

## A-701

- \* Not many sites picked it up except the smaller blogs (who pick up anything thrown their way)
- \* TMZ picked up video but put it up on their media player, not our YouTube link. Same with iFilm.
- \* By Saturday midnight there were 1,000 views on YouTube (that My-lan put up)
- \* Gawker put up leak #2 yesterday at 1pm and today there have been 7,000 views
- \* We should Digg the video. Also, should use Tube Mogul from start to be able to track views everywhere
- \* Is this against WOMMA? Room feels WOMMA doesn't apply because this is the PR/gossip blog world and stunts/leaks/tips happen all the time.
- \* Huge success with leaks for MTV. MTV will most likely do this more often. Our publicity team can only benefit from learning experience. See what works and what doesn't.

Media Update (Lisa)

Fanscape Survey: Mobile

- \* Results from a brief survey. Asked people whether or not they would be interested in receiving an EMAIL newsletter vs. newsletter on their CELL PHONES (about the latest mobile tech and promotions)

--> Almost 50% prefer email to mobile

--> Almost 75% said they were NOT interested in newsletters on their cells

- \* What's it all mean?

--> we should insert mobile info into newsletters.

--> people are still afraid of giving out their mobile number due to unexpected charges and the like. Odd because mobile technology is getting better. Stigma still lingers.

--> maybe reassure people that they will not get charged crazy fees. Also give them free prize for participating?

Fanscape stats

- \* Traffic analysis data report
- \* August 1 = 1 million in our database
- \* Fanscape newsletter open rate = 8.4%
- \* Dedicated email open rate = 23%
- \* Industry average for newsletter open rates = 8%
- \* Fanscape.com views for August = 160,820
- \* Contests page views = 19,990
- \* Blog page views = 5,000 (up from 815 views in May). Should update blog regularly with compelling content to continue to drive traffic
- \* Fanfeeds = 1.37 million views. Not sure which fanfeed is getting most views.
- \* Please ask Lisa Jenkins for more info regarding stats.
- \* JP and Lisa are working on benchmark grid for more conclusive data to compare to. More authority to our numbers.

Liza Patriana

Coordinator, Marketing

Fanscape, Inc.

3201 W. Cahuenga Blvd.

Los Angeles, CA 90068

p: 323 785 7758

f: 323 785 7101

email: lizap@fanscape.com

aim: [REDACTED]

[www.fanscape.com](http://www.fanscape.com)

[www.fanscape.com/blog](http://www.fanscape.com/blog)

This email and any attached files contain confidential information and are intended only for the individual or entity named. If you are not the named addressee, you are notified to not disseminate, disclose, print, distribute or copy this e-mail and any such action in reliance upon the information contained herein is strictly prohibited. Please notify the sender immediately by e-mail if you have received this e-mail in error and delete this e-mail from your system.



## Marketing Meeting Minutes September 19, 2007

### New Projects (Taylor, Kahner):

- Honda Battle of the Bands (9/24 – 10/29)
- Event happens in GA every January. Never been a DVD in the past but there has been such a high demand in the past. This DVD has footage from January 2006 event.
- Client's goal to sell 30,000 DVDs.
- Working in conjunction with Flowers Communications (w/ Ron Childs).
- Campaign components: Online publicity, Promotions, and Grassroots

### Coming Up (Kahner):

- Ignited/Bleach (10/1 – 10/31)
  - Video game. Also on Adult Swim. Anime.
  - Video game release date: October 9<sup>th</sup>
  - 4 weeks of grassroots. Also a Dedicated Email slated to be sent on October 9<sup>th</sup> (game release day)
- NBC/Talent Scout (TBD) - more info to come later

### Partner Update (Christy, My-Jan, Michelle):

#### **Funny Or Die** <http://www.funnyordie.com/> (Christy)

- Traffic: 775k (NetRatings), 1.8 million (Quantcast), 500k (Compete)
- Video upload site. Will Ferrell is co-owner. Infamous for Landlord Pearl video.
- Celebrities and comedies upload their videos to site. Now site wants more access to musicians and this is where we come in.
- Will write skits, film, edit, and produce everything. We just need to bring the artist to them
- Coming Up: MTV, Fall Out Boy
  - will be the first one from us. Premise = fake press release where they will only ask questions about Ashlee Simpson. Will also have MTV tie-in. Rap Superstars interview FOB asking them what it's like growing up in the 'hood.
- Early pitch to Bon Jovi. Premise = Jon Bon Jovi walks around reciting lyrics to his songs.
- They will allow us to do any promotion as long as there is a celebrity tie-in. Ex. Will not do Jig-A-Loo promo sans celebrity factor
- Please come to Christy if you have artists/clients in mind for this partnership

#### **XXL Magazine** <http://www.xxlmag.com/> (Ben)

- Traffic: 102k (NetRatings), 326k (Quantcast), 190k (Compete)
- New contest partner. Will be working our Vegoose promotion. Rotating contest on their front page. Contest went live this morning
- Hip-hop audience. Male leaning demographic.
- Better than Source or Vibe magazines
- They have a new marketing director who is great.

#### **Snorg Tee's** <http://www.snorgtees.com/> (Michelle)

- Traffic: 200k (NetRatings), 240k (Quantcast), 175k (Compete)
- T-shirt company. Somewhat similar to Threadless. Their shirts are the ones with weird slogans/phrases from movies, television, and popular culture.
- Early discussions. They have never done promotions or anything new before so they are a bit nervous. They haven't really known what to do with site since it has blown up.
- Company started by 4 guys right out of college 4 years ago. Site is very basic. Lots of potential for us to do promo.
- They have a newsletter (no stats on this yet) but it is pretty bland. Lots of room for us to work with this newsletter, too.
- Demographic = college student

- Pitched The Honorary Title. More pitches to come. Please speak to Michelle if you have any ideas

## Publicity Update (My-lan):

### **MTV Leak: Celebrity Rap Superstar**

- Perez Hilton threw a temper tantrum and MTV wanted the world to know about it
- "Leaked" video clip uploaded to IFILM and YouTube
  - covert operation. Noone can know that Fanscape or MTV is involved in this.
  - My-lan emailed gossip blogs with fake email address (gossipgirl40).
    - Not many sites picked it up except the smaller blogs (who pick up anything thrown their way)
    - TMZ picked up video but put it up on their media player, not our YouTube link. Same with iFilm.
    - By Saturday midnight there were 1,000 views on YouTube (that My-lan put up)
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    - We should Digg the video. Also, should use Tube Mogul from start to be able to track views everywhere
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    - Huge success with leaks for MTV. MTV will most likely do this more often. Our publicity team can only benefit from learning experience. See what works and what doesn't.

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  - Almost 50% prefer email to mobile
  - Almost 75% said they were NOT interested in newsletters on their cells
- What's it all mean?
  - we should insert mobile info into newsletters.
  - people are still afraid of giving out their mobile number due to unexpected charges and the like. Odd because mobile technology is getting better. Stigma still lingers.
  - maybe reassure people that they will not get charged crazy fees. Also give them free prize for participating?

### **Fanscape stats**

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- Fanfeeds = 1.37 million views. Not sure which fanfeed is getting most views.
- Please ask Lisa Jenkins for more info regarding stats.
- JP and Lisa are working on benchmark grid for more conclusive data to compare to. More authority to our numbers.

**Schapiro Exhibit 14**



Joanna Ging &lt;jging@youtube.com&gt;

**Re: YouTube Account and Clip URL removed**

#257649695 | 17 messages

"Joanna Ging" <jging@youtube.com> to "Marni Harris" <marnih@google.com>, "Copyright Service" <copyright@youtube.com> 3/27/2008 14:28

Cc: "Dickehut, Robb - Paramount" <Robb\_Dickehut@paramount.com>, "Arneson, Latham - Paramount" <Latham\_Arneson@paramount.com>, "Tiffany Bowers" <tbowers@google.com>  
 Subject: Re: YouTube Account and Clip URL removed

Thanks Marni!

Hi Copyright team, can you please look and see which videos under the account \*[http://www.youtube.com/profile\\_videos?user=tastefullymine](http://www.youtube.com/profile_videos?user=tastefullymine)\* <[http://www.youtube.com/profile\\_videos?user=tastefullymine](http://www.youtube.com/profile_videos?user=tastefullymine)> have been removed as indeed this is Paramount Picture's channel and they have the copyright to the video contents.

Please help, thanks!

"Arneson, Latham - Paramount" <Latham\_Arneson@Paramount.com> to "Joanna Ging" <jging@youtube.com>, "Marni Harris" <marnih@google.com>, "Copyright Service" <copyright@youtube.com> 3/28/2008 11:56

Cc: "Dickehut, Robb - Paramount" <Robb\_Dickehut@Paramount.com>, "Tiffany Bowers" <tbowers@google.com>  
 Subject: RE: YouTube Account and Clip URL removed

Hey all -

Any update here? We'd like to have up for this weekend. Also, assuming we figure out the issue, can we just reinstate the videos (views included) or will we have to re-upload the videos?

Thanks,

Latham

From: jging@google.com [mailto:jging@google.com] On Behalf Of Joanna Ging  
Sent: Thursday, March 27, 2008 2:29 PM  
To: Marni Harris; Copyright Service  
Cc: Dickehut, Robb - Paramount; Arneson, Latham - Paramount; Tiffany Bowers  
Subject: Re: YouTube Account and Clip URL removed

Thanks Marni!

Hi Copyright team, can you please look and see which videos under the account [http://www.youtube.com/profile\\_videos?user=tastefullymine](http://www.youtube.com/profile_videos?user=tastefullymine) <[http://www.youtube.com/profile\\_videos?user=tastefullymine](http://www.youtube.com/profile_videos?user=tastefullymine)> have been removed as indeed this is Paramount Picture's channel and they have the copyright to the video contents.

Please help, thanks!

---

"Joanna Ging" <jging@youtube.com> to "Arneson, Latham - Paramount"  
<Latham\_Arneson@paramount.com>

3/28/2008  
13:01

Cc: "Marni Harris" <marnih@google.com>, "Copyright Service" <copyright@youtube.com>, "Dickehut, Robb - Paramount" <Robb\_Dickehut@paramount.com>, "Tiffany Bowers" <tbowers@google.com>  
Subject: Re: YouTube Account and Clip URL removed

Hi Latham,

Can we get an email confirmation from you stating that Paramount Pictures would like to retract the DMCA claims submitted on the videos below.

Once we get this, our copyright team will be able to reinstate the videos today.

Thanks!

On 3/28/08, Arneson, Latham - Paramount <Latham\_Arneson@paramount.com> wrote:

>  
> Hey all -  
>  
>  
>  
> Any update here? We'd like to have up for this weekend. Also, assuming  
> we figure out the issue, can we just reinstate the videos (views included)  
> or will we have to re-upload the videos?  
>  
>  
>  
> Thanks,  
>  
> Latham  
>  
>  
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>

>  
 > -----  
 >  
 > 'From:' jging@google.com [mailto:jging@google.com] 'On Behalf Of 'Joanna  
 > Ging  
 > \*Sent:\* Thursday, March 27, 2008 2:29 PM  
 > \*To:\* Marni Harris; Copyright Service  
 > \*Cc:\* Dickehut, Robb - Paramount; Arneson, Latham - Paramount; Tiffany  
 > Bowers  
 > \*Subject:\* Re: YouTube Account and Clip URL removed  
 >  
 >  
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 > Thanks Marni!  
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 > Hi Copyright team, can you please look and see which videos under the  
 > account [http://www.youtube.com/profile\\_videos?user=tastefullymine](http://www.youtube.com/profile_videos?user=tastefullymine) have  
 > been removed as indeed this is Paramount Picture's channel and they have the  
 > copyright to the video contents.  
 >  
 > Please help, thanks!  
 >  
 >  
 >  
 >  
 >

---

"Harry Smith" <hsmith@google.com> to "Copyright Service" <copyright@youtube.com> 3/28/2008 13:06

Subject: Re: [#257649695] YouTube Account and Clip URL removed

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"Joanna Ging" <jging@youtube.com> to "Arneson, Latham - Paramount"  
 <Latham\_Arneson@paramount.com>

3/28/2008  
 13:08

Cc: "Marni Harris" <marnih@google.com>, "Copyright Service" <copyright@youtube.com>, "Dickehut, Robb - Paramount" <Robb\_Dickehut@paramount.com>, "Tiffany Bowers" <tbowers@google.com>  
 Subject: Re: YouTube Account and Clip URL removed

Hey Latham,

Here are the 7 videos and would like you to state that you would like to retract the DMCA claims submitted for these videos. Thanks!

<http://www.youtube.com/watch?v=aWt-fduKFmo>  
<http://www.youtube.com/watch?v=SjKP6pT8eD>  
<http://www.youtube.com/watch?v=xLUPs8zZ-mA>  
<http://www.youtube.com/watch?v=t2x6N4qnGdM>  
<http://www.youtube.com/watch?v=r1g59Nf9gkw>  
<http://www.youtube.com/watch?v=sxNuomEUGG0>  
[http://www.youtube.com/watch?v=AgGf\\_xsc0HI](http://www.youtube.com/watch?v=AgGf_xsc0HI)

---

"Harry Smith" <hsmith@google.com> to "Copyright Service" <copyright@youtube.com> 3/28/2008 13:29



**Subject:** Re: [#257649695] YouTube Account and Clip URL removed

---

"Arneson, Latham - Paramount" <Latham\_Arneson@Paramount.com> to "Joanna Ging" <jging@youtube.com> 3/28/2008 14:02

Cc: "Mami Harris" <mamih@google.com>, "Copyright Service" <copyright@youtube.com>, "Dickehut, Robb - Paramount" <Robb\_Dickehut@Paramount.com>, "Tiffany Bowers" <tbowers@google.com>

**Subject:** RE: YouTube Account and Clip URL removed

Hi Joanna -

I can confirm the account "Tastefullynine" has authorization to post all of the videos regarding Drillbit Taylor it has posted to date. And we will not issue takedown orders for these videos.

Quick question as well - once the videos are reinstated, will they retain their view count?

Thanks!

Latham

---

From: jging@google.com [mailto:jging@google.com] On Behalf Of Joanna Ging  
Sent: Friday, March 28, 2008 1:01 PM  
To: Arneson, Latham - Paramount  
Cc: Mami Harris; Copyright Service; Dickehut, Robb - Paramount; Tiffany Bowers  
Subject: Re: YouTube Account and Clip URL removed

Hi Latham,

Can we get an email confirmation from you stating that Paramount Pictures would like to retract the DMCA claims submitted on the videos below.

Once we get this, our copyright team will be able to reinstate the videos today.

Thanks!

"Copyright Service" <copyright@youtube.com> to "Arneson, Latham - Paramount"  
<Latham\_Arneson@Paramount.com>

3/28/2008  
14:14

Cc: "Joanna Ging" <jging@youtube.com>  
Subject: Re: [#257649695] YouTube Account and Clip URL removed

Dear Latham,

Thank you for your email. If you wish to retract the DMCA claims filed by Paramount Pictures Corp. against the material below. We require a statement of retraction of the DMCA claims and the URL links to the material claimed by Paramount Picture Corp. Once we receive this retraction we will be able to reinstate the material with all statistics intact. Thank you for your patience and understanding.

Material Claimed by Paramount Pictures Corp. from the Tastefullymine account.

<http://www.youtube.com/watch?v=aNt-fduKFmo>  
<http://www.youtube.com/watch?v=SjKP6pT8eD>  
<http://www.youtube.com/watch?v=xLUPs8zZ-mA>  
<http://www.youtube.com/watch?v=t2x6N4qnGdM>  
<http://www.youtube.com/watch?v=r1g59Nf9gRw>  
<http://www.youtube.com/watch?v=sxNuomEUGG0>  
[http://www.youtube.com/watch?v=AgGf\\_xso0HI](http://www.youtube.com/watch?v=AgGf_xso0HI)

Sincerely,

Harry  
The YouTube Team

---

"Arneson, Latham - Paramount" <Latham\_Arneson@Paramount.com> to "Copyright Service" <copyright@youtube.com>

3/28/2008  
14:31

Cc: "Joanna Ging" <jging@youtube.com>  
Subject: RE: [#257649695] YouTube Account and Clip URL removed

Hi -

Paramount would like to retract the DMCA claims on the following videos. Please reinstate them and notify us when this has been completed.

<http://www.youtube.com/watch?v=aNt-fduKFmo>  
<http://www.youtube.com/watch?v=SjKP6pT8eD>  
<http://www.youtube.com/watch?v=xLUPs8zZ-mA>  
<http://www.youtube.com/watch?v=t2x6N4qnGdM>  
<http://www.youtube.com/watch?v=r1g59Nf9gRw>  
<http://www.youtube.com/watch?v=sxNuomEUGG0>  
[http://www.youtube.com/watch?v=AgGf\\_xso0HI](http://www.youtube.com/watch?v=AgGf_xso0HI)

Thanks!  
Latham

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

From: Copyright Service [mailto:copyright@youtube.com]  
Sent: Friday, March 28, 2008 2:15 PM  
To: Arneson, Latham - Paramount  
Cc: Joanna Ging  
Subject: Re: [#257649695] YouTube Account and Clip URL removed

Dear Latham,

Thank you for your email. If you wish to retract the DMCA claims filed by Paramount Pictures Corp. against the material below. We require a statement of retraction of the DMCA claims and the URL links to the material claimed by Paramount Picture Corp. Once we receive this retraction we will be able to reinstate the material with all statistics intact. Thank you for your patience and understanding.

Material Claimed by Paramount Pictures Corp. from the Tastefullymine account.

<http://www.youtube.com/watch?v=aWt-fduKFmo>  
<http://www.youtube.com/watch?v=SjKP6pT8eD>  
<http://www.youtube.com/watch?v=xLUPs8zZ-mA>  
<http://www.youtube.com/watch?v=t2x6N4qnGdM>  
<http://www.youtube.com/watch?v=r1g59Nf9gRw>  
<http://www.youtube.com/watch?v=sxNuomEUGG0>  
[http://www.youtube.com/watch?v=AgGf\\_xso0HI](http://www.youtube.com/watch?v=AgGf_xso0HI)

Sincerely,

Harry  
The YouTube Team

---

"Copyright Service" <copyright@youtube.com> to tastefullymine@tempinbox.com

3/28/2008 14:43

Subject: Re: [C#257649695] DMCA Claims Retracted

Hi there,

Paramount Pictures Corp. has retracted its copyright claim with respect to the following videos:

<http://www.youtube.com/watch?v=aWt-fduKFmo>  
<http://www.youtube.com/watch?v=SjKP6pT8eD0>  
<http://www.youtube.com/watch?v=xLUPs8zZ-mA>  
<http://www.youtube.com/watch?v=t2x6N4qnGdM>  
<http://www.youtube.com/watch?v=r1g59Nf9gRw>  
<http://www.youtube.com/watch?v=sxNuomEUGG0>  
[http://www.youtube.com/watch?v=AgGf\\_xso0HI](http://www.youtube.com/watch?v=AgGf_xso0HI)

This content has been restored and your account will not be penalized. For technical reasons, it may take a day for the video to be available again.

Sincerely,

Harry  
The YouTube Team

---

"Copyright Service" <copyright@youtube.com> to "Arneson, Latham - Paramount"  
 <Latham\_Arneson@Paramount.com>

3/28/2008

14:44

# A-712

Ticket 257649695

[http://trax.corp.google.com/html/trax.html?ticket\\_id=241880757](http://trax.corp.google.com/html/trax.html?ticket_id=241880757)

**Cc:** "Joanna Ging" <jging@youtube.com>

**Subject:** Re: [#257649695] YouTube Account and Clip URL removed

Dear Lathan,

Thank you for the retraction. The material has been reinstated.

Sincerely,

Harry  
The YouTube Team

---

**"Mail Delivery Subsystem" <MAILER-DAEMON@google.com> to bounce-  
20-257649695@trakken.google.com**

3/28/2008  
14:48

**Subject:** Returned mail: see transcript for details

The original message was received at Fri, 28 Mar 2008 21:48:42 GMT  
from zps19.corp.google.com [172.25.146.19]

----- The following addresses had permanent fatal errors -----  
<tastefullymine@tempinbox.com>

----- Transcript of session follows -----  
550 5.1.2 <tastefullymine@tempinbox.com>... Host unknown (Name server: dev.null.: host  
not found)

From: "Copyright Service" <copyright@youtube.com>  
To: tastefullymine@tempinbox.com  
Date: Fri, 28 Mar 2008 21:43:06 -0000  
Subject: Re: [C#257649695] DMCA Claims Retracted  
Hi there,

Paramount Pictures Corp. has retracted its copyright claim with respect to  
the following videos:

<http://www.youtube.com/watch?v=aWt-fduKFmo>  
<http://www.youtube.com/watch?v=SjKP6pT8eD0>  
<http://www.youtube.com/watch?v=xLUPs8zZ-mA>  
<http://www.youtube.com/watch?v=t2x6N4qnGdM>  
<http://www.youtube.com/watch?v=r1g59Nf9qRw>  
<http://www.youtube.com/watch?v=sxNuomEUGG0>  
[http://www.youtube.com/watch?v=AgGf\\_xso0HI](http://www.youtube.com/watch?v=AgGf_xso0HI)

This content has been restored and your account will not be penalized.  
For technical reasons, it may take a day for the video to be available  
again.

Sincerely,

Harry  
The YouTube Team

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"Harry Smith" <hsmith@google.com> to "Copyright Service" <copyright@youtube.com> 3/28/2008 15:01

Subject: Re: [#257649695] YouTube Account and Clip URL removed

---

"Joanna Ging" <jging@youtube.com> to "Arneson, Latham - Paramount" 3/31/2008  
<Latham\_Arneson@paramount.com>, "Copyright Service" <copyright@youtube.com> 14:00

Cc: "Marni Harris" <marnih@google.com>, "Dickehut, Robb - Paramount" <Robb\_Dickehut@paramount.com>,  
"Warman, Bryan - Paramount" <Bryan\_Warman@paramount.com>, "Lawson, Josh - Paramount"  
<Josh\_Lawson@paramount.com>

Subject: Re: [#257649695] YouTube Account and Clip URL removed

Hi Latham,

Sorry about this but let me ask Harry to look into this for you again.



Copyright/Harry - can you please help and reinstate the videos below?

Thanks!

On 3/31/08, Arneson, Latham - Paramount <Latham\_Arneson@paramount.com> wrote:

```
>
> Hi Joanna/Marni -
>
>
> It seems two of our promoted Drillbit Taylor videos have been removed
> again. The specific URLs for these videos are:
>
>
> http://www.youtube.com/watch?v=AgGf_xso0HI - Punch Me Harder
>
>
> http://www.youtube.com/watch?v=r1g59Nf9qRw - Teacher's Lounge
>
>
> Both of these videos were included in the URLs we sent along to Copyright
> Service. Is there something more we can do to make sure they do not get
> taken down?
>
>
>
> For reference, here is one of the promoted videos that is still live.
>
>
> http://www.youtube.com/watch?v=sxNuomEU0G0 - Interviewing Bodyguards
>
>
> Thanks,
>
> Latham
> -----
>
> *From:* Arneson, Latham - Paramount
> *Sent:* Friday, March 28, 2008 4:27 PM
> *To:* 'Joanna Ging'
> *Cc:* Dickhut, Robb - Paramount; Warman, Bryan - Paramount; Marni Harris;
> Lawson, Josh - Paramount
> *Subject:* RE: [#257649695] YouTube Account and Clip URL removed
>
>
>
> Thanks Joanna.
>
>
> -----
>
> *From:* jging@google.com [mailto:jging@google.com] *On Behalf Of 'Joanna
> Ging
> *Sent:* Friday, March 28, 2008 4:26 PM
> *To:* Arneson, Latham - Paramount
> *Cc:* Dickhut, Robb - Paramount; Warman, Bryan - Paramount; Marni Harris;
> Lawson, Josh - Paramount
> *Subject:* Re: [#257649695] YouTube Account and Clip URL removed
```

>  
>  
>  
> Hi Latham,  
>  
>  
>  
> I'm not too familiar with the process you can take to prevent this from  
> happening in the future but let me find out from our copyright team to see  
> what you need to do :)  
>  
>  
>  
> Stay tuned...thanks!  
>  
>  
>  
> On 3/28/08, \*Arneson, Latham - Paramount\* <Latham\_Arneson@paramount.com>  
> wrote:  
>  
> Hi Joanna -  
>  
> Thanks for the help on this; the videos are all live again.  
>  
> I was also hoping you could let us know how we can avoid situations like  
> these in the future? I think we assumed on our side that since we were  
> promoting the videos the account would be "white listed" or the videos  
> tagged not to be removed. Is there some process we need to go through in  
> the future before we launch our videos?  
>  
> Thanks,  
> Latham  
>  
> -----Original Message-----  
> From: Copyright Service [mailto:copyright@youtube.com]  
> Sent: Friday, March 28, 2008 2:44 PM  
> To: Arneson, Latham - Paramount  
> Cc: Joanna Ging  
> Subject: Re: [#257649695] YouTube Account and Clip URL removed  
>  
> Dear Latham,  
>  
>  
> Thank you for the retraction. The material has been reinstated.  
>  
>  
> Sincerely,  
>  
> Harry  
> The YouTube Team  
>  
>  
>

---

"Copyright Service" <copyright@youtube.com> to "Arneson, Latham - Paramount" 3/31/2008  
 <Latham\_Arneson@paramount.com>, "Dickehut, Robb - Paramount" 14:47  
 <Robb\_Dickehut@paramount.com>, "Warman, Bryan - Paramount"  
 <Bryan\_Warman@paramount.com>, "Lawson, Josh - Paramount"  
 <Josh\_Lawson@paramount.com>

Cc: jging@google.com, "Marni Harris" <marnih@google.com>  
 Subject: Re: [#257649695] YouTube Account and Clip URL removed

Dear Latham,

The url links listed below were claimed by a third party agent, BayTSP, working on behalf of Paramount Pictures Corp. BayTSP can be contacted at [copyright-compliance@baytsp.com](mailto:copyright-compliance@baytsp.com). They may have an approved listed that your account can be added to avoid re-claiming this material again. If you would like the material below reinstated please forward a statement retracting the DMCA claims against the material. Thank you for your patience and understanding.

<http://www.youtube.com/watch?v=SjKP6pT8cD0>  
[http://www.youtube.com/watch?v=AgGf\\_xso0HI](http://www.youtube.com/watch?v=AgGf_xso0HI)  
<http://www.youtube.com/watch?v=r1g59Nf9gRw>  
<http://www.youtube.com/watch?v=t2x6N4qnGdM>  
<http://www.youtube.com/watch?v=xLUPs8zZ-mA>

Sincerely,

Harry  
 The YouTube Team

---

"Arneson, Latham - Paramount" <[Latham\\_Arneson@Paramount.com](mailto:Latham_Arneson@Paramount.com)> to "Copyright Service" 3/31/2008  
 <[copyright@youtube.com](mailto:copyright@youtube.com)>, "Dickehut, Robb - Paramount" 17:04  
 <[Robb\\_Dickehut@Paramount.com](mailto:Robb_Dickehut@Paramount.com)>, "Warman, Bryan - Paramount"  
 <[Bryan\\_Warman@Paramount.com](mailto:Bryan_Warman@Paramount.com)>, "Lawson, Josh - Paramount"  
 <[Josh\\_Lawson@Paramount.com](mailto:Josh_Lawson@Paramount.com)>

Cc: [jging@google.com](mailto:jging@google.com), "Marni Harris" <[marnih@google.com](mailto:marnih@google.com)>  
 Subject: Re: [#257649695] YouTube Account and Clip URL removed

Hello Harry -

I contacted our people at BayTSP regarding these videos so hopefully they will no longer make claims against them.

Is it possible for me to state now that we retract any DMCA claims against the material below (the URLs) and ask that you reinstate the videos in question?

Please let me know if there is anything more we need to do.

Thanks,  
 Latham

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

From: Copyright Service [<mailto:copyright@youtube.com>]  
 Sent: Monday, March 31, 2008 2:47 PM  
 To: Arneson, Latham - Paramount; Dickehut, Robb - Paramount; Warman, Bryan - Paramount;  
 Lawson, Josh - Paramount  
 Cc: [jging@google.com](mailto:jging@google.com); Marni Harris  
 Subject: Re: [#257649695] YouTube Account and Clip URL removed

Dear Latham,

The url links listed below were claimed by a third party agent, BayTSP, working on behalf of Paramount Pictures Corp. BayTSP can be contacted at [copyright-compliance@baytsp.com](mailto:copyright-compliance@baytsp.com). They may have an approved listed that your account can be added to avoid re-claiming this material again. If you would like the material below reinstated please forward a

statement retracting the DMCA claims against the material. Thank you for your patience and understanding.

<http://www.youtube.com/watch?v=SjKP6pT8eD0>  
[http://www.youtube.com/watch?v=AgGf\\_xso0HI](http://www.youtube.com/watch?v=AgGf_xso0HI)  
<http://www.youtube.com/watch?v=xig59Nf9qRw>  
<http://www.youtube.com/watch?v=t2x6N4qnGdM>  
<http://www.youtube.com/watch?v=xLUPs8zZ-mA>

Sincerely,

Harry  
The YouTube Team

---

**"Copyright Service" <copyright@youtube.com> to "Arneson, Latham - Paramount"** 3/31/2008  
**<Latham\_Arneson@Paramount.com>** 19:41

**Cc:** "Dickehut, Robb - Paramount" <Robb\_Dickehut@Paramount.com>, "Warman, Bryan - Paramount" <Bryan\_Warman@Paramount.com>, "Lawson, Josh - Paramount" <Josh\_Lawson@Paramount.com>, jging@google.com, "Mami Harris" <marnih@google.com>  
**Subject:** Re: [#257649695] YouTube Account and Clip URI removed

Dear Latham,

Thank you for the retraction. The material has been reinstated. For technical reasons, it may take a day for the video to be available again.

Sincerely,

Harry  
The YouTube Team

**Schapiro Exhibit 18**



From: "Halle, Michelen" <Michelen.Halle@mtvn.com>  
 Date: Thu, 7 Dec 2006 09:51:32 -0500  
 To: "Ashendorf, Sandy - MTVN" <Sandy.Ashendorf@mtvstaff.com>, "Bakish, Robert" <bb@viacom.com>, "Cahan, Adam" <Adam.Cahan@mtvn.com>, "Cheeks, George" <George.Cheeks@mtvstaff.com>, "Dillon, Michelle" <Dillon.Michelle@mtvne.com>, "Dominguez, Chris - iFilm" <Chris.Dominguez@mtvstaff.com>, "Ellis, Gary" <Ellis.Gary@mtvne.com>, "Fahey-Rush, Colleen" <Colleen.FaheyRush@mtvstaff.com>, "Fricklas, Michael" <Michael.Fricklas@viacom.com>, "Gottlock, Brian" <Brian.Gottlock@Comedycentral.com>, "Harrison, Blair - iFilm" <Blair.Harrison@mtvstaff.com>, "Herzog, Doug" <Doug.Herzog@comedycentral.com>, "Hurvitz, Lauren" <Lauren.Hurvitz@mtvstaff.com>, "Jackson, Genise" <genise.jackson@comedycentral.com>, "Kim, Clara" <Clara.Kim@mtvstaff.com>, "Matthews, Beth" <Beth.Matthews@mtvstaff.com>, "msalmi@atoms.com", "Moosnick, Heather - MTVN" <Heather.Moosnick@mtvstaff.com>, "Morris, Mark" <Mark.Morris@viacom.com>, "Robinson, Carole" <carole.robinson@mtv.com>, "Shapiro, Andra" <Andra.Shapiro@mtvstaff.com>, "Simon, Joe" <Joe.Simon@viacom.com>, "Sussman, David" <David.Sussman@mtvn.com>, "Sutphen, David" <David.Sutphen@viacom.com>, "Weinstein, Caleb" <Caleb.Weinstein@mtvn.com>, "Wen, Pauline" <Pauline.Wen@mtvstaff.com>, "West, Joella" <Joella.West@comedycentral.com>, "Williams, Reggie" <Reggie.Williams@mtvn.com>, "Wolf, Michael" <Michael.Wolf@mtvn.com>  
 Subject: FW: MTVN Weekly Report November 27 - December 03, 2006

PRIVILEGED AND CONFIDENTIAL

- 1665 of the clips retrieved on youtube were smaller than our criteria and therefore not taken down. 435 of those were South Park. It is difficult to reconcile this number with the information on the size of clips because they were collected at different times, but it appears that the majority of those not taken down were probably less than 1:30 minutes.
- There were [REDACTED] viewer hits [REDACTED], and 3,300,935 on those not taken down.

As always, call or email with questions.

Michelen Halle  
 Senior Vice President  
 Deputy General Counsel, Intellectual Property  
 MTV Networks, Business and Legal Affairs  
 1515 Broadway, 34th Floor  
 New York, New York 10036

---

From: Deana Arizala [mailto:deanaa@baytsp.com]  
Sent: Wednesday, December 06, 2006 5:19 PM  
To: Hallie, Michelena  
Cc: Mark M. Ishikawa; Courtney Nieman; Evelyn Espinosa; Morales, Cindy; Sarah Cruz  
Subject: MTVN Weekly Report November 27 - December 03, 2006

Michelena,

Enclosed is the November 27 - December 03, 2006 Weekly Report. I will be out of the office at 3PM (PST) today, so you if you have any question please redirect them to Courtney Nieman.

Thank you.

Best Regards,

Deana Arizala

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

---

List of attachments:  
WeeklyReport 12.03.06.pdf

BAY TSP

MTVN Weekly Report  
November 27 - December 03, 2006



## Weekly Report MTVN

November 27 - December 03, 2006

### Table of Contents

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#### Note:

The transition for sending notices from the old list to the new list began this week. The counts in this report reflect the old list in place during the report period. The updated list and its infringements & notices will appear in next week's report.

BAY TSP

MTVN Weekly Report  
November 27 - December 03, 2006Notices Sent  
November 27 - December 03, 2006

Asset	Google	Yahoo	MSN	MySpace	Total
Amanda Show - Clips	0	1	2	0	3
Amanda Show - Full Episode	0	0	0	0	0
Andy Mearns - Clips	1	0	0	0	1
Andy Mearns - Full Episode	0	0	0	0	0
Angry Kid by Aardman Animation - Clips	0	0	0	0	0
Angry Kid by Aardman Animation - Full Episode	0	0	0	0	0
Avatar: The Last Airbender - Clips	2	0	95	3	100
Avatar: The Last Airbender - Full Episode	0	0	36	2	38
Backyardigans - Clips	0	0	0	0	0
Backyardigans - Full Episode	0	0	0	0	0
Beavis & Butthead - Clips	0	0	32	0	32
Beavis & Butthead - Full Episode	0	0	15	0	15
Best Week Ever - Clips	0	0	1	0	1
Best Week Ever - Full Episode	0	0	0	0	0
Beyond the Beach - Clips	0	0	0	0	0
Beyond the Beach - Full Episode	0	0	0	0	0
Celebrity Death Match - Clips	0	0	59	0	59
Celebrity Death Match - Full Episode	0	0	0	0	0
Chappelle Show - Clips	0	1	48	0	49
Chappelle Show - Full Episode	0	0	0	0	0
Comedy Central Presents - Clips	0	0	0	0	0
Comedy Central Presents - Full Episode	0	0	0	0	0
Crossroads - Clips	0	0	0	0	0
Crossroads - Full Episode	0	0	0	0	0
Degrassi - Clips	0	0	0	0	0
Degrassi - Full Episode	0	0	6	3	9
Duke & Josh - Clips	0	0	9	0	9
Duke & Josh - Full Episode	0	0	3	0	3
Drawn Together - Clips	0	0	0	0	0
Drawn Together - Full Episode	0	0	0	0	0
Foley One Parents - Clips	0	0	1	0	1
Foley One Parents - Full Episode	0	0	1	0	1
Invader Zim - Clips	3	0	14	3	20
Invader Zim - Full Episode	0	0	0	0	0
Jimmy Neutron - Clips	0	0	0	0	0
Jimmy Neutron - Full Episode	0	0	0	0	0
Laguna Beach - Clips	0	0	0	0	0
Laguna Beach - Full Episode	0	1	0	1	2
Mind of Mencia - Clips	0	0	0	0	0
Mind of Mencia - Full Episode	0	0	0	0	0
Mr. Meely - Clips	0	0	0	0	0
Mr. Meely - Full Episode	0	0	0	0	0
Naked Brothers Band - Clips	1	0	0	0	1
Naked Brothers Band - Full Episode	0	0	0	0	0
Pimp My Ride - Clips	0	0	0	0	0
Pimp My Ride - Full Episode	0	0	0	0	0
Punk'd - Clips	0	0	0	0	0
Punk'd - Full Episode	0	0	0	0	0
Real World - Clips	0	0	2	0	2
Real World - Full Episode	0	1	2	0	3
Rip and Steal - Clips	0	0	0	0	0
Rip and Steal - Full Episode	0	0	0	0	0
Reno 911! - Clips	0	0	0	0	0
Reno 911! - Full Episode	0	0	0	0	0
Rugrats - Clips	0	0	0	0	0
Rugrats - Full Episode	0	0	0	0	0
South of Nowhere - Clips	0	0	2	1	3
South of Nowhere - Full Episode	0	0	6	8	14
South Park - Clips	2	0	25	12	49
South Park - Full Episode	2	4	28	14	48
SpongeBob SquarePants - Clips	20	0	7	0	27
SpongeBob SquarePants - Full Episode	0	1	0	6	7
Star Wars Galactic Republic by Ben TV - Clips	6	0	0	0	6
Star Wars Galactic Republic by Ben TV - Full Episode	4	0	0	0	4
Stella - Clips	0	0	0	0	0
Stella - Full Episode	0	0	10	0	10
The Colbert Report - Clips	15	0	9	25	49
The Colbert Report - Full Episode	0	0	0	0	0
The Daily Show - Clips	3	3	35	14	55
The Daily Show - Full Episode	1	0	0	0	1
TV Land Presents The 100 - Clips	0	0	0	0	0
TV Land Presents The 100 - Full Episode	0	0	0	0	0
Unfabulous - Clips	0	0	0	0	0
Unfabulous - Full Episode	0	0	0	0	0
Up All Night - Clips	0	0	0	0	0
Up All Night - Full Episode	0	0	0	0	0
VMA Awards - Clips	0	3	4	1	8
VMA Awards - Full Episode	0	0	0	0	0
Total	60	19	466	106	651



No Action Taken  
November 27 - December 23, 2006

No Action Taken due to less than clip length minimums.

[illegible]



## BAY TSP

MTVN Weekly Report  
November 27 - December 03, 2006Number of Views per Asset  
November 27 - December 03, 2006

## YouTube

Asset	Views Action	Views No Action
Amanda Show	13,092	26,152
Andy Milonakis	7,184	32,104
Angry Kid by Aardman Animation	0	412,789
Avatar the Last Airbender	91,386	617,765
Beavis & Butt-head	0	774
Best Week Ever	1,121	17,610
Chappelle Show	218	9,364
Comedy Central Presents	0	6,045
Degrassi	0	9,073
Drake & Josh	562	3,682
Drawn Together	0	1,034,911
Fairly Odd Parents	434	74,537
Invader Zim	85	59,023
Jimmy Neutron	0	39,462
Laguna Beach	0	1,535
Mind of Mencia	0	198,431
Mr. Meaty	0	1,503
Naked Brothers Band	0	209
Punk'd	0	10,881
Real World	5,761	11,729
Ren and Stimpy	0	724
Reno911!	0	3,671
Rugrats	0	10,739
South of Nowhere	17	13,213
South Park	50,805	383,884
Spongebob Squarepants	0	53,884
Star Wars Gangsta Rap	0	320
The Colbert Report	3,478	83,346
The Daily Show	12,237	60,719
Upright Citizens Brigade	0	6,689
VMA Awards	0	276
Total	173,308	3,300,935

## MySpace

Asset	Views Action	Views No Action
Andy Milonakis	2,632	0
Angry Kid by Aardman Animation	0	7,046
Avatar the Last Airbender	3,675	17,642
Beavis & Butt-head	0	1,046
Chappelle Show	0	10,298
Comedy Central Presents	0	26,451
Degrassi	6,282	9,494
Drawn Together	12,961	12,028
Fairly Odd Parents	0	1,320
Invader Zim	318	15,327
Jimmy Neutron	0	392
Mind of Mencia	11,388	94,926
Mr. Meaty	0	747
Ren and Stimpy	43	1,340
Reno911!	0	3,409
Rugrats	0	4,289
South of Nowhere	1,636	3,569
South Park	3,558	23,329
Spongebob Squarepants	0	6,345
Star Wars Gangsta Rap	17,487	30,526
Stella	0	1,435
The Colbert Report	0	331
The Daily Show	0	3,623
Unconscious	0	774
VMA Awards	1,764	0
Total	61,372	274,179

Note:  
Views Action: Notices were sent.  
Views No Action: No notices were sent.

## BAY TSP

MTVN Weekly Report  
November 27 - December 03, 2006Clip Length Summary  
November 27 - December 03, 2006

## YouTube

Clip Length	Count
0	40
<30	64
1:00	197
1:30	84
2:00	50
2:30	17
3:00	104
3:30	140
4:00	98
4:30	72
5:00	55
5:30	40
6:00	47
6:30	420
Total	1,521

## Google Video

Clip Length	Count
0	0
<30	0
1:00	29
1:30	0
2:00	6
2:30	0
3:00	5
3:30	0
4:00	8
4:30	0
5:00	0
5:30	0
6:00	4
6:30	10
Total	70

## MySpace

Clip Length	Count
0	7
<30	10
1:00	17
1:30	14
2:00	10
2:30	14
3:00	30
3:30	8
4:00	11
4:30	12
5:00	9
5:30	10
6:00	5
6:30	118
Total	319

## Yahoo Video

Clip Length	Count
0	86
<30	23
1:00	29
1:30	13
2:00	64
2:30	0
3:00	6
3:30	5
4:00	2
4:30	1
5:00	2
5:30	0
6:00	1
6:30	13
Total	239

## Dailymotion

Clip Length	Count
0	0
<30	0
1:00	0
1:30	0
2:00	0
2:30	0
3:00	0
3:30	0
4:00	0
4:30	0
5:00	0
5:30	0
6:00	0
6:30	0
Total	0

## Notes:

We will begin to cover next week.



**Detail Clip Length Report by Asset**  
November 27 - December 03, 2006

**Note:** The numbers in these tables include all infringements, whether or not a notice was sent.

## YouTube Infringement Counts

[illegible]



# BAYTEST

[illegible]



# BAYTESTS

Confidential

VIA 160729 10

[illegible]

C. G. S. Smith.

523







# BAYTESTS

[illegible]



Rugrats - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rugrats : Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
South of Nowhere - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
South of Nowhere : Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9
South Park - Clips	0	0	0	3	1	1	0	0	0	0	0	0	0	0	0
South Park : Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15
Spongebob Squarepants - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6
Spongebob Squarepants : Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
Star Wars Galactic Republic Era TV - Clips	0	0	0	1	0	0	0	0	0	0	0	0	0	0	3
Star Wars Galactic Republic Era TV : Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12
Stella - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stella : Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
The Colbert Report - Clips	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
The Colbert Report : Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
The Daily Show - Clips	0	0	0	1	2	2	0	0	0	0	0	0	0	0	10
The Daily Show : Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TV Land Presents The 100 - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TV Land Presents The 100 : Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Unfabulous - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Unfabulous : Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8
Upright Citizen Brigade - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Upright Citizen Brigade : Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VMA Awards - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
VMA Awards : Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Total	7	10	57	16	10	16	30	8	11	12	9	10	5	118	319



# BAYTEST<sup>®</sup>

## Yahoo Video Infringement Counts

[illegible]

Rugrats - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Regency - Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
South of Nowhere - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
South of Nowhere - Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
South Park - Clips	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
South Park - Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Spongebob Squarepants - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Spongebob Squarepants - Full Episode	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Star Wars Galaxy Map by Bent TV - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
Star Wars Galaxy Map by Bent TV - Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stella - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stella - Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
The Colbert Report - Clips	2	0	1	0	1	0	0	0	0	0	0	0	0	0	0	1	5
The Colbert Report - Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
The Daily Show - Clips	5	0	0	0	1	0	0	0	0	1	0	0	0	0	0	1	8
The Daily Show - Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TV Land Presents The 100 - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TV Land Presents The 100 - Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Unfabulous - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Unfabulous - Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Upright Citizens Brigade - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Upright Citizens Brigade - Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VMA Awards - Clips	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
VMA Awards - Full Episode	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
	86	25	29	3	64	0	6	3	2	3	3	0	2	13	239		





MTVN Weekly Report  
November 27 - December 03, 2006

**P2P Infringement Counts By Asset**  
**November 27 - December 03, 2006**

**No Take Down Action on these protocols**

Asset	BitTorrent	eDonkey	Gnutella	Total
Amanda Show - Clips	0	4	51	55
Andy Milonakis - Clips	16	139	153	308
Angry Kid by Aardman Animation - Clips	0	238	305	543
Avatar the Last Airbender - Clips	1,374	424	28	1,826
Backyardigans - Clips	0	1,730	26	1,756
Beavis & Butthead - Clips	122	3,077	901	4,100
Best Week Ever - Clips	0	1,185	44	1,229
Beyond the Break - Clips	24	117	31	172
Celebrity Death Match - Clips	23	3,912	589	4,524
Chappelle Show - Clips	0	488	551	1,039
Comedy Central Presents - Clips	351	2,365	1,490	4,206
Crossroads - Clips	0	214	112	326
Degrassi - Clips	155	259	99	513
Drake & Josh - Clips	0	197	21	218
Drawn Together - Clips	1,633	5,455	292	7,380
Fairly Odd Parents - Clips	0	33	133	166
Invader Zim - Clips	5,167	1,064	934	7,165
Jimmy Neutron - Clips	15	1,950	45	2,010
Laguna Beach - Clips	1,720	1,461	313	3,494
Mind of Mencia - Clips	44	339	1,049	1,432
Mr. Meaty - Clips	0	0	0	0
Naked Brothers Band - Clips	0	1	0	1
Pimp My Ride - Clips	8,425	3,398	1,309	13,132
Punk'd - Clips	79	1,381	321	1,781
Real World - Clips	11	3	13	27
Ren and Stimpy - Clips	84	1,833	419	2,336
Reno 911! - Clips	69	702	235	1,006
Rugrats - Clips	81	3,573	63	3,737
South of Nowhere - Clips	497	1,010	68	1,575
South Park - Clips	107,361	3,379	1,42	111,682
Spongebob Squarepants - Clips	4,055	1,474	541	6,070
Star Wars Gangsta Rap by Bent TV - Clips	0	57	39	96
Stella - Clips	0	50	49	99
The Colbert Report - Clips	7,837	769	749	9,555
The Daily Show - Clips	4,480	1,402	195	6,077
TV Land Presents The 100 - Clips	0	0	2	2
Unfabulous - Clips	0	87	66	153
Upright Citizen Brigade - Clips	0	223	75	298
VMA Awards - Clips	0	2,045	359	2,404
<b>Total</b>	<b>143,965</b>	<b>48,561</b>	<b>14,408</b>	<b>206,934</b>

P2P Infringement Counts By Asset  
November 27 - December 03, 2006

## eDonkey P2P Infringements by Region

Asset	Europe	Atlantic East	North America	Oceania	South America	Africa	Asia	South East Asia	Central America	Arctic	Total
Amanda Show - Clips	4	0	0	0	0	0	0	0	0	0	4
Andy Milonakis - Clips	118	4	17	0	0	0	0	0	0	0	139
Angry Kid by Adam Animation - Clips	194	4	18	9	4	4	4	1	0	0	238
Avatar: the Last Airbender - Clips	234	13	78	9	59	1	6	2	4	0	424
Avatar: the Last Airbender - Full Episode	0	0	0	0	0	0	0	0	0	0	0
Backyardigans - Full Episode	0	0	0	0	0	0	0	0	0	0	0
Beavis & Butthead - Clips	2,709	37	122	7	143	5	36	9	4	0	3,077
Best Week Ever - Clips	931	59	38	3	77	1	14	2	0	0	1,185
Best Week Ever - Full Episode	0	0	0	0	0	0	0	0	0	0	0
Beyoncé the Black - Clips	76	16	17	0	9	0	1	6	0	0	117
Beyond the Break - Full Episode	0	0	0	0	0	0	0	0	0	0	0
Celebrity Death Match - Clips	3,028	93	197	16	494	19	116	24	9	0	3,912
Celebrity Death Match - Full Episode	0	0	0	0	0	0	0	0	0	0	0
Chappelle Show - Clips	277	59	93	15	30	2	4	4	4	2	488
Chappelle Show - Full Episode	1,163	243	333	50	55	12	34	9	11	0	1,930
Comedy Central Presents - Clips	1,135	423	516	67	108	22	39	45	11	0	2,345
Comedy Central Presents - Full Episode	0	0	0	0	0	0	0	0	0	0	0
Crossroads - Clips	137	4	22	2	89	1	6	3	8	0	214
Crossroads - Full Episode	0	0	0	0	0	0	0	0	0	0	0
Degrassi - Clips	201	6	38	2	9	0	5	0	0	0	259
Degrassi - Full Episode	0	0	0	0	0	0	0	0	0	0	0
Drake & Josh - Clips	102	52	16	0	21	0	4	1	1	0	197
Drake & Josh - Full Episode	0	0	0	0	0	0	0	0	0	0	0
Drawn Together - Clips	4,119	416	547	176	1,122	17	26	17	33	0	5,431
Drawn Together - Full Episode	0	0	0	0	0	0	0	0	0	0	0
Early Odd Parents - Clips	17	5	8	0	4	0	0	0	1	0	33
Early Odd Parents - Full Episode	0	0	0	0	0	0	0	0	0	0	0
Invader Zim - Clips	852	26	130	35	27	2	14	4	4	0	1,094
Invader Zim - Full Episode	0	0	0	0	0	0	0	0	0	0	0
Jimmy Neutron - Clips	1,579	28	71	4	178	7	73	10	1	0	1,949
Jimmy Neutron - Full Episode	0	0	0	0	0	0	0	0	0	0	0
Laguna Beach - Clips	947	110	78	13	198	7	23	13	11	0	1,431
Laguna Beach - Full Episode	0	0	0	0	0	0	0	0	0	0	0
Mind of Menckins - Clips	199	41	210	12	7	0	4	4	2	0	539
Mind of Menckins - Full Episode	0	0	0	0	0	0	0	0	0	0	0
Mr. Meaty - Clips	0	0	0	0	0	0	0	0	0	0	0
Mr. Meaty - Full Episode	0	0	0	0	0	0	0	0	0	0	0
Naked Brother Band - Clips	1	0	0	0	0	0	0	0	0	0	1
Naked Brother Band - Full Episode	0	0	0	0	0	0	0	0	0	0	0
Pimp My Ride - Clips	3,940	185	99	21	113	17	66	13	3	0	3,565
Pimp My Ride - Full Episode	0	0	0	0	0	0	0	0	0	0	0
Punk'd - Clips	1,145	76	88	10	109	24	73	51	5	0	1,531
Punk'd - Full Episode	0	0	0	0	0	0	0	0	0	0	0

- Confidential -



[illegible]

Confidential

• *Staphylococcus aureus* •



# BAYTEST

[illegible]



### Abstract

[illegible]



# TEST DAY

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**Schapiro Exhibit 22**

**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 23**

---

From: "Worsnup, Mickey - Paramount" <Mickey\_Worsnup@Paramount.com>  
Date: Thu, 21 Jun 2007 16:32:29 -0700  
To: "Powell, Amy - Paramount" <[REDACTED]>, "Teifeld, Tamar - Paramount" <Tamar\_Teifeld@Paramount.com>, "Chiang, Cat - Paramount" <Cat\_Chiang@Paramount.com>, "Tipton, Kristina - Paramount" <Kristina\_Tipton@Paramount.com>  
Subject: Re: Transformers

These are all legit. The first one is from someone just compiled all our TV spots and trailers and made their own music video....its actually good, we should turn a blind eye.

I think KT said the rest of them are just EPK clips.

On 6/21/07 4:21 PM, "Powell, Amy - Paramount" <[REDACTED]> wrote:

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

From: Courtney Nieman <courtneyni@baytsp.com>  
To: Perry, Alfred - Paramount; Powell, Amy - Paramount  
Cc: Mark M. Ishikawa <marki@baytsp.com>; Evelyn Espinosa <evelyn@baytsp.com>; Warren Kim <warrenk@baytsp.com>  
Sent: Thu Jun 21 16:19:47 2007  
Subject: FW: Transformers

We found these just a short time ago. I have asked Blair to send take down notices on them. They don't look like teasers or trailers. Many scenes I haven't picked up on before. Let me know if you want me to stop the take down notices.

Courtney Nieman

From: Blair Taylor  
Sent: Thursday, June 21, 2007 4:10 PM  
To: Warren Kim; Courtney Nieman  
Subject: Transformers

yugiohtcgcollector02

<http://www.youtube.com/watch?v=5G8Tcms6xQk>  
<http://www.youtube.com/watch?v=3v1NUJze4nI>  
<http://www.youtube.com/watch?v=rSVdjKXmVDo>  
<http://www.youtube.com/watch?v=VG3OjK41Q8E>  
<http://www.youtube.com/watch?v=fyCNSWALU6k>  
<http://www.youtube.com/watch?v=wZREL0QN-HQ>  
[http://www.youtube.com/watch?v=wxxnllc5K\\_g](http://www.youtube.com/watch?v=wxxnllc5K_g)  
<http://www.youtube.com/watch?v=RDPGh6hsW0g>  
[http://www.youtube.com/watch?v=Esyyx1i1\\_nQ](http://www.youtube.com/watch?v=Esyyx1i1_nQ)

This user has all the above clips on YouTube. To me they do not appear to be parts of the trailer. Please advise~

Thanks

b

.....

Blair Taylor

---

Client Services Support

BayTSP, Inc

blairt@baytsp.com

408.341.2300

.....

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## **Schapiro Exhibit 24**



---

From: "Fricklas, Michael" <Michael.Fricklas@viacom.com>  
Date: Tue, 6 Feb 2007 22:35:14 -0500  
To: "Ann Brick" <abrick@aclunc.org>  
Subject: RE: YouTube Take-Down Notices

I've attached a short letter that I hope is helpful in answering your questions.

Please feel free to contact us if you have any more questions. There is a lot of misinformation travelling around the blogs!

Mike Fricklas

This e-mail is confidential and may be privileged. If you receive it in error, please delete it and notify the sender of the error. Thank you.

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

From: Ann Brick [mailto:abrick@aclunc.org]  
Sent: Tuesday, February 06, 2007 2:52 PM  
To: Fricklas, Michael  
Subject: YouTube Take-Down Notices

Please see attached.

Ann Brick  
Staff Attorney  
ACLU of Northern California  
39 Drumm Street  
San Francisco, CA. 94111  
(415) 621-2493

We've moved! Our new address is 39 Drumm Street, San Francisco, CA. 94111. Phone, fax, and email remain the same.

---

This message and any files or text attached to it are intended only for the recipients named above, and contain information that may be confidential or privileged. If you are not an intended recipient, you must not read, copy, use or disclose this communication. Please also notify the sender by replying to this message, and then delete all copies of it from your system. Thank you.

List of attachments:  
aclresponse.pdf



BET Networks > Famous Music > MTV Networks > Paramount Pictures

Michael D. Fricklas  
Executive Vice President  
General Counsel and Secretary

February 6, 2007

Ann Brick  
Staff Attorney  
Nicole Ozer  
Technology and Civil Liberties Policy Director  
American Civil Liberties Union Foundation of Northern California  
39 Drumm Street  
San Francisco, CA 94111

Dear Ms. Brick and Ms. Ozer:

Thank you for your letter of earlier today and for the opportunity to respond to your concerns. There is much misinformation circulating and we appreciate the opportunity to explain what we've done.

In fact, at substantial cost, every one of the over 100,000 clips was identified through filtering followed by a review of each clip by a member of our team to ensure that the content was Viacom's and was infringing. For the purpose of this takedown, we took a very conservative approach and gave clear direction to all viewers of clips that they include only those that constitute clear infringements. Nearly all of these were taken 100% from our networks and motion pictures without the additional of any new creative material. There are many, many clips that use material from our shows and movies that have not been removed because it is possible that there could be a fair use claim and we did not have the resources to do the analysis. I do not have the precise numbers, but it is estimated that over a million clips were viewed in the process of preparing for the takedown. To see a few of the clips we did not take down, search on "Jon Stewart" or "South Park" and see the clips that remain.

We are very familiar with the doctrines of parody, political commentary and criticism and the way they relate to the use of copyrighted material. In fact, Viacom relies upon the law in these areas regularly. Watch nearly any episode of South Park, The Daily Show with Jon Stewart or the Colbert Report and you will see how our artists draw from copyrighted works in legitimate ways for legitimate purposes. We believe strongly in the first amendment and have worked closely with the ACLU in the area on many occasions.

1515 Broadway > New York > NY 10036 Tel: [REDACTED] Fax: [REDACTED] Email: [michael.fricklas@viacom.com](mailto:michael.fricklas@viacom.com)

It is true that some identification errors were made, but we understand those errors to be under .1% of the total number of takedowns and therefore an even smaller percentage of the number of clips reviewed. We have asked YouTube to reinstate every erroneous message as soon as we become aware of it. We wish these errors didn't occur, but as you can see we were confronted with a truly Herculean task in demanding the removal of our copyrighted works.

Regrettably, YouTube has allowed itself to be turned not only into a forum for illegal consumption and sharing of copyrighted material, but it has decided to capture for itself the revenue from advertising to users while they watch and upload. We are insisting that YouTube respect the rights of authors, composers, singers, actors, producers and distributors of creative works by refusing to allow its website to be used for this behavior and by insisting that it apply reasonable efforts to weed out apparently copyrighted material. We believe YouTube can't hide behind the "we don't know it's there" defense – YouTube already weeds out other material that it deems offensive, such as content with nudity or hate speech. In fact, you may be aware that YouTube recently admitted that it can filter, but that it will implement filtering only for content owners who agree to do a business deal. This "if you don't sell it, we'll take it" approach clearly exposes YouTube's inability to assert the DMCA defense as YouTube has admitted that it has the ability to control its site and the right to do so, but refuses unless it is paid. It is a shame that we have had to incur the substantial expense to protect the rights of Viacom and our artists while YouTube irresponsibly benefits from the business model it has created.

Again, thanks for the opportunity to respond. If you have any further questions please do not hesitate to call Mark Morril at [REDACTED] Michelena Hallie at [REDACTED] or me.

Very truly yours,



Michael D. Fricklas

**Schapiro Exhibit 25**

---

Subject: RE: trailers on youtube  
From: "Scott Roesch" <EX:/O=ATOMSHOCKWAVE/OU=SAN FRANCISCO/CN=RECIPIENTS/CN=SROESCH>  
To: Megan O'Neill  
Cc: Date: Fri, 23 Feb 2007 17:58:06 +0000

Redacted  
for  
Privilege

that's not a problem -- MTVN's takedown notice actually excepted content under 2:30 (ie, stuff that is promotional  
[REDACTED])

Would be great -- we've done this with other pieces as well.

---

From: Megan O'Neill  
Sent: Friday, February 23, 2007 8:27 AM  
To: Scott Roesch  
Subject: trailers on youtube

Hi Scott:

In light of MTVN's relationship with YouTube, do you think they will allow us to upload trailers that promote studio pieces? The chicks guys want to upload a trailer that gives their af url to help drive more traffic.

Thx,

Megan

## **Schapiro Exhibit 28**

---

From: "Frank, Kristin - MTVN" <Kristin.Frank@logostaff.com>  
Date: Wed, 11 Oct 2006 10:01:34 -0400  
To: "Sherman, Lisa" <Lisa.Sherman@logostaff.com>, "Witt, Jason" <Jason.Witt@mtvstaff.com>, "Parent, Richard" <Richard.Parent@logostaff.com>  
Cc: "Leonard, Marc" <Marc.Leonard@Logostaff.com>  
Subject: RE: YouTube Weekly Report

[REDACTED]

Richard - please continue pulling full episodes and as we had discussed, leave random clips up because they are promotional in nature for us.

Thanks all

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

From: Sherman, Lisa  
Sent: Wednesday, October 11, 2006 7:39 AM  
To: Witt, Jason; Frank, Kristin - MTVN; Parent, Richard  
Cc: Leonard, Marc  
Subject: Re: YouTube Weekly Report

I'm inclined to keep clips on there for now... [REDACTED]

-----  
Sent from my BlackBerry Wireless Handheld

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

From: Witt, Jason  
To: Frank, Kristin - MTVN; Parent, Richard  
CC: Leonard, Marc; Sherman, Lisa  
Sent: Wed Oct 11 01:02:05 2006  
Subject: RE: YouTube Weekly Report

We are going to try to do something with them--actually taking it upstairs tomorrow to get green light. But that shouldn't change anything you'd do in normal course--so if you typically yank 'em, keep doing it until we have something.

Generally folks from other brands are pulling down full eps, and leaving other stuff up for now.

---

From: Frank, Kristin - MTVN  
Sent: Tue 10/10/2006 7:49 PM  
To: Parent, Richard; Witt, Jason  
Cc: Leonard, Marc; Sherman, Lisa  
Subject: RE: YouTube Weekly Report

Now, there also is a deal going down with You Tube where we would get ad sales dollars from these...

Jason - should we not be pulling down our content from YOU TUBE at this point based on where we are with the deal


Please advise - thanks

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

From: Parent, Richard  
Sent: Tuesday, October 10, 2006 7:49 PM  
To: Frank, Kristin - MTVN




.....  
Subject: Re: YouTube Weekly Report




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

From: Frank, Kristin - MTVN  
To: Leonard, Marc; Parent, Richard; Opatul, Eileen; Jacobson, Joanne; Sherman, Lisa  
Sent: Tue Oct 10 19:41:11 2006  
Subject: RE: YouTube Weekly Report



-----  
From: Leonard, Marc  
Sent: Tuesday, October 10, 2006 4:52 PM  
To: Parent, Richard; Opatul, Eileen; Frank, Kristin - MTVN; Jacobson, Joanne; Sherman, Lisa  
Subject: FW: YouTube Weekly Report



-----  
From: Morales, Cindy  
Sent: Tuesday, October 10, 2006 4:44 PM  
To: Medina, Rhonda; Polaner, Melissa; Lewand, Beth; Cunin, Mary Beth; Weinstein, Caleb; Levin, Seth - Legal; Leonard, Marc; DeBenedittis, Paul J. - MTV Online

Cc: Shapiro, Andra; Jackson, Genise; Kim, Clara; Cheeks, George; Gottback, Brian; Rockwell, Nick; Steele, Don; Moiko, Joseph - MTVN; Hallie, Michellena

Subject: YouTube Weekly Report

Hi All,



Redacted  
for  
Privilege

<< File: MTVN Report\_10.08.06.xls >>  
Cindy Morales  
Manager, Intellectual Property  
MTV Networks  
1515 Broadway  
New York, NY 10036  
p. 212.846.8882  
f. 212.846.1774

**Schapiro Exhibit 31**

To: "Heather Gillette" <hgillette@google.com>  
From: "Courtney Nieman" <courtneyni@baytsp.com>  
Cc:  
Bcc:  
Received Date: 2006-12-14 16:44:29 GMT  
Subject: RE: [html] Re:

Thanks - mybad. I just looked it up and servicerep is the contact for another organization. Please forgive the mix up. Hope all is well in the land of video. Have a great day.

Courtney Nieman

From: Heather Gillette [mailto:hgillette@google.com]  
Sent: Thursday, December 14, 2006 8:39 AM  
To: Courtney Nieman  
Cc: [REDACTED] heather gillette  
Subject: [html] Re:

Hey there Courtney,

This is down. Also, please make sure you email [REDACTED] and not [REDACTED] otherwise my 24/7 team won't see these ;)

I will respond to your other email soon. I have not yet had a chance!

Heather

On 12/14/06, Courtney Nieman <courtneyni@baytsp.com> wrote:

Please take down <http://www.youtube.com/watch?v=CAI8KEOaTgg> <<http://www.youtube.com/watch?v=CAI8KEOaTgg>> . This director account put up the entire movie and is in violation of the DMCA and Copyright laws. This request is made by BayTSP on behalf of Paramount Pictures Corporation.

Thank you for your attention and quick response.

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>>

---

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delete the message from your system. Please do not copy the message or distribute it to anyone.

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.

---

**Schapiro Exhibit 43**

To: "chris@youtube.com" <chris@youtube.com>  
From: "Dean\_Garfield@mpaa.org" <Dean\_Garfield@mpaa.org>  
Cc:  
Bcc:  
Received Date: 2007-06-07 22:56:46 CST  
Subject: RE: Video Fingerprinting Agreemen

Thanks Chris. I appreciate the call. I will take a look at the document and get back to you in the next few days with our thoughts.

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

From: Chris Maxcy [mailto:chris@youtube.com]  
Sent: Thursday, June 07, 2007 2:43 PM  
To: Garfield, Dean  
Subject: Video Fingerprinting Agreemen


Hi Dean,

It was great catching up with you today. Here is the document that I mentioned (hopefully you will find it as benign ;-). We are looking forward to the opportunity to work with you on our upcoming video fingerprinting test. Please let me know when you are ready to chat further.

Best,

Chris

---

Chris Maxcy  
YouTube  
chris@youtube.com  


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---

**Schapiro Exhibit 44**



To: <chris@youtube.com>  
From: <Dean\_Garffield@mpaa.org>  
CC: <inghelbrecht@google.com>  
BCC:  
Sent Date: 2007-06-16 01:25:16 GMT  
Subject: Re: Video Fingerprinting Test

Hello, I am doing well. I was in your neck of the woods today. I was at a CEOs conference and was supposed to be on a panel with Messrs. Drummond. He did not show and took a lot of ribbing for not being there. Anyway, I will check in with our GC on the NDA and get back to you next week. Have a great weekend.

-----  
Sent from my BlackBerry Wireless Handheld

Original Message  
From: Chris Maxey <chris@youtube.com>  
To: Garfield, Dean  
Cc: 'Philip Inghelbrecht' <inghelbrecht@google.com>  
Sent: Fri Jun 15 17:13:52 2007  
Subject: Video Fingerprinting Test

Hi Dean,

Hope you had a good week. Just checking in to see if you have any thoughts on the fingerprint test agreement? We'd love to get you guys up an running on the test. Look forward to speaking soon.

Best,

Chris

---

Chris Maxey  
YouTube  
chris@youtube.com  
[REDACTED]

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**Schapiro Exhibit 45**

To: Rachel Claflin <rclaflin@youtube.com>  
From: Kip Welch <KWelch@movielabs.com>  
Cc: Dean\_Garfield@mpaa.org <Dean\_Garfield@mpaa.org>; Zahavah Levine  
[REDACTED]; Steve Weinstein <SWeinstein@movielabs.com>; anna\_gunning@mpaa.org  
<anna\_gunning@mpaa.org>  
Bcc:  
Received Date: 2007-07-26 23:33:02 GMT  
Subject: RE: MPAA/YouTube Content Verification Test Agreement

---

Thanks, Rachel. Attached is an electronic copy executed by MovieLabs.

Kip

---

From: rclaflin@google.com [mailto:rclaflin@google.com] On Behalf Of  
Rachel Claflin  
Sent: Thursday, July 26, 2007 4:02 PM  
To: Kip Welch  
Cc: Dean\_Garfield@mpaa.org; Zahavah Levine; Steve Weinstein;  
anna\_gunning@mpaa.org  
Subject: MPAA/YouTube Content Verification Test Agreement

Hi Kip,

Attached is a PDF of the signed version of the MPAA/YouTube Content  
Verification Test Agreement. Dean suggested that you would be able to  
sign this in Steve Weinstein's absence. Please sign the attached  
agreement and return to me by either e-mail or fax. Our fax number is  
[REDACTED]

Kind Regards,

Rachel

--

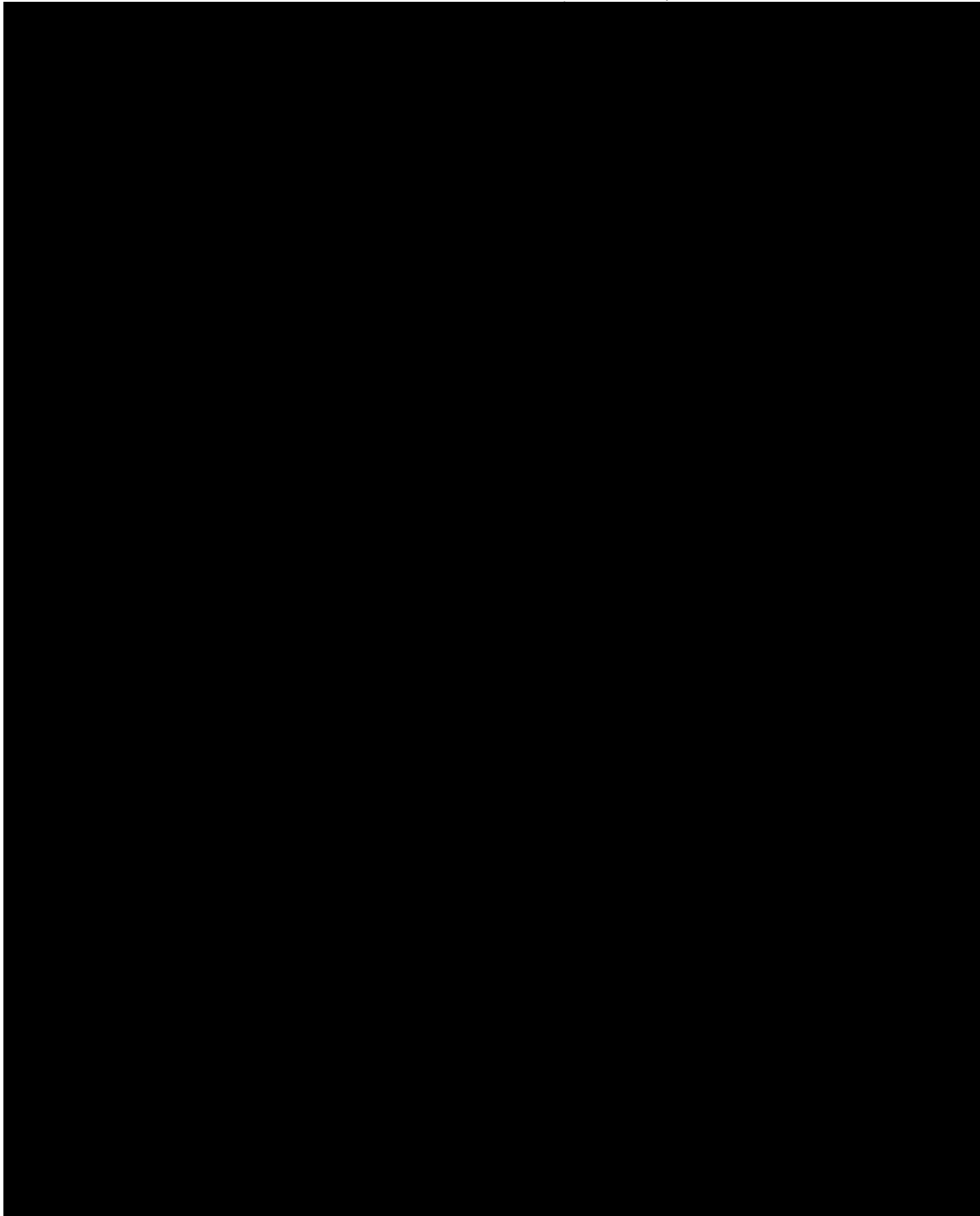
Rachel Claflin  
Legal Assistant  
YouTube, LLC  
1000 Cherry Ave, Suite 2  
San Bruno, CA 94066  
[REDACTED]

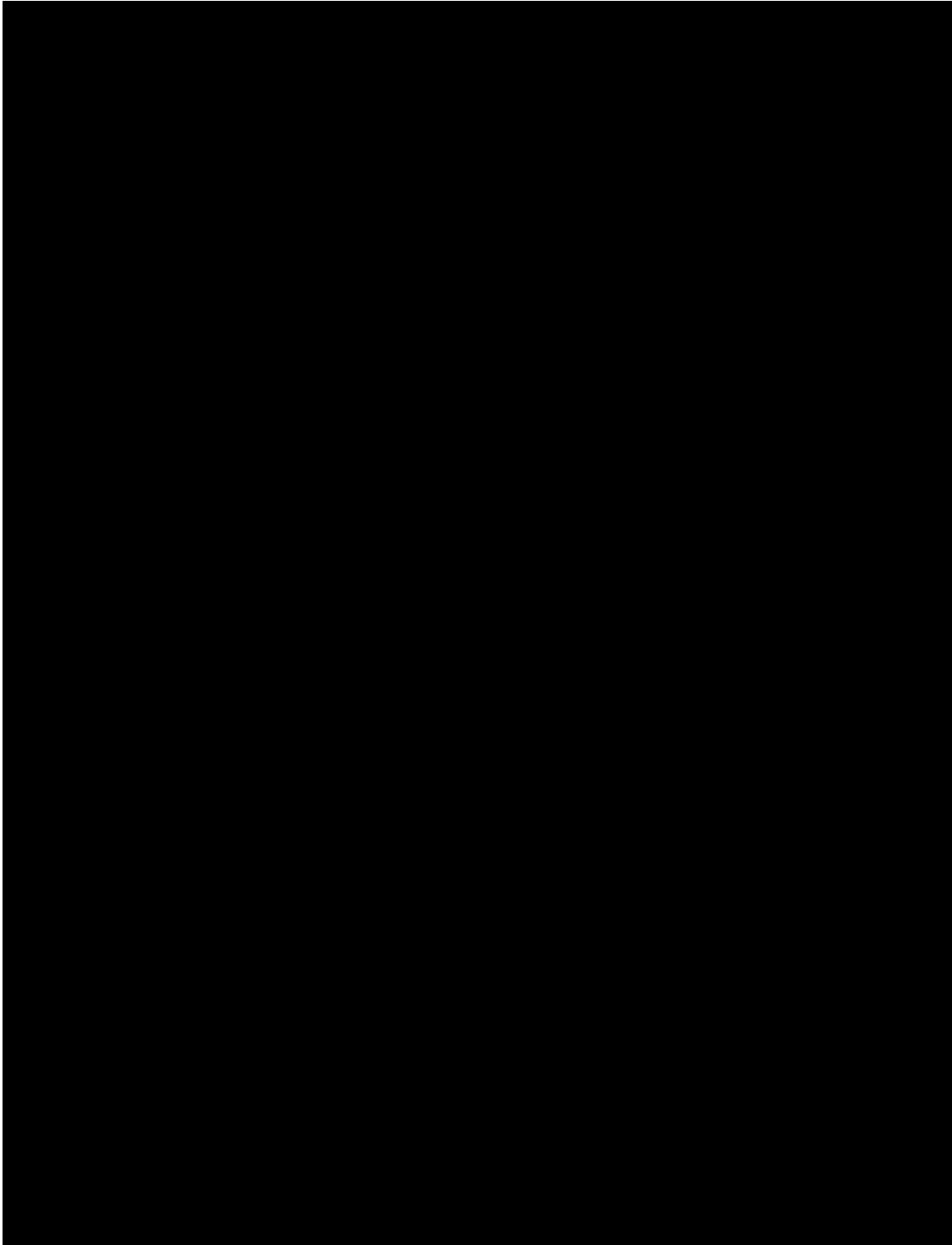
---

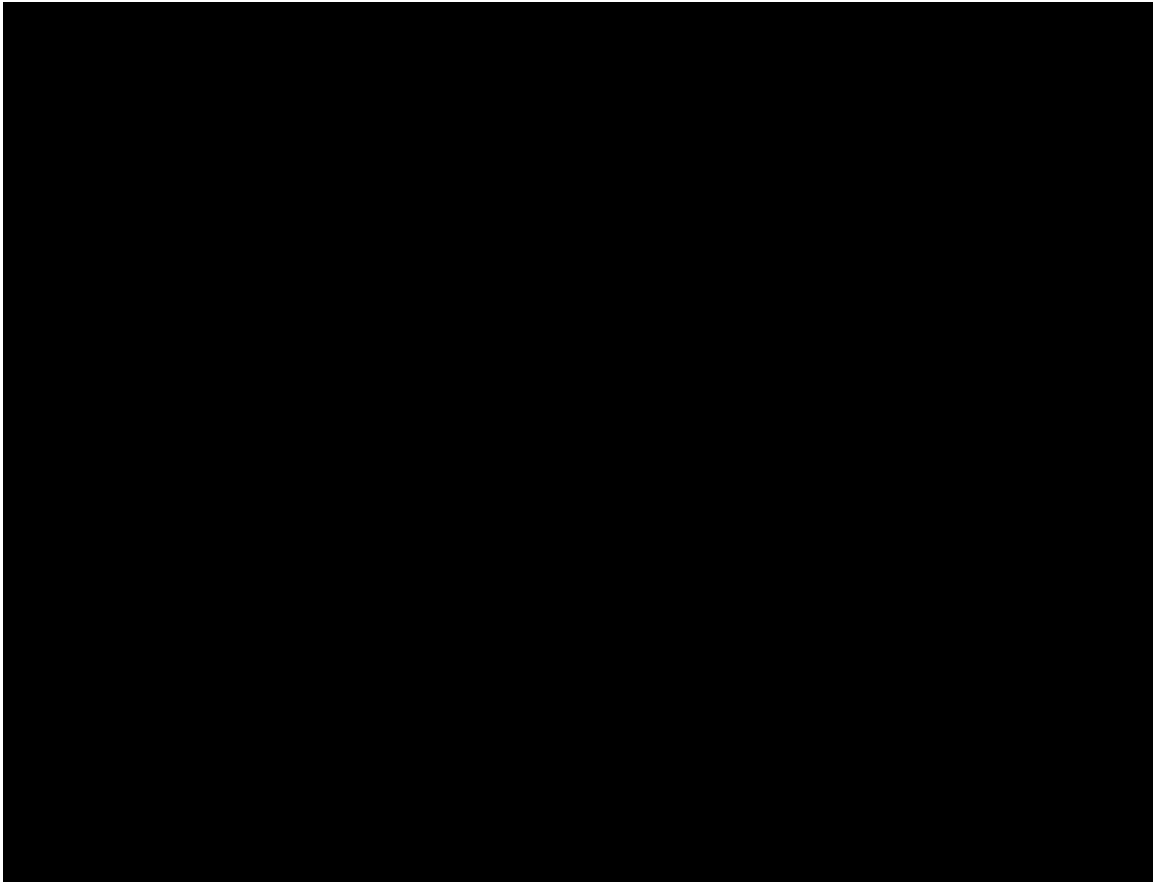
Attachments:

Scann001.pdf

**CONTENT VERIFICATION TEST AGREEMENT**







**Schapiro Exhibit 52**

Hollister, Jesse

---

From: yourfriends@atom.com  
Sent: Tuesday, September 05, 2006 5:41 PM  
To: akspellicy@yahoo.com.au  
Subject: Addicting Clips Content Removal [Copyright] (KMM519159I21263L0KM)

Attachments: Counter-Notification of Infringement.doc



Counter-Notificatio  
n of Infring...

RE: I Closed My Eyes

<http://www.addictingclips.com/Clip.aspx?key=A0F0D4934C9D1068>

Hello,

As a passive conduit, we cannot monitor user clips, but we respond to breaches of our Terms of Service when we learn of such behavior.

It was brought to our attention that your content violated our Terms of Service. It was therefore removed from the Addicting Clips web site.

If you believe that the content was removed in error, and specifically was not infringing on the copyright of another, and you want to put the materials back on the Addicting Clips website, you must provide us with a formal Counter-Notification of Infringement. Please be advised that we are obligated by the terms of the Digital Millennium Copyright Act (DMCA) of 1998 to disclose the information you supply in this form to the original notifier. This Counter-Notification is both embedded in this email and attached for your convenience.

Please note that under Section 512(f) of the Copyright Act, any person who knowingly materially misrepresents that material or activity was removed or disabled by mistake or misidentification may be subject to liability. Please also be advised that we enforce a policy that provides for the termination in appropriate circumstances of subscribers who are repeat infringers.

\*\*\*\*\*

#### Counter-Notification of Infringement

I hereby certify under penalty of perjury that I am the owner or am authorized to act on behalf of the owner of the intellectual property rights. I have a good faith belief that material identified below was removed by mistake. Please promptly restore the material described below.

Description of the Material Removed:

Previous Location of the Material Removed:

Date:

I can be contacted at:

Name:

Title:

Company or Organization:



Street Address:

City:

State:

Zip:

Telephone:

Facsimile:

Email:

I certify under penalty of perjury the truth of the above information.

I hereby consent to the jurisdiction of the federal court in which I reside and that I will accept service of process from the original notifier.

Signature:

\*\*\*\*\*

Regards,

User Abuse Manager, Addicting Clips  
Atom Entertainment, Inc.

**Schapiro Exhibit 56**

## A-772

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[Home](#) [Videos](#) [Channels](#) [Shows](#)

# Broadcasting Ourselves ;)

## The Official YouTube Blog

SUN  Y, MARCH 26, 2006

### Your 15 Minutes of Fame..ummm...Make that 10 Minutes or Less

The past few months have been phenomenal for us here at YouTube, thanks to all of you. We've been going through unprecedented growth. Most days it seems we can barely catch our breath trying to keep up with everything, and sometimes I sit at my desk and look around at the 20 or so people around me and cannot believe how far we've come in such a short period of time. No matter how fast we grow or how large we may become, our primary goal is, and will always be, about being in touch with our users and providing them the best online video experience possible. That being said, we've gotten a fair amount of emails lately about the new 10 minute limit we've implemented for video uploads. For those of you not familiar with this change, we've always had a 100MB file limit for uploads. We also recently implemented a 10 minute length limit. This change won't impact the vast majority of our users. We know that over 99% of videos uploaded are already under 10 mins, and we also know that most of our users only watch videos that are under about 3 minutes in length.

So, if most of our users are uploading and watching short form video clips, why even bother to make the change? If it ain't broke, don't fix it right? Well, if you've followed our blog postings or any of the press articles, you know we're constantly trying to balance the rights of copyright owners with the rights of our users. We poked around the system a bit and found that these longer videos were more likely to be copyrighted videos from tv shows and movies than the shorter videos posted. However, we also recognize that there are legit content creators out there who may have videos over 10 mins, so we've created a [Premium Content Program](#) for those of you with professional-produced videos.

What about the little guys you ask? We hear ya. We know that although most users are uploading short form clips, there are those of you out there that are video bloggers or amateur film makers that have legitimate, user generated content over 10 mins, and obviously, this is not an ideal situation for you. We recognize that, and we're actively working on a solution that will allow for those of you with longer form user generated content, while still preventing copyrighted full length episodes from entering the system. In fact, if you are a user with videos over 10 mins, please [contact us](#). We want to hear from you. We want to know how you've been impacted by this change and any thoughts or ideas you may have.

Remember: this site is about you, and we're listening.

Best,

[Maryrose](#)

The YouTube Team

#### 23 comments:

[kieranmullen](#) said...



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[Los Angeles, CA - Noncon - July 9-11, 2010](#)

[London, UK - Aug. 6-8, 2010](#)

[Past Gatherings](#)

[Hosting a meetup? Leave a comment on this channel with details](#)

#### Twitter / youtube

youtube: Congrats to [@MysteryGuitarM](#), featured in [@cnnmoney's Best Jobs series](#) <http://goo.gl/7OhV>

youtube: Inform, engage and mobilize voters with YouTube and [@google](#) campaign toolkits: <http://goo.gl/rd0S>

youtube: [@cpayne12](#) Um, Disco, of course!

youtube: [@PecosRoyBean](#) Not at all :)

youtube: [@mediocrefilms](#) Nice - congrats!

#### What We're Watching

[Adopt a Feature](#)

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[MusicTuesday](#)

# A-773



The linke to Premium Content Program no longer works.

KieranMullen  
http://360oregon.com

August 19, 2009 11:27 AM

**BattlefieldDoktor said...**

Kiearan ... check the date of this very old blog .... the Premium Content Program got already replaced by the Director Program and later by the Partner Program ;o))

August 27, 2009 4:40 AM



**Mike Lisanke said...**

Also, the email for Maryrose using the "contact us" link is no longer a valid email address. I was replying that this limit is a barrier to educational meeting content. I understand that's not your market, but; I thought I'd mention it anyway. I'll look elsewhere to find a video repository for our material.

November 5, 2009 11:03 AM

**zeroxy said...**

Nice Thx

[sinema](#) , [vizyondakiler](#)

December 16, 2009 8:25 AM



**a11000 said...**

My daughter's 17 minute piano piece I recorded CANNOT be severed in half. This 10 minute limit is arbitrary and there should be some way users can purchase for a small fee a bit of additional time on a one-time basis.

January 5, 2010 8:40 PM

**trompetejogador said...**

I am totally disgusted with YOUTUBE. I have a video blog called "Politically Incorrect Radio". My latest "attempt" was about 9.5 minutes long. I timed it with my watch. I use MS Movie maker. It's time line is set up so it shows minutes and seconds. Now I have to "divide" my blog. I did that B4. This 1st have was watched. The 2nd half was not. I am unemployed and cannot afford ANY "Premium" channel. I do not post material from other people. Then there's my "copy right" Issue concerning the sound track from Spring Lake Iron & Steel Charles Wesley Works. That music came from ROXIO PHOTO. Not me. I tried to use music I made such as on my other videos with Roxio. But it wouldn't let me. However the video is available with a ad for "Sonny Rollands". So now I go to waste time splitting my video up knowing the 1st part will be watched and not the 2nd. How a 9.5 minute video ends up being 23.56 minutes is beyond me!!!!

I DO NOT POST OTHER PEOPLE'S VIDEOS. Now it will make me spend TWICE the time and cut my viewership. SOMEBODY FROM YOUTUBE RESPOND TO ME  
strobx1

February 10, 2010 5:11 AM



**Rehd said...**

*This post has been removed by the author.*

March 31, 2010 11:28 PM



**Korsan said...**

thank you  
[Online Film](#)  
[Online divx Film](#)  
[türkçe dublaj Film izle](#)  
[yabancı film izle](#)  
[virgin film izle](#)  
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- [2008](#) (251)
- [2007](#) (131)
- ▼ [2006](#) (37)
  - [December](#) (2)
  - [November](#) (5)
  - [October](#) (7)
  - [September](#) (3)
  - [August](#) (3)
  - [July](#) (1)
  - [June](#) (3)
  - [May](#) (3)
  - [April](#) (2)
  - ▼ [March](#) (3)
    - [YouTube Labs Introduces The Smiley Face Factory™](#)
    - [Your 15 Minutes of Fame..ummm...Make that 10 Minut...](#)
    - [That's Entertainment](#)
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- [January](#) (2)
- [2005](#) (15)

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# A-774



April 16, 2010 12:56 PM

**ibrahim said...**

[Sesli Sohbet](#)gel[Sesli Chat](#)gor

[SesliSohbet](#)sende[SesliChat](#)bize

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[Sesli](#)bekleme[Chat](#)yoksa

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[Sohbet siteleri](#)gecmis[Chat siteleri](#)olacak thanks.

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[Sohbet siteleri](#)gecmis[Chat siteleri](#)olacak thanks.

May 6, 2010 5:00 PM

**nike said...**

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[ed hardy online store](#)|

[ed hardy clothes](#)|

[discount ed hardy](#)|

[cheap ed hardy](#)|

[ed hardy uk](#)|

[discount ed hardy shirts](#)|

[cheap ed hardy shirts](#)|

[ed hardy t shirts](#)|

[ed hardy long sleeve](#)|

[ed hardy mens](#)|

[ed hardy womens](#)|

[ed hardy outerwear](#)|

[ed hardy shoes](#)|

[ed hardy boots](#)|

[ed hardy snow boots](#)|

[ed hardy kid's](#)|

[ed hardy hoodies](#)|

[ed hardy jackets](#)|

[ed hardy sunglasses](#)|

[ed hardy handbags](#)|

[ed hardy wallets](#)|

[ed hardy swimwear](#)|

[cheap ed hardy shirts](#)|

[cheap ed hardy hoodies](#)|

[ed hardy long sleeve](#)|

[ed hardy men](#)|

[ed hardy women](#)|

[ed hardy jackets](#)|

[ed hardy men's shoes](#)|

[ed hardy boots](#)|

[ed hardy snow boots](#)|

[ed hardy winter boots](#)|

[ed hardy kid](#)|

[ed hardy hoodies](#)|

[ed hardy sunglasses](#)|

[ed hardy handbags](#)|

[ed hardy wallets](#)|

[ed hardy swimwear](#)|



# A-775



May 7, 2010 5:43 PM

**nike said...**

Ed-hardy-shirts

[cheap ed hardy clothing |](#)

[ed hardy t shirts|](#)

[ed hardy shirts|](#)

[ed hardy online store|](#)

[ed hardy womens|](#)

[ed hardy mens|](#)

[ed hardy bags|](#)

[ed hardy boots|](#)

[ed hardy shoes|](#)

[ed hardy men's jeans|](#)

[ed hardy women's jackets|](#)

[ed hardy men's shirts|](#)

[ed hardy women's handbags|](#)

[christian audigier long sleeve|](#)

[ed hardy wholesale|](#)

[ed hardy christian audigier|](#)

[christian audigier shirts|](#)

[ed hardy women's long sleeve|](#)

[ed hardy outerwear|](#)

[ed hardy jacket|](#)

[ed hardy swimwear|](#)

[christian audigier hoodies |](#)

[wholesale ed hardy shirts|](#)

[ed hardy shirts for men|](#)

[ed hardy shirts cheap |](#)

[ed hardy t shirts for women|](#)

**Nike Chaussures**

[Remise Chaussures Sport|](#)

[Chaussure de Sports|](#)

[Marques Chaussures Sport|](#)

[2010 Air Max Chaussures|](#)

[Nike Shox R4|](#)

[nike tn requin|](#)

[nike max tn|](#)

[nike tn |](#)

[tn requin |](#)

[nikemaxtn|](#)

[Chaussures Sport|](#)

[Nike chaussures hommes|](#)

[Nike chaussures femmes|](#)

[Nike chaussures enfants|](#)

[Nike chaussures sport|](#)

[nike femmes chaussures|](#)

[chaussure nike tn requin|](#)

[chaussure nike air max|](#)

[chaussure nike tn|](#)

[nike tn|](#)

May 7, 2010 5:44 PM

**nike said...**

Ed-hardy-clothing

[ed hardy clothing us|](#)

[ed hardy clothing|](#)

[ed hardy clothes|](#)

[ed hardy ugg boots|](#)

[ed hardy wear|](#)

[ed hardy polo shirts|](#)

[ed hardy love kills slowly|](#)

[ed hardy love kills slowly boots|](#)

[ed hardy love kills slowly shoes|](#)

[ed hardy love kills slowly shirts|](#)

[ed hardy trousers|](#)

## A-776



[ed hardy jackets|](#)  
[ed hardy women's t shirts|](#)  
[ed hardy boots|](#)  
[ed hardy womens shirts|](#)  
[ed hardy outerwear|](#)  
[christian audigier jackets |](#)  
[ed hardy womens jeans|](#)  
[ed hardy handbags|](#)  
[ed hardy winter boots|](#)  
[ed hardy t shirts|](#)  
[christian audigier hoodies|](#)  
[ed hardy mens jeans|](#)  
[ed hardy mens shoes|](#)  
[ed hardy womens hoodies|](#)  
[Ed-hardy-us](#)  
[cheap ed hardy|](#)  
[cheap ed hardy clothing|](#)  
[ed hardy clothes|](#)  
[ed hardy wholesale|](#)  
[ed hardy clothing|](#)  
[ed hardy outerwear|](#)  
[ed hardy t shirts|](#)  
[ed hardy long sleeve|](#)  
[ed hardy hoodies|](#)  
[ed hardy men's|](#)  
[ed hardy women's|](#)  
[ed hardy shoes|](#)  
[ed hardy kid|](#)  
[ed hardy jeans|](#)  
[ed hardy handbags|](#)  
[ed hardy pants|](#)  
[christian audiger t shirts|](#)  
[christian audigier hoodies|](#)  
[christian audigier shirts|](#)

May 7, 2010 5:45 PM

### Seyhan said...

[yeni oyunlar en yeni oyunlar dünyanın en zor oyunu](#)  
[örümcek adam oyunları transformers oyunları www.aslanmax.com](#)  
[www.aslanmax.com oyunları www.aslanmax.com oyunu ben 10 alien force oyunu](#)  
[Barbie oyunları Sue oyunları bütün oyunlar tüm oyunlar dinle mp3](#)

May 12, 2010 7:04 PM

### nike said...

Honour to be here!  
 Truly a nice work! Greatest post I have ever seen! Thank you for sharing it! Have a good day!  
[sport shoes shop|](#)  
[cheap nike air|](#)  
[cheap nike shox|](#)  
[cheap nike max|](#)  
[cheap puma shoes|](#)  
[cheap nike shoes|](#)  
[puma shoes|](#)  
[discount puma shoes|](#)  
[nike sports shoes|](#)  
[nike air force ones|](#)  
[cheap sport shoes|](#)  
[nike shox torch|](#)  
[puma cat|](#)  
[puma future cat|](#)  
[nike shox r4|](#)  
[nike shox nz|](#)  
[nike air max ltd|](#)  
[nike running shoes|](#)  
[nike tn dollar|](#)

# A-777



[ferrari shoes|](#)  
[air jordan shoes|](#)  
[nike air max tn|](#)  
[jordan mens shoes|](#)  
[nike air max|](#)  
[nike women shoes|](#)  
[cheap puma ferrari shoes|](#)  
[nike shox rival|](#)  
[nike mens shoes|](#)  
[nike air max 360|](#)  
[nike air max 2010|](#)  
[nike air max 2009|](#)  
[nike air max 90|](#)

May 16, 2010 7:56 PM

## **nike said...**

[Ed-hardy-clothing](#)  
[ed hardy clothing us|](#)  
[ed hardy clothing|](#)  
[ed hardy clothes|](#)  
[ed hardy uggs boots|](#)  
[ed hardy wear|](#)  
[ed hardy polo shirts|](#)  
[ed hardy love kills slowly|](#)  
[ed hardy love kills slowly boots|](#)  
[ed hardy love kills slowly shoes|](#)  
[ed hardy love kills slowly shirts|](#)  
[ed hardy trousers|](#)  
[ed hardy jackets|](#)  
[ed hardy women's t shirts|](#)  
[ed hardy boots|](#)  
[ed hardy womens shirts|](#)  
[ed hardy outerwear|](#)  
[christian audigier jackets |](#)  
[ed hardy womens jeans|](#)  
[ed hardy handbags|](#)  
[ed hardy winter boots|](#)  
[ed hardy t shirts|](#)  
[christian audigier hoodies|](#)  
[ed hardy mens jeans|](#)  
[ed hardy mens shoes|](#)  
[ed hardy womens hoodies|](#)

## **Ed-hardy-us**

[cheap ed hardy|](#)  
[cheap ed hardy clothing|](#)  
[ed hardy clothes|](#)  
[ed hardy wholesale|](#)  
[ed hardy clothing|](#)  
[ed hardy outerwear|](#)  
[ed hardy t shirts|](#)  
[ed hardy long sleeve|](#)  
[ed hardy hoodies|](#)  
[ed hardy men's|](#)  
[ed hardy women's|](#)  
[ed hardy shoes|](#)  
[ed hardy kid|](#)  
[ed hardy jeans|](#)  
[ed hardy handbags|](#)  
[ed hardy pants|](#)  
[christian audiger t shirts|](#)  
[christian audigier hoodies|](#)  
[christian audigier shirts|](#)

May 16, 2010 7:58 PM

## **nike said...**

# A-778



Nike Chaussures

[Remise Chaussures Sport](#)|

[Chaussure de Sports](#)|

[Marques Chaussures Sport](#)|

[2010 Air Max Chaussures](#)|

[Nike Shox R4](#)|

[nike tn requin](#)|

[nike max tn](#)|

[nike tn](#) |

[tn requin](#) |

[nikemaxtn](#)|

[Chaussures Sport](#)|

[Nike chaussures hommes](#)|

[Nike chaussures femmes](#)|

[Nike chaussures enfants](#)|

[Nike chaussures sport](#)|

[nike femmes chaussures](#)|

[chaussure nike tn requin](#)|

[chaussure nike air max](#)|

[chaussure nike tn](#)|

[nike tn](#)|

May 16, 2010 8:01 PM

**nike said...**

[Edhardy-uk/au](#)

[ed hardy clothing](#)|

[cheap ed hardy](#)|

[ed hardy online store](#)|

[discount ed hardy shirts](#)|

[cheap ed hardy shirts](#)|

[ed hardy t shirts](#)|

[ed hardy long sleeve](#)|

[ed hardy mens](#)|

[ed hardy womens](#)|

[ed hardy outerwear](#)|

[ed hardy shoes](#)|

[ed hardy boots](#)|

[ed hardy snow boots](#)|

[ed hardy kid's](#)|

[ed hardy hoodies](#)|

[ed hardy jackets](#)|

[ed hardy sunglasses](#)|

[ed hardy handbags](#)|

[ed hardy wallets](#)|

[ed hardy swimwear](#)|

[ed hardy clothes](#)|

[discount ed hardy](#)|

[cheap ed hardy](#)|

[ed hardy uk](#)|

[cheap ed hardy shirts](#)|

[cheap ed hardy hoodies](#)|

[ed hardy long sleeve](#)|

[ed hardy men](#)|

[ed hardy women](#)|

[ed hardy jackets](#)|

[ed hardy men's shoes](#)|

[ed hardy boots](#)|

[ed hardy snow boots](#)|

[ed hardy winter boots](#)|

[ed hardy kid](#)|

[ed hardy hoodies](#)|

[ed hardy sunglasses](#)|

[ed hardy handbags](#)|

[ed hardy wallets](#)|

[ed hardy swimwear](#)|

[Ed-hardy-shirts](#)

## A-779



[cheap ed hardy clothing |](#)  
[ed hardy t shirts|](#)  
[ed hardy shirts|](#)  
[ed hardy online store|](#)  
[ed hardy womens|](#)  
[ed hardy mens|](#)  
[ed hardy bags|](#)

May 16, 2010 8:03 PM

**ideal said...**

[bedava oyunlar en güzel oyunlar](#) [Oyunlar araba oyunları savaş oyunları ameliyat oyunları zuma oyunları zuma oyunu balon patlatma oyunu balon patlatma oyunları dora oyunları bakugan oyunları dora oyunları bratz oyunları Cartoon network oyunları Ben 10 oyunları naruto oyunları scooby doo oyunları pokemon oyunları batman oyunları motor oyunları aşk oyunları öpüşme oyunları](#)

May 17, 2010 12:32 PM



**YouTube Holic said...**

Youtube is Great Video Broadcast site,...

May 24, 2010 3:33 AM

**nokia-021 said...**

[Sesli Sohbetgel](#)[Sesli Chat siteleri](#)  
[Sesli Sohbet siteleri](#)[sende](#)[Sesli Chat](#)  
[Sesli Sohbetgel](#)[Sesli Chat siteleri](#)  
[Sesli Sohbet siteleri](#)[dostum bekleme](#)[Sesli Chat](#)  
[Sesli Sohbet](#)[yoksa pisman](#)[Sesli Chat siteleri](#)  
[Sesli Sohbet siteleri](#)[olacaksin](#)[Sesli Chat](#)  
[Sesli Sohbet](#)[tiklagel](#)[Sesli Chat siteleri](#)  
[Sesli Sohbet siteleri](#)[bizim siteye](#)[Sesli Chat](#)  
[Sesli Sohbet](#)[sende katil](#)[Sesli Chat siteleri](#)  
[Sesli Sohbet siteleri](#)[ortamimiza](#)[Sesli Chat](#)  
[Sesli Sohbet](#)[bizi bekletme](#)[Sesli Chat siteleri](#)  
[Sesli Sohbet siteleri](#)[dostluklar](#)[Sesli Chat](#)  
[Sesli Sohbet](#)[arkadasliklar](#)[Sesli Chat siteleri](#)  
[Sesli Sohbet siteleri](#)[asklar](#)[Sesli Chat](#)  
[Sesli Sohbet](#)[muhabbet eglence](#)[Sesli Chat siteleri](#)  
[Sesli Sohbet siteleri](#)[hersey burda](#)[Sesli Chat](#)  
[Sesli Sohbet](#)[haydi ne bekliyorsun](#)[Sesli Chat siteleri](#)  
[Sesli Sohbet siteleri](#)[sohbet zamani](#)[Sesli Chat](#)  
[Sesli Sohbet](#)[hep birlikte](#)[Sesli Chat siteleri](#)  
[Sesli Sohbet siteleri](#)[guzel dostluklara](#)[Sesli Chat](#)

May 27, 2010 12:42 AM



**Mesut said...**

[alanya satılık daire](#)  
[| квартира в Алании |](#)  
[Unterkunft in Alanya](#)  
[| home in Alanya](#)  
[| квартира в Алании |](#)  
[квартира в Алании](#)

[Full Dizi izle](#) [Dizi Seyret](#) [Dizi izle](#) [FullDizi](#) [Diziseyret](#) [Full Dizi](#) [Dizi izle.com](#) [Kurtlar Vadisi](#) [Pusu](#) [Son Bölüm](#) [izle](#)

[indirmeden film izleme sitesi](#) [film izle](#) [bedava filmler](#) [sinema filmi izle](#) [canlı film seyret](#) [film seyret](#)  
[binlerce filmler](#) [film izle](#) [online sinema izletir](#) [sinema izle](#) [beleş filmler](#) [bedava film izle](#) [filmini full izle](#) [film](#)  
[ücretsiz sinema izleme sitesi](#) [izle](#) [filmini izle](#) [film seyret](#) [direk filmler](#) [sinema seyret](#) [son çıkan filmler](#) [film](#)  
[izle seyret](#) [vizyondan sonra](#) [sinema film izle](#) [full sinema izleme sitesi](#) [sinema izle](#) [filmleri tam izle](#) [film](#)  
[indirmeden](#) [izlesene film](#) [bedava](#) [izle](#) [filim](#) [bedava film izle](#) [filmler full ve bedava](#) [full film izle](#)

May 29, 2010 6:13 AM



# A-780



**OsmaNetworkS** said...

türk pornosu içintürk pornosu sitesine bakabilirsiniz  
acil sikişmek istiyorsanızacil sikiş sitesi size fazlasıyla yardımcı olacaktır  
sex ve sikiş izlemek içinde Sex izle sitesini ziyaret etmenizi önerebiliriz  
18lik sikiş içinSikiş 18 sitesinde bolca içerik vardır  
amcık için kesinlikle Amcık Sikiş sitesini ziyaret edin  
asyalı sikiş ve asyalı pornosu izlemek istiyorsanız asyalı sikiş tıklayın  
film izlemek isteyenler içinde film izle sitesini ziyaret edin  
porno için kesinlikle Porno izle sitesi ve  
en güzel porno videolar için Porno izle kesinlikle ziyaret edin  
erotik video ve sıcak videolar için türk pornosu sitesi  
sikiş için sikiş sitesi  
jigolo arayan bayanlar ve gayler için jigolo sitesi isteklerinize cevap verecektir  
jigolo arayan bayanlar ve gayler için jigolo hizmeti vermektedir  
jigolo arayan bayanlar ve gayler için jigolo uzman jigolodur

May 30, 2010 5:21 AM

**RJ** said...

glad this changed over time

[austin weddings](#)  
[austin wedding venues](#)  
[austin wedding photographer](#)  
[austin wedding planners](#)  
[wedding blogs](#)

June 1, 2010 10:25 AM

## Post a Comment

---

Comment as:

## Links to this post

Create a Link

[Newer Post](#)

[Home](#)

[Older Post](#)

Subscribe to: [Post Comments \(Atom\)](#)

**Schapiro Exhibit 154**

---

Subject: RE: Viral Internet Marketing Clips  
From: Kadetsky, Deborah <EX:/O=VIACOM/OU=MTVUSA/CN=RECIPIENTS/CN=USER  
ACCOUNTS/CN=USER/CN=KADETSKD>  
To: Hallie, Michelena  
Cc: Morales, Cindy, Carbone, Tony, Imm, Tina  
Date: Fri, 27 Oct 2006 22:35:10 +0000

I can only speak to youtube, but cc'ing tony carbone to address google.

It would be great if you guys could sweep based on username, because we are consistently only adding youtube videos under the "vh1staff" username. There MAY be future instances where we are posting outside of that, and can alert you to leave it posted. But it would be a significant task to keep you updated on each and every clip we post ongoing...

Let me know if the username concept is one you can consider.

Thanks!  
deb

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

From: Hallie, Michelena  
Sent: Friday, October 27, 2006 6:25 PM  
To: Kadetsky, Deborah  
Cc: Morales, Cindy  
Subject: RE: Viral Internet Marketing Clips

And in answer to your question on frequency, it's going to be pretty constant and actually expanding to myspace, google video and yahoo video. Could you send any other/future approved clips on any of these sites to Cindy so that she can make sure they are not removed?

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

From: Kadetsky, Deborah  
Sent: Friday, October 27, 2006 6:07 PM  
To: Cheeks, George; Maxwell, Tony  
Cc: Wilson, Adam; Hallie, Michelena; Imm, Tina  
Subject: RE: Viral Internet Marketing Clips

George, are you able to do your sweep of clips according to who's posted them?  
If that is the case, the clips that we've authorized to be posted are under the usernames "vh1staff" and "reaction2006"

If you need specific links, here is a list of what we've posted as approved clips to date:

<http://www.youtube.com/watch?v=qVVG7Rfrvk>  
<http://www.youtube.com/watch?v=jFoQNdwGys>  
[http://www.youtube.com/watch?v=\\_5vjL2stAz0](http://www.youtube.com/watch?v=_5vjL2stAz0)  
[http://www.youtube.com/watch?v=M-G\\_NQZb1II](http://www.youtube.com/watch?v=M-G_NQZb1II)  
<http://www.youtube.com/watch?v=qvUzUOSbs9Y>  
<http://www.youtube.com/watch?v=xPftPn-eGKk>  
<http://www.youtube.com/watch?v=3saVMo96328>  
<http://www.youtube.com/watch?v=PjiZqOOAipw>  
<http://www.youtube.com/watch?v=x1ycbHjePjM>  
<http://www.youtube.com/watch?v=hFoCygnKOaA>  
<http://www.youtube.com/watch?v=4CtHP6Ut-zM>  
<http://www.youtube.com/watch?v=Dy9IYAELqIE>  
<http://www.youtube.com/watch?v=kihSHIoW-Tg>  
[http://www.youtube.com/watch?v=yZ1SEDh\\_JPc](http://www.youtube.com/watch?v=yZ1SEDh_JPc)

[http://www.youtube.com/watch?v=ia\\_pl6rVg\\_k](http://www.youtube.com/watch?v=ia_pl6rVg_k)  
<http://www.youtube.com/watch?v=zlbL-zhMK8k>  
<http://www.youtube.com/watch?v=ynJmXSht2jI>

<http://www.youtube.com/watch?v=uXnx5QxpIRc>  
<http://www.youtube.com/watch?v=zgBl1BKpwjQ>  
[http://www.youtube.com/watch?v=pAkp\\_Hr5rN4](http://www.youtube.com/watch?v=pAkp_Hr5rN4)  
<http://www.youtube.com/watch?v=BRbM2qfD08U>  
<http://www.youtube.com/watch?v=QQxyhtYk3CI>

Do you have a sense of how frequently we'll be doing this takedown sweep? I want to make sure than any future postings through our current process don't get removed accidentally.

Thanks,  
deb

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

From: Cheeks, George  
Sent: Friday, October 27, 2006 1:33 PM  
To: Kadetsky, Deborah; Maxwell, Tony  
Cc: Wilson, Adam  
Subject: Re: Viral Internet Marketing Clips

If you could send a copy directly to Michelina Hallie and copy me that would be great!

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

From: Kadetsky, Deborah  
To: Cheeks, George; Maxwell, Tony  
CC: Wilson, Adam  
Sent: Fri Oct 27 09:48:26 2006  
Subject: RE: Viral Internet Marketing Clips

Hi George,

Did you get my list via Tina Imm? I can send to you directly if not...

Deb

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

From: Cheeks, George  
Sent: Friday, October 27, 2006 8:47 AM  
To: Maxwell, Tony  
Cc: Wilson, Adam; Kadetsky, Deborah  
Subject: Re: Viral Internet Marketing Clips

We need everything that you have seeded thusfar as we are engaging an outside service to send take down notices for full episodes and clips in excess of 2 minutes and 30 seconds and we don't want to have notices sent for content we seeded. That said, if that is too big a task I would at least hit the stuff that we seeded over the past several months.

Thanks.

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

From: Maxwell, Tony  
To: Cheeks, George  
CC: Wilson, Adam; Kadetsky, Deborah  
Sent: Wed Oct 25 11:10:26 2006

Subject: Viral Internet Marketing Clips

Hello George,

Nigel asked me to follow up with you about your request for a list of viral clips we are currently supplying to websites like youtube.com. Are you looking for a monthly figure or total amount since a certain date.

Please inform.

Many thanks,  
Tony

--

Tony Maxwell  
VP Vh1 On Air Promotions  
212-846-7867  
tony.maxwell@vh1staff.com



USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7/29/10

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----  
VIACOM INTERNATIONAL INC., COMEDY PARTNERS, :  
COUNTRY MUSIC TELEVISION, INC., PARAMOUNT :  
PICTURES CORPORATION, and BLACK :  
ENTERTAINMENT TELEVISION LLC, :

Plaintiffs, :

-against- :

YOUTUBE, INC., YOUTUBE, LLC, and :  
GOOGLE INC., :

Defendants. :  
-----X

: 07 Civ. 2103 (LLS)

#### RULING ON VIACOM'S DISPUTED PRIVILEGE CLAIMS

I have considered the parties' submissions regarding the two claims of privilege asserted by Viacom. In sequence, the decisive issue in each claim is disposed of as follows:

1. Plaintiffs' claim that the statement of Viacom's General Counsel Fricklas that Viacom "Can't say to press that they offered to filter and we decided not to participate" should be redacted from page 75 of Defendants' Opposition to Plaintiffs' Motions for Partial Summary Judgment, and from Schapiro Exhibit 163, is denied. The statement was rendered in a business setting and is business advice, not legal advice.

2. There was no relationship of confidence between Viacom and TagWorld when Viacom advised TagWorld to stop flagging material as "potentially infringing" and TagWorld discontinued that practice. The fact that Viacom's lawyers referred to that discussion in their report to Viacom management does not render the underlying TagWorld-Viacom exchange confidential. Its inclusion in the report


told the reader nothing confidential. The attorney-client privilege protects confidential matters, not mere factual communications.

Its use in defendants' brief respects this distinction: it describes the discussion between Viacom and TagWorld, and makes no argument based on the fact that Viacom's lawyers later referred to it in their report to Viacom management.

The rest of the section of the Capital Appropriation Request (Schapiro Exhibit 115) entitled Legal Department Summary may be redacted, but not the portion quoted on page 52 of Defendants' Opposition to Plaintiffs' Motions for Partial Summary Judgment.

So ordered.

DATED: New York, New York  
July 28, 2010

  
\_\_\_\_\_  
LOUIS L. STANTON  
U. S. D. J.

09srvi

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x

VIACOM INTERNATIONAL, INC., et al.,

Plaintiffs,

v.

07 Civ. 2103 (LLS)

07 Civ. 3582 (LLS)

YOUTUBE, INC., et al.,

Premotion Conference

Defendants.

-----x

New York, N.Y.

September 28, 2010

2:45 p.m.

Before:

HON. LOUIS L. STANTON

District Judge

APPEARANCES

MAYER BROWN LLP

Attorneys for Plaintiffs

BY: ANDREW SCHAPIRO

JOHN MANCINI

JENNER & BLOCK LLP

Attorneys for Defendants Viacom International, et al.

BY: SUSAN J. KOHLMANN

SCOTT WILKENS

SHEARMAN & STERLING

Attorneys for Defendants Viacom International, et al.

BY: KIRSTEN CUNHA

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

09srviarn

1 APPEARANCES

2

2

3 PROSKAUER ROSE LLP

3 Attorneys for Defendants The Football Association Premier  
3 League Limited, et al.

4 BY: CHARLES SIMS

4 WILLIAM HART

5 NOAH GITTERMAN

5

6

6 WILSON SONSINI GOODRICH & ROSATI

7 Attorneys for Defendants Youtube and Google

7 BY: DAVID H. KRAMER

8

9 (Case called)

10 THE COURT: I have read your correspondence. Mr.  
11 Schapiro, do you want to add anything to the situation?

12 MR. SHAPIRO: We are here, your Honor, asking for  
13 permission to file a motion for fees as a prevailing party  
14 under the Copyright Act. I won't retread the grounds that we  
15 have laid out in our letters other than to point out our  
16 position that as a prevailing party both on bases of objective  
17 unreasonableness and the need for compensation and deterrence,  
18 there is a strong motion to be made here.

19 In particular, one aspect of certainly Viacom's  
20 conduct that we feel was plainly objectively unreasonable was  
21 the fact that they sued us over clips that they themselves had  
22 uploaded. As the Court will probably recall, they repeatedly  
23 and falsely denied, both in this court and in sworn  
24 interrogatories and in their responses to requests for  
25 admission, that they had done this.

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1 In that regard, our position seeking fees is  
2 reinforced by Federal Rule of Civil Procedure 37(a)(2), which  
3 allows a party to obtain fees where its adversary has given an  
4 answer to an RFA, request for admission, that the prevailing  
5 party is later forced to prove untrue, which is something that  
6 happened here in this case.

7 Not only did they fail to admit that they had uploaded  
8 clips in suit, which they later admitted in their answer to our  
9 statements of undisputed facts, they admitted in paragraphs 151  
10 and 152 that they failed to admit that they had left up clips  
11 from The Daily Show and The Colbert Report that they had set  
12 across-the-board rules for.

13 They denied or failed to admit that we expeditiously  
14 removed clips following notices. They failed to admit that we  
15 had registered an agent. They failed to admit that there are  
16 no standard technical measures that we did not implement. Etc.  
17 Those are all aspects of the case that in particular I think we  
18 would call out in our motion.

19 Beyond that, though, in many ways, outlined in our  
20 letter and in more detail in our motion should you grant us  
21 leave to file one, the plaintiffs, both the class and Viacom,  
22 needlessly expanded the scope of this case not only by suing  
23 over clips that they never should have sued over, but by  
24 waiting until the last minute to drop many clips from the case,  
25 including 15,000 clips in suit that had been uploaded after May

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1 of 2008 which Viacom later effectively abandoned its claims to.

2 And by I think what can accurately be called certain  
3 obstructive conduct with regard to discovery, both with regard  
4 to the supposed copyright monitoring privilege, with regard to  
5 the affiliated entities. Your Honor will remember the episode  
6 with regard to the affidavits regarding that. And with regard  
7 to the class, suing us over clips as to which either there was  
8 plainly no ownership interest or clips that were on their face  
9 plainly fair use.

10 For all these reasons, we hope you allow us to file  
11 the motion, and we look forward to doing so on whatever  
12 schedule the Court chooses to set.

13 THE COURT: I get the impression under the Court of  
14 Appeals cases that you must specify particular amounts of  
15 damage and fees to compensate for that with respect to the  
16 kinds of incidents that you are referring to. I take it you  
17 are in a position to do that or else you think you don't have  
18 to?

19 MR. SHAPIRO: A little bit of both, your Honor. We  
20 have pointed to a few cases, and we think there is some law  
21 that says that at a certain point it becomes too hard to  
22 unscramble the omelet and to point to specific tasks that were  
23 caused by the unreasonable conduct.

24 In the alternative, we will provide an accounting. We  
25 will try and argue, and I think the law is on our side in this

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1 regard, that, for example, under the district court Knitwaves  
2 case, cited by Judge Martin -- I believe we cited a second case  
3 in our letter, the name doesn't immediately come to my mind --  
4 courts have sometimes granted a hundred percent of fees where  
5 some significant aspect of the case was deemed either  
6 objectively unreasonable or there are other good reasons.

7 To answer your question directly, we will be moving in  
8 the alternative with regard to the actual amounts, so we will  
9 provide an accounting as well.

10 MS. KOHLMANN: If I could, your Honor. I don't want  
11 to repeat what's in our letters, either. Our position is that  
12 we believe this motion should be deferred. Both the Viacom  
13 plaintiffs and the class have appealed. We think it would be a  
14 waste of resources both of the Court and of the parties at this  
15 point in time to entertain the motion. It is also customary,  
16 under 54(d) and under the Leibovitz case and the comments to  
17 54(d), to wait to ensure that what the Court has before it is  
18 finality with respect to the prevailing party.

19 As your Honor well knows, this is a complex  
20 litigation. It was hard fought. There was extensive  
21 discovery. Determining the amount of fees, just as your  
22 Honor's last question reflects, is not a trivial matter. It  
23 will be very complex. I think it would make more sense to  
24 defer this until after the appeal is decided.

25 If I could address some of Mr. Schapiro's points here.

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1 I think that the standard in this circuit and the cases in this  
2 circuit are clear that attorney's fees are only awarded in the  
3 most egregious of cases, and the standards that the courts look  
4 to are the standards that have been stated in the Fogerty case,  
5 that is, objectively unreasonable, frivolous, made in bad  
6 faith, and, something that Mr. Schapiro alluded to, might  
7 advance considerations of compensation and deterrence.

8 This case doesn't meet those standards, your Honor.

9 Objectively unreasonable has been defined as without  
10 merit, clearly without merit, or otherwise patently devoid of  
11 legal or factual basis. We don't think that that is the case  
12 here.

13 With respect to the copyright fees and deterrence, I  
14 think through YouTube the defendants have misapprehended the  
15 role of copyright fees and deterrence. There is no presumption  
16 in favor of fees in this circuit. In fact, as in the Blanche  
17 v. Koons case that your Honor is familiar with --

18 THE COURT: That was so different.

19 MS. KOHLMANN: It was different, your Honor. In that  
20 case, where your Honor held that one who exploits the works of  
21 others can expect that they would attract lawsuits, in this  
22 case, when Google acquired YouTube, they did set up a  
23 substantial reserve because there was a question as to whether  
24 or not lawsuits would ensue.

25 What your Honor ruled on was the DMCA safe harbor.

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1 There was rampant infringement here. The question that you  
2 ruled on had to do with whether or not their conduct was  
3 essentially immunized. I don't think this is a case where the  
4 concerns of compensation and deterrence come into play. Here I  
5 do think there was a fair ground for litigation in a hotly  
6 fought case.

7 Let me go, if I could, to some of the issues that Mr.  
8 Schapiro alluded to. He spoke about the fact that we did not  
9 in the end sue on several clips that post-date roughly May of  
10 2008. That is because only after we began this lawsuit,  
11 largely in response to the lawsuit, did Google and YouTube  
12 start the content ID system.

13 It took some time for that system to get worked out  
14 and really be put in place and for us to be sure that it could  
15 be used. So, there were clips added initially after that  
16 system was put in place, but eventually we did take the  
17 position that we wouldn't sue for clips after that. But that  
18 was a completely reasonable litigation position.

19 THE COURT: I think his complaint is not that you were  
20 expressing a litigation position but that you were signing  
21 documents that purported to represent facts under oath.

22 MS. KOHLMANN: Actually, I believe Mr. Schapiro's  
23 argument was with respect to clips that Viacom or third parties  
24 had uploaded. I don't agree with Mr. Schapiro's  
25 characterization that that is how we answered the request for

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1 admissions. I think in fact what he referred to when he cited  
2 where it came up was in the statement of undisputed facts.

3 As your Honor will recall, less than 1 percent of  
4 Viacom's clips in suit, and that was roughly 100 to 150 of the  
5 more than 63,000 clips in suit, were clips that Viacom or third  
6 parties had uploaded that did not impact, your Honor, the works  
7 in suit that were still at issue. Therefore, any of the work  
8 that was done with respect to those clips in terms of discovery  
9 would still have been part of the case.

10 We can get into more detail if your Honor does  
11 ultimately decide that there should be briefs, but I don't  
12 agree that in any case we admitted in an RFA that we had  
13 knowingly uploaded clips in suit.

14 With respect to viral marketing, as I said, I think  
15 YouTube viewed viral marketing as an integral part of their  
16 defense in the DMCA. I think it would have been part of the  
17 case in any event. There is nothing about what we did in the  
18 case or the discovery that they took that, at least I believe,  
19 given the way they mounted their defense, they would have done  
20 in any event.

21 Also, Mr. Schapiro alluded to the copyright monitoring  
22 stip. Your Honor may recall that. That was a complicated  
23 issue of privilege with a lot of back and forth between the  
24 parties. We had a lengthy hearing in front of your Honor where  
25 actually Ms. Cunha led the way for the Viacom plaintiffs.

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1 In that hearing there were disputed positions of  
2 privilege both with respect to Viacom and with respect to  
3 Google and YouTube. The Court made different rulings on the  
4 positions of both sides, in some instances ruling for the  
5 defendants, in some instances ruling for the plaintiffs.

6 There was a similar exercise with respect to  
7 defendants' position on the prospective common interest  
8 privilege. Your Honor may remember that. Again, I think this  
9 was a hard-fought litigation, in no way unreasonable litigation  
10 positions that would meet the standards of the circuit.

11 One other thing that I should mention. Mr. Schapiro  
12 mentioned the Knitwaves case. The Knitwaves case was a  
13 completely different situation, your Honor. The Knitwaves case  
14 was a case where there was a finding of willful infringement.  
15 The question in the case was how much. The court had already  
16 determined that the defenses asserted by the defendant were  
17 entirely without merit and an award of fees was appropriate  
18 under Fogerty.

19 The question facing the court was the appropriateness  
20 of the amount of the fees. In that case what actually was at  
21 issue was whether or not there were registered copyrights and  
22 unregistered copyrights.

23 In sum, your Honor, as far as the Viacom plaintiffs  
24 are concerned, we really think that it would make most sense  
25 here to defer the motion, let the appeal go forward, determine

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1 who the prevailing party is, and then, if appropriate,  
2 entertain an attorney's fees motion.

3 THE COURT: Supposing you had won the motion. Would  
4 you be asking for fees?

5 MS. KOHLMANN: Your Honor, I can't foreclose that. We  
6 might not ask for fees if in the end, with all due respect, the  
7 Court of Appeals reverses and there is a finding of willful  
8 infringement. I'm not sure that fees are appropriate in this  
9 case, but I think that we would take the position that the  
10 attorney's fees motion should be deferred if we had won and  
11 they were going up on appeal. I just don't see it now. We  
12 have spent so many hours, and it would take so much time to  
13 litigate that motion. Let's wait until everything is done.

14 THE COURT: After all that, what is the answer to my  
15 question?

16 MS. KOHLMANN: I think there are circumstances for  
17 either side where fees may be appropriate. I do not think fees  
18 are appropriate for the specific things that Mr. Schapiro has  
19 mentioned or in this case. I do not think that fees are  
20 appropriate.

21 THE COURT: Do you remember my question?

22 MS. KOHLMANN: If we had won, your Honor, again, if  
23 your Honor had held that the DMCA did not apply and Google and  
24 YouTube were liable for willful infringement, I think it might  
25 have been appropriate, because of the willful infringement

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1 aspect of the ruling, if you had ruled that way under the  
2 copyright law, for some attorney's fees.

3 THE COURT: I know it might have been appropriate.  
4 I'm asking you whether, if you had won, you would be applying  
5 for fees.

6 MS. KOHLMANN: I'm sorry if you don't think I'm asking  
7 your question. If we had won on willful infringement, we would  
8 be applying for fees.

9 THE COURT: Your grounds were willful infringement all  
10 along, weren't they?

11 MS. KOHLMANN: Yes, your Honor. I think your Honor's  
12 decision that the DMCA applies at this juncture is about  
13 immunizing that conduct.

14 THE COURT: Mr. Schapiro, what do you think about  
15 deferring it?

16 MR. SHAPIRO: Your Honor, there is never going to be a  
17 time when the facts of the case, the history of the case, the  
18 procedural aspects of the case are more clearly in our minds or  
19 the plaintiff's minds or your Honor's mind than now. It seems  
20 to us most efficient to do it at this time.

21 I don't think that it's going to be a huge or  
22 burdensome undertaking either for us, the other side, or the  
23 Court. We have already laid out a lot of our position in the  
24 letter, and now it is a matter of adding flesh to the bones  
25 there. We would much prefer to go forward now.

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1 THE COURT: Supposing the Court of Appeals reverses.

2 MR. SHAPIRO: If that's the case, then there will have  
3 been a decision on fees, and to the extent that the Court of  
4 Appeals decision undermines the decision on fees, then we will  
5 be back where we were and we will see what happens.

6 THE COURT: We will have wasted quite a lot of work,  
7 won't we?

8 MR. SHAPIRO: First, whichever party loses on fees may  
9 want to appeal on the fees. Second, it's typical, and I would  
10 expect in this case should there be an award of fees, that  
11 plaintiffs would ask for it to be stayed. But at least the  
12 work will have been done then.

13 THE COURT: Yes, the work will have been done, and it  
14 may be wasted.

15 MR. SHAPIRO: There is always that possibility. I  
16 can't say that is not a possibility. But I think the concerns  
17 of our ability and the Court's ability to address the question  
18 well now outweigh that. And, frankly, I don't think the Second  
19 Circuit is going to reverse this case.

20 THE COURT: Excuse me?

21 MR. SHAPIRO: I don't think the Second Circuit is  
22 going to reverse this case.

23 THE COURT: It's not going to happen, I see. That's  
24 very reassuring.

25 Did you wish to speak?

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1 MR. SIMS: Just briefly, your Honor. I do want to say  
2 we now have with the Viacom plaintiffs about eight weeks to get  
3 our briefs done to the circuit. I think that having to deal  
4 with attorney's fees, especially at the level of specificity  
5 they are talking about, will be an immense distraction. When  
6 the appeal is coming up with the issues that are presented  
7 unresolved in this circuit, I think it would be an unnecessary  
8 distraction. We hope you will either tell them not to bother  
9 or tell them to defer.

10 THE COURT: Anything else?

11 MR. SHAPIRO: The only thing I would say, your Honor,  
12 is that it is always going to be the case that there is a  
13 potential appeal in the case and it is not at all unusual for  
14 people to seek fees in the district court. If it is burdensome  
15 to the many lawyers on the other side, we are amenable to a  
16 compassionate briefing schedule.

17 MS. KOHLMANN: If I could respond to that, your Honor.  
18 This is not a situation where there could always be a potential  
19 appeal. There is an appeal.

20 THE COURT: He has in mind that if we defer any ruling  
21 I make, then it will be the subject of a separate appeal. That  
22 to some degree cuts against the policy underlying Rule 54(b).  
23 That's really the music he's playing.

24 MS. KOHLMANN: I think if one considered all of the  
25 resources used going through this exercise when it might in

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1 fact be totally wasted, without any prejudice to waiting, it  
2 seems like the better course to defer.

3 THE COURT: Mr. Schapiro repeated the carefully  
4 drafted language at the end of his letter: The facts will  
5 never be fresher in our minds. He was too kind to say that we  
6 might forget some of the facts between now and then. But they  
7 are largely matters of record, and that doesn't bother me.

8 The fact of the matter is that any experienced lawyer  
9 has observed that in reaching its opinion, the Court of  
10 Appeals, like many courts, indulges in dicta. The dicta which  
11 the Court of Appeals uses in its handling of this case on its  
12 way to whatever decision it reaches may shed a good deal of  
13 light about how it sees the case and the law.

14 The plaintiffs say that there was no controlling law  
15 and they used the word "controlling" to mean in this circuit.  
16 There were some cases outside this circuit. The question is  
17 open as far as the Court of Appeals is concerned in this  
18 circuit, and it is a little hard to know what they may say.

19 So, I think the common sense approach is to defer,  
20 simply adjourn this conference until it is rescheduled by  
21 counsel and the Court following the receipt of the mandate from  
22 the Court of Appeals on the opinion that it renders. We can  
23 then pick it up where we leave it here.

24 I would like to invite you to consider an approach to  
25 the question of fees in this case. The answer is not self-

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