

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-2203  
 )  
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 MARYROSE DUNTON  
SAN FRANCISCO, CALIFORNIA  
FRIDAY, AUGUST 22, 2008

BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CLR  
CSR LICENSE NO. 9830  
JOB NO. 15500

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AUGUST 22, 2008

10:02 a.m.

VIDEOTAPED DEPOSITION OF MARYROSE DUNTON,  
held at the offices of SHEARMAN & STERLING,  
525 Market Street, San Francisco, California,  
pursuant to notice, before ANDREA M. IGNACIO  
HOWARD, CLR, RPR, CSR License No. 9830.

1           A P P E A R A N C E S:

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3           FOR THE PLAINTIFFS VIACOM INTERNATIONAL, INC.:

4           JENNER & BLOCK

5           By:   MICHAEL B. DESANCTIS, Esq.

6                     SARAH A. MAGUIRE, Esq.

7                     1099 New York Avenue, NW, Suite 900

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9                     (202) 639-6000   mdesanctis@jenner.com

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11           FOR THE LEAD PLAINTIFFS AND PROSPECTIVE CLASS:

12                     BERNSTEIN LITOWITZ BERGER & GROSSMANN LLP

13           By:   DAVID R. HASSEL, Esq.

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18           FOR THE DEFENDANTS YOUTUBE, INC., YOUTUBE, LLC and

19           GOOGLE, INC.:

20                     WILSON SONSINI GOODRICH & ROSATI

21           By:   DAVE KRAMER, Esq.

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

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MAYER BROWN LLP

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9

ALSO PRESENT:

10

GOOGLE

11

By:   ADAM L. BAREA, Litigation Counsel

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KELLY TRUELOVE, Ph.D., Consultant

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KEN REESER, Videographer.

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DAVID FELDMAN WORLDWIDE, INC.

805 Third Avenue, New York, New York 10022   (212)705-8585

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SAN FRANCISCO, CALIFORNIA  
FRIDAY, AUGUST 22, 2008, 10:02 A.M.

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THE VIDEOGRAPHER: Good morning. Today's videotaped deposition of Maryrose Dunton is taken on August 22nd, 2008, at 525 Market Street, 15th Floor, San Francisco, California. In the matter of Viacom International, Inc., et al, versus YouTube, Inc., et al, and related cross action. Case No. 107-CV-02103. In the U.S. District Court for the Southern District of New York.

My name is Ken Reeser, and I represent David Feldman Worldwide located at 600 Anton Boulevard, Suite 1100, Costa Mesa, California.

We are now commencing at 10:02 a.m.

Will all present please identify themselves, beginning with the witness.

THE WITNESS: Maryrose Dunton.

MR. DESANCTIS: Michael DeSanctis.

MS. MAGUIRE: Sarah Maguire.

MR. TRUELOVE: Kelly Truelove.

MR. HASSEL: David Hassel.

MR. BAREA: Adam Barea at Google.

1 DUNTON

10:03:23 2 MR. WILLEN: Brian Willen.

10:03:25 3 MR. KRAMER: Dave Kramer from Wilson,

10:03:26 4 Sonsini.

10:03:26 5 THE VIDEOGRAPHER: Thank you.

10:03:27 6 Please swear in the witness.

10:03:27 7

10:03:27 8 MARYROSE DUNTON

10:03:27 9 having been sworn as a witness, testified as follows:

10:03:27 10

10:03:37 11 EXAMINATION BY MR. DESANCTIS

10:03:37 12 MR. DESANCTIS: Q. Good morning, Ms. Dunton.

10:03:42 13 A Good morning.

10:03:42 14 Q My name is Michael DeSanctis. I represent

10:03:50 15 Viacom in this litigation.

10:03:51 16 You stated your name for the record. Could  
10:03:53 17 you please spell your first name, and last name, and  
10:03:55 18 state your home address.

10:03:57 19 A M-A-R-Y-R-O-S-E, Maryrose, my first name.

10:04:02 20 Last name, Dunton, D-U-N-T-O-N. Home address,

10:04:08 21 624 Oakland Avenue in Oakland, California 94611.

10:04:14 22 Q Okay. I'm just going to go through some  
10:04:18 23 preliminary instructions sort of before we get to  
10:04:21 24 the --

10:04:22 25 A Okay.

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1 DUNTON

16:36:47 2 A At a certain point in our history, we decided  
16:36:52 3 to not allow users to upload videos that were over ten  
16:36:57 4 minutes in length.

16:36:59 5 Q Okay. Do you know what point in time that  
16:37:01 6 was?

16:37:03 7 A I don't recall specifically. It was some  
16:37:04 8 time in 2006, I believe.

16:37:05 9 Q Do you remember whether it was before or  
16:37:08 10 after the acquisition by Google?

16:37:12 11 A I believe we enacted the ten-minute limit  
16:37:15 12 before the acquisition by Google.

16:37:16 13 Q Okay. What was the purpose of enacting the  
16:37:20 14 ten-minute limit?

16:37:22 15 A There are a couple of reasons. The first, we  
16:37:28 16 recognized the potential for people to upload  
16:37:33 17 full-length TV shows and movies, and we didn't want  
16:37:38 18 that content on the website.

16:37:41 19 So we thought the ten-minute limit would be a  
16:37:43 20 deterrent, and number two cost.

16:37:51 21 Q Explain what you mean by "cost" in this  
16:37:57 22 situation.

16:37:57 23 A Bandwidth and storage expenses.

16:38:01 24 Q All right.

16:38:02 25 Can you --

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