

**Paul D. Polidoro**  
**Associate General Counsel**  
**WATCH TOWER BIBLE AND TRACT**  
**SOCIETY OF PENNSYLVANIA**  
**Legal Department**  
**100 Watchtower Drive**  
**Patterson, NY 12563**  
**Tel: 845-306-1000**  
**Email: [ppolidor@jw.org](mailto:ppolidor@jw.org)**  
**Attorney for Plaintiff**

**UNITED STATES DISTRICT COURT FOR THE**  
**SOUTHERN DISTRICT OF NEW YORK**

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**In Re DMCA Subpoena to Facebook, Inc.** : **Case No.** 7:18-mc-530  
: :  
: **Watch Tower Bible and Tract**  
: **Society’s Request to the Clerk for**  
: **Issuance of Subpoena to Facebook,**  
: **Inc. Pursuant to 17 U.S.C. § 512(h)**  
: **to Identify Alleged Infringers**  
: :  
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Plaintiff, Watch Tower Bible and Tract Society of Pennsylvania (hereinafter “Watch Tower”) through its undersigned counsel of record, hereby requests that the Clerk of this Court issue a subpoena to Facebook, Inc. to identify alleged infringers at issue, pursuant to the Digital Millennium Copyright Act (“DMCA”), 17 U.S.C. § 512(h) (hereinafter the “DMCA Subpoena”). The proposed DMCA Subpoena is attached hereto as **Exhibit A**.

The DMCA Subpoena is directed to Facebook, Inc., the service provider of Instagram, to which the infringing party with the username, “Jwbethelite”, posted content at the URLs:

1. <https://www.instagram.com/p/BXTt-IGgh9N/?taken-by=jwbethelite>
2. <https://www.instagram.com/p/BXEZq54ALTv/?taken-by=jwbethelite>
3. <https://www.instagram.com/p/BW34C9dA-vq/?taken-by=jwbethelite>
4. <https://www.instagram.com/p/BW1SB-gQVB/?taken-by=jwbethelite>
5. <https://www.instagram.com/p/BWvb4HRgmRv/?taken-by=jwbethelite>
6. <https://www.instagram.com/p/BWrOa90gFeN/?taken-by=jwbethelite>
7. <https://www.instagram.com/p/BWIZVluABTI/?taken-by=jwbethelite>
8. <https://www.instagram.com/p/BWjQuSTgVJ-/?taken-by=jwbethelite>
9. <https://www.instagram.com/p/BWeTP6SgPpa/?taken-by=jwbethelite>
10. <https://www.instagram.com/p/BWX54wggOyM/?taken-by=jwbethelite>
11. <https://www.instagram.com/p/BWWVfCSAn2m/?taken-by=jwbethelite>

This content infringes copyrights held by Watch Tower. (See Declaration of Paul D. Polidoro (hereinafter “Polidoro Decl. **Exhibit B**”).

Watch Tower has satisfied the requirements for issuance of a subpoena pursuant to 17 U.S.C. § 512(h), namely:

- (1) Watch Tower has submitted a copy of the notification pursuant to 17 U.S.C. § 512(c)(3)(A) as **Exhibit 1** to the Declaration of Paul D. Polidoro.
- (2) Watch Tower has submitted the proposed DMCA Subpoena attached hereto as **Exhibit A**; and
- (3) Watch Tower, through its counsel of record, has submitted a sworn declaration confirming that the purpose for which the DMCA Subpoena is sought is to obtain the identity of an alleged infringer or infringers, and that such information will only be used for the purpose of protecting Watch Tower’s rights under Title 17 U.S.C. § 512(h)(2).  
*See Polidoro Decl., ¶ 4.*

Having complied with the statutory requirements, Watch Tower respectfully requests that the Clerk expeditiously issue and sign the proposed DMCA

Subpoena pursuant to 17 U.S.C. § 512(h)(4).

Dated: November 15, 2018

/s/ Paul D. Polidoro

Paul D. Polidoro

Associate General Counsel

SDNY Bar No. PP2509

WATCH TOWER BIBLE AND TRACT

SOCIETY OF PENNSYLVANIA

Legal Department

100 Watchtower Drive

Patterson, NY 12563

Telephone: 845-306-1000

Facsimile: 845-306-0709

Attorney for Plaintiff

**EXHIBIT “A”**

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re: DMCA Section 512(h) Subpoena  
To Facebook, Inc.

CIVIL ACTION NO. 7:18-mc-530

**SUBPOENA TO PRODUCE DOCUMENTS OR INFORMATION  
PURSUANT TO 17 U.S.C. § 512(h)**

To: Custodian of Records for: Facebook, Inc., 1601 Willow Road, Menlo Park, California 94025, through its registered agent, Corporation Service Company, 80 State Street Albany, New York 12207-2543

**YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, and electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

All identifying information, including subscriber registration information, the name(s), address(es), telephone number(s), all electronic mail addresses associated with the Instagram user "jwbethelite", and all logs of Internet Protocol addresses including time stamps used to access the subject account or to upload copyrighted works available at the following URLs :

1. <https://www.instagram.com/p/BXTt-IGgh9N/?taken-by=jwbethelite>
2. <https://www.instagram.com/p/BXEZq54ALTv/?taken-by=jwbethelite>
3. <https://www.instagram.com/p/BW34C9dA-vq/?taken-by=jwbethelite>
4. <https://www.instagram.com/p/BW1SB-gQVB/?taken-by=jwbethelite>
5. <https://www.instagram.com/p/BWvb4HRgmRv/?taken-by=jwbethelite>
6. <https://www.instagram.com/p/BWrOa90gFeN/?taken-by=jwbethelite>
7. <https://www.instagram.com/p/BWIZVluABTI/?taken-by=jwbethelite>
8. <https://www.instagram.com/p/BWjQuSTgVJ-/?taken-by=jwbethelite>
9. <https://www.instagram.com/p/BWeTP6SgPpa/?taken-by=jwbethelite>
10. <https://www.instagram.com/p/BWX54wggOyM/?taken-by=jwbethelite>
11. <https://www.instagram.com/p/BWWVfCSAn2m/?taken-by=jwbethelite>

<b>Place:</b> Watch Tower Bible and Tract Society of Pennsylvania Office of General Counsel 100 Watchtower Drive Patterson, NY 12563	<b>Date and Time:</b> 12/28/2018 10:00 am
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The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45©, relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

CLERK OF THE COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

The name, address, e-mail address, and telephone number of the attorney representing, Watch Tower Bible and Tract Society of Pennsylvania, who issues or requests this subpoena is Paul D. Polidoro, Associate General Counsel, Watch Tower Bible Tract Society of Pennsylvania, Legal Department. 100 Watchtower Dr. Patterson, NY 12563, [ppolidor@jw.org](mailto:ppolidor@jw.org), 845-306-1000.

**Notice to the person who issues or requests this subpoena**

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for (name of individual and title, if any) \_\_\_\_\_  
on (date) \_\_\_\_\_.

✓ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_.  
on (date); or \_\_\_\_\_.

✓ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

## Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

### (c) Place of Compliance.

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

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

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

### (e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) *Contempt.*

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

**Paul D. Polidoro**  
**Associate General Counsel**  
**WATCH TOWER BIBLE AND TRACT**  
**SOCIETY OF PENNSYLVANIA**  
**Legal Department**  
**100 Watchtower Drive**  
**Patterson, NY 12563**  
**Tel: 845-306-1000**  
**Email: [ppolidor@jw.org](mailto:ppolidor@jw.org)**  
**Attorney for Plaintiff**

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK**

-----  
**In Re DMCA Subpoena to Facebook, Inc..**

**X Case No. 7:18-mc-530**  
**:**  
**: Declaration of Paul D. Polidoro in**  
**: Support of Watch Tower Bible**  
**: and Tract Society's Request to the**  
**: Clerk for Issuance of Subpoena to**  
**: Facebook, Inc, Pursuant to 17**  
**: U.S.C. § 512(h) to Identify Alleged**  
**: Infringers**  
**X**

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I, Paul D. Polidoro, counsel of record for Petitioner, Watch Tower Bible and Tract Society of Pennsylvania (hereinafter "Watch Tower"), in the above-referenced matter, hereby declare as follows:

1. I am authorized to act on behalf of Watch Tower.
2. I submit this declaration in support of Watch Tower's request for issuance of a subpoena to Facebook, Inc., pursuant to the Digital Millennium Copyright Act (DMCA) 17 U.S.C. § 512(h) (hereinafter "DMCA Subpoena"), to identify the Instagram user(s) and account "jwbethelite."
3. Pursuant to 17 U.S.C. § 512 (c)(3)(A), Watch Tower submitted a notification to Instagram, Inc. a product of Facebook, Inc., identifying the infringing content posted on the their Instagram website and provided the information required by 17



U.S.C. § 512 (c)(3)(A). A true and accurate copy of the submitted notification is attached hereto as **Exhibit 1**.

4. The purpose for which this DMCA Subpoena is sought is to obtain the identity of an alleged infringer and such information will only be used for the purpose of protecting Watch Tower's rights under title 17 U.S.C. §§ 100, *et. seq.*

I declare under penalty of perjury under the laws of the State of New York and United States of America that the foregoing is true and correct. Executed this 15th day of November 2018.



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Paul D. Polidoro  
Associate General Counsel  
SDNY Bar No. PP2509  
WATCH TOWER BIBLE AND TRACT  
SOCIETY OF PENNSYLVANIA  
Legal Department  
100 Watchtower Drive  
Patterson, NY 12563  
Telephone: 845-306-1000  
Facsimile: 845-306-0709  
Attorney for Plaintiff

**EXHIBIT “1”**

**From:** InboXLGLIPG  
**To:** ["ip@instagram.com"](mailto:ip@instagram.com)  
**Subject:** Notice of Infringement by JWbethelite  
**Date:** Wednesday, November 14, 2018 4:47:00 PM

Dear Sir/Madam:

I represent Watch Tower Bible and Tract Society of Pennsylvania (“Watch Tower”). It has come to our attention that you are reproducing and distributing Watch Tower’s intellectual property illegally and without authorization.

Below is the information needed for you to identify the unauthorized display of Watch Tower's intellectual property.

**Description of allegedly infringed work:** My company, organization or client’s work

	Title of Work	Link to Infringing Work on Instagram	Link to Lawful Display of Material on Watch Tower’s Site
1	JW Broadcasting— July 2017	<a href="https://www.instagram.com/p/BXTt-IGgh9N/?taken-by=jwbethelite">https://www.instagram.com/p/BXTt-IGgh9N/?taken-by=jwbethelite</a>	<a href="https://tv.jw.org/#en/mediaitems/StudioMonthly2017/pub-jwb_201707_1_VIDEO">https://tv.jw.org/#en/mediaitems/StudioMonthly2017/pub-jwb_201707_1_VIDEO</a>
2	Worldwide Benefits of Cart Witnessing	<a href="https://www.instagram.com/p/BXEZq54ALV/?taken-by=jwbethelite">https://www.instagram.com/p/BXEZq54ALV/?taken-by=jwbethelite</a>	<a href="https://tv.jw.org/#en/mediaitems/pub-jwb_201707_7_VIDEO">https://tv.jw.org/#en/mediaitems/pub-jwb_201707_7_VIDEO</a>
3	JW Broadcasting— July 2017	<a href="https://www.instagram.com/p/BW34C9dA-vq/?taken-by=jwbethelite">https://www.instagram.com/p/BW34C9dA-vq/?taken-by=jwbethelite</a>	<a href="https://tv.jw.org/#en/mediaitems/StudioMonthly2017/pub-jwb_201707_1_VIDEO">https://tv.jw.org/#en/mediaitems/StudioMonthly2017/pub-jwb_201707_1_VIDEO</a>
4	Thomas Kalimeris: Building That Praises Jehovah	<a href="https://www.instagram.com/p/BW1SB-gQVB/?taken-by=jwbethelite">https://www.instagram.com/p/BW1SB-gQVB/?taken-by=jwbethelite</a>	<a href="https://tv.jw.org/#en/mediaitems/VODIntExpBlessings/pub-jwb_201707_4_VIDEO">https://tv.jw.org/#en/mediaitems/VODIntExpBlessings/pub-jwb_201707_4_VIDEO</a>
5	Thomas Kalimeris: Building That Praises Jehovah	<a href="https://www.instagram.com/p/BWvb4HRgmRv/?taken-by=jwbethelite">https://www.instagram.com/p/BWvb4HRgmRv/?taken-by=jwbethelite</a>	<a href="https://tv.jw.org/#en/mediaitems/pub-jwb_201707_4_VIDEO">https://tv.jw.org/#en/mediaitems/pub-jwb_201707_4_VIDEO</a>
6	Teaching Committee Report	<a href="https://www.instagram.com/p/BWrOa90gFeN/?taken-by=jwbethelite">https://www.instagram.com/p/BWrOa90gFeN/?taken-by=jwbethelite</a>	<a href="https://tv.jw.org/#en/mediaitems/VODActivitiesAVProduction/pub-jwb_201707_13_VIDEO">https://tv.jw.org/#en/mediaitems/VODActivitiesAVProduction/pub-jwb_201707_13_VIDEO</a>
7	Teaching Committee Report	<a href="https://www.instagram.com/p/BWIZVluABTI/?taken-by=jwbethelite">https://www.instagram.com/p/BWIZVluABTI/?taken-by=jwbethelite</a>	<a href="https://tv.jw.org/#en/mediaitems/VODActivitiesAVProduction/pub-jwb_201707_13_VIDEO">https://tv.jw.org/#en/mediaitems/VODActivitiesAVProduction/pub-jwb_201707_13_VIDEO</a>
8	Teaching Committee Report	<a href="https://www.instagram.com/p/BWjQuSTgVJ-/?taken-by=jwbethelite">https://www.instagram.com/p/BWjQuSTgVJ-/?taken-by=jwbethelite</a>	<a href="https://tv.jw.org/#en/mediaitems/VODActivitiesAVProduction/pub-jwb_201707_13_VIDEO">https://tv.jw.org/#en/mediaitems/VODActivitiesAVProduction/pub-jwb_201707_13_VIDEO</a>
9	Teaching Committee Report	<a href="https://www.instagram.com/p/BWeTP6SgPpa/?taken-by=jwbethelite">https://www.instagram.com/p/BWeTP6SgPpa/?taken-by=jwbethelite</a>	<a href="https://tv.jw.org/#en/mediaitems/VODActivitiesAVProduction/pub-jwb_201707_13_VIDEO">https://tv.jw.org/#en/mediaitems/VODActivitiesAVProduction/pub-jwb_201707_13_VIDEO</a>
10	Teaching Committee Report	<a href="https://www.instagram.com/p/BWX54wggOyM/?taken-by=jwbethelite">https://www.instagram.com/p/BWX54wggOyM/?taken-by=jwbethelite</a>	<a href="https://tv.jw.org/#en/mediaitems/VODActivitiesAVProduction/pub-jwb_201707_13_VIDEO">https://tv.jw.org/#en/mediaitems/VODActivitiesAVProduction/pub-jwb_201707_13_VIDEO</a>
11	Anthony Morris III: Organized to Do God’s Will	<a href="https://www.instagram.com/p/BWVWfCSAn2m/?taken-by=jwbethelite">https://www.instagram.com/p/BWVWfCSAn2m/?taken-by=jwbethelite</a>	<a href="https://tv.jw.org/#en/mediaitems/StudioTalks/pub-jwb_201707_2_VIDEO">https://tv.jw.org/#en/mediaitems/StudioTalks/pub-jwb_201707_2_VIDEO</a>

The material(s) include copyright notice(s) indicating Watch Tower’s ownership of the material(s).

We hereby request that you take all steps necessary to immediately remove the infringing materials from your website. Advise us in writing within ten (10) days of the date of this letter whether or not you will take the requested action.

I have a good faith belief that use of the materials in the manner complained of is not authorized by the copyright owner, its agent, or the law.

I hereby state under penalty of perjury that this information is accurate, and that I am authorized to act on behalf of the

owner of the infringed materials.

Sincerely,

*Philip Brumley*

Philip Brumley  
General Counsel

**Intellectual Property Owner:** Watch Tower Bible and Tract Society of Pennsylvania

**Company:** Watch Tower Bible and Tract Society of Pennsylvania

**Address:** 100 Watchtower Drive

**City, State, and Zip:** Patterson, NY 12563

**Name and Title:** Philip Brumley, General Counsel

**Attorney Address:** 100 Watchtower Drive, Patterson, NY 12563

**Email Address:** [InboxLGLCopyright@jw.org](mailto:InboxLGLCopyright@jw.org)

**Telephone:** 845-306-1000