

Schapiro Exhibit 64

Courtney Nieman

From: Scott Martin
Sent: Thursday, February 01, 2007 12:29 PM
To: Mark M. Ishikawa; Morril, Mark; Simon, Joe; Michelena.hallie@mtvn.com; Cahan, Adam; Cooper, Donna - BET
Cc: Evelyn Espinosa; Courtney Nieman; travis-forward; Prentice, Rebecca - Paramount
Subject: RE: Takedown notices
Importance: High

Please assume the following for Paramount content:

- (i) notices can be sent for any content longer than 8 minutes (which should catch any full-length copies of films, even if posted in segments);
- (ii) assume that all Paramount notices for films prior to DREAMGIRLS are okay to be sent without comparison to marketing clips;
- (iii) assume that notices cannot be sent on clips of less than 8 minutes duration of Dreamgirls and all subsequent films (i.e. Norbit, Blades of Glory, Transformers, Black Snake Moan, Zodiac, Shooter, Year of the Dog, Disturbia, Next, Shrek The Third, Hot Rod, A Mighty Heart) until we sort out the problem with the marketing clips.

I expect to have an official approval of this deliniation within hours.

S

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

From: Mark M. Ishikawa [mailto:marki@baytsp.com]
Sent: Thursday, February 01, 2007 12:06 PM
To: Morril, Mark; Simon, Joe; Hallie, Michelena; Cahan, Adam; Martin, Scott - Paramount; Cooper, Donna - BET
Cc: Evelyn Espinosa; Courtney Nieman; travis-forward
Subject: Re: Takedown notices

Understood we will be on standby

Please advise if we need to do anything about the paramount marketing clips. If we need to re scan those assets we will need up to 1 day to process the clips for the affected assets

Mark

Sent from my BlackBerry Wireless Device

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

From: Morril, Mark <Mark.Morril@viacom.com>
To: Mark M. Ishikawa <marki@baytsp.com>; Simon, Joe <Joe.Simon@viacom.com>; Michelena.hallie@mtvn.com <Michelena.Hallie@mtvn.com>; Cahan, Adam <Adam.Cahan@mtvn.com>; Scott Martin <scott_martin@paramount.com>; Cooper, Donna - BET <DONNA.COOPER@BET.NET>

2/1/2007

Schapiro Exhibit 65

From: Mark M. Ishikawa
Sent: Tuesday, October 03, 2006 4:14 AM
To: Evelyn Espinosa; Courtney Nieman; Deana Arizala
Subject: FW: FW: Proposed links to take down

From: Perry, Alfred - Paramount [mailto:Alfred_Perry@Paramount.com]
Sent: Monday, October 02, 2006 7:44 PM
To: Amy Powell [REDACTED]
Cc: Scott Martin; Derwin-Weiss, Nancy - Paramount; John Salter; dwilson@kmwlaw.com; Mark M. Ishikawa
Subject: RE: FW: Proposed links to take down

Thanks, we look forward to hearing from you.

From: Amy Powell/Marketing/MP/Paramount_Pictures@PARAMOUNT_PICTURES
Sent: Monday, October 02, 2006 7:24 PM
To: Perry, Alfred - Paramount
Cc: Martin, Scott - Paramount; Derwin-Weiss, Nancy - Paramount; Salter, John - Paramount
Subject: Re: FW: Proposed links to take down

all of the clips that we syndicated have the official "warning" before the clip. any clip without the warning was not sent out by our dept. However, i need to speak to the publicity dept before confirming which should be taken down. I will follow up first thing in the AM. thanks.

Amy Powell
Senior Vice President
Interactive Marketing
Paramount Pictures
[REDACTED]

-----Alfred Perry@exchange wrote: -----

To: [REDACTED]
From: Alfred Perry@exchange
Date: 10/02/2006 07:01PM
cc: Scott Martin/Business Affairs/MP/Paramount_Pictures@Paramount_Pictures, Nancy Derwin-Weiss/Business Affairs/MP/Paramount_Pictures@Paramount_Pictures, John Salter@exchange
Subject: FW: Proposed links to take down

Amy, please confirm that these should be taken down (our guy thinks that these are not your clips).

We await your confirmation before proceeding.

From: Dennis L. Wilson [mailto:dwilson@kmwlaw.com]
Sent: Monday, October 02, 2006 6:33 PM
To: Perry, Alfred - Paramount
Subject: Proposed links to takedown

Al,

6/13/2008

A-605

There are a lot of questionable Jackass 2 videos on youtube that we cannot act on tonight without risking taking down unauthorized content.

However, there are some videos that we believe we could request be taken down. Perhaps these videos could be forwarded to the appropriate executives for review, including the following:

<http://www.youtube.com/watch?v=3r66byYRFm4>
<http://www.youtube.com/watch?v=dtSu3lJZTA;>
<http://www.youtube.com/watch?v=2brTtAYReE;>
<http://www.youtube.com/watch?v=G7EAM8f929o;>
http://www.youtube.com/watch?v=m5_1ftgW2_k;
<http://www.youtube.com/watch?v=nASITzMokE8;>
<http://www.youtube.com/watch?v=TKjMvoc0VtI;>
<http://www.youtube.com/watch?v=d4KrR6yoPAY;>
[http://www.youtube.com/watch?v=mOJ61oeCQeY? .](http://www.youtube.com/watch?v=mOJ61oeCQeY?)

Each of these is a fairly long clip and/or has language indicating that it is not legitimate (e.g., "here is the first 3 minutes of the movie").

Please let me know what action you would like me to take on these, if any.

Dennis

From: Perry, Alfred -Paramount [mailto:Alfred_Perry@Paramount.com]

Sent: Monday, October 02, 2006 5:23 PM

To: Powell, Amy - Paramount

Cc: Derwin-Weiss, Nancy -Paramount; Martin, Scott - Paramount; Salter, John - Paramount; Christiansen, Mark - Paramount

Subject: FW: Illegal Jackass 2 Footage Online

Amy, when you refer to many authorized clips are you able to provide identifiers of them? Apparently, what is being found are stunt/skit clips rather than the full feature broken up into 10 minute pieces (as is the case with other films from other studios).

From: Mark M. Ishikawa [mailto:marki@baytsp.com]

Sent: Monday, October 02, 2006 5:03 PM

To: Perry, Alfred - Paramount; dwilson@kmwlaw.com

Cc: Martin, Scott - Paramount; Salter, John - Paramount; Christiansen, Mark - Paramount; Evelyn Espinosa; Courtney Nieman;

Leland Woo; Richard Kawasaki; Deana Arizala

Subject: RE: Illegal Jackass 2 Footage Online

AI,

We have started getting results back from our High Priority Radar system and we're seeing something different than our usual clips of 10 minute segments uploaded to YouTube. The pirates are submitting the content to YouTube broken down by individual stunt/skit. We are attempting to identify the content that appears to be camcordered, and is of the individual stunt/skit for takedown. Can you pls confirm that none of the stunts/skits are authorized by the studio?

Mark

From: Perry, Alfred -Paramount [mailto:Alfred_Perry@Paramount.com]

Sent: Monday, October 02, 2006 4:44 PM

To: dwilson@kmwlaw.com; Mark M. Ishikawa

Cc: Scott Martin; John Salter; Christiansen, Mark - Paramount

Subject: FW: Illegal Jackass 2 Footage Online

Ok, err on the side of leaving some infringing material up rather than being overly aggressive and taking down one of the "many approved clips".

Again, my direction would be to take down linked segments which comprise all or nearly all of the motion picture and is presumably camcordered (based on appearance, for example).

Either of you know of other "social networking" sites such as You Tube which we might also devote our special kind of "love"?

6/13/2008

A-606

Please advise.

Thank you.

From: AmyPowell [REDACTED]
Sent: Monday, October 02, 2006 4:22 PM
To: Perry, Alfred - Paramount
Cc: dwilson@kmwlaw.com; Salter, John - Paramount; marki@baytsp.com; Derwin-Weiss, Nancy - Paramount; Martin, Scott - Paramount; Worsnup, Mickey - Paramount; rob_moore@paramount.com
Subject: Illegal Jackass 2 Footage Online

Thanks, Alfred. Please only remove camcorded content (which is clearly pirated footage). There are many approved film clips online which should not be removed. Feel free to call with any questions or concerns.

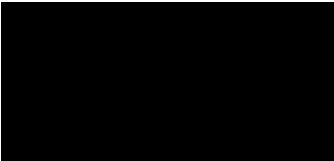
amy

Amy Powell

Senior Vice President

Interactive Marketing

Paramount Pictures



----- Replied by AmyPowell on 10/2/2006 4:20:31 PM -----

From: Alfred Perry@exchange
10/02/2006 03:04 PM
To: [REDACTED]
cc: Scott Martin, John Salter@exchange, Nancy Derwin-Weiss, dwilson@kmwlaw.com, marki@baytsp.com
Subject:

We are going after the camcorded versions of JackAss Number Two on YouTube, but would like to know if you have content you have authorized or if you are aware of other content which should not be taken down.

Thanks, in the first instance we are going after ?obviously? camcorded content.

Thank you.

No virus found in this outgoing message.
Checked by AVG Free Edition.
Version: 7.5.516 / Virus Database: 269.17.13/1207 - Release Date: 1/2/2008 11:29 AM

6/13/2008

Schapiro Exhibit 66

From: Hallie, Michelena [Michelena.Hallie@mtvn.com]
Sent: Thursday, October 05, 2006 10:25 PM
To: Deana Arizala
Cc: Mark M. Ishikawa; Morales, Cindy
Subject: FW: Scan from a Xerox WorkCentre Pro

Attachments: Scan001.PDF



Scan001.PDF (34
KB)

Deana:

Attached is a pdf of a signed authorization letter. It is on MTVN (which is a division of Viacom) letterhead though Viacom is the copyright owner of the copyrights. If you need it on Viacom letterhead, it will have to wait until Monday when my assistant returns.

Please note that this authorization is limited only to particular shows, uploads or protocols identified by Cindy, myself or a designee. As of now Viacom authorizes only the takedowns of full episodes of "Avatar" that appear on youtube.com.

You should also note that not all MTVN programming is owned by Viacom International so you will need additional authorizations for some of the programs we choose in the future to take down.

Thank you for your assistance.

Michelena Hallie
Senior Vice President
Deputy General Counsel, Intellectual Property MTV Networks, Business and Legal Affairs
1515 Broadway, 34th Floor
New York, New York 10036
[REDACTED]

MTV NETWORKS
A VIACOM COMPANY

Michelena Hallie
Senior Vice President
Deputy General Counsel, Intellectual Property

October 5, 2006

Mark Ishikawa, CEO
BayTSP.com
PO Box 1314
Los Gatos, CA 95031-1314
(408) 341-2300

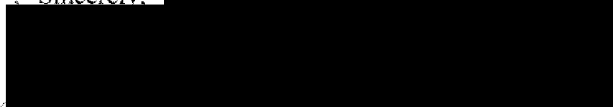
Dear Mark,


This letter acts as an official notification that I, Michelena Hallie, of Viacom International Inc, agent of its copyrighted material, authorize Mark Ishikawa, CEO of BayTSP.com to act as my agent for notification of detected infringements on the Internet pursuant to the Digital Millennium Copyright Act.

Nothing in this letter releases any exclusive rights that Viacom International Inc. has in the copyrights that I represent. This agent authorization is merely to facilitate the process of notifying Internet service providers for removal of detected infringements that I have been made aware of by BayTSP.com and its tracking service reports.

I reserve the right to terminate this agency relationship at any time for any reason by written notification, effective upon receipt at BayTSP.com.

Sincerely, 


Vice President, Assistant Secretary
Viacom International Inc.

1515 Broadway, New York, NY 10036 
Email: michelena.hallie@mtvn.com

Schapiro Exhibit 69

From: Deana Arizala
Sent: Friday, October 27, 2006 4:10 PM
To: Mark M. Ishikawa
Cc: Evelyn Espinosa; Courtney Nieman
Subject: FW: Comedy Central/Spike TV Directives

FYI, please read the message below. Thanks.

Deana Arizala
Client Services Manager. BayTSP, Inc
408.341.2365 (direct)
408.341.2300 (voice)
408.341.2399 (fax)

From: Morales, Cindy [mailto:Cindy.Morales@mtvstaff.com]
Sent: Friday, October 27, 2006 7:17 AM
To: Deana Arizala
Cc: Michelena.hallie@mtvn.com
Subject: Comedy Central/Spike TV Directives

Hi Deana,

I have attached the information below on intentionally posted clips on YouTube that are authorized for Spike TV.

Also, as it relates to the Spike TV and Comedy Centrals titles, we would like to have all clips that are 2 1/2 mins or greater removed off YouTube; **EXCEPT** for **THE DAILY SHOW** and **COLBERT REPORT**. For these two titles, we are requesting that you remove clips that are **5 minutes or longer**.

Approved Spike TV link:

<http://www.youtube.com/spiketv>

Thanks.

Cindy

6/11/2008

Schapiro Exhibit 70

From: Michelena.hallie@mtvn.com
Sent: Monday, October 30, 2006 8:43 PM
To: Deana Arizala
Cc: Morales, Cindy; Evelyn Espinosa
Subject: The Daily Show and The Colbert Report

Importance: High

We would like to change the length of clips of The Daily Show and The Colbert Report that should be taken down to 3 minutes or over rather than the current 5 minutes or over. (All other clip size criteria remain the same.) Please confirm receipt. Thanks, Deana.

Schapiro Exhibit 71

From: Evelyn Espinosa
Sent: Saturday, November 04, 2006 7:15 PM
To: Michelena.hallie@mtvn.com
Cc: Mark M. Ishikawa; Deana Arizala
Subject: RE: Video Takedown

Thanks Michelena, we will continue as directed.
best,
Evelyn

From: Michelena.hallie@mtvn.com
Sent: Saturday, November 04, 2006 3:59 AM
To: Mark M. Ishikawa; Evelyn Espinosa; Deana Arizala
Subject: Fw: Video Takedown

Just want to make sure this directive got to you: google as well as youtube takedowns should only be full episodes. Myspace and yahoo are ok to take down as originally directed.

-----Original Message-----
From: Cahan, Adam
To: Hallie, Michelena
Sent: Sat Nov 04 02:55:11 2006
Subject: Fw: Video Takedown

We should still be taking down as much as possible at myspace. It's only google/youtube that has the full episode rule.

-----Original Message-----
From: Deana Arizala <deanaa@baytsp.com>
To: Hallie, Michelena
CC: Courtney Nieman <courtney@baytsp.com>; Evelyn Espinosa <evelyn@baytsp.com>; Mark M. Ishikawa <marki@baytsp.com>; Cahan, Adam
Sent: Fri Nov 03 21:16:07 2006
Subject: Video Takedown

Michelena,

Below are the Notice Sent counts for today, November 3, 2006. Have a good weekend.

Best Regards,
Deana Arizala

Summary:

6/11/2008

A-616

YouTube: Full Episodes: 149

Myspace: Full Episodes: 23

Yahoo Video: Full Episodes: 0

Google Video: Full Episodes: 115

P2P: Gnutella: 0, eDonkey: 44 (not sent—just for view)

YouTube

Full Episodes

Country Music Television

Count

CMT Music Awards

0

Country Fired Home Videos

0

Crossroads

0

6/11/2008

A-617

Foxwothy's Big Night Out

0

Trick My Truck

0

Comedy Central

South Park

21

The Colbert Report

5

The Daily Show

1

SpikeTV

Carpocalypes

0

King of Vegas

0

Most Xtremc Challenge

0

6/11/2008

Pros Vs Jocs

0

Total Nonstop Action

0

Ultimate Fighting Championship

0

Viacom

Andy Milonakis

0

Avatar the Last Airbender

96

Backyardigans

0

Beyond the Break

0

Blue's Room

0

Can't Get A Date

6/11/2008

0

Degrassi

6

Diego

0

Dora The Explorer

0

Drake & Josh

15

Fairly Odd Parents

5

GLAAD Media Awards

0

Greatest TV Quotes and Catch Phrases

0

Hi-Jinks

0

I Pity the Fool

0

6/11/2008

Jack's Big Music Show

0

Laguna Beach

0

Naked Brothers Band

0

Noah's Arc

3

Real World

0

Sit Down Comedy with David Steinberg

0

South of Nowhere

0

Spongebob Squarepants

3

TV Land Myths and Legends

0

TV Land Present the 100

0

6/11/2008

A-621

VMA Awards

0

Wonder Pets

0

Zoey 101

0

Total

149

Google Video

Full Episodes

6/11/2008

Country Music Television

Count

CMT Music Awards

0

Country Fired Home Videos

0

Crossroads

0

Foxwothy's Big Night Out

0

Trick My Truck

0

Comedy Central

South Park

0

The Colbert Report

0

The Daily Show

6/11/2008

4

SpikeTV

Carpocalypes

0

King of Vegas

0

Most Xtreme Challenge

0

Pros Vs Joes

0

Total Nonstop Action

0

Ultimate Fighting Championship

2

Viacom

Andy Milonakis

0

6/11/2008

A-624

Avatar the Last Airbender

67

Backyardigans

0

Beyond the Break

0

Blue's Room

0

Can't Get A Date

0

Degrassi

0

Diego

0

Dora The Explorer

0

Drake & Josh

0

Fairly Odd Parents

1

6/11/2008

GLAAD Media Awards

0

Greatest TV Quotes and Catch Phrases

0

Hi-Jinks

0

I Pity the Fool

0

Jack's Big Music Show

0

Laguna Beach

11

Naked Brothers Band

0

Noah's Arc

0

Real World

0

Sit Down Comedy with David Steinberg

0

6/11/2008

South of Nowhere

10

Spongebob Squarepants

20

TV Land Myths and Legends

0

TV Land Present the 100

0

VMA Awards

0

Wonder Pets

0

Zoey 101

0

Total

115

Yahoo Video

Clips

Full Episodes

Country Music Television

Count

CMT Music Awards

0

6/11/2008

Country Fired Home Videos

0

Crossroads

0

Foxwothy's Big Night Out

0

Trick My Truck

0

Comedy Central

South Park

0

The Colbert Report

0

The Daily Show

0

SpikeTV

Carpocalypes

0

6/11/2008

King of Vegas

0

Most Xtreme Challenge

0

Pros Vs Joes

0

Total Nonstop Action

0

Ultimate Fighting Championship

0

Viacom

Andy Milonakis

0

Avatar the Last Airbender

0

Backyardigans

0

Beyond the Break

6/11/2008

0

Blue's Room

0

Can't Get A Date

0

Degrassi

0

Diego

0

Dora The Explorer

0

Drake & Josh

0

Fairly Odd Parents

0

GLAAD Media Awards

0

Greatest TV Quotes and Catch Phrases

0

6/11/2008

A-631

Hi-Jinks

0

I Pity the Fool

0

Jack's Big Music Show

0

Laguna Beach

0

Naked Brothers Band

0

Noah's Arc

0

Real World

0

Sit Down Comedy with David Steinberg

0

South of Nowhere

0

Spongebob Squarepants

0

6/11/2008

TV Land Myths and Legends

0

TV Land Present the 100

0

VMA Awards

0

Wonder Pets

0

Zoey 101

0

Total

0

MySpace

Full Episodes

6/11/2008

Country Music Television

Count

CMT Music Awards

0

Country Fired Home Videos

0

Crossroads

0

Foxwothy's Big Night Out

0

Trick My Truck

0

Comedy Central

South Park

0

6/11/2008

The Colbert Report

0

The Daily Show

0

SpikeTV

Carpocalypes

0

King of Vegas

0

Most Xtreme Challenge

0

Pros Vs Joes

0

Total Nonstop Action

0

Ultimate Fighting Championship

0

Viacom

6/11/2008

Andy Milonakis

0

Avatar the Last Airbender

0

Backyardigans

0

Beyond the Break

0

Blue's Room

0

Can't Get A Date

0

Degrassi

0

Diego

0

Dora The Explorer

0

Drake & Josh

0

6/11/2008

Fairly Odd Parents

2

GLAAD Media Awards

0

Greatest TV Quotes and Catch Phrases

0

Hi-Jinks

0

I Pity the Fool

0

Jack's Big Music Show

0

Laguna Beach

0

Naked Brothers Band

0

Noah's Arc

0

Real World

6/11/2008

0

Sit Down Comedy with David Steinberg

0

South of Nowhere

10

Spongebob Squarepants

11

TV Land Myths and Legends

0

TV Land Present the 100

0

VMA Awards

0

Wonder Pets

0

Zoey 101

0

Total

23

6/11/2008

P2P (Not sent)

Country Music Television

Gnutella

eDonkey

CMT Music Awards

0

0

Country Fired Home Videos

0

6/11/2008

0

Crossroads

0

0

Foxwothy's Big Night Out

0

0

Trick My Truck

0

0

Comedy Central

South Park

0

0

The Colbert Report

0

0

6/11/2008

The Daily Show

0

0

SpikeTV

Carpocalypes

0

0

King of Vegas

0

0

Most Xtreme Challenge

0

0

Pros Vs Joes

0

0

6/11/2008

Total Nonstop Action

0

0

Ultimate Fighting Championship

0

0

Viacom

Andy Milonakis

0

0

Avatar the Last Airbender

0

0

Backyardigans

0

2

6/11/2008

Beyond the Break

0

0

Blue's Room

0

0

Can't Get A Date

0

0

Degrassi

0

0

Diego

0

0

Dora The Explorer

0

0

Drake & Josh

0

0

Fairly Odd Parents

0

0

GLAAD Media Awards

0

0

Greatest TV Quotes and Catch Phrases

0

0

Hi-Jinks

0

0

I Pity the Fool

0

0

Jack's Big Music Show

6/11/2008

0

0

Laguna Beach

0

0

Naked Brothers Band

0

0

Noah's Arc

0

0

Real World

0

0

Sit Down Comedy with David Steinberg

0

0

South of Nowhere

0

6/11/2008

0

Spongebob Squarepants

0

0

Hogan Knows Best

0

41

Breaking Bonaduce

0

1

VMA Awards

0

0

Wonder Pets

0

0

Zoey 101

0

0

6/11/2008

Total

0

44

Deana Arizala
Client Services Manager, BayTSP, Inc
408.341.2365 (direct)
408.341.2300 (voice)
408.341.2399 (fax)

6/11/2008

Schapiro Exhibit 72

From: Evelyn Espinosa
Sent: Tuesday, November 14, 2006 5:12 PM
To: Deana Arizala
Cc: Courtney Nieman; Sarah Cruz
Subject: FW: MTVN Weekly Report October 30, 2006 - November 5, 2006

pls confirm with michelena

From: Michelena.hallie@mtvn.com
Sent: Tuesday, November 14, 2006 7:05 AM
To: Evelyn Espinosa
Cc: Mark M. Ishikawa; Courtney Nieman; Cahan, Adam; Deana Arizala; Morales, Cindy; Sarah Cruz
Subject: RE: MTVN Weekly Report October 30, 2006 - November 5, 2006

Are we up and running on taking down clips off youtube now?

From: Evelyn Espinosa [mailto:evelyn@baytsp.com]
Sent: Thursday, November 09, 2006 6:00 PM
To: Hallie, Michelena
Cc: Mark M. Ishikawa; Courtney Nieman; Cahan, Adam; Deana Arizala; Morales, Cindy; Sarah Cruz
Subject: RE: MTVN Weekly Report October 30, 2006 - November 5, 2006
Importance: High

Michelena,

This serves to confirm your new directive below.
Please be advised that it will take a day or two to re-sort through the material for the clip length change.
Please let me know if you have any questions.
Best regards,
Evelyn

From: Michelena.hallie@mtvn.com
Sent: Thursday, November 09, 2006 2:05 PM
To: Sarah Cruz
Cc: Mark M. Ishikawa; Evelyn Espinosa; Courtney Nieman; Cahan, Adam; Deana Arizala; Morales, Cindy
Subject: RE: MTVN Weekly Report October 30, 2006 - November 5, 2006
Importance: High

Sarah, we would like to implement effective immediately our original policy to take down all clips that have been identified as exclusively our material under the following criteria:

- Daily Show and Colbert Report: 3 minutes or longer
- All other shows on our list: 2 1/2 minutes or longer

If you identify any clips of the above lengths that include any material other than our own programs, do not remove them until they have been submitted to me and I have approved removal.

Please confirm receipt of this new directive.

Michelena Hallie
Senior Vice President
Deputy General Counsel, Intellectual Property
MTV Networks, Business and Legal Affairs

6/23/2008

1515 Broadway, 34th Floor
New York, New York 10036

From: Deana Arizala [mailto:deanaa@baytsp.com]
Sent: Wednesday, November 08, 2006 8:11 PM
To: Hallie, Michelena; Morales, Cindy
Cc: Mark M. Ishikawa; Evelyn Espinosa; Courtney Nieman; Cahan, Adam; Sarah Cruz
Subject: MTVN Weekly Report October 30, 2006 - November 5, 2006
Importance: High

Michelena,

Enclosed is the Weekly Report from October 30, 2006 – November 5, 2006. I had emailed this report in advance because I will be out of the office tomorrow till November 13, 2006. Please direct any update or request to Sarah. Her email is sarahc@baytsp.com. If it is urgent, please contact Evelyn or Mark.

Thank you.

Best Regards,
Deana Arizala

Deana Arizala
Client Services Manager. BayTSP, Inc
408.341.2365 (direct)
408.341.2300 (voice)
408.341.2399 (fax)

6/23/2008

Schapiro Exhibit 74

From: Deana Arizala
Sent: Friday, November 17, 2006 10:48 PM
To: Michelena.hallie@mtvn.com; Courtney Nieman
Cc: Mark M. Ishikawa; Evelyn Espinosa; Morales, Cindy
Subject: RE: 24 hour advance notice on rule changes.

Michelena,

I just want to inform you that yes; Cindy and I spoke and clarified the misunderstanding. Furthermore, we will go ahead and add the list below on our system. We will NOT take down any of the new shows listed below till instructed.

Best Regards,
Deana Arizala

Deana Arizala
Client Services Manager. BayTSP, Inc
408.341.2365 (direct)
408.341.2300 (voice)
408.341.2399 (fax)

From: Michelena.hallie@mtvn.com
Sent: Friday, November 17, 2006 2:38 PM
To: Courtney Nieman; Deana Arizala
Cc: Mark M. Ishikawa; Evelyn Espinosa; Morales, Cindy
Subject: RE: 24 hour advance notice on rule changes.

Ok. Good to go. Please make the changes noted. I understand we can expect a report on the amount and sizes of the clips on the new shows within a week. After getting that material we will instruct on the size of clips to take down. So until that time, **no clips from this new list should be taken down**. In contrast, clips from the original list that remain on the list (ie excluding those in yellow that are being deleted) should be taken down as previously noted. **In other words the original list as modified should have take downs of 2 1/2 minutes for all but Daily and Colbert which should be taken down at 3 minutes.**

I understand Deana and Cindy clarified the misunderstanding and we are taking down ALL shows but Colbert and Daily at 2 1/2 minutes. Please let me know if that is incorrect.

From: Hallie, Michelena
Sent: Friday, November 17, 2006 4:07 PM
To: 'Courtney Nieman'
Cc: 'Mark M. Ishikawa'; 'Evelyn Espinosa'; 'Deana Arizala'
Subject: RE: 24 hour advance notice on rule changes.

No final word but once I do get the sign off – it should be Jimmy Neutron not Jimmy Neutro

6/11/2008

From: Hallie, Michelena
Sent: Friday, November 17, 2006 2:58 PM
To: 'Courtney Nieman'
Cc: Mark M. Ishikawa; Evelyn Espinosa; Deana Arizala
Subject: RE: 24 hour advance notice on rule changes.

I think that makes sense. Next time I tell you to change course on a dime, slap me.

And subject to your new 24 hour rule, the direction now is to stay the course with 3 minutes on Colbert and Daily and 2 1/2 on all else. But we will also want you to substitute out the programs in yellow in the first grid below for the programs listed in the lower grid.

I'll give you final authorization by COB today.

Btw, I'll be in London next Monday and flying back tuesday, but accessible by email when not in flight.

The **13** (of 41) highlighted below should be dropped from our sweeps:

Andy Milonakis - Clips	332
Avatar the Last Airbender - Clips	1451
Backyardigans - Clips	69
Beyond the Break - Clips	11
Breaking Bonaduce - Clips	4
Can't Get A Date - Clips	5
CMT Music Awards - Clips	7
Country Fried Home Videos - Clips	4
Crossroads - Clips	20
Degrassi - Clips	755
Diego - Clips	2
Dora The Explorer - Clips	12
Drake & Josh - Clips	207
Fairly Odd Parents - Clips	71
Flavor of Love	142
Foxworthy's Big Night Out - Clips	5
GLAAD Media Awards - Clips	16
Hip Hop Honors Award - Clips	6
Hogan Knows Best - Clips	9
I Pity The Fool - Clips	15
Jack's Big Music Show - Clips	7
Laguna Beach - Clips	63
Most Xtreme Challenge - Clips	14
Naked Brothers Band - Clips	49
Noah's Arc - Clips	29

6/11/2008

A-653

Real World - Clips	10
Sit Down Comedy with David Steinberg - Clips	0
South of Nowhere - Clips	503
South Park - Clips	4009
South Park - Full Episode	106
Spongebob Squarepants - Clips	324
The Colbert Report - Clips	740
The Daily Show - Clips	1642
The Wendy Williams Experience - Clips	3
Totally Awesome - Clips	35
TotalNonstop Action! - Clips	9
Trick My Truck - Clips	2
Ultimate Fighting Championship - Clips	30
VMA Awards - Clips	221
Wonder Pets - Clips	12
Zoey 101 - Clips	65
Grand Total	11016

In addition, there are several shows to add

Chappelle Show (CC)

Comedy Central Presents (CC)

Drawn Together (CC)

Mind of Mencia (CC)

Reno 911! (CC)

Stella (CC)

Upright Citizen Brigade (CC)

Punk'd (MTV)

Pimp My Ride (MTV)

Beavis & Butthead (MTV)

Celebrity Death Match (MTV)

Best Week Ever (VIII)

Mr. Meaty (Nick)

Jimmy Neutron (Nick)

Unfabulous (Nick)

Amanda Show (Nick)

6/11/2008

Rugrats (Nick)

Invader Zim (Nick)

Ren and Stimpy (Nick)

Michelena Hallie
Senior Vice President
Deputy General Counsel, Intellectual Property
MTV Networks, Business and Legal Affairs
1515 Broadway, 34th Floor
New York, New York 10036
[REDACTED]

From: Courtney Nieman [mailto:courtneyni@baytsp.com]
Sent: Friday, November 17, 2006 2:19 PM
To: Hallie, Michelena
Cc: Mark M. Ishikawa; Evelyn Espinosa; Deana Arizala; Courtney Nieman
Subject: 24 hour advance notice on rule changes.

Michelena,

I would like to make a suggestion: any rule changes should be submitted 24 hours in advance of implementation. To allow for the change of mind that might take place. (Emergency changes, stop orders, and immediate take down orders, will be exempted from the 24 hour notice.)

New assets (titles) can be added immediately. We would not begin enforcement activity on a new asset for at least 24 hours, due to the time it takes to gather infringements. So, this suggestion would not affect a new asset.

What do you think?

Courtney

From: Michelena.hallie@mtvn.com
Sent: Friday, November 17, 2006 10:41 AM
To: Deana Arizala; Courtney Nieman
Cc: Cahan, Adam
Subject: Daily and Colbert

If you haven't already started please hold off on takedowns under new criteria for Daily and Colbert. I'll let you know how to proceed shortly.

6/11/2008

Schapiro Exhibit 75

A-656

From: Mark M. Ishikawa
Sent: Saturday, October 07, 2006 6:50 AM
To: Hallie, Michelena
Cc: paramount_cc
Subject: Assets remaining on YouTube

Michelena,

We have completed our initial scans and removal of the selected assets from YouTube as per your instructions. We will continue to scan and remove assets as they are uploaded.

I did some scanning of the remaining assets which did not meet the "appears like entire episodes" model and quite a bit remains.

[REDACTED]
[REDACTED] We are leaving a majority of the content on YouTube. We have other clients that will send takedown notices for clips as short as 4 seconds as long as its identifiable as the content.

Let me know if you want to discuss this.

Thx

Mark

6/11/2008

Schapiro Exhibit 76

From: Michelena.hallie@mtvn.com
Sent: Thursday, November 16, 2006 2:57 AM
To: Courtney Nieman
Cc: Evelyn Espinosa; Deana Arizala; Mark M. Ishikawa; Sarah Cruz
Subject: Re: Time Breakdown of Clips from yesterday.

I would like a call between 2:30 and 5:30 NY time tomorrow. It is essential that I have a thorough understanding of what is going on. Please let me know what time works for you.

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

From: Hallie, Michelena
To: 'courtney@baytsp.com' <courtney@baytsp.com>
CC: 'evelyn@baytsp.com' <evelyn@baytsp.com>; 'deanaa@baytsp.com' <deanaa@baytsp.com>; 'marki@baytsp.com' <marki@baytsp.com>; 'sarahc@baytsp.com' <sarahc@baytsp.com>
Sent: Wed Nov 15 21:32:25 2006
Subject: Re: Time Breakdown of Clips from yesterday.

Sorry. I should have hit Reply All. (I initially sent this only to Courtney)

First, what about Daily Show and Colbert that were longer than 2 1/2 minutes and shorter than 3 minutes? And does this mean there were only 36 clips passed over on youtube? I can't believe there were only 44 of our clips total on youtube since we didn't remove any clips last week. (My recollection is we took only 8 down under our criteria.) Is that right?

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

From: Courtney Nieman <courtney@baytsp.com>
To: Hallie, Michelena
CC: Evelyn Espinosa <evelyn@baytsp.com>; Deana Arizala <deanaa@baytsp.com>; Mark M. Ishikawa <marki@baytsp.com>; Courtney Nieman <courtney@baytsp.com>; Sarah Cruz <sarahc@baytsp.com>
Sent: Wed Nov 15 21:20:53 2006
Subject: Time Breakdown of Clips from yesterday.

Michelena,

Here is the break down of the "Passed On" clips from yesterday's report

Time Break Down of Video Clips

Length *	YouTube	MySpace	Google	Total	%
0-60	277	14	41	332	47%
61-90	150	12	33	195	28%
91-120	61	6	17	84	12%
121-150	52	4	6	62	9%
151-180	10	1	18	29	4%
	550		37	115	702

*Clip length is reported in seconds.

Call me if you have any questions.

Courtney Nieman
Manager Client Services
BayTSP, Inc.
408-341-2314
AIM: BayTSPCanne
Have you checked out BayTSP's Piracy news web log? <http://www.baytsp.com/weblog> <<http://www.baytsp.com/weblog>>

The information contained in this email message may be confidential and is intended only for the parties to whom it is addressed. If you are not the intended recipient or an agent of same, please notify us of the mistake by telephone (408-341-2300) or email and delete the message from your system. Please do not copy the message or distribute it to anyone.

6/11/2008

Schapiro Exhibit 78

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

THE FOOTBALL ASSOCIATION PREMIER)
LEAGUE LIMITED, BOURNE CO., et al.,)
on behalf of themselves and all)
others similarly situated,)

Plaintiffs,)

vs.)

Case No.
07-CV-3582

YOUTUBE, INC., YOUTUBE, LLC, and)
GOOGLE, INC.,)

Defendants.)

VIDEOTAPED DEPOSITION OF
VICTORIA TRAUBE
NEW YORK, NEW YORK
THURSDAY, OCTOBER 8, 2009

BY: REBECCA SCHAUMLOFFEL
JOB NO. 17869

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A P P E A R A N C E S :

FOR THE PLAINTIFFS:

LIEFF, CABRASER, HEIMANN &
BERNSTEIN, LLLP

BY: DAVID S. STELLINGS, ESQ.
ANNIKA MARTIN, ESQ.

250 Hudson Street, 8th floor
New York, New York 10013-1413
Dstellings@lchb.com

FOR THE DEFENDANTS YOUTUBE, INC., YOUTUBE,
LLC and GOOGLE, INC.:

MAYER BROWN, LLP

By: GREGORY A. FRANTZ, ESQ.

FIDELIS I. AGBAPURUONWU, ESQ.
1675 Broadway
New York, New York 10019
(212) 506-2146
Gfrantz@mayerbrown.com
Fagbapuruonwu@mayerbrown.com

ALSO PRESENT:

Katherine Wagner

Sallean Browne, Videographer

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VICTORIA TRAUBE

EMI, Cafe Concerto and Nichion; can you think of occasions in which they have requested the right to authorize a work being posted on the Internet?

A. None of them, as far as I can recall, has made such a request.

Q. As you sit here today, can you definitively state that you've not received any such requests?

A. I haven't. I can't definitively state that the publishing company never received such a request. But I think I would have heard of it.

Q. When you say "the publishing company" --

A. I am referring to our division, Williamson Music.

Q. Going back to the Young Vic reference that you made before, why did R&H, in this case, allow the work to be posted on YouTube?

A. Because this particular customer feels that it is important for their promotion of their production.

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VICTORIA TRAUBE

Q. And did R&H object to this particular work being posted or this particular use being posted on the Internet?

A. To the contrary. They asked for our permission and we agreed.

Q. Right. Ultimately you agreed, but was there a period of discussions in which R&H resisted the idea first?

MR. STELLINGS: Objection.

A. No, not to the customer.

Q. So in other words, R&H immediately agreed to the idea of authorizing this particular use to be on YouTube?

MR. STELLINGS: Objection.

Vague.

A. Any previous discussions among me and management were related to this litigation and, therefore, privileged.

Q. Is this the only circumstance that you are aware of in

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VICTORIA TRAUBE

which R&H has allowed a particular use
to be on YouTube?

A. No.

13:45:11 Q. Can you describe any
additional instances?

A. There is a show called White
Christmas, Irving Berlin's White
Christmas. It is produced under a
13:45:36 license from the Rodgers & Hammerstein
Organization on behalf of our client,
Irving Berlin. It is a first-class
contract prepared a number of years
ago. It may go back as far as 2003,
13:45:59 although I am not sure.

And the website for White
Christmas, The Musical, has a link, I
think that's what it is called, I think
a link to YouTube where they show clips
13:46:24 from the show.

The producers licensed with
us allows advertising and promotional
use on the Internet and it was a
license that was entered into some time
13:46:40 ago. So this was a use that we

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VICTORIA TRAUBE

considered authorized by a preexisting contract.

Q. And you described it as a first-class license?

A. Yes. First class is -- it is a form of production. It is sort of the most prestigious professional production, plays only in major cities. It played on Broadway last season, which I believe was the first time that they put up these links. So you can call it a Broadway production, if that helps.

Q. Did R&H ever object to this particular use of its work on YouTube?

A. We did not because we felt it was authorized by the contract and that it was something that we were willing to permit.

Q. If it wasn't authorized by a contract, would R&H still be willing to permit it?

A. No.

Q. Are there similar contracts

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VICTORIA TRAUBE

that R&H has issued in the past that permit works to be posted on YouTube?

A. I don't know about any language specifically allowing use on YouTube. Our first class contracts generally contain a clause of the kind that I just described permitting Internet use for promotional purposes; at least the first class contracts that we have entered into recently. I believe it is formulated as radio, television and Internet media uses.

Q. Are you aware of whether R&H has issued these types of first-class licenses for any of the works in suit?

A. These licenses would not have been for the works in suit. We have had various first-class productions of The Sound of Music which contains some of the works in suit. But I honestly don't know if the same language is in every first-class contract.

Q. Do you have a sense of what

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VICTORIA TRAUBE

percentage of the licenses that your company authorizes or issues are these first-class licenses?

13:49:31

MR. STELLINGS: I am going to object. And we are, again, getting into this licensing area that Miss Traube is not here to testify on behalf of Rodgers & Hammerstein about.

13:49:39

MR. FRANTZ: And again, the understanding was we weren't going to go at specific clauses, but this is specifically relevant to a number of subjects in Exhibit 1.

13:49:46

MR. STELLINGS: You have been asking some fairly specific licensing related questions about specific licenses.

13:49:56

MR. FRANTZ: Actually, I am asking generally what are the general practices. There are no documents in front of the witness.

13:50:03

So in any event, is the instruction not to answer or the

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VICTORIA TRAUBE

A. That's what happened in the
Annie Get Your Gun case.

Q. Other than that
14:11:56 circumstance, have there been any
others?

A. I can't think of any.

Q. Let's do the next exhibit,
please.

(Whereupon, the
aforementioned Notices of
Infringement, RH00153606-'153613,
were marked as Defendant's Exhibit
4 for identification as of this
14:12:45 date by the Reporter.)

Q. When you are ready, look up
and I will start questioning.

Can you identify these
documents?

14:13:01 A. Yes. These were Notices of
Infringement prepared for me, and
bearing my signature, relating to use
on YouTube, a number of musical
composition from an amateur production
14:13:21 of Annie Get Your Gun presented by the

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VICTORIA TRAUBE

New Horizon Community Theater, of which I have spoken previously in this deposition.

14:13:32 Q. Who were these documents prepared by?

A. By Robin Walton, who is a paralegal that works for me.

Q. Did YouTube respond promptly to the Takedown Notices?

MR. STELLINGS: Objection.

The document speaks for itself.

But you can answer.

14:13:54 A. I see here that we have got a response on April 30th. Sorry, April 29th, to a Notice filed by fax on April 28th.

Q. Has R&H ever had a problem with YouTube not responding expeditiously to Takedown Notices?

MR. STELLINGS: Objection.

A. No.

Q. Who decided to send these Takedown Notices?

14:14:25 A. These in particular?

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VICTORIA TRAUBE

Q. Yes.

A. Me.

Q. Do you know how these

14:14:29 allegedly infringing URLs were
identified?

A. Yes. This is in my
testimony from earlier, but it wasn't
in the context of these specific

14:14:40 Notices. I think. I think I talked
about -- well, okay. We got a tip from
somebody on our website, you know, in
the general box that there were these
compositions, a number of compositions,
14:15:04 from Annie Get Your Gun posted on the
Internet.

Okay. I am misremembering.
I don't know how the initial uses were
brought to our attention. What I do
14:15:21 know is that a few days later we got a
tip in our mailbox that the
compositions were back up on -- the
same compositions, which had been taken
down, were up on somebody else's

14:15:39 website and we sent the second Letter

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VICTORIA TRAUBE

probably tell from looking at these clips where they emanated from.

So there are two reasons why there would be no need to consult with EMI, in my opinion.

Q. I am just going to go back to the testimony for one second. So what you just said was, in your opinion, there would be no need to consult with EMI.

My question is whether you know, definitively, steps that your counsel has taken as far as contacting sub-publishers with respect to potential authorization for all of the clips in suit?

A. And the answer is, I don't know.

Q. Earlier you mentioned that although a sub-agent itself does not have a right to authorize a particular clip to be on YouTube, it is possible that a sub-agent would ask for that right on behalf of a particular

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VICTORIA TRAUBE

licensee; is that correct?

A. Yes.

Q. And with respect to all of

15:05:50 the clips in suit, has your counsel, to
your knowledge, gone through the
process of contacting all of the
sub-agents, or potential licensees,
that may have asked for the right to
15:06:03 post a particular work --

A. There's --

Q. -- on YouTube?

MR. STELLINGS: Object to
the form of the question.

15:06:09 You can answer.

A. There would be no reason to
do that. The only person they would
have to talk to is me because any
requests from a sub-agent would have
15:06:21 come from me, and I would have told my
counsel if I had agreed to any use on
YouTube.

Q. But you, yourself, have not
gone through all of the clips in suit,
15:06:33 have you?

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VICTORIA TRAUBE

A. No, but I have told my
counsel about the few occasions that I
have mentioned here where I agreed to
15:06:44 allow promotional use on YouTube. They
are pretty -- there are very few and
pretty bright in my mind.

Q. And you mentioned two today.
Are there any other instances besides
15:06:56 the two you have testified to today?

A. The only other one that
comes to mind, now that I think about
it, is the -- we talked about the Dutch
television program. There was a clip
15:07:36 using one of The Sound of Music songs
related to that program. And again --
let's see what I can say without
getting into privileged material. We
licensed that clip after we discovered
15:08:00 it.

Q. And you licensed the right
for that clip to appear on YouTube?

A. Yes.

Q. And do you recall which
15:08:13 particular Sound of Music song we are

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VICTORIA TRAUBE

talking about?

A. Earlier I said I thought it was Do-Re-Mi, but I am just not sure.

15:08:23 Q. You may have stated this, but it is not crisp in my mind right now. In that case, the particular entity that used the clip was a Dutch television show?

15:08:40 A. Yes.

Q. And do you remember the name of the Dutch television show?

A. No. It was -- but it was something about Maria. It was a Star Search program to cast the role of Maria.

15:08:55 Q. Did the Dutch television show reach out to you in particular to get a license to have the work posted on YouTube?

A. No, that's not how it happened.

Q. Can you explain how it happened?

15:09:23 A. Yes. The clip came to our

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VICTORIA TRAUBE

attention and we decided that it should
be licensed as opposed to taken down.

15:09:43 Q. How did the clip come to
your attention?

A. People sent it to us.

Q. Was this a clip on YouTube?

A. It was on YouTube. It may
have been other places as well.

15:09:53 Q. Why did the company
determine that it should be licensed as
opposed to taken down?

A. Because it got a fair amount
of public attention. And also, we were
15:10:13 in the process of being bought by a
Dutch company and it just seemed to us,
from a public relations standpoint,
that we were better off licensing it
than sending a Takedown Notice.

15:10:27 Q. When was this license
issued?

A. Some time in the last year.

MR. FRANTZ: We will request
a copy of that license as well as
15:10:39 any other license allowing that

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VICTORIA TRAUBE

clip to be posted on YouTube.

Q. Do you recall the terms under which that particular license was granted?
15:10:53

A. I do not.

Q. What do you mean that it would be beneficial to the company, from a public relations standpoint, to have the work on YouTube?
15:11:05

MR. STELLINGS: Object to the form of the question.

A. Is that what I said? I don't think I said that. I think that I said it would not be good from a public relations standpoint. And that it wouldn't be a good thing, from a public relations standpoint, to have taken down a clip that had already gotten a fair amount of attention. It was just -- it was our business sense.
15:11:10
15:11:22

It was a business decision that it was -- since it is our position that we need to control how our material is used, it was our choice to
15:11:43

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VICTORIA TRAUBE

active consideration or promotion on
YouTube, I don't know.

16:01:27 MR. FRANTZ: So as part of
the continued deposition, we are
going to ask that a witness be
provided with knowledge.

16:01:41 MR. STELLINGS: With
knowledge about this specific
document you mean, right?

MR. FRANTZ: With knowledge
of the subject as well as this
particular document. The subject
being 5.

16:01:47 MR. STELLINGS: Miss Traube
spent a couple of hours testifying
about 5 so far today. Maybe an
hour. But we will try to get more
information about the specific
16:01:56 document.

MR. FRANTZ: As well as the
subject, as the testimony is clear
that Miss Traube did not prepare
on Topic Number 5.

16:02:13 BY MR. FRANTZ:

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VICTORIA TRAUBE

Q. Have you ever used YouTube at work?

A. I have gone to the YouTube website at work for personal reasons.

Q. When you say "personal reasons," what do you mean by that?

A. Mostly to see cat videos.

Q. Are there other reasons besides seeing cat videos?

MR. STELLINGS: Any dog videos?

THE WITNESS: I don't care for dogs, but there was one with lions.

Q. Besides seeing animals --

A. Animals are really my major interest.

Q. Other than the animals, have you ever visited YouTube for any other reason at work?

A. People may have sent me YouTube clips.

Q. Do you recall viewing any clips on YouTube?

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VICTORIA TRAUBE

A. Well, you know, I am just not sure whether it was YouTube, but remember that clip of Susan Boyle when she was discovered in the UK?

Q. Yes.

A. Somebody sent me that clip and I looked at it.

Q. As far as other R&H employees, are you aware of other employees using YouTube at work?

A. Well, we know Bert uses Google Alert, which I assume sends him to YouTube sometimes.

Q. Why do you assume that?

A. I just assume it. I don't know it for a fact.

Q. Other than Mr. Fink, are you aware of other employees using YouTube at work?

A. Other than Mr. Fink, I am not.

Q. When you have used YouTube, have you taken any steps to make sure that a particular clip you viewed is

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VICTORIA TRAUBE

not infringing?

A. Of a cat?

Q. Of any clip that you viewed.

16:04:19 A. No, I have not.

MR. FRANTZ: Let's do the
next exhibit.

(Whereupon, the
aforementioned E-mail, RH00056543,
16:04:22 was marked as Defendant's Exhibit
9 for identification as of this
date by the Reporter.)

A. Yes.

Q. Do you recall this E-mail?

16:04:52 A. I recall the situation. I
don't recall the E-mail.

Q. And can you describe the
situation?

A. Yes. It came to my
16:04:59 attention that our IT people had chosen
to block access to YouTube from the
office. They do that with various
websites that they think people are
spending time on. For example,
16:05:14 Facebook is blocked.

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VICTORIA TRAUBE

When I found out that they blocked YouTube, I was furious that they would have done it without asking me since we were in litigation at the time, and I required them to unblock it immediately.

16:05:23 Q. The purpose for the IT folks blocking the website was your understanding that employees were spending too much time on YouTube?

A. That's what they told me.

16:05:36 Q. Do you know what sort of videos the employees were viewing on YouTube?

A. I do not know.

Q. And why were you furious that YouTube had been blocked at work?

16:05:44 A. Because I just couldn't believe that they would do something in connection with -- related to an ongoing litigation without talking to the general counsel of the company.

Q. And did you subsequently disable, or I should say re-enable,

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VICTORIA TRAUBE

access to YouTube at work?

A. They did. The IT people did, yes.

16:06:12 Q. You told them to do that?

A. I did.

Q. Why did you tell them to do that?

A. Because I didn't see any reason to block it. It seemed gratuitous.

Q. What about the purported reason that employees were wasting too much time on YouTube?

16:06:35 A. It is not really a decision of the IT department.

Q. Do you know what Bert Fink was doing on YouTube at work?

A. I don't know.

16:06:57 Q. Other than Mr. Fink, is there anyone else that would know that?

A. Well, I don't think so. Bill Gaden might know. It was reported to him at the time.

16:07:17 Q. Are you aware of any R&H

Schapiro Exhibit 85

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

THE FOOTBALL ASSOCIATION PREMIER)	
LEAGUE LIMITED, BOURNE CO., et al.,)	
on behalf of themselves and all)	
others similarly situated,)	
)	
)	Case No.
Plaintiffs,)	07-CV-3582
vs.)	
)	
)	
YOUTUBE, INC., YOUTUBE, LLC, and)	
GOOGLE, INC.,)	
)	
)	
Defendants.)	

VIDEOTAPED DEPOSITION OF:

MARYANN SLIM

NEW YORK, NEW YORK

FRIDAY, OCTOBER 23, 2009

BY: REBECCA SCHAUMLOFFEL
JOB NO. 17852

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A P P E A R A N C E S :

FOR THE PLAINTIFFS:
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ALSO PRESENT:

Carlos King, Videographer

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MARYANN SLIM

YouTube?

A. No.

Q. Is it more than ten?

12:10:55 A. I truly, off the top of my head, don't know. I would reckon for YouTube, for Stage Three UK, probably between 10 and 20. I am not sure.

Q. I am going to show you a document that we will have marked as Stage Three UK Exhibit 10, Bates labeled ST00097906 to '11.

(Whereupon, the aforementioned documents, ST00097906 to '11, were marked as Stage Three UK Exhibit 10 for identification as of this date by the Reporter.)

Q. This is an E-mail exchange between yourself and Ian Neil?

A. That's correct.

Q. This is regarding the licensing of the song, Rock & Roll Queen in the Guy Ritchie film, RocknRolla; is that correct?

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MARYANN SLIM

A. That's correct.

Q. Is Rock & Roll Queen a US work or a UK work?

12:13:00 A. It is a UK work.

Q. Do you know if that composition is subject to either of the Sub-publishing Agreements we discussed earlier?

12:13:10 MR. STELLINGS: Objection.

You can answer, if you know.

A. Again, I have not seen written documentation, but I would think that it is.

12:13:17 Q. Who is the writer of Rock & Roll Queen?

A. It is Morgan, Cooper, Morgan. So it is Philip Morgan, Charlotte Cooper and Joshua Morgan.

12:13:33 Q. If you can turn to the second page of this document, you write, "I approve the attached request to use Rock & Roll Queen in the Guy Ritchie film, RocknRolla as per the terms and fees below."

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MARYANN SLIM

Do you see that?

A. I do.

Q. And on the next page, under
12:13:56 rights, in the middle of that
paragraph, the media includes "by means
of the Internet or similar by way of
both downloading and streaming."

Do you see that?

12:14:12 A. I do.

Q. So this grant of rights
would include posting on YouTube,
correct?

A. Yes, it would.

12:14:19 Q. And this particular license
permits the licensee -- the licensee to
post the synchronized content on
websites that allow both downloading
and streaming?

12:14:38 A. Correct.

Q. Now, if this grant of rights
were limited only to streaming, would
that still permit the licensee to post
on YouTube?

12:14:49 MR. STELLINGS: Objection.

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MARYANN SLIM

Hypothetical.

You can answer, if you know.

A. Let me just quickly read the
12:14:55 rights.

Sorry; can you ask the
question again?

Q. Sure. So if this grant of
rights were limited only to streaming,
12:15:29 as in, it did not allow downloading,
would that still permit the licensee to
post on YouTube?

MR. STELLINGS: I still
object.

A. As the -- if the film
12:15:47 company was intending to stream the
film on YouTube, then that would be
covered.

Q. If the film company posted a
12:16:09 video on YouTube, that would be covered
as well?

A. Only insofar as how the song
is contained within the film. You
cannot pull the song out and lay it
12:16:20 over other bits of the film.

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MARYANN SLIM

licensee here posted the synchronized content on YouTube?

MR. STELLINGS: The question is whether you know.

A. I don't know.

Q. Would someone else know?

MR. STELLINGS: Calls for speculation.

You can answer, if you know.

A. No.

Q. So if anyone would know, you would, at Stage Three?

MR. STELLINGS: I object to that question.

A. We would -- I would be informed if anyone else at Stage Three knew and I didn't.

Q. Would that information be included on the Excel spreadsheet on licensing?

A. Which information?

Q. The information on whether the licensee posted content on YouTube pursuant to this license.

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MARYANN SLIM

A. No, that wouldn't go into the spreadsheet.

Q. If you can turn to the next page, '97909, you will see under "Miscellaneous," point 1 says, "The Subways will have the right to use the footage shot at the gig at Bournemouth Fire Station on Wednesday 22nd August 2007 on the internet via their own website, MySpace, YouTube," et cetera.

Do you see that?

A. I do.

Q. Do you know if The Subways ever posted content on YouTube pursuant to this license?

A. I don't believe they did. We got the -- the film company delivered the parts to us late, way down the line. So I don't think they actually used it in the end. I can't confirm this, but I don't think they did because it was well past after the film had been out.

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MARYANN SLIM

Q. But if they did, that would be authorized to be on YouTube?

A. That would be authorized, yes.

Q. I am now going to show you a document that we will have marked as Stage Three UK Exhibit 11, Bates ST00099175 to '77.

(Whereupon, the aforementioned documents, ST00099175 to '77, were marked as Stage Three UK Exhibit 11 for identification as of this date by the Reporter.)

Q. This appears to be a fully executed license Agreement for the song, Rock & Roll Queen, to be used in an Internet advertisement by Harman Consumer Group, correct?

A. Correct.

Q. Do you recognize this license?

A. I have seen it, yes.

Q. Licensor, on the top, is

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MARYANN SLIM

Stage Three Music (US), Inc. on behalf
of Stage Three Music Limited. Do you
see that?

12:22:24 A. I do.

Q. Why is this license on
behalf of Stage Three Music Limited?

MR. STELLINGS: Objection.

Calls for a legal conclusion.

12:22:30 You can answer, if you know.

A. This license was issued by
the US office. It is not issued by
Stage Three UK. This license is for a
UK song being issued out of the US for

12:22:45 the territory of the US. Hence, the
wording.

Q. If you look at Section 6,
"Grant of Rights" -- Section 6(a), I
should say, it allows use on YouTube in
non-downloadable streaming video

12:23:19 format. Do you see that?

A. Yes, I do.

Q. Do you know if the licensee
posted any content on YouTube pursuant
to this license?

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MARYANN SLIM

A. I don't know. It came out of the US.

Q. So would Jeff Duncan know the answer to that?

A. He might. But as we give them the right to do it, we wouldn't go and check up on whether they had done it or not.

Q. Does Stage Three UK ever inform YouTube -- I will ask this a different way.

Has Stage Three UK ever informed YouTube that -- of licenses that it has authorized to be posted on YouTube?

A. No.

MR. JACOVER: Let me know when you want to break for lunch.

MR. STELLINGS: Maybe 12:45 or so.

Q. I am now going to show you an exhibit that we will have marked as Stage Three UK Exhibit 12, Bates number ST00009404 to '07.

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MARYANN SLIM

(Whereupon, the
aforementioned documents,
ST00009404 to '07, were marked as
Stage Three UK Exhibit 12 for
identification as of this date by
the Reporter.)

Q. This is an E-mail exchange
between yourself and Theresa Torrance
12:25:26 with the subject, "I Box Up All The
Butterflies, The Boy Least Likely To,
ELLE Magazine video request."

A. Correct.

Q. Do you recognize this E-mail
12:25:35 exchange?

A. I do.

Q. On the first page, Theresa
Torrance writes to you, "I did notice
they want to exhibit on YouTube. We
12:25:45 are in a Class Action lawsuit against
YouTube so please make sure any
licenses which grant unlimited Internet
rights exclude exhibition on YouTube."

Do you see that?

12:25:55 A. I do.

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MARYANN SLIM

a little bit further?

14:58:45 Q. So we were talking about when Stage Three UK learns of a potentially unauthorized use on the Internet.

A. Yes.

14:58:55 Q. My question was: Does Stage Three UK take any steps to determine whether that use was authorized or not?

I believe you testified that you would check with the licensing folks at Stage Three UK to determine whether the particular use was authorized, correct?

A. Correct.

Q. What would you use to check for that information?

14:59:09 A. I would look through the files. Because if there was a case where the song could be used supposedly without consent, we would know the name of the song, we would know the writer and we would have evidence of the film that it is being used in.

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MARYANN SLIM

Therefore, we would be able to look in the writer's file to see if a license had been issued for that song for that particular use.

14:59:49 Q. The Excel spreadsheet you described earlier, would that be a source of information for you?

A. That would be a source, yes.

15:00:00 Q. Is any of that information publicly available?

A. That's a company document. It is within the company.

Q. So it is only available to Stage Three employees?

A. Yes.

Q. Would you agree that the reason you would check the licensing records is because you can't necessarily tell just by looking at, say, a clip on the Internet whether that clip had been authorized or not?

15:00:32 MR. STELLINGS: Object to the form of the question.

15:00:43 You can answer.

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MARYANN SLIM

A. I check because I have worked for the company for six years. Therefore, I am afraid I can't remember every single license I have issued. So in some cases, I might be able to say, yes, I licensed that. But in other cases, I might not know or it might have come out of another territory. Therefore, I have to double-check.

Q. You testified earlier that a number of compositions administered by Stage Three include works in suit that are -- sorry. A number of compositions administered by Stage Three, including many of the works in suit, are co-owned by other third parties; is that right?

MR. STELLINGS: Objection. Mischaracterizes the witness' testimony.

You can answer.

A. I didn't discuss the works in suit. I discussed UK -- Stage Three UK copyrights and not all are 100 percent controlled by Stage Three.

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MARYANN SLIM

Q. Well, we did discuss, for example, the works of Jerry Lynn Williams, correct?

15:01:47 A. Yes, we did.

Q. And we discussed that those works are co-owned?

A. Yes, so that's one.

Q. Those are -- some of those of Jerry Lynn Williams are works in suit, correct?

A. Yes, I think only two of those songs.

Q. So my question is: Do you check with all the other co-owners of the song before sending a Takedown Notice to see if, perhaps, the other co-owners may have licensed the content in question?

15:02:08 A. Yes, I might do that.

Q. Do you do that every time?

A. This isn't something I do on a regular basis. I have not received notification of infringements of copyrights within the UK on a regular

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MARYANN SLIM

in that territory; i.e., we don't have an office, a Stage Three office, in that territory. So as I said at the beginning of the day, we do a Sub-publishing Agreement with the local publisher that they represent our works in that territory.

15:51:09 Q. What was the YouTube clip that he sent you?

15:51:21 A. It was a clip. It was a commercial for this supermarket chain whereby the music used in the commercial sounded like our song, Stuck In The Middle With You. So this is not about it being up on YouTube. This is about whether the advertising agency made a sound alike of our song because they didn't want to license our song for the commercial.

15:51:38 Q. So Stage Three did not license or authorize C1000 to use Stuck In The Middle With You with this advertisement?

15:51:56 A. No. And it is not --