

Sealed

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 11-20427-WILLIAMS/TURNOFF

DISNEY ENTERPRISES, INC.,
TWENTIETH CENTURY FOX FILM CORPORATION,
UNIVERSAL CITY STUDIOS PRODUCTIONS LLLP,
COLUMBIA PICTURES INDUSTRIES, INC., and
WARNER BROS. ENTERTAINMENT INC.,

Plaintiffs,

v.

HOTFILE CORP., ANTON TITOV, and
DOES 1-10.

Defendants.

_____ /

HOTFILE CORP.,

Counterclaimant,

v.

WARNER BROS. ENTERTAINMENT INC.,

Counterdefendant.

_____ /

**DECLARATION OF SEAN JAQUEZ IN SUPPORT OF PLAINTIFFS' PROPOSED
SCHEDULE REGARDING THE UNSEALING OF THE SEALED DOCKET ENTRIES**

[CONFIDENTIAL]

[FILED UNDER SEAL PURSUANT TO PROTECTIVE ORDER]

SEALING

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I, SEAN JAQUEZ, declare as follows:

1. I hold the position of Vice President, Content Protection at Sony Pictures Entertainment Inc. (“Sony Pictures”). In that capacity, I oversee Sony Pictures’ Content Protection group, and manage Sony Pictures’ worldwide anti-piracy efforts. I make this declaration in support of Plaintiffs’ Proposed Schedule Regarding the Unsealing of the Sealed Docket Entries. Unless otherwise indicated, I have personal knowledge of all of the procedures and events described herein.

2. Defendants’ summary judgment filings revealed two specific pieces of confidential information regarding Columbia Pictures Industries, Inc.’s (“Columbia”) copyright enforcement policies: the fact that Columbia has chosen to prioritize its takedown efforts by not seeking to remove infringing content with a running time below a specified length (and that this minimum length is longer than the length of the average movie trailer); and that Columbia generally does not attempt to remove copies of movie trailers from online sites at times following the trailer’s launch. This confidential information reflects broad policy decisions Columbia has made regarding its copyright enforcement priorities and remains true today.

3. Revealing this confidential information would compromise Columbia’s copyright enforcement system. For example, a potential infringer armed with knowledge about Columbia’s “minimum length” criterion could carry out infringement in a manner that circumvents that limit, such as by breaking up a single infringing work into multiple shorter sections, each too short individually to trigger a takedown notice. Similarly, were putative infringers to become aware of Columbia’s decision generally to forgo issuing takedown notices for trailers after their launch, they might post trailers to unlicensed websites with which Columbia wishes to avoid the appearance of a commercial affiliation (such as sites with large amounts of infringing or unsavory material), and thus undermine the value of movie trailers that Columbia offers to licensed partner websites and media outlets.

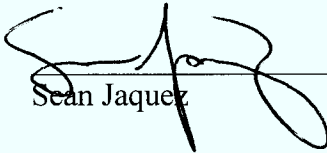
4. As a result, Columbia “closely guard[s] information about [its] antipiracy strategies” and reveals information about these strategies only to those directly involved in the protection of particular works. Declaration of Vicki R. Solmon in Support of Plaintiffs’ Application for Protective Order (D.E. 106-13), ¶4 [hereinafter “Solmon Decl.”].

5. Columbia intends to continue to implement these confidential copyright enforcement policies indefinitely. These confidential enforcement policies will not become less

sensitive over time because they reflect broad policy judgments, rather than specific implementation features of Columbia's anti-piracy enforcement system that are likely to change as technology evolves or time passes.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in the state of California this 11th day of November, 2014.


Sean Jaquez

Plaintiffs hereby give notice of filing the attached Declaration of Sean Jaquez in Support of Plaintiffs' Proposed Schedule Regarding the Unsealing of the Sealed Docket Entries.

DATED: November 10, 2014

Respectfully submitted,


By: /s/ Karen L. Stetson

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of November 2014, I caused the following document to be served on all counsel of record on the attached service list via their email address(es) pursuant to the parties' service agreement:

PLAINTIFFS' NOTICE OF FILING DECLARATION OF SEAN JAQUEZ IN SUPPORT OF PLAINTIFFS' PROPOSED SCHEDULE REGARDING THE UNSEALING OF SEALED DOCKET ENTRIES

By: /s/ 
Karen L. Stetson

SERVICE LIST

**Disney Enterprises, Inc., et al. v. Hotfile Corp. et al.
CASE NO. 11-CIV-20427-WILLIAMS-TURNOFF**

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