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BBC Worldwide Limited t/a BBC Studios (Distribution)

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8 **UNITED STATES DISTRICT COURT**  
9 **WESTERN DISTRICT OF WASHINGTON**

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11 IN RE: DMCA SECTION 512(h)  
SUBPOENA TO MICROSOFT, INC.

Case No.: 2:18-cv-1135

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13 **BBC WORLDWIDE LIMITED T/A BBC**  
**STUDIOS (DISTRIBUTION)’S REQUEST**  
14 **TO THE CLERK FOR ISSUANCE OF A**  
**SUBPOENA PURSUANT TO 17 U.S.C. §**  
15 **512(h) TO IDENTIFY ALLEGED**  
**INFRINGERS**

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17 Petitioner BBC Worldwide Limited t/a BBC Studios (Distribution) (“BBC Studios”), by  
18 and through its undersigned counsel of record, hereby requests that the Clerk of this Court issue a  
19 subpoena directed to Microsoft, Inc. (“Microsoft”) to identify an alleged infringer or infringers,  
20 pursuant to the Digital Millennium Copyright Act (“DMCA”), 17 U.S.C. § 512(h) (the  
21 “Subpoena”). A copy of the proposed Subpoena is attached hereto as Exhibit 2 to the Declaration  
22 of Christopher T. Varas (“Varas Decl.”).

23 The requested subpoena relates to infringing material that BBC Studios discovered on the  
24 website <onedrive.live.com>, which BBC Studios is informed and believes is operated by  
25 Microsoft. The infringing material includes, without limitation, an unauthorized copy of  
26 copyrighted video content from Season 11, Episode 1 of Doctor Who, for which BBC Worldwide  
27 Limited t/a BBC Studios (Distribution) is the exclusive licensee.



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BBC Studios has satisfied the requirements for issuance of a subpoena pursuant to 17 U.S.C. § 512(h), namely:

- (1) BBC Studios has submitted a copy of the notification required by 17 U.S.C. § 512(c)(3)(A). *See* Varas Decl. ¶ 3, Ex. 1.
- (2) BBC Studios has submitted the proposed Subpoena concurrently herewith. *See* Varas Decl. ¶ 5, Ex. 2.
- (3) BBC Studios has submitted a sworn declaration confirming that the purpose for which the Subpoena is sought is to obtain the identity of the alleged infringer or infringers, and that such information will only be used for the purpose of protecting rights under Title 17 U.S.C. § 512(h)(2). *See* Varas Decl. ¶ 4.

Because BBC Studios has complied with the statutory requirements, BBC Studios respectfully requests that the Clerk expeditiously issue and sign the proposed Subpoena pursuant to 17 U.S.C. § 512(h)(4) and return it to the undersigned counsel for service on the subpoena recipient.

DATED: August 2, 2018

Respectfully submitted,  
KILPATRICK TOWNSEND & STOCKTON LLP

By:   
CHRISTOPHER T. VARAS

Attorneys for Petitioner BBC Worldwide Limited t/a  
BBC Studios (Distribution)

