

ADAM CAHAN - 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 ADAM CAHAN
PALO ALTO, CALIFORNIA
WEDNESDAY, DECEMBER 9, 2009
JOB NO. 18174

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

1 ADAM CAHAN SAN FRANCISCO, CA DECEMBER 9, 2009

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9:47 A.M.

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HIGHLY CONFIDENTIAL VIDEOTAPED DEPOSITION OF ADAM
CAHAN, at WILSON SONSINI GOODRICH & ROSATI, 601 S.
California Street, Palo Alto, California, pursuant to
notice, before me, KATHERINE E. LAUSTER, CLR, CRR, RPR,
CSR License No. 1894.

DAVID FELDMAN WORLDWIDE, INC.

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

3 FOR THE PLAINTIFFS, VIACOM INTERNATIONAL, INC., and
4 the WITNESS:

5 JENNER & BLOCK, LLP
6 By: SUSAN J. KOHLMANN, ESQ.
7 919 Third Avenue
8 37th Floor
9 New York, New York 10022-39908
10 T.212.891.1690
11 F.212.909.0821
12 skohlmann@jenner.com

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

15 WILSON, SONSINI, GOODRICH & ROSATI
16 By: DAVE KRAMER, ESQ.
17 CAROLINE WILSON, ESQ.
18 650 Page Mill Road
19 Palo Alto, California 94304-1050
20 T.650.493.9300
21 F.650.565.5100
22 dkramer@wsgr.com
23 cwilson@wsgr.com

24 FOR THE WITNESS, ADAM CAHAN:

25 SHEPPARD, MULLIN, RICHTER & HAMPTON, LLP
BY: P. CRAIG CARDON, ESQ.
1901 Avenue of the Stars
Suite 1600
Los Angeles, California 90067-6017
Telephone: 310.228.3700
Fax: 310.228.3701
ccardon@sheppardmullin.com

Also Present: ARMANDO CARRASCO, Videographer

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2 PALO ALTO, CALIFORNIA
3 WEDNESDAY, DECEMBER 9, 2009; 9:47 A.M.
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09:47:09 5 THE VIDEOGRAPHER: Today's videotaped
09:47:11 6 deposition of Adam Cahan is taken on December 9th,
09:47:14 7 2009, at Wilson, Sonsini, Goodrich & Rosati, 601
09:47:19 8 South California Avenue, Palo Alto, California, in
09:47:22 9 the matter of Viacom, International versus YouTube,
09:47:24 10 Inc., Case Numbers are 07-CV-2103 and 07-CV-3582, in
09:47:34 11 court: Southern District of New York.

09:47:36 12 My name is Armando Carrasco. I represent
09:47:40 13 David Feldman Worldwide, located at 600 Anton
09:47:42 14 Boulevard, Suite 1100, Costa Mesa, California.

09:47:48 15 We are now commencing at 9:47 a.m.

09:47:51 16 Will all present please identify
09:47:53 17 themselves, beginning with the witness?

09:47:55 18 THE WITNESS: Adam Cahan.

09:47:58 19 MR. CARDON: Craig Cardon on behalf of
09:47:59 20 Adam Cahan.

09:48:01 21 MS. KOHLMANN: Susan Kohlmann on behalf of
09:48:03 22 the Viacom plaintiffs.

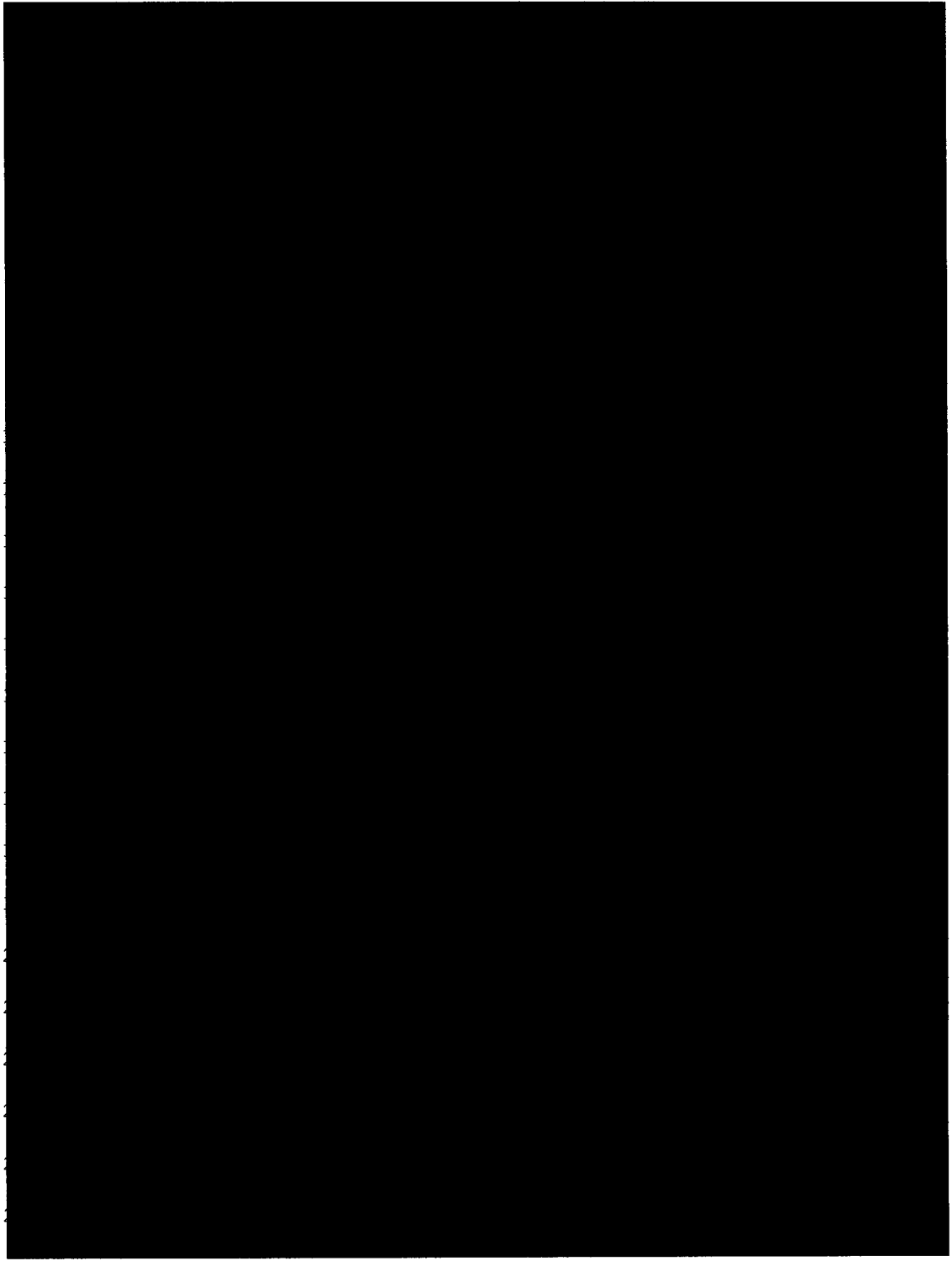
09:48:06 23 MS. WILSON: Caroline Wilson from Wilson,
09:48:08 24 Sonsini, Goodrich & Rosati on behalf of defendants
09:48:09 25 Google and YouTube.

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1 ADAM CAHAN SAN FRANCISCO, CA DECEMBER 9, 2009
09:48:12 2 MR. KRAMER: And Dave Kramer from Wilson
09:48:14 3 Sonsini for defendants.
09:48:16 4 THE VIDEOGRAPHER: Thank you.
09:48:16 5 Will the court reporter please swear in
09:48:16 6 the witness.
09:48:16 7 THE REPORTER: Will you raise your right
09:48:16 8 hand, please.
09:48:16 9 Do you solemnly state, under penalty of
09:48:16 10 perjury, the testimony you are about to receive will
09:48:16 11 be the truth, the whole truth, and nothing but the
09:48:16 12 truth?
09:48:26 13 THE WITNESS: I do.
09:48:26 14
09:48:26 15 ADAM CAHAN,
09:48:26 16 having been sworn as a witness
09:48:26 17 testified as follows:
09:48:26 18
09:48:26 19 EXAMINATION
09:48:27 20 BY MR. KRAMER:
09:48:28 21 Q. Good morning, Mr. Cahan. Could you state
09:48:30 22 your full name and address for the record, please.
09:48:34 23 A. Adam Cahan, [REDACTED]
09:48:36 24 [REDACTED]
09:48:38 25 //

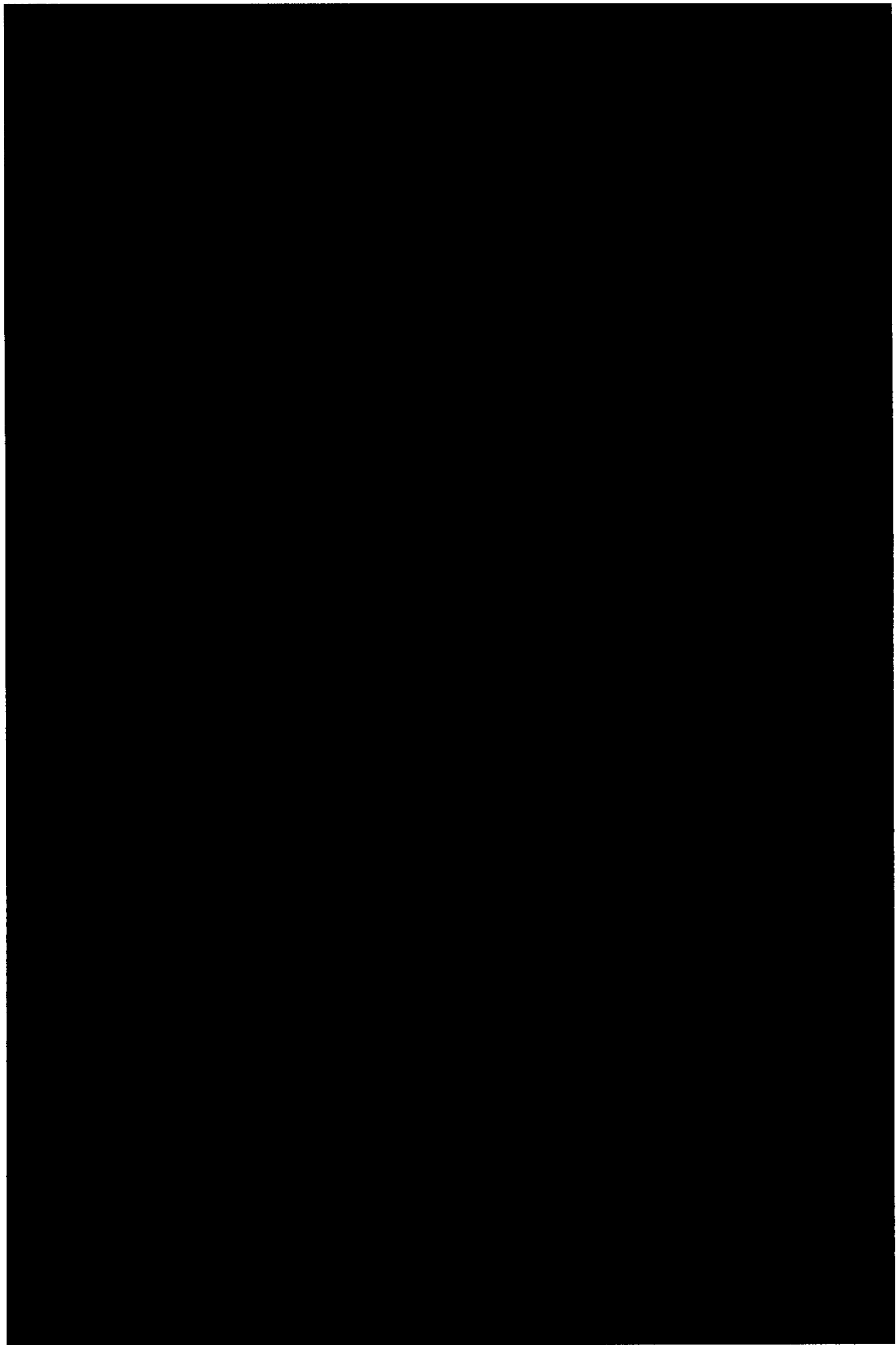
1 ADAM CAHAN SAN FRANCISCO, CA DECEMBER 9, 2009

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1 ADAM CAHAN SAN FRANCISCO, CA DECEMBER 9, 2009
15:16:07 2 about the amount of copyright infringement that's
15:16:10 3 going on with YouTube, and that I'm basically
15:16:13 4 expressing to Joan and Tim my concern that there's
15:16:15 5 nothing left that I can do in -- in these
15:16:17 6 negotiations.
15:16:19 7 Q. You said, not referencing the amount of
15:16:23 8 copyright infringement, but the fact of copyright
15:16:26 9 infringement at YouTube, you -- strike that.
15:16:29 10 You said:
15:16:29 11 "Our senior team has expressed grave
15:16:31 12 concern with allowing the copyright
15:16:33 13 infringement to persist any longer."
15:16:36 14 Prior to this time, sir, were there people
15:16:39 15 at Viacom who believed that there was copyright
15:16:41 16 infringement going on at YouTube?
15:16:44 17 MS. KOHLMANN: Objection.
15:16:44 18 MR. CARDON: Objection, speculation, legal
15:16:45 19 conclusion, foundation.
15:16:52 20 THE WITNESS: I mean, yeah, there are
15:16:54 21 people who are concerned at this point that there is
15:16:56 22 significant amount of copyright infringement going
15:16:59 23 on.
15:16:59 24 BY MR. KRAMER:
15:16:59 25 Q. No, sir, that's not my question.

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