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Filed

OCT 20 2008

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NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

10 Attorneys for Defendants
11 YOUTUBE, INC., YOUTUBE, LLC, and
12 GOOGLE INC.

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

JF

16 VIACOM INTERNATIONAL INC., ET AL.

CASE NO. MISC.:

17 Plaintiffs,

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

18 v.

19 YOUTUBE, INC., ET AL.

**DECLARATION OF CAROLINE E.
WILSON IN SUPPORT OF
MOTION TO COMPEL
PRODUCTION OF DOCUMENTS
PURSUANT TO SUBPOENA DUCES
TECUM TO BAYTSP.COM, INC.**

20 Defendants.
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23 THE FOOTBALL ASSOCIATION PREMIER
24 LEAGUE LIMITED, ET AL.,

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

25 Plaintiffs,

Date: November 24, 2008

26 v.

Time: 9:00 a.m.

27 YOUTUBE, INC., ET AL.

Courtroom: Eight

28 Defendants.

Judge: James Ware

1 I, Caroline E. Wilson, declare as follows:

2 1. I am an associate at Wilson Sonsini Goodrich & Rosati, counsel for Defendants
3 YouTube, Inc., YouTube, LLC, and Google Inc. (collectively, "YouTube"), and am admitted to
4 practice before this Court. I have personal knowledge of the facts stated herein, and would and
5 could testify thereto if called as a witness.

6 2. On October 2, 2008, I ran a search for "BayTSP" and "Bay TSP" within the
7 documents produced thus far by YouTube in the New York actions. That searched returned
8 5,545 documents that generally reflect BayTSP's takedown notices to YouTube and YouTube
9 responses to those notices. Also on October 2, 2008, I ran a search for "BayTSP" within the
10 documents that Viacom International, Inc. ("Viacom") has thus far produced in the New York
11 actions. That search returned 129 documents consisting mainly of internal e-mail references by
12 Viacom employees to BayTSP's policing activities on the company's behalf.

13 3. Attached hereto as **Exhibit 1** is a true and correct copy of a document collected
14 from YouTube's electronic files.

15 4. Attached hereto as **Exhibit 2** is a true and correct copy of a document collected
16 from YouTube's electronic files.

17 5. Attached hereto as **Exhibit 3** is a true and correct copy of a document collected
18 from YouTube's electronic files.

19 6. Attached hereto as **Exhibit 4** is a true and correct copy of a document collected
20 from YouTube's electronic files.

21 7. Attached hereto as **Exhibit 5** is a true and correct copy of a document collected
22 from YouTube's electronic files.

23 8. Attached hereto as **Exhibit 6** is a true and correct copy of a document collected
24 from YouTube's electronic files and produced.

25 9. Attached hereto as **Exhibit 7** is a true and correct copy of a document collected
26 from YouTube's electronic files.

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1 10. Attached hereto as **Exhibit 8** is a true and correct copy of a document collected
2 from YouTube's electronic files. The password for a user account shown in the document has
3 been redacted to preserve the security of the account.

4 11. Attached hereto as **Exhibit 9** is a true and correct copy of a document collected
5 from YouTube's electronic files.

6 12. Attached hereto as **Exhibit 10** is a true and correct copy of a document collected
7 from YouTube's electronic files.

8 13. Attached hereto as **Exhibit 11** is a true and correct copy of a document collected
9 from YouTube's electronic files. The password for a user account shown in the document has
10 been redacted to preserve the security of the account.

11 14. Attached hereto as **Exhibit 12** is a true and correct copy of a document collected
12 from YouTube's electronic files.

13 15. Attached hereto as **Exhibit 13** is a true and correct copy of a document collected
14 from YouTube's electronic files.

15 16. Attached hereto as **Exhibit 14** is a true and correct copy of a Wall Street Journal
16 article entitled "YouTube Magic: Now You See It, Now You Don't," which was published on
17 August 8, 2007.

18 17. Attached hereto as **Exhibit 15** is a true and correct copy of a Boston Herald
19 article entitled "Web Striking Fear Into TV: Networks take on YouTube.com," which was
20 published on March 4, 2006.

21 18. Attached hereto as **Exhibit 16** is a true and correct copy of an article entitled
22 "VH1 Debuts mobile series 'Celebhead'," which was published by Online Reporter on
23 December 9, 2006.

24 19. Attached hereto as **Exhibit 17** is a true and correct copy of an article entitled
25 "Letterman YouTube Video Outdraws CBS Clip," which was published by Advertising Age on
26 September 30, 2008.

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1 20. Attached hereto as **Exhibit 18** is a true and correct copy of an article entitled
2 “Failed NBC pilot to have revival with Web episodes,” which was published by The Atlanta
3 Journal-Constitution on July 22, 2006.

4 21. In order to upload video clips to YouTube.com, a user must register for an
5 account and affirmatively accept the service’s Terms of Use. Attached hereto as **Exhibit 19** is a
6 true and correct copy of YouTube’s Terms of Use, which are located at
7 <http://www.youtube.com/t/terms>. After creating a YouTube account, a registered user may sign
8 into her account to upload videos directly from her computer simply by selecting the file she
9 wishes to upload.

10 22. Attached hereto as **Exhibit 20** is a true and correct copy of an article entitled
11 “Best Inventions 2006,” which was published by Time Magazine on November 13, 2006, and is
12 available at <http://www.time.com/time/2006/techguide/bestinventions/inventions/youtube.html>.
13 The article notes that YouTube contain highly varied content:

14 The minute people saw YouTube they did its creators a huge favor: they hijacked
15 it. Instead of posting their home movies, they posted their stand-up routines and
16 drunken ramblings and painful-looking snowboarding wipeouts. They uploaded
17 their backyard science projects, their delivery-room footage and their interminable
18 guitar solos. They sent in eyewitness footage from the aftermath in New Orleans
19 and the war in Baghdad—from both sides. They promulgated conspiracy theories.
20 They sat alone in their basements and poured their most intimate, embarrassing
21 secrets into their webcams. YouTube had tapped into something that appears on
22 no business plan: the lonely, pressurized, pent-up video subconscious of America.

23 23. Attached hereto as **Exhibit 21** is a true and correct copy of an article entitled
24 “NBC finds formula for fighting piracy,” which was published by CNET News on September 23,
25 2008 and is available at http://news.cnet.com/8301-1023_3-10048949-93.html?tag=mncol.

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

3 Executed on this the 16th day of October, 2008, at New York, New York.

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CAROLINE E. WILSON