

EXHIBIT 4

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EXPLOROLOGIST LIMITED,)	CASE NO.: 2:07-CV-01848-LP
)	
Plaintiff,)	The Honorable Louis H. Pollak
)	
v.)	
)	
BRIAN SAPIENT a/k/a BRIAN J. CUTLER,)	
)	
Defendant.)	
)	
)	
)	
)	

**DECLARATION OF WILLIAM PATRY IN SUPPORT OF
DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

I, William Patry, an attorney in good standing, duly admitted to practice in the State of New York and the District of Columbia, declares pursuant to 28 U.S.C. §1746, under the penalty of perjury, that the following is true and correct:

1. I am Senior Copyright Counsel to Google Inc., which has, in conjunction with others, submitted an amicus brief in support of Defendant’s motion for summary judgment. I have participated in the drafting of that brief on behalf of Google Inc, and as such, am familiar with the facts and positions asserted in that brief.

2. In the Court’s October 25, 2007 order, reference is made to YouTube, a wholly owned subsidiary of Google Inc., and whether YouTube has computer servers located in the United Kingdom.

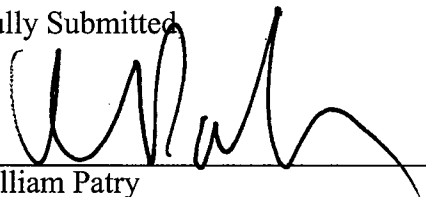
3. Part of my duties as Senior Copyright Counsel to Google Inc. involve advice on issues related to YouTube, advice that requires knowledge of the location of YouTube’s

computer servers. In the course of that advice, I have learned that YouTube does not have computer servers in the United Kingdom. In preparing this affidavit, I have reconfirmed that fact with others within Google Inc. who also have direct, personal knowledge of the location of YouTube's computer servers.

Dated: January 11, 2008

Respectfully Submitted

By:



William Patry
Senior Copyright Counsel
Google Inc.
76 Ninth Avenue
New York, NY 10011
Telephone: (212) 565-4167
Facsimile: (212) 937-2367
wpatry@google.com
Counsel for Amici

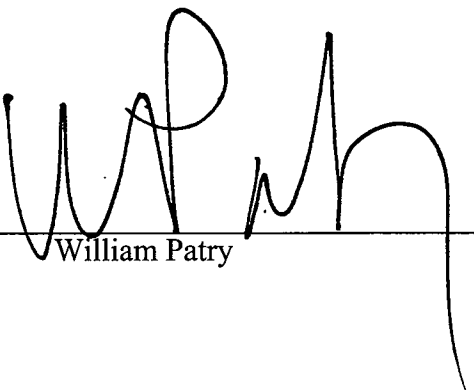
CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2008, a copy of this Declaration was mailed by Federal Express for delivery on January 14, 2008 to the following counsel to the parties.

Samuel W. Silver, Esq.
Schnader Harrison Segal & Lewis LLP
1600 Market Street
Suite 3600
Philadelphia, PA. 19103-7286
Counsel for Defendants

Richard Winelander, Esq.
1005 North Calvert Street
Baltimore, Maryland 21202
Counsel for Plaintiff

By:



William Patry

EXHIBIT 5



Search box with a search icon and a small 'GO' button.

[Back to Teachers Home](#)

Secrets of the Psychics

Program Overview

Can psychics predict the future? Many people seem to think so. Others argue that, in most cases, so-called psychic experiences are really misinterpretations of events. In this episode of NOVA, magician and confirmed skeptic James Randi challenges viewers to weigh the evidence for and against the existence of psychic phenomena.

Randi argues that successful psychics depend on the willingness of their audiences to believe that what they see is the result of psychic powers. The program highlights some of the methods and processes he uses to examine psychics' claims. Using his own expertise in creating deception and illusion, Randi challenges specific psychics' claims by duplicating their performances and "feats," or by applying scientific methods. His goal is to eliminate all possible alternative explanations for the psychic phenomena. He also looks for evidence that they are not merely coincidental. His arguments can motivate your class to discuss the differences between psychic performances and legitimate cases of unexplained phenomena.

TEACHER'S GUIDE

Secrets of the Psychics



Original broadcast:
October 19, 1993

PROGRAM OVERVIEW
VIEWING IDEAS
CLASSROOM ACTIVITY
IDEAS FROM TEACHERS

[NOVA Home](#) | [Teachers Home](#) | [TV Schedule](#) | [E-Mail Bulletin](#) | [Help](#) | [Shop NOVA](#)
[Teacher's Guide by Title](#) | [by Subject](#) | [Transcripts](#) | [Credits](#) | [Site Map](#)
[PBS Teachers](#)

Updated January 2007

**EXHIBIT 6 – DVD (“HUGHES FILM)
NOT FILED ELECTRONICALLY
REQUEST FOR HUGHES FILM AND
ENCLOSURE LETTER FILED
ELECTRONICALLY**



Electronic Frontier Foundation
Protecting Rights and Promoting Freedom on the Electronic Frontier

December 3, 2007

Via Email and US Mail

Richard Winelander, Esq.
The Winelander Law Group
1005 North Calvert Street
Baltimore, MA 21202
rw@rightverdict.com

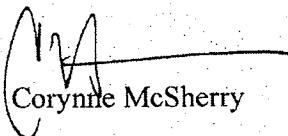
Dear Richard,

As a follow-up to last week's meet and confer, I am writing to share a few additional thoughts regarding initial disclosures and discovery.

First, would you mind including with your disclosures a copy of the footage Mr. Shtrang took at the 1987 Hexagon event (rather than waiting for us to formally request it in discovery), given that it is central document in the case? Of course, we will be happy to reimburse you for any related expenses.

Second, I also wanted to advise you of some of the depositions we expect to notice under Fed. R. Civ. Proc. 30. At a minimum, we expect to depose Mr. Geller, Mr. Shtrang, James Randi and a YouTube representative. Schnader Harrison's offices in Philadelphia should provide a convenient site for the Geller and Shtrang depositions. Assuming you plan to depose Mr. Sapien, you are welcome to use Schnader Harrison's offices for that deposition as well. If you have thoughts on this matter, please let me know in advance of the Rule 16 conference so we can seek Judge Angell's views if necessary.

Best Regards,


Corynne McSherry

RICHARD WINELANDER

Attorney and Counselor at Law

URL: www.rightverdict.com

Telephone: 410-576-7980

Facsimile: 443-378-7503

Toll Free: 1-800-757-2878

1005 North Calvert Street

Baltimore, Maryland 21202-3823

E-mail: rw@rightverdict.com

December 21, 2007


Samuel W. Silver, Esquire
SCHNADER HARRISON SEGAL & LEWIS LLP
1600 Market Street, Suite 3600
Philadelphia, P A 19103-7286

RE: *Explorologist Ltd. v. Brian Sapient*

Dear Mr. ^{*Sam*} Silver:

Pursuant to your request I have enclosed a copy of the Film.

Very truly yours,


Richard Winelander Esq.

Bar admissions:

The Supreme Court of the United States; The United States Court of Appeals for the 3rd, 4th and DC Circuits; The United States Court of International Trade; The United States District Court for The Districts of MD & DC; The Court of Appeals of Maryland and DC

EXHIBIT 7

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

EXPLOROLOGIST LIMITED)	
)	
Plaintiff)	CIVIL ACTION
v.)	
)	No. 2:07-cv-01848-LP
BRIAN SAPIENT)	
aka BRIAN J. CUTLER)	
Defendant)	

PLAINTIFF'S RULE 26 (a) DISCLOSURES

The Plaintiff, EXPLOROLOGIST LIMITED, by and through its attorneys, Richard Winelander, Alan L. Frank and Alan L. Frank Law Associates, P.C., for its disclosures pursuant to Rule 26 (a) (1) of the Federal Rules of Civil Procedure states the following:

A. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION

1. Brian J. Cutler aka John Doe aka Brian Sapiant, 303 Warren Road Hatsboro, PA. 19140
2. Kelly O'Connor aka Kelly LNU, 303 Warren Road Hatsboro, PA. 19140
3. James Randi, 201 S.E. 12th St. (E. Davie Blvd.), Fort Lauderdale, FL 33316-1815
4. Custodian of records, James Randi Educational Foundation, 201 S.E. 12th St. (E. Davie Blvd.), Fort Lauderdale, FL 33316-1815
5. Custodian of records of the Rational Response Squad.
6. Shimshon Shtrang, c/o Explorologist Limited, London, United Kingdom
7. Dr C J Hughes, Woodly, England
8. Custodian of records, WGBH Educational Foundation, One Guest Street, Boston, Massachusetts 02135
9. Custodian of records, YouTube, Inc., 1000 Cherry Ave., San Bruno, CA 94066
10. Custodian of European records, YouTube, Inc., EU Headquarters in Dublin, Ireland

B. DOCUMENTS RELEVANT TO DISPUTED FACTS

1. Digital video clip Defendant uploaded to Youtube.com.*
2. Defendant's March 26, 2007 counter notification to Youtube.com.*
3. Defendant's March 29, 2007 video he uploaded to Youtube.com.*
4. WGBH Educational Foundation copyright documents.* &**
5. Terms of use of YouTube, Inc.*
6. Corporate records of YouTube, Inc. relative to European operations.**
7. Corporate records of YouTube, Inc. relative to any account held by Brian J. Cutler.**
8. Corporate records of YouTube, Inc. relative to any account held Brian Sapiant. **

* Both parties are in possession of these items.

** Will be obtained through discovery.

410.576.7980
Fax: 443.378.7503
and

By: _____/s/
Alan L. Frank Law Associates, P.C.
8380 Old York Road, Suite 410
Elkins Park, PA 19027
afrank@alflaw.net
215.935.1000
Fax: 215.935.1110

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of December 2007, a copy of the foregoing PLAINTIFF'S RULE 26 (a) DISCLOSURES was mailed, postage prepaid to:

Samuel W. Silver, Esquire
Chad Cooper, Esquire
SCHNADER HARRISON SEGAL & LEWIS LLP
1600 Market Street, Suite 3600
Philadelphia, P A 19103-7286

Jason Schultz, Esquire
Marcia Hofmann, Esquire
Electronic Frontier Foundation
454 Shotwell Street
San Francisco, CA 94110

Richard Winelander

* Both parties are in possession of these items.

** Will be obtained through discovery.

EXHIBIT 8

1 Jeffrey M. Vucinich (SBN 67906)

2 jvucinich@clappmoroney.com

3 Clapp, Moroney, Bellagamba
& Vucinich

4 1111 Bayhill Drive, Suite 300

5 San Bruno, CA 94066

6 Telephone: 650.989.5400

7 Facsimile: 650.989.5499

8 Richard Winelander (*pro hac vice*)

9 rw@rightverdict.com

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11 Baltimore Maryland 21202

12 Telephone: 410.576.7980

13 Facsimile: 443.378.7503

14 UNITED STATES DISTRICT COURT
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA

16 JOHN DOE A/K/A BRIAN SAPIENT,

17 Plaintiff,

18 vs.

19 URI GELLER

20 and

21 EXPLOROLOGIST LTD.,

22 Defendants

) Case No.: 3:07-cv-02478 VRW

) MEMORANDUM OF POINTS AND
) AUTHORITIES IN SUPPORT OF
) MOTION TO DISMISS

23 The Defendants, Explorologist, Ltd. and Uri Geller, by and through their attorneys,
24 Richard Winelander and Jeffrey M. Vucinich, respectfully submits this Memorandum of Points
25 and Authorities in support of their Motion to Dismiss filed pursuant to Federal Rules of Civil
26 Procedure 12(b)(1), 12(b)(2), 12(b)(3), 12(b)(6) and 9(b).
27
28

1 Congress tacitly recognized that the statute had no extraterritoriality application in the DMCA
2 counter notification procedures. Those procedures specifically require individuals residing
3 outside of the United States, seeking to file a counter notification in response to a DMCA
4 takedown, to “consent to the jurisdiction of [a] Federal District Court” § 512(g)(3)(D). Had
5 Congress wanted § 512(f) to apply extraterritorially it certainly knew how to require individuals
6 seeking to institute a takedown to consent to the jurisdiction of a Federal District Court.
7

8 Additional support for the non-extraterritorial application under DMCA can be found in
9 the notion that “American courts should be reluctant to enter the bramble bush of ascertaining
10 and applying foreign law without an urgent reason to do so” *Subafilms*, 24 F.3d at 1095, FN10
11 (citing David R. Toraya, Note, Federal Jurisdiction Over Foreign Copyright Actions-An
12 Unsolicited Reply to Professor Nimmer, 70 Cornell L.Rev. 1165 (1985)). This is especially true
13 where, like in this case, there is a great disparity between United States copyright laws and the
14 copyright laws of England and Wales. In the United States, there is an interplay between the
15 fair use defense and first amendment free speech protections. *Eldred v. Ashcroft*, 537 U.S. 186
16 (1993). There is no corresponding First Amendment protection under the copyright laws of
17 England and Wales. Thus, how could a foreign national, in good conscience, be chargeable with
18 knowledge of the intricacies of the United States copyright laws. To hold one to this standard
19 would be contrary to notions of fair play, substantial justice and common sense.
20
21

22 II.

23 THIS COURT LACKS PERSONAL JURISDICTION

24 Fed. R. Civ. P. 12(b)(2)

25 This Court lacks personal jurisdiction over Explorologist, a foreign corporation which
26 does not do business in or own property in the State of California. This Court also lacks
27 personal jurisdiction over Geller, an English resident who is not employed in the State of
28

1 and issues have been filed in two different districts, the second district courts has discretion to
2 transfer, stay, or dismiss the second case in the interest of efficiency and judicial economy. *See*
3 *Cedars-Sinai Medical Center v. Shalala*, 125 F.3d 765, 769 (9th Cir.1997). The Court of
4 Appeals for this Circuit pointed out that this rule, was developed to serve “the purpose of
5 promoting efficiency well and should not be disregarded lightly.” *Church of Scientology v.*
6 *United States Dep't of the Army*, 611 F.2d 738, 750 (9th Cir.1979); *Alltrade, Inc. v. Uniweld*
7 *Products, Inc.*, 946 F.2d 622, 625 (9th Cir.1991). The primary purpose of the “first to file” rule
8 “is to avoid duplicative litigation, and to promote judicial efficiency.” *Barapind v. Reno*, 225
9 F.3d 1100, 1109 (9th Cir.2000) (internal quotations and citations omitted). The *Alltrade* court
10 set forth three prerequisites for application of the first to file rule: (1) chronology of the two
11 actions; (2) similarity of the parties; and (3) similarity of the issues. *Alltrade*, 946 F.2d at 625.

14 The Pennsylvania suit was filed one day before the California suit. (Exhibit 4). Based on
15 pure chronology, the Pennsylvania suit satisfies the “first to file” rule. Explorologist and Sapient
16 are the principal parties to both cases. Finally, the content of the video and its ownership rights
17 are at the core of both suits. The Pennsylvania suit alleges British Copyright Infringement,
18 Commercial Disparagement and Appropriation of Name and Likeness. (Exhibit 5). The
19 California Suit claims Misrepresentation with respect to copyright ownership and seeks
20 Declaratory Relief of Non-Infringement under United States copyright law. Each of these suits
21 revolves around Sapient’s posting of a short film clip featuring Dr. C. J. Hughes on YouTube.
22 (Complaint ¶ 14. Exhibit 5 p. 2, ¶6). The issues in both suits are not only similar, but near
23 identical, meeting the requirement of the “first to file” rule. Clearly under these circumstances,
24 this case should be either dismissed or, in the alternative, transferred and consolidated with the
25
26
27
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1 Complaint survive jurisdictional attacks, that this case should be transferred and consolidated
2 with the suit it filed in Philadelphia under the first to file rule. Fourth, because the Complaint
3 fails to state a claim upon which relief can be based since the complaint fails to aver the facts
4 and circumstances that constitute fraud, as required by Fed. R. Civ. P. 9(b). Fifth, the
5 Complaint fails to state a claim upon which relief can be based. Since the alleged DMCA
6 takedown was based on three-month old affidavit and otherwise failed to comply with the take
7 down requirements of 17 U.S.C. § 512(g); there can be no liability for a DMCA takedown that
8 is not based on a knowing misrepresentation and there can be no liability under 17 U.S.C. §
9 512(f) where statements made in connection with a DMCA takedown are true and made in
10 good faith.
11

12
13 Dated: October 2, 2007

14 /s/

15 Richard Winelander, Esq. (*pro hac vice*)
16 1005 North Calvert Street
17 Baltimore Maryland 21202
18 rw@rightverdict.com
19 Telephone: 410.576.7980
20 Facsimile: 443.378.7503

21 /s/

22 Jeffrey M. Vucinich, Esq. (SBN 67906)
23 jvucinich@clappmoroney.com
24 Clapp, Moroney, Bellagamba
25 & Vucinich
26 1111 Bayhill Drive, Suite 300
27 San Bruno, CA 94066 Telephone:
28 650.989.5400
Facsimile: 650.989.5499

Attorney for Defendants,
Uri Geller and Explorologist, Ltd.

EXHIBIT 9

From: "uri Geller" <uri@urigeller.com>
Subject: RE: [#93788937] http://www.youtube.com/watch?v=K_MkxI6ubaA
Date: Fri, 23 Mar 2007 09:30:52 -0000

Hi Justin,
I faxed the DMCA form.
This clip http://www.youtube.com/watch?v=K_MkxI6ubaA
Was filmed clip was filmed for a BBC TV show in England called Noel's
House Party and no one has the right to use it especially when it is taken out
of context.
This clip <http://www.youtube.com/watch?v=WmG4G6sdGoQ> or
<http://www.youtube.com/watch?v=WmG4G6sdGoQ> is taken out of a recent TV
show we produced in Israel and no one has the right to put it on.

These clip <http://www.youtube.com/watch?v=M9w7jHYriFo> and
<http://www.youtube.com/watch?v=jBQD2uunYYY> was removed by you previously
and was put on right back. In it there are several scenes and photos that the
copy right belong to us. There is an English Dr. who introduces Uri which
is a copyright infringement and some scenes from a documentary we did and the
usage of the Carson clip is without our consent.

So as I said what the use of you removing it when it is put right back the
next day we are running around in circles.

I can approach our US Los Angeles attorneys and go that way but I prefer
not to. I'm sure everyone is watching the lawsuit filed by Viacom against
Google.

Thanks for your help.
Regards,
Shipi

This transmission is intended only for the use of the addressee and may
contain information that is privileged, confidential and exempt from
disclosure under applicable law. If you are not the intended recipient, or
the employee or agent responsible for delivering the message to the
intended recipient, you are hereby notified that any dissemination, distribution or
copying of this communication is strictly prohibited.
If you have received this communication in error, please notify us
immediately via e-mail at uri@urigeller.com
Thank you.

Exhibit 2

EXHIBIT 10

Richard Winelander (*pro hac vice*)
rw@rightverdict.com
1005 North Calvert Street
Baltimore Maryland 21202
Telephone: 410-576-7980
Facsimile: 443-378-7503

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

JOHN DOE A/K/A BRIAN SAPIENT,

Plaintiff,

vs.

URI GELLER

and

EXPLOROLOGIST LTD.,

Defendants

Case No.: C 07 2478 VRW

DECLARATION OF SHIMSHON
SHTRANG IN SUPPORT OF MOTION TO
DISMISS

I, Shimshon Shtrang, declare:

1. I make this declaration under penalty of perjury and could testify competently to the matters set forth herein if called to testify. All matters stated herein are based on my personal knowledge unless specifically noted otherwise.
2. I am an officer of Explorologist Ltd., which is a limited liability company organized and existing under the laws of the England and Wales with offices in London, United Kingdom.
3. The Plaintiff, Brian J. Cutler aka John Doe aka Brian Sapiant (Sapiant) is a resident of Pennsylvania living at the address 303 Warren Road Hatsboro, PA. 19140.
4. Explorologist Ltd., does not own any real property in California.
5. Explorologist Ltd., has never maintained an office anywhere in California.

- 1 6. Explorologist Ltd., has never had any telephone listing or mailing address in California.
- 2 7. Explorologist Ltd., has never had any bank accounts or personal property in California.
- 3 8. Explorologist Ltd., has never directed any advertising specifically targeting California
- 4 residents, nor has it advertised in any publication directed primarily towards California
- 5 residents.
- 6 9. In 1987, I created the film "Dr Hughes", at a public performance which took place at the
- 7 Hexagon in Reading, England at a charity show for the purpose of obtaining funding for the
- 8 purchase of a new scanner for the Royal Berkshire Hospital. This film is protected by
- 9 English Copyright Law.
- 10 10. Upon information and belief Sapient edited then uploaded a portion of a NOVA TV show
- 11 entitled "Secrets of the Psychics" to www.youtube.com November 2006. He renamed it
- 12 "James Randi exposes Uri Geller and Peter Popoff." The film, "Dr Hughes", I created was
- 13 incorporated in to his posting.
- 14 11. After I saw the film, which I created incorporated into the Defendant's posting on YouTube,
- 15 I looked up its terms of use. I discovered the following:
- 16
17 In connection with User Submissions, you further agree that you will not: (i)
- 18 submit material that is copyrighted, protected by trade secret or otherwise subject
- 19 to third party proprietary rights, including privacy and publicity rights, unless you
- 20 are the owner of such rights or have permission from their rightful owner to post
- 21 the material and to grant YouTube all of the license rights granted herein...
- 22
23 Terms of Use §.5.B. User Submissions. I also discovered that prior to uploading you get the
- 24 following warning from YouTube:
- 25
26 Do not upload any TV shows, music videos, music concerts, or commercials
- 27 without permission unless they consist entirely of content you created yourself.
- 28 By clicking "Upload Video," you are representing that this video does not violate
- YouTube's Terms of Use and that you own all copyrights in this video or have
- express permission from all copyright owners to upload it.

1 12. Next I went to Sapient's website. I saw several things there that shocked, angered and
2 repulsed me including a solicitation to children to commit blasphemy by renouncing their
3 faith in god. Next I saw several of Sapient's other YouTube posting including a video clip of
4 a man, by the name of David Mills, in which he picked up dog feces with a bible and wiped it
5 on the face of Jesus. After seeing these things I did not want anything that I created
6 associated with Sapient, his web site or his YouTube postings.
7

8 13. As a result, on March 23, 2007, I faxed a three month old (December 28, 2006) YouTube
9 DCMA form I found in my office, to YouTube. Next I sent an email request to YouTube
10 asking for the posting to be removed. The contents of that e-mail was as follows:
11

12 From: "uri Geller" <uri@urigeller.com>
13 Subject: RE: [#93788937] http://www.youtube.com/watch?v=K_MkxI6ubaA
14 Date: Fri, 23 Mar 2007 09:30:52 -0000

15 Hi Justin,
16 I faxed the DMCA form...

17 These clip <http://www.youtube.com/watch?v=M9w7jHYriFo> and
18 <http://www.youtube.com/watch?v=jBOD2uunYYY> was removed by you previously and
19 was put on right back. In it there are several scenes and photos that the copy right belong
20 to us. There is an English Dr. who introduces Uri which is a copyright infringement and
21 some scenes from a documentary we did and the usage of the Carson clip is without our
22 consent...

23 Thanks for your help.
24 Regards,
25 Shipi

26 14. An accurate copy of the contents of my March 23, 2007, e-mail exchange with YouTube is
27 attached hereto and marked exhibit 2.

28 15. The faxing of the form and the sending of this e-mail was my personal act prompted by what
I saw at Sapient's website. My intent was to assert copyright ownership on behalf of myself

1 and Explorologist Ltd. Additionally I wanted to disclose Sapient's violation of YouTube's
2 terms of use.

3
4 16. I was not asked or directed to do this by anyone.

5 17. My brother-in-law, Uri Geller, had no knowledge of this until I told him later.

6 18. On March 26, 2007, Sapient sent a counter notification to YouTube stating:

7 I am officially counter-notifying per your procedures. The video that you have
8 removed from claimant "Explorologist LTD" is NOT owned by Explorologist.
9 Explorologist is just the front name for a guy named "Uri Geller" who is a
10 professional con man. He has now conned you into believing this video belongs
11 to him, additionally I am not the only one he did this too. He has claimed
ownership of many videos on youtube in the last few days that expose him as a
fraud.

12 I spoke to the man who produced the segment (James Randi) for the Tonight
13 show and Nova on Saturday. He was given permission by Johnny Carson to use
14 the video of Geller however he sees fit many years ago, Johnny Carson and him
15 were close friends (yes Johnny Carson of the tonight show). You can contact
James Randi at: 954-467-1112 or 954-560-1114

16 I would like the video made accessible again. Additionally I'm not sure if it is
17 related, I can only assume it was but my entire account has been suspended. If in
18 fact it was suspended as a result of copyright infringement, please reinstate my
19 account. Also, I would suggest legal proceedings be brought against Uri Geller
(Explorologist LTD) for fraudulently submitting a copyright request. Is that up to
me to put in motion, or is that your responsibility?

20 Under penalty of perjury I choose to willingly make a statement that the material
21 was disabled/removed as a mistake. Additionally, I under penalty of perjury
consent to jurisdiction of federal court.

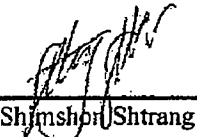
22 Thanks for your attention to this matter,

23 Brian Sapient
24 2821 Glenview Street
Philadelphia, PA. 19149
25 account name: rationalresponse
215-253-3733

26 (consider that a signature under penalty of perjury)

27 I declare under penalty of perjury that the foregoing is true and correct, and that I executed this
28 declaration on July 24, 2007 in London, United Kingdom.

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Shimshon Shtrang

Dated: July 24, 2007