

Westley, Brian

**FILED**

OCT 11 2013

**From:** Westley, Brian  
**Sent:** Thursday, September 26, 2013 6:35 PM  
**To:** 'copyright@scribd.com'  
**Cc:** Esquenet, Margaret  
**Subject:** DMCA Take Down

**RICHARD W. WIEKING**  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**CV 13 80 218 MISC**

Scribd, Inc.  
ATTN: Scribd DMCA Copyright Infringement Notification  
539 Bryant Street, Suite 200  
San Francisco, CA 94107  
[copyright@scribd.com](mailto:copyright@scribd.com)

**CRB**

**VIA EMAIL**

Re: Copyright Infringement by ljangston2

Dear Scribd, Inc. DMCA Designated Agent:

We write on behalf of our client, Examinations Institute of the American Chemical Society, Division of Chemical Education ("the Institute"), owner of the copyright in the work *Preparing for Your ACS Examination in Organic Chemistry: The Official Guide* (the "Guide"). The Guide is subject to U.S. Copyright Office Registration No. TX0005586012.

It has come to our attention that Scribd user ljangston2 posted and sold the Guide on the Scribd.com website at <http://www.scribd.com/doc/155488880/American-Chemical-Society-ACS-Organic-Chemistry-Study-Guide>. This posting infringes the Institute's rights in the Guide.

Pursuant to 17 U.S.C. § 512(c), we ask that Scribd, Inc. immediately disable these materials/links from its servers and take appropriate action against the account holder. We (1) certify that we are authorized to act on behalf of the Institute, (2) have provided an e-mail address to contact the undersigned, (3) have identified the infringing materials, (4) certify that we have a good-faith belief that use of the copyrighted material described above is not authorized by the copyright owner, its agent, or the law; and (5) swear, under penalty of perjury, that the information in this notification is accurate.

Please also preserve all documents and identifying information regarding the user ljangston2, as we may be serving a subpoena on Scribd requesting documents to identify the name, addresses, telephone numbers, and other information of this account holder.

Thank you for your attention to this matter. If you have any questions, please contact me directly.

Sincerely,

**Brian Westley**  
Attorney at Law  
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
901 New York Avenue, NW, Washington, DC 20001-4413  
202.408.4182 | fax: 202.408.4400 | [brian.westley@finnegan.com](mailto:brian.westley@finnegan.com) | [www.finnegan.com](http://www.finnegan.com)

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**IN RE SCRIBD, INC.**

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**SUBPOENA UNDER THE DIGITAL MILLENNIUM COPYRIGHT ACT**

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**TO:** Scribd, Inc.  
Scribd DMCA Copyright Infringement Notification  
539 Bryant Street, Suite 200  
San Francisco, CA 94107

**AUTHORIZED AGENT FOR Scribd, Inc.**

As provided for under The Digital Millennium Copyright Act of 1998, 17 U.S.C. §512(h), **YOU ARE ORDERED** to produce for inspection the identity, address, telephone number, and related information concerning the Scribd, Inc. user ljangston2, who posted infringing content at the following URL:

<http://www.scribd.com/doc/155488880/American-Chemical-Society-ACS-Organic-Chemistry-Study-Guide>

**DOCUMENTS:**

Documents sufficient to identify the true name, address, telephone number, and other reasonably available identifying information for the Scribd, Inc. user ljangston2 who posted infringing content at the URLs identified above.

**PLACE:**

The information shall be sent to the following authorized representative of the Examinations Institute of the American Chemical Society, Division of Chemical Education:

Brian R. Westley, Esq.  
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
901 New York Avenue, NW  
Washington, D.C. 20001  
Telephone: 202-408-4000  
brian.westley@finnegan.com

  
\_\_\_\_\_  
Brian R. Westley

Date: 10/8/13

\_\_\_\_\_  
Clerk of Court

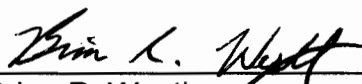
Date: \_\_\_\_\_

**DECLARATION OF BRIAN R. WESTLEY IN SUPPORT OF THE EXAMINATION  
INSTITUTE OF THE AMERICAN CHEMICAL SOCIETY, DIVISION OF CHEMICAL  
EDUCATION  
17 U.S.C. § 512 SUBPOENA**

I, Brian R. Westley, declare as follows:

The purpose for which this subpoena is sought is to obtain the identity of an alleged infringer and such information will only be used for the purpose of protecting rights under 17 U.S.C. §101 *et seq.*

I declare under penalty of perjury under the laws of the United States of America that to the best of my knowledge the foregoing is true and correct. This declaration is executed on this 8th day of October 2013.

  
\_\_\_\_\_  
Brian R. Westley

**FINNEGAN**

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP  
WWW.FINNEGAN.COM

BRIAN R. WESTLEY  
202.408.4182  
brian.westley@finnegan.com

October 9, 2013

Clerk of Court  
United States District Court  
for the Northern District of California, San Francisco  
450 Golden Gate Avenue  
San Francisco, CA 94102

**VIA FEDEX**

Subpoena Under the Digital Millennium Copyright Act  
Our Reference: 09849.0073

Dear Clerk of Court:

We are the authorized agent of the Examination Institute of the American Chemical Society, Division of Chemical Education. Pursuant to 17 U.S.C. § 512(h), we enclose: (1) a copy of the notification sent to Scribd, Inc. pursuant to 17 U.S.C. § 512(c)(3)(A); (2) a proposed subpoena; and (3) a sworn declaration in support of the subpoena. Please execute the proposed subpoena and return it to me for service to Scribd, Inc.

Pursuant to the fee schedule for filings in the United States District Court for the Northern District of California, we enclose a check in the amount of \$46.00 for miscellaneous matters.

If you have any questions, please contact me directly at (202) 408-4182.

Respectfully submitted,



Brian R. Westley

Enclosures: Copy of September 26, 2013 Notification  
Proposed Subpoena  
Sworn Declaration  
Check in the amount of \$46.00