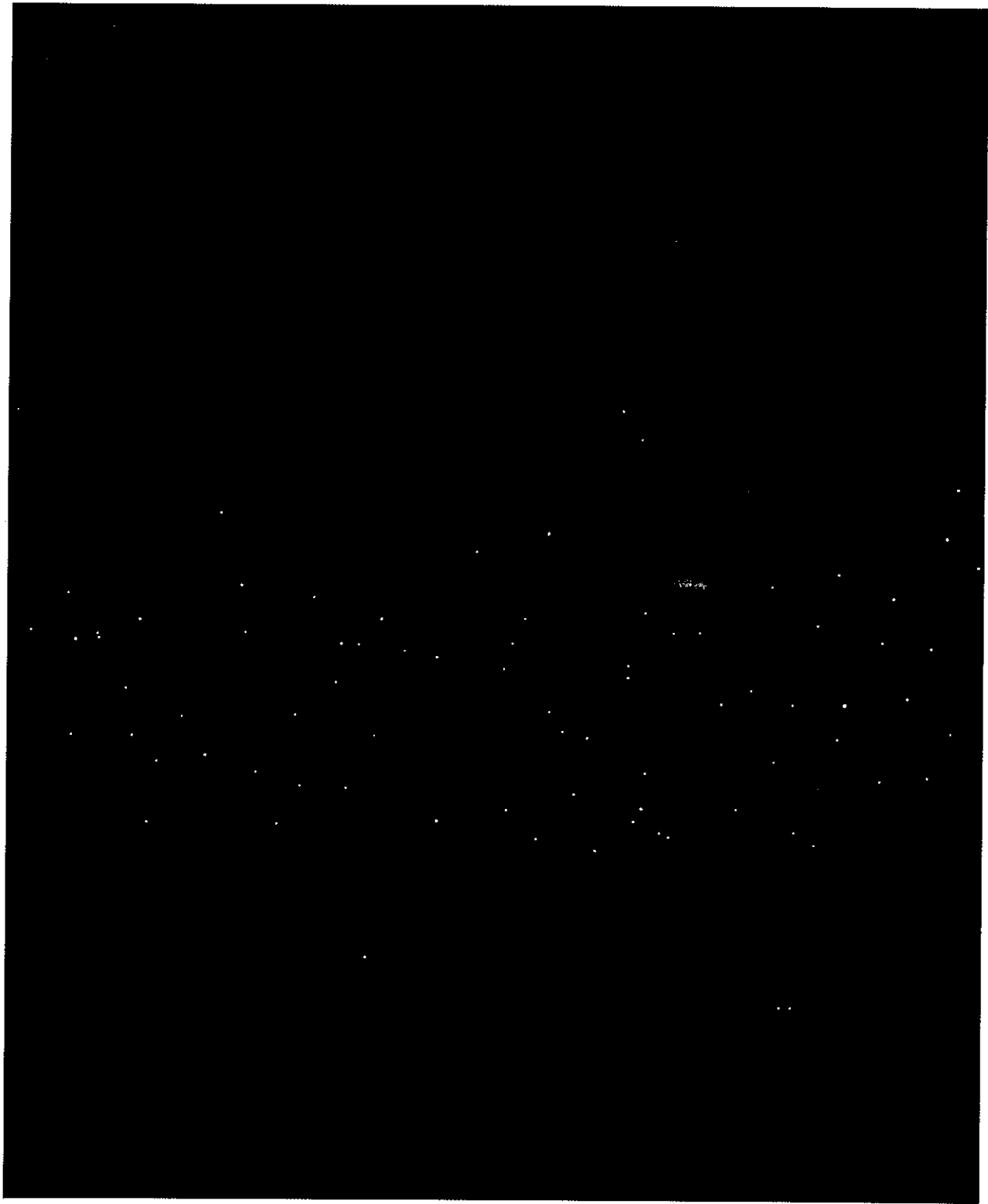
##### **(A) Introduction to the ReDigi Macintosh Client**

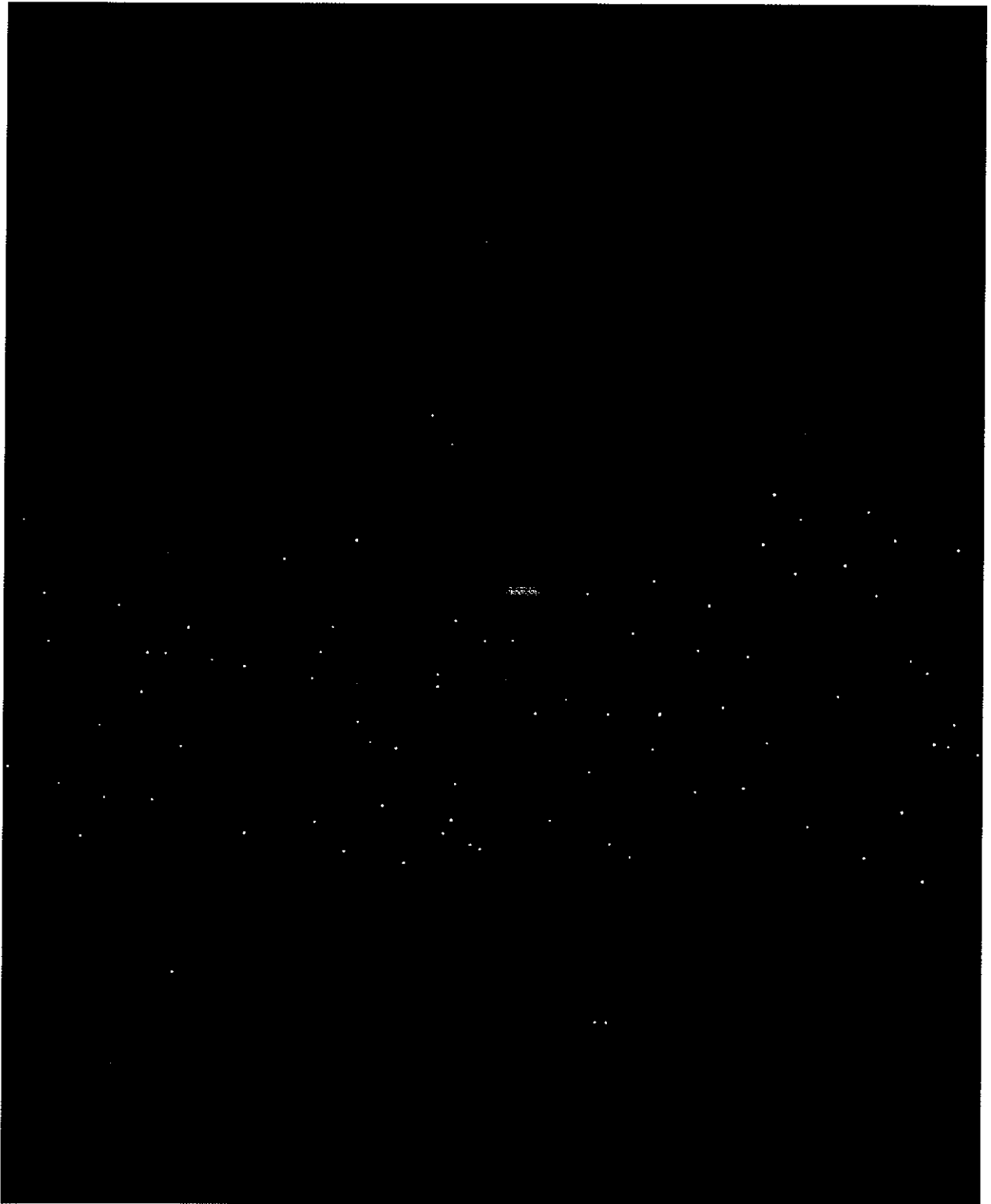
8. The Macintosh version of the ReDigi Mac Client software (the "Mac Client") is based on a prototype written by Lawrence Rudolph (Rogel). The purpose of the software is to





<sup>1</sup> “Eligible File(s)” solely refers to the original source file purchased from iTunes by the user as determined by Media Manager as defined in the Rogel Decl. ¶5







Thus, the sale of Eligible Files from one user to another occurs without touching the original Eligible File.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 20, 2012 in Cambridge, Massachusetts.

Colin Worth