

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

REDBOX AUTOMATED RETAIL, LLC )

Plaintiff, )

vs. )

TWENTIETH CENTURY FOX HOME )  
ENTERTAINMENT, LLC )

Defendant. )

Civil Action No. 09-592-RBK

**DECLARATION OF DAVID HOROWITZ IN SUPPORT OF TWENTIETH CENTURY  
FOX HOME ENTERTAINMENT LLC'S MOTION TO TRANSFER VENUE TO THE  
CENTRAL DISTRICT OF CALIFORNIA**

I, David Horowitz, declare as follows:

1. I am an attorney at the law firm of Kirkland & Ellis LLP, counsel for Twentieth Century Fox Home Entertainment LLC ("Fox") in this matter. I submit this declaration in support of Fox's Motion to Transfer Venue to the Central District of California. I have personal knowledge of the facts set forth herein and if called to testify, could testify competently thereto.

2. Attached hereto as **Exhibit 1** is a true and correct copy of a screen capture from Redbox's Welcome to Save Low Cost DVDs website, <http://www.savelowcostdvds.com> (last visited Sept. 29, 2009).

3. Attached hereto as **Exhibit 2** is a true and correct copy of a Redbox press release titled "Paramount Home Entertainment and Redbox Announce Trial License Program" (Aug. 25, 2009), <http://redboxpressroom.com/#> (last visited Sept. 29, 2009).

4. Attached hereto as **Exhibit 3** is a true and correct copy of a Redbox press release titled "*Redbox* and Lionsgate Sign Multi-Year Distribution Agreement" (Aug. 11, 2009),

<http://redboxpressroom.com/#> (last visited Sept. 29, 2009).

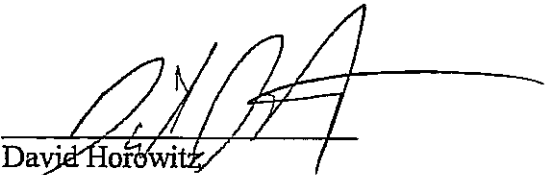
5. Attached hereto as **Exhibit 4** is a true and correct copy of a Redbox press release titled "Sony Pictures Home Entertainment and *Redbox* Announce Distribution Agreement" (July 21, 2009), <http://redboxpressroom.com/#> (last visited Sept. 29, 2009).

6. Attached hereto as **Exhibit 5** is a true and correct copy of a Redbox press release titled "Redbox Puts Customers First" (for immediate release, Aug. 7, 2009), <http://redboxpressroom.com/#> (last visited Sept. 29, 2009).

7. Attached hereto as **Exhibit 6** are true and correct copies of the Judicial Caseload Profiles for the District of Delaware, the Central District of California, and the District of New Jersey for 2008.

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

Executed on this 1st day of October, 2009 in Los Angeles, California.

  
David Horowitz