

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

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 9th
 - 4 weeks of grassroots. Also a Dedicated Email slated to be sent on October 9th (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-Ian):

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-Ian 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.
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- 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 <jging@youtube.com>

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> 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 11:58

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> 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" 3/28/2008
<Latham_Arneson@paramount.com> 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
>
>
>
> Thanks Marni!
>
>
> Hi Copyright team, can you please look and see which videos under the
> account 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

"Joanna Ging" <jging@youtube.com> to "Arneson, Latham - Paramount" 3/28/2008
<Latham_Arneson@paramount.com> 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=aNt-fduKFmo>
<http://www.youtube.com/watch?v=SjKP6pT8eD>
<http://www.youtube.com/watch?v=xLUPs8zE-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=AqGf_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 "Tastefullymine" 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=SjKP6pT8cD>
<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

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=SjKP6pT8cD>
<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

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

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

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" 3/28/2008
<Latham_Arneson@Paramount.com> 14:44

A-712

Ticket 257649695

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@traxen.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

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

"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.

A-714

Ticket 257649695

http://trax.corp.google.com/html/trax.html?ticket_id=241880757

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.youtubc.com/watch?v=rig59Nf9qRw - 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.youtubc.com/watch?v=sxNuomEU0G0 - Interviewing Bodyguards
>
>
> Thanks,
>
> Latham
> -----
>
> *From:* Arneson, Latham - Paramount
> *Sent:* Friday, March 28, 2008 4:27 PM
> *To:* 'Joanna Ging'
> *Cc:* Dickehut, 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:* Dickehut, Robb - Paramount; Warman, Bryan - Paramount; Marni Harris;
> Lawson, Josh - Paramount
> *Subject:* Re: [#257649695] YouTube Account and Clip URL removed
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9 of 12

11/18/09 7:07 PM

A-715

Ticket 257649695

http://trax.corp.google.com/html/trax.html?ticket_id=241880757

>
>
>
> 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. 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=r1g59Nf9gRw>
<http://www.youtube.com/watch?v=t2x6N4qnGdM>
<http://www.youtube.com/watch?v=xLUPsHzE-mA>

Sincerely,

Harry
The YouTube Team

"Arneson, Latham - Paramount" <Latham_Arneson@Paramount.com> to "Copyright Service" 3/31/2008
<copyright@youtube.com>, "Dickehut, Robb - Paramount" 17:04
<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

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; 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. 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

A-717

Ticket 257649695

http://trax.corp.google.com/html/trax.html?ticket_id=241880757

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=r1q59Nf9qRw>
<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,

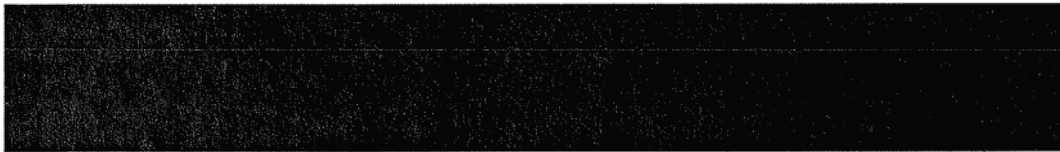
Harry
The YouTube Team

Schapiro Exhibit 18

From: "Halie, Michelen" <Michelena.Halie@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, Ciara" <Ciara.Kim@mtvstaff.com>, "Matthews, Beth" <Beth.Matthews@mtvstaff.com>, "msalms@atom.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 Halie
 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

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



Weekly Report MTVN

November 27 - December 03, 2006

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Note:

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



Notices Sent
November 27 - December 03, 2006

Asset	Google	Yahoo	Excite	MSN	Total
Amanda Show - Clips	0	1	2	0	3
Amanda Show - Full Episode	0	0	0	0	0
Andy Meehan - Clips	0	0	0	0	0
Andy Meehan - 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	75	3	103
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 & Butt-Head - Clips	0	0	32	18	49
Beavis & Butt-Head - 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
Charmed Show - Clips	0	1	46	0	47
Charmed 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
Early On Parents - Clips	0	0	1	0	1
Early On 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 America - Clips	0	0	0	0	0
Mind of America - 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
Reinvented Jimmy - Clips	0	0	0	0	0
Reinvented Jimmy - 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	45
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 Best TV - Clips	6	0	0	0	6
Star Wars Galactic Republic by Best 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 Over Presents The 100 - Clips	0	0	0	0	0
TV Over 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 the Creek with Big Boy - Clips	0	0	0	0	0
Up the Creek with Big Boy - 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

Number 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	21,386	617,766
Beavis & Butthead	0	774
Best Week Ever	1,112	17,610
Chappelle Show	218	9,364
Comedy Central Presents	0	6,045
Degrassi	0	9,073
Drake & Josh	662	3,682
Drawn Together	0	1,034,911
Fairy Odd Parents	434	74,537
Invader Zim	85	59,023
Jimmy Neutron	0	39,462
Laguna Beach	0	1,535
Mind of Menacia	0	198,431
Mr. Mealy	0	1,503
Naked Brothers Band	0	209
Punk'd	0	10,681
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	53,684
Star Wars Gangsta Rap	0	320
The Colbert Report	3,476	83,346
The Daily Show	12,237	60,719
Uptown Citizen 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 & Butthead	0	1,044
Chappelle Show	0	10,298
Comedy Central Presents	0	26,451
Degrassi	6,282	9,494
Drawn Together	12,981	12,028
Fairy Odd Parents	0	1,320
Invader Zim	315	15,327
Jimmy Neutron	0	392
Mind of Menacia	11,385	94,926
Mr. Mealy	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	3,553	23,329
Spongebob Squarepants	0	6,345
Star Wars Gangsta Rap	17,487	38,526
Stella	0	1,435
The Colbert Report	0	31
The Daily Show	0	3,623
Uptown	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, 2006

Clip Length Summary
November 27 - December 03, 2006

YouTube

Clip Length	Count
0:00	43
:30	64
1:00	197
1:30	88
2:00	51
2:30	17
3:00	104
3:30	143
4:00	93
4:30	77
5:00	55
5:30	40
6:00	47
Total	1,421

Google Video

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

MySpace

Clip Length	Count
0:00	7
:30	10
1:00	17
1:30	18
2:00	10
2:30	18
3:00	30
3:30	8
4:00	11
4:30	11
5:00	9
5:30	10
6:00	5
Total	319

Yahoo Video

Clip Length	Count
0:00	85
:30	31
1:00	29
1:30	10
2:00	64
2:30	10
3:00	6
3:30	0
4:00	2
4:30	0
5:00	0
5:30	0
6:00	1
Total	239

Dailymotion

Clip Length	Count
0:00	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
Total	0

Note:
We will begin to average 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

Asset	11/27	11/28	11/29	11/30	12/01	12/02	12/03	11/27-12/03
Amanda Show - Clips	1	2	0	1	0	0	0	4
Angry Birds - Full Episode	0	0	0	0	0	0	0	0
Andy Milonakis - Clips	0	2	1	0	0	0	0	3
Arby's - Full Episode	0	0	0	0	0	0	0	0
Arby's - Full Episode	0	6	106	26	3	0	0	141
Angry Kid by Ardman Animation - Clips	0	0	0	0	0	0	0	0
Angry Kid by Ardman Animation - Full Episode	0	0	0	0	0	0	0	0
Avatar the Last Airbender - Clips	10	13	13	17	31	70	106	257
Avatar the Last Airbender - Full Episode	0	0	0	0	0	0	0	0
Backyardigans - Clips	0	0	0	0	0	0	0	0
Backyardigans - Full Episode	0	0	0	0	0	0	0	0
Beavis & Butt-head - Clips	1	1	1	0	1	2	0	6
Beavis & Butt-head - Full Episode	0	0	0	0	0	0	0	0
Best Week Ever - Clips	0	1	0	3	1	0	0	5
Best Week Ever - Full Episode	0	0	0	0	0	0	0	0
Beyond the Break - Clips	0	0	0	0	0	0	0	0
Beyond the Break - Full Episode	0	0	0	0	0	0	0	0
Celebrity Death Match - Clips	0	0	0	0	0	0	0	0
Celebrity Death Match - Full Episode	0	0	0	0	0	0	0	0
Chappelle Show - Clips	0	0	2	0	2	0	1	5
Chappelle Show - Full Episode	0	1	1	0	0	0	0	2
Comedy Central Presents - Clips	3	7	6	1	1	0	2	20
Comedy Central Presents - Full Episode	0	0	0	0	0	0	0	0
Crossroads - Clips	0	0	0	0	0	0	0	0
Crossroads - Full Episode	0	0	0	0	0	0	0	0
Degrassi - Clips	0	3	2	4	6	2	0	17
Degrassi - Full Episode	0	0	0	0	0	0	0	0
Drake & Josh - Clips	0	5	1	1	0	0	1	8
Drake & Josh - Full Episode	0	0	0	0	0	0	0	0
Drawn Together - Clips	7	10	11	6	1	2	3	39
Drawn Together - Full Episode	0	0	0	0	0	0	0	0
Fairy Odd Parents - Clips	0	0	2	0	3	1	0	6
Fairy Odd Parents - Full Episode	0	0	0	0	0	0	0	0
Invader Zim - Clips	2	4	0	1	1	1	1	10
Invader Zim - Full Episode	1	0	0	1	0	1	2	5
Jimmy Neutron - Clips	1	0	1	1	0	0	0	3
Jimmy Neutron - Full Episode	0	0	0	0	0	0	0	0
Laguna Beach - Clips	0	2	1	0	1	0	2	6
Laguna Beach - Full Episode	0	0	0	0	0	0	0	0
Mind of Mencia - Clips	0	0	0	0	0	1	1	2
Mind of Mencia - Full Episode	0	0	0	0	0	0	0	0
Mr. Meaty - Clips	0	0	2	0	0	0	0	2
Mr. Meaty - Full Episode	0	0	0	0	0	0	0	0
Naked Brothers Band - Clips	0	0	0	0	0	0	0	0
Naked Brothers Band - Full Episode	0	0	0	0	0	0	0	0
Noah's Arc - Clips	0	0	0	0	0	0	0	0
Noah's Arc - Full Episode	0	0	0	0	0	0	0	0
Pimp My Ride - Clips	0	0	0	0	0	0	0	0
Pimp My Ride - Full Episode	0	0	0	0	0	0	0	0

Yahoo Video Infringement Counts

Program/Episode	11/27	11/28	11/29	11/30	12/01	12/02	12/03	12/04	12/05	12/06	12/07	12/08	12/09	12/10	12/11	12/12	12/13	12/14	12/15	12/16	12/17	12/18	12/19	12/20	12/21	12/22	12/23	12/24	12/25	12/26	12/27	12/28	12/29	12/30	12/31	Total
Amanoa Show - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Amelia's Train: Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Andy Mironakis - Clips	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
Angry Minions: Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Angry Kid by American Animation - Clips	0	4	25	1	50	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	80	
Angry Kid by American Animation: Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Backyardigans - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	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	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Beavis & Butthead - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Beavis & Butthead: Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Best Week Ever - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Best Week Ever: Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Celebrity Death March - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Celebrity Death March: Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Chappelle Show - Clips	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	
Chappelle Show: Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Comedy Central Presents - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Comedy Central Presents: Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Crossroads - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Crossroads: Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Degrassi - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Degrassi: Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Drake & Josh - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Drake & Josh: Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Drawn Together - Clips	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Drawn Together: Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Fairy Odd Parents - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Fairy Odd Parents: Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Funny Side Varnish: Full Episode	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Invader Zim - Clips	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Invader Zim: Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Jimmy Neutron - Clips	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Jimmy Neutron: Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Jimmy Neutron: Full Episode	40	30	2	1	10	3	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	
Loguna Beach - Clips	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Loguna Beach: Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Mind of Menaca - Clips	9	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Mind of Menaca: Full Episode	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	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	0	0	0	0	0	0	0	0	0	0	0	0	0	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	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Naked Brothers Band - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Naked Brothers Band: Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Noah's Arc - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Noah's Arc: Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Pimp My Ride - Clips	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Pimp My Ride: Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Punk'd - Clips	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Punk'd: Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Real World - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Real World: Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Ren and Stimpy - Clips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Ren and Stimpy: Full Episode	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Reno 911 - Clips	4	0																																		



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	1,632
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	1,981
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	3,373	83	3,737
South of Nowhere - Clips	497	1,010	68	1,575
South Park - Clips	107,361	3,379	1,422	111,682
Spongebob Squarepants - Clips	4,055	1,474	541	6,070
Star Wars Gangsta Rap by Benf 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
Total	143,965	48,561	14,408	206,934

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=RDPGh6hsW0g>
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:
aclureponse.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

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 Morrill 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; Curin, Mary Beth; Weinstein, Caleb; Levit, Seth - Legal; Leonard, Marc; DeBenedittis, Paul J. - MTV Online

Cc: Shapiro, Andra; Jackson, Genise; Kim, Ciara; Cheeks, George; Gottback, Brian; Rockwell, Nick; Steele, Don; Mosko, Joseph - MTVN; Hallie, Micholena

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

A-757

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=CA18KEOaTgg> <<http://www.youtube.com/watch?v=CA18KEOaTgg>> . 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>>

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Schapiro Exhibit 43

A-760

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_Gartfield@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 Messr. 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 Maxcy <chris@youtube.com>
To: Gartfield, 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 Maxcy
YouTube
chris@youtube.com
[REDACTED]

This email and the information it contains are confidential and may be privileged. If you have received this email in error please notify me immediately and do not copy it for any purpose, or disclose its contents to any other person. Internet communications are not secure and, therefore, Google does not accept legal responsibility for the contents of this message as it has been transmitted over a public network. If you suspect the message may have been intercepted or amended please call me.

Schapiro Exhibit 45

A-764

To: Rachel Claflin <rclaflin@youtube.com>
From: Kip Welch <KWelch@movielabs.com>
Cc: Dean_Garfield@mpaa.org <Dean_Garfield@mpaa.org>; Zahavah Levine
<anna_gunning@mpaa.org>; 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

Kind Regards,

Rachel

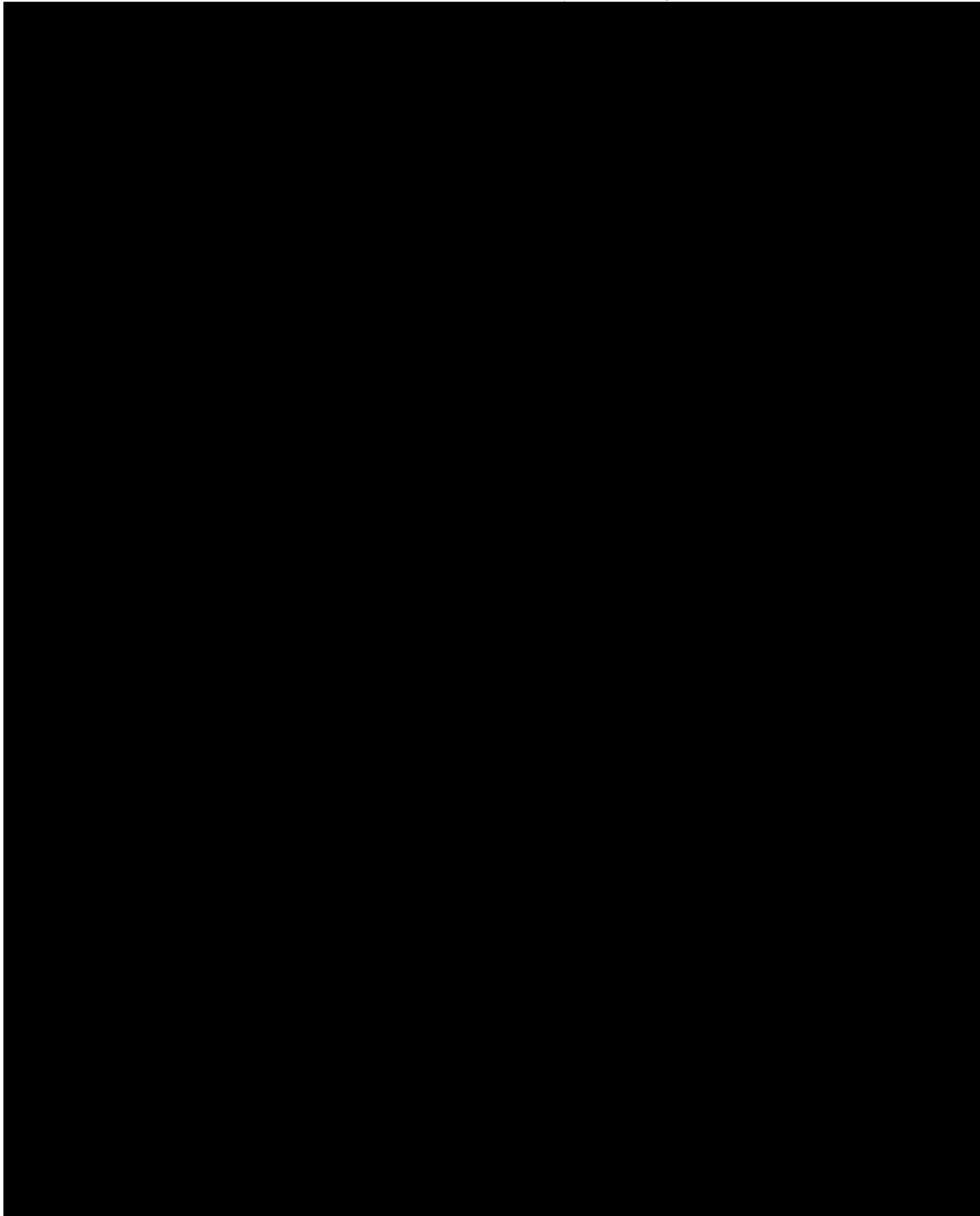
--

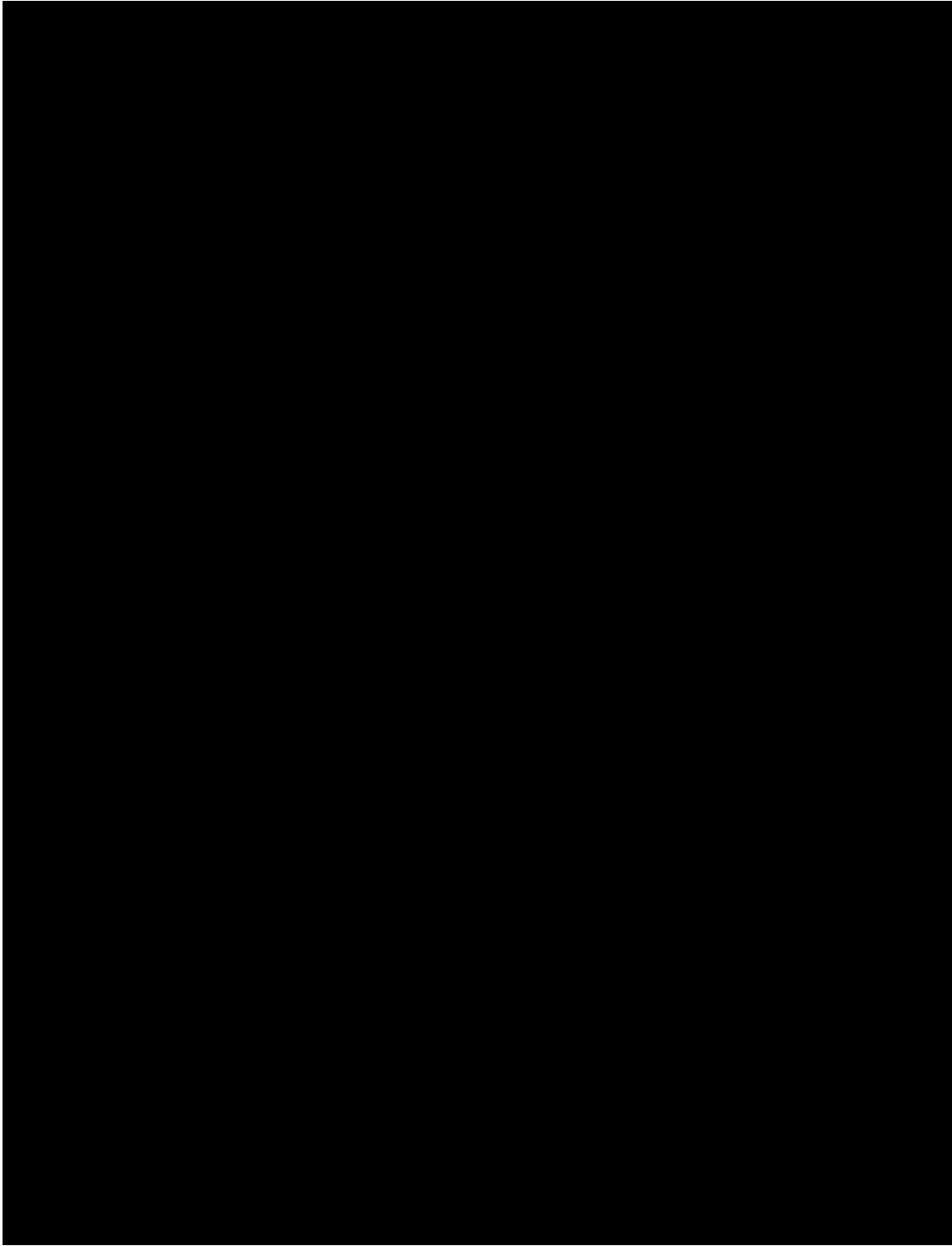
Rachel Claflin
Legal Assistant
YouTube, LLC
1000 Cherry Ave, Suite 2
San Bruno, CA 94066

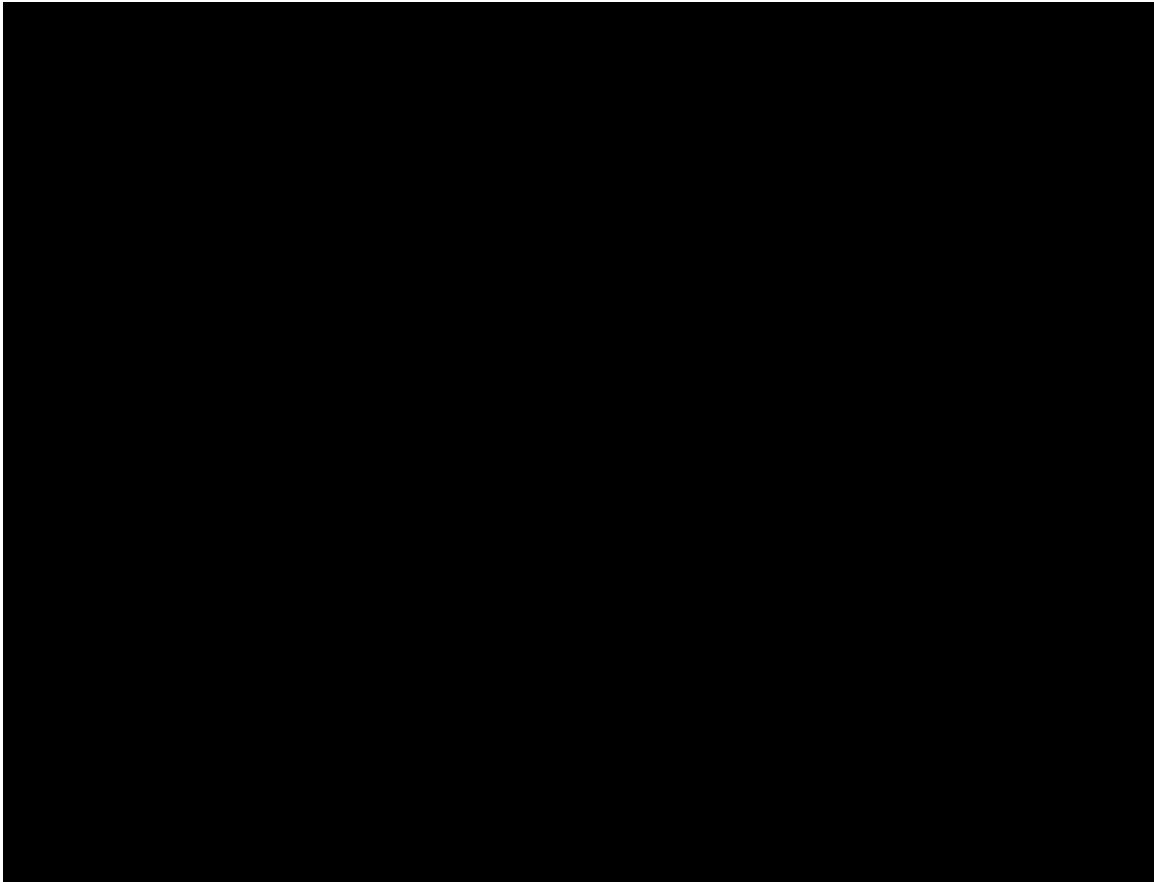
Attachments:

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 Infrig...

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:

A-770

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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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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[Past Gatherings](#)

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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

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[MusicTuesday](#)

A-773



The link 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
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A-774



April 16, 2010 12:56 PM

ibrahim said...

[Sesli SohbetgelSesli Chatgor](#)

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[Sesli Sohbet sitelerikatilSesli Chat sitelerihadi](#)

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[Sohbet sitelerigeçmişChat siteleriolacak thanks.](#)

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May 6, 2010 5:00 PM

nike said...

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[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|](#)

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[ed hardy kid|](#)

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A-775



May 7, 2010 5:43 PM

nike said...

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

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[ed hardy wholesale|](#)

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[ed hardy outerwear|](#)

[ed hardy jacket|](#)

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[nike tn |](#)

[tn requin |](#)

[nikemaxtn|](#)

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[chaussure nike tn requin|](#)

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May 7, 2010 5:44 PM

nike said...

Ed-hardy-clothing

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[ed hardy wear|](#)

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[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

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May 7, 2010 5:45 PM

Seyhan said...

yeni oyunlar en yeni oyunlar dünyanın en zor oyunu
 örnek 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|
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 nike sports shoes|
 nike air force ones|
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 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|
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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
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Ed-hardy-us

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May 16, 2010 7:58 PM

nike said...

A-778



Nike Chaussures

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May 16, 2010 8:01 PM

nike said...

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 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 SohbetgelSesli Chat siteleri
 Sesli Sohbet siteleriSendeSesli Chat
 Sesli SohbetgelSesli Chat siteleri
 Sesli Sohbet siteleriDostum beklemeSesli Chat
 Sesli SohbetYoksa pismanSesli Chat siteleri
 Sesli Sohbet siteleriOlacaksinSesli Chat
 Sesli SohbetKlagaSesli Chat siteleri
 Sesli Sohbet siteleriBizim siteyeSesli Chat
 Sesli SohbetSende katilSesli Chat siteleri
 Sesli Sohbet siteleriOrtamimizeSesli Chat
 Sesli SohbetBizi bekletmeSesli Chat siteleri
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 Sesli Sohbet siteleriasklarSesli Chat
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 Sesli Sohbet sitelerihersey burdaSesli Chat
 Sesli SohbetHaydi ne bekliyorsunSesli Chat siteleri
 Sesli Sohbet siteleriSohbet zamaniSesli Chat
 Sesli Sohbethep birlikteSesli Chat siteleri
 Sesli Sohbet siteleriGuzel dostluklaraSesli 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 filmi full izle film ücretsiz sinema izleme sitesi izle filmi 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 film bedava film izle filmler full ve bedava full film izle

May 29, 2010 6:13 AM

A-780



OsmaNetworkS said...

türk pornosu için [türk pornosu](#) sitesine bakabilirsiniz
acil sikişmek istiyorsanız [acil sikiş](#) sitesi size fazlasıyla yardımcı olacaktır
sex ve sikiş izlemek içinde [Sex izle](#) sitesini ziyaret etmenizi önerebiliriz
18lik sikiş için [sikiş 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

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June 1, 2010 10:25 AM

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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=qVVGT7Rfrvk>
<http://www.youtube.com/watch?v=jFoQNdwaGys>
http://www.youtube.com/watch?v=_5vjL2stAz0
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=ia_pl6rVg_k
<http://www.youtube.com/watch?v=zIbL-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=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, :

: 07 Civ. 2103 (LLS)

-against-

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

Defendants. :
-----X

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

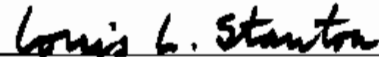
told the reader nothing confidential. The attorney-client privilege protects confidential matters, not mere factual communications.

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.

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1 UNITED STATES DISTRICT COURT
1 SOUTHERN DISTRICT OF NEW YORK
2 -----x

3 VIACOM INTERNATIONAL, INC., et al.,
3
4 Plaintiffs,

5 v. 07 Civ. 2103 (LLS)
5 07 Civ. 3582 (LLS)

6 YOUTUBE, INC., et al.,
6
7 Defendants. Premotion Conference

8 -----x

9 New York, N.Y.
9 September 28, 2010
10 2:45 p.m.

10 Before:

11 HON. LOUIS L. STANTON

12 District Judge

13
14 APPEARANCES

15
16 MAYER BROWN LLP
16 Attorneys for Plaintiffs
17 BY: ANDREW SCHAPIRO
17 JOHN MANCINI

18
19 JENNER & BLOCK LLP
19 Attorneys for Defendants Viacom International, et al.
20 BY: SUSAN J. KOHLMANN
20 SCOTT WILKENS

21
22 SHEARMAN & STERLING
22 Attorneys for Defendants Viacom International, et al.
23 BY: KIRSTEN CUNHA

24
25

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1 APPEARANCES

2

2

3 PROSKAUER ROSE LLP

3 Attorneys for Defendants The Football Association Premier

3 League Limited, et al.

4

4 BY: CHARLES SIMS

4

4 WILLIAM HART

5

5

6

6 WILSON SONSINI GOODRICH & ROSATI

7

7 Attorneys for Defendants Youtube and Google

7

7 BY: DAVID H. KRAMER

8

8

9

9 (Case called)

10

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11

11 THE COURT: I have read your correspondence. Mr.

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(Case called)

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

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

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