

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 TAMAR TEIFELD  
PALO ALTO, CALIFORNIA  
WEDNESDAY, FEBRUARY 18, 2009

JOB NO. 16515

DAVID FELDMAN WORLDWIDE, INC.  
805 Third Avenue, New York, New York 10022 (212)705-8585

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FEBRUARY 18, 2009

9:12 a.m.

VIDEOTAPED DEPOSITION OF TAMAR TEIFELD,  
WILSON SONSINI GOODRICH & ROSATI, LLP,  
601 California Ave., Palo Alto, California,  
pursuant to notice, and before me,  
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                   SHEARMAN & STERLING LLP

5                   By:   KIRSTEN NELSON CUNHA, Esq.

6                   599 Lexington Avenue

7                   New York, New York 10022-6069

8                   (212) 848-4000   kirsten.cunha@shearman.com

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

11           GOOGLE, INC.:

12                   WILSON SONSINI GOODRICH & ROSATI, LLP

13                   By:   MICHAEL H. RUBIN, Esq.

14                               CAROLINE WILSON, Esq.

15                   650 Page Mill Road

16                   Palo alto, California 94304

17                   (650) 493-9300   mrubin@wsgr.com

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19           ALSO PRESENT:

20                   PARAMOUNT PICTURES

21                   By:   PAUL KOENIG, Esq.

22                   5555 Melrose Avenue

23                   Hollywood, California 90038-3197

24                   (323) 956-5882   paul\_koenig@paramount.com

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

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3           ALSO PRESENT:   Lou Meadows, Videographer.

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TEIFELD

PALO ALTO, CALIFORNIA

WEDNESDAY, FEBRUARY 18, 2009, 9:12 A.M.

THE VIDEOGRAPHER: On the record.

This is today's videotaped deposition of Tamar Teifeld taken on February 18th, 2009, at Wilson, Sonsini, Goodrich & Rosati at 601 California Avenue, Palo Alto, California. In the matter of Viacom International vs. YouTube, Incorporated, et al. Case No. 07-CV-2103. In the United States District Court, in the Southern District of New York.

My name is Lou Meadows representing David-Feldman Worldwide. Located at 600 Anton Boulevard, Suite 1100, Costa Mesa, California.

We are now commencing at 9:08 a.m.

Will all present please identify yourselves and state who you represent on the record.

THE REPORTER: I'm not getting anything.

THE VIDEOGRAPHER: There.

THE REPORTER: Thank you.

THE VIDEOGRAPHER: Sorry.

MR. RUBIN: Michael Rubin for defendants.

MS. WILSON: Caroline Wilson for defendants.

1 TEIFELD

2 MS. CUNHA: Kirsten Cunha from Shearman &  
3 Sterling on behalf of the plaintiffs.

4 MR. KOENIG: Paul Koenig from Paramount  
5 Pictures on behalf of the plaintiff.

6 THE WITNESS: Tamar Teifeld, Paramount  
7 Pictures.

8 THE VIDEOGRAPHER: Thank you.

9 If there are no stipulations, the court  
10 reporter may now administer the oath.

11

12 TAMAR TEIFELD,  
13 having been sworn as a witness, testified as follows:

14

15 EXAMINATION BY MR. RUBIN

16 MR. RUBIN: Q. Good morning, Ms. Teifeld.  
17 My name is Michael Rubin. How are you?

18 A Good. How are you?

19 Q Good.

20 I want to go over some ground rules for how  
21 we're going to have this deposition today. As you can  
22 see, there's both a video camera and a court reporter  
23 here.

24 The video camera we don't need to help out.  
25 It will take care of itself. But in order to get

1 TEIFELD

09:55:08 2 A Megan Wahtera has.

09:55:11 3 Q Do you know the name of that account?

09:55:13 4 A I don't.

09:55:13 5 Q In connection with what campaign, was that  
09:55:16 6 account created?

09:55:21 7 A "The Heartbreak Kid."

09:55:24 8 Q And why was it created?

09:55:28 9 A It was a situation where we wanted to market  
09:55:34 10 to people that are sensitive to overt advertising.

09:55:39 11 Q And why would the creation of a separate  
09:55:44 12 account do that, achieve that goal?

09:55:46 13 A Because there's very tech-savvy people that  
09:55:51 14 can watch videos on YouTube and figure out if an IP --  
09:55:55 15 where an IP address comes from. And if it says  
09:55:58 16 "Paramount Pictures," then they're aware that it's  
09:56:01 17 advertise -- that they're being advertised to.

09:56:02 18 Q I'm not sure I follow.

09:56:03 19 Could you explain what you mean by  
09:56:05 20 "tech-savvy people" figuring out IP addresses?

09:56:08 21 A Well, if we're posting a video that, you  
09:56:12 22 know, we want -- we want it to look like a user  
09:56:17 23 created it to make it more susceptible for someone to  
09:56:23 24 click on it and watch it, then we don't necessarily  
09:56:27 25 want them to see right away that it's coming from

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1 TEIFELD

09:56:31 2 Paramount so that they don't feel like it's part of a  
09:56:35 3 marketing strategy.

09:56:36 4 Q Does that mean that you would use a user name  
09:56:39 5 that, unlike Paraccount, didn't have the possibility  
09:56:43 6 of evoking Paramount Pictures?

09:56:45 7 A Possibly, yes.

09:56:45 8 Q Are there other steps that Paramount would  
09:56:49 9 take to disguise the origins of the video?

09:56:54 10 A I wouldn't say we disguised it.

09:56:56 11 Q You testified that -- that certain users  
09:57:01 12 wouldn't want to watch videos if they knew they came  
09:57:03 13 from Paramount.

09:57:04 14 A Uh-huh.

09:57:05 15 Q Other than using a user name that didn't  
09:57:08 16 evoke Paramount to achieve that purpose, were any  
09:57:13 17 other steps taken towards that end?

09:57:16 18 A I don't recall specifically.

09:57:18 19 Q You mentioned IP addresses --

09:57:21 20 A Uh-huh.

09:57:22 21 Q -- in connection with -- with your answer  
09:57:24 22 earlier.

09:57:26 23 Did you mean to say that sometimes you didn't  
09:57:28 24 upload them from a Paramount-owned IP address?

09:57:33 25 A Yes.

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