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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

_____	)	
IO GROUP, INC., a	)	
California Corporation,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO. C-06-3926(HRL)
	)	
VEOH NETWORKS, INC., a	)	
California Corporation,	)	
	)	
Defendant.	)	
_____	)	

DEPOSITION OF JOHN STYN  
SAN DIEGO, CALIFORNIA  
MAY 31, 2007

REPORTED BY REGINA L. GARRISON, CSR NO. 12921

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NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

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IO GROUP, INC., a	)	
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	)	
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California Corporation,	)	
	)	
Defendant.	)	
_____	)	

DEPOSITION OF JOHN STYN, taken on behalf of  
the Plaintiff, at 530 B Street, Suite 350, San Diego,  
California, on Thursday, May 31, 2007, at 9:57 a.m.,  
before Regina L. Garrison, Certified Shorthand  
Reporter, in and for the County of San Diego, State of  
California.

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A P P E A R A N C E S

FOR THE PLAINTIFF:

THE LAW OFFICES OF GILL SPERLEIN  
BY GILL SPERLEIN  
69 Converse Street  
San Francisco, California 94103  
(415) 487-1211, Ext. 32

FOR THE DEFENDANT:

WINSTON & STRAWN LLP  
BY JENNIFER A. GOLINVEAUX  
101 California Street  
San Francisco, California 94111-5894  
(415) 591-1506

1 A. Yes.

2 Q. And would you keep track of your hours?

3 A. Yes.

4 Q. And then you would send them a bill; is that  
5 how it worked?

6 A. Yes.

7 Q. How often would you bill them?

8 A. Every two months.

9 Q. And again, this is prior to your -- to the  
10 VEOH.com going live; is that accurate?

11 A. I don't remember when it went live. That has  
12 been my arrangement throughout my -- throughout them  
13 being a client.

14 Q. Okay. And you said earlier that you believed  
15 that they became a client about a year ago; is that  
16 accurate?

17 A. Yes.

18 Q. So before they became a client, does the fact  
19 that they were paying you -- is that what determined  
20 when you became a -- or they became a client?

21 A. Yes.

22 Q. In other words, early on, were you doing some  
23 of these activities without being paid? When I say  
24 "earlier on," I mean, you know, at the initial  
25 formation before the site, the VEOH.com, went live.

1 were active at the time.

2 Q. Do you remember ever looking at  
3 pornotube.com?

4 A. I don't remember if that was a part of it at  
5 the time.

6 Q. And how about xtube.com?

7 A. I'm not sure if I was familiar with those at  
8 the time.

9 Q. You're familiar with them now?

10 A. Yes.

11 Q. But you're not sure you were familiar with  
12 them back --

13 A. Correct.

14 Q. Did you encourage other people to submit  
15 video files to VEOH?

16 A. Yes.

17 Q. Was that part of what you got paid to do for  
18 VEOH?

19 A. Not specifically.

20 Q. When did you first have a discussion with  
21 anyone at VEOH about being paid?

22 A. Before it was a company, when Dmitry and I  
23 had initial conversations. I did not want to be a part  
24 of the company, but I said I could do consulting work,  
25 help advise.

1 what I programming-type person would do for VEOH?

2 A. I don't know.

3 Q. Did anyone at VEOH ever ask you to encourage  
4 certain types of video producers to submit their  
5 content?

6 A. No.

7 Q. Were there certain types of content producers  
8 that you personally were more interested in seeing come  
9 to VEOH?

10 A. No.

11 Q. Were you interested in seeing as many people  
12 come to VEOH and submit content as possible?

13 A. Yes.

14 Q. And that's true regardless of what type of  
15 content they brought with them?

16 A. Correct.

17 Q. Why is that true? Why is it true that you  
18 wanted as many people to come to VEOH and submit  
19 content as possible?

20 A. The more content, the more compelling site.

21 Q. Does that mean the more content that was on  
22 the site, the more people would be more likely to come  
23 and visit the website?

24 A. Correct.

25 Q. And was that something that was of interest

1 to you personally or an advantage to VEOH, the company?

2 MS. GOLINVEAUX: Object to the form of the  
3 question.

4 THE WITNESS: Both.

5 BY MR. SPERLEIN:

6 Q. And were there any other reasons why you  
7 found it important that a lot of people would come to  
8 VEOH?

9 A. It's where my personal TV network was  
10 stationed.

11 Q. So the more content on VEOH, the more people  
12 would come, and the more people that would come, the  
13 more people would see the videos that you produced; is  
14 that accurate?

15 A. Yes.

16 Q. Did you ever make suggestions to people about  
17 what types of programming that they could produce to  
18 put on VEOH?

19 A. Can you explain "programming"?

20 Q. Video content. Did you give people ideas of,  
21 you know, something they might want to try and produce  
22 and then put on VEOH?

23 A. Yes.

24 Q. And did you do that through an internet web  
25 page?

1 Q. And I know that these things are -- that  
2 you're very much involved on the internet, and I don't  
3 expect you to have a complete recollection --

4 A. Yeah, no.

5 Q. -- of everything, but what I want to find out  
6 specifically here is -- let me just move on with some  
7 quick questions.

8 In any of your business dealings, have you  
9 ever heard of people refer to "18 USC 2257"?

10 A. Yes.

11 Q. You heard people talk about it in terms of  
12 just referring to it as "2257"?

13 A. Yes.

14 Q. What's your understanding of what that's all  
15 about?

16 A. It is a recordkeeping rule geared toward the  
17 adult industry.

18 Q. And have you engaged in any conversations  
19 designed to help you better understand the requirements  
20 of 18 USC 2257?

21 A. Have I engaged in any conversations?

22 Q. Have you talked to any other people who tried  
23 to understand it better?

24 A. No.

25 Q. Have you ever operated a website where 18 --



1 drafted on your own?

2 A. Yes.

3 Q. And when you added that last sentence there,  
4 "Adult content requires some additional documentation,"  
5 can you tell me what you had in mind?

6 A. That was exactly around the -- the --  
7 addressing the potential 2257.

8 Q. What kind of additional documentation did you  
9 see as being required for the submission of adult  
10 content?

11 A. I didn't know, which is why it's vague here  
12 and why this was never public. This is -- yeah, I  
13 just -- I didn't know what it would be.

14 Q. And then I just want you to look at one other  
15 section here, and this is on the very last page of the  
16 document under No. 4. Again, I'll read part of it out  
17 loud and ask you to read along with me.

18 The heading there or the question, rather,  
19 is: "What are you doing to prevent content that  
20 violates your policies from appearing in VEOH,"  
21 question mark.

22 And the response to the FAQ is: "We do a  
23 preliminary review on uploaded shows through both a  
24 manual and automated process. Although we try our best  
25 to detect and remove shows that violate our policy

1 guidelines, our review process is primarily focused" --  
2 and it's cut off there a little bit. I'm pretty sure  
3 it says "on" -- "removing adult content or obvious  
4 copyright violations and is not bulletproof."

5 Do you recall whether that was something that  
6 was in the original document that you copied?

7 A. I don't recall.

8 Q. So you don't know if that's something that  
9 you drafted yourself?

10 A. I don't know.

11 Q. Do you know whether YouTube has a policy of  
12 reviewing material?

13 A. I don't know.

14 Q. At the time that you made changes to this  
15 document and were drafting it, is it fair to say that  
16 you either left this in there -- in the document or  
17 drafted it yourself?

18 A. Yes.

19 Q. It wouldn't have come from any third  
20 possibility; is that accurate?

21 A. Yes.

22 Q. Do you understand what I'm talking about?

23 A. Yes.

24 Q. So why would you either leave or add a  
25 statement that said "VEOH's policy was to review

1 content for obvious signs of copyright violations"?

2 MS. GOLINVEAUX: If you recall.

3 THE WITNESS: I know at some -- at some  
4 stages of discussions, that was an idea. I don't know  
5 if that was ever implemented or not. But I know that  
6 was -- that was an idea, that we would have a review.

7 BY MR. SPERLEIN:

8 Q. Do you know if that was the plan at the time  
9 that you were creating these FAQs?

10 A. I believe so.

11 Q. Does this document refresh your recollection  
12 about any conversations that you had with VEOH about  
13 policies concerning copyright infringement?

14 A. I remember pointing out DMCA, like, as --  
15 because this was not their -- this was all my stuff.  
16 This document is all my stuff, and I remember, because  
17 I didn't understand some of the -- like it says, "See  
18 our DMCA policy for more information," and I do  
19 remember telling them that they should have something  
20 like that, too.

21 Q. Do you remember telling VEOH that they should  
22 have something like that?

23 A. Yeah.

24 Q. At that time, do you know that VEOH did not  
25 have a DMCA policy?

1 MS. GOLINVEAUX: Object to the form of the  
2 question.

3 THE WITNESS: I don't think VEOH was live  
4 when this was being made. I don't think it was a  
5 public -- I don't think it was -- I don't think the  
6 site existed.

7 BY MR. SPERLEIN:

8 Q. So there would be no place to state that they  
9 had a DMCA policy at the time you created this?

10 A. No. This is all theoretical.

11 Q. If you had a conversation about the need for  
12 a DMCA policy, would that conversation have been with  
13 Dmitry?

14 A. Yes.

15 Q. And just to clarify once more, in light of  
16 having looked at this document, do you have any  
17 recollection of having a conversation with Dmitry about  
18 the need for a DMCA policy?

19 A. I -- I remember highlighting it as something  
20 in the same way I said 2257 is an issue and this is an  
21 issue that you guys need to deal with.

22 Q. And do you have a recollection of whether  
23 Dmitry responded in a similar way, such as to say, "I'm  
24 aware of the issues, and we've got it covered"?

25 A. I don't remember. That was -- my

1 relationship was more like, you know, "This shouldn't  
2 be a comma. You should make sure you do this."

3 And they would do it. They would deal with  
4 it.

5 Q. You said earlier that you believe that there  
6 was, at some point, the idea of having a review  
7 process. Is that what you said?

8 A. Yes.

9 Q. How did you get that information?

10 A. That was just the way the -- the -- the  
11 process was explained to me at one point or was  
12 discussed with Dmitry, of going through from content to  
13 site.

14 Q. Okay. So --

15 A. I believe those conversations were stopped by  
16 other video sites once there was -- that discussion  
17 only happened before there was any sites doing this.  
18 And then once there was other sites like YouTube out  
19 there that we were competing with that had, you know, a  
20 15-minute upload-to-visualize process, I think that's  
21 when it didn't -- you know, it was dropped.

22 Q. Is the idea behind what you just said the  
23 fact that YouTube was doing it and it didn't seem to be  
24 a problem, so maybe it's not as big of a problem as we  
25 thought it was?

1 A. Which problem --

2 MS. GOLINVEAUX: Objection.

3 BY MR. SPERLEIN:

4 Q. I don't want to mischaracterize anything that  
5 you said, but I'm trying to understand. You said that  
6 something changed at the point that YouTube came onto  
7 the scene. I'm trying to understand what that change  
8 was.

9 MS. GOLINVEAUX: I'm sorry. What's the  
10 question?

11 BY MR. SPERLEIN:

12 Q. Could you explain to me what changes in  
13 policy occurred as a result of YouTube coming online?

14 MS. GOLINVEAUX: Object to the form.

15 THE WITNESS: I don't know the policy. I --  
16 I only know in the discussion of the way things worked,  
17 we had discussions of the review. And -- and then,  
18 realizing that -- and then I remember, then, that not  
19 being part of discussions after other sites had no  
20 review.

21 I don't know if -- I do not -- was not a part  
22 of any conversations, if that was the reason for it.  
23 But I remember that being about the time line of --

24 BY MR. SPERLEIN:

25 Q. Did you personally think that the idea of a

1 review process was dropped because YouTube was  
2 operating without a review process?

3 MS. GOLINVEAUX: If you recall.

4 THE WITNESS: I don't recall.

5 BY MR. SPERLEIN:

6 Q. Do you recall if anything that anyone from  
7 VEOH said to you would indicate that the idea of having  
8 a review policy was being dropped because YouTube was  
9 operating without a review policy?

10 A. No. And this is -- this is a -- the relation  
11 of YouTube to this stuff is me connecting dots, because  
12 that's when I was uploading videos to, you know, every  
13 place I could. And this -- that was not a -- that was  
14 not an option for the speeds that all the sites were  
15 doing in. I believe including VEOH at the time. I  
16 don't think anybody was -- again, I don't know. I just  
17 know that videos were being uploaded very quickly.

18 Q. And so that I understand your last statement,  
19 are you saying that in order for videos to be uploaded  
20 that quickly, a review process was not practical?

21 MS. GOLINVEAUX: Objection. Mischaracterizes  
22 his prior testimony.

23 THE WITNESS: With my limited understanding  
24 of what goes on behind the scenes, I didn't see how it  
25 was functionally feasible. I mean, I don't know how

1           there could be technical and manual processes in ten  
2           minutes.

3                       MS. GOLINVEAUX: I would just point out for  
4           the record that Mr. Styn only reviewed Exhibit 1, which  
5           is a five-page document, very briefly before the  
6           questions commenced.

7           BY MR. SPERLEIN:

8                       Q. I'm going to hand you another document now,  
9           which I'll ask the court reporter to mark as Exhibit 2  
10          today. And again, take as much time as you need to  
11          review that document, Mr. Styn.

12                      (Pleading's Exhibit No. 2 was marked.)

13                      THE WITNESS: Okay.

14          BY MR. SPERLEIN:

15                      Q. You've had an opportunity to review the  
16          document?

17                      A. Yes.

18                      Q. This document is marked with Defendant's  
19          Exhibit No. VEOH 005643. I meant to say "production  
20          number." This document appears to be an e-mail  
21          generated internally as a result of your submitting a  
22          flag for a certain video file; is that correct?

23                      A. Correct.

24                      Q. Have you ever seen this document before?

25                      A. No.



1 STATE OF CALIFORNIA  
2 COUNTY OF SAN DIEGO

3  
4 I, REGINA L. GARRISON, a Certified Shorthand  
5 Reporter for the State of California, CSR No. 12921, do  
6 hereby certify: That the proceedings were taken before  
7 me at the time and place herein named; that the said  
8 proceedings were reported by me in shorthand and  
9 transcribed through computer-aided transcription, under  
10 my direction; and that the foregoing is a true record  
11 of the testimony elicited at proceedings had at said  
12 proceedings to the best of my ability.

13 I do further certify that I am a disinterested  
14 person and am in no way interested in the outcome of  
15 this action or connected with or related to any of the  
16 parties in this action or to their respective counsel.

17 In witness whereof, I have hereunto set my hand  
18 this 21<sup>st</sup> day of June, 2007.

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Regina L. Garrison  
REGINA L. GARRISON, CSR NO. 12921