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7 MVL Film Finance LLC

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10
11 IN RE: DMCA SECTION 512(h)
12 SUBPOENA TO INSTAGRAM, LLC.

Misc. No.: 5:24-mc-80104

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14 **DECLARATION OF MATTHEW**
15 **SLATOFF IN SUPPORT OF**
16 **ISSUANCE OF SUBPOENA**
17 **PURSUANT TO 17 U.S.C. § 512(h)**
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1 I, Matthew Slatoff, the undersigned, declare that:

2 1. I am the Vice President, Global Security & Content Protection at
3 Marvel Studios, LLC, which is an affiliate of (with the same parent as) MVL Film
4 Finance LLC (“MVL”). As part of my duties, I am responsible for monitoring and
5 addressing infringement of copyright rights owned by MVL and its affiliates.

6 2. I submit this declaration in support of MVL’s request for issuance to
7 Instagram, LLC (“Instagram”) of a subpoena, pursuant to the Digital Millennium
8 Copyright Act (“DMCA”), 17 U.S.C. § 512(h) (the “DMCA Subpoena”), to
9 identify an alleged infringer (or infringers) using the handle @canwegetsometoast,
10 who published a copyrighted image from an upcoming Marvel Studios motion
11 picture, *Captain America: Brave New World*, without authorization. I am
12 authorized to act on MVL’s behalf in this matter. I have personal knowledge of the
13 facts contained herein and, if called upon to do so, I could and would testify
14 competently thereto.

15 3. On April 30, 2024, Tricia Tran, a Senior Paralegal at The Walt Disney
16 Company (the parent of MVL), submitted on behalf of MVL a notification, via a
17 webform provided by Instagram¹, identifying the infringing content on Instagram’s
18 systems and providing the information required by 17 U.S.C. § 512(c)(3)(A).
19 Among other things, Ms. Tran submitted the following information:

- 20 • **Contact information and signature:** Ms. Tran provided her contact
21 information and electronic signature as an authorized agent of MVL.
- 22 • **Copyrighted work:** Ms. Tran identified the infringed copyrighted
23 work as an image from the unreleased motion picture, *Captain
24 America: Brave New World* (<https://www.marvel.com/movies/captain-america-brave-new-world>).
- 25 • **Infringing content:** Ms. Tran identified the infringing content as an
26 Instagram story, located at
<https://www.instagram.com/stories/canwegetsometoast/3357857901166964409/>.

27 ¹ See Copyright Report Form, Instagram, available at
28 <https://help.instagram.com/contact/552695131608132?ref=iprc>.

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- **Good-faith belief:** As stated in Instagram’s webform, Ms. Tran confirmed, via her signature, that she had a good-faith belief that the use of the copyrighted material in the manner complained of was not authorized by MVL, its agents, or the law; and swore, under penalty of perjury, that she was authorized to act on MVL’s behalf and that the information she had provided was accurate.

4. Attached hereto as **Exhibit 1** is a true and correct copy of the confirmation email from Instagram’s Support team, which sets forth the information that Ms. Tran provided to Instagram and which was received on April 30, 2024 in response to Ms. Tran’s webform copyright infringement notification submission.

5. The purpose for which this subpoena is sought is to obtain the identities of the alleged infringer(s) who have exploited MVL’s exclusive rights in its copyrighted works, without MVL’s authorization. This information will only be used for the purposes of protecting MVL’s rights under U.S. Code, Title 17.

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.

Executed at Burbank, California, on May 6, 2024.

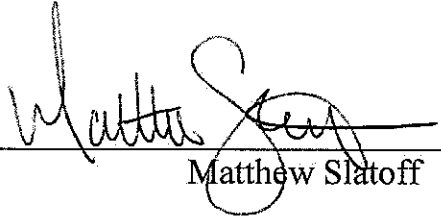

Matthew Slatoff

EXHIBIT 1

From: [Instagram](#)
To: [Internet Enforcement](#)
Subject: Intellectual Property Report #929341395858528
Date: Tuesday, April 30, 2024 3:47:13 PM

This Message is From an External Sender

Caution: Do not click links or open attachments unless you recognize the sender and know the content is safe.

The Instagram Team received a report from you. For reference, your complaint number is 929341395858528.

Please note that this channel is only for reports of alleged infringements or violations of your legal rights, such as copyright or trademark. If you filed that type of report, no further action is necessary. However, if you contacted us through this channel about another matter, you might not receive a response.

If you're not confident that your issue concerns intellectual property rights, please consult the Intellectual Property section of the Help Center for additional information. There you will find links to contact forms for submitting reports:

IP Help Center:

<http://help.instagram.com/535503073130320/?ref=cr>

Please note that we regularly provide the rights owner's name, your email address and the nature of your report to the person who posted the content you are reporting. You may wish to provide a professional or business email address for contact by users.

For help with matters other than infringement/violation of your legal rights, the links below may be helpful:

Hacked Accounts:

<http://help.instagram.com/368191326593075/?ref=cr>

Impersonation Accounts:

<http://help.instagram.com/446663175382270/?ref=cr>

Underage Children:

<http://help.instagram.com/290666591035380/?ref=cr>

Abuse and Spam:

<http://help.instagram.com/165828726894770/?ref=cr>

Exposed Private Information:

<http://help.instagram.com/122717417885747/?ref=cr>

If the links above do not contain the information you are looking for, you may want to search the Help Center for more assistance:

<http://help.instagram.com/?ref=cr>

As a reminder, if your submission contains a report of alleged infringement/violation of your legal rights, no further action is necessary. We will look into your matter shortly.

Thanks,

The Instagram Team

Describe your relationship to the rights owner. : I am reporting on behalf of my organization or client.

Your full name : Tricia Tran

Mailing address : 500 South Buena Vista Street, Burbank, CA 91521

Email address : internet.enforcement@disney.com

Confirm your email address : internet.enforcement@disney.com

Name of the rights owner : MVL FILM FINANCE LLC

Where are you asserting rights? : United States

Which of these best describes the copyrighted work? : Other

Please provide links (URLs) to the copyrighted work or describe it in the box below. :

<https://www.marvel.com/movies/captain-america-brave-new-world>

What type of content are you reporting? : Story

Please provide links (URLs) leading directly to the specific content you are reporting. :

<https://www.instagram.com/stories/canwegetsometoast/3357857901166964409/>

Describe why you are reporting this content. : This content copies my work

Please provide any additional information that can help us understand your report. : The story in question contains a leaked, pre-release image of Marvel's upcoming feature "Captain America Brave New World," which has not been approved for distribution to the public.