

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.)	Case No.
YOUTUBE, INC., YOUTUBE, LLC,)	07CV-2103
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.)	Case No.
YOUTUBE, INC., YOUTUBE, LLC, and)	07CV-3582
GOOGLE, INC.,)	
)	
Defendants.)	
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DEPOSITION OF KRISTINA TIPTON

NEW YORK, NEW YORK

Thursday, October 29, 2009

REPORTED BY:
ERICA RUGGIERI, CSR, RPR
JOB NO: 17863

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

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October 29, 2009
9:36 a.m.

VIDEOTAPED DEPOSITION OF KRISTINA
TIPTON, held at the offices of Wilson
Sonsini Goodrich & Rosati, 1301 Avenue of
the Americas, New York, New York, pursuant
to notice, before before Erica L.
Ruggieri, Registered Professional Reporter
and Notary Public of the State of New
York.

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A P P E A R A N C E S

FOR THE VIACOM PLAINTIFFS and THE WITNESS:

SHEARMAN & STERLING, LLP

BY: KIRSTEN NELSON CUNHA, ESQ.

599 Lexington Avenue

New York, New York 10022

Kirsten.cunha@shearman.com

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

WILSON SONSINI GOODRICH & ROSATI

BY: MAURA L. REES, ESQ.

650 Page Mill Road

Palo Alto, CA 94304

Mrees@wsgr.com

ALSO PRESENT:

CARLOS KING, Videographer

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IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the respective parties herein, that filing and sealing be and the same are hereby waived.

IT IS FURTHER STIPULATED AND AGREED that all objections, except as to the form of the question, shall be reserved to the time of the trial.

IT IS FURTHER STIPULATED AND AGREED that the within deposition may be sworn to and signed before any officer authorized to administer an oath, with the same force and effect as if signed and sworn to before the Court.

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10:03:38

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10:03:52

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10:04:00

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10:04:10

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10:04:18

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THE VIDEOGRAPHER: This is tape number one of the videotaped deposition of Kristina Tipton, in the matter Viacom International, Inc. et al, versus YouTube, Inc. et al., The Football Association Premier League Limited, Bourne Company, et al., versus YouTube, Inc. et al., in the United States District Court, for the Southern District of New York.

This deposition is being held at the offices of Wilson Sonsini, located at 1301 Avenue of the Americas, on October 29th, 2009 at approximately 10:04 a.m.

My name is Carlos King from the firm of David Feldman Worldwide, and I'm the legal video specialist. The court reporter is Erica Ruggieri, in association with David Feldman Worldwide.

Will counsel please introduce themselves.

MS. REES: Maura Rees, from

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1 TIPTON

2 Wilson Sonsini, on behalf of the
3 YouTube defendants.

10:04:24

4 MS. CUNHA: Kirsten Cunha from
5 Shearman & Sterling, on behalf of the
6 witness and the Viacom Plaintiffs.

7 THE VIDEOGRAPHER: Will the
8 court reporter please swear in the
9 witness.

10 K R I S T I N A T I P T O N , called as
11 a witness, having been duly sworn by a
12 Notary Public, was examined and
13 testified as follows:

14 EXAMINATION BY

10:04:37

15 MS. REES:

16 Q. Good morning.

17 A. Good morning.

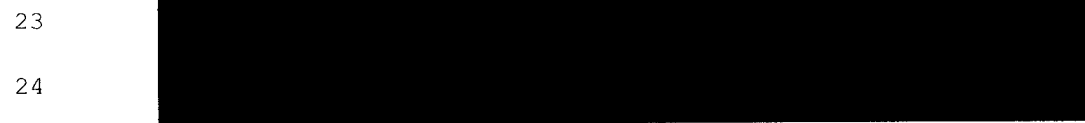
18 Q. Could you please state your name
19 and your address for the record.

10:04:45

20 A. My home address?

21 Q. Yes.

22 A. My name is Kristina Tipton, and



10:04:57

25 Q. Do you understand that you are

1 TIPTON

2 stealth marketing campaigns, what kind of
3 marketing campaigns would you work on for
4 those?

10:14:18

5 A. There are a lot of elements. We
6 would try to maximize publicity by doing
7 exclusive clips, by setting up interviews
8 with the stars of the film, by
9 distributing the standard film assets,
10 including the elements on the EPK,
11 electronic press kit.

10:14:33

12 Q. And what would generally be
13 included in an electronic press kit?

10:15:07

14 A. There are often five to 10 clips
15 from the film, the trailer and interviews
16 from the junket. It's a press junket.

17 Q. Are you familiar with the phrase
18 "seeding," as in seeding a clip online,
19 S-E-E-D?

10:15:37

20 A. It was used, yes.

21 Q. What does seeding mean?

22 A. I think it varied sometimes, but
23 usually it just meant posting.

10:15:56

24 Q. Can you give me some examples of
25 the different websites where Paramount

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1 TIPTON

2 Q. When you say "specially
3 approved," who approves them?

10:33:35

4 A. It would have to go through the
5 publicity team, through film makers,
6 through the creative team and through the
7 interactive, through Amy Powell.

8 Q. And then the next line after
9 that is "Viral videos."

10:33:56

10 Do you see that?

11 A. Yes.

12 Q. In the context of this Hot Rod
13 campaign, what did viral videos consist
14 of?

10:34:03

15 A. I don't recall.

16 Q. Do you have an understanding
17 generally of what viral videos are, as a
18 category?

19 A. Generally, yes.

10:34:15

20 Q. And what is that?

21 A. They are videos that we felt had
22 potential for being passed along or talked
23 about more extensively online.

10:34:47

24 Q. Did the viral videos have to be
25 approved in the same manner that you just

1 TIPTON

2 U.S., or did you ever have international
3 responsibilities as well?

4 A. We were focused on the U.S.

03:59:54

5 MS. REES: Exhibit 53.

6 (Tipton Exhibit 53, e-mail
7 chain, marked for identification, as
8 of this date.)

9 (Witness reviews document.)

04:00:49

10 Q. Do you recognize Exhibit 53?

11 A. I wasn't included on part of it,
12 but I recognize the part that I was
13 included on.

04:01:04

14 Q. So for the part that you were
15 included on, it appears it starts on the
16 second page, with the numbers ending 036;
17 is that right?

18 A. Yes.

04:01:19

19 Q. And what was the purpose of you
20 sending this e-mail that starts in the
21 middle of the second page of the exhibit?

22 A. I don't recall this particular
23 instance, but it appears that our
24 Paraccount primary YouTube account was
25 disabled, and we were trying to get it

04:01:33

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1 TIPTON

2 back up and running.

3 Q. Did that happen on more than one
4 occasion?

04:01:44 5 A. I don't recall.

6 Q. Did you ever find out how the
7 Paraccount became disabled?

8 A. I don't recall.

9 Q. Was it because BayTSP took down
10 clips in the Paraccount?

11 A. I don't recall.

12 Q. Did you ever speak with anyone
13 at BayTSP about the Paraccount being
14 disabled?

04:02:02 15 A. I don't recall.

16 Q. Was the Paraccount reinstated
17 after it was disabled?

18 A. I don't recall, specifically,
19 when it was, but I know it was at some
04:02:34 20 point before I was gone from Paramount,
21 so.

22 Q. In the context of marketing, are
23 you familiar with something called a call
24 to action?

04:03:04 25 A. Yes.

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