

**DECLARATION OF NORBERT TÜRBAACH**

**I, NORBERT TÜRBAACH, DO HEREBY DECLARE:**

1. I am over the age of eighteen (18) and otherwise competent to make this declaration. The facts stated in this declaration are based upon my personal knowledge.

2. I am the CEO of Excipio GmbH, a German company. I have personal knowledge of Excipio's business.

3. Excipio is in the business of assisting copyright holders in obtaining copyright intelligence. Excipio researches, documents and archives activity of copyright-protected content distribution by peer-to-peer (P2P) networks. Digital content Excipio has gathered intelligence on includes music, films, software (e.g. computer games and programs) and literary works such as E-Books.

4. Excipio's data collection system has numerous components and computer software. It contains, among other things, a proprietary BitTorrent Client; (2) servers running a MySQL database which logs verified transactions; (3) packet analyzers which create and analyze PCAPs; (4) servers that run Excipio's proprietary BitTorrent Client and record PCAPs; (5) WORM ("Write Once Read Many") tape drives for storing the PCAPs and MySQL server data; (6) a program to synchronize the servers' clocks with both a GPS clock and an atom clock; (7) a proprietary program for checking the MySQL log files against the contents of the PCAPs.

5. Excipio's system took well over two years to develop, program and implement and it is not commercially available. It represents a substantial portion of Excipio's business. As a result, Excipio limits how others may access its system. For example, Excipio only allows its licensees such as IPP International UG ("IPP") to have limited access to the system. Excipio has not provided any other entity including IPP and Malibu Media, LLC ("Malibu") with a copy of its

computer programs and associated source code. Nor is Excipio under any contractual, legal or other obligation to provide a copy of its source code to IPP or Malibu.

6. Excipio has installed firewalls and taken other security measures to maintain the integrity and secrecy of its source code. Excipio's source code cannot easily be independently duplicated, if at all, without incurring substantial time and expense. Only three people have access to the source code. The software is housed in a secure datacenter that may only be accessed after satisfying several security protocols.

7. Excipio considers its system and associated source code a trade secret. Excipio would suffer substantial and irreparable harm if a copy of its source code became publicly available or known.

8. Excipio is a company organized and existing under the laws of Germany.

9. Malibu is not a client of Excipio.

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

Executed on this 14 day of March, 2014.

By: 

NORBERT TÜRBACH  
CHIEF EXECUTIVE OFFICER  
EXCIPIO GmbH

**EXCIPIO**

Karlstr. 49  
76133 Karlsruhe  
Tel.: +49 (721) 354 801 – 00  
E-Mail: info@excipio.de  
Web: www.excipio.de