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5 Attorneys for Petitioner
6 Twitter, Inc.
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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
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12

13 IN RE: DMCA SECTION 512(h)
14 SUBPOENA TO GITHUB, INC.

MISCELLANEOUS ACTION NO. 3:23-mc-80090

**DECLARATION OF JULIAN MOORE IN
SUPPORT OF PETITIONER TWITTER, INC.'S
REQUEST FOR ISSUANCE OF SUBPOENA TO
GITHUB, INC. PURSUANT TO 17 U.S.C. §
512(h), TO IDENTIFY ALLEGED
INFRINGER(S)**

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20 **DECLARATION OF JULIAN MOORE**
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22 I, Julian Moore, declare as follows:

23 1. I am Director and Associate General Counsel at Twitter, Inc. (“Twitter”). As part
24 of my duties, I am responsible for monitoring and addressing infringement of copyrights owned by
25 Twitter.

26 2. I am authorized to act on Twitter’s behalf. I submit this declaration in support of
27 Twitter’s request for issuance of a subpoena to GitHub, Inc. (“GitHub”), pursuant to the Digital
28 Millennium Copyright Act (“DMCA”), 17 U.S.C. § 512(h) (the “DMCA Subpoena”). The

1 purpose of Twitter’s DMCA Subpoena is to identify the alleged infringer or infringers who posted
2 Twitter’s source code on systems operated by GitHub without Twitter’s authorization, which
3 postings infringe copyrights held by Twitter (the “Infringing Content”). I have personal
4 knowledge of the facts contained herein and, if called upon to do so, I could and would testify
5 competently thereto.

6 3. On March 24, 2023, I submitted on behalf of Twitter a DMCA notification, via
7 GitHub’s online DMCA notification form (which can be accessed at [Copyright - DMCA](#)
8 [takedown notice - GitHub Support](#)), identifying the Infringing Content on GitHub’s systems and
9 providing the information required by 17 U.S.C. § 512(c)(3)(A). Attached hereto as Exhibit 1 is a
10 true and correct copy of the email reflecting the information I submitted through GitHub’s online
11 form, along with GitHub’s response to the DMCA notification. I was authorized to act on behalf
12 of Twitter in submitting this DMCA notification.

13 4. The purpose for which Twitter’s DMCA Subpoena is sought is to obtain the
14 identity of an alleged infringer or infringers, and such information will only be used for the
15 purpose of protecting Twitter’s rights under title 17 U.S.C. §§ 100, *et seq.*

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

18 Executed on March 24, 2023 at San Francisco, California.


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23 Julian Moore
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EXHIBIT 1



Julian Moore <REDACTED@twitter.com>

[GitHub Support] - DMCA takedown notice

GitHub Developer Support <developer@githubsupport.com>
Reply-To: GitHub Developer Support <developer@githubsupport.com>
To: jm-twtr <REDACTED@twitter.com>

Fri, Mar 24, 2023 at 10:13 AM

Please do not write below this line

Your request has been updated.

You can add a comment by replying to this email.



GitHub Trust & Safety Team (GitHub Support)

Mar 24, 2023, 5:13 PM UTC

Hi jm-twtr,

The following content has been disabled and the owners have been notified of the takedown. We will let you know if any of the users file a counter notice to have the content re-enabled:

<https://github.com/FreeSpeechEnthusiast/PublicSpace>

You have said:

Please preserve and provide copies of any related upload / download / access history (and any contact info, IP addresses, or other session info related to same), and any associated logs related to this repo or any forks thereof, before removing all the infringing content from Github.

We will forward this ticket to a team that will be able to assist you with this ask. Further updates will be communicated in this ticket but in the meantime, please let us know if you have any other questions.

Regards,
GitHub Trust & Safety



GitHub Trust & Safety Team (GitHub Support)

Mar 24, 2023, 4:35 PM UTC

Hello jm-twtr,

Thanks for contacting GitHub Trust & Safety.

We've received your report and will get back to you once our review is complete. In the meantime, please let us know if there is anything else we can help you with.

Regards,
GitHub Trust & Safety



jm-twtr

Mar 24, 2023, 3:49 PM UTC

****Are you the copyright holder or authorized to act on the copyright owner's behalf?***

Yes, I am authorized to act on the copyright owner's behalf.

****Are you submitting a revised DMCA notice after GitHub Trust & Safety requested you make changes to your original notice?***

Yes

****Please provide the Zendesk ticket number of your previously submitted notice. Zendesk ticket numbers are 7 digit ID numbers located in the subject line or body of your confirmation email.*****

2074870

****Does your claim involve content on GitHub or npm.js?***

GitHub

****Please describe the nature of your copyright ownership or authorization to act on the owner's behalf.*****

I am a Director on Twitter's in-house legal team.

****Please provide a detailed description of the original copyrighted work that has allegedly been infringed. If possible, include a URL to where it is posted online.*****

Proprietary source code for Twitter's platform and internal tools.

****What files should be taken down? Please provide URLs for each file, or if the entire repository, the repository's URL.*****

<https://github.com/FreeSpeechEnthusiast/PublicSpace>

****Do you claim to have any technological measures in place to control access to your copyrighted content? Please see our [Complaints about Anti-Circumvention Technology](https://docs.github.com/articles/guide-to-submitting-a-dmca-takedown-notice#complaints-about-anti-circumvention-technology) if you are unsure.*****

No

****[Have](https://docs.github.com/articles/dmca-takedown-policy#b-what-about-forks-or-whats-a-fork) you searched for any forks of the allegedly infringing files or repositories? Each fork is a**

distinct repository and must be identified separately if you believe it is infringing and wish to have it taken down.**

No

**Is the work licensed under an open source license?*

No

**What would be the best solution for the alleged infringement?*

Other Change

Describe the change.

Please preserve and provide copies of any related upload / download / access history (and any contact info, IP addresses, or other session info related to same), and any associated logs related to this repo or any forks thereof, before removing all the infringing content from Github.

Do you have the alleged infringer's contact information? If so, please provide it.

No

I have a good faith belief that use of the copyrighted materials described above on the infringing web pages is not authorized by the copyright owner, or its agent, or the law.

I have taken fair use into consideration.

I swear, under penalty of perjury, that the information in this notification is accurate and that I am the copyright owner, or am authorized to act on behalf of the owner, of an exclusive right that is allegedly infringed.

I have read and understand GitHub's Guide to Submitting a DMCA Takedown Notice.

So that we can get back to you, please provide either your telephone number or physical address.

Attn: Legal, Twitter, [1355 Market St #900, San Francisco, CA 94103](#)

Please type your full legal name below to sign this request.

Julian D. Moore

This email is a service from GitHub Support.

[DL8K8D-YD4O3]