

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

BROWNMARK FILMS, LLC,

Plaintiff,

v.

Case No. 2:10-cv-01013-JPS

COMEDY PARTNERS, MTV
NETWORKS, PARAMOUNT
PICTURES CORPORATION, SOUTH
PARK DIGITAL STUDIOS LLC, and
VIACOM INTERNATIONAL, INC.,

Defendants.

DECLARATION OF ALONZO WICKERS IV IN SUPPORT OF DEFENDANTS'
MOTION TO RECOVER ATTORNEYS' FEES WITH EXHIBITS A-I

I, Alonzo Wickers IV, declare:

1. I am an attorney licensed to practice law before the courts of the State of California and before the Eastern District of Wisconsin. I am a partner in the law firm of Davis Wright Tremaine LLP, counsel of record for defendants Comedy Partners, MTV Networks, Paramount Home Entertainment Inc., South Park Digital Studios LLC, and Viacom International Inc. (collectively "the South Park Defendants") in this lawsuit. Unless expressly stated on information and belief, the matters stated below are true of my own personal knowledge.

2. In late September 2008, Plaintiff threatened a copyright-infringement lawsuit arising from *South Park*'s parody of the "What What (in the Butt)" ("WWITB") viral video. A true and correct copy of the letter from Brian Kopec-Farrell, then-counsel for Brownmark Films LLC, to the South Park Defendants received on September 23, 2008 is attached to this declaration as Exhibit A.

3. In response, the South Park Defendants sent a detailed, seven-page letter to Plaintiff's counsel on October 2, 2008, predicting that "a federal district court would dismiss [any] copyright-infringement claim" because *South Park's* use was a fair use, "urg[ing Plaintiff] to reconsider its threatened lawsuit," and cautioning that such "a lawsuit would expose [Plaintiff] to liability for Comedy Central's attorneys' fees and costs." A true and correct copy of the letter from the South Park Defendants' counsel, Robyn Aronson, to Mr. Kopec-Farrell sent on October 2, 2008 is attached to this declaration as Exhibit B.

4. Mr. Kopec-Farrell responded with a one-sentence email on October 2, 2008 warning that "the next time we will talk will be in the Court for the Eastern District of Wisconsin." A true and correct copy of the email sent by Mr. Kopec-Farrell to my colleagues and me on October 2, 2008 is attached to this declaration as Exhibit C.

5. More than two years later, in November 2010, Brownmark Films LLC filed its copyright-infringement lawsuit against the South Park Defendants. During a subsequent telephone conference, I explained to Plaintiff's new counsel, Caz McChrystal, that *South Park's* use of the "What What (In The Butt)" ("WWITB") video was a fair use, and that unless Brownmark dismissed the lawsuit voluntarily, the South Park Defendants would move to dismiss and would seek to recover their attorneys' fees and costs.

6. After the Court dismissed the case on fair-use grounds on July 6, 2011, I called Garret Galster and I sent an email to Mr. Galster and Mr. McChrystal offering to waive the South Park Defendants' right to seek attorneys' fees in exchange for Brownmark's waiver of its right to appeal this Court's order granting the motion to dismiss, and thereby to put an end to this meritless litigation. Because of the relatively short deadline under Rule 54 to file a fee motion, I asked Plaintiff's attorneys to respond to the offer at their earliest convenience. A true and correct copy of my July 12, 2011 email to Mr. Galster and Mr. McChrystal is attached to this declaration as Exhibit D.

7. Mr. Galster responded that he would be checking with Brownmark about the South Park Defendants' offer and would get back to the South Park Defendants with an answer. A true and correct copy of Mr. Galster's July 12, 2011 email to me is attached to this declaration as Exhibit E.

8. On July 13, 2011, I sent a followup email to Mr. Galster asking for a response from Brownmark. Instead of responding, however, Plaintiff waited several days and filed a notice of appeal. A true and correct copy of my July 13, 2011 email to Mr. Galster is attached to this declaration as Exhibit F.

9. Davis Wright Tremaine is a national law firm of more than 500 lawyers, with its largest office in Seattle, Washington. During the past fifteen years, its Los Angeles office has become increasingly well-known for its work in the fields of media and entertainment law. The firm is well-known nationally for its First Amendment, communications law, and intellectual property litigation practice, including copyright litigation. In addition to the South Park Defendants, the firm's clients in this area include Sony Pictures Entertainment, CBS Broadcasting, CNN, HBO, the *Los Angeles Times*, the *New York Times*, Discovery Communications, E! Entertainment Television, A&E Television Networks, Electronic Arts, Simon & Schuster, and Random House.

10. The Davis Wright Tremaine attorneys who represented the South Park Defendants in this matter – Robyn Aronson, Jeff Glasser, and I – all practice almost exclusively media and intellectual property litigation. Ms. Aronson, who is now senior counsel at MTV Networks, practiced at Davis Wright Tremaine for four years as a senior associate concentrating on intellectual property litigation and counseling. Mr. Glasser has nearly four years of experience in intellectual property and First Amendment litigation, including copyright litigation. I have been a partner in the firm's Los Angeles office since 2000, and have 18 years of litigation experience, specializing in the representation of book, newspaper, and magazine publishers, television

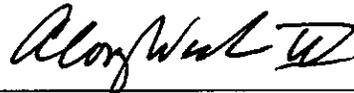
networks, and other content creators in copyright, trademark, and First Amendment matters. Mr. Glasser's and my web bios are attached to this declaration as Exhibits G and H.

11. Based on my experience in this field, my previous work as a lawyer at Jones, Day, Reavis & Pogue, my review of legal bills from other law firms that practice media law, my review of the bills attached to fee motions filed by those firms in other cases, and my participation in media bar events, I believe that the discounted hourly rates that the South Park Defendants were billed for our services in 2008 – \$310.25 for Ms. Aronson – and in 2010 and 2011 – \$225.25 for Mr. Glasser's time and \$416.50 for my time – are easily within the range of rates charged by other lawyers with similar expertise and experience in this market. True and correct copies of the bills submitted to the South Park Defendants for this case are attached as Exhibit I. The bills have been redacted to eliminate tasks for which the South Park Defendants do not seek reimbursement. In a very few instances, certain task descriptions have been redacted to protect information that is subject to the attorney-client privilege and/or the work-product doctrine. The billing statements identify each task for which the South Park Defendants seek reimbursement, the attorney or paralegal who performed the task and his or her billing rate, and the amount of time expended on each task. These billing statements either have been paid by MTV Networks or represent outstanding obligations of MTV Networks. In total, Ms. Aronson spent 5 hours on the matter, Mr. Glasser spent 79.8 hours, and I spent 39 hours. DWT paralegal Ben Planchon spent 3.7 hours, document clerk Kristina Roth spent 2.8 hours, and librarian Chris Gilbertson spent 1.5 hours on this matter.

12. As reflected in the billing statements, the total legal fees and costs incurred by the South Park Defendants to date from work performed by Davis Wright Tremaine LLP is \$36,919.06, which includes \$1,520.23 in fees incurred in responding to the 2008 cease-and-desist letter. I am informed and believe that the South Park Defendants also incurred \$9,856.17 from legal work performed by Godfrey & Kahn in Wisconsin. The total legal fees incurred by the South Park Defendants to date are \$46,775.23.

13. The South Park Defendants will also supplement the fee request with the exact amount of fees and costs incurred in bringing this fee motion and in bringing the fee reply, which they will submit with their reply papers.

This declaration was executed on July 20, 2011, in Los Angeles, California. I declare under penalty of perjury under the laws of the United States of America and the State of Wisconsin that the foregoing is true and correct.



Alonzo Wickers IV

EXHIBIT A

Creative Legal Collective
Brian Kopec-Farrell
PO Box 2156
Milwaukee, WI 53201-2156
(414) 418-8491

Dear Warren Solow,

I am writing this letter on behalf of my client, Brownmark Films LLC, in response to its discovery that you have made unauthorized use of its copyrighted work entitled "What What (In the Butt)" (hereinafter the "Work") in the creation and distribution of a work derived therefrom. My clients have reserved all rights in the Work, first published in 2007, and have registered copyright therein. Integral portions of your work, the episode of South Park originally aired on April 2, 2008 (hereinafter the "Episode"), are essentially identical to the Work and clearly used the Work as its basis.

In the Episode, a character in that show, Butters, is seen singing the musical composition "What What (In the Butt)" as part of a music video that is a frame-by-frame recreation of that created and copyrighted by my client. The Episode was aired on Comedy Central, and portions of the Episode that infringe my client's copyright continue to appear on the website www.southparkstudios.com. Furthermore, it has come to my client's attention that Comedy Central and Paramount Home Entertainment have announced plans to release a DVD entitled "The Cult of Cartman" that includes material derived from the Work.

Neither South Park, Comedy Central, nor Viacom requested nor received permission from Brownmark Films LLC to use the Work as the basis for the Episode nor to make or distribute copies, including electronic copies, of same. In addition, please be aware that under the terms of its agreement with Southern Fried Records, the Work may not be licensed to third-parties without the written consent of Brownmark Films LLC. Therefore, I believe you have willfully infringed my clients rights under 17 U.S.C. Section 101 et seq. and could be liable for actual or statutory damages and reasonable attorney's fees as set forth in Section 504(c)(2) and 505, respectively.

On behalf of my clients, I demand that you immediately cease the use and distribution of all infringing works derived from the Work, and all copies, including electronic copies, of same, that you desist from this or any other infringement of my clients rights in the future, and that you give an accounting of all profits derived from the infringed work. If I have not received an affirmative response from you by October 10, 2008, indicating that you have fully complied with these requirements, I shall be forced to take further action.

You should understand that this letter constitutes notice to you that the sale and/or other distribution of this product is unauthorized. This letter does not constitute a waiver of

any right to recover damages incurred by virtue of any such unauthorized activities, and such rights as well as claims for other relief are expressly retained.

Sincerely,

A handwritten signature in black ink, appearing to read "B Kopec Farrell", with a long horizontal flourish extending to the right.

Brian Kopec-Farrell
Attorney at Law
Creative Legal Collective
PO Box 2156
Milwaukee, WI 53201-2156
(414) 418-8491

NOTICE: The complaining party has a good faith belief that the use of copyrighted material in the manner complained of is not authorized by the copyright owner, its agent, or the law. Furthermore, the above signed party asserts that the information contained in this document is accurate, and under penalty of perjury that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

EXHIBIT B



Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

ROBYN ARONSON
Direct (213) 633-6816
robynaronson@dwt.com

SUITE 2400
865 SOUTH FIGUEROA STREET
LOS ANGELES, CA 90017-2566

TEL (213) 633-6800
FAX (213) 633-6899
www.dwt.com

October 2, 2008

Via Email (clcllc@creativelegalcollective.com) and U.S. Mail

Brian Kopec-Farrell, Esq.
Creative Legal Collective
P.O. Box 2156
Milwaukee, Wisconsin 53201-2156

Re: South Park/"What What (In the Butt)"

Dear Mr. Kopec-Farrell:

We represent Comedy Central, and write in response to your letter to Warren Solow regarding *South Park*'s parody of your client's "What What (In the Butt)" viral music video. After reviewing your letter, the video, and the *South Park* episode at issue, we are confident that *South Park*'s parody would be fully protected against any copyright-infringement claim. If your client nevertheless insists on pursuing its threatened claim, Comedy Central will vigorously defend its rights under the fair-use doctrine and the First Amendment, which protect such parodies.

***South Park*'s "Canada On Strike" Episode**

As it enters its twelfth season, *South Park* has become "well known for its *pop-culture parody*, scatological humor, and satirical handling of current events." Wikipedia, "South Park" (emphasis added). The program has poked fun at such individuals as Paris Hilton, Al Gore, and Saddam Hussein, and has parodied such works as *The Wizard of Oz*, *The Island of Dr. Moreau*, and *Heavy Metal*. In "Canada on Strike," the program ridiculed the WGA's demands in the then-recent writers' strike, and the inanity of some popular viral videos.

As you may recall, the striking writers demanded, among other things, a greater share of the entertainment studios' Internet revenues. In the episode, the boys attempt to make money on the Internet to satisfy the demands of the striking Canadians. To do so, the boys decide to create a viral music video, which turns out to be an animated spoof of "What, What (In the Butt)" performed by the sweetly naïve character Butters. Later, when the boys try to cash in on their video, they find themselves in a bank waiting room with other viral-video stars, including Tay



Zonday of “Chocolate Rain,” the “Numa Numa” Guy, the Tron Guy, the Star Wars Kid, the Dramatic Gopher, the Laughing Baby, the Sneezing Panda, and Afro Ninja. Like the “What, What” video, all of these figures are recognizable to regular Internet users and YouTube fans. In the waiting room, each figure acts out moments from his signature videos – the “Numa Numa” guy lip-synchs, the Afro Ninja trips over himself, the Sneezing Panda sneezes, and, of course, the Dramatic Gopher looks very dramatic. By the end of the Program, the viral-video stars have killed one another, the Canadians have ended their strike, and Kyle has given a speech about the difficulty of monetizing Internet celebrity. In sum, the episode spoofs the very nature of Internet success, including your client’s success with its “What What” video.

South Park’s Parody Is Protected As A Fair Use Under The Copyright Act.

Courts consistently have recognized that parody enjoys broad protections under the First Amendment and the Copyright Act. The Supreme Court has explained that a parody is an “artistic work that imitates the characteristic style of an author or a work for comic effect or ridicule.” *Campbell v. Acuff-Rose Music, Inc.*, 510 U.S. 569, 580 (1994). In a leading recent decision, the Ninth Circuit reaffirmed that “parody is a form of social and literary criticism,” and “has socially significant value as free speech under the First Amendment.” *Mattel Inc. v. Walking Mountain Prods.*, 353 F.3d 792, 801 (9th Cir. 2003) (“*Walking Mountain*”). Because parody implicates such “core” constitutional concerns, *Cartoons, L.C. v. Major League Baseball Players Ass’n*, 95 F.3d 959, 972 (10th Cir. 1996), courts uniformly have noted “the broad scope permitted parody in First Amendment law.” *Cliffs Notes, Inc. v. Bantam Doubleday Dell Publ’g Group, Inc.*, 886 F.2d 490, 493 (2d Cir. 1989).

These principles are reflected in Section 107 of the Copyright Act, which codifies the fair-use doctrine and creates a “privilege to use copyrighted material in a reasonable manner *without the consent of the copyright owner*[.]” *Lewis Galoob Toys, Inc. v. Nintendo of America*, 964 F.2d 965, 969 (9th Cir. 1992) (citation omitted) (emphasis added); 17 U.S.C. § 107. In the preamble to Section 107, Congress identified several illustrative fair uses, including “*criticism, comment, news reporting, teaching*[,] ... scholarship, or research.” (Emphasis added.) As the Supreme Court has explained, Section 107 balances “the interests of authors ... in the control and exploitation of their [works] ... on the one hand, and society’s competing interest in the free flow of ideas, information, and commerce on the other hand[.]” *Sony Corp. v. Universal City Studios, Inc.*, 464 U.S. 417, 429 (1984).

To facilitate this balancing process, Congress set forth four, non-exclusive factors that a court shall consider in determining whether a particular use of a copyrighted work is a fair use:

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;



(3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

(4) the effect of the use upon the potential market for or value of the copyrighted work.

17 U.S.C. § 107(1)-(4). Within this framework, the fair-use doctrine “calls for case-by-case analysis.” *Campbell*, 510 U.S. at 577. All four factors must be balanced and “weighed together, in light of the purposes of copyright.” *Id.* at 578.

Here, the balance of the factors weighs heavily in favor of a finding that *South Park’s* parody of the “What What” video is a protected fair use.

Purpose And Character Of The Use

The first factor in the fair-use inquiry is the “purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes.” 17 U.S.C. § 107. The Supreme Court has emphasized that whether the use is for a commercial or a non-profit educational purpose “is only one element of the first factor enquiry into its purpose and character.” *Campbell*, 510 U.S. at 584. As the Court reasoned, if “commerciality carried presumptive force against a finding of fairness, the presumption would swallow nearly all of the illustrative uses listed in the preamble paragraph to § 107, including news reporting, comment, criticism, teaching, scholarship, and research, since these activities ‘are generally conducted for profit in this country.’” *Id.* at 584; *see also Maxtone-Graham v. Burtchaell*, 803 F.2d 1253, 1262 (2d Cir. 1986) (“[w]e do not read Section 107(1) as requiring us to make a clear-cut choice between two polar characterizations, “commercial” and “non-profit”; “[w]ere that the case, fair use would be virtually obliterated, for ‘[a]ll publications presumably are operated for profit’) (citations omitted).

Since the for-profit nature of a defendant’s activities carries little weight in the fair-use analysis, the first factor of the test has been found to favor a wide range of commercial entities, including cable television networks that sell advertising. *See, e.g., Kane v. Comedy Partners*, 2003 WL 22383387 (S.D.N.Y. 2003); *Monster Communications, Inc. v. Turner Broadcasting System, Inc.*, 935 F. Supp. 490, 493-494 (S.D.N.Y. 1996). Therefore, the fact that Comedy Central is a for-profit enterprise does not tip the first factor in your client’s favor.

Instead, the Supreme Court has made clear that the first-factor inquiry is to be “guided by the examples given in the preamble to § 107, looking to whether the use is for criticism, or comment, or news reporting, and the like[.]” *Campbell*, 510 U.S. at 578-579. The “central purpose” of this inquiry is to ascertain whether the allegedly infringing work merely “supersedes” the original, or whether it “adds something new, with a further purpose or different character, altering the first with new expression, meaning, or message[.]” *Id.* (citations omitted). “[I]n other words,” a court must determine “whether and to what extent the new work is ‘transformative.’” *Id.* (citations omitted).



In *Campbell*, the Court declared that “parody has an obvious claim to transformative value.” *Id.* (emphasis added). There, the band 2 Live Crew incorporated elements of Roy Orbison’s classic song “Pretty Woman” – including the first line verbatim – into a vulgar and highly sexual rap song with the same title. The Supreme Court found that the stark contrast between the 2 Live Crew song and the genteel original “can be taken as a comment on the naiveté of the original of an earlier day, as a rejection of its sentiment that ignores the ugliness of street life and the debasement that it signifies.” *Id.* at 584. For that reason, the Court found that the first fair-use factor weighed in 2 Live Crew’s favor. *Id.*

Another recent parody decision also is instructive. In *Walking Mountain*, Mattel brought copyright and trademark-infringement claims against an artist who created and sold photographs depicting Mattel’s iconic Barbie doll in incongruous, sexually-charged situations, with the goal of “critiqu[ing] the objectification of women” and “lambast[ing] the conventional beauty myth and the societal acceptance of women as objects.” 353 F.3d at 792, 795. Affirming that the first factor favored fair use, the court observed that Mattel had created associations of “beauty, wealth, and glamour” with Barbie’s image, and that the artist’s work “turns this image on its head” by portraying Barbie in bizarre and fraught scenarios. *Id.* at 802. By putting Barbie in this new context, the court held that the artist “transformed Barbie’s meaning” by “creat[ing] the sort of social criticism and parodic speech protected by the First Amendment and promoted by the Copyright Act.” *Id.* at 802-803.

An even more recent fair-use decision from the Central District of California is closely on point. In *Burnett v. Twentieth Century Fox Film Corp.*, 491 F. Supp. 2d 962 (C.D. Cal. 2007), comedienne Carol Burnett sued the producers of the animated series *Family Guy* for copyright infringement, trademark infringement, and misappropriation based on the series’ parody of her beloved, wholesome “Charwoman” character from her 1970s sketch-comedy program. In the *Family Guy* episode in question, the lead character goes to a porn shop, and mentions that the store is cleaner than he had expected. *Id.* at 966. A friend explains that “Carol Burnett works part time as a janitor,” as the screen cuts to an animated version of the Charwoman mopping the floor near some pornographic merchandise and music that evokes *The Carol Burnett Show*’s theme song plays in the background. *Id.* The *Family Guy* characters then go on to joke about Ms. Burnett, including her familiar habit of tugging her ear at the end of her show. *Id.*

On a motion to dismiss the copyright and trademark claims, the court considered whether the parody was protected by the fair-use doctrine. Ms. Burnett argued that the first factor of the test – the purpose and character of the use – favored her, since the use of her name and the gag about her tugging her ear meant “the target of the *Family Guy* parody was not the Charwoman character as such, but Carol Burnett herself.” *Id.* at 968. The court rejected this supposed distinction, stating that “it is immaterial whether the target of *Family Guy*’s ‘crude joke’ was Burnett, *The Carol Burnett Show*, the Charwoman, Carol’s Theme Music or all four.” *Id.* What mattered was that the show attempted to ridicule them all. *Id.* at 969. Because “*Family Guy* put a cartoon version of Carol Burnett/the Charwoman in an awkward, ridiculous, crude, and absurd



situation in order to lampoon” her, the program was a parody, and the first factor of the test weighed decidedly in favor of fair use. *Id.*

Here, *South Park* plainly is parodying your client’s viral video. As the Supreme Court reiterated in *Campbell*, “[p]arody needs to mimic an original to make its point.” 510 U.S. at 578. *South Park* evokes your client’s video by incorporating certain distinctive images – such as the striped set, the fireworks graphics, and the “What What” pants – but immediately signals its parodic intent by having Samwell’s sexually explicit song acted out by Butters, a naïve blonde animated youngster who dresses up like a daisy, a teddy bear, and an astronaut during the video. The Program thus is the mirror image of the *Family Guy* episode mocking Carol Burnett, or the *Walking Mountain* photographs commenting on Barbie: instead of poking fun at a wholesome figure by adding incongruously sexualized elements, *South Park* pokes fun at your client’s sexually-charged video by adding incongruous elements of wholesome innocence. And by putting Butters in the same room as the “Numa Numa” kid, the Sneezing Panda, and their YouTube peers, the program’s creators pointedly comment on puzzling popularity of so many viral videos, including “What What.” Under these circumstances, the creators of *South Park* unmistakably transformed the meaning of your client’s viral video. *See Walking Mountain*, 353 F.3d at 802. Consequently, the first factor weighs heavily in favor of fair use.

Nature Of The Copyrighted Work

The second factor in the fair-use inquiry is the “nature of the copyrighted work.” 17 U.S.C. § 107(2). “This factor calls for recognition that some works are closer to the core of intended copyright protection than others[.]” *Campbell*, 510 U.S. at 586. As the Supreme Court pointed out in *Campbell*, however, the second factor cannot be given much weight in considering whether a parody is fair use, “since parodies almost invariably copy publicly known, expressive works.” *Id.* at 586.

Even in non-parody cases, however, courts consistently have recognized that the second factor ordinarily weighs in favor of fair use when the copyrighted work already has been published. *See, e.g., Los Angeles News Service v. KCAL-TV Channel 9*, 108 F.3d 1119, 1122 (9th Cir. 1997) (“the fact that the tape was published” before defendant’s use “strongly” supports finding of fair use); *Lewis Galoob Toys, Inc. v. Nintendo of America, Inc.*, 780 F. Supp. 1283, 1293 (N.D. Cal. 1991) (“the works’ published nature supports the fairness of the use”), *aff’d*, 964 F.2d 965 (9th Cir. 1992). Because the “What What” video has been published, and because *South Park* obviously parodies that underlying work, the second factor also favors a finding of fair use.

Amount Used

As for the third factor – the amount and substantiality of the portion used in relation to the copyrighted work as a whole – the inquiry is “a flexible one.” *Nuñez v. Caribbean Int’l News Corp.*, 235 F.3d 18, 24 (1st Cir. 2000). Because this factor “harken[s] back to the first of the statutory factors, ... the extent of permissible copying varies with the purpose and character of



the use.” *Campbell*, 510 U.S. at 586-587; see also *Karll v. Curtis Publ’g Co.*, 39 F. Supp. 836, 837-838 (E.D. Wisc. 1941) (where a defendant’s work “differs greatly in nature, scope, and purpose from the original, a larger liberty in making quotations and extracts will be permitted”). Since “[p]arody needs to mimic an original to make its point,” courts have recognized that the third factor carries little weight in parody cases. *Campbell*, 510 U.S. at 578. “Parody’s humor, or in any event its comment, necessarily springs from recognizable allusion to its object through distorted imitation. Its art lies in the tension between a known original and its parodic twin.” *Id.* at 588. Courts thus do *not* “require parodic works to take the absolute minimum amount of the copyrighted work possible.” *Walking Mountain*, 353 F.3d at 804. Even if a parody takes more than is necessary to conjure up the original, this factor will have “little, if any, weight against fair use so long as the first and fourth factors favor the parodist” – as they do here. *Leibovitz v. Paramount Pictures Corp.*, 137 F.3d 109, 116 (2d Cir. 1998). See also *Eveready Battery Co. v. Adolph Coors Co.*, 765 F. Supp. 440, 447-448 (N.D. Ill. 1991) (rejecting strict limits on amount of the plaintiff’s work that a parodist may use; finding likelihood that defendant’s parody of plaintiff’s “Eveready Bunny” ads was protected as fair use).

Effect Of The Use On The Market

The fourth and final factor – the “effect of the use upon the potential market for or value of the copyrighted work” – also supports Comedy Central’s fair-use defense. 17 U.S.C. § 107(4). The United States Supreme Court squarely has held that even a “commercial” use of a copyrighted work does not permit a court to presume economic harm to the plaintiff. In *Campbell*, the Court flatly held that any such presumption of market harm was “error,” and could not be applied to any “case involving something beyond mere duplication for commercial purposes.” 510 U.S. at 591.

Generally, the fourth factor weighs in favor of a defendant-parodist. While most fourth-factor analyses rest on whether the defendant has supplanted the marketplace for licensed uses of the original material, that calculation has no relevance to parodies. As the Supreme Court has noted, “*there is no protectible derivative market for criticism. ... [T]he unlikelihood that creators of imaginative works will license ... lampoons of their own productions removes such uses from the very notion of a potential licensing market.*” *Campbell*, 510 U.S. at 592 (emphasis added). The reason for this rule is clear: if only licensed parodies were permitted, a copyright owner effectively could prevent parodies of his work. See, e.g., *Walking Mountain*, 353 F.3d at 806. Ultimately, “the economic effect of a parody with which [a court is] concerned is not its potential to destroy or diminish the market for the original – any bad review can have that effect – but rather whether it *fulfills the demand* for the original.” *Fisher v. Dees*, 594 F.2d 432, 437-438 (9th Cir. 1986) (emphasis in original). See also *Maxtone-Graham*, 803 F.2d at 1264 (fact that copyrighted work and allegedly infringing work served “fundamentally different functions” weighed in favor of fair use finding on fourth factor).

Here, *South Park*’s parody does not remotely fulfill the same demand as “What What.” Your client’s viral video promotes Samwell’s sexually suggestive song; *South Park*’s parody of



that video comments on the inanity of the song and many of the viral videos that capture public attention. Because the two works serve “fundamentally different functions,” the fourth factor weighs strongly in favor of fair use.

Conclusion

We understand that your client may be unhappy that its work was parodied on *South Park*. But that parody reflects the publicity that your client’s viral video has attracted – publicity that makes the work a target for *South Park*’s protected commentary. Because the fair-use doctrine protects *South Park* in these circumstances, we are confident that a federal district court would dismiss your client’s threatened copyright-infringement claim and would deny any request for injunctive relief. We also note that any such lawsuit would expose your client to liability for Comedy Central’s attorneys’ fees and costs. *See, e.g., Mattel, Inc. v. Walking Mountain Productions*, 2004 WL 1454100 at *1-*4 (C.D. Cal. 2004) (awarding prevailing Copyright Act and Lanham Act defendant more than \$1.8 million in attorneys’ fees and costs where plaintiff prosecuted action despite obviously parodic nature of defendant’s work).

For these reasons, we decline your demand to cease “the use and distribution” of the *South Park* episode at issue, and urge your client to reconsider its threatened lawsuit.

If you would like to discuss this matter, please do not hesitate to call me at (213) 633-6816, or my colleague Al Wickers at (213) 633-6865.¹

Sincerely,

A handwritten signature in black ink, appearing to read 'Robyn Aronson', with a long horizontal flourish extending to the right.

Robyn Aronson
DAVIS WRIGHT TREMAINE LLP

cc: Joella West, Esq.
Michelena Hallie, Esq.
Alonzo Wickers, Esq.

¹ This letter is sent without any waiver or relinquishment of Comedy Central’s rights or remedies, all of which are expressly reserved.

EXHIBIT C

From: Creative Legal Collective [mailto:creativelegalcollective@gmail.com]
Sent: Thursday, October 02, 2008 6:13 PM
To: Solano, Carolina
Cc: clclc@creativelegalcollective.com; Wickers, Alonzo; Aronson, Robyn
Subject: Re: South Park/"What What (In the Butt)" - Letter to Brian Kopec-Farrell dated October 2, 2008

Then the next time we will talk will be in the Court for the Eastern District of Wisconsin.

Atty. Brian Kopec-Farrell

On Thu, Oct 2, 2008 at 4:53 PM, Solano, Carolina <carolinasolano@dwt.com> wrote:

Hard copy to follow via U.S. Mail.

<<img-X021447-0001.pdf>>

Carolina Solano | Davis Wright Tremaine LLP
Assistant to Alonzo Wickers IV and Jeffrey Glasser
865 S Figueroa Street, Suite 2400 | Los Angeles, CA 90017
Tel: (213) 633-6858 | Fax: (213) 633-6899
Email: carolinasolano@dwt.com | Website: www.dwt.com

Anchorage | Bellevue | Los Angeles | New York | Portland | San Francisco | Seattle | Shanghai | Washington, D.C.

EXHIBIT D

From: Wickers, Alonzo
Sent: Tuesday, July 12, 2011 12:11 AM
To: Gareth Galster; 'Caz.McChrystal@uwsp.edu'
Subject: Comedy Central/Brownmark Films

Garet and Caz

This email follows up on my voicemail message for Gareth today. Comedy Central is willing to waive its right to seek to recover its attorneys' fees and costs from plaintiffs, in exchange for plaintiffs' waiver of their right to appeal or otherwise challenge the Court's order and judgment. Please let me know at your earliest convenience if your clients will accept this offer or if we should proceed with our fee motion.

I'm out of the office this week, but please feel free to call me on my cell -- 213 308 1463 -- or to call my colleague Jeff Glasser -- 213 633 6864.

Thank you.

Al

Alonzo Wickers IV | Davis Wright Tremaine LLP

865 S Figueroa Street, Suite 2400 | Los Angeles, CA 90017

Tel: (213) 633-6865 | Fax: (213) 633-6899 | Mobile: (213) 308-1463

Email: alonzowickers@dwt.com | Website: www.dwt.com

Bio: www.dwt.com/people/AlonzoWickersIV

Anchorage | Bellevue | Los Angeles | New York | Portland | San Francisco | Seattle | Shanghai | Washington, D.C.

EXHIBIT E

From: Gareth Galster [mailto:ggalster@rkmiplaw.com]
Sent: Tuesday, July 12, 2011 7:48 AM
To: Wickers, Alonzo; Caz.McChrystal@uwsp.edu
Subject: RE: Comedy Central/Brownmark Films

Hi, Al,

Thank you for the voicemail and e-mail. We have contacted our client to determine its desired course of action.

Best regards,
-garet

Garet K. Galster
Attorney at Law
Registered Patent Attorney

RYAN KROMHOLZ & MANION, S.C.
3360 Gateway Road
Brookfield, WI 53045
Telephone: 262.783.1300
Facsimile: 262.783.1211
<http://www.rkmiplaw.com>

THE INFORMATION CONTAINED IN THIS EMAIL MESSAGE IS INTENDED FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. This message may be an attorney-client communication, and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for

delivering it to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone (262 783 1300) and email. Thank you.

From: Wickers, Alonzo [mailto:alonzowickers@dwt.com]
Sent: Tuesday, July 12, 2011 2:11 AM
To: Gareth Galster; Caz.McChrystal@uwsp.edu
Subject: Comedy Central/Brownmark Films

Garet and Caz

This email follows up on my voicemail message for Gareth today. Comedy Central is willing to waive its right to seek to recover its attorneys' fees and costs from plaintiffs, in exchange for plaintiffs' waiver of their right to appeal or otherwise challenge the Court's order and judgment. Please let me know at your earliest convenience if your clients will accept this offer or if we should proceed with our fee motion.

I'm out of the office this week, but please feel free to call me on my cell -- 213 308 1463 -- or to call my colleague Jeff Glasser -- 213 633 6864.

Thank you.

Al

Alonzo Wickers IV | Davis Wright Tremaine LLP

865 S Figueroa Street, Suite 2400 | Los Angeles, CA 90017

Tel: (213) 633-6865 | Fax: (213) 633-6899 | Mobile: (213) 308-1463

Email: alonzowickers@dwt.com | Website: www.dwt.com

Bio: www.dwt.com/people/AlonzoWickersIV

Anchorage | Bellevue | Los Angeles | New York | Portland | San Francisco | Seattle | Shanghai | Washington, D.C.

EXHIBIT F

A

From: Wickers, Alonzo
Sent: Wednesday, July 13, 2011 7:14 PM
To: 'Garet Galster'; Caz.McChrystal@uwsp.edu
Subject: RE: Comedy Central/Brownmark Films

Garet

Just checking to see if your clients have decided whether to accept our offer. Given the deadline for us to file our fee motion, we'd appreciate hearing at your earliest convenience.

Thanks!

AI

EXHIBIT G

Jeff Glasser

Jeff Glasser advises clients on legal issues related to intellectual property, with a focus on the media and the entertainment industries. Prior to practicing law, he worked as a senior editor at U.S. News & World Report. He was also a researcher and collaborator with Bob Woodward on the 1999 No. 1 bestseller "Shadow: Five Presidents & The Legacy of Watergate."

Selected Experience

Brownmark Films v. Comedy Partners

Comedy Central, South Park Studios

Ongoing

Defending Comedy Central and South Park Studios against copyright-infringement action in federal district court in Wisconsin arising from South Park's parody of the Internet viral video "What What in the Butt."

Lawyers Committee for Civil Rights v. U.S. Treasury

Lawyers Committee for Civil Rights (LCCR)

Ongoing

Successfully prosecuted Freedom of Information Act lawsuit to compel the public disclosure of documents reflecting individuals mistakenly identified on the federal government's public terrorist watch list.

Los Angeles Times Communications LLC v. Los Angeles Sheriff's Department and Long Beach Police Officers' Association v. City of Long Beach

Los Angeles Times

Ongoing

Representing Los Angeles Times in these two Public Records Act lawsuits concerning whether the names of peace officers who shoot and kill people while on duty should be made public.

Sacramento County Employees' Retirement System v. Superior Court

California media organizations

Ongoing

Representing a coalition of California media organizations in filing an amicus curiae brief concerning public access to pension records under the Public Records Act. The case is pending in the Third Appellate District Court of Appeal.

Sonoma County Employees' Retirement Association v. Superior Court

The Press Democrat

Ongoing

Representing The Press Democrat in Public Records Act lawsuit seeking information about pensions paid to retired public employees. The case is pending in the First Appellate District Court of Appeal.

Strouse-Johnson v. Penguin Group

Penguin Group

Ongoing



Jeff Glasser

Associate

jeffglasser@dwt.com

213.633.6864 direct

213.633.6899 fax

Suite 2400

865 South Figueroa Street

Los Angeles, California 90017

Related Practices

Media & First Amendment

Intellectual Property Litigation

Access to Public Records & Proceedings

Defamation & Privacy

Misappropriation & Right of Publicity

Government Regulation of Content

Pre-Publication & Pre-Broadcast Review

Prior Restraints

Subpoenas & Reporters' Privilege

Theft of Ideas

Related Industries

Communications, Media &

Technology

Entertainment



Defending Penguin against defamation, privacy, and right-of-publicity claims based on statements by author of memoir about her experience as a member of a royal harem in Brunei. Penguin's anti-SLAPP motion is pending.

The Press-Enterprise v. San Bernardino County Employees' Retirement Association

The Press-Enterprise

Ongoing

Representing The Press-Enterprise in Public Records Act lawsuit seeking information about pensions paid to retired public employees.

Wetzel v. San Bernardino County District Attorney's Office, et al.

San Bernardino Sun

Ongoing

Representing San Bernardino Sun and its reporter in libel case brought by candidate for public office who was ruled ineligible to hold office based on prior convictions.

Hollingsworth v. Perry

2010

Represented national media coalition in expedited proceedings over the course of a week in the U.S. District Court, Ninth Circuit Court of Appeals and in the U.S. Supreme Court in support of Chief Judge Vaughn Walker's proposal to broadcast trial proceedings to five overflow courtrooms in five cities and to make the proceedings publicly available on YouTube.com in this landmark federal constitutional challenge to California's Proposition 8, banning same-sex marriage. [Read the Media Coalition's U.S. Supreme Court brief.](#)

Los Angeles Times Communications LLC v. Superior Court

Los Angeles Times Communications LLC

2010

Successfully represented Los Angeles Times in securing order from California Court of Appeal lifting prior restraint that had prohibited the newspaper from publishing photographs of a murder defendant that its photographer had taken in open court.

Crowder & Freitas v. NBC Universal Inc, et al.

NBC/Universal

2009

Represented NBC Universal against a last-minute TRO application filed by screenwriters who attempted to enjoin nationwide release of the Jennifer Aniston film, "Love Happens." The plaintiffs' claim that the film's script was substantially similar to a script they claimed to have previously pitched to NBC/Universal was rejected by the federal district judge, who found that the two scripts were not at all similar. Immediately following [the decision](#), plaintiffs voluntarily dismissed their lawsuit.

Freedom Communications v. Superior Court

Freedom Communications / The Orange County Register

2008

Jeff Glasser

Associate

jeffglasser@dwt.com

213.633.6864

Petitioned Court of Appeal for emergency writ to vacate prior restraint against newspaper. Court granted petition and issued published opinion reaffirming strong constitutional presumption against prior restraints.

Lopes v. Bay Area News Group, Argus

Bay Area News Group
2008

Obtained order striking libel complaint under anti-SLAPP and awarding attorneys' fees in libel case stemming from paper's reporting of candidate's background and qualifications for office.

Savage v. Council on American-Islamic Relations

Council for American-Islamic Relations (CAIR)
2008

Obtained summary dismissal of a copyright/RICO lawsuit brought by conservative syndicated radio talk show host Michael Savage targeting the free speech rights of the nation's largest Muslim civil rights organization.

Additional Qualifications

- Senior Editor; Midwest Bureau Chief; Associate Editor – U.S. News & World Report
- Researcher/Collaborator with Bob Woodward, "Shadow: Five Presidents & The Legacy of Watergate"

Advisories

Bonds Juror Questionnaires to Be Made Public During Voir Dire; Juror Names to Be Withheld Until Trial End, 03.16.11

U.S. Court Rejects Journalist's First and Fourth Amendment Claims in Accident Coverage, 06.11.09

California Court of Appeal Says MySpace Not Private, 04.08.09

California Court of Appeal Affirms Defamation Decision: Court supports broad opinion protection and rejects survey evidence in establishing defamatory meaning, 05.02.08

Books / Publications

"A Deeply Split Supreme Court Bars Cameras in Prop. 8 Same-Sex Marriage Trial," MLRC MediaLawLetter, MLRC MediaLawLetter, January 2010

"First Amendment Law Letter," Davis Wright Tremaine, October 2009

Professional & Community Activities

- Fellow, Leadership Program, United States-Japan Foundation

Education

J.D., University of California, Berkeley, Boalt Hall School of Law, 2007

Jeff Glasser

Associate
jeffglasser@dwt.com
213.633.6864



- Member, Board of Advocates
- Teaching Assistant, Written & Oral Advocacy and Appellate Advocacy classes

B.A., History, Yale University, 1996

- Editor-in-Chief, Yale Daily News

Admissions

California, 2007

Jeff Glasser

Associate
jeffglasser@dwf.com
213.633.6864

EXHIBIT H

Alonzo (Al) Wickers IV

Al Wickers focuses on media and entertainment law, assisting clients in a range of matters, including copyright, trademark, right of publicity, defamation, invasion of privacy, and theft of ideas litigation. He also has extensive expertise in defending news organizations against subpoenas, in gaining access to court proceedings and records, and in California Public Records Act, Freedom of Information Act, and Brown Act litigation. In addition to his litigation practice, Al regularly provides production, pre-publication and pre-broadcast counseling.

Al is a member of the firm's executive committee.

Selected Experience

Beckham v. Bauer Publishing

Bauer Publishing

Ongoing

Defending Bauer, publisher of In Touch Weekly, in a defamation lawsuit filed by soccer star David Beckham over article reporting on alleged tryst with a call girl.

Brown v. Electronic Arts and Keller v. Electronic Arts

Electronic Arts

Ongoing

Defended Electronic Arts against Lanham Act and misappropriation lawsuit filed by former NFL star over Madden NFL video game. A federal court granted Electronic Arts' motion to dismiss on First Amendment grounds. The order can be viewed here. Brown's appeal is pending before the 9th Circuit and has been coordinated with the appeal in Keller v. Electronic Arts.

Brownmark Films v. Comedy Partners

Comedy Central, South Park Studios

Ongoing

Defending Comedy Central and South Park Studios against copyright-infringement action in federal district court in Wisconsin arising from South Park's parody of the Internet viral video "What What in the Butt."

Intellectual Property/First Amendment counsel

Entertainment Software Association

Ongoing

First Amendment counsel to the Entertainment Software Association, the trade association that represents major video-game publishers in the United States. Worked with the ESA on proposed right-of-publicity bills in Michigan, Indiana, Massachusetts, New Hampshire, and New York, encouraging lawmakers to afford video games the same protections as other expressive works. Testified before legislative committees, met with lawmakers, submitted written comments to proposed legislation, and helped formulate ESA's strategy.



Alonzo (Al) Wickers IV

Partner

alonzowickers@dwt.com

213.633.6865 direct

213.633.6899 fax

Suite 2400

865 South Figueroa Street

Los Angeles, California 90017

Related Practices

Media & First Amendment

Copyright Litigation

Trademark Litigation

Intellectual Property Litigation

Defamation & Privacy

Government Regulation of Content

Misappropriation & Right of
Publicity

Access to Public Records &
Proceedings

Subpoenas & Reporters' Privilege

Commercial Speech & Advertising

Pre-Publication & Pre-Broadcast

Review

Theft of Ideas

Related Industries

Communications, Media &
Technology

Entertainment

Cable

Digital Media

Film

Publishing

Games

Television Programming &
Production

Los Angeles Times Communications LLC v. Los Angeles Sheriff's Department and Long Beach Police Officers' Association v. City of Long Beach

Los Angeles Times

Ongoing

Representing Los Angeles Times in these two Public Records Act lawsuits concerning whether the names of peace officers who shoot and kill people while on duty should be made public.

McGhee v. MTV Networks

MTV Networks

Ongoing

Defending MTV against idea-submission claims targeting hit reality show "Randy Jackson Presents: America's Best Dance Crew."

Production & pre-broadcast counseling

Comedy Central, Showtime Networks, HBO, Versus, truTV and others

Ongoing

Regularly provide production and pre-broadcast advice for television programs, webcasts and documentary films, including "South Park," "Tosh.0," "Californication," "United States of Tara," "Dexter," and "Sports Soup."

Strouse-Johnson v. Penguin Group

Penguin Group

Ongoing

Defending Penguin against defamation, privacy, and right-of-publicity claims based on statements by author of memoir about her experience as a member of a royal harem in Brunei. Penguin's anti-SLAPP motion is pending.

The Press-Enterprise v. San Bernardino County Employees' Retirement Association

The Press-Enterprise

Ongoing

Representing The Press-Enterprise in Public Records Act lawsuit seeking information about pensions paid to retired public employees.

Dane v. Gawker Media

Gawker Media

2010

Defended Gawker Media in a copyright-infringement lawsuit filed by actors Eric Dane and Rebecca Gayheart, based on Gawker.com's publication of a news item that included a clip from a videotape showing the couple and another woman naked. In December 2009, the federal district court granted Gawker's motion to strike plaintiffs' claims for statutory damages and attorneys' fees. Case subsequently was resolved.

Rooke v. MTV Networks

MTV Networks

2010

Alonzo (Al) Wickers IV

Partner

alonzowickers@dwt.com

213.633.6865

Defended MTV Networks in an invasion-of-privacy, trespass, and negligence lawsuit arising from the production and broadcast of the popular reality television series "The Hills." MTV moved to strike the plaintiff-homeowner's claims under California's anti-SLAPP statute. After the court dismissed the privacy and trespass claims and deferred ruling on the negligence claim, the homeowner voluntarily dismissed all of his claims against MTV to avoid liability for MTV's attorneys' fees.

Williams v. McGraw-Hill

McGraw-Hill

2010

Defended McGraw-Hill against copyright-infringement claim based on use of allegedly copyrighted material in textbook. The district court granted McGraw-Hill's motion to dismiss.

Hilton v. Hallmark Cards

Video Game Publishers

2009

Represented several video game publishers as amici counsel in connection with rehearing petition in 9th Circuit in right-of-publicity case arising from the use of Paris Hilton's likeness on a parodic greeting card. Court modified original opinion, adopting amici's arguments.

Ishkanian v. Baker

Wenner Media

2009

Successfully represented Wenner Media, publisher of US Weekly, in persuading the California Court of Appeal to overturn a trial court's order denying the magazine's special motion to strike a former employee's \$55 million lawsuit for defamation and other torts. On remand, the trial court awarded Wenner Media its attorneys' fees.

Mete v. Showtime Networks Inc.

Showtime Networks

2009

Defended Showtime Networks against idea-submission lawsuit filed by woman who pitched idea for online reality program. Court sustained Showtime's demurrer to complaint without leave to amend, and entered judgment in favor of Showtime.

Freedom Communications v. Superior Court

Freedom Communications / The Orange County Register

2008

Petitioned Court of Appeal for emergency writ to vacate prior restraint against newspaper. Court granted petition and issued published opinion reaffirming strong constitutional presumption against prior restraints.

Mattel v. MCA

McGraw Hill/BusinessWeek

2008

Alonzo (Al) Wickers IV

Partner

alonzowickers@dwt.com

213.633.6865

Defended BusinessWeek reporter who was subpoenaed to testify by Mattel in multibillion-dollar civil lawsuit arising from ownership of "Bratz" dolls. Relying on First Amendment reporter's privilege, we successfully opposed Mattel's motion to quash and motions for reconsideration before the discovery master, and Mattel's motions asking the district court judge to reverse the master's orders.

Clark v. Cable News Network and Larry King

Cable News Network (CNN)

2007

Defended CNN and Larry King against defamation lawsuit filed by actress Lynn Redgrave's ex-husband, based on statements about their divorce proceedings made on "Larry King Live." The 9th Circuit affirmed the district court's order dismissing the lawsuit.

Spears v. US Weekly

US Weekly

2007

Defended US Weekly against libel claim by Britney Spears. Court granted the magazine's anti-SLAPP motion, dismissed the lawsuit, and awarded the magazine its attorneys' fees.

Board of Trustees of California v. Superior Court

Copley Press

2005

Represented The Copley Press, publisher of the San Diego Union-Tribune, in a Public Records Act lawsuit against San Diego State University. The courts ordered the university to release several documents, and awarded the newspaper its attorneys' fees and costs.

In re Molz

California Newspaper Publishers Association

2005

Represented the California Newspaper Publishers Association as amicus curiae in an important newspaper adjudication case. The Court of Appeal allowed us to participate in oral argument and issued a published decision adopting CNPA's position.

Los Angeles Times v. Board of Supervisors

Los Angeles Times

2003

Obtained important published decision from the Court of Appeal, reversing a trial-court order denying attorneys' fees to a successful plaintiff in a Brown Act open-meetings case.

Presentations

"California's Public Records Act: Nuts 'n Bolts," California Newspaper Publishers Association Press and Governmental Affairs Summit, 04.16.11

"Privacy, Publicity, and Use and Protection of Data," NAA/NAB/MLRC Media Law Conference, Chantilly, Va. - Co-Chair, 2010

Alonzo (Al) Wickers IV

Partner

alonzowickers@dwt.com

213.633.6865

"Catastrophes: Case Studies, Can Attorneys Work Well with Others to Manage and Survive Big Problems?" 7th Annual Media Law Resource Center/Southwestern Law School Entertainment and Media Law Conference, 2010

"Developments in Entertainment Law," ABA Forum on Communications Law, 2008

"Developments in Entertainment and First Amendment Law," Entertainment and Sports Law Conference and Intellectual Property Law Institute (GA, NY, FL, TN State Bars), 2008

"Developments in Newsgathering," National Association of Broadcasters Annual Conference, 2007

Newsgathering Breakout Session - Facilitator, 2007

MLRC/Southwestern Law School Digital Revolution Conference - Co-Chair, 2007

"Newsgathering and Pre-publication Review," HBO Legal Retreat, 2006

"Developments in Indecency Regulation," Entertainment and Sports Law Conference and Intellectual Property Law Institute (GA, NY, FL, TN State Bars), 2005

"Diversity in the Media Bar," ABA Forum on Communications Law, Scottsdale, Ariz., 2003

ABA Forum on Communications Law, Media Law Advocacy Workshop - Faculty, 2003-2005, 2007-2009

"Access to Courtrooms and Court Records in High-Profile Trials," California First Amendment Coalition Open Government '03 Conference, 2003

"Asserting Your CPRA Rights to Government Records," California First Amendment Coalition Open Government '02 Conference, 2002

"Developments in Newsrack Law," Cal-Western Circulation Manager's Annual Conference, 2002

"Defamation, Privacy and Publicity," UCLA Extension, Legal and Business Program, 2000

Advisories

9th Circuit: California Idea-Submission Claims Not Preempted by Copyright Act, 06.01.11

9th Circuit Significantly Revises Its Opinion in Hilton v. Hallmark Cards, 05.19.10

California Supreme Court Strongly Reaffirms Right of Access to Information about Public Employees, 08.27.07

California Supreme Court Applies Electronic-Recording Statute to Calls Placed from One-Party-Consent State into California, 07.28.06

Alonzo (Al) Wickers IV

Partner
alonzowickers@dwt.com
213.633.6865

Professional & Community Activities

- Instructor, "Law of Mass Communications," Annenberg School for Communication, University of Southern California, Fall 2000-2007
- Founding Co-Chair, Media Law Resource Center, California Chapter
- Board of Trustees, Hollywood United Methodist Church

Professional Recognition

- Named as one of "America's Leading Lawyers for Business" in Media & Entertainment: Litigation (California) by Chambers USA, 2006-present
- Named as one of the "Best Lawyers in America" in Media Law by Woodward/White, 2007-present; named in First Amendment Law, 2010-present
- Selected to "Southern California Super Lawyers" in First Amendment/Media/Advertising, Entertainment & Sports, Law & Politics, 2004-2011
- Named as one of Lawdragon's "500 New Stars, New Worlds," 2006
- Named as one of California Law Business' "20 Under 40," 2000

Education

J.D., University of California, Berkeley, Boalt Hall School of Law, 1993

A.B., History, Harvard College, 1989, magna cum laude

Admissions

U.S. Supreme Court, 2005

U.S. Court of Appeals 9th Circuit, 2005

U.S. District Court Northern District of California, 2002

U.S. District Court Eastern District of California, 2000

U.S. District Court Central District of California, 1994

U.S. District Court Southern District of California, 1999

U.S. District Court Western District of Wisconsin, 2001

California, 1993

Alonzo (Al) Wickers IV

Partner

alonzowickers@dwt.com

213.633.6865

EXHIBIT I



Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

SUITE 2200
1201 THIRD AVENUE
SEATTLE, WA 98101-3045

TEL (206) 622-3150
FAX (206) 757-7700
www.dwt.com
FEDERAL ID #91-0839480

Viacom Inc.

October 16, 2008
Invoice No. 5734459

OCTOBER INVOICE FOR
STATEMENT OF
SERVICES AND DISBURSEMENTS
**ELECTRONIC BILLING – DO NOT MAIL
FOR FILING PURPOSES ONLY**

Period Covered Through: Sep 30, 2008

Re: Case Name: 3970094-000059
Client: COMEDY CENTRAL (See Narrative)
Matter: Brownmark What Cease and Desist

<u>Date</u>	<u>Professional</u>	<u>ABA Code</u>	<u>Time</u>	<u>Amount</u>	<u>Description of Services</u>
09/23/08	A. Wickers	L120	0.40	196.00	Telephone call with Ms. West regarding demand letter (.1); review same (.1); confer with R. Aronson regarding response (.2)
09/27/08	R. Aronson	L120	1.00	365.00	Draft and revise response to Brownmark letter
09/28/08	R. Aronson	L120	0.80	292.00	Revise response to Brownmark letter
09/29/08	A. Wickers	L120	2.90	1,421.00	Confer with R. Aronson regarding letter to counsel for Brownmark (.2); edit draft of letter responding to cease and desist letter from Brownmark regarding South Park's parody of What What

PAYMENT IS DUE WITHIN 30 DAYS OF THE DATE OF THIS INVOICE
INTEREST WILL BE CHARGED ON INVOICES WHICH ARE 45 DAYS PAST DUE
PAYMENTS RECEIVED AFTER THE DATE OF THIS INVOICE WILL BE REFLECTED ON NEXT MONTH'S BILLING

<u>Date</u>	<u>Professional</u>	<u>ABA Code</u>	<u>Time</u>	<u>Amount</u>	<u>Description of Services</u> video (2.7)
09/30/08	R. Aronson	L120	0.30	109.50	Research fair-use cases in Wisconsin/7th Circuit for Brownmark letter (.3)
	Total Services		5.40	\$2,383.50	

TOTAL SERVICES AND DISBURSEMENTS - THIS INVOICE

Total Current Services	\$2,383.50
Less Courtesy Discount	(\$357.53)
Adjusted Current Services	\$2,025.97
Total Current Disbursements	\$0.00
Total Current Invoice	----- \$2,025.97

PLEASE REMIT WITH PAYMENT

LAWYERS



Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

SUITE 2200
1201 THIRD AVENUE
SEATTLE, WA 98101-3045

TEL (206) 622-3150
FAX (206) 757-7700
www.dwt.com
FEDERAL ID #91-0839480

Viacom Inc.

October 16, 2008
Invoice No. 5734456
SENT ELECTRONICALLY

OCTOBER INVOICE FOR
STATEMENT OF
SERVICES AND DISBURSEMENTS

**ELECTRONIC BILLING - DO NOT MAIL
FOR FILING PURPOSES ONLY**

Period Covered Through: Sep 30, 2008

Re: Case Name: 3970094-000008
Client: COMEDY CENTRAL (See Narrative)
Matter: Comedy Central/General Advice - LA

<u>Date</u>	<u>Professional</u>	<u>ABA Code</u>	<u>Time</u>	<u>Description of Services</u>
09/23/08	R. Aronson	C300	1.10	Confer with A. Wickers regarding Brownmark claim letter and draft response letter (1.1)
09/24/08	R. Aronson	C300	.80	Draft response to Brownmark claim letter (.8)
09/25/08	R. Aronson	C300	.90	Research and draft response to Brownmark claim letter (.9)
Total Hours		2.80		

PAYMENT IS DUE WITHIN 30 DAYS OF THE DATE OF THIS INVOICE
INTEREST WILL BE CHARGED ON INVOICES WHICH ARE 45 DAYS PAST DUE
PAYMENTS RECEIVED AFTER THE DATE OF THIS INVOICE WILL BE REFLECTED ON NEXT MONTH'S BILLING

TOTAL SERVICES AND DISBURSEMENTS - THIS INVOICE

Total Current Services	\$1,022.00
Less Agreed Discount	(\$153.30)
Adjusted Current Services	\$868.70

Total Current Invoice	\$868.70

PLEASE REMIT WITH PAYMENT



Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

SUITE 2200
1201 THIRD AVENUE
SEATTLE, WA 98101-3045

TEL (206) 622-3150
FAX (206) 757-7700
www.dwt.com
FEDERAL ID #91-0839480

Viacom Inc.

November 13, 2008
Invoice No. 5743047

NOVEMBER INVOICE FOR
STATEMENT OF
SERVICES AND DISBURSEMENTS

Period Covered Through: Oct 31, 2008

Re: Case Name: 3970094-000059
Client: COMEDY CENTRAL (See Narrative)
Matter: South Park Brownmark Claim

<u>Date</u>	<u>Professional</u>	<u>ABA Code</u>	<u>Time</u>	<u>Amount</u>	<u>Description of Services</u>
10/02/08	A. Wickers	L120	0.90	441.00	Review additional Seventh Circuit case law and add to letter (.5); finalize letter (.4)
10/03/08	A. Wickers	L120	0.80	392.00	Telephone call with Ms. West regarding claimant's response to letter (.1); telephone call with Ms. West and Ms. Hallie regarding same (.2); search for information regarding local counsel in Wisconsin (.2); review materials relating to Episode 1204 of South Park, including parody video (.3)
10/06/08	A. Wickers	L120	0.40	196.00	Confer with Ms. West, Ms. Windt, and attorneys in Wisconsin regarding potential South Park claim and pull materials related to same (.4)

PAYMENT IS DUE WITHIN 30 DAYS OF THE DATE OF THIS INVOICE
INTEREST WILL BE CHARGED ON INVOICES WHICH ARE 45 DAYS PAST DUE
PAYMENTS RECEIVED AFTER THE DATE OF THIS INVOICE WILL BE REFLECTED ON NEXT MONTH'S BILLING

<u>Date</u>	<u>Professional</u>	<u>ABA Code</u>	<u>Time</u>	<u>Amount</u>	<u>Description of Services</u>
10/07/08	A. Wickers	L120	1.30	637.00	Confer with Mr. Peterson regarding status and strategy (.2); prepare for conference call (.3); conference call with Ms. Windt and Mr. Peterson regarding case (.4); review (.4)
Total Services			3.40	\$1,416.10	

TOTAL SERVICES AND DISBURSEMENTS - THIS INVOICE

Total Current Services	\$1,960.00
Less Agreed Discount	(\$294.00)
Adjusted Current Services	\$1,416.10

Total Current Invoice	\$1,416.00

PLEASE REMIT WITH PAYMENT



Suite 2200
1201 Third Avenue
Seattle, WA 98101-3045

206.622.3150 tel
206.757.7700 fax

Federal ID #91-0839480

Viacom Inc.

March 16, 2009
Invoice No. 5773156
SENT ELECTRONICALLY

MARCH INVOICE FOR
STATEMENT OF
SERVICES AND DISBURSEMENTS

**ELECTRONIC BILLING - DO NOT MAIL
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Period Covered Through: Feb 28, 2009

Re: Case Name: 3970094-000059
Client: COMEDY CENTRAL (See Narrative)
Matter: South Park Brownmark Claim

<u>Date</u>	<u>Professional</u>	<u>ABA Code</u>	<u>Time</u>	<u>Amount</u>	<u>Description of Services</u>
02/09/09	R. Aronson	L120	0.10	38.00	Review correspondence from producers of What What video
02/10/09	A. Wickers	L120	0.30	147.00	Review email from claimants to Mr. Parker and Mr. Stone and confer with Ms. Sankton regarding same (.2); telephone call to Mr. Goodman regarding same (.1)
02/11/09	A. Wickers	L120	0.10	49.00	Telephone call to claimant's counsel regarding status of representation and claimants' letter to Mr. Parker and Mr. Stone (.1)

PAYMENT IS DUE WITHIN 30 DAYS OF THE DATE OF THIS INVOICE
INTEREST WILL BE CHARGED ON INVOICES WHICH ARE 45 DAYS PAST DUE
PAYMENTS RECEIVED AFTER THE DATE OF THIS INVOICE WILL BE REFLECTED ON NEXT MONTH'S BILLING

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<u>Date</u>	<u>Professional</u>	<u>ABA Code</u>	<u>Time</u>	<u>Amount</u>	<u>Description of Services</u>
02/12/09	A. Wickers	L120	0.50	245.00	Telephone call with Ms. Windt regarding letter from claimants to Mr. Stone and Mr. Parker (.2); telephone call to Mr. Goodman regarding same (.1); draft letter to claimant's counsel (.2)
02/25/09	A. Wickers	L120	0.20	98.00	Confer with Ms. Sankton regarding response to Mr. Swant's and Mr. Ciraldo's letter to Mr. Parker and Mr. Stone
Total Services			1.20	\$490.45	

TOTAL SERVICES AND DISBURSEMENTS - THIS INVOICE

Total Current Services	\$577.00
Less Agreed Discount	(\$86.55)
Adjusted Current Services	\$490.45

Total Current Invoice	\$490.45

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Viacom Inc.

January 12, 2011
Invoice No. 5942569
SENT ELECTRONICALLY

JANUARY INVOICE FOR
STATEMENT OF
SERVICES AND DISBURSEMENTS

**ELECTRONIC BILLING - DO NOT MAIL
FOR FILING PURPOSES ONLY**

Re: Case Name: Period Covered Through: Dec 31, 2010
Client: 3970094-000069
Matter: COMEDY CENTRAL (See Narrative)
Brownmark

<u>Date</u>	<u>Professional</u>	<u>ABA Code</u>	<u>Time</u>	<u>Amount</u>	<u>Description of Services</u>
11/13/10	A. Wickers	C300	0.20	83.30	Review complaint filed against Comedy Central, South Park Studios, and others in Wisconsin (.2)
11/15/10	A. Wickers	C300	0.90	374.85	Telephone calls with Mr. Mauceri, Mr. Fox, and Ms. Garefino regarding What What in the Butt lawsuit (.5); review previous letters to plaintiff's counsel regarding same (.3); review press statement (.1)
11/16/10	A. Wickers	C300	0.60	249.90	Review materials related to Canada on Strike episode

PAYMENT IS DUE WITHIN 30 DAYS OF THE DATE OF THIS INVOICE
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<u>Date</u>	<u>Professional</u>	<u>ABA Code</u>	<u>Time</u>	<u>Amount</u>	<u>Description of Services</u>
11/18/10	A. Wickers	C300	0.40	166.60	and forward to Ms. Aronson (.3); communicate with Ms. Aronson (.3)
11/30/10	A. Wickers	C300	0.20	83.30	Communicate with Ms. Aronson (.2); analyze standing issues for Brownmark in light of copyright registration certificate (.2)
12/01/10	A. Wickers	C300	0.60	249.90	Communicate with Ms. Aronson regarding service and review waiver of service of summons (.2)
12/02/10	A. Wickers	C300	1.20	499.80	Telephone call with Ms. Aronson regarding strategy for responding to complaint and related issues (.3); review service materials (.1); pull materials regarding Seventh Circuit copyright cases (.2)
12/02/10	J. Glasser	C300	0.60	135.15	Communicate with J. Glasser regarding Seventh Circuit research and other pre-response issues (.3); review clips (.2); review Eastern District of Wisconsin local rules (.2); review information about judge and communicate with C. Gilbertson regarding research about judge's copyright opinions (.4); communicate with Ms. Aronson regarding same (.1)
12/03/10	A. Wickers	C300	0.50	208.25	Review complaint, video, and copyright records and related conferring with A. Wickers (.6)
					Review results of research

<u>Date</u>	<u>Professional</u>	<u>ABA Code</u>	<u>Time</u>	<u>Amount</u>	<u>Description of Services</u>
12/03/10	J. Glasser	C300	3.60	810.90	(.4); attention to waiver of service forms (.1) Research and draft memorandum (3.6)
12/03/10	C. Gilbertson	C300	1.50	95.63	Search for copyright decisions by Judge J.P. Stadtmuller for A. Wickers (1.5)
12/06/10	A. Wickers	C300	0.70	291.55	Review results of additional research for possible motion to dismiss (.5); communicate with Ms. Aronson regarding waiver of service of summons (.1); draft letter to opposing counsel (.1)
12/06/10	J. Glasser	C300	1.00	225.25	Research and draft memorandum (1.0)
12/07/10	A. Wickers	C300	0.10	41.65	Communicate with Ms. Aronson (.1)
12/09/10	A. Wickers	C300	0.50	208.25	Telephone call with Mr. McChrystal regarding service issues (.2); revise letter to Mr. McChrystal (.1); telephone call with Ms. Aronson regarding possible motion to dismiss (.2)
12/12/10	A. Wickers	C300	0.40	166.60	Review Ninth Circuit parody cases and annotate for use on 12(b)(6) motion (.4)
12/13/10	A. Wickers	C300	0.30	124.95	Review copyright opinions from judge assigned to case (.3)
12/14/10	J. Glasser	C300	0.60	135.15	Draft budget for copyright infringement case involving Brownmark Films and Comedy Central and related conferring with A. Wickers (.6)
12/15/10	A. Wickers	C300	1.00	416.50	Telephone call with Mr. Peterson (Wisconsin

<u>Date</u>	<u>Professional</u>	<u>ABA Code</u>	<u>Time</u>	<u>Amount</u>	<u>Description of Services</u>
12/15/10	J. Glasser	C300	1.00	225.25	counsel) regarding procedures in Eastern District of Wisconsin and related issues (.3); meet with J. Glasser to analyze issues for motion to dismiss (.6); review Rule 15 (.1)
12/16/10	A. Wickers	C300	0.20	83.30	Meeting with A. Wickers regarding bringing 12(b)(6) motion to dismiss on fair use grounds and related conference call with local counsel and Mr. Wickers in Comedy Central case against Brownmark (1.0)
12/19/10	J. Glasser	C300	1.30	292.83	Communicate with Ms. Aronson regarding strategy (.2)
12/20/10	A. Wickers	C300	0.50	208.25	Research and related correspondence with A. Wickers for Brownmark case (1.3)
12/20/10	J. Glasser	C300	1.60	360.40	Review cases from J. Glasser (.5)
12/21/10	A. Wickers	C300	0.30	124.95	Research and draft correspondence to Ms. Aronson and A. Wickers (1.6)
12/22/10	A. Wickers	C300	0.20	83.30	Review and edit draft memorandum to Ms. Aronson regarding legal research (.3)
12/28/10	A. Wickers	C300	0.10	41.65	Review results of research (.2)
					Communicate with Ms. Aronson regarding (.1); finalize budget (No Charge)
	Total Services		20.10	\$5,987.41	

TOTAL SERVICES AND DISBURSEMENTS - THIS INVOICE

Total Current Services	\$7,044.01
Less Agreed Discount	(\$1,056.60)
Adjusted Current Services	\$5,987.41
Total Current Invoice	----- \$5,987.41

Viacom Inc.

February 28, 2011
Invoice No. 5954316
SENT ELECTRONICALLY

FEBRUARY INVOICE FOR
STATEMENT OF
SERVICES AND DISBURSEMENTS

**ELECTRONIC BILLING - DO NOT MAIL
FOR FILING PURPOSES ONLY**

Re: Case Name: Period Covered Through: Jan 31, 2011
Client: 3970094-000069
Matter: COMEDY CENTRAL (See Narrative)
Brownmark

<u>Date</u>	<u>Professional</u>	<u>ABA Code</u>	<u>Time</u>	<u>Amount</u>	<u>Description of Services</u>
01/03/11	A. Wickers	C300	0.30	124.95	Telephone call with plaintiff's counsel regarding standing issue and possible amendment (.2); communicate with Ms. Aronson regarding same (.1)
01/13/11	A. Wickers	C300	0.10	41.65	Telephone call to Mr. McChrystal regarding schedule for amended complaint and responsive pleading (.1)
01/17/11	A. Wickers	C300	0.20	83.30	Attention to schedule for plaintiff's amended

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<u>Date</u>	<u>Professional</u>	<u>ABA Code</u>	<u>Time</u>	<u>Amount</u>	<u>Description of Services</u>
01/19/11	A. Wickers	C300	0.20	83.30	complaint and responsive pleading (.2)
01/19/11	J. Glasser	C300	0.60	135.15	Edit stipulation (.2) Call Mr. McChrystal and Mr. Peterson re stipulating to time for filing of amended answer and extending time for responsive pleading (.2); Draft stipulation and proposed order and related conferring with A. Wickers (.4)
01/20/11	J. Glasser	C300	0.50	112.63	Revise stipulation, call co-counsel, Mr. Peterson, and related correspondence with opposing counsel, Mr. McChrystal and A. Wickers
01/25/11	J. Glasser	C300	0.10	22.53	Correspondence with Mr. McChrystal regarding Court's order granting stipulation
01/26/11	J. Glasser	C300	1.20	270.30	Research and draft motion to dismiss/motion for summary judgment based on fair use doctrine
01/27/11	J. Glasser	C300	5.80	1,306.45	Research and draft motion to dismiss/motion for summary judgment based on fair use doctrine
Total Services			9.00	\$2,180.26	

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TOTAL SERVICES AND DISBURSEMENTS - THIS INVOICE

Total Current Services	\$2,565.01
Less Agreed Discount	(\$384.75)
Adjusted Current Services	\$2,180.26
Total Current Disbursements	\$0.00
Total Current Invoice	----- \$2,180.26

PAYMENT IS DUE WITHIN 30 DAYS OF THE DATE OF THIS INVOICE
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Viacom Inc.

March 31, 2011
Invoice No. 5962190
SENT ELECTRONICALLY

MARCH INVOICE FOR
STATEMENT OF
SERVICES AND DISBURSEMENTS

**ELECTRONIC BILLING - DO NOT MAIL
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Re: Case Name: Period Covered Through: Feb 28, 2011
Client: 3970094-000069
Matter: COMEDY CENTRAL (See Narrative)
Brownmark

<u>Date</u>	<u>Professional</u>	<u>ABA Code</u>	<u>Time</u>	<u>Amount</u>	<u>Description of Services</u>
02/01/11	J. Glasser	C300	6.30	1,419.08	Research and draft motion to dismiss/motion for summary judgment based on fair use doctrine
02/02/11	J. Glasser	C300	7.30	1,644.33	Research and draft motion to dismiss/motion for summary judgment based on fair use doctrine
02/04/11	A. Wickers	C300	0.50	208.25	Review and annotate first draft of motion to dismiss
02/08/11	A. Wickers	C300	1.60	666.40	Annotate and edit draft of motion to dismiss (1.2); communicate with J. Glasser

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<u>Date</u>	<u>Professional</u>	<u>ABA Code</u>	<u>Time</u>	<u>Amount</u>	<u>Description of Services</u>
02/08/11	J. Glasser	C300	0.60	135.15	regarding revisions for motion (.4)
02/09/11	A. Wickers	C300	0.20	83.30	Communicate with A. Wickers regarding motion to dismiss (.4); correspondence with Mr. Peterson regarding Eastern District of Wisconsin requirements (.1)
02/09/11	J. Glasser	C300	0.10	22.53	Communicate with J. Glasser regarding issues for motion to dismiss (.2)
02/10/11	A. Wickers	C300	0.20	83.30	Correspondence with Mr. Peterson regarding motion to dismiss
02/10/11	J. Glasser	C300	7.40	1,666.85	Review amended complaint (.2)
02/11/11	A. Wickers	C300	0.50	208.25	Research, draft, and revise motion to dismiss/motion for summary judgment based on fair use doctrine
02/11/11	J. Glasser	C300	2.30	518.08	Attention to standing issue and assignment by fewer than all joint owners (.5)
02/12/11	A. Wickers	C300	4.60	1,915.90	Confer with A. Wickers regarding strategy for motion (.1); draft motion (.2); research assignment issue and draft section of brief on this issue (2.0)
02/13/11	A. Wickers	C300	3.60	1,499.40	Edit draft of motion to dismiss, including review of cases (4.6)
02/15/11	A. Wickers	C300	0.40	166.60	Edit motion to dismiss (3.6)
02/15/11	J. Glasser	C300	1.70	382.93	Attention to motion to dismiss, including procedural issues in Eastern District of Wisconsin (.4)
					Draft request for judicial notice, Glasser declaration, and proposed order for

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<u>Date</u>	<u>Professional</u>	<u>ABA Code</u>	<u>Time</u>	<u>Amount</u>	<u>Description of Services</u>
02/16/11	A. Wickers	C300	0.40	166.60	judicial notice (1.6); correspondence with Mr. Peterson regarding motion to dismiss (.1)
02/16/11	B. Planchon	C300	2.80	428.40	Attention to issues for motion to dismiss (.4)
02/17/11	A. Wickers	C300	1.20	499.80	Review Motion to Dismiss Plaintiff's Amended Complaint or for Summary Judgment for all cites to judicial authority and prepare negative history report and review report and prepare summary for J. Glasser
02/17/11	J. Glasser	C300	0.50	112.63	Communicate with J. Glasser regarding exhibits for motion (.1); edit draft of request for judicial notice and proposed order (.6); review and analyze Ms. Aronson's redline comments (.2); telephone call with Ms. Aronson regarding motion (.1); prepare for filing (.2)
02/18/11	A. Wickers	C300	0.40	166.60	Call with Ms. Aronson and A. Wickers regarding motion to dismiss and related correspondence with Ms. Aronson (.1); confer with A. Wickers and H. Murray regarding DVD exhibits (.3); correspondence with Mr. Peterson regarding getting A. Wickers and J. Glasser admitted to the Eastern District of Wisconsin (.1)
					Communicate with Ms. Aronson regarding exhibits for reply brief (.1); attention

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<u>Date</u>	<u>Professional</u>	<u>ABA Code</u>	<u>Time</u>	<u>Amount</u>	<u>Description of Services</u>
02/18/11	J. Glasser	C300	1.30	292.83	to Eastern District of Wisconsin procedures (.3) Call with Mr. Peterson concerning motion to dismiss, pro hac vice applications, and related issues (.2); confer with A. Wickers, H. Murray and G. Pesqueira regarding DVD exhibits (.3); revise motion to dismiss and related correspondence with A. Wickers (.8)
02/20/11	J. Glasser	C300	1.20	270.30	Revise memorandum of law, request for judicial notice, proposed order regarding judicial notice, and Glasser declaration, and draft proposed order regarding motion to dismiss
02/21/11	A. Wickers	C300	1.70	708.05	Review and finalize drafts of motion to dismiss, supporting memorandum of points and authorities, request for judicial notice, declaration, and proposed orders, including review of Mr. Peterson's suggestions and communications with J. Glasser (1.7)
02/21/11	J. Glasser	C300	0.20	45.05	Correspondence with A. Wickers regarding Mr. Peterson's edits and comments and discussion of exhibits and declaration
02/22/11	A. Wickers	C300	1.00	416.50	Prepare for filing, including attention to corporate disclosure issues (.9); communicate with Ms. Garefino regarding motion

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<u>Date</u>	<u>Professional</u>	<u>ABA Code</u>	<u>Time</u>	<u>Amount</u>	<u>Description of Services</u>
02/22/11	J. Glasser	C300	4.10	923.53	(.1) Revise and proof motion to dismiss, Glasser Declaration, request for judicial notice, two proposed orders, and Local Rule 7(j) Appendix (3.1); draft corporate disclosure statement and related calls and correspondence with Mr. Peterson, Ms. Aronson and A. Wickers (.9); correspondence with Mr. Peterson regarding whether a hearing will be held and briefing schedule (.1)
02/24/11	J. Glasser	C300	0.50	112.63	Draft Amended Corporate Disclosure Statement and related correspondence with Mr. Peterson and A. Wickers (.3); correspondence with Mr. Peterson and A. Wickers regarding procedure in Eastern District of Wisconsin for these types of motions and related review of Eastern District of Wisconsin rules (.2)
02/25/11	A. Wickers	C300	0.10	41.65	Attention to briefing schedule and local practice regarding hearings (.1)
Total Services			52.70	\$14,804.92	

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TOTAL SERVICES AND DISBURSEMENTS - THIS INVOICE

Total Current Services	\$17,417.55
Less Agreed Discount	(\$2,612.63)
Adjusted Current Services	\$14,804.92
Total Current Disbursements	\$0.00
Total Current Invoice	----- \$14,804.92

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Viacom Inc.

April 27, 2011
Invoice No. 5969431
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APRIL INVOICE FOR
STATEMENT OF
SERVICES AND DISBURSEMENTS

**ELECTRONIC BILLING - DO NOT MAIL
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Re: Case Name: Period Covered Through: Mar 31, 2011
Client: 3970094-000069
Matter: COMEDY CENTRAL (See Narrative)
Brownmark

<u>Date</u>	<u>Professional</u>	<u>ABA Code</u>	<u>Time</u>	<u>Amount</u>	<u>Description of Services</u>
03/15/11	A. Wickers	L240	0.70	291.55	Review and analyze plaintiff's opposition to motion to dismiss (.4); attention to plaintiff's request to schedule early meeting of counsel (.3)
03/16/11	A. Wickers	L190	0.10	41.65	Communicate with Ms. Gregor (local counsel) regarding meet and confer issue (.1)
03/16/11	J. Glasser	L240	0.30	67.58	Review opposition to motion to dismiss filed by

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<u>Date</u>	<u>Professional</u>	<u>ABA Code</u>	<u>Time</u>	<u>Amount</u>	<u>Description of Services</u>
03/17/11	A. Wickers	L190	0.80	333.20	Brownmark Communicate with J. Glasser regarding issues for reply in support of motion to dismiss, additional research issues, and structure of brief (.5); brief research regarding same (.3)
03/17/11	J. Glasser	L190	0.40	90.10	Meeting with A. Wickers concerning reply in support of motion to dismiss (.4); leave message for M. Nelson concerning standing issue (.1)
03/18/11	J. Glasser	L110	3.60	810.90	Call and correspondence with M. Nelson re standing issue (.4); research and draft reply (3.2)
03/21/11	J. Glasser	L120	2.20	495.55	Research and draft reply
03/23/11	J. Glasser	L120	4.20	946.05	Research and draft reply
03/24/11	J. Glasser	L120	6.30	1,419.08	Research and draft reply
03/25/11	A. Wickers	L240	0.90	374.85	Communicate with J. Glasser regarding issues for reply brief (.4); review initial draft of reply brief (.5)
03/25/11	J. Glasser	L110	6.80	1,531.70	Research and draft reply and related correspondence with A. Wickers
03/28/11	A. Wickers	L120	0.50	208.25	Communicate with Ms. Aronson regarding reply brief (.2); attention to standing section of brief (.3)
03/28/11	J. Glasser	L110	1.20	270.30	Research cases distinguishing Edgenet,

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<u>Date</u>	<u>Professional</u>	<u>ABA Code</u>	<u>Time</u>	<u>Amount</u>	<u>Description of Services</u>
03/28/11	K. Roth	L140	3.70	235.88	Copyright.net, etc. and supporting Sybersound and revise reply
03/29/11	A. Wickers	L120	1.20	499.80	Cite check reply regarding Motion to Dismiss
03/29/11	J. Glasser	L120	1.70	382.93	Edit revised draft of brief (1.2)
					Calls with Mr. Peterson and Ms. Gregor re reply and related conferring with A. Wickers (.3); research citations by Seventh Circuit to Ninth Circuit authority and revise brief (1.4)
03/30/11	A. Wickers	L120	0.60	249.90	Final review of reply brief (.6)
03/30/11	J. Glasser	L120	0.90	202.73	Research, revise reply brief, and related correspondence with A. Wickers and Ms. Gregor
	Total Services		36.10	\$8,452.00	

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TOTAL SERVICES AND DISBURSEMENTS - THIS INVOICE

Total Current Services	\$9,943.52
Less Agreed Discount	(\$1,491.52)
Adjusted Current Services	\$8,452.00
Total Current Invoice	----- \$8,452.00

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Viacom Inc.

May 16, 2011
Invoice No. 5974690
SENT ELECTRONICALLY

MAY INVOICE FOR
STATEMENT OF
SERVICES AND DISBURSEMENTS

**ELECTRONIC BILLING - DO NOT MAIL
FOR FILING PURPOSES ONLY**

Re: Case Name: Period Covered Through: Apr 30, 2011
Client: 3970094-000069
Matter: COMEDY CENTRAL (See Narrative)
Brownmark

<u>Date</u>	<u>Professional</u>	<u>ABA Code</u>	<u>Time</u>	<u>Amount</u>	<u>Description of Services</u>
04/06/11	A. Wickers	L120	0.20	83.30	Review new First Amendment case from district court in Seventh Circuit and communicate with J. Glasser regarding possible notice of supplemental authority (.2)
04/08/11	J. Glasser	L120	0.50	112.63	Review Best v. Berard decision and analyze whether to submit as supplemental authority (.3); call with Ms. Gregor re whether to file supplemental authority with the Court on

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Los Angeles	San Francisco	Washington, D.C.

<u>Date</u>	<u>Professional</u>	<u>ABA Code</u>	<u>Time</u>	<u>Amount</u>	<u>Description of Services</u>
					the motion to dismiss issue and related correspondence and conferring with A. Wickers (.2)
	Total Services		0.70	\$195.93	

TOTAL SERVICES AND DISBURSEMENTS - THIS INVOICE

Total Current Services	\$230.51
Less Agreed Discount	(\$34.58)
Adjusted Current Services	\$195.93
Total Current Disbursements	\$0.00
Total Current Invoice	\$195.93

PAYMENT IS DUE WITHIN 30 DAYS OF THE DATE OF THIS INVOICE
INTEREST WILL BE CHARGED ON INVOICES WHICH ARE 45 DAYS PAST DUE
PAYMENTS RECEIVED AFTER THE DATE OF THIS INVOICE WILL BE REFLECTED ON NEXT MONTH'S BILLING

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Suite 2200
1201 Third Avenue
Seattle, WA 98101-3045

206.622.3150 tel
206.757.7700 fax

Federal ID #91-0839480

Viacom Inc.

June 17, 2011
Invoice No. 5982732
SENT ELECTRONICALLY

JUNE INVOICE FOR
STATEMENT OF
SERVICES AND DISBURSEMENTS

**ELECTRONIC BILLING - DO NOT MAIL
FOR FILING PURPOSES ONLY**

Re: Case Name: Period Covered Through: May 31, 2011
Client: 3970094-000069
Matter: COMEDY CENTRAL (See Narrative)
Brownmark

<u>Date</u>	<u>Professional</u>	<u>ABA Code</u>	<u>Time</u>	<u>Amount</u>	<u>Description of Services</u>
05/24/11	J. Glasser	L130	0.20	45.05	Confer with A. Wickers and C. Solano regarding admissions to Eastern District of Wisconsin and related preparing of forms for admission
Total Services			0.20	\$45.05	

PAYMENT IS DUE WITHIN 30 DAYS OF THE DATE OF THIS INVOICE
INTEREST WILL BE CHARGED ON INVOICES WHICH ARE 45 DAYS PAST DUE
PAYMENTS RECEIVED AFTER THE DATE OF THIS INVOICE WILL BE REFLECTED ON NEXT MONTH'S BILLING

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TOTAL SERVICES AND DISBURSEMENTS - THIS INVOICE

Total Current Services	\$53.00
Less Agreed Discount	(\$7.95)
Adjusted Current Services	\$45.05
Total Current Disbursements	\$0.00
Total Current Invoice	----- \$45.05

PAYMENT IS DUE WITHIN 30 DAYS OF THE DATE OF THIS INVOICE
INTEREST WILL BE CHARGED ON INVOICES WHICH ARE 45 DAYS PAST DUE
PAYMENTS RECEIVED AFTER THE DATE OF THIS INVOICE WILL BE REFLECTED ON NEXT MONTH'S BILLING

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Viacom Inc.

July 15, 2011
Invoice No. 5988758
SENT ELECTRONICALLY

JULY INVOICE FOR
STATEMENT OF
SERVICES AND DISBURSEMENTS

**ELECTRONIC BILLING - DO NOT MAIL
FOR FILING PURPOSES ONLY**

Re: Case Name: Period Covered Through: Jun 30, 2011
Client: 3970094-000069
Matter: COMEDY CENTRAL (See Narrative)
Brownmark

<u>Date</u>	<u>Professional</u>	<u>ABA Code</u>	<u>Time</u>	<u>Amount</u>	<u>Description of Services</u>
06/01/11	J. Glasser	L130	0.10	22.53	Call with Ms. Gregor re filing papers for admission to E.D. Wisconsin and related correspondence with A. Wickers
06/06/11	A. Wickers	L120	0.10	41.65	Review materials from Ms. Gregor regarding admission to Eastern District of Wisconsin (.1)
Total Services			0.20	\$64.18	

PAYMENT IS DUE WITHIN 30 DAYS OF THE DATE OF THIS INVOICE
INTEREST WILL BE CHARGED ON INVOICES WHICH ARE 45 DAYS PAST DUE
PAYMENTS RECEIVED AFTER THE DATE OF THIS INVOICE WILL BE REFLECTED ON NEXT MONTH'S BILLING

Anchorage	New York	Seattle
Bellevue	Portland	Shanghai
Los Angeles	San Francisco	Washington, D.C.

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DISBURSEMENT DETAIL

<u>DESCRIPTION</u>	<u>QUANTITY</u>	<u>AMOUNT</u>
Copying charges	6	0.60
Legal Fee - - CLERK OF THE COURT - 6/2/11 Admission fees for A. Wickers	1	185.00
Legal Fee - - CLERK OF THE COURT - 6/2/11 Admission fees for J. Glasser	1	185.00
Outside delivery service - - FED EX ERS - 05/31/11 Delivery to One E Main St Madison WI per Jeffrey Glasser	1	17.57
Total Current Disbursements		\$388.17

TOTAL SERVICES AND DISBURSEMENTS - THIS INVOICE

Total Current Services	\$75.51
Less Agreed Discount	(\$11.33)
Adjusted Current Services	\$64.18
Total Current Disbursements	\$388.17
Total Current Invoice	\$452.35

PAYMENT IS DUE WITHIN 30 DAYS OF THE DATE OF THIS INVOICE
INTEREST WILL BE CHARGED ON INVOICES WHICH ARE 45 DAYS PAST DUE
PAYMENTS RECEIVED AFTER THE DATE OF THIS INVOICE WILL BE REFLECTED ON NEXT MONTH'S BILLING

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CERTIFICATE OF SERVICE

I hereby certify that on July 20, 2011, I caused the foregoing document to be electronically filed with the Clerk of the Court using the ECF system which will make this document available to all counsel of record for viewing and downloading from the ECF system.

Dated: July 20, 2011.

/s/ Alonzo Wickers IV
Alonzo Wickers IV