

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

YOUT LLC,)	
)	
Plaintiff,)	Case No. 3:20-cv-01602-SRU
)	
vs.)	
)	
THE RECORDING INDUSTRY)	January 14, 2021
ASSOCIATION OF AMERICA, INC. and)	
DOE RECORD COMPANIES 1-10,)	
)	
Defendants.)	
)	
)	

**DEFENDANT RIAA’S MOTION TO DISMISS PLAINTIFF YOUT LLC’S
FIRST AMENDED COMPLAINT**

Defendant Recording Industry Association of America, Inc. (“RIAA”) moves to dismiss this action pursuant to Federal Rule of Civil Procedure 12(b)(6). This motion to dismiss should be granted and the First Amended Complaint should be dismissed with prejudice for the following reasons:

1. Plaintiff Yout LLC fails to state a plausible claim for a declaratory judgment that its service does not violate 17 U.S.C. § 1201, which prohibits “circumvent[ing] a technological measure that effectively controls access to” copyrighted works “without the authority of the copyright owner.” The facts Plaintiff does allege establish the reasonable inference that the Yout service circumvents YouTube’s rolling cipher technology. At a minimum, the Court should decline to exercise jurisdiction over Plaintiff’s declaratory judgment claim because Plaintiff seeks a declaration that impacts claims and parties beyond those named in this dispute.

2. Plaintiff’s claim under 17 U.S.C. § 512(f) fails as a matter of law because section 512(f) proscribes only misrepresentations about copyright infringement, not circumvention. In

addition, even if section 512(f) applied to RIAA's notices to Google, Plaintiff fails to plausibly allege RIAA's knowledge of a misrepresentation.

3. Plaintiff fails to state claims for defamation per se and business disparagement because Plaintiff does not sufficiently plead falsity.

The reasons supporting the dismissal of this case are more fully stated in the accompanying Memorandum of Law.

DATED: January 14, 2021

Respectfully submitted,

/s/ Rose Leda Ehler

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