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8 Attorney for Plaintiff
 9 IO GROUP, INC.

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN JOSE DIVISION**

11)	
12	IO GROUP, INC., a California corporation,)	CASE NO. C-06-3926 (HRL)
13	Plaintiff,)	DECLARATION OF KEITH RUOFF IN
14)	SUPPORT OF PLAINTIFF'S
15	vs.)	OPPOSITION TO DEFENDANT'S
16)	MOTION FOR SUMMARY JUDGMENT
17	VEOH NETWORKS, Inc., a California)	
18	Corporation,)	
19	Defendant.)	DATE: September 4, 2007
)	TIME: 10:00 a.m.
)	COURTROOM: 2

20 I, KEITH RUOFF, declare:

- 21 1. I am Vice President of Plaintiff in this matter, Io Group, Inc.
- 22 2. Io Group is a small business subject to extensive government regulation due to the
- 23 nature of the content it produces. Because the adult film industry has historically been reluctant to
- 24 protect its creative works, the industry as a whole was ill prepared to face the new challenges that
- 25 arose in the age of the Internet. Even in an era that may be perceived as accepting of erotic
- 26 material, many consumers turn to piracy in order to obtain such material not only freely, but also
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- 28

1 anonymously. Unlike the motion picture and recording industries, the adult entertainment industry
2 has no trade association working collectively to protect creative works from piracy.

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4 3. Recognizing that piracy would have a devastating impact on its business and having no
5 support elsewhere, Io Group several years ago began allotting considerable resources towards anti-
6 piracy measures including, but not limited to, bringing litigation.

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8 4. A majority of the actions plaintiff brings result in uncollectible default judgments. Only
9 a few actions resulted in recoveries greater than the cost of bringing the action. The efforts are
10 designed to deter other would-be infringers, not to generate income.

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12 5. One the elements of Io Group's anti piracy is to strictly control the distribution of its
13 works. Io Group only grants licenses to distribute its content in very limited and very defined
14 circumstances. While Io Group has entered licensing agreements to distribute its works on the
15 Internet, those agreements limit the distribution to the websites of Io Group's licensees. Io has
16 always explicitly prohibited distribution for any other form of Internet distribution. Io Group has
17 never granted permission or authority to anyone to make its works available on www.veoh.com.

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19 6. I have reviewed www.veoh.com including the Terms of Use and Acceptable Use
20 policies at various times. I have never seen any information on the website or in its Terms of Use
21 and Acceptable Use policies informing users that Veoh creates Flash files from the Video files
22 users submit. Nor, have I ever seen any information indicating that Veoh creates still-frame .jpg
23 files from the video files users submit.

24
25 7. On Monday, August 30th, I signed up for a free Yahoo e-mail address using the
26 Pseudonym John Doe. The e-mail address I obtained was FauxUser01@yahoo.com. I then went to
27 www.veoh.com and signed up for a new account using the username FauxUser99 and provided
28

1 the e-mail address FauxUser01@yahoo.com. The entire process took less than ten minutes. I
2 printed various pages during the sign up pages which are attached hereto as Exhibit A.

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5 Pursuant to the laws of the United States, I declare under penalty of perjury the foregoing
6 is true and correct.

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Dated: *August 14, 2007*

/s/ Keith Ruoff

Keith Ruoff

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12 I hereby attest that this is the declaration of Keith Ruoff and the original with Keith
13 Ruoff's holographic signature is on file for production for the Court if so ordered, or for inspection
14 upon request by any party. Pursuant to the laws of the United States, I declare under penalty of
15 perjury the foregoing is true and correct.

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Dated: *August 14, 2007*

/s/ Gill Sperlein

GILL SPERLEIN,

Counsel for Plaintiff Io Group, Inc.