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9 *Attorneys for Non-Party Respondents*
10 *Artis Capital Management, L.P., Sequoia*
11 *Capital Operations LLC and*
12 *TriplePoint Capital LLC*

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 VIACOM INTERNATIONAL INC., ET AL.)

17 Plaintiffs,)

18 v.)

19 YOUTUBE, INC., ET AL.)

20 Defendants.)

21 THE FOOTBALL ASSOCIATION PREMIER)
22 LEAGUE LIMITED, ET AL.)

23 Plaintiffs,)

24 v.)

25 YOUTUBE, INC., ET AL.)

26 Defendants.)

CASE NO.: 3:08-MC-80129-SI

[Case No. 07-cv-02103 (LLS) in the
U.S. D.C., S.D.N.Y]

**DECLARATION OF MICHAEL H.
RUBIN IN SUPPORT OF
RESPONDENTS' OPPOSITION TO
PLAINTIFFS' JOINT MOTION TO
COMPEL PRODUCTION OF
DOCUMENTS PURSUANT TO
SUBPOENAS TO ARTIS CAPITAL
MANAGEMENT L.P., SEQUOIA
CAPITAL OPERATIONS LLC, AND
TRIPLEPOINT CAPITAL LLC**

[Case No. 07-cv-03532 (LLS) in the
U.S. D.C., S.D.N.Y]

Date: August 15, 2008

Time: 9:00 a.m.

Courtroom: 10

Judge: Honorable Susan Illston

1 I, Michael H. Rubin, hereby declare that:

2 1. I am an attorney with Wilson Sonsini Goodrich & Rosati. I submit this
3 declaration in support of Respondents' Opposition to Plaintiffs' Joint Motion to Compel
4 Pursuant to Subpoenas to Artis Capital Management L.P. ("Artis"), Sequoia Capital Operations
5 LLC, ("Sequoia") and TriplePoint Capital LLC ("TriplePoint") (collectively, the "Non-Parties").
6 I have personal knowledge about the facts described below and if called upon to testify, could
7 competently testify to them.

8 2. Attached hereto as Exhibit A is a true and correct copy of Viacom International,
9 Inc.'s First Set of Requests for Production of Documents and Electronically Stored Information
10 to YouTube, Inc., YouTube, LLC and Google Inc, propounded in *Viacom International Inc. et*
11 *al. v. YouTube, Inc., et al.*, Case No. 1:07-CV-02103 (LLS).

12 3. Attached hereto as Exhibit B is a true and correct copy of The Football
13 Association Premier League, et al.'s First Set of Requests for Production of Documents and
14 Electronically Stored Information to YouTube, Inc., YouTube, LLC and Google Inc, propounded
15 in *The Football Association Premier League, et al. v. YouTube, Inc., et al.*, Case No. 1:07-cv-
16 03532 (LLS).

17 4. Attached hereto as Exhibit C is a true and correct copy of an excerpt of the
18 transcript of the July 15, 2008 hearing before the Honorable Judge Stanton of the United States
19 District Court for the Southern District of New York, in *The Football Association Premier*
20 *League, et al. v. YouTube, Inc., et al.*, Case No. 1:07-cv-03532 (LLS).

21 5. Attached hereto as Exhibit D is a true and correct copy of an excerpt from
22 Google's Form 10-Q, filed November 8, 2006, publicly announcing that Michael Moritz had
23 recused himself from board decisions regarding Google's acquisition of YouTube.

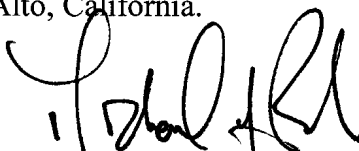
24 6. During meet and confer sessions late last year, Plaintiffs sought a date certain
25 from the Non-Parties as to when their document production would be ready. This pressure,
26 coming after the Non-Parties had asserted their objections to Plaintiffs' time instruction and in
27 the midst of negotiations over the scope of the production, prompted the Non-Parties to begin
28 their search, collection and review for relevant documents within their possession, custody or

1 control. In ensuing months, Plaintiffs continued to insist that the Non-Party Investors provide a
2 specific date for the completion of their document production, notwithstanding the ongoing
3 negotiations. Attached hereto as Exhibit E is a true and correct copy of Plaintiffs' January 2,
4 2008 letter to the Non-Party Investors.

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

Executed on July 21, 2008, at Palo Alto, California.



Michael H. Rubin