

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

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 | www.finnegan.com

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

IN RE SCRIBD, INC.

SUBPOENA UNDER THE DIGITAL MILLENNIUM COPYRIGHT ACT

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

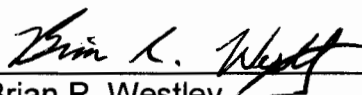
Date: _____

**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