

LANDMARK EDUCATION LLC  
353 SACRAMENTO STREET, SUITE 200  
SAN FRANCISCO, CA 94111  
TELEPHONE 415 9818850  
FACSIMILE 415 616 2431  
WWW.LANDMARKEDUCATION.COM

VIA HAND DELIVERY

C 06

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ORIGINAL  
FOLIO

OCT 19 2006

Internet Archive Copyright Agent  
Internet Archive  
116 Sheridan Avenue  
San Francisco, CA 94129

LandmarkEducation

RICHARD M. WELLS  
CLERK OF SUPERIOR COURT  
NORTH COUNTY DISTRICT OF CALIFORNIA

To Whom It May Concern:

The following is intended to notify Internet Archive of a copyright infringement pursuant to the Digital Millennium Copyright Act of 1998 [17 U.S.C. § 512(c)(3)(A)] ("the Act"). This follows Landmark Education's prior notification of October 6, 2006, and is being re-issued solely for purposes of obtaining a subpoena pursuant to section 512, subsection (h) of the Act, as Internet Archive has already removed the offending videos from the website.

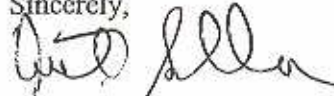
I am the General Counsel of Landmark Education, an international training and development company that delivers personal growth courses in twenty-one countries worldwide. Landmark Education is the owner of the copyright at issue. As General Counsel, I am authorized to act on Landmark Education's behalf.

We write to reiterate our objection to the September 24, 2006 posting on your site of a series of seven videos labeled "Introduction" and "Inside the Landmark Forum" (1 through 6 of 6) posted by "Asatigaire". The videos include portions of Landmark Education's copyrighted and proprietary course entitled "The Landmark Forum." Landmark Education has never authorized - and, in fact, strictly prohibits - the videotaping and public dissemination of the contents of its copyrighted course.

Not only do the videos infringe Landmark Education's registered copyright (TXu 1-120-461), they are replete with libelous statements which are severely damaging to individuals that have been inaccurately portrayed without their consent and to Landmark Education.

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

Sincerely,



Art Schreiber

General Counsel

Landmark Education

Phone: 415-616-2439

e-mail: [art.schreiber@landmarkeducation.net](mailto:art.schreiber@landmarkeducation.net)

Issued by the  
**UNITED STATES DISTRICT COURT**  
 Northern DISTRICT OF California

MMC

Digital Millennium Copyright Act,  
 section 512(h) subpoena to online  
 service provider

**SUBPOENA IN A CIVIL CASE**

v.

Case Number: **C 06 80303-MISC.**

TO: Internet Archive, Internet Archive Copyright Agent  
 116 Sheridan Avenue, San Francisco, CA 94129

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Documents sufficient to allow Landmark Education to identify the infringer "Asatgiaire" who posted videos labeled "Introduction" and "Inside the Landmark Forum" (1 through 6 of 6), as described in the letter of notification in Exh. A.

PLACE Steeffel, Levitt & Weiss, PC One Embarcadero Center, 30th Floor San Francisco, CA 94111-3719	DATE AND TIME October 28, 2006 10:00 AM
---	---

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) GLORIA ACEVEDO	DATE 10-19-06
---	------------------

ISSUING OFFICER'S NAME ADDRESS AND TELEPHONE NUMBER CLERK U.S. DISTRICT COURT 450 GOLDEN GATE AVE., BOX 36060 SAN FRANCISCO, CA 94102
--

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

**PROOF OF SERVICE**

DATE

PLACE

**SERVED**

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on \_\_\_\_\_

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance,

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to

the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or the demanding party to contest the claim.

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) DUTIES IN RESPONDING TO SUBPOENA.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

1 AMY B. BRIGGS (State Bar No. 194028)  
Email: abriggs@steefel.com  
2 ROBERT D. TERRIS (State Bar No. 233395)  
Email: rterris@steefel.com  
3 STEEFEL, LEVITT & WEISS  
A Professional Corporation  
4 One Embarcadero Center, 30th Floor  
San Francisco, CA 94111-3719  
5 Telephone: (415) 788-0900  
Facsimile: (415) 788-2019

6 Attorneys for Landmark Education, LLC

**ORIGINAL  
FILED**

OCT 19 2006

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 DIGITAL MILLENNIUM COPYRIGHT  
12 ACT, SECTION 512(H) SUBPOENA TO  
ONLINE SERVICE PROVIDER,

**C 06 80303-MISC.**

Case No.

**DECLARATION OF ART SCHREIBER IN  
SUPPORT OF LANDMARK EDUCATION,  
LLC'S SUBPOENA**

13 I, Art Schreiber, declare as follows:

14  
15  
16 1. I am an attorney duly licensed to practice law in California, and am general  
17 counsel for Landmark Education, LLC ("Landmark Education"). This declaration is made in  
18 support of Landmark Education's request for issuance of a 17 U.S.C. section 512(h) subpoena  
19 from the United District Court, Northern District of California.

20  
21 2. On September 24, 2006, a series of seven videos labeled "Introduction" and Inside  
22 the Landmark Forum" (1 through 6 of 6) was posted by "Asatgiaire" on the Web. The videos  
23 include portions of Landmark Education's copyrighted and proprietary course entitled "The  
24 Landmark Forum." Landmark Education has never authorized - and, in fact, strictly prohibits -  
25 the videotaping and public dissemination of the contents of its copyrighted course.

26 3. The subpoena Landmark Education seeks will be used only to obtain the identity  
27 of the alleged infringer, and the information will be used only for the purposes of protecting  
28 Landmark Education's copyright.

STEEFEL, LEVITT & WEISS

A PROFESSIONAL CORPORATION  
ONE EMBARCADERO CENTER, 30TH FLOOR · SAN FRANCISCO, CA 94111-3719  
Telephone: (415) 788-0900 · Facsimile: (415) 788-2019

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this 18 day of October, 2006, at

SAN FRANCISCO, CALIFORNIA

  
\_\_\_\_\_  
Art Schreiber

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353 SACRAMENTO STREET, SUITE 200  
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e-mail: [art.schreiber@landmarkeducation.net](mailto:art.schreiber@landmarkeducation.net)

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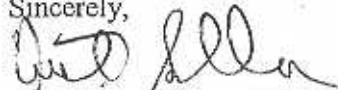
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