

DAVID ESTRADA - HIGHLY CONFIDENTIAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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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.

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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.

-----X

HIGHLY CONFIDENTIAL  
VIDEOTAPED DEPOSITION OF DAVID ESTRADA  
PALO ALTO, CALIFORNIA  
TUESDAY, DECEMBER 8, 2009

JOB NO. 18172

DAVID FELDMAN WORLDWIDE, INC.

450 Seventh Avenue - Ste 2803, New York, NY 10123 (212) 705-8585

1 PALO ALTO, CA DAVID ESTRADA DECEMBER 8,  
2 DECEMBER 8, 2009  
3 10:05 A.M.

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5 HIGHLY CONFIDENTIAL VIDEOTAPED DEPOSITION OF DAVID  
6 ESTRADA, at WILSON, SONSINI, GOODRICH & ROSATI, 601 S.  
7 California Avenue, Palo Alto, California, pursuant to  
8 notice, before me, KATHERINE E. LAUSTER, CLR, CRR, RPR,  
9 CSR License No. 1894.  
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1 PALO ALTO, CA DAVID ESTRADA DECEMBER 8,

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

3 FOR THE PLAINTIFFS, VIACOM INTERNATIONAL, INC.:

JENNER & BLOCK, LLP

4 By: MICHAEL B. DeSANCTIS

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13 FOR THE DEFENDANTS YOUTUBE, INC., YOUTUBE, LLC, and  
GOOGLE, INC.:

14 MAYER BROWN, LLP

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25 ALSO PRESENT: ARMANDO CARRASCO, Videographer

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2 PALO ALTO, CALIFORNIA  
3 TUESDAY, DECEMBER 8, 2009; 10:05 A.M.  
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10:04:57 6 THE VIDEOGRAPHER: Today's videotaped  
10:04:58 7 deposition of David Estrada is taken on  
10:05:01 8 December 8th, 2009, at Wilson, Sonsini, Goodrich &  
10:05:03 9 Rosati, 601 California Avenue, in Palo Alto,  
10:05:09 10 California, in the matter of Viacom International  
10:05:10 11 versus YouTube, Incorporated. Case numbers are  
10:05:16 12 07-CV-2103 and 07-CV-3582, and court: Southern  
10:05:22 13 District of New York.

10:05:25 14 My name is Armando Carrasco. I represent  
10:05:28 15 David-Feldman Worldwide, located at 600 Anton  
10:05:30 16 Boulevard, Suite 1100, Costa Mesa, California.

10:05:34 17 We are now commencing at 10:05 a.m.

10:05:37 18 Will all present please identify  
10:05:39 19 themselves, beginning with the witness.

10:05:41 20 THE WITNESS: David Estrada.

10:05:43 21 MR. MANCINI: John Mancini, Mayer Brown,  
10:05:45 22 counsel for YouTube and Google.

10:05:47 23 MS. CRAPARO: Therese Craparo, Mayer  
10:05:47 24 Brown, counsel for YouTube and Google.

10:05:54 25 MR. DeSANCTIS: Michael DeSanctis, Jenner

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10:05:54 2 & Block, counsel for the Viacom plaintiffs.  
10:05:55 3 MR. COX: Jay Cox, Jenner & Block, counsel  
10:05:55 4 for the Viacom plaintiffs.  
10:05:57 5 MR. PELES: Gil Peles from Proskauer &  
10:05:57 6 Rose, counsel for the Premier League plaintiffs.  
10:06:03 7 THE VIDEOGRAPHER: Thank you.  
10:06:03 8 Will the court reporter please swear in  
10:06:03 9 the witness.  
10:06:03 10 THE REPORTER: Will you raise your right  
10:06:03 11 hand, please.  
10:06:03 12 Do you solemnly state, under penalty of  
10:06:03 13 perjury, the testimony you are about to give will be  
10:06:03 14 the truth, the whole truth, and nothing but the  
10:06:03 15 truth?  
10:06:12 16 THE WITNESS: I do.  
10:06:16 17 MR. MANCINI: Michael, before we start, I  
10:06:17 18 think, pursuant to the parties' agreement in this  
10:06:21 19 case, we will designate the entirety of this  
10:06:23 20 transcript highly confidential until further  
10:06:27 21 designated.  
10:06:28 22 MR. DeSANCTIS: Okay.  
10:06:28 23  
10:06:28 24 DAVID ESTRADA,  
10:06:28 25 having been sworn as a witness

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1 PALO ALTO, CA DAVID ESTRADA DECEMBER 8,  
14:09:56 2 with you with respect to whether any documents that  
14:10:00 3 had been collected from you were subject to the  
14:10:06 4 attorney-client work product or common interest  
14:10:08 5 privilege?  
14:10:09 6 MR. MANCINI: Objection to the extent it's  
14:10:13 7 attorney-client communications or attorney work  
14:10:17 8 product communications, to which the witness is  
14:10:19 9 instructed not to answer.  
14:10:20 10 THE WITNESS: I don't recall.  
14:10:30 11 BY MR. DeSANCTIS:  
14:10:30 12 Q. Let me ask you a different topic. Are you  
14:10:38 13 aware of a product integration agreement that  
14:10:42 14 YouTube has entered into with Apple?  
14:10:47 15 A. I'm aware of several agreements we've --  
14:10:50 16 we've entered into with Apple.  
14:10:53 17 Q. Okay. Approximately how many? You said  
14:10:55 18 "several."  
14:10:57 19 A. We have -- I -- I can think of two.  
14:11:00 20 Q. Can you tell me what those are?  
14:11:02 21 A. One of them -- I think the product  
14:11:06 22 integration agreement was the first agreement we  
14:11:08 23 entered into to distribute YouTube on the iPhone and  
14:11:13 24 Apple TV. And then another one was an API  
14:11:17 25 agreement.

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