

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL, INC., COMEDY)
PARTNERS, COUNTRY MUSIC.)
TELEVISION, INC., PARAMOUNT)
PICTURES CORPORATION, and BLACK)
ENTERTAINMENT TELEVISION, LLC,)

Plaintiffs,)

vs.)

NO. 07-CV-2103)

YOUTUBE, INC., YOUTUBE, LLC,)
and GOOGLE, INC.,)

Defendants.)

-----)
THE FOOTBALL ASSOCIATION PREMIER)
LEAGUE LIMITED, BOURNE CO., et al.,)
on behalf of themselves and all)
others similarly situated,)

Plaintiffs,)

vs.)

NO. 07-CV-3582)

YOUTUBE, INC., YOUTUBE, LLC, and)
GOOGLE, INC.,)

Defendants.)

-----)
VIDEOTAPED DEPOSITION OF BHANU NARASIMHAN)
SAN FRANCISCO, CALIFORNIA)
FRIDAY, SEPTEMBER 18, 2009)

JOB NO. 17700

1 A P P E A R A N C E S:

2
3 FOR THE PLAINTIFFS VIACOM INTERNATIONAL, INC.:

4 JENNER & BLOCK, LLP

5 By: JAMES COX, Esq.

6 1099 New York Avenue, NW, Suite 900

7 Washington, D.C. 20001

8 (202) 639-6000 jcox@jenner.com

9
10 FOR THE LEAD PLAINTIFFS AND PROSPECTIVE CLASS:

11 BERNSTEIN LITOWITZ BERGER & GROSSMANN, LLP

12 By: BENJAMIN GALDSTON, Esq.

13 12481 High Bluff Drive, Suite 300

14 San Diego, California 92130-3582

15 (858) 720-3188 bgaldston@blbglaw.com

16
17 FOR THE DEFENDANTS YOUTUBE, INC., YOUTUBE, LLC and
18 GOOGLE, INC.:

19 MAYER BROWN, LLP

20 By: MICHAEL MANCINI, Esq.

21 THERESE CRAPARO, Esq.

22 1675 Broadway

23 New York, New York 10019-5820

24 (212) 506-2312 tcraparo@mayerbrown.com

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A P P E A R A N C E S (Continued.)

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ALSO PRESENT: Adam Barea, Google, Inc.
Michael Mack, Videographer.

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NARASIMHAN, B.

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2 09:34:01 me know that you need to finish your answer.
3 09:34:04 If you don't understand any of the questions
4 09:34:07 that I ask, please let me know, and I'll try to
5 09:34:10 clarify them; okay?
6 09:34:11 A Okay.
7 09:34:11 Q If you need a break, just ask, and we'll take
8 09:34:16 a break. I just ask that you answer any pending
9 09:34:20 questions before we take a break; is that okay?
10 09:34:23 A That's okay.
11 09:34:26 Q Great.
12 09:34:27 Who is your current employer, Ms. Narasimhan?
13 09:34:30 A Google.
14 09:34:30 Q When did you first begin to work for Google?
15 09:34:32 A In May of 2005.
16 09:34:35 Q And what was your job when you first started
17 09:34:37 working at Google?
18 09:34:38 A I was a manager in the online sales and
19 09:34:41 operations group.
20 09:34:42 Q Was there a time after that when you began
21 09:34:46 working on a project called Google Video?
22 09:34:53 A Yes.
23 09:34:53 Q When was that?
24 09:34:53 A It was approximately October 2005.
25 09:34:55 Q What is Google Video?

1 NARASIMHAN, B.

2 09:34:59 A Google Video is a platform to organize the
3 09:35:02 world's video.

4 09:35:04 Q And what was your job responsibility when you
5 09:35:07 first started working at Google Video?

6 09:35:09 A I managed a small team of sales and
7 09:35:13 operations representatives.

8 09:35:15 Q Did someone else hold that position before
9 09:35:18 you did?

10 09:35:19 A Yes.

11 09:35:19 Q Who was that person?

12 09:35:22 A Tim Maly.

13 09:35:24 Q And why did you replace Mr. Maly?

14 09:35:26 A He moved on to another role.

15 09:35:28 Q When did the Google Video site first launch?

16 09:35:34 A I don't know.

17 09:35:35 Q Had it launched before you first took a job
18 09:35:41 working with Google Video?

19 09:35:43 A I believe so.

20 09:35:44 Q During the time you worked for Google Video,
21 09:35:59 did you have any other jobs besides the operations you
22 09:36:02 mentioned before?

23 09:36:04 A I had two other jobs in operations at the
24 09:36:07 same time when I first started Google Video.

25 09:36:09 Q What were those jobs?

1 NARASIMHAN, B.

2 09:36:10 A One was online sales and operations manager
3 09:36:13 for AdWords approvals, and the other was online sales
4 09:36:20 and operations manager for the training team within
5 09:36:22 the online sales operations group.

6 09:36:25 Q In your capacity as sales and operations
7 09:36:33 manager for AdWords approval, what were your
8 09:36:36 responsibilities?

9 09:36:37 A I managed a group of people that would review
10 09:36:43 AdWords ads.

11 09:36:48 Q How many people were you managing in that
12 09:36:50 capacity?

13 09:36:53 A Directly, three. Indirectly, it varied.

14 09:37:01 Q And when you say "review AdWords ads," can
15 09:37:08 you describe in more detail what that review would
16 09:37:11 involve?

17 09:37:16 A We had what is known as an approval bin. The
18 09:37:20 AdWords ads would come into the approval bin, and the
19 09:37:25 reviewers would look at it and compare it to -- and
20 09:37:30 test it essentially for policy violations, a number of
21 09:37:33 different policy violations which we had documented,
22 09:37:36 and either approve it, reject it, or approve it with
23 09:37:40 certain restrictions.

24 09:37:41 Q In your capacity as a manager in video
25 09:37:54 operations, what were your job responsibilities?

1 NARASIMHAN, B.

2 09:37:58 A I managed a team of people that would review
3 09:38:02 videos and also answer customers' e-mails.

4 09:38:07 Q I want --

5 09:38:11 A And also -- sorry -- and also respond to DMC
6 09:38:16 requests.

7 09:38:17 Q So I want to follow-up on what you said about
8 09:38:19 the reviewing videos.

9 09:38:23 Users could upload content to the Google
10 09:38:29 Video site; is that right?

11 09:38:30 A Yes.

12 09:38:30 Q And if that content was approved by Google
13 09:38:33 Video, it would become available for the public to
14 09:38:35 view through Google Video; correct?

15 09:38:37 MR. MANCINI: Objection to form.

16 09:38:42 Do you understand the question?

17 09:38:43 THE WITNESS: No.

18 09:38:44 MR. MANCINI: Can you restate the question?

19 09:38:45 MR. COX: Q. When a user uploaded content to
20 09:38:49 the Google Video site, that content might become
21 09:38:52 available for the public to view through the Google
22 09:38:55 Video site; correct?

23 09:38:56 MR. MANCINI: Objection; form.

24 09:39:00 Do you understand that question?

25 09:39:01 THE WITNESS: I'm not sure what --

1 NARASIMHAN, B.

09:39:05 2 MR. MANCINI: Can -- Counsel, can you just
09:39:08 3 perhaps break down the question?

09:39:09 4 MR. COX: Let me ask a different question.

09:39:20 5 Q When a user uploaded a video to the Google
09:39:23 6 Video site, what would happen next?

09:39:26 7 MR. MANCINI: Objection to form.

09:39:30 8 You can answer if you understand it.

09:39:32 9 THE WITNESS: Okay.

09:39:33 10 When a user uploaded a video to the Google
09:39:38 11 Video site, it would go through a series of technical
09:39:43 12 steps and then it would come to the video approval bin
09:39:51 13 essentially, video review queue. And post review, it
09:39:58 14 would go through some more technical steps, and then
09:40:02 15 it would be made available on the Google Video site.

09:40:06 16 MR. COX: Q. The first thing you mentioned
09:40:09 17 there was a series of technical steps occurring before
09:40:13 18 a video would go to the video review queue.

09:40:16 19 A Yes.

09:40:16 20 Q Could you describe what those technical steps
09:40:18 21 were?

09:40:18 22 A You have to ask an engineer.

09:40:20 23 Q Do you know what -- sort of what functions
09:40:25 24 those technical steps served to form?

09:40:27 25 MR. MANCINI: Objection to form.

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1 NARASIMHAN, B.

2 09:40:29 Do you understand that question?

3 09:40:32 THE WITNESS: Yes.

4 09:40:32 The one function that I know of is taking
5 09:40:42 thumbnails of the video to be able to show it to us in
6 09:40:45 the video review bin.

7 09:40:47 MR. COX: Q. What is a thumbnail?

8 09:40:49 A It's a little screen shot. It's like a
9 09:40:52 freeze frame if you paused a video.

10 09:40:55 Q How were the thumbnails of a video selected?

11 09:41:05 MR. MANCINI: Objection to form; lacks
12 09:41:10 foundation.

13 09:41:13 THE WITNESS: You'd have to ask an engineer.

14 09:41:14 MR. COX: Q. How many thumbnails were
15 09:41:17 created for each video?

16 09:41:24 A I'd approximate a screen full that size with
17 09:41:31 them about this much, so you can count.

18 09:41:34 Q So sort of in the vicinity of 20?

19 09:41:37 A More than that.

20 09:41:38 Q The next step you mentioned in the process
21 09:41:43 was the video review queue. What is the video review
22 09:41:47 queue?

23 09:41:48 A It was a tool that we had that my team used
24 09:41:54 to review videos.

25 09:42:00 Q When you say "review videos," did Google

1 NARASIMHAN, B.

2 09:42:06 Video, as a matter of policy, review videos at upload?

3 09:42:12 MR. MANCINI: Objection; lacks foundation;

4 09:42:14 and objection to form.

5 09:42:18 Do you understand that question?

6 09:42:21 THE WITNESS: Yes, I think so.

7 09:42:22 MR. MANCINI: Okay.

8 09:42:23 THE WITNESS: Can you just repeat the

9 09:42:24 question, and then I'll try and answer it.

10 09:42:26 MR. COX: Can you read it back, please,

11 09:42:28 Andrea.

12 09:42:36 (Whereupon, record read by the Reporter as

13 09:42:36 follows:

14 09:42:00 "Question: When you say "review videos," did

15 09:42:05 Google Video, as a matter of policy, review

16 09:42:08 videos at upload?")

17 09:42:37 MR. MANCINI: Same objections.

18 09:42:38 THE WITNESS: We reviewed them after upload,

19 09:42:48 after these technical steps.

20 09:42:50 MR. COX: Q. Did a Google Video employee

21 09:42:56 review videos before the video would be made available

22 09:43:00 to the public?

23 09:43:02 MR. MANCINI: Objection to form.

24 09:43:05 THE WITNESS: Yes.

25 09:43:10 MR. COX: Q. Was that true at all times, or

NARASIMHAN, B.

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09:43:23 do you know if any -- I'm sorry. Let me -- let me
09:43:26 strike that.

09:43:27 Do you know of any time when Google Video did
09:43:31 not review videos before they became available to the
09:43:34 public?

09:43:36 MR. MANCINI: Objection to form.

09:43:38 THE WITNESS: Yes.

09:43:38 MR. COX: Q. When did the practice change?

09:43:46 MR. MANCINI: Objection to form.

09:43:47 THE WITNESS: Can you please specify what
09:43:51 changed?

09:43:52 MR. COX: Q. At what point did Google Video
09:43:57 stop -- oh, let's back up.

09:44:02 When you first began working for Google
09:44:07 Video, did Google Video review videos before they
09:44:10 became available to the public?

09:44:11 MR. MANCINI: Objection to form.

09:44:12 THE WITNESS: Yes.

09:44:12 MR. COX: Q. At any point while you were
09:44:13 working for Google Video, did Google Video stop
09:44:16 reviewing videos before they became available to the
09:44:19 public?

09:44:20 MR. MANCINI: Objection to form.

09:44:21 THE WITNESS: Yes, yes.

1 NARASIMHAN, B.

2 09:44:22 MR. COX: Q. At what point did Google Video
3 09:44:24 stop reviewing videos before they became available to
4 09:44:26 the public?

5 09:44:27 MR. MANCINI: Objection to form.

6 09:44:33 THE WITNESS: We stopped reviewing some
7 09:44:40 videos before they became available approximately
8 09:44:44 September of 2006.

9 09:44:46 MR. COX: I want to go back to the series of
10 09:44:58 steps that you outlined before about what would happen
11 09:45:02 to a video after it was uploaded.

12 09:45:04 You said there are technical steps, then it
13 09:45:07 would go to the video review queue, and then there
14 09:45:10 were more technical steps.

15 09:45:11 Q Do you know what any of the more technical
16 09:45:13 steps were?

17 09:45:13 MR. MANCINI: Objection to the
18 09:45:14 characterization of the prior testimony; and
19 09:45:22 objection, asked and answered.

20 09:45:23 THE WITNESS: I can tell you generally, but
21 09:45:33 you'd have to ask an engineer for more specifics.

22 09:45:35 There were transcoding steps.

23 09:45:37 MR. COX: Q. What does transcoding mean?

24 09:45:40 A As far as I understand, it means making a
25 09:45:44 video available in different formats.

1 NARASIMHAN, B.

10:24:29 2 THE WITNESS: I don't remember -- remember
10:24:34 3 informing anyone in particular.

10:24:36 4 MR. COX: Q. Did you view the number of
10:24:43 5 complaints you were receiving as a problem for your
10:24:47 6 review team?

10:24:48 7 MR. MANCINI: Objection to form.

10:24:49 8 THE WITNESS: No.

10:25:05 9 MR. COX: Q. Did you believe that the
10:25:06 10 policies your review team was applying should be
10:25:12 11 changed in order to reduce the number of complaints?

10:25:28 12 A No, we would never -- I -- we never believed
10:25:32 13 that we should change the policy, but we did believe
10:25:37 14 we could implement that policy in a more effective
10:25:40 15 manner.

10:25:44 16 Q What do you mean by "implement that policy in
10:25:47 17 a more effective manner"?

10:25:56 18 A So when we were reviewing videos, we had a
10:26:00 19 number of different things we were looking for,
10:26:02 20 including porn, violence, hate. Hate is not as easy
10:26:06 21 to tell, and potential or suspected copyright
10:26:13 22 infringement.

10:26:15 23 It was fairly easy to tell on porn and
10:26:21 24 violence. When you see thumbnails, you can -- you can
10:26:24 25 see pretty clearly body parts or -- or other screen

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1 NARASIMHAN, B.

2 10:28:14 recognize, we were very inefficient in our reviews to
3 10:28:23 find this content. A very, very, very small fraction
4 10:28:27 of the videos that we actually reviewed contained this
5 10:28:29 content, and we believed that in order to be more
6 10:28:32 efficient and equally effective, that we could rely on
7 10:28:35 the community to let us know when they found videos
8 10:28:39 that had bad content.

9 10:28:42 On other areas of policy, like in some cases
10 10:28:50 hate speech, in potential or suspected copyright
11 10:28:55 infringement, we found that we were making mistakes
12 10:28:59 quite often in either direction, and that we would be
13 10:29:04 more effective not trying to make a judgment when we
14 10:29:08 had imperfect information and, instead, relying on
15 10:29:12 DMCA availability and making that DMCA capability more
16 10:29:18 available to our partners and make it easier for them
17 10:29:24 to provide the DMCA's to us.

18 10:29:28 So in both cases, it would have been more
19 10:29:32 efficient and more effective not to review the videos
20 10:29:37 before they went live.

21 10:29:41 Q When did you first decide that with respect
22 10:29:46 to copyright you were making mistakes quite often?

23 10:29:53 A I don't remember when we first decided that.

24 10:29:57 Q Roughly, did you come to that conclusion,
25 10:30:01 let's say, before September 2006?

1 NARASIMHAN, B.

2 10:30:06 A Yes.

3 10:30:06 Q Before March 2006?

4 10:30:10 A That, I don't remember.

5 10:30:16 Q When you came to that conclusion, did you
6 10:30:18 tell anyone?

7 10:30:25 A I'm sure we discussed it, but I don't recall
8 10:30:27 any specific conversations I had.

9 10:30:33 Q Do you know whom you discussed it with?

10 10:30:35 A It would have been other members of the team.

11 10:30:37 Q Did anyone at -- in your team communicate
12 10:30:44 that to someone higher up at Google?

13 10:30:51 A Define "higher up."

14 10:30:55 Q To anyone with the authority to change the
15 10:31:06 policy of reviewing videos for potential copyright
16 10:31:09 infringement after upload.

17 10:31:11 MR. MANCINI: Objection to form; and
18 10:31:12 objection, lacks foundation.

19 10:31:13 THE WITNESS: I'm not sure I understand that
20 10:31:23 question, to be honest.

21 10:31:25 MR. COX: Q. Did you inform anyone at Google
22 10:31:31 who could have done something to change what was going
23 10:31:32 on about the problems you were discussing before
24 10:31:37 regarding copyright?

25 10:31:38 MR. MANCINI: Objection to form; and

1 NARASIMHAN, B.

2 10:31:39 objection, lacks foundation.

3 10:31:54 Do you understand the question?

4 10:31:55 THE WITNESS: I still don't, and I still

5 10:31:56 don't know how to answer it, to be honest.

6 10:31:59 MR. MANCINI: I don't understand it either.

7 10:32:09 MR. COX: Q. You testified before that your

8 10:32:22 team was making mistakes in either direction with

9 10:32:26 respect to identifying videos as infringing copyright;

10 10:32:29 is that correct?

11 10:32:29 A As potentially infringing copyright, correct.

12 10:32:38 Q Did you believe that your team was making

13 10:32:40 those mistakes as a result of something about what it

14 10:32:45 was being asked to do in reviewing videos for

15 10:32:48 potential copyright infringement?

16 10:32:50 MR. MANCINI: Objection to form; and

17 10:32:53 objection, lacks foundation.

18 10:32:55 THE WITNESS: I don't understand that.

19 10:32:58 MR. COX: Q. Did you believe that the reason

20 10:33:00 your team was making those mistakes -- or why did you

21 10:33:04 believe your team was making those mistakes?

22 10:33:07 MR. MANCINI: Objection; asked and answered.

23 10:33:08 THE WITNESS: Because we honestly did not

24 10:33:14 know who was authorized to upload that video, and any

25 10:33:22 particular reviewer is not going to be familiar with

1 NARASIMHAN, B.

2 10:33:25 and have knowledge of all the videos in the world and
3 10:33:29 who owns them.

4 10:33:35 MR. COX: Q. Did you believe that your team
5 10:33:57 should not be asked to identify potential copyright
6 10:34:01 infringement in the video review queue?

7 10:34:08 MR. MANCINI: Objection to form; lacks
8 10:34:10 foundation.

9 10:34:12 THE WITNESS: I believe I just said that
10 10:34:20 there were problems with what we were doing.

11 10:34:24 MR. COX: Q. And my question is, based on
12 10:34:26 those problems, did you believe that the instructions
13 10:34:29 to your team should change?

14 10:34:33 MR. MANCINI: Same objections, and asked and
15 10:34:37 answered.

16 10:34:37 THE WITNESS: Could you rephrase or ask a
17 10:34:55 different question?

18 10:34:56 MR. COX: I think that question is fairly
19 10:34:59 clear.

20 10:35:00 Q My question is, did you believe that the
21 10:35:01 instructions to your team about how to review for
22 10:35:05 potential copyright infringement should change?

23 10:35:08 MR. MANCINI: Objection to form, and she
24 10:35:10 already answered that question just a few lines ago.

25 10:35:17 MR. COX: Q. I do not remember the answer,

1 NARASIMHAN, B.

2 10:35:18 so could you indulge me and answer it again, if you
3 10:35:23 did already answer it.

4 10:35:25 MR. MANCINI: We can read it back.

5 10:35:27 THE WITNESS: Please.

6 10:35:40 MR. MANCINI: When you asked that question,
7 10:35:41 the witness said at line 20, page 40, "I believe I
8 10:35:45 just said that there were problems with what we were
9 10:35:48 doing."

10 10:35:48 Asked and answered.

11 10:35:49 MR. COX: I don't think that's an answer to
12 10:35:51 the question.

13 10:35:51 Q The question is, did you think what you were
14 10:35:53 doing should change as a result of those problems?

15 10:35:55 MR. MANCINI: No. Counselor, you're asking
16 10:35:57 for a subjective determination. The witness answered
17 10:36:00 it the way she's comfortable answering it. If you
18 10:36:02 don't like the answer, doesn't mean you get to ask it
19 10:36:05 again.

20 10:36:10 MR. COX: John, I simply disagree that that's
21 10:36:16 an answer to the question.

22 10:36:17 MR. MANCINI: It's her answer to the
23 10:36:18 question. You can ask it again. She's going to
24 10:36:21 answer it the same way.

25 10:36:28 MR. COX: Q. Did you form a belief as to

1 NARASIMHAN, B.

2 10:36:35 whether the instructions to your team about reviewing
3 10:36:38 videos for potential copyright infringement should
4 10:36:41 change?

5 10:36:42 MR. MANCINI: Objection to form; asked and
6 10:36:43 answered.

7 10:36:44 THE WITNESS: I believed that what we were
8 10:36:52 doing had lots of problems.

9 10:36:58 MR. COX: Q. Did you inform anyone who had
10 10:37:01 the authority to change what you were doing about that
11 10:37:05 belief?

12 10:37:09 MR. MANCINI: Objection to form.

13 10:37:11 THE WITNESS: I just don't know how to answer
14 10:37:21 that.

15 10:37:25 MR. COX: Q. Did you tell anyone --

16 10:37:27 A There isn't a -- there isn't -- sorry --
17 10:37:28 there isn't a linear, you know, like I tell someone.
18 10:37:31 I tell my boss, or my boss's boss and someone is going
19 10:37:34 to make it. It just didn't work like that.

20 10:37:36 Q Okay.

21 10:37:36 A So I just don't know how to answer your
22 10:37:38 question.

23 10:37:39 Q Did you tell anyone else at Google besides
24 10:37:41 the members of your team?

25 10:37:44 MR. MANCINI: Objection; asked and answered.

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NARASIMHAN, B.

10:37:46 THE WITNESS: Yes; we would have had
10:37:47 discussions across the Google Video team.

10:37:53 MR. COX: Q. When you say "across the Google
10:37:56 Video team," whom is that referring to?

10:38:00 A It would be referring to the product
10:38:02 managers, the engineers, the partners, sales folks,
10:38:07 potentially. The legal counsel for sure, and any
10:38:13 number of people that were involved with Google Video.

10:38:19 And you have to remember, some of these
10:38:21 complaints came from other people on the Google Video
10:38:22 team, so they already knew this issue.

10:38:28 Q Did you -- your team ever put together a
10:38:34 document reflecting your views on this issue?

10:38:38 MR. MANCINI: Objection; lacks foundation.
10:38:39 Objection to form.

10:38:40 THE WITNESS: I don't remember.

10:38:41 MR. COX: Q. Did you ever see a document
10:38:53 stating that review of videos for a potential
10:39:02 copyright infringement is causing problems?

10:39:08 MR. MANCINI: Objection to form.

10:39:11 THE WITNESS: I don't remember.

10:39:20 MR. MANCINI: Do you think it's a good time
10:39:22 for a break?

10:39:23 MR. COX: Fine with me, if you'd like it.

1 NARASIMHAN, B.

10:39:25 2 MR. MANCINI: Okay.

10:39:26 3 THE VIDEOGRAPHER: Off the record.

10:39:30 4 The time on the screen is 10:39.

10:39:33 5 (Recess taken.)

10:53:38 6 THE VIDEOGRAPHER: We're now back on the
10:53:40 7 record.

10:53:41 8 The time on the screen is 10:53.

10:53:46 9 MR. COX: Q. In the document we were looking
10:53:51 10 at before we went on break, in the third sub-bullet
10:53:56 11 that we were looking at before, it says "If the video
10:54:01 12 does not meet our editorial standards, disapprove the
10:54:05 13 video."

10:54:05 14 What do you mean by "editorial standards"?

10:54:10 15 MR. MANCINI: This is Exhibit 2?

10:54:12 16 MR. COX: This is Exhibit 2.

10:54:17 17 MR. MANCINI: Objection to form and lacks
10:54:26 18 foundation.

10:54:26 19 Do you know what this document meant? Is
10:54:28 20 that what you're asking?

10:54:32 21 THE WITNESS: Are you asking about this
10:54:33 22 particular line?

10:54:34 23 MR. COX: Q. I'm asking what -- what does
10:54:36 24 "editorial standards" mean? What is your
10:54:39 25 understanding of what "editorial standards" means in

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NARASIMHAN, B.

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10:54:41 this context?

10:54:42 MR. MANCINI: Objection to form.

10:54:43 Are you asking her for her understanding?

10:54:45 MR. COX: I'm asking her for --

10:54:47 Q What is your understanding of what "editorial
10:54:49 standards" means in this document?

10:54:51 MR. MANCINI: Okay. Objection to form.

10:54:56 THE WITNESS: It means conformance to the
10:54:58 list of policies we had.

10:54:59 MR. COX: Q. What are those policies?

10:55:03 MR. MANCINI: Objection; asked and answered.

10:55:08 THE WITNESS: Our policies included a number
10:55:10 of areas like porn, violence, hate speech, obscenity,
10:55:16 potential copyright infringement, et cetera.

10:55:19 MR. COX: I'm going to give you a document
10:55:24 that will be marked as Exhibit 3 to your deposition.

10:55:35 (Document marked Narasimhan Exhibit 3
10:55:50 for identification.)

10:55:50 MR. COX: Q. This document is Bates No.

10:55:51 G001-03114019. That's an e-mail from Ms. Narasimhan
10:55:59 with the subject line "Disapproval reasons for review
10:56:03 and takedown tool."

10:56:31 A Okay.

10:56:31 Q Do you recognize this document?

1 NARASIMHAN, B.

2 10:56:33 A I don't, but I see it.

3 10:56:37 Q Do you have any reason to believe this is not
4 10:56:38 an e-mail that you sent?

5 10:56:39 A No, I don't.

6 10:56:40 Q Is the list contained in this document a list
7 10:56:45 of the reasons why a video might violate your
8 10:56:55 editorial standards?

9 10:56:56 MR. MANCINI: Objection to form, and
10 10:56:59 objection to the characterization of the document.
11 10:57:00 The document speaks for itself.

12 10:57:07 THE WITNESS: This is a list of disapproval
13 10:57:10 reasons.

14 10:57:13 MR. COX: Q. Are disapproval -- is there a
15 10:57:16 difference between disapproval reasons and reasons why
16 10:57:27 a video might violate your editorial -- Google Video's
17 10:57:27 editorial standards?

18 10:57:42 A There shouldn't be.

19 10:57:53 Q The second item in the list is "Copyright:
20 10:57:57 Music Video."

21 10:57:59 What does that mean?

22 10:58:01 A It means potential copyright infringement.
23 10:58:06 It looks to be a music video.

24 10:58:10 Q So reviewers were instructed to disapprove
25 10:58:16 videos for potential copyright infringement if they

1 NARASIMHAN, B.

2 10:58:18 appeared to be using videos?

3 10:58:21 A Yes.

4 10:58:21 Q Was the same true for TV and film, the next
5 10:58:32 two items in the list?

6 10:58:34 A Yes.

7 10:58:35 Q Besides the items on this list, were there
8 10:58:42 any other reasons for a reviewer to disapprove a
9 10:58:49 video?

10 10:58:49 MR. MANCINI: Objection; lacks foundation.
11 10:58:51 Objection to form.

12 10:58:59 THE WITNESS: These were the disapproval
13 10:59:05 reasons that I asked for in the new tool.

14 10:59:09 MR. COX: Q. Do you know of any other
15 10:59:12 disapproval reasons that existed at any time while you
16 10:59:15 were responsible for operations at Google Video?

17 10:59:19 A I don't recall, but I believe if I had known
18 10:59:21 of a reason, it would have been on this list.

19 10:59:28 Q Were reviewers provided with any criteria to
20 10:59:31 determine whether a particular video fell into one of
21 10:59:34 these disapproval categories?

22 10:59:41 MR. MANCINI: Objection to form.

23 10:59:42 THE WITNESS: Yes.

24 10:59:42 MR. COX: Q. What were those criteria?

25 10:59:50 MR. MANCINI: Objection to form.

NARASIMHAN, B.

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2 11:07:36 told her there's no point. I said to you there's no
3 11:07:37 point.

4 11:07:37 She already said she lacks knowledge in this
5 11:07:40 area. You're asking her to pursue a line of
6 11:07:42 questioning about something that she lacks knowledge
7 11:07:45 of, and now asking her to speculate about a line of
8 11:07:48 questions that she lacks knowledge of.

9 11:07:48 MR. COX: And I'm telling you that it's
10 11:07:51 improper to do anything more than objecting to the
11 11:07:52 question.

12 11:07:52 MR. MANCINI: I'm -- I am telling you we're
13 11:07:53 all wasting time if we're asking her to speculate
14 11:07:57 about areas which she has -- not only to speculate,
15 11:08:00 but about an area for which she has no knowledge, and
16 11:08:00 she just so testified to that.

17 11:08:05 But if you want to persist, I just think
18 11:08:06 we're just wasting time.

19 11:08:08 MR. COX: You're entitled to that belief.

20 11:08:10 MR. MANCINI: Okay.

21 11:08:27 MR. COX: Q. What percentage of videos were
22 11:08:32 disapproved in the review queue?

23 11:08:42 A It varied week to week.

24 11:08:44 Q Approximately?

25 11:08:46 A Ten, 15.

1 NARASIMHAN, B.

2 11:08:48 Q What percentage of those disapprovals were
3 11:08:53 based on potential copyright infringement?

4 11:08:56 A Very high. 80, 90 percent.

5 11:09:01 Q Did Google Video ever receive any third-party
6 11:09:14 requests to remove videos?

7 11:09:16 A Yes.

8 11:09:19 Q Did Google Video respond to those requests?

9 11:09:22 A Yes.

10 11:09:22 Q What did Google Video do in response to those
11 11:09:27 requests?

12 11:09:35 A We received DMCA requests from content owners
13 11:09:39 asking us -- swearing that they own certain videos and
14 11:09:43 asking us to take them down, which we did. And we
15 11:09:47 would receive e-mails from concerned citizens that
16 11:09:53 would bring to our attention videos containing porn,
17 11:09:58 hate speech, or other forms of improper content that
18 11:10:02 we would also review and, based on our policies, take
19 11:10:07 down.

20 11:10:20 Q I'm going to give you a document that I think
21 11:10:22 will be Exhibit 4 to your deposition.

22 11:10:24 (Document marked Narasimhan Exhibit 4
23 11:10:37 for identification.)

24 11:10:37 MR. COX: This document is -- begins with the
25 11:10:39 Bates No. G00001-00794737. It's an e-mail from

1 NARASIMHAN, B.

2 11:23:48 A Yes.

3 11:23:48 Q Could you have also decided to keep

4 11:24:02 statistics on the number of videos that were approved

5 11:24:05 after initially being disapproved?

6 11:24:07 MR. MANCINI: Objection; calls for

7 11:24:08 speculation; lacks foundation.

8 11:24:10 THE WITNESS: I don't know.

9 11:24:33 MR. COX: Q. Did you ever consider keeping

10 11:24:35 statistics about the number of videos that were

11 11:24:38 approved after initially being disapproved?

12 11:24:42 MR. MANCINI: Same objections.

13 11:24:43 THE WITNESS: Not that I recall.

14 11:24:45 MR. COX: Q. Do you believe that such

15 11:25:04 statistics would have been relevant to the question of

16 11:25:11 whether -- strike that.

17 11:25:20 Do you believe that such statistics would

18 11:25:22 have been relevant to the question of whether removals

19 11:25:29 for copyright infringement were often mistakes?

20 11:25:33 MR. MANCINI: Objection to form; objection

21 11:25:35 calls for speculation; objection, lacks foundation;

22 11:25:38 and objection, calls for a legal conclusion.

23 11:25:44 THE WITNESS: I don't want to speculate.

24 11:25:46 MR. COX: Q. You testified earlier that you

25 11:25:47 formed a belief that many removals for copyright

1 NARASIMHAN, B.

2 11:25:54 infringement were mistakes; is that correct?

3 11:25:58 MR. MANCINI: Objection; mischaracterizes

4 11:26:00 prior testimony.

5 11:26:25 Actually, let me restate that objection.

6 11:26:29 Withdraw mischaracterization, and just say objection;

7 11:26:33 the prior testimony speaks for itself. It's -- it's a

8 11:26:36 question of precision.

9 11:26:44 THE WITNESS: You need me to repeat what I

10 11:26:48 said before or --

11 11:26:49 MR. COX: Please.

12 11:26:50 THE WITNESS: Okay. So I believe that the

13 11:26:58 removals that we made for potential copy -- copyright

14 11:27:01 infringement we later found to be mistakes because

15 11:27:06 people complained about them.

16 11:27:18 MR. COX: Q. Would statistics about the

17 11:27:21 number of videos that were initially disapproved and

18 11:27:27 then approved had been relevant to determining the

19 11:27:31 accuracy of that belief?

20 11:27:32 MR. MANCINI: Objection; lacks foundation and

21 11:27:34 calls for speculation.

22 11:27:41 THE WITNESS: I don't know. Maybe.

23 11:27:46 MR. COX: Q. Can you think of any reason why

24 11:27:48 it would not have helped you to know how many

25 11:27:52 instances of disapprovals to approvals there were?

1 NARASIMHAN, B.

2 11:27:57 MR. MANCINI: Again, objection; lacks
3 11:28:00 foundation and now calls for the witness to speculate
4 11:28:02 on a fact that has not been established in this
5 11:28:06 deposition and is, from what we can tell, purely a
6 11:28:12 hypothetical.

7 11:28:34 THE WITNESS: Yeah, I would be speculating.

8 11:28:43 MR. COX: Q. When there were complaints
9 11:28:45 about the disapproval of a video for copyright
10 11:28:58 reasons, would you then revoke the disapproval and
11 11:29:02 approve the video?

12 11:29:04 MR. MANCINI: Objection to form.

13 11:29:22 THE WITNESS: I don't recall specifics, but
14 11:29:24 it would have varied based on the request. I'm
15 11:29:29 guessing.

16 11:29:30 MR. COX: Q. In what instances would you not
17 11:29:33 have approved a video?

18 11:29:35 A I don't recall.

19 11:29:35 Q Is there a situation in which a content
20 11:29:43 owner -- in which a video was rejected for copyright
21 11:29:49 reasons, the owner of rights to the video informs you
22 11:29:56 that they do own those rights, and which you would not
23 11:30:03 then have approved the video?

24 11:30:05 MR. MANCINI: Objection to form.

25 11:30:07 THE WITNESS: So if the owner of a video was

1 NARASIMHAN, B.

2 11:30:09 able to establish to us that they owned the video,

3 11:30:17 then I don't see why we would not have reinstated it.

4 11:30:21 MR. COX: Q. Did your team keep track of how

5 11:30:28 many such reinstatements occurred?

6 11:30:31 A No.

7 11:30:31 Q Are you aware of any effort by anyone to

8 11:30:40 quantify the number of videos removed for copyright

9 11:30:43 that were later found to be mistakes?

10 11:30:47 MR. MANCINI: Objection to form and calls for

11 11:30:49 speculation.

12 11:30:49 THE WITNESS: I'm not aware.

13 11:30:56 MR. COX: Q. Would it have been possible for

14 11:30:58 someone at Google Video to quantify the number of

15 11:31:04 videos removed for copyright that were later found to

16 11:31:08 be mistakes without working with your team?

17 11:31:10 MR. MANCINI: Objection to form; and

18 11:31:13 objection, lacks foundation.

19 11:31:14 THE WITNESS: No.

20 11:31:14 MR. COX: Q. Was your team ever involved in

21 11:31:28 an effort to quantify the number of videos removed for

22 11:31:31 copyright that were later found to be mistakes?

23 11:31:34 A No.

24 11:31:34 MR. MANCINI: Objection to form.

25 11:31:45 MR. COX: I think we're going to tape --

1 NARASIMHAN, B.

2 14:51:15 Q At this time of January 16, 2007, what was
3 14:51:18 your position at Google?

4 14:51:22 A I think at this date I was still the online
5 14:51:24 sales and operations manager for Google Video.

6 14:51:27 Q And at some point after this, your -- your
7 14:51:30 title changed?

8 14:51:31 A Yes.

9 14:51:31 Q And what did it change to?

10 14:51:33 A Product manager.

11 14:51:36 Q And what was the specific area of product
12 14:51:38 that you were the product manager of?

13 14:51:40 A So I started a team called the Common Abuse
14 14:51:43 Tools Team.

15 14:51:50 Q And what was the -- what were your duties
16 14:51:53 with respect to the title or, I'm sorry, with respect
17 14:51:56 to the team called The Common Abuse Tools Team?

18 14:52:05 A So what I did, and again to be clear, there
19 14:52:09 isn't a list of duties that are listed out for people,
20 14:52:12 what I did was get this team off the ground, worked
21 14:52:15 with some engineers to find staffing for this team,
22 14:52:22 define what the products were that this team was going
23 14:52:26 to build, and then over time build those products and
24 14:52:29 got other systems to implement those products.

25 14:52:33 Q And what were the products that you built in

1 NARASIMHAN, B.

2 14:58:40 Q Have you had any job responsibilities at
3 14:58:45 Google with respect to AdWords?

4 14:58:48 A Yes.

5 14:58:48 Q And at what time? Can you just give me a
6 14:58:53 time frame of when -- when you became involved in any
7 14:58:56 way with AdWords?

8 14:58:58 A So when I first joined Google, which is in
9 14:59:01 2005, May, I was responsible for a team of reviewers
10 14:59:07 that would review ads against Google -- Google's
11 14:59:13 policies.

12 14:59:16 Some time in 2006, I don't remember exactly
13 14:59:22 when, that team was dis -- the team in the U.S. was
14 14:59:26 dissolved and the responsibilities moved over to
15 14:59:28 India, at which point I stopped my involvement with ad
16 14:59:32 approvals. AdWords and ad approvals stopped.

17 14:59:36 And then last year, so this is in 2008, July,
18 14:59:41 I transitioned from being a product manager on the
19 14:59:43 Common Abuse Tools Team to being a product manager on
20 14:59:47 AdWords, the AdWords front end.

21 14:59:50 Q Okay. So during the period of time between
22 14:59:54 May 2005 when you were responsible for a team of
23 14:59:56 reviewers that would review ads against Google's
24 14:59:59 policies up until the time that you stopped performing
25 15:00:04 those duties, do you recall Google's policies with