

utility commonly referred to as “DeCSS,” which, as described further in the Complaint, allows for motion pictures in DVD format to be illegally copied. As described in further detail below, attached to this declaration are printed copies of those and other web sites, as well as confirming evidence that defendants’ and other sites have the DeCSS circumvention utility on their sites and are making it available for download.

3. We performed these searches as follows: every web site has an “address” so that other computers may locate it, otherwise known as the Uniform Resource Locator or URL. These addresses are composed of several parts: an initial clause (e.g., “http://”) stating what sort of site it is; a “root URL,” which is everything before the first single slash; any additional subdirectories, which precede additional slashes; and finally, the name of the actual page, followed by .htm or .html (if no page is typed in, most computers look for one called “index.htm”). Thus, in the URL “http://www.nysd.uscourts.gov/rules/Rules.htm,” www.nysd.uscourts.gov is the root URL of the servers (the computers that actually host the site), /rules/ is a subdirectory on the server computers, and Rules.htm is the name of the actual page.

4. The most important parts of a web address are the two (or sometimes three) segments that end the root URL. These segments are known as the “domain name.” The domain name in the example above is “uscourts.gov.” An individual or company can purchase a domain name from one of several private domain name registries (or DNS registry, for “Domain Name System”), much like purchasing a post office box at the post office. The purchaser of a domain name then controls what or how content is placed at that web address. To register a domain name, the purchaser must supply a contact address and phone number. The registries, the best known of which is Network Solutions, Inc., maintain indexes of their registered domain names on the web, as well as the names and addresses of the owners of the domain name. To discover the owner of a particular domain name, we consulted these registries and searched for the domain

name in their indices.

5. Typing a URL into a web browser such as Internet Explorer or Netscape causes the user's computer to request a copy of a web page from the server computer, which is downloaded to the user's hard drive. Netscape or Internet Explorer then displays the information that was downloaded. Another, faster way to move from one page to another is by use of "hypertext links", which are URLs embedded in a web page that, when clicked on with a mouse, act the same as typing in the URL into the browser manually.

6. Clicking on a link can not only download web pages; it can also download larger files containing programs such as DeCSS. Many of the pages we visited had such links to files containing DeCSS on the web sites' computers. When clicked on, these files were then downloaded to our computers. I saved each file to a separately named directory on my own computer, then printed out a copy of my computer screen showing the downloaded file in that directory.

Defendant Shawn C. Reimerdes

7. On January 9, 2000, we visited the web site designated by the host URL www.dvd-copy.com. The index page of that site lists defendant Reimerdes as the site's author. We downloaded this page to our computers and printed a paper copy. A true and correct copy of that printout is annexed hereto as Exhibit 1. We then visited the DNS registry information server located at www.networksolutions.com. The information retrieved from the DNS registry confirms that defendant Reimerdes is the owner of dvd-copy.com. A true and correct copy of the DNS registry report is annexed hereto as Exhibit 2.

8. On January 9, 2000, I revisited defendant Reimerdes's web site. By clicking on the hypertext link marked "DeCSS - DVD Decryption Module," I proceeded to download a copy of

the file DeCSS.zip, which contains the unauthorized circumvention device, from the servers hosting defendant's web site to my computer. I saved this file to my computer's hard drive. Attached as Exhibit 3 is a true and correct copy of the directory listing of my hard drive, showing the file downloaded from defendant Reimerdes's web site.

Defendant Roman Kazan

9. On January 8, 2000, we visited the web site designated by the host URL www.krackdown.com. The site contains a directory of files at www.krackdown.com/decss/. We downloaded this directory to our computers and printed a paper copy. A true and correct copy of that printout is annexed hereto as Exhibit 4. We then visited the DNS registry information server located at www.networksolutions.com. The information retrieved from the DNS registry indicates that defendant Roman Kazan is listed as the technical contact for krackdown.com. The identity of the server computers is listed as "escape.com." Information retrieved from the DNS registry for escape.com lists the Kazan Corporation, administrative contact Roman Kazan, as the owner of escape.com. A true and correct copy of the DNS registry reports for krackdown.com and escape.com is annexed hereto as Exhibit 5.

10. On January 9, 2000, I revisited defendant Kazan's web site. By clicking on the hypertext link marked "DeCSS.zip" within the /decss directory, I proceeded to download a copy of the file DeCSS.zip from defendant's servers to my computer. I saved this file to my computer's hard drive. Attached as Exhibit 6 is a true and correct copy of the directory listing of my hard drive, showing the file downloaded from defendant Kazan's web site.

Defendant Eric Corley

11. On January 10, 2000, we visited the web site designated by the host URL www.2600.com, and other pages within the same directory. We downloaded these pages to our

computers and printed a paper copy. A true and correct copy of that printout is annexed hereto as Exhibit 7. We then visited the DNS registry information server located at www.networksolutions.com. The information retrieved from the DNS registry indicates that defendant Corley, a/k/a Emmanuel Goldstein, is the owner of the site. A true and correct copy of the DNS registry report is annexed hereto as Exhibit 8.

12. On January 10, 2000, I revisited defendant Corley's web site. By clicking on the hypertext link marked "DeCSS.zip" on the page 1112.html within the /news/1999/ subdirectory, I proceeded to download a copy of the file DeCSS.zip from the servers hosting defendant's web site to my computer. I saved this file to my computer's hard drive. Attached as Exhibit 9 is a true and correct copy of the directory listing of my hard drive, showing the file downloaded from defendant Corley's web site.

Other Sites

13. On January 9, 2000, we visited the web site designated by the host URL dvd.zgp.org. We downloaded this page to our computers and printed a paper copy. A true and correct copy of that printout is annexed hereto as Exhibit 10.

14. On January 10, 2000, we visited the web site designated by the host URL www.geocities.com/decss_forever/. We downloaded this page to our computers and printed a paper copy. A true and correct copy of that printout is annexed hereto as Exhibit 11.

15. On January 12, 2000, I revisited the above web page, and by clicking on the link marked "decss121b.zip", I proceeded to download a copy of the file decss121b.zip, which contains the unauthorized circumvention device, from the servers hosting the web site to my computer. I saved this file to my computer's hard drive. Attached as Exhibit 12 is a true and

correct copy of the directory listing of my hard drive, showing the file downloaded from the web site.

16. On January 12, 2000, we visited the web site designated by the host URL www.humpin.org/decss/. We downloaded this page to our computers and printed a paper copy. A true and correct copy of that printout is annexed hereto as Exhibit 13.

17. On January 12, 2000, I revisited the above web page, and by clicking on the link marked "<http://www.humpin.org/decss/DeCSS.zip>", I proceeded to download a copy of the file DeCSS.zip from the servers hosting the web site to my computer. I saved this file to my computer's hard drive. Attached as Exhibit 14 is a true and correct copy of the directory listing of my hard drive, showing the file downloaded from the web site.

18. On January 10, 2000, we visited the web page designated by the URL www.wired.com/news/technology/0,1282,32249,00.html, which is an article from Wired Magazine. We downloaded this page to our computers and printed a paper copy. A true and correct copy of that printout is annexed hereto as Exhibit 15.

19. On January 10, 2000, we visited the web page designated by the URL www.variety.com/article.asp?articleID=1117757707, which is an article from the newspaper Variety. We downloaded this page to our computers and printed a paper copy. A true and correct copy of that printout is annexed hereto as Exhibit 16.

20. On January 10 and 11, 2000, we visited the web site designated by the host URL www.pzcommunications.com/decss/, and several pages within the same directory. We downloaded these pages to our computers and printed a paper copy. A true and correct copy of that printout is annexed hereto as Exhibit 17.

21. On January 11, 2000, I revisited the web page at www.pzcommunications.com/decss/main.htm. By clicking on the hypertext link marked "Browse forum Now!", I downloaded

a page showing the directory for a discussion forum from the host URL ultimatedvd.community.everyone.net to my computer. I printed a paper copy of that directory. By clicking on the link marked "General Discussion" under the topic "DeCSS", I downloaded a page showing a subdirectory, and then I printed a copy of that page. By clicking on the link marked "DVD games?", I downloaded a forum message written by "Akuma539" and dated 1/4/2000 to my computer, and printed that message. A true and correct copy of these printouts is attached hereto as Exhibit 18.

22. On January 10, 2000, we visited the web site designated by the host URL home.rmci.net/bert/fuckthelawyers/. We downloaded this page to our computers and printed a paper copy. A true and correct copy of that printout is annexed hereto as Exhibit 19.

23. On January 10, 2000, I revisited the above web page, and by clicking on the link marked "DeCSS.zip" I proceeded to download a copy of the file DeCSS.zip from the servers hosting the web site to my computer. I saved this file to my computer's hard drive. Attached as Exhibit 20 is a true and correct copy of the directory listing of my hard drive, showing the file downloaded from the web site.

24. On January 11, 2000, we visited the web page designated by the URL www.azillionmonkeys.com/qed/recess_for_css.html. We downloaded this page to our computers and printed a paper copy. A true and correct copy of that printout is annexed hereto as Exhibit 21.

25. On January 11, 2000, I revisited the above web page, and by clicking on the link marked "decss binaries for win32", I proceeded to download a copy of the file DeCSS.zip from the servers hosting the web site to my computer. I saved this file to my computer's hard drive. Attached as Exhibit 22 is a true and correct copy of the directory listing of my hard drive, showing the file downloaded from the web site.

26. On January 10, 2000, we visited the web page designated by the URL members.xoom.com/_XMCM/chapter3/MammaNo.htm. We downloaded this page to our computers and printed a paper copy. A true and correct copy of that printout is annexed hereto as Exhibit 23.

27. On January 10, 2000, I revisited the above web page, and by clicking on the link marked "DeCSS.zip", I proceeded to download a copy of the file DeCSS.zip from the servers hosting the web site to my computer. I saved this file to my computer's hard drive. Attached as Exhibit 24 is a true and correct copy of the directory listing of my hard drive, showing the file downloaded from the web site.

28. On January 8, 2000, we visited the web page designated by the URL home.att.net/~phreakonaleash/css_mirror--screw_the_feds/. We downloaded this page to our computers and printed a paper copy. A true and correct copy of that printout is annexed hereto as Exhibit 25.

29. On January 11, 2000, I revisited the above web page, and by clicking on the link marked "DeCSS.zip", I proceeded to download a copy of the file DeCSS.zip from the servers hosting the web site to my computer. I saved this file to my computer's hard drive. Attached as Exhibit 26 is a true and correct copy of the directory listing of my hard drive, showing the file downloaded from the web site.

30. On January 8, 2000, we visited the web page designated by the URL www.geocities.com/corporatemindcontrol/. We downloaded this page to our computers and printed a paper copy. A true and correct copy of that printout, apart from the proprietary CSS authorization source code which has been redacted, is annexed hereto as Exhibit 27.

31. On January 11, 2000, I revisited the above web page, and by clicking on the link marked "download the windows binary", I proceeded to download a copy of the file DeCSS.zip

from the servers hosting the web site to my computer. I saved this file to my computer's hard drive. Attached as Exhibit 28 is a true and correct copy of the directory listing of my hard drive, showing the file downloaded from the web site.

32. On January 10, 2000, we visited the web page designated by the URL www.devzero.org/freecss.html. We downloaded this page to our computers and printed a paper copy. A true and correct copy of that printout is annexed hereto as Exhibit 29.

33. On January 10, 2000, I revisited the above web page, and by clicking on the link marked "available here", I proceeded to download a copy of the file DeCSS.zip from the servers hosting the web site to my computer. I saved this file to my computer's hard drive. Attached as Exhibit 30 is a true and correct copy of the directory listing of my hard drive, showing the file downloaded from the web site.

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

Executed: New York, New York
January 13, 2000

Bruce E. Boyden (BB-5278)