

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. 1:07CV02103
)	
YOUTUBE, INC., YOUTUBE, LLC,)	
AND GOOGLE, INC.,,)	
)	
Defendants.)	
)	

CAPTION CONTINUED ON FOLLOWING PAGE

DEPOSITION OF MICHAEL ROBINSON
FRIDAY, JANUARY 15, 2010
LOS ANGELES, CALIFORNIA

REPORTED BY: JEANINE CURCIONE
FILE NO.: 18585

DAVID FELDMAN WORLDWIDE, INC.
450 Seventh Avenue - Ste 2803, New York, NY 10123 (212) 705-8585

1 APPEARANCES OF COUNSEL:

2 FOR VIACOM PLAINTIFFS:

3 JENNER BLOCK, LLP
4 BY: SCOTT B. WILKENS, ESQ.
5 1099 NEW YORK AVENUE, NW
6 SUITE 900
7 WASHINGTON, DC 20001
8 (202) 639-6072
9 swilkens@jenner.com

10 FOR PREMIER LEAGUE PLAINTIFFS:

11 PROSKAUER ROSE, LLP
12 BY: GIL N. PELES, ESQ.
13 2049 CENTURY PARK EAST
14 SUITE 3200
15 LOS ANGELES, CALIFORNIA 90067-3206
16 (310) 284-5611
17 gpeles@proskauer.com

18 FOR YOUTUBE AND GOOGLE DEFENDANTS:

19 WILSON SONSINI GOODRICH & ROSATI
20 BY: BART VOLKMER, ESQ.
21 650 PAGE MILL ROAD
22 PALO ALTO, CALIFORNIA 94304-1050
23 (650) 565-3508
24 bvolkmer@wsgr.com

25 AND

MAYER BROWN, LLP
BY: DAVID H. MCGILL, ESQ.
1675 BROADWAY
NEW YORK, NEW YORK 10019
(212) 506-2507
dmcgill@mayerbrown.com

FOR THE MOTION PICTURE ASSOCIATION OF AMERICA AND
THE WITNESS:

MUNGER, TOLLES & OLSON, LLP
BY: KELLY M. KLAUS, ESQ.
355 SOUTH GRAND AVENUE
35TH FLOOR
LOS ANGELES, CALIFORNIA 90071

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10:28:24 1 testify on the topics listed therein, excluding
10:28:33 2 Topics 4, 11, 12, 13 and 15?
10:28:37 3 MR. KLAUS: Objection. Vague and ambiguous.
10:28:38 4 I think it calls for a legal conclusion. Again,
10:28:40 5 there is extensive correspondence memorialized in
10:28:45 6 writing between myself and counsel for
10:28:47 7 Google/YouTube going through each of those topics.
10:28:52 8 Subject to that objection, Mr. Robinson, you
10:28:56 9 of course may answer the question.
10:28:58 10 THE WITNESS: Yes.
10:29:03 11 BY MR. MCGILL:
10:29:04 12 Q. Mr. Robinson, what is the MPAA?
10:29:08 13 A. The MPAA was formed in 1922 as the trade
10:29:14 14 association for the American film industry, and
10:29:17 15 today we advocate for the motion picture industry,
10:29:23 16 television industry and for the home entertainment
10:29:28 17 industry.
10:29:29 18 Q. And "MPAA" stands for "motion picture" --
10:29:32 19 A. Motion Picture Association of America.
10:29:34 20 Q. Okay. Thank you.
10:29:34 21 And which companies are members of the
10:29:36 22 MPAA?
10:29:38 23 A. Paramount Pictures Corporation. Sony
10:29:42 24 Pictures Entertainment. 20th Century Fox Films.
10:29:45 25 Universal City Studios. Walt Disney Studios Motion

10:29:52 1 Picture. Warner Bros. Entertainment.

10:29:54 2 Did I name all six?

10:29:56 3 Q. Sounds like you got them all to me.

10:29:59 4 And Paramount is owned by Viacom; is that

10:30:02 5 correct?

10:30:03 6 A. Paramount is a subsidiary of Viacom, yes.

10:30:06 7 Q. So does the MPAA consider Viacom to be a

10:30:08 8 member of its association?

10:30:12 9 A. MPAA considers Paramount Pictures to be a

10:30:17 10 member of MPAA.

10:30:20 11 Q. So but my question is: Does the MPAA

10:30:23 12 consider Viacom to be a member of its association?

10:30:25 13 A. No.

10:30:30 14 Q. And am I correct that the purpose of the

10:30:32 15 MPAA is to further the goals of its members?

10:30:35 16 MR. VOLKMER: Objection. Vague and

10:30:35 17 ambiguous.

10:30:37 18 THE WITNESS: The purpose of the MPAA is to

10:30:41 19 advocate for the protection of the creative rights

10:30:48 20 and the creative works that are produced and

10:30:51 21 distributed by the industry and to aggressively

10:30:58 22 investigate and prevent copyright theft.

10:31:02 23 BY MR. MCGILL:

10:31:03 24 Q. In connection with that advocating, does

10:31:05 25 the MPAA assume a public relations role with respect

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11:34:59 1 even within your construction of the negotiations of
11:35:02 2 Topic No. 7.

11:35:04 3 MR. KLAUS: Just for -- I do not think
11:35:04 4 that -- this should not be a big point, Mr. McGill,
11:35:08 5 but I think that the way you phrased your question
11:35:11 6 was a UGC site making content identification
11:35:16 7 technology available to content owners. And I think
11:35:20 8 the topic that we had negotiated -- and I believe if
11:35:25 9 you ask the question, then he'll be prepared to
11:35:27 10 testify to -- is UGC sites employing content
11:35:33 11 identification technology during that time frame.

11:35:36 12 BY MR. MCGILL:

11:35:36 13 Q. Okay. So let me ask you that question.
11:35:38 14 To the extent that there's a distinction there,
11:35:42 15 we'll explore it.

11:35:45 16 Mr. Robinson, are you aware of any UGC
11:35:47 17 site -- excuse me. Are you aware of any UGC video
11:35:51 18 service that made content identification -- that
11:35:54 19 employed content identification technology during
11:35:57 20 the time frame we're talking about?

11:35:59 21 A. Yeah, I believe that there were some that
11:36:01 22 did do that, specifically, Grouper and MySpace.

11:36:12 23 Q. When you say you believe that, what is
11:36:15 24 the basis for your belief?

11:36:19 25 A. Conversations that I had with

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11:36:26 1 Mr. Rajagopalan and information which I recall in my
11:36:38 2 capacity with the MPAA.

11:36:43 3 Q. And let's start with Grouper. What
11:36:48 4 content ID technology was Grouper, according to your
11:36:54 5 understanding, using during this time frame?

11:37:00 6 A. I believe that they were using
11:37:10 7 Audible Magic.

11:37:14 8 Q. And Audible Magic, to your understanding,
11:37:18 9 is an audio fingerprinting vendor; is that correct?

11:37:22 10 A. Yes.

11:37:22 11 Q. And at the time only offered
11:37:26 12 fingerprinting technology for audio as opposed to
11:37:29 13 video; correct?

11:37:33 14 MR. WILKENS: Objection to the form of the
11:37:34 15 question.

11:37:35 16 MR. KLAUS: It lacks foundation.

11:37:37 17 You can testify to it.

11:37:39 18 MR. MCGILL: Asking for his understanding.

11:37:40 19 MR. KLAUS: You can certainly testify to your
11:37:42 20 understanding.

11:37:45 21 THE WITNESS: Would you repeat the question.

11:37:46 22 BY MR. MCGILL:

11:37:47 23 Q. Yeah.

11:37:47 24 Do you have an understanding as to
11:37:49 25 whether Audible Magic's fingerprinting technology

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