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ORIGINAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED
MAR 20 2014

LHK
MISC.

IN RE DMCA SUBPOENA TO YOUTUBE, LLC

CV 14 - 80087
Case No. 14 - Misc -

DECLARATION OF MARK McDEVITT
IN SUPPORT OF ISSUANCE OF DMCA
SUBPOENA PURSUANT TO 17 U.S.C
§ 512(h)

I, MARK McDEVITT, the undersigned, declare:

1. I am a Vice President, Online Anti-Piracy for the Recording Industry Association of America, Inc. (RIAA). The RIAA is a trade association whose member companies create, manufacture or distribute sound recordings. The RIAA is authorized to act on its member companies' behalf on matters involving the infringement of their copyrighted sound recordings.

2. The RIAA is requesting that the Clerk issue a subpoena pursuant to 17 U.S.C. § 512(h) that would order YouTube LLC to disclose the identity or identities, including IP addresses, of the user or users who host or have hosted videos operating at the following URLs:

- <http://www.youtube.com/watch?v=hY72raC3IVU>
- <http://www.youtube.com/watch?v=2mGDYhSGFyU>

3. The purpose for which this subpoena is sought is to obtain the identity or identities of the individual or individuals assigned to this URL who have reproduced and are offering, or have offered, for distribution our members' copyrighted sound recordings without their authorization. This information will only be used for the purposes of protecting the rights granted to our members, the sound recording copyright owners, under Title II of the Digital Millennium Copyright Act, 17 U.S.C. § 512 *et seq.*

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information or belief.

FAXED

Executed at Washington, District of Columbia, on March 18, 2014.



Mark McDevitt

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VIA EMAIL (COPYRIGHT@YOUTUBE.COM) AND US MAIL

RECEIVED

MAR 20 2014

B/NC

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

March 17, 2014

Debra Tucker
YouTube LLC
901 Cherry Avenue
San Bruno, CA 94066

CV 14 80087 MISC.

LHK

RE: New Flame: <http://www.youtube.com/watch?v=hY72raC3IVU>
Die For You: <http://www.youtube.com/watch?v=2mGDYhSGFyU>

Dear Ms. Tucker:

I am contacting you on behalf of the Recording Industry Association of America, Inc. (RIAA) and its member record companies. The RIAA is a trade association whose member companies create, manufacture and distribute approximately eighty five (85) percent of all legitimate sound recordings sold in the United States. Under penalty of perjury, we submit that the RIAA is authorized to act on behalf of its member companies in matters involving the infringement of their sound recordings, including enforcing their copyrights and common law rights on the Internet.

We believe that the above-referenced sites, hosted on your network, have offered sound recordings by the artist known as Chris Brown. We have a good faith belief that the above-described activity is not authorized by the copyright owner, its agent, or the law. We assert that the information in this notification is accurate, based upon the data available to us.

We are asking for your immediate assistance in stopping this unauthorized activity. Specifically, we request that you ensure the removal of the infringing files from the system, or that you disable access to the infringing files, and that you inform the site operator of the illegality of his or her conduct.

This e-mail 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.

You may contact me at RIAA, 1025 F Street N.W., 10th Floor, Washington, D.C., 20004, Tel. (202) 775-0101, or e-mail antipiracy@riaa.com, to discuss this notice. We await your response.

Sincerely,

/s/ Mark McDevitt

Mark McDevitt
Vice President, Online Anti-Piracy