

## MAYER • BROWN

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June 9, 2008

BY ELECTRONIC MAIL ONLY

Maria Ellinikos  
Akin Gump Strauss Hauer & Feld LLP  
580 California Street, Suite 1500  
San Francisco, California 94104

**Re: *Viacom International, Inc. v. Youtube, Inc.***  
**No. 1:07-cv-2103 (S.D.N.Y.):**  
**Subpoena to BayTSP**

Dear Maria:

I write in response to your June 5, 2008 letter.

Frankly, we have no idea what you are now saying about BayTSP's intended use of search terms and its plan to comply with the subpoena. Unfortunately, we have carried on in this way for nine months – when BayTSP takes what appears to be a hard-line refusal to produce, YouTube informs BayTSP that the position is unacceptable and that we are at an impasse, and BayTSP then “clarifies” that it did not mean what it said.

***In the meantime, not a single document has been produced.***

We are willing to meet with you tomorrow in person to hammer out a written, definitive agreement for production on a date certain. We propose that the meeting take place in your Palo Alto offices, which are convenient to both parties. The time is of your choosing.

If you accept this proposal, please propose a time to meet.

Sincerely,

/s/

Brandon Baum

BB/jmm