

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,) CASE NO.
07-CIV-02103

vs.)

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,) CASE NO.
07-CV-3582

vs.)

YOUTUBE, INC., YOUTUBE, LLC, AND)
GOOGLE, INC.,)

DEFENDANTS.)

VIDEOTAPED DEPOSITION OF JOHN EDDOW

TAKEN THURSDAY, NOVEMBER 12, 2009
LOS ANGELES, CALIFORNIA

Job No. 18093

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.

YOUTUBE, INC., YOUTUBE, LLC, AND
GOOGLE, INC.,

DEFENDANTS.

CASE NO.
07-CV-2103

THE FOOTBALL ASSOCIATION PREMIER
LEAGUE LIMITED, BOURNE CO., ET AL.,
ON BEHALF OF THEMSELVES AND ALL
OTHERS SIMILARLY SITUATED,

PLAINTIFFS,

vs.

YOUTUBE, INC., YOUTUBE, LLC, AND
GOOGLE, INC.,

DEFENDANTS.

CASE NO.
07-CV-3582

VIDEOTAPED DEPOSITION OF JOHN EDDOW, TAKEN ON
BEHALF OF THE DEFENDANTS, AT 9:31 A.M., THURSDAY,
NOVEMBER 12, 2009 20, 2009, AT 350 SOUTH GRAND AVENUE,
LOS ANGELES, CALIFORNIA, BEFORE AUDRA E. CRAMER,
CSR NO. 9901, PURSUANT TO SUBPOENA.

DAVID FELDMAN WORLDWIDE, INC.

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

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ALSO PRESENT:

TOM CAVANAUGH, VIDEOGRAPHER

I N D E X

WITNESS
JOHN EDDOW

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E X H I B I T S

NO.	PAGE	DESCRIPTION
1	11	SUBPOENA
2	13	FANSCAPE DOCUMENT DATED 11/10/2009
3	17	COPY OF E-MAIL STRING AMONG FANSCAPE EMPLOYEES
4	21	COPY OF E-MAIL
5	22	COPY OF E-MAIL AND AGREEMENT
6	24	COPY OF E-MAIL STRING
7	27	MAY 2008 CONFIRMATION OF SERVICES
8	28	INVOICE DATED 12/09/2008
9	31	VARIOUS DOCUMENTS SEPARATED BY BLUE SHEETS
10	33	COPY OF E-MAIL STRING
11	34	COPY OF E-MAIL STRING RE: ROB & BIG
12	34	E-MAIL FROM FANSCAPE WITH UPDATE FOR SHOW "THE PHONE"
13	35	E-MAIL AND ATTACHED WRAP REPORT

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EXHIBITS (CONTINUED)

NO.	PAGE	DESCRIPTION
14	36	FANSCAPE DIGITAL ENGAGEMENT MARKETING DOCUMENT
15	41	E-MAIL WITH ATTACHMENTS OF ANSWERS FROM ROB AND PAUL
16	43	COPY OF E-MAIL STRING
17	45	COPY OF E-MAIL STRING
18	47	E-MAIL WITH LIST OF FANSCAPE ACCOUNTS
19	49	COPY OF E-MAIL WITH ATTACHMENT
20	51	COPY OF E-MAIL STRING
21	53	COPY OF E-MAIL STRING
22	55	COPY OF E-MAIL STRING
23	58	COPY OF E-MAIL STRING
24	60	UPLOAD REPORT FS000008-10
25	61	COPY OF E-MAIL STRING WITH ATTACHED SMALL SCREEN SHOT
26	64	MARKETING MEETING MINUTES DATED SEPTEMBER 19, 2007
27	66	COPY OF E-MAIL STRING AND SCREEN SHOT
28	67	COPY OF E-MAIL STRING AND SCREEN SHOT
29	69	COPY OF E-MAIL
30	71	PRINOUTS FROM YOUTUBE
31	77	COPY OF E-MAIL STRING
32	79	COPY OF E-MAIL STRING

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EXHIBITS (CONTINUED)

NO.	PAGE	DESCRIPTION
33	80	COPY OF E-MAIL STRING
34	81	COPY OF E-MAIL STRING
35	82	COPY OF E-MAIL DATED AUGUST 18, 2008
36	83	E-MAIL DATED AUGUST 18, 2008
37	84	COPY OF E-MAIL STRING
38	87	COPY OF E-MAIL STRING
39	89	E-MAIL DATED SEPTEMBER 9, 2008
40	90	COPY OF E-MAIL STRING
41	93	E-MAIL DATED 9/13/08
42-43	94	COPY OF E-MAIL STRING; COPY OF COUNTER-NOTIFICATION
44	96	COPY OF E-MAIL STRING
45	97	COPY OF E-MAIL STRING
46	99	COPY OF E-MAIL STRING
47	100	COPY OF E-MAIL STRINGS AND ATTACHED WRAP REPORT
48	102	E-MAIL DATED 2/10/2009
49	113	FANSCAPE DOCUMENT BATES NO. FS037161
50	116	COPY OF E-MAIL STRING
51	117	COPY OF E-MAIL STRING

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EXHIBITS (CONTINUED)

NO.	PAGE	DESCRIPTION
52	118	E-MAIL STRING BATES NO. GOO001-01862748 THRU 62751
53	120	E-MAIL BATES NO. GOO001-01057558
54	121	DOCUMENT BATES NO. GOO001-01289997 THRU 9998
55	122	DOCUMENT BATES NO. FS012873 THRU 874
56	123	DOCUMENT BATES NO. FS043563 THRU 3567

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

1 LOS ANGELES, CALIFORNIA;

2 THURSDAY, NOVEMBER 12, 2009, 9:31 A.M.

3
4 THE VIDEOGRAPHER: Good morning. Today's

5 videotaped deposition of John Eddow is taken on 09:19

6 November 12th, 2009, at Mayer Brown, 350 South Grand

7 Avenue, 25th Floor, Los Angeles, California, in the

8 matters of "Viacom International, et al. versus

9 YouTube," Case No. 07-CIV-02103, as well as the "The

10 Football Association Premier League Limited, 09:20

11 Bourne Company, et al. versus YouTube, Inc., et al.,"

12 Case No. 07-CIV-3582, held in the United States District

13 Court, Southern District of New York.

14 My name is Tom Cavanaugh. I represent

15 David Feldman Worldwide located at 600 Anton Boulevard, 09:20

16 Suite 1100, Costa Mesa, California. We are now

17 commencing at 9:31 a.m. Will all present please

18 identify themselves, beginning with the witness.

19 THE WITNESS: John Eddow.

20 MR. TARKIAN: Alex Tarkian on behalf of 09:32

21 Fanscape.

22 MR. WILKENS: Scott Wilkens, Jenner & Block on

23 behalf of the Viacom plaintiffs.

24 MR. PELES: Gil Peles from Proskauer Rose on

25 behalf of the Premier League plaintiffs. 09:32

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1 MS. REES: Maura Rees from Wilson Sonsini on 09:32
2 behalf of the YouTube defendants.

3 THE VIDEOGRAPHER: Thank you. Will the court
4 reporter please swear in the witness.

5 JOHN EDDOW, 09:32
6 having been first duly sworn, was
7 examined and testified as follows:
8

9 EXAMINATION

10 BY MS. REES: 09:32

11 Q. Good morning, Mr. Eddow.

12 A. Good morning.

13 Q. Do you understand that you are testifying under
14 oath today the same as if you were in a courtroom?

15 A. Yes. 09:32

16 Q. So the court reporter is going to take down
17 everything we say here today. So for that reason you
18 should try to give audible answers. So instead of for
19 example nodding your head, you should say the word "yes"
20 audibly. Also, please try to wait until I finish a 09:32
21 question, or if your counsel has an objection, until the
22 objection is finished before you give your answer, and
23 then that way we won't be speaking over each other on
24 the record.

25 And if at any time you'd like to take a break, 09:33

1 Q. If you see the subject line, "Directors 02:14
2 Account."

3 A. Yes.

4 Q. If you go to the first in time e-mail, do you
5 see where Christy Wise says, "Hey, Kevin, we've recently 02:14
6 tried to set up two directors accounts with YouTube.com
7 but haven't heard back yet on the confirmation."

8 Do you see that?

9 A. Yes.

10 Q. Then if you look through the chain of -- 02:14
11 through the e-mail chain, is it correct that
12 Keven Donahue confirms that he's accepted two director
13 accounts for Fanscape; one called starskiba,
14 s-t-a-r-s-k-i-b-a, and the other one Korn113?

15 MS. REES: Object to the form. 02:15

16 THE WITNESS: Yes.

17 BY MR. WILKENS:

18 Q. So this exhibit is an example of Fanscape
19 communicating directly with YouTube in order to set up
20 directors account on the YouTube website; correct? 02:15

21 MS. REES: Objection mischaracterizes the
22 document.

23 THE WITNESS: Yes.

24 BY MR. WILKENS:

25 Q. I think earlier you were asked questions about 02:16

1 a number of exhibits that had to do with the takedown of 02:16
2 videos from the YouTube website that had been uploaded
3 to Fanscape's accounts. Do you remember that?

4 A. Yes.

5 Q. When that occurred, was it Fanscape's practice 02:16
6 to contact Viacom in order to try to resolve the
7 problems with Fanscape's accounts?

8 A. I am not sure because there was different
9 people involved. When I was involved, I was sending the
10 counter-notifications back to YouTube, and I think the 02:16
11 e-mails were showing that they actually did contact MTV.

12 Q. For the period of time when you were involved
13 in the process, did Fanscape's accounts get reinstated
14 after the communications with YouTube and with
15 Viacom/MTV about the takedowns? 02:17

16 A. Yes.

17 MR. WILKENS: I have nothing further.

18 FURTHER EXAMINATION

19 BY MS. REES:

20 Q. Just one more. 02:17
21 Are any of Fanscape's accounts on YouTube
22 currently disabled?

23 A. Not that I'm aware of, no.

24 MS. REES: That's all I have.

25 THE VIDEOGRAPHER: All agreed to the off the 02:17