

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 25<sup>th</sup> day of October, two thousand eleven,

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Viacom Int'l, Inc., *et al.*,

*Plaintiffs-Appellants,*

v.

No. 10-3270-cv

YouTube, Inc., *et al.*,

*Defendants-Appellees.*

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Football Ass'n Premiere League Ltd., *et al.*,

*Plaintiffs-Appellants,*

v.

No. 10-3342-cv

YouTube, Inc., *et al.*,

*Defendants-Appellees.*

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The parties are hereby ordered to submit letter briefs, not exceeding ten pages double-spaced, on the following questions: (1) whether and how the red-flag knowledge provision would apply under the Defendants' "specific" knowledge construction of § 512(c)(1)(A); and (2) whether YouTube's "syndication" of videos to third parties falls outside the scope of safe harbor protection for activities that occur "by reason of . . . storage at the direction of a user" under § 512(c)(1).

Defendants shall submit a written response to the above questions no later than Tuesday, November 1, 2011, at 5:00 p.m. Plaintiffs shall submit a consolidated response no later than Tuesday, November 8, 2011, at 5:00 p.m.

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk

  
*Catherine O'Hagan Wolfe*