

1 LATHAM & WATKINS LLP
Daniel Scott Schechter (Bar No. 171472)
2 *daniel.schechter@lw.com*
Robert J. Ellison (Bar No. 274374)
3 *robert.ellison@lw.com*
355 South Grand Avenue
4 Los Angeles, California 90071-1560
Telephone: +1.213.485.1234
5 Facsimile: +1.213.891.8763

6 Attorneys for Petitioner
7 Lucasfilm Ltd. LLC

ORIGINAL
FILED
2015 JUN 30 P 3:09
CLERK OF COURT
NORTHERN DISTRICT OF CALIFORNIA

JSC

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 IN RE: DMCA SECTION 512(h)
12 SUBPOENA TO IMAGESHACK
CORP.

CV 15

MISCELLANEOUS ACTION NO.

80-51 MISC

LUCASFILM LTD., LLC'S REQUEST
TO THE CLERK FOR ISSUANCE OF
SUBPOENA, PURSUANT TO 17 U.S.C.
§512(h), TO IDENTIFY ALLEGED
INFRINGEMENTS

23 FAXED

28

1 Petitioner Lucasfilm Ltd. LLC (“Lucasfilm”), through its undersigned
2 counsel of record, hereby requests that the Clerk of this Court issue a subpoena on
3 ImageShack Corp. (“ImageShack”) to identify an alleged infringer or infringers,
4 pursuant to the Digital Millennium Copyright Act (“DMCA”), 17 U.S.C. § 512(h)
5 (the “DMCA Subpoena”). The proposed DMCA Subpoena is attached hereto as
6 Exhibit A.

7 The DMCA Subpoena is directed to ImageShack, the service provider of a
8 site to which the infringing party, identified as “Darth_Simi”, posted content which
9 infringes copyright rights held by Lucasfilm (the “Infringing Content”). (*See*
10 Declaration of Kevin Clark, ¶ 2.)

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

- 13 (1) Lucasfilm has submitted a copy of the notification required by 17
14 U.S.C. § 512(c)(3)(A) as Exhibit 1 to the Clark Declaration, submitted
15 concurrently herewith;
- 16 (2) Lucasfilm has submitted the proposed DMCA Subpoena concurrently
17 herewith; and
- 18 (3) Lucasfilm has submitted a sworn declaration confirming that the
19 purpose for which the DMCA Subpoena is sought is to obtain the
20 identity of an alleged infringer or infringers, and that such information
21 will only be used for the purpose of protecting Lucasfilm’s rights
22 under Title 17 U.S.C. § 512(h)(2).

23 Accordingly, in support of its request for a DMCA Subpoena, Lucasfilm
24 submits and attaches:

- 25 ○ A copy of the notification described in 17 U.S.C. § 512(c)(3)(A)
26 (*see* Clark Decl., Ex. 1);
- 27 ○ A proposed DMCA Subpoena directed to the service provider
28 (ImageShack) (Ex. A hereto); and

1 LATHAM & WATKINS LLP
2 Daniel Scott Schecter (Bar No. 171472)
3 *daniel.schecter@lw.com*
4 Robert J. Ellison (Bar No. 274374)
5 *robert.ellison@lw.com*
355 South Grand Avenue
Los Angeles, California 90071-1560
Telephone: +1.213.485.1234
Facsimile: +1.213.891.8763

6 Attorneys for Petitioner
7 Lucasfilm Ltd. LLC

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

JSC

10 IN RE: DMCA SECTION 512(h)
11 SUBPOENA TO IMAGESHAK
12 CORP.

CV 15

MISCELLANEOUS ACTION NO.
80-051 MISC

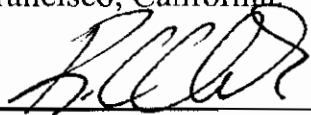
DECLARATION OF KEVIN CLARK IN
SUPPORT OF PETITIONER
LUCASFILM LTD., LLC'S REQUEST
FOR ISSUANCE OF SUBPOENA,
PURSUANT TO 17 U.S.C. §512(h), TO
IDENTIFY ALLEGED INFRINGERS

22 FAXED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under penalty of perjury under the laws of the State of California
and United States of America that the foregoing is true and correct.

Executed on January 30, 2015 at San Francisco, California



Kevin Clark

Exhibit 1

From: [Corp SharePoint Premium](#) on behalf of [Internet Enforcement](#)
To: [Internet Enforcement](#)
Cc: [Internet Enforcement](#)
Subject: imageshack.com Infringing Content [Notice ID: 39985] (PM)
Date: Friday, January 30, 2015 1:21:25 PM
Importance: High

Friday, January 30, 2015

Notice ID:39985
Via Contact Form

imageshack.com

Re: Unauthorized Use of Copyrighted and/or Trademark Properties

To Whom It May Concern:

I believe the information in this notification to be accurate and state under penalty of perjury that I am authorized to act on behalf of the owner of exclusive rights. I am sending this notice on the basis of a good faith belief that the pages identified below include infringing material and/or links to infringing material that are not authorized by the copyright owner, its agents, or the law. This access was present on Friday, January 30, 2015. Please act expeditiously to remove or disable all access to the infringing materials described below and confirm by return e-mail when the infringing content has been removed.

Owner of exclusive rights:
Lucasfilm Ltd. LLC ("Lucasfilm")

Copyrighted works infringed upon:
Visual works, including without limitation, *Star Wars Episode VII Costume Design and Photograph*

Location of infringing material:

Star Wars Episode VII Costume Design and Photograph
<http://imageshack.com/i/f06NkZBXp>

Should you have any questions, please contact:

Lance R. Griffin
Principal Counsel
The Walt Disney Company
500 S. Buena Vista Street
Burbank, CA 91521-0641
Telephone: (818) 560-1000
Facsimile: (818) 841-1329
e-mail: internet.enforcement@disney.com

This letter is not a complete statement of Lucasfilm's rights in connection with this

matter, and nothing contained herein constitutes an express or implied waiver of any rights, remedies, or defenses of Lucasfilm in connection with this matter, all of which are expressly reserved.

Very truly yours,

// Patrick Miller //

Patrick Miller
Antipiracy Paralegal
The Walt Disney Company
500 S. Buena Vista Street
Burbank, CA 91521-0641

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Latham & Watkins LLP, 355 South Grand Avenue, Los Angeles, CA 90071-1560.

On **January 30, 2015**, I served the following documents described as:

**DECLARATION OF KEVIN CLARK IN SUPPORT OF PETITIONER
LUCASFILM LTD., LLC'S REQUEST FOR ISSUANCE OF SUBPOENA,
PURSUANT TO 17 U.S.C. §512(h), TO IDENTIFY ALLEGED INFRINGERS**

in the following manner:


BY U.S. MAIL

I am familiar with the office practice of Latham & Watkins LLP for collecting and processing documents for mailing with the United States Postal Service. Under that practice, documents are deposited with the Latham & Watkins LLP personnel responsible for depositing documents with the United States Postal Service; such documents are delivered to the United States Postal Service on that same day in the ordinary course of business, with postage thereon fully prepaid. I deposited in Latham & Watkins LLP's interoffice mail a sealed envelope or package containing the above-described document and addressed as set forth below in accordance with the office practice of Latham & Watkins LLP for collecting and processing documents for mailing with the United States Postal Service:

ImageShack Corp.
236 N. Santa Cruz Ave., Suite 100
Los Gatos, CA 95030

I affirm that I am employed in the office of a member of the Bar of, or permitted to practice before, this Court at whose direction the service was made and affirm under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **January 30, 2015**, at Los Angeles, California.


Colleen M. Rico