

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PUERTO 80 PROJECTS, S.L.U.,

Plaintiff,

- v. -

UNITED STATES OF AMERICA AND
DEPARTMENT OF HOMELAND SECURITY,
IMMIGRATION AND CUSTOMS
ENFORCEMENT,

Defendants.

No. 11-CV-3983 (PAC) (FM)

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DECLARATION OF CHRISTOPHER D. FREY IN SUPPORT OF
THE GOVERNMENT'S OPPOSITION TO PUERTO 80'S PETITION
FOR RELEASE OF SEIZED PROPERTY

I, Christopher D. Frey, declare as follows:

1. I am an Assistant United States Attorney in the Office of the United States Attorney for the Southern District of New York, counsel of record for the United States of America and the U.S. Department of Homeland Security, Bureau of Immigration and Customs Enforcement (the "Government") in this matter. I have personal knowledge of the facts contained herein and, if called to testify, could and would competently testify thereto.

2. Beginning on February 11, 2011, and continuing until May 26, 2011, I and certain other Assistant United States Attorneys in the Office of the United States Attorney for the Southern District of New York engaged in substantive discussions with counsel for Puerto 80 Projects, S.L.U. ("Puerto 80") concerning the Government's seizure on or about February 1, 2011 of two domain names, specifically, rojadirecta.com and rojadirecta.org, owned by Puerto 80 (the "Rojadirecta Domain Names").

3. On March 28, 2011, my colleague Assistant United States Attorney David I. Miller and I spoke on the phone with counsel for Puerto 80, namely David Spears, Esq., Ragesh Tangri, Esq., and Johanna Calabria, Esq., about the possible return of the Rojadirecta Domain Names to Puerto 80, among other subjects. In this call, I indicated, among other things, that the Government would consider returning the Rojadirecta Domain Names to Puerto

80 so long as it agreed to remove from the Rojadirecta webpages any content that the Government contends infringes the rights of U.S.-based copyright holders.

4. On April 1, 2011 and again on May 5, 2011, I spoke on the phone with counsel for Puerto 80, namely David Spears, Esq., Ragesh Tangri, Esq., and Johanna Calabria, Esq., about the potential return of the Rojadirecta Domain Names to Puerto 80 and discussed the terms of a possible agreement to facilitate the same, among other subjects.

5. On May 26, 2011, I again spoke with counsel for Puerto 80, namely David Spears, Esq. and Johanna Calabria, Esq., about the terms of a possible agreement to facilitate the return of the Rojadirecta Domain Names to Puerto 80. At that time, I indicated that any agreement that allowed Puerto 80 to host on the Rojadirecta webpages content that infringes the rights of U.S.-based copyright holders was unacceptable to the Government. In response, counsel for Puerto 80 informed me that it could not agree to such an agreement and would therefore be pursuing judicial relief.

6. Attached hereto as Exhibit A is a copy of a screenshot taken of the Rojadirecta website's homepage as it appeared on the Internet on or about January 31, 2011.

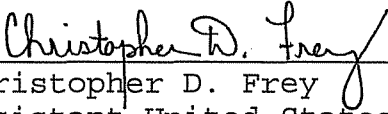
7. Attached hereto as Exhibit B are copies of two take down notices sent on behalf of the National Basketball

Association to the owner and operator of the Rojadirecta website, advising that the website was infringing its valid copyrights. These notices were provided to me by special agents of the U.S. Department of Homeland Security, Immigration and Customs Enforcement.

8. Attached hereto as Exhibit C are copies of certain records I received from Google AdSense concerning an account registered to Igor Seoane Minan, the CEO of Puerto 80.

I declare under penalty of perjury under the laws of the United States of America that the foregoing statements are true and correct.

Dated: New York, New York
July 11, 2011



Christopher D. Frey
Assistant United States Attorney
U.S. Attorney's Office for the
Southern District of New York