

**EXHIBIT D**  
**13-CV-3124**

**IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS  
SPRINGFIELD DIVISION**

TCYK, LLC,	)	
	)	
Plaintiff,	)	Case No.: 13-cv-03124
	)	
v.	)	
	)	
DOES 1-19,	)	
	)	
Defendants.	)	

**DECLARATION OF DARREN M. GRIFFIN**

1. I, Darren M. Griffin, make this declaration based on my personal knowledge. If called upon to do so, I will testify that the facts stated herein are true and correct.

2. I have been retained by Crystal Bay Corporation (“CBC”), a corporation of South Dakota, as a software consultant in its technical department. CBC provides forensic investigation services to copyright owners.

3. The forensic software used by CBC routinely collects, identifies and records the Internet Protocol (“IP”) addresses in use by those individuals who employ the BitTorrent protocol to share, copy, reproduce and distribute copyrighted works.

4. An IP address is a unique numerical identifier that is automatically assigned to an internet subscriber by the subscriber’s Internet Service Provider (“ISP”). Using logs kept in the ordinary course of business, ISPs maintain records of the IP addresses assigned to their subscribers. Once provided with an IP address, plus the date and time of the detected and documented infringing activity, ISPs can use their subscriber logs to identify the name, address, email address, phone number and Media Access Control number of a user/subscriber.

5. Only the ISP that has assigned a particular IP address for use by a subscriber can correlate that IP address to a specific subscriber. From time to time, a subscriber of internet services may be assigned different IP addresses by their ISP. Thus, to correlate a subscriber to an IP address, the ISP also needs to know when the IP address was used. Unfortunately, many ISPs only retain the information necessary to correlate an IP address to a particular subscriber for a very limited period of time.

6. Plaintiff retained CBC to identify the IP addresses of those BitTorrent users who were copying and distributing Plaintiff's copyrighted movie as identified in Exhibit A (the "Work"). CBC directed me to review, analyze and attest to the results of the investigation.

7. During the performance of my duties as detailed below, I used forensic software provided by CBC to scan peer-to-peer networks for the presence of infringing transactions.

8. After reviewing the evidence logs, I isolated the transactions and the IP addresses of the users responsible for copying and distributing the Work.

9. Through each of the transactions, the computers using the IP addresses identified in Exhibit A transmitted a copy or a part of a copy of a digital media file identified by the hash value set forth in Exhibit A. The IP addresses, hash values, dates and times contained in Exhibit A correctly reflect what is contained in the evidence logs. The subscribers using the IP addresses set forth in Exhibit A were all part of a "swarm" of users who were reproducing, distributing, displaying or performing the copyrighted work identified in Exhibit A.

10. Moreover, the users were sharing the identical copy of the Work. A digital copy of an audiovisual work can be uniquely identified by a unique, coded, string of characters called a "hash checksum." The hash checksum is a string of alphanumeric characters generated by a mathematical algorithm known as U.S. Secure Hash Algorithm 1 or "SHA-1", which was developed by the National Security Agency and published as a U.S. government standard. Using

the hash tag identified in Exhibit A, I confirmed that the users identified as Doe Defendants in Exhibit B to the complaint reproduced and distributed the same copy of the Work.

11. The CBC software analyzed each BitTorrent “piece” distributed by each IP address listed in Exhibit A and verified that reassembling the pieces using a specialized BitTorrent client results in a fully playable digital motion picture.

12. The software uses a geolocation functionality to confirm that all IP addresses of the users set forth in Exhibit A were located in Illinois and, based on information and belief, those users were specifically located in the Central District of Illinois. Although an IP address alone does not reveal the name or contact information of the subscriber, it does reveal the location of the Internet line used for the transaction. IP addresses are distributed to ISPs by public, nonprofit organizations called Regional Internet Registries. These Registries assign blocks of IP addresses to ISPs by geographic region. In the United States, these blocks are assigned and tracked by the American Registry of Internet Numbers. Master tables correlating the IP addresses with local regions are maintained by these organizations in a publicly available and searchable format. The geographic location of an IP address can be further narrowed by cross-referencing this information with secondary sources such as data contributed to commercial databases by ISPs.

13. As set forth in Exhibit A, I have confirmed not only that the users distributed the files in Illinois, but also the specific location (city/town) where the distribution took place.

14. The targeted dates of the swarm in this matter cover a six day period.

15. Torrent swarms can survive over extended periods of time (months or years) and provide users with exactly the same file comprising exactly the same pieces. The term “piece” is a term of art identifying a portion of a particular file. Based on information and belief, torrent swarms for popular files have been known to be available for over 6 years. The initial seeder (of a parent file) uploads the content and then promotes the torrent file through online forums or

websites. Users then have access to the torrent file over the same forums or websites and can join a link to the torrent swarm. Users receive the pieces of the initial seeder and provide those pieces to other users. The transfer occurs piece-by-piece so that the initial pieces from the seeder get passed from one user to the next user.

16. There is no requirement to join an active swarm at a specific date and time. However, a torrent swarm might become smaller after months or years which slows down the process of file sharing activity but still renders the file fully available. A primary factor determining the size of a swarm is the popularity of the product that the file contains (movie, audio, TV series, etc.). For example, a recently released movie can lose popularity within weeks or months, whereas a famous album of a rock band might continue to be popular for several years.

17. In terms of a common nexus of transactions and occurrences, the actions of individuals who downloaded a movie on a particular date in time are connected to the actions of individual who later downloaded the same movie (the same file) as part of the same swarm in at least the following ways:

a. A file with a particular hash value downloaded by an individual over that time period can ultimately be traced to a single parent file (i.e., the actions relate back to the same initial seed of the swarm);

b. The swarm expands over that time period to include additional individuals based on uploading and downloading of pieces of the same file with the same hash value (i.e., the infringement by each individual further advances the series of infringements that began with the initial seed and continued through the actions of other infringers such that all individuals act under the same system); and

c. An individual operating a computer with BitTorrent software left “on” remains a participant of a swarm with respect to any file marked for participation in that swarm (i.e.,

each individual shares pieces that originated from the same (identical) file, and opens their computer to allow others to connect and receive those pieces).

**FURTHER DECLARANT SAYETH NOT.**

**DECLARATION**

PURSUANT TO 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on this 22 day of May, 2013.

By:   
\_\_\_\_\_  
Darren M. Griffin

No	IP Address	GUID	P2PClient
1	67.167.13.162	2D5554333233302D2170F457FEF40BBDF586569A	µTorrent 3.2.3
2	98.222.51.4	2D4241333330302D49709D718D9D5BF8534CC996	-BA3300-
3	98.214.216.77	4D372D382D302D2D697336F92FF66A7419DD4325	BitTorrent 7.8.0
4	71.201.172.20	4D372D342D312D2DF472F14041B58304D6142914	BitTorrent 7.4.1
5	98.227.164.4	2D415A343530342D6D74774B6F66737342485433	Vuze 4.5.0.4
6	50.44.86.167	2D4243303133302D48B68E8F201BD49C9917EA7C	BitComet 1.30
7	24.14.142.220	2D5554333330302D687322F34431B43441155F69	µTorrent 3.3.0
8	68.58.79.138	2D4243303133352D00F5AC744486190A3000374F	BitComet 1.35
9	98.206.187.19	2D5554333330302D687329DF4A3A82B54946B5D9	µTorrent 3.3.0
10	50.141.241.30	2D4241333330302D4970BE8F03339BF6E5979549	-BA3300-
11	98.212.254.14	2D5554333330302D6873D2F351134B3342FCA5DE	µTorrent 3.3.0
12	98.222.61.163	2D554D313832302D5B712C3247D232CA719B1D8F	µTorrent Mac 1.8.2
13	206.71.215.77	2D5554333330302D687301739A01D972EB62D5A1	µTorrent 3.3.0
14	98.253.68.57	2D5554333330302D6873039CF5BF898EF1328923	µTorrent 3.3.0
15	98.215.241.12	2D415A343930302D764A58367057457876584437	Vuze 4.9.0.0
16	98.215.236.10	2D5554333330302D687301A41D55D239DA6F1EC0	µTorrent 3.3.0
17	207.179.231.1	2D5554333233302D2170F04570532371924B3C4E	µTorrent 3.2.3
18	50.76.244.121	2D5554333230302DEE6C6C49F4ED1C1A123196B2	µTorrent 3.2.0
19	98.212.251.15	2D5554333133302D6A6BD6FC6E06C812BA0B9463	µTorrent 3.1.3

HitDateUTC (MM/DD/YY)	DossierNumber	Title	RightsOwner
04/29/2013 11:15:41 PM	S0054-000007820	The Company you keep	VOLTAGE
04/28/2013 06:40:50 PM	S0054-000007970	The Company you keep	VOLTAGE
04/27/2013 11:22:13 PM	S0054-000008046	The Company you keep	VOLTAGE
04/27/2013 04:23:44 AM	S0054-000008102	The Company you keep	VOLTAGE
04/26/2013 08:28:19 PM	S0054-000006336	The Company you keep	VOLTAGE
04/26/2013 07:32:39 PM	S0054-000006346	The Company you keep	VOLTAGE
04/26/2013 05:35:07 AM	S0054-000006440	The Company you keep	VOLTAGE
04/26/2013 05:08:31 AM	S0054-000006446	The Company you keep	VOLTAGE
04/25/2013 11:39:14 PM	S0054-000006508	The Company you keep	VOLTAGE
04/25/2013 12:50:09 PM	S0054-000006582	The Company you keep	VOLTAGE
04/25/2013 12:05:12 AM	S0054-000006660	The Company you keep	VOLTAGE
04/24/2013 01:07:00 PM	S0054-000006746	The Company you keep	VOLTAGE
04/24/2013 02:45:28 AM	S0054-000006836	The Company you keep	VOLTAGE
04/23/2013 08:34:59 PM	S0054-000006924	The Company you keep	VOLTAGE
04/23/2013 07:51:41 PM	S0054-000006930	The Company you keep	VOLTAGE
04/23/2013 06:04:28 PM	S0054-000006944	The Company you keep	VOLTAGE
04/23/2013 04:41:55 PM	S0054-000006968	The Company you keep	VOLTAGE
04/23/2013 01:22:43 PM	S0054-000006998	The Company you keep	VOLTAGE
04/23/2013 03:18:41 AM	S0054-000007060	The Company you keep	VOLTAGE





ISP	Region	city	District	Province
Comcast Cable	Illinois	Quincy	Illinois Central	Adams
Comcast Cable	Illinois	Urbana	Illinois Central	Champaign
Comcast Cable	Illinois	Decatur	Illinois Central	Macon
Comcast Cable	Illinois	Bloomington	Illinois Central	McLean
Comcast Cable	Illinois	Manteno	Illinois Central	Kankakee
Frontier Communications	Illinois	Bloomington	Illinois Central	McLean
Comcast Cable	Illinois	Danville	Illinois Central	Vermilion
Comcast Cable	Illinois	Springfield	Illinois Central	Sangamon
Comcast Cable	Illinois	East Peoria	Illinois Central	Tazewell
Comcast Cable	Illinois	Urbana	Illinois Central	Champaign
Comcast Cable	Illinois	Danville	Illinois Central	Vermilion
Comcast Cable	Illinois	Champaign	Illinois Central	Champaign
Adams NetWorks	Illinois	Golden	Illinois Central	Adams
Comcast Cable	Illinois	Pekin	Illinois Central	Tazewell
Comcast Cable	Illinois	Springfield	Illinois Central	Sangamon
Comcast Cable	Illinois	Springfield	Illinois Central	Sangamon
MTCO Communications	Illinois	Peoria	Illinois Central	Peoria
Comcast Business Communications	Illinois	Peoria	Illinois Central	Peoria
Comcast Cable	Illinois	Danville	Illinois Central	Vermilion

**GRIFFIN EXHIBIT A**

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
No	IP Address	GUID	Client	MD5Hash(VM/DD/YY)	DossierNumber	Title	RightOwner	FileName	FileHash	ISP	Region	City	District	Province
1	67.169.13.162	2D055433330202170F457E1E40B8D5986569A	uTorrent 3.2.3	04/29/2013 11:15:41 PM	5054-00007820	The Company you keep	VOLTAGÉ	The Company You Keep (2012)	SHA1-403FD6FADAB8C84E8F5F3035953058A688D1	Comcast Cable	Illinois	Quincy	Illinois Central	Adams
2	98.222.51.4	2D044333330202097070713D050584834C396	uTorrent 7.8.0	04/26/2013 06:40:50 PM	5054-00007970	The Company you keep	VOLTAGÉ	The Company You Keep (2012)	SHA1-403FD6FADAB8C84E8F5F3035953058A688D1	Comcast Cable	Illinois	Lisiana	Illinois Central	Champaign
3	98.214.216.171	40372D3042020209738F9F6A741D004325	BitTorrent 7.8.1	04/27/2013 11:22:13 PM	5054-00008046	The Company you keep	VOLTAGÉ	The Company You Keep (2012)	SHA1-403FD6FADAB8C84E8F5F3035953058A688D1	Comcast Cable	Illinois	Decatur	Illinois Central	Macon
4	71.201.172.20	40372D3042020209747294404818908046142914	BitTorrent 7.8.1	04/27/2013 04:23:44 AM	5054-00008102	The Company you keep	VOLTAGÉ	The Company You Keep (2012)	SHA1-403FD6FADAB8C84E8F5F3035953058A688D1	Comcast Cable	Illinois	Bloomington	Illinois Central	McLean
5	98.227.164.4	2D04433333020209747488F6675752484513	Vuze 4.5.0.4	04/26/2013 09:28:19 PM	5054-00008336	The Company you keep	VOLTAGÉ	The Company You Keep (2012)	SHA1-403FD6FADAB8C84E8F5F3035953058A688D1	Comcast Cable	Illinois	Manteno	Illinois Central	Kankakee
6	50.44.86.167	2D042433031330208868E8F2018D49C917A7C	BitComet 1.3.0	04/26/2013 07:32:39 PM	5054-00008346	The Company you keep	VOLTAGÉ	The Company You Keep (2012)	SHA1-403FD6FADAB8C84E8F5F3035953058A688D1	Frontier Communications	Illinois	Bloomington	Illinois Central	McLean
7	26.14.142.20	2D055433330202068732F3463184341155749	uTorrent 3.0	04/26/2013 05:35:07 AM	5054-00008440	The Company you keep	VOLTAGÉ	The Company You Keep (2012)	SHA1-403FD6FADAB8C84E8F5F3035953058A688D1	Comcast Cable	Illinois	Danville	Illinois Central	Vermilion
8	68.58.79.159	2D04433333020209747488F6675752484513	BitComet 1.3.5	04/26/2013 05:38:31 AM	5054-00008446	The Company you keep	VOLTAGÉ	The Company You Keep (2012)	SHA1-403FD6FADAB8C84E8F5F3035953058A688D1	Comcast Cable	Illinois	Springfield	Illinois Central	Sangamon
9	98.206.187.12	2D055433330202068732F3463184341155749	uTorrent 3.0	04/25/2013 11:39:14 PM	5054-00008508	The Company you keep	VOLTAGÉ	The Company You Keep (2012)	SHA1-403FD6FADAB8C84E8F5F3035953058A688D1	Comcast Cable	Illinois	East Peoria	Illinois Central	Tazewell
10	50.141.241.30	2D04433333020209747488F6675752484513	uTorrent 3.0	04/25/2013 12:50:09 PM	5054-00008582	The Company you keep	VOLTAGÉ	The Company You Keep (2012)	SHA1-403FD6FADAB8C84E8F5F3035953058A688D1	Comcast Cable	Illinois	Lisiana	Illinois Central	Champaign
11	98.212.254.12	2D055433330202068732F3463184341155749	uTorrent 3.0	04/25/2013 12:05:12 AM	5054-00008660	The Company you keep	VOLTAGÉ	The Company You Keep (2012)	SHA1-403FD6FADAB8C84E8F5F3035953058A688D1	Comcast Cable	Illinois	Danville	Illinois Central	Vermilion
12	98.222.61.162	2D055433330202068732F3463184341155749	uTorrent Mac 1.8.2	04/24/2013 01:07:00 PM	5054-00008746	The Company you keep	VOLTAGÉ	The Company You Keep (2012)	SHA1-403FD6FADAB8C84E8F5F3035953058A688D1	Comcast Cable	Illinois	Champaign	Illinois Central	Champaign
13	206.7.125.72	2D055433330202068732F3463184341155749	uTorrent 3.0	04/24/2013 02:45:28 AM	5054-00008826	The Company you keep	VOLTAGÉ	The Company You Keep (2012)	SHA1-403FD6FADAB8C84E8F5F3035953058A688D1	Adams Networks	Illinois	Golden	Illinois Central	Adams
14	98.203.68.07	2D055433330202068732F3463184341155749	uTorrent 3.0	04/23/2013 08:45:59 PM	5054-00008924	The Company you keep	VOLTAGÉ	The Company You Keep (2012)	SHA1-403FD6FADAB8C84E8F5F3035953058A688D1	Comcast Cable	Illinois	Peoria	Illinois Central	Tazewell
15	98.213.241.12	2D041434330202068732F3463184341155749	Vuze 4.9.0.0	04/23/2013 07:51:41 PM	5054-00008930	The Company you keep	VOLTAGÉ	The Company You Keep (2012)	SHA1-403FD6FADAB8C84E8F5F3035953058A688D1	Comcast Cable	Illinois	Springfield	Illinois Central	Sangamon
16	98.213.236.10	2D055433330202068732F3463184341155749	uTorrent 3.0	04/23/2013 06:04:28 PM	5054-00008944	The Company you keep	VOLTAGÉ	The Company You Keep (2012)	SHA1-403FD6FADAB8C84E8F5F3035953058A688D1	Comcast Cable	Illinois	Springfield	Illinois Central	Sangamon
17	207.179.231.1	2D055433330202068732F3463184341155749	uTorrent 3.2.3	04/23/2013 04:41:55 PM	5054-00008968	The Company you keep	VOLTAGÉ	The Company You Keep (2012)	SHA1-403FD6FADAB8C84E8F5F3035953058A688D1	MTCO Communications	Illinois	Peoria	Illinois Central	Peoria
18	50.76.244.121	2D055433330202068732F3463184341155749	uTorrent 3.2.0	04/23/2013 01:22:43 PM	5054-00008998	The Company you keep	VOLTAGÉ	The Company You Keep (2012)	SHA1-403FD6FADAB8C84E8F5F3035953058A688D1	Comcast Business Communications	Illinois	Peoria	Illinois Central	Peoria
19	98.212.251.11	2D055433330202068732F3463184341155749	uTorrent 3.1.3	04/23/2013 03:18:41 AM	5054-00009260	The Company you keep	VOLTAGÉ	The Company You Keep (2012)	SHA1-403FD6FADAB8C84E8F5F3035953058A688D1	Comcast Cable	Illinois	Danville	Illinois Central	Vermilion