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6 Bayside Advisory LLC

FILED
NOV 25 2020
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN FRANCISCO DIVISION

11 **CV 20** CASE NO.: **80214MISC**

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13 IN RE DMCA § 512(h)
14 SUBPOENA TO TWITTER, INC.

**BAYSIDE ADVISORY LLC'S REQUEST
TO THE CLERK FOR THE ISSUANCE OF
A SUBPOENA TO TWITTER, INC.
PURSUANT TO 17 U.S.C. § 512(h) TO
IDENTIFY ALLEGED INFRINGER**

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17 Bayside Advisory LLC ("Bayside"), by and through its undersigned counsel of record,
18 hereby requests that the Clerk of this Court issue a subpoena to Twitter, Inc. ("Twitter") to identify
19 an alleged infringer or infringers, pursuant to the Digital Millennium Copyright Act ("DMCA"), 17
20 U.S.C. § 512(h) (the "Subpoena"). A copy of the proposed Subpoena is attached as Exhibit 2 to the
21 Declaration of Robert E. Allen ("Allen Decl.").

22 The requested Subpoena relates to infringing materials that Bayside discovered on the
23 websites <twitter.com> and <pbs.twimg.com>, which Bayside is informed and believes are operated
24 by Twitter. The infringing materials include unauthorized copies of copyrighted photographs, which
25 are owned solely and exclusively by Bayside. Bayside registered the photographs with the United
26 States Copyright Office on November 2, 2020 (Registration No. VA 2-221-602 and Registration
27 No. VA 2-221-604).
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1 Bayside has satisfied the requirements for issuance of a subpoena pursuant to 17 U.S.C. §
2 512(h), namely:

- 3 1. Bayside has submitted a copy of the notifications required by 17 U.S.C. §
- 4 512(c)(3)(A). *See* Allen Decl. ¶ 3, Ex. 1.
- 5 2. Bayside has submitted the proposed Subpoena concurrently herewith. *See* Allen
- 6 Decl. ¶ 5, Ex. 2.
- 7 3. Bayside has submitted a sworn declaration confirming the purpose for which the
- 8 Subpoena is sought is to obtain the identity of the alleged infringer or infringers, and
- 9 that such information will only be used for the purpose of protecting rights under
- 10 Title 17 of the United States Code. *See* Allen Decl. ¶ 4.

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

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15 DATED: November 25, 2020

GLASER WEIL FINK HOWARD
AVCHEN & SHAPIRO LLP

17 By: 

18 ROBERT E. ALLEN
19 Attorneys for Petitioner
20 Bayside Advisory LLC
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