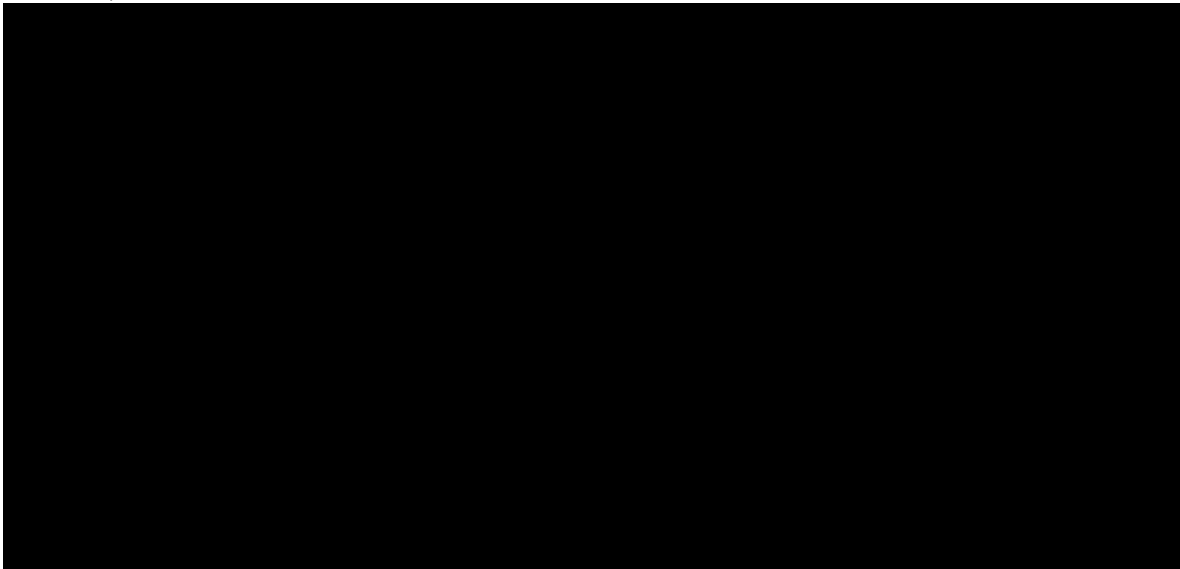


<div class="send">12:14:53 PM maryrosedunton:<pre class="message">oh so can we do a saved search w/ alerts for the copyright cop stuff? I'm thinking we can be pretty ghetto about it and basically use the same stuff we use for subscriptions and repackage it. the only difference they can sign up for email alerts</pre></div>
 <div class="receive">12:14:54 PM mattadoor:<pre class="message">u wear guy jeans?</pre></div>
 <div class="send">12:15:04 PM maryrosedunton:<pre class="message">hah. both actually</pre></div>
 <div class="send">12:15:08 PM maryrosedunton:<pre class="message">I have guys and girls</pre></div>
 <div class="receive">12:15:36 PM mattadoor:<pre class="message">shame the cut isn't universal</pre></div>
 <div class="send">12:15:56 PM maryrosedunton:<pre class="message">I like some guys jeans because they're cut straight</pre></div>
 <div class="receive">12:16:20 PM mattadoor:<pre class="message">you can have whatever you want, but it is just how much time do you guys want to give to these fucking assholes</pre></div>
 <div class="receive">12:16:30 PM mattadoor:<pre class="message">^^</pre></div>
 <div class="send">12:16:55 PM maryrosedunton:<pre class="message">hah. not any time really. </pre></div>
 <div class="receive">12:16:56 PM mattadoor:<pre class="message">I would rather build stuff for people that make our site better</pre></div>
 <div class="receive">12:17:11 PM mattadoor:<pre class="message">I still have to build some stuff for solo</pre></div>
 <div class="send">12:17:22 PM maryrosedunton:<pre class="message">agreed. hrm. well, let me talk to brent and these guys and see how big a deal they think this crap is</pre></div>
 <div class="receive">12:17:25 PM mattadoor:<pre class="message">to help with the indexing</pre></div>
 <div class="send">12:17:27 PM maryrosedunton:<pre class="message">right</pre></div>
 <div class="receive">12:18:40 PM mattadoor:<pre class="message">also there is only going to be a handful of people using this feature</pre></div>

<div class="send">12:18:47 PM maryrosedunton:
<pre class="message">I hope so</pre></div>
<div class="receive">12:18:47 PM mattadoor:
<pre class="message">so why build it well</pre></div>
<div class="send">12:19:10 PM maryrosedunton:
<pre class="message">basically this is all a cya for us. kinda sucks really</pre></div>
<div class="receive">12:20:10 PM mattadoor:
<pre class="message">yeah I know but since we have it, "dyeanu" (in heeb venacular)</pre></div>
<div class="send">12:20:47 PM maryrosedunton:
<pre class="message">wait, what's dyeanu?</pre></div>
<div class="receive">12:21:17 PM mattadoor:
<pre class="message">it is what you say at passover when you read the passage of the
plaques</pre></div>
<div class="receive">12:21:19 PM mattadoor:
<pre class="message">errr</pre></div>
<div class="receive">12:21:26 PM mattadoor:
<pre class="message">plagues </pre></div>
<div class="send">12:21:31 PM maryrosedunton:
<pre class="message">ah</pre></div>
<div class="receive">12:21:41 PM mattadoor:
<pre class="message">u ever do that stuff?</pre></div>
<div class="receive">12:22:06 PM mattadoor:
<pre class="message">you know saved search wouldn't be a bad idea for anyone</pre></div>
<div class="receive">12:22:09 PM mattadoor:
<pre class="message">err</pre></div>
<div class="receive">12:22:10 PM mattadoor:
<pre class="message">everyone</pre></div>
<div class="send">12:22:18 PM maryrosedunton:
<pre class="message">no, we never did any of that stuff</pre></div>
<div class="send">12:22:24 PM maryrosedunton:
<pre class="message">ya, true</pre></div>
<div class="send">12:23:25 PM maryrosedunton:
<pre class="message">oh, users have asked for the saved search stuff. the subscriptions is kinda that
idea I guess</pre></div>
<div class="send">12:24:03 PM maryrosedunton:
<pre class="message">but I would rather be able to see all the search results for my saved
searchs</pre></div>



REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

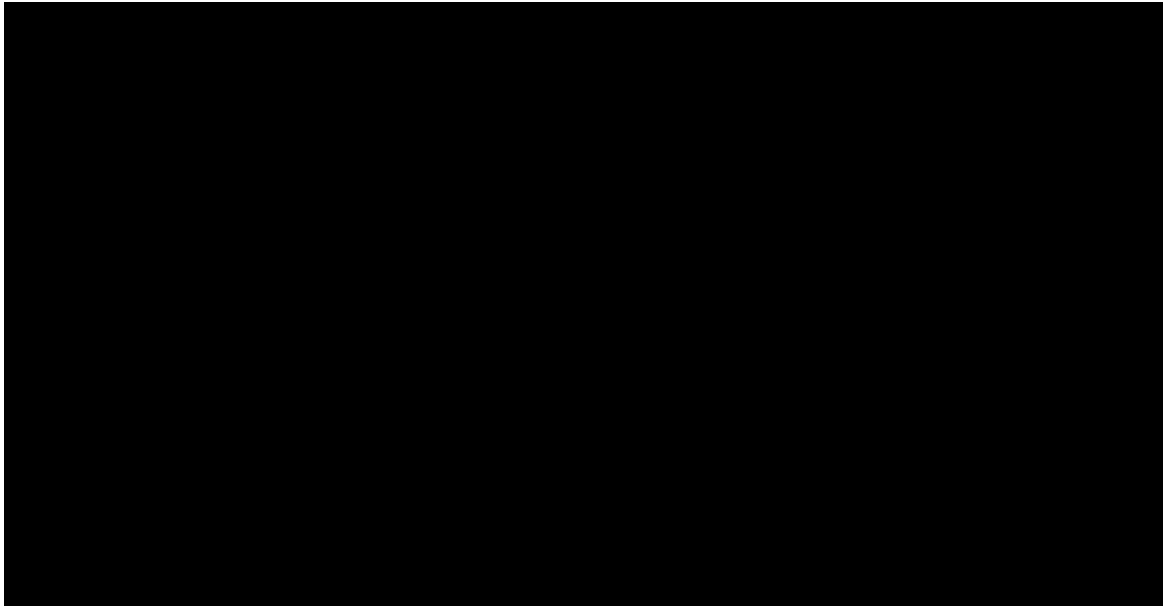
REDACTED

CODED FIELDS:

BEGDOC: GOO001-00829702
 ENDDOC: GOO001-00829718
 BEGATTACH: GOO001-00829702
 ENDATTACH: GOO001-00829718
 RECORDTYPE: E-File
 CUSTODIAN: Dunton_(Maryrose)-GOONDCE000001612
 DATASETID: GOONDCE000001612
 MASTER_DATE: 03/11/2006
 SENTON_DATE_TIME:
 CREATE_DATE_TIME: 03/11/2006:07:47:25
 LASTMOD_DATE_TIME: 03/11/2006:07:47:25
 RECEIVED_DATE_TIME:
 PARENTFOLDER: HAL-SB-0207\1 Customer\Macintosh HD\Users\maryrose\Library\Application Support\Adium 2.0\Users\Default\Logs\AIM.maryrosedunton\mattadoor-GOONDCE000001612
 AUTHOR:
 TO:
 CC:
 BCC:
 SUBJECT_TITLE: mattadoor (2006-03-10).html
 ORIGINALSOURCE:
 NATIVEPATH:
 FILEEXT: html
 FILENAME: mattadoor (2006-03-10).html-GOONDCE000001612
 FILESIZE: 76883
 MD5HASH: b90619442d7f76ff6d8447cada6a9c2a

DATE: 3.22.08
 DEPONENT: DUNTON, MARY ROSE
 EXHIBIT# 22
 CASE: Viacom, et al., v. YouTube, et al., The Football Association Premier League, et al., v. YouTube, et al., Case Nos. 07-CV-2203 and 07-CV-3582
 A. Ignacio Howard, CLR, RPR, CSR No. 9830

REDACTED



11:39:48 AM mattadoor:
u want me to make a complaint for
each on of these?
11:40:53 AM maryrosedunton:
each one of what?
11:41:13 AM mattadoor:
the ones that will be in the email
11:42:02 AM mattadoor:
or is that overkill
11:42:16 AM maryrosedunton:
sorry, what do you mean by a complaint?
11:42:53 AM mattadoor:
when you complain about inappropriate/copyright
stuff on the
website
11:43:02 AM mattadoor:
and you see it in admin_flagged
11:43:06 AM mattadoor:
what is that called?
11:43:07 AM maryrosedunton:
oh duh, right. so, I don't think
we need that
11:43:20 AM maryrosedunton:
because heather and brent will work
directly from the email
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that gets sent to them
11:43:29 AM mattadoor:
ok
11:43:37 AM mattadoor:
it is called a complaint?
11:43:51 AM maryrosedunton:
but, we will want to have some history

of the flagging in case we ever need to go back to it for users that abused the system

11:44:03 AM maryrosedunton:

ya, a complaint

11:44:28 AM mattadoor:

yeah we will have the time they flagged it

11:44:31 AM mattadoor:

and w/e

11:44:38 AM maryrosedunton:

cool

12:04:05 PM maryrosedunton:

hey question, so could we also do something for these guys where they can get email alerts sent to them (either like daily or weekly) whenever a video is uploaded with their designated keyword?

12:04:40 PM mattadoor:

yeah, but

12:04:43 PM mattadoor:

^^

12:05:07 PM mattadoor:

you need to make an interface for them to choose keywords

12:05:25 PM maryrosedunton:

right, and for them to select how often they want to receive alerts

12:05:25 PM mattadoor:

and then have some tool that runs and does that for them

12:05:39 PM mattadoor:

lol u know

12:05:46 PM maryrosedunton:

hrm. i hate this feature. I hate making it easier for these a-holes

12:06:10 PM mattadoor:

this seems like an awful lot of work for people who are following the rules

12:06:14 PM mattadoor:

well

12:06:24 PM mattadoor:

I suppose they are more like "guidelines"

12:06:50 PM maryrosedunton:

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next meeting with the lawyers

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12:08:29 PM maryrosedunton:

ya, we're just trying to cover our asses so we don't get sued. but I would rather build really cool features for the premium guys to make them want to put their stuff on our site themselves

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it is just can we win!

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or right-o as you would say

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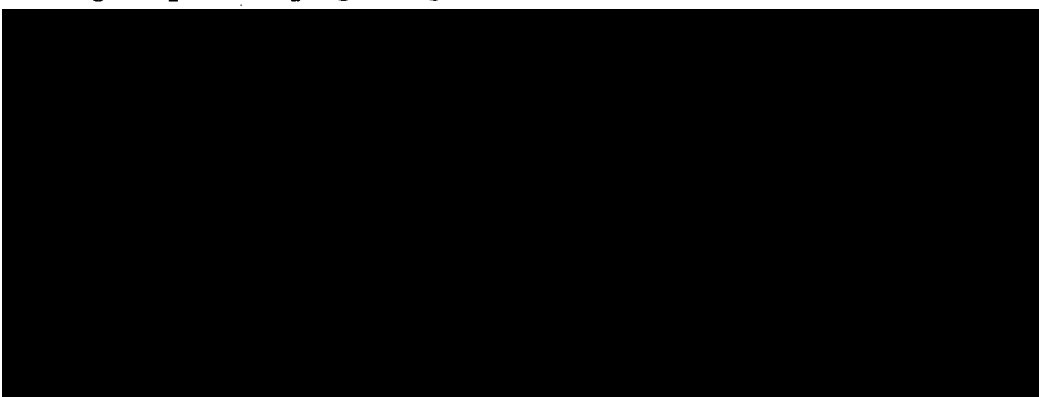
right-o

12:10:27 PM maryrosedunton:

I've been spending to much time sitting by pan

12:10:36 PM maryrosedunton:

I caught myself saying 'oh jeeze'



REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

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REDACTED

REDACTED

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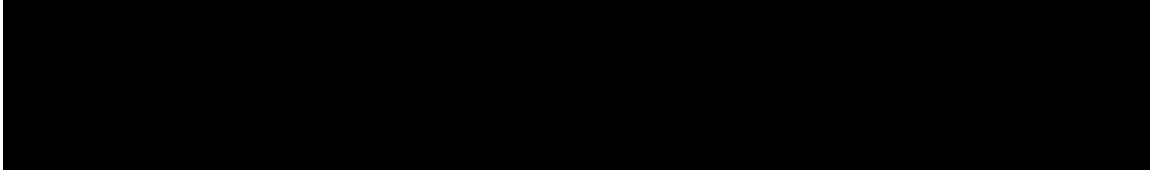
**The following is a true and correct copy of this
instant message conversation as produced by Defendants.**

REDACTED

[REDACTED]

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REDACTED

From: Steve Chen [REDACTED]
Sent: Monday, April 25, 2005 7:57 AM
To: 'Chad Hurley' [REDACTED]
Cc: 'Jawed' [REDACTED]
Subject: RE: give it a try (fwd)

I agree, we should get rid of some of his videos.

It's going to be really important that the first set of videos in there set an example of the videos we'd like to see on our site.

We need chicks videos!

-s

-----Original Message-----

From: Chad Hurley [REDACTED]
Sent: Monday, April 25, 2005 8:48 AM
To: steve [REDACTED]
Cc: Jawed
Subject: Re: give it a try (fwd)

what are the sign up looking like?

and I think we should reject some new videos from BootieChrist... the kid signing is a rip off and the I'm not sure about the South Park one since its copyrighted material.

-chad

On Apr 25, 2005, at 8:13 AM, Steve Chen wrote:

> Alright kids. Let's see how we do today!

>

> On 4/25/05, Jawed [REDACTED] wrote:

>> good tips

>>

>> Jawed

>>

>>

>> Jawed Karim <http://jawed.com/>

>>

>> ----- Forwarded message -----

>> Date: Mon, 25 Apr 2005 02:41:54 -0700

>> From: Rock Meng [REDACTED]

>> To: 'Jawed' [REDACTED]

>> Subject: RE: give it a try

>>

>> I'm not sure how to make it more obvious, but the video is so
 >> distracting that I have noticed my friends who I'm sending the link
 >> do not even realize that the video is connected to a person who's
 >> profile is listed to the left. Also, it's difficult to even tell
 >> that the profiles are changing as you click through and rank the
 >> videos. So what you might want to do is break out the persons handle
 >> or screen name and put it in bold in bigger font at the top of the

DATE: 4-22-09 EXHIBIT# 29
 DEPONENT: HURLEY, C.
 CASE: Viacom, et al., v. YouTube, et al., The Football
 Association Premier League, et al., v. YouTube, et al.,
 Case Nos. 07-CV-2203 and 07-CV-3582
 A. Ignacio Howard, CLR, RPR, CSR No. 9830

>> intro "hi, I'm person x, and 23 year old straight..." to make it a
>> little more obvious that it's a actual persons profile attached to
>> the vidco and all the vidcos belong to diff ppl....just a sugcstion.
>>
>> Also, eventually, you might want to have a more detailed profile
>> questionnaire.
>>
>> And of course, the most important thing....get a lot of videos of hot
>> hot girls, cause that's what really draws ppl in.
>>

>>> -----Original Message-----

>>> From: Jawed [REDACTED]
>>> Sent: Monday, April 25, 2005 12:23 AM
>>> To: Rock Meng
>>> Cc: 'Rishi Kacker'
>>> Subject: RE: give it a try
>>>

>>> ok.. go! :)

>>>

>>>

>>> Jawed

>>>

>>>

>>> Jawed Karim <http://jawed.com/>

>>>

>>> On Sun, 24 Apr 2005, Rock Meng wrote:

>>>

>>>> Jawed,

>>>>

>>>> Should I distribute to my Stanford friends, or should I wait? If
>> you

>>>> have a video of Rishi dancing on there, the traffic will straight
>>>> overload your servers.

>>>>

>>>> -----Original Message-----

>>>> From: Jawed [REDACTED]
>>>> Sent: Sunday, April 24, 2005 2:08 AM
>>>> To: Rishi Kacker; Rock Meng
>>>> Subject: give it a try
>>>>

>>>> <http://www.youtube.com/index.php>

>>>>

>>>> there is zero content. I'm depending on you and your friends!

>>>>

>>>>

>>>> Jawed

>>>>

>>>>

>>>> Jawed Karim <http://jawed.com/>

>>>>

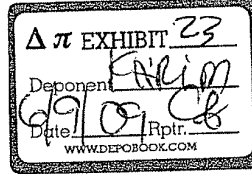
>>>>

>>>>

>>>>

>>>>

From: Steve Chen [REDACTED]
Sent: Wednesday, June 15, 2005 1:34 PM
To: Chad Hurley <chad@youtube.com>
Cc: Karim Jawed [REDACTED]
Subject: Re: committed rss feed icons and links



yes. i can change that.

btw check out -- <http://www.serverbeach.com/catalog/aup.php>

we got a complaint from someone that we were violating their user agreement. i *think* it may be because we're hosting copyrighted content. instead of taking it down -- i'm not about to take down content because our ISP is giving us shit -- we should just investigate moving www.youtube.com.

-s

On Jun 15, 2005, at 2:28 PM, Chad Hurley wrote:

- > check and update these pages:
- >
- > results.php
- > watch.php
- > profile.php
- >
- > make sure it all works right and that the results page can handle
- > multiple tags for the rss.
- >
- > and steve can we change the user's rss feed title to User //
- > username, just like the tag rss Tag // tag
- >
- > -chad
- >

From: Chad Hurley <chad@youtube.com>
Sent: Wednesday, June 15, 2005 3:54 PM
To: Chen Steve [REDACTED]; Karim Jawed [REDACTED]
Subject: user moderation flagging
Attach: Message Text.txt

so, a way to avoid the copyright bastards might be to remove the "No copyrighted or obscene material." line and let the users moderate the videos themselves. legally, this will probably be better for us, as we'll make the case we can review all videos and tell them if they're concerned they have the tools to do it themselves.... like craigslist on top of the page...

<http://www.craigslist.org/pen/off/79065159.html>

please flag with care : [miscategorized] [prohibited] [spam] [discussion] [best of]

or hotornot under the pictures...

Please help keep this site **FUN, CLEAN, and REAL.**
[Click here](#) if the picture above is broken, copyrighted, or inappropriate.

DATE: 4.22.09 EXHIBIT# 1

DEPONENT: Hurley, C

CASE: Viacom, et al., v. YouTube, et al., The Football Association Premier League, et al., v. YouTube, et al., Case Nos. 07-CV-2203 and 07-CV-3582

A. Ignacio Howard, CLR, RPR, CSR No. 9830

From: Jawed <[REDACTED]>
Sent: Monday, June 20, 2005 9:29 PM
To: Chad Hurley <[REDACTED]>; Steve Chen <[REDACTED]>
Subject: Re: how much are we worth

Put another way, I know that when we watch admin.php we're mostly excited by video uploads right now. But I think our focus should shift to user signups.

FACT: most of our visitors will be viewing videos
 FACT: we need users more than we need videos

How can we convert viewers into signups?

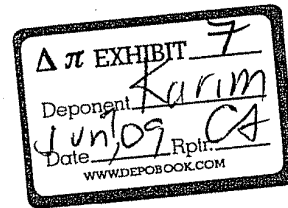
This next push will focus mostly on better viewing, through the "top" lists. In the next push let's think of something that converts these viewing visitors into registrations.

That's why I was saying let's not plan features too far in advance. Just one push at a time and let's see where it takes us.

Thoughts?

Jawed

<http://www.jawed.com/>



On Tue, 21 Jun 2005, Jawed wrote:

- > So Steve,
- >
- > The reason I said that we're not worth \$1 mil right now is because all we
- > have is the product. If I looked at Youtube as an outside investor RIGHT
- > NOW I would see 3 months of effort by 3 people. In salary terms that's
- > less than \$100k. Any company can build Youtube for \$100k in 3 months.
- >
- > Where our value comes in is USERS. If we had 100,000 users THERE IS NO WAY
- > any company could achieve that quickly. 100,000 users becomes even MORE
- > valuable (as does the 3 month figure) if there is a competitor already in
- > the space.
- >
- > So our buy-out value is positively affected by:
- >
- > 1) more Youtube users
- > 2) competing services from Google / Marc Andreessen / etc
- >
- > The only thing that we have control over is users. We must build features
- > that sign up tons of users, and keep them coming back.
- >
- > And I think that's more important than sheer # of videos. Anyone can go
- > out and build a database of 50,000 videos. They're mostly free right? What
- > nobody can do is get that many users easily.
- >
- > It may be obvious, but we should be all about users, users, users, and
- > much more so than about videos!

- >
- > That's why Chad, I would encourage you to make our interface more focused
- > on the USERS and less the VIDEOS. The users have to be the stars of the
- > site...
- >
- > Thoughts?
- >
- >
- > Jawed
- >
- >
- > <http://www.jawed.com/>
- >

From: Jawed <[REDACTED]>
Sent: Monday, June 20, 2005 9:44 PM
To: Chad Hurley <[REDACTED]>; Steve Chen <[REDACTED]>
Subject: Re: FEATURE LIST FOR PUSH 2

99% of visitors DO NOT upload videos, ever.

If we want to sign up lots of users who keep coming back, we have to target the people who will never upload a video in their life.

And those are really valuable because they spend time watching. And if they watch, then it's just like TV, which means lots of value.

Jawed

<http://www.jawed.com/>

On Tue, 21 Jun 2005, Jawed wrote:

> I still think Chad's public/private favorites is a great feature. We
> should do notifications along with it. So we can say:

>
>
>
>

> SIGN UP NOW TO:

- > - add favorites, share favorite lists with friends
- >
- > - get notified of new videos
- > (like 747s? Get notified when a new 747 video is uploaded!)
- >
- >

>
>

> I think people would totally dig this

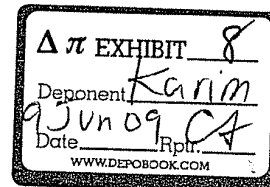
>
>

> Jawed

>
>

> <http://www.jawed.com/>

>
>
>



From: Chad Hurley <chad@youtube.com>
Sent: Sunday, July 10, 2005 9:41 PM
To: Jawed <[REDACTED]>
Cc: Steve Chen <[REDACTED]>
Subject: Re: Chad

ok man,

save your meal money for some lawsuits! ;)

no really, i guess we'll just see what happens.

-chad

On Jul 10, 2005, at 10:36 PM, Jawed wrote:

> http://www.youtube.com/watch?v=E3WqfFI-K_U
 >
 > That is a copyright video, a recording of a news clip.
 >
 > Ordinarily I'd say reject it, but I agree with Steve, let's ease up
 > on our
 > strict policies for now. So let's just leave copyrighted stuff
 > there if
 > it's news clips. I still think we should reject some other (C) things
 > tho...
 >
 > Jawed
 >
 >
 > <http://www.jawed.com/>
 >
 >
 >
 >

DATE: 4.22.09 EXHIBIT# 4
 DEPONENT: Hurley, C
 CASE: Viacom, et al., v. YouTube, et al., The Football
 Association Premier League, et al., v. YouTube, et al.,
 Case Nos. 07-CV-2203 and 07-CV-3582
 A. Ignacio Howard, CLR, RPR, CSR No. 9830

From: Brent Hurley <brent@youtube.com>
Sent: Tuesday, October 11, 2005 1:07 PM
To: Steve Chen <steve@youtube.com>; Chad Hurley <chad@youtube.com>; Jawed Karim <jawed@youtube.com>
Subject: Re: Admin Improvements
Attach: Message Text.txt

Oh, also flag/highlight any video with a runtime >10 minutes, since most of those are copyrighted shows.

On 10/11/05 1:31 PM, "Brent Hurley" <brent@youtube.com> wrote:

I think a few tweaks would really improve the admin for reviewing videos.

Suggested Tweaks:

1. If we reject a video, flag the user who uploaded it so that anytime they upload a new video, we need to approve it before going live. We should also include this 'your account has been flagged' information in the video rejection email notification, along with a reminder that offensive material is neither permitted in the public nor the PRIVATE domain.
2. Flag any video tagged with obscene/offensive language (i.e. F*ck, sex, ass) for review.
3. Flag any video with *hot* tags, such as Family Guy, Angry Kid, etc. (We can add to this *hot* list as needed)
4. When two unique visitors flag a video as inappropriate, immediately remove it from the site for further review.
5. Sort admin so that flagged videos are on top, followed by videos that were uploaded the longest time ago.

Thoughts?

~Brent

DATE: 4-22-09 EXHIBIT# 45
DEPONENT: HURLEY, C.
CASE: Viacom, et al., v. YouTube, et al., The Football Association Premier League, et al., v. YouTube, et al., Case Nos. 07-CV-2203 and 07-CV-3582

A. Ignacio Howard, CSR, RPR, CCRR, CLR, No. 9830

From: Steve Chen [REDACTED]
Sent: Saturday, September 3, 2005 1:03 AM
To: Jawed [REDACTED]
Cc: Chad Hurley <chad@youtube.com>
Subject: Re: copyrighted material!!!

yes, then i agree with you take down whole movies take down entire TV shows take down XXX stuff

everything else keep including sports, commercials, news, etc

keeping it, we improve video uploads, videos viewed, and user registrations by removing it, we may taint our reputation, but, where else are these people going to go to upload personal videos?

-s

On Sep 3, 2005, at 2:00 AM, Jawed wrote

> my suggested policy is really lax though all I'm saying is take down
> whole movies we don't get many of those and we SHOULD take down
> entire TV
> shows, like an entire family guy episode
>
> we've also been taking down clips of TV shows, like family guy we
> should probably continue doing that, otherwise youtube will just
> look like
> a dumping ground for copyrighted stuff if we keep that policy, I
> don't
> think our views will decrease at all
>
> XXX stuff we should never allow at least, not until we have a way to
> separate it via tagging as "R-rated"
>
> Jawed
>
> <http://www.jawed.com/>
>
>
>
> On Sat, 3 Sep 2005, Steve Chen wrote
>
>
>> ya, i know that if remove all that content we go from 100,000 views
>> a day down to about 20,000 views or maybe even lower
>>
>> the copyright infringement stuff i mean, we can presumably claim
>> that we don't know who owns the rights to that video and by
>> uploading, the user is claiming they own that video we're protected
>> by DMCA for that we'll take it down if we get a "cease and desist"
>>
>> what i mean is, potentially, any of this content could be the user's
>> videos maybe it's david sacks uploading a clip/preview of some
>> movie
>>
>> why don't we just remove the XXX stuff for now?

>>
>> -s
>>
>> On Sep 3, 2005, at 1 53 AM, Jawed wrote
>>
>>
>>> well I'd just remove the obviously copyright infringing stuff
>>>
>>> movies and tv shows, I'd get rid of we are not a glorified putfile,
>>> right?
>>>
>>> none of the most favorite videos are movies or tv shows we're ok
>>> cracking
>>> down on this content we'll leave music videos, news clips, and
>>> clips of
>>> comdey shows for now
>>>
>>> I think thats a pretty good policy for now, no?
>>>
>>> Jawed
>>>
>>> <http://www.jawed.com/>
>>>
>>>
>>>
>>> On Sat, 3 Sep 2005, Steve Chen wrote
>>>
>>>
>>>
>>>> i'm thinking it's still okay
>>>>
>>>> what's the difference between big-boys/stupidvideos vs youtube?
>>>> isn't it the community and user aspect?
>>>>
>>>> if you look at the top videos on the site, it's all from this
>>>> type of
>>>> content in a way, if you remove the potential copyright
>>>> infringements, wouldn't you still say these are still "personal"
>>>> videos?
>>>>
>>>> if you define "personal" videos to be videos on your personal hard
>>>> drive that you want to upload and share with people?
>>>>
>>>> anyway, if we do remove that stuff, site traffic and viralty will
>>>> drop to maybe 20% of what it is i think, as people hear about the
>>>> site, a good amount of the materials on the site is still
>>>> personal --
>>>> they'll start recognizing that it's a place to share their own
>>>> personal videos
>>>>
>>>> i'd hate to prematurely attack a problem and end up just losing
>>>> growth due to it
>>>>
>>>> also, doesn't the DMCA cover us from a lot of this, as the guy
>>>> said?
>>>>
>>>> -s
>>>>
>>>> On Sep 3, 2005, at 12 22 AM, Chad Hurley wrote
>>>>

From: Chad Hurley <chad@youtube.com>
Sent: Sunday, July 10, 2005 10:42 AM
To: Steve Chen <[REDACTED]>
Cc: Jawed <[REDACTED]>
Subject: Re: unique visitors

yup, we need views. i'm a little concerned with the recent supreme court ruling on copyrighted material though. perhaps, when we add the video type drop down, we do add "viral videos", so it's easier to take out later if it is a problem.

Video Type:
 -Personal
 -Blog
 -Viral
 -"For Sale"

It would also really give us a chance to customize the fields on upload for each.

???

On Jul 10, 2005, at 4:45 AM, Steve Chen wrote:

> I agree.
 >
 > -s
 >
 > On Jul 9, 2005, at 6:03 PM, Jawed wrote:
 >
 >
 >> Look at their sites, and their ad rates:
 >>
 >> <http://www.logicstart.com/advertising/>
 >>
 >> Guys, I care mostly about how many unique visitors we get.
 >>
 >> Let's do the hotomot thing.. let's allow stupid videos, I'm not
 >> concerned
 >> because I think in the long run, stupid videos will be 1% of our
 >> videos.
 >> But it gets the initial visitors. After a while, they will start
 >> uploading
 >> other interesting clips.
 >>
 >> Jawed
 >>
 >>
 >> <http://www.jawed.com/>
 >>
 >>
 >>
 >>
 >>
 >>

DATE: 4-22-09 EXHIBIT# 34
 DEPONENT: HURLEY, C.
 CASE: Viacom, et al., v. YouTube, et al., The Football
 Association Premier League, et al., v. YouTube, et al.,
 Case Nos. 07-CV-2203 and 07-CV-3582
 A. Ignacio Howard, CLR, RPR, CSR No. 9830

A-163

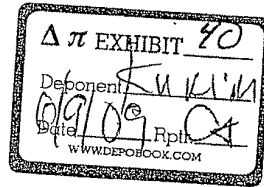
Case 1:07-cv-02103-LLS Document 214-56 Filed 03/18/10 Page 2 of 2

>

From: Steve Chen <steve@youtube.com>
Sent: Tuesday, July 19, 2005 9:49 AM
To: Chad Hurley <chad@youtube.com>
Cc: Karim Jawed <[REDACTED]>; Pan Yu <[REDACTED]>; Solomon Mike <[REDACTED]>
Subject: Re: YouTube - Some ideas from Charles
Attach: Message Text.txt

Alright.

We keep talking about this.



Reasons for not putting up adwords:

1. it doesn't make that much money in the short term
2. our advertising feature is less than a month away
3. we are going to make design changes to get them in. 3 weeks later, we're going to take them out.
4. but most importantly -- people that use google ads really have no other choice, they get a lot of traffic, but they have to do some kind of text ad linking thing to generate revenue. we're in a unique situation with YouTube that we can deliver video ads -- we're one of the few and rare sites that allows for this. let's see where it goes before jumping on the google adwords bandwagon.

In other news, jawed, please stop putting stolen videos on the site. We're going to have a tough time defending the fact that we're not liable for the copyrighted material on the site because we didn't put it up when one of the co-founders is blatantly stealing content from another site and trying to get everyone to see it.

And please, please, please, please, please (I don't know how many times this needs to be said) stop making tweaks to the fucking UI without consulting us. Hi, nice distraction from the video playing when there's blinking text all over the place.

Thank you.

-s

On Jul 19, 2005, at 10:26 AM, Chad Hurley wrote:

some good ideas... that revenue sharing one is one that comes up often when I talk to various people... might be a good idea for us down the road. It's actually how google gets big studios to put up content on google video... but the sharing is 30% for google, 70% for the studio. maybe we could match this or beat it with 25/75? It would be interest and I think would motivate people better than a little cash prize. thoughts?

But the simplest way to start making money, is place some adwords text links on the site. We'll see what happens? Steve? :)

On Jul 19, 2005, at 7:58 AM, Steve Chen wrote:

My friend from Yahoo.

Please read this. Interesting stuff.

Yu Pan, did you know Charles Chariya from IMSA? He was class of '93 or '94. If you know him, what do you think of him?

-s

Begin forwarded message:

From: "Charles Chariya" <[REDACTED]>
Date: July 19, 2005 6:40:19 AM PDT
To: "Steve Chen" <steve@youtube.com>
Subject: RE: YouTube - Some ideas from Charles

Steve,

I took a few minutes last night and jotted down some ideas that might make your overall concept even more compelling. Most aren't completely original, and some may take a lot of work to implement, but I think YouTube could be a huge step in online user generated content.

AD MODEL

Although it's obvious you will have video ads in the stream, I see the monetization opportunity in a few key areas:

(a) the front door - which should have the most traffic - could be exposed to advertisers for take-overs for massive one-day events.

(b) content areas - although you do use tags, I think that a human categorizer would help people navigate more easily thru the massive amounts of available video. Again, takeovers of "Autos" or "College" or even the existing "Most Popular" areas could be easy wins with advertisers.

(c) video area - so obviously, a video ad before the video, but consider breaking up videos (by a professional editor) into 4-5 minute segments to insert additional video ads. Obviously a take on what's done in

network. Also, on the right hand side, I'd suggest using an industry standard Ad Position.

(d) sponsored search results - this may be an easy fall-back, but should be considered, especially if users are doing a lot of search activity.

AD SALES

I assume you're already working towards getting to profitability. I'd pull a team to start selling to the agency and advertising community ASAP. Put them on a 50/50 or higher compensation plan to minimize the burn rate. I suggest senior sellers with connections in the ad community, since the budgets you are tapping will likely be traditional budgets - and a Inside Sales Organization won't really cut it for the long haul.

PRODUCER NETWORK

Ok, so here's the exciting concept: Why not make a profit sharing system for these content producers. A 1-5% rev share on all video ads that are served in the video stream. Some quick math:

Assume a \$5 CPM		
Video Popularity	1k streams	100k st
1mil st		
Revenue	\$5	\$500
\$5k		
Rev Share	\$0.25	\$25
\$250		

Currently video ads run at \$10-15. CPMs for video ads will increase over time, as the market catches up with the supply.

Give users stats on the usage/viewership of the videos they upload. Have "All-Star" producers. Make pages dedicated to the body of art of particular producers. Hire professional/famous producers to create original content. Seek out the content that's already available and give beneficial terms (up to 10% rev share) if it's worthy (star wars movie, independent movie producers, anything else).

So that's my first stab at some major monetization and ads related content. Obviously, I've been working in the space for a while, so

feel
free to lean on me if you have other ideas, if you need a bounce-
board.
I'm in Sunnyvale next week on Tues-Thurs, if you're around
would love to
grab dinner. Obviously, I think there's a lot of potential. Let me
know how you think I can help.

Charles

-----Original Message-----

From: Steve Chen [<mailto:steve@youtube.com>]

Sent: Monday, July 18, 2005 3:40 PM

To: [REDACTED]

Subject: YouTube

Yo Charles --

This is Steve from geno.

Giving you my e-mail address, steve@youtube.com. Talking to
you now.

-s

From: Jawed <[REDACTED]>
Sent: Tuesday, July 19, 2005 11:54 AM
To: Chad Hurley <chad@youtube.com>
Subject: Re: GOAL (fwd)

Ok, Steve apologized for overreacting ;)

Jawed

<http://www.jawed.com/>

----- Forwarded message -----
Date: Tue, 19 Jul 2005 10:26:50 -0700
From: Steve Chen <[REDACTED]>
To: Jawed <[REDACTED]>
Cc: Chad Hurley <chad@youtube.com>
Subject: Re: GOAL

why don't i just put up 20 videos of pornography and obviously copyrighted materials and then link them from the front page.

what were you thinking.

-s

On Jul 19, 2005, at 9:14 AM, Jawed wrote:

> well I was talking about VIEWERS, not views... 21,000.

>

> Jawed

>

>

> <http://www.jawed.com/>

>

>

>

> On Tue, 19 Jul 2005, Steve Chen wrote:

>

>

>> 30000 actually.

>> -s

>>

>> On Jul 18, 2005, at 11:10 PM, Jawed wrote:

>>

>>

>>> Uh read my email below. Today we had 21,000.

>>>

>>>

>>>

>>>

>>>

>>>

>>>

>>>

>>>

>>>

>>>

>>>

>>>

>>>

>>>

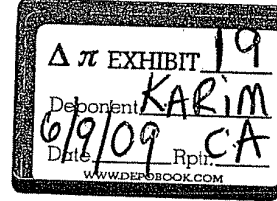
>>>

>>>

>>>

>>> On Sat, 9 Jul 2005, Jawed wrote:

>>>
>>>
>>>
>>>> We have never really put this into precise words or numbers, but I
>>>> would
>>>> like to state our goal right here, for the next 6 months.
>>>>
>>>> REACH 50,000 UNIQUE VIDEO VIEWERS PER DAY.
>>>>
>>>> It took uGoto about 9 months to scale from 0 to 70,000 unique
>>>> visitors per
>>>> day. The thing is, I have no idea what tactics they employed. Did
>>>> they
>>>> advertise? Does eBaumsworld advertise? Does big-boys.com
>>>> advertise? Does
>>>> collegehumor advertise?
>>>>
>>>> Jawed
>>>>
>>>> <http://www.jawed.com/>
>>>>
>>>>
>>>>
>>>>
>>>>
>>>>
>>>>
>>
>>
>>
>



From: Jawed <[REDACTED]>
Sent: Saturday, July 23, 2005 10:36 AM
To: Chad Hurley <chad@youtube.com>
Cc: YouTube Group <[REDACTED]>
Subject: Re: reject?

I say we reject this one, but not the other ones. This one is totally blatant.

Jawed

<http://www.jawed.com/>

On Sat, 23 Jul 2005, Chad Hurley wrote:

> if we reject this, we need to reject all the other copyrighted
 > ones.... should we just develop a flagging system for a future push?

>
 > -chad

>
 >

> On Jul 23, 2005, at 11:26 AM, Jawed wrote:

>
 >> <http://www.youtube.com/watch?v=JibSAAF8zO4>

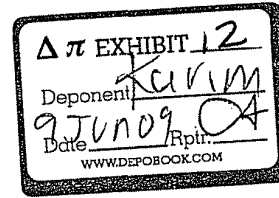
>>
 >> Jawed

>>
 >> <http://www.jawed.com/>

>>
 >>
 >>

>>
 >
 >
 >

From: Steve Chen <steve@youtube.com>
Sent: Friday, July 29, 2005 6:51 AM
To: Chad Hurley <chad@youtube.com>
Cc: YouTube Group <[REDACTED]>
Subject: Re: http://www.filecabi.net/



right, i understand those goals but, at the same time, we have to keep in mind that we need to attract traffic. how much traffic will we get from the personal videos? remember, the only reason why our traffic surged was due to a video of this type.

i'm not really disagreeing with you but i also think we shouldn't be so high & mighty and think we're better than these guys. viral videos will tend to be THOSE type of videos.

-s

On Jul 29, 2005, at 7:45 AM, Chad Hurley wrote:

> hmm, i know they are getting a lot of traffic... but its because
 > they are a stupidvideos.com-type of site. they might make enough
 > money to pay hosing bills, but sites like this and big-boys.com
 > will never go public. I would really like to build something more
 > valuable and more useful... actually build something that people
 > will talk about and changes they way people use video on the internet.

>
>
>

> On Jul 29, 2005, at 1:33 AM, Steve Chen wrote:

>
>

>> haha ya.

>>
>>

>> or something.

>>
>>

>> just something to watch out for. check out their alexa ranking.

>>
>>

>> -s

>>
>>

>> On Jul 29, 2005, at 1:25 AM, Chad Hurley wrote:

>>
>>

>>

>>> hmm, steal the movies?

>>>
>>>

>>>

>>> On Jul 29, 2005, at 1:05 AM, Steve Chen wrote:

>>>
>>>

>>>

>>>

>>>> steal it!

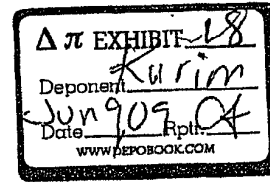
>>>>
>>>>

>>>>

>>>>

A-172

>>>>
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>>>
>>>
>>>
>>>
>>>
>>
>>
>>
>>
>
>



From: Steve Chen <[REDACTED]>
Sent: Wednesday, August 10, 2005 12:27 AM
To: Jawed <[REDACTED]>
Cc: Chad Hurley <chad@youtube.com>; YouTube Group <[REDACTED]>
Subject: Re: monitoring videos

sounds good.

-s

On 8/9/05, Jawed <[REDACTED]> wrote:

- > lets remove stuff like movies/tv shows.
- >
- > lets keep short news clips for now. we can become stricter over time, just
- > not overnight.
- >
- > like the CNN space shuttle clip, I like. we can remove it once we're
- > bigger and better known, but for now that clip is fine.

> Jawed

>

> <http://www.jawed.com/>

>

>

>

> On Tue, 9 Aug 2005, Chad Hurley wrote:

- >
- >> i just don't want to create a bad vibe... and perhaps give the users
- >> or the press something bad to write about, sort of like that last
- >> blog posting ... <http://clintsharp.com/archives/2005/08/09/youtubeb-stealing-your-content/>

>>

>>

>>

>>

>> On Aug 9, 2005, at 3:16 PM, Steve Chen wrote:

>>

- >>> but we should just keep that stuff on the site. i really don't see
- >>> what will happen.

>>>

- >>>> what? someone from cnn sees it? he happens to be someone with
- >>>> power? he happens to want to take it down right away. he gets in
- >>>> touch with cnn legal. 2 weeks later, we get a cease & desist
- >>>> letter. we take the video down.

>>>>

>>>> -s

>>>>

>>>> On Aug 9, 2005, at 2:40 PM, Jawed wrote:

>>>>

>>>>

- >>>>> Steve is changing the most-recent on browse.php to only include
- >>>>> videos
- >>>>> that have been reviewed.

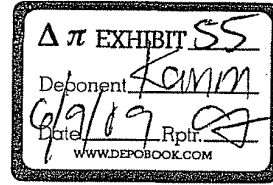
>>>>>

>>>>>

>>>>> Jawed

>>>>>

From: YouTube Service <service@youtube.com>
Sent: Sunday, September 4, 2005 8:35 AM
To: jk1 <[REDACTED]>
Subject: YouTube Message: New York Subway
Attach: Message Text.txt



YouTube Message: New York Subway

Mechaunt has sent you this message at YouTube:

Jawed - You have a lot of people posting Chappelle Show clips and stuff like that. Aren't you guys worried that someone might sue you for copywrite violation like Napster?

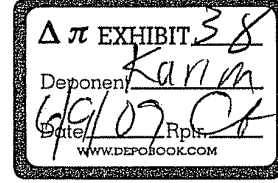
-y

jawed wrote:

>ahaha

To respond, click [here](#).
Thank you for using YouTube,
YouTube Team.

Copyright © 2005 YouTube, LLC™



From: Steve Chen <steve@youtube.com>
Sent: Wednesday, September 7, 2005 12:28 AM
To: Roelof Botha <Botha@sequoiacap.com>
Cc: Chad Hurley <chad@youtube.com>; Jawed <[REDACTED]>
Subject: Re: Racy content
Attach: Message Text.txt

Roelof:

On the dev environment, the first phase of solving this problem is implemented.

I think it's an accepted that in an environment such as YouTube, relying on user-generated content, copyrighted and inappropriate content will find its way onto the site. On the dev environment, we've implemented a flagging system so you can flag videos as being inappropriate or copyrighted. That way, the perception is that we are concerned about this type of material and we're actively monitoring it.

The actual removal of this content will be in varying degrees. We may want to keep some of the borderline content on the site but just remove it from the browse/search pages. That way, you can't find the content easily. Again, similar to Flickr, if you search for the right tags on Flickr, you can find truckloads of adult and copyrighted content. It's just that you can't stumble upon it, you have to be actively searching for it.

-s

On Sep 6, 2005, at 11:18 PM, Roelof Botha wrote:

Hi guys,

I've noticed that are a few recent 'racy' videos (e.g., http://www.youtube.com/?v=TTFPt_Jpks0). Should we create a 'mature' section for this content? Or should we put in the equivalent of a 'safe search' function (just like Google has) so we don't alienate the moms that are uploading videos on the site?

Best,
Roelof

From: Chad Hurley <chad@youtube.com>
Sent: Friday, September 23, 2005 10:27 AM
To: Chen Steve <steve@youtube.com>; Karim Jawed <[REDACTED]>
Subject: flagging change

hey guys,

can we remove the flagging link for "copyrighted" today? we are starting to see some complains for this and basically if we don't remove them we could be held liable for being served a notice. it's actually better if we don't have the link there at all because then the copyright holder is responsible for serving us notice of the material and not the users.

anyways, it would be good if we could remove this asap.

thanks, chad

DATE: 4-22-09
DEPONENT: HURLEY, C. EXHIBIT# 11
CASE: Viacom, et al., v. YouTube, et al., The Football
Association Premier League, et al., v. YouTube, et al.,
Case Nos. 07-CV-2203 and 07-CV-3582
A. Ignacio Howard, CLR, RPR, CSR No. 9830

From: Brent Hurley <brent@youtube.com>
Sent: Tuesday, October 18, 2005 1:58 PM
To: Steve Chen <steve@youtube.com>
Cc: Chad Hurley <chad@youtube.com>; Jawed <[REDACTED]>; Mike Solomon <mike@youtube.com>
Subject: Re: Baker Skateboards
Attach: Message Text.txt

Yes, I rejected all of the videos that were listed in this email yesterday. Looks like the users simply uploaded the videos again today.

**We need to beef up admin. Create a tag watch list, like Family Guy, Baker skateboarding, etc. Also, once we reject a video, flag the user so that we must review all of their new videos before they go live. Otherwise, this will continue to happen. :(

On 10/18/05 2:50 PM, "Steve Chen" <steve@youtube.com> wrote:

brent, did you have a chance to do this?

-s

Begin forwarded message:

From: robin fleming <[REDACTED]>
Date: October 18, 2005 11:57:24 AM PDT
To: Steve Chen <steve@youtube.com>
Subject: Re: Baker Skateboards

there's still over 60% of our video posted on your site. please remove asap.
thanks,
robin

--- Steve Chen <steve@youtube.com> wrote:

robin:

working on removing them shortly.

-s

On Oct 17, 2005, at 4:16 PM, robin fleming wrote:

steve-
since our last e-mail conversation i've found

another

batch of people uploading our latest video

"Baker3"

which we own the copyright to.
please remove all the links listed below or i will
have to send over a cease and desist.
thanks,
robin fleming
baker brand inc.

<http://www.youtube.com/watch?v=ED9Zg7MULQA&search=baker>

<http://www.youtube.com/watch?v=vkVyGpf5qys&search=baker>

<http://www.youtube.com/watch?v=6ul2kADFTmA&search=baker>

<http://www.youtube.com/watch?v=tLnuyrHFtZU&search=baker>

<http://www.youtube.com/watch?v=-2lEXNspSqA&search=baker>

http://www.youtube.com/watch?v=IoHGMqZ2_yY&search=baker

<http://www.youtube.com/watch?v=UgspM29FWMg&search=baker>

<http://www.youtube.com/watch?v=fQXHDX465xM&search=baker>

<http://www.youtube.com/watch?v=jI5pWldV3fY&search=baker>

http://www.youtube.com/watch?v=_EV2KhrmwtU&search=baker

<http://www.youtube.com/watch?v=tFnn3nnkct8&search=baker>

<http://www.youtube.com/watch?v=9ZdgLEWKGBk&search=baker>

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<http://www.youtube.com/watch?v=g0g6dy-ZAZo&search=baker>

http://www.youtube.com/watch?v=RTokj8Op_e8&search=baker

http://www.youtube.com/watch?v=02qFPQ9y_fc&search=baker

<http://www.youtube.com/watch?v=UFh9btkrNOU&search=baker>

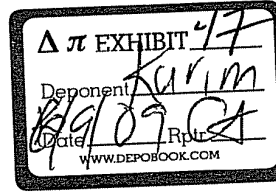
<http://www.youtube.com/watch?v=Cu7w177g68M&search=baker>

Yahoo! Mail - PC Magazine Editors' Choice 2005
<http://mail.yahoo.com>

Start your day with Yahoo! - Make it your home page!
<http://www.yahoo.com/r/hs>

YouTube Ideas
Jawed Karim

3/22/06



Topics:

- Copyrighted content
- 3-strikes policy
- Bringing back tags
- Historical Most Viewed
- Connecting local users
- Personal video portal
- Google Video
- YouTube 1-click video uploading application
- Apple Movie Trailers

Copyrighted content

Although the new 10-minute length restriction serves well to reinforce the official line that YouTube is not in the business of hosting full-length television shows, it probably won't cut down the actual amount of illegal content uploaded since standard 22-minute episodes can still easily be uploaded in parts, and users will continue to upload the "juiciest" bits of television shows. Not all copyrighted content on YouTube should be treated the same:

- As of today episodes and clips of the following well-known shows can still be found: Family Guy, South Park, MTV Cribs, Daily Show, Reno 911, Dave Chapelle. This content is an easy target for critics who claim that copyrighted content is entirely responsible for YouTube's popularity. Although YouTube is not legally required to monitor content (as we have explained in the press) and complies with DMCA takedown requests, we would benefit from *preemptively* removing content that is blatantly illegal and likely to attract criticism. This will help to dispel YouTube's association with Napster (Newsweek: "Is YouTube the Napster of Video?", "Showbiz unsure if YouTube a friend or foe"). Although a more thorough analysis is required, much of this content does not even seem to attract many views.
- Obscure/international copyrighted content (Korean soaps, Anime, ...): Since this "subculture" material is only popular among a small but dedicated group of viewers, it is less likely to result in legal problems in the short run, and keeping it will continue to attract people and demonstrates that YouTube is the best place online to find rare ("long tail") content. Therefore it's best to remove this material following DMCA notices, but not preemptively.

- Copyrighted content that goes viral and obtains far more views on YouTube than it possibly could have at the original source. Examples: Lazy Sunday, Natalie Portman rapping, Autistic basketball player, Tom Cruise on Oprah. Despite the higher legal risk it may be best to let these clips run their course on YouTube until the DMCA notice arrives, because their forced removals have been highly publicized in the media. For many people these events call into question whether the traditional media really “gets it” and this may ignite discussions that could eventually convince traditional media to see YouTube as a distribution partner and not as an enemy.

3-strikes policy

Although users are told in two emails that their accounts will be closed after the third violation, the policy appears to have caught some valuable users (users who attract many other users) by surprise and may have alienated them against YouTube. Some have launched campaigns against YouTube. I think the 3-strikes policy should remain, but we should make it more clear by displaying large warnings on the *website* to the users in question upon login. They don't seem to pay much attention to warnings in emails.

Bringing back tags

Form's usability study found that search is the predominant way users find videos on YouTube. It's fair to assume that users would also use tags (which are very similar to search) if they were more prominently featured and if they were more accurate. From a UI-perspective, tags have remained in the background since our launch. Another problem is that many users enter useless tags during video upload.

The accuracy of the Related Videos window drives the number of videos viewed on the site. Because the Related Videos results depend entirely on the tags that the (often clueless) video uploader entered, we should A) make video owners aware of the relationship between their tags and Related Videos and B) offer them tools to pick better tags.

Two features that can help users tweak the Related Videos window that is displayed on their own videos:

- Display an initially empty Related Videos window on the video upload page (`my_videos_upload`) and on the video edit page (`my_videos_edit`). As the user types tags into the “Tags:” HTML form, the Related Videos page is automatically updated in real-time and filled with the related videos that would be displayed for the tags that the user has entered so far. This is similar to Google Suggest (“As you type, Google will offer suggestions.”). See <http://www.google.com/webhp?complete=1>
- Sometimes videos only make sense in the context in which they relate to a previous video. Examples: commentary or follow-up videos about another video,

or spoofs/parodies of an original video. In those cases the original video should definitely appear in the Related Videos window, or otherwise the video being viewed does not make sense. However, due to poorly chosen tags the original video often does not appear there. The video author should be able to pick another specific video on YouTube that will then be “forced” to appear as the first video in the Related Videos window. (This could be hacked on top of current functionality with a hidden randomly generated unique tag.)

The “Recent Tags:” field (which has existed since launch) may not be an optimal use of front-page real estate. It would be more relevant and interesting to have a “Top Tags” field instead that only shows the tags of the most popular videos from the previous 24 hours.

We could also store searches entered by users and feature the most popular recent searches, after filtering out the dirty ones.

Historical Most Viewed

Many users use the Most Viewed (Today) page to quickly find the newest most entertaining clips. The page only shows videos uploaded in the last two days to keep the content fresh.

The most popular videos of all time can always be found on the Most Viewed (All Time) page, but the videos that were only popular for a few days are lost in a sea of millions of videos once they drop off the Today list. Examples: Scary Maze, Four-legged robotic mule, Breakup.

User activity is the best metric for finding good content. The “best” videos are those with the most views/comments. One way to increase views is to help users find the best videos. Users should be able to browse the “Most Viewed (Today)” page as it appeared on any previous day in the past. (The same applies to “This Week” for any previous week, etc). Note that these pages are static: Once a page is generated for a given time period it will never have to be re-generated, so this feature does not put additional strain on the database.

Connecting local users

Like MySpace and other social networking sites have done, YouTube should let people find other local users to strengthen the sense of community. Since we now collect location information during signup, we can add user search functionality:

Browse Users Advanced

Browse For: Women Men Both

between ages: 18 and 35

who are: Single Married Dating Relationships Friends Divorced Swinger Networking In a Relationship

located within: Country: United States Postal Code: Any miles of (US, Canada, or UK only)

and are here for: photos: Show only users who have photos Show name and photo only

3000 people in your network met the search criteria.

1 2 3 4 5 >> 75 Next >

alice Kim Loreal Roshelle Leah

MySpace's user search

Also interesting:

- Search for videos recorded within X miles of a location. ("Show me all videos recorded in Palo Alto")
- See most popular videos by location. ("Show me videos that are popular among users in Los Angeles")

Personal video portal

Much of MySpace's success is due to its members' ability to customize profiles. Although YouTube Profiles are now somewhat customizable, this ability is missing from the user's Video page (profile_videos). Video owners should have more control over this page, so that they can create a "personal video portal". This includes the ability to:

- Change the order of videos shown
- Change layout and color scheme
- Directly embed some videos into the page (using embeddable player)
- Organize videos into albums (may be able to use Playlists)

In the future YouTube could provide video owners with detailed viewing statistics about each video, such as breakdown of viewers by country, gender, and age. These metrics would be especially interesting and valuable to paying commercial content providers who use YouTube as a distribution platform.

Google Video

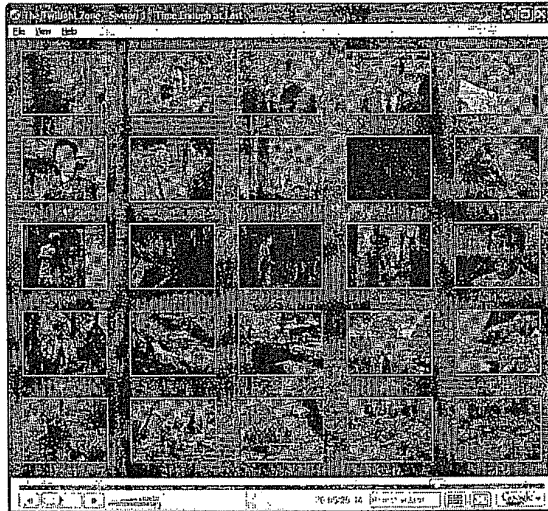
Google's sparse interface lacks community features and is optimized for purchasing music videos, TV shows, and full-length movies. The checkout process is fairly smooth, going from a 30-second preview to payment and download:

The screenshot shows a Google Video player for the video "The Twilight Zone - Season 1 - Time Enough at Last". The video is from CBS Cayuga Productions, Inc. and is 25 minutes 14 seconds long, dated Jan 16, 2006. A purchase overlay is displayed on the right side of the player, including a "Create a new Google Account" prompt, a password creation form, and a payment section for a MasterCard. The payment details include a total of \$1.99 and a "Confirm purchase" button. The video player interface includes a play button, a progress bar, and a list of thumbnails for other videos in the series.

Google Video Player notable features

The Google Video Player can be used to watch any video on Google Video, and must be used to watch paid content. Every video watched is automatically downloaded and saved for future access to My Documents\My Videos\Google Videos.

- Resizable video, can watch at any size including full screen mode
- Paid video content encoding: 480x360, 800 kbps video, 128 kbps audio
- Quick navigation through scene selection thumbnails:



Google Results Page notable features

- Can play all search result videos back-to-back with one click
- Can play search result videos within thumbnail view (each thumbnail is actually a small embedded player)

Search result sort/display methods

- Sort by Price: For Sale / Free
- Sort by Length: Long / Medium / Short
- Display mode: Matrix / Detailed list

Google Watch Page notable features

Flash player

- Google Flash stream: 320x240, 430 kbps video, 64 kbps audio (YouTube Flash stream: 320x240, 300 kbps video, 64 kbps audio)
- User can skip video beyond what is buffered
- User can switch from windowed to full screen mode and back while playing without interrupting video position

Most videos are downloadable in formats:

- MPEG-4
- Google Video Player (.gvp) This is a pointer file that simply contains the full video content's URL. Upon opening this file in Google Video Player, the corresponding .gpi file (the video data) is shown while being downloaded and saved in the background.

Google Video upload process

The upload process is cumbersome at best and is optimized for very large uploads, not casual user-generated content. After uploading, it can take several days for the content to be reviewed, before it appears on the site.

Uploading videos requires using the Google Video Uploader application. Possible advantages of using an application instead of a web interface are:

- There is no maximum upload file size. HTTP uploads are limited by the maximum POST content-length specified in the web server.
- Uploads of large files can be resumed if interrupted in the middle.
- User sees reliable feedback of upload progress.

YouTube 1-click video uploading application

Most of the above advantages of using the Google Video Uploader currently do not apply to YouTube. However, I have noticed that more people are using YouTube videos as a messaging medium. That is, the purpose of their videos is to talk to other YouTube members. For such videos the current upload process is cumbersome and has a high overhead because it requires many steps. Especially for non-tech-savvy members there would be advantages to having an application that integrates video capture and uploading all into a one-click process. Since building such a product internally is a development headache it would be worthwhile to investigate whether we could contract out the development of such an application if it is deemed useful.

Apple Movie Trailers

Apple Movie Trailers is pushing the envelope for freely available online video clips. They are encoded at 1920x1080, H.264 10 mbps, and the average 2 min trailer is 150 MB. This is too large to stream in real-time on most broadband connections, but it will be possible soon, with Comcast already offering 6 mbps connections.

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FILE: JK00010387_MVI_0922.avi
SIZE: 24737992
DATE: 8/11/2005
VIDEO_LENGTH: 0:00:38
TIME: 19:40
EXTENSION: avi
SYSTEM_NOTES: Microsoft Audio Video Interleaved file for Windows movie
OPEN_WITH: WINDOWS

Transcription of JK00010387_MVI_0922.avi

CHAD HURLEY: He sat there for a minute. Like, it was like dead silent. So were just like He was just kind of looking at the screen --

STEVE CHEN: He was like, so basically --

JAWED KARIM: He was pretty impressed.

CHEN: Right -- it's like anywhere on the Internet you have a little TV set in front of you.

HURLEY: That you can control and, you know, basically up serve ads. And the whole relevant thing with like, tags, and you know what that what that viewer has seen before, or watched, actually. It's pretty compelling.

KARIM: So if we got them involved, at what point would we tell them our dirty little secret, which is that we actually just want to sell out quickly?

CHEN: Are you filming?

KARIM: No.

HURLEY: You're going to have to erase this file.

KARIM: It won't be released until after the acquisition.



BET Networks > Famous Music > MTV Networks > Paramount Pictures

Michael D. Fricklas
Executive Vice President
General Counsel and Secretary

February 2, 2007

David Drummond
Senior Vice President, Corporate Development

Kent Walker
Vice President and General Counsel

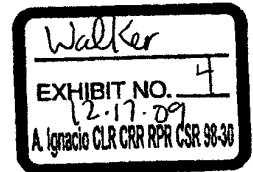
Google, Inc.
1600 Amphitheatre Parkway
Mountain View, California 94043

Dear Dave and Kent:

Today, Viacom has sent YouTube take down notices relating to more than 100,000 additional videos on the YouTube site with more than 1.1 billion views of our copyrighted programming. While Viacom is interested in authorizing certain of its content to be made available on the YouTube site, we are unable to do so until we reach appropriate licensing arrangements. As our companies have unfortunately not been able to reach such a deal, we are compelled to insist that it be removed.

I am writing now to advise you that although Viacom expects YouTube to comply promptly with these take down notices, we do not believe that such compliance alone will fully discharge YouTube's responsibilities with respect to our copyrighted content. As you know, YouTube has a continuing, affirmative obligation to prevent copyright infringement on its site and to rectify infringements that do occur, whether or not it has received a specific notice of infringement from a rights holder.

As YouTube is well aware, the takedown notices we have provided relate only the portion of our copyrighted content that we were able to find residing on the YouTube site. There is certainly more, and there is new copyrighted content that undoubtedly will be posted immediately after the takedown. We expect YouTube to take at least the following steps to prevent further infringements of our copyrighted works:



- In addition to the specific content identified in the takedown notices, take down all instances of the copyrighted programming identified in today's take down notices, whether or not the particular file has been specifically identified in an individual notice. In other words, differing excerpts and full length copies of each of the works identified in a notice must be taken down immediately.
- Take prompt steps to prevent further uploads of any unauthorized excerpts or full copies of the works identified in today's notices.
- Work with Viacom on a continuing basis to monitor the YouTube site for additional unauthorized copies of our copyrighted works as we identify them to you from time to time and implement the same prevention and takedown programs with respect to such works.
- Notify users who have posted clips that are being taken down that their postings violate the copyright laws and YouTube's Terms of Use.
- Implement a program of terminating the user accounts of YouTube users who repeatedly infringe copyrights after receiving notice that they are in violation of the law and YouTube's Terms of Use.

We understand that YouTube has taken the position that it has no obligation to implement measures to prevent or reduce the rampant infringement on its site, other than to delete or block access to specific infringing videos identified in notices provided by a rights holder. We understand that in asserting this position, YouTube claims to qualify under the provision of the Digital Millennium Copyright Act (17 U.S.C. §512) which provides for such a "notice and take down" process in some situations. Leaving aside the fact that YouTube's practices are not sufficient even for a provider that does qualify under §512, YouTube plainly does not qualify under that provision, based on the nature of its site and its activities in connection therewith.

YouTube has an affirmative duty to actively police its site and develop a reasonable program to prevent the massive infringement that is now taking place, irrespective of whether it has received individualized notifications of infringement on the site. Moreover, copyright owners such as Viacom who do provide notifications of infringement, need only identify *representative* copyrighted works that are infringed and provide information *reasonably* sufficient to allow YouTube to identify the infringing material.

Even where §512 applies, the legislative history of that provision makes abundantly clear that the service provider has the responsibility to use that

information to find and block access to all of the infringing content identified in this manner by the rights holder. See H. Rep. 105-551(II), at 55; S. Rep. 105-190, at 46 ("Where multiple works at a single on-line site are covered by a single notification, a representative list of such works at that site is sufficient.") Accordingly, even if YouTube were a §512 service provider, the notifications provided with this letter (along with all prior notifications Viacom has provided to YouTube) require YouTube to remove all infringing Viacom copyrighted content that can reasonably be identified based on the representative lists provided thus far.

While we expect YouTube to comply promptly with the program described above, we also understand that YouTube intends to implement filtering techniques through AudibleMagic and more advanced techniques. We are interested in working with you to eliminate unnecessary burden and increase the effectiveness of the program. We believe it would be beneficial for our companies to collaborate in the following areas, among others:

- A meeting of our respective chief technology officers to discuss our mutual plans regarding automated solutions to identify infringing content and to electronically tag authorized content;
- The populating of databases of hashes and other identifying material to facilitate YouTube's enforcement program;
- Discussion of ways that information in YouTube's control could be used to detect and prevent infringing conduct, such as identifying search terms that are likely to return infringing content or whose use should alert YouTube to possible infringement and strategies to identify and deal with users who persistently violate the copyright laws and YouTube's Terms of Use.

We are sorry that we have been unable to come to an agreement and look forward to speaking with you promptly about the issues discussed in this letter.

Very truly yours,



Michael D. Fricklas

DHL: Prepare a shipment: Print waybill





Page 1 of 1

Description:	Weight: Letter Date: 2007-02-02 DHL standard terms and conditions apply.	PHMH 1N	2LJUS94040		MAYBILL: 19932205252 (Non-Negotiable)		FM: VACOM C. Krausen 1515 BROADWAY NEW YORK, NY 10036 UNITED STATES Phone: 212-258-6904	To: GOOGLE, INC. KENT WALKER 1680 AMPHITHEATRE PARKWAY MOUNTAIN VIEW, CA 94040 UNITED STATES	POST CODE: 94040	Sender's ref: Z008913	ORIGIN: JRA	Pieces: 1/1		NAS

Please fold or cut in half
DO NOT PHOTOCOPY
 Using a photocopy could delay the delivery of your package and will result in additional shipping charge
 For Tracking, please go to www.dhl-usa.com or call 1-800-225-5345
 Thank you for shipping with DHL

DHL: Prepare a shipment: Print waybill

Page 1 of 1

FM: VACOM C. Kleusen 1315 BROADWAY NEW YORK, NY 10036 UNITED STATES Phone: 212-258-8904		Address: 	ORIGIN: JRA Sender's ref: 2008973	Pieces: 1/1
To: GOOGLE, INC. DAVID DRUMMOND BUILDING 47 MOUNTAIN VIEW, CA 94043 UNITED STATES		POSTCODE: 94043	TEL: 	
Description: DHL standard terms and conditions apply.		Weight: Letter Date: 2007-02-02		
 (2) JUS94043		PHMH 1N		
 WAYBILL: 19932286651 (Non-Negotiable)				

Please fold or cut in half
DO NOT PHOTOCOPY
 Using a photocopy could delay the delivery of your package and will result in additional shipping charge
 For Tracking, please go to www.dhl-usa.com or call 1-800-225-5345
 Thank you for shipping with DHL.

Hunte, Sherree

From: Hunte, Sherree
Sent: Friday, February 02, 2007 12:39 PM
To: Sussman, David
Cc: Klausen, Claire; Fricklas, Michael
Subject: FW: YouTube

Attachments: Google letter 020207.pdf



Google letter
020207.pdf (159 ..

David,

Attached please find the PDF version of letter being sent to Google.

Sherree

-----Original Message-----

From: Fricklas, Michael
Sent: Friday, February 02, 2007 12:34 PM
To: Klausen, Claire; Hunte, Sherree
Subject: FW: YouTube

Yes - will have claire/ sherree send

-----Original Message-----

From: Sussman, David
Sent: Friday, February 02, 2007 12:33 PM
To: Fricklas, Michael
Subject: YouTube

Can I get a copy of our letter to them

Confirmation Report - Memory Send

Date & Time: Feb-02-2007 02:26pm
Tel line : +12122586099
Machine ID : MICHAEL FRICKLAS / VIACOM

Job number : 426
Date & Time : Feb-02 02:23pm
To : [REDACTED]
Number of pages : 004
Start time : Feb-02 02:24pm
End time : Feb-02 02:26pm
Pages sent : 004
Status : OK
Job number : 426

*** SEND SUCCESSFUL ***



FAX COVER SHEET

To: Kent Walker
Company: Google, Inc.
Phone: [REDACTED]
Fax: [REDACTED]

From: Michael Fricklas
Company: Viacom
Phone: 212-258-6070
Fax: 212-258-6099

Date: February 2, 2007
Pages including this cover page: 4
Comments:

The information contained in or attached to this Facsimile message is intended only for the confidential use of the individual(s) named above and may be a privileged communication. If you are not the named recipient or an employee or agent responsible for delivering it to the named recipient, you are hereby notified that you have received this document in error and that review, dissemination or copying of this communication is prohibited. If you have received this communication in error, please notify us immediately by collect telephone and return the original documents to us by mail. We will reimburse to you the cost of any such mailing. Thank you.

438084(1)

2/2/07

Confirmation Report - Memory Send

Date & Time: Feb-02-2007 02:24pm
Tel line : +12122586099
Machine ID : MICHAEL FRICKLAS / VIACOM

Job number : 425
Date & Time : Feb-02 02:22pm
To : [REDACTED]
Number of pages : 004
Start time : Feb-02 02:22pm
End time : Feb-02 02:24pm
Pages sent : 004
Status : OK

Job number : 425 *** SEND SUCCESSFUL ***



FAX COVER SHEET

To: David Drummond
Company: Google, Inc.
Phone: [REDACTED]
Fax: [REDACTED]

From: Michael Fricklas
Company: Viacom
Phone: 212-258-6070
Fax: 212-258-6099

Date: February 2, 2007
Pages including this cover page: 4
Comments:

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438084(1)

2/2/07

Hunte, Sherree

Full Name: David Drummond
Last Name: Drummond
First Name: David
Job Title: SVP Corp. Devel. & GC
Company: Google Inc.

Business Address: 1600 Amphitheatre Parkway
Building #47
Mountain View, CA 94043
United States of America

Business: [REDACTED]
Business Fax: [REDACTED]

E-mail: [REDACTED]
E-mail Display As: [REDACTED]

Web Page: <http://www.google.com>

Categories: Holiday Cards - Business

Asst: [REDACTED]

Becky Allen
Administrative Assistant
Legal Department
Google Inc.

[REDACTED]
beckya@google.com