

September 27, 2017

Via E-mail
Confirmation via FedEx

and Bill Frischling

Re: Unauthorized Use of SiriusXM Intellectual Property
Our Ref.: 099908-00002

Dear and Mr. Frischling:

We represent SiriusXM Radio, Inc. (“SiriusXM”).

As you know, SiriusXM provides satellite and internet radio broadcasting services. Programming and content distributed by SiriusXM, including programming and other content broadcast on the Howard Stern channels and archival audio and video programming featuring Howard Stern (individual and collectively, the “Howard Stern Materials”), are copyrighted materials owned or controlled by SiriusXM. Pursuant to U.S. copyright laws, the Howard Stern Materials may not be broadcast, reproduced or distributed by a third party without authorization by SiriusXM.

It has recently come to our attention that you operate a website accessible at www.factba.se (the “Site”), on which there is posted over fifteen hours of recordings of Howard Stern Materials, as well as corresponding transcripts of such recordings. Many of such recordings are also accessible through CantyMedia’s YouTube page and Factbase’s SoundCloud page. As a legal matter, your unauthorized distribution of the Howard Stern Materials (including the corresponding transcripts) through these platforms violates the copyrights therein, and constitutes copyright infringement. Publication and distribution of infringing materials via YouTube and SoundCloud also violates those sites’ policies.

1177 AVENUE OF THE AMERICAS NEW YORK NY 10036-2714 PHONE 212.715.9100 FAX 212.715.8000

990 MARSH ROAD MENLO PARK CA 94025-1949 PHONE 650.752.1700 FAX 650.752.1800

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In light of the above, we must insist that you: (a) immediately remove or disable access to all Howard Stern recordings and transcripts, and any other SiriusXM programming, on the Site, YouTube, SoundCloud, or any other websites, databases, or computer/mobile applications through which you are providing unauthorized access to the Howard Stern Materials or SiriusXM programming; (b) refrain from uploading, broadcasting and/or distributing any Sirius XM programming (including the Howard Stern Materials) in the future; and (c) provide us with written insurances confirming that you have done as requested.

In view of the importance of this matter, we have contacted YouTube and SoundCloud contemporaneous with the sending of this letter, to request that they remove the unauthorized recordings uploaded to your accounts pursuant to their obligations under the Digital Millennium Copyright Act (“DMCA”). Please be aware that these platforms may take adverse actions, such as terminating a user’s accounts, in response to a DMCA notice identifying multiple infringements. It is our understanding that such actions may be avoided by an account holder’s direct and expeditious removal of all such unauthorized recordings.

We appreciate your prompt and cooperative response. For the sake of completion, we note that this letter is not an exhaustive statement of all relevant facts and law, and that SiriusXM expressly reserves all of its legal and equitable rights and remedies, including the right to seek injunctive relief and recover monetary damages.

Very truly yours,