

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 JAWED KARIM
PALO ALTO, CALIFORNIA
TUESDAY, JUNE 9, 2009

JOB NO. 16798

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

1 KARIM, JAWED
2 JUNE 9, 2009
3 10:11 a.m.

4
5 VIDEOTAPED DEPOSITION OF JAWED KARIM,
6 held at the offices of WILSON, SONSINI,
7 GOODRICH & ROSATI, 601 California Avenue,
8 Palo Alto, California, pursuant to notice,
9 before R. CHAYO AYON, CLR, CSR License
10 No. 12372.

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

1 KARIM, JAWED

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

3

4 FOR THE PLAINTIFFS VIACOM INTERNATIONAL, INC.:

5 SHEARMAN & STERLING, LLP

6 BY: STUART J. BASKIN, ESQ.

7 599 Lexington Avenue

8 New York, New York 10022-6069

9 (212) 848-4000 stuart.baskin@shearman.com

10

11 FOR THE PLAINTIFFS VIACOM INTERNATIONAL INC.:

12 JENNER & BLOCK, LLP

13 BY: SUSAN J. KOHLMANN, ESQ.

14 SCOTT B. WILKENS, ESQ.

15 1099 New York Avenue NW

16 Suite 900

17 Washington, D.C. 20001

18 (202) 639-6000 skohlmann@jenner.com

19

20 FOR THE LEAD PLAINTIFFS AND PROSPECTIVE CLASS:

21 BERNSTEIN, LITOWITZ, BERGER & GROSSMAN, LLP

22 BY: JOHN BROWNE, ESQ.

23 1285 Avenue of the Americas

24 New York, New York 10019

25 (800) 380-8496 johnb@blbglaw.com

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KARIM, JAWED

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

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

MAYER BROWN, LLP

BY: MATTHEW D. INGBER, ESQ.

BRIAN WILLEN, ESQ.

1675 Broadway

New York, New York 10019-5820

(212) 506-2279 mingber@mayerbrownrowe.com

FOR THE WITNESS:

DURIE, TANGRI, PAGE, LEMLEY, ROBERTS &
KENT, LLP

BY: MICHAEL H. PAGE, ESQ.

332 Pine Street, Suite 200

San Francisco, California 94104

(415) 362-6666 mpage@durietangri.com

ALSO PRESENT:

KELLY TRUELOVE, Ph.D,

TRUELOVE RESEARCH, CONSULTANT FOR VIACOM

LOU MEADOWS, VIDEOGRAPHER

DAVID FELDMAN WORLDWIDE, INC.
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1 KARIM, JAWED

2 PALO ALTO, CALIFORNIA, JUNE 9, 2009

3 10:11 a.m. to 5:23 p.m.

4

5 PROCEEDINGS

10:11:37

6

THE VIDEOGRAPHER: This is today's

10:11:38

7

videotaped deposition of Jawed Karim, taken on June

10:11:44

8

9, 2009, at Wilson, Sonsini, Goodrich & Rosati,

10:11:49

9

601 California, San Jose, California -- excuse me --

10:11:52

10

Palo Alto, California, in the matter of Viacom

10:11:58

11

International, Inc., vs. YouTube, Inc., and The

10:11:58

12

Football Association Premier League vs. YouTube,

10:12:00

13

Inc., et al., case number 07-CV-2103 and 07-CV-3582

10:12:10

14

in the United States District Court for the Southern

10:12:14

15

District of New York.

10:12:15

16

My name is Lou Meadows, and I represent

10:12:17

17

David Feldman Worldwide, located at 600 Anton

10:12:20

18

Boulevard, Suite 1100, in Costa Mesa, California.

10:12:22

19

We are now commencing at 10:11 a.m.

10:12:27

20

Will all counsel present please identify

10:12:29

21

themselves and state whom they represent for the

10:12:32

22

record.

10:12:32

23

MR. PAGE: Michael Page of Durie Tangri,

10:12:36

24

representing the witness.

10:12:36

25

MR. INGBER: Matthew Ingber, Mayer Brown,

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1 KARIM, JAWED

10:12:36 2 representing Google and YouTube.

10:12:40 3 MR. WILLEN: Brian Willen from Mayer Brown,
10:12:42 4 representing Google and YouTube.

10:12:42 5 MR. BASKIN: I'm Stuart Baskin from
10:12:45 6 Shearman & Sterling, representing Viacom.

10:12:49 7 MR. WILKINS: Scott Wilkins from Jenner &
10:12:49 8 Block, representing Viacom.

10:12:49 9 MS. KOHLMANN: Susan Kohlmann from Jenner &
10:12:58 10 Block, representing Viacom.

10:12:58 11 MR. BROWNE: John Browne from Bernstein,
10:12:59 12 Litowitz, Berger & Grossman on behalf of The
10:12:59 13 Premiere League and The Class.

10:13:04 14 MR. TRUELOVE: Kelly Truelove, consultant
10:13:06 15 for Viacom.

16 THE VIDEOGRAPHER: Thank you. If there are
17 no stipulations, the court reporter may now
18 administer the oath.

19 JAWED KARIM,
20 called as a witness by the Plaintiffs and who,
21 having been by me duly sworn, was thereupon examined
22 and testified as hereinafter set forth.

23 EXAMINATION

24 BY MR. BASKIN:

10:13:20 25 Q. Good morning.

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1

KARIM, JAWED

10:13:20

2

A. Hi.

10:13:21

3

Q. How old are you?

10:13:27

4

A. Thirty.

10:13:31

5

Q. You are a very young-looking 30. Tell us a

10:13:41

6

little bit about yourself. The -- let me show you

10:13:44

7

your resume printed from, I think, your Web site,

10:13:48

8

and maybe you can tell us a little bit about

10:13:50

9

yourself.

10:13:52

10

MR. BASKIN: So why don't we mark as --

10:13:54

11

Exhibit 1?

10:13:54

12

(Plaintiffs' Exhibit No. 1 was marked for

10:14:04

13

identification.)

10:14:04

14

MR. PAGE: I object that it calls for a

10:14:07

15

narrative. If you want to ask him a real question,

10:14:12

16

go ahead.

10:14:12

17

MR. BASKIN: I'll ask him questions.

10:14:34

18

BY MR. BASKIN:

10:14:35

19

Q. I take it you have an undergraduate degree

10:14:37

20

from the University of Illinois in Urbana-Champaign?

10:14:43

21

A. Yeah.

10:14:44

22

Q. And -- and what, in particular, in

10:14:47

23

connection with computer science and engineering,

10:14:50

24

what did you study there?

10:14:51

25

A. I was a -- undergraduate degree in computer

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1 KARIM, JAWED

10:14:58 2 science. So, you know, the curriculum was, you
10:15:07 3 know, operating systems, computer graphics,
10:15:13 4 networking. So kind of the whole broad curriculum.

10:15:19 5 Q. And what are you studying now with Stan- --
10:15:22 6 do you have a degree from Stanford now, a graduate
10:15:27 7 degree?

10:15:28 8 A. I have a Master's degree.

10:15:30 9 Q. And also in computer science?

10:15:31 10 A. Uh-huh.

10:15:32 11 Q. What in particular did you study at
10:15:34 12 Stanford?

10:15:34 13 A. So I studied -- it's called systems.
10:15:39 14 That's the area.

10:15:41 15 Q. And since I'm pretty technologically
10:15:48 16 illiterate, why don't you tell me what "systems" is.

10:15:50 17 A. Sure. So systems is basically -- sort of
10:15:55 18 the interface between operating systems, networking,
10:16:01 19 databases. It's kind of a combination of several
10:16:06 20 fields.

10:16:07 21 Q. By the way, is -- is Exhibit 1 your resume?
10:16:15 22 Does it look to you to be such?

10:16:17 23 A. I think it looks correct.

10:16:29 24 Q. Okay. Now, tell me a little bit about what
10:16:32 25 you did at PayPal back in the period you were

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1 KARIM, JAWED

10:16:35 2 associated with them, 2000 through 2005?

10:16:38 3 A. Uh-huh. So I helped to build the Web site.

10:16:47 4 And some of the stuff I did later was related to --

10:16:58 5 scaleability was kind of my main contribution

10:17:05 6 because the system expanded to, you know, I think

10:17:08 7 like a hundred million users. And so I -- I was

10:17:10 8 part of the architecture on our team.

10:17:15 9 Q. And did you go to PayPal right out of --

10:17:20 10 right out of college?

10:17:20 11 A. Well, actually during college, because I

10:17:25 12 was still an undergrad.

10:17:26 13 Q. When you were there?

10:17:27 14 A. Yeah.

10:17:28 15 Q. Now, when PayPal was sold -- what, in early

10:17:34 16 2002? Is that October 2002 PayPal was sold?

10:17:38 17 A. Uh-huh.

10:17:38 18 Q. Did you receive a payment in -- in

10:17:40 19 connection with the sale of PayPal?

10:17:42 20 A. I mean, there was -- I had stock options,

10:17:44 21 and so that didn't really change when it was sold.

10:17:47 22 I still had the same stock options.

10:17:49 23 Q. And how much were your stock options worth

10:17:52 24 on the sale of PayPal?

10:17:55 25 A. Upon?

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1 KARIM, JAWED

10:17:56 2 MR. PAGE: Object that it calls for
10:17:58 3 speculation.

10:17:58 4 THE WITNESS: I don't know really the exact
10:17:59 5 amount.

10:18:00 6 BY MR. BASKIN:

10:18:00 7 Q. Give me an approximate amount.

10:18:01 8 A. Upon the sale, I think -- I think it might
10:18:05 9 have been maybe [REDACTED].

10:18:10 10 Q. And your next immediate job after PayPal
10:18:12 11 was at YouTube? Or was -- was there a period of
10:18:16 12 time when you were employed at another Web site
10:18:19 13 called Trepia?

10:18:22 14 A. Let's see. So that's a company I founded.

10:18:26 15 Q. And it's -- it's not on this particular
10:18:35 16 resume, but when did you found -- found Trepia?

10:18:39 17 A. Let's see. I think it was -- I think it
10:18:46 18 might have been maybe 2002, maybe. 2003.

10:18:50 19 Q. Upon the sale of PayPal?

10:18:53 20 A. I think it was -- I think it was after the
10:18:58 21 sale of PayPal.

10:18:59 22 Q. And what was your position at Trepia?

10:19:04 23 A. It was founder and CEO.

10:19:10 24 Q. And what -- what -- what was or is -- is
10:19:12 25 Trepia still around today?

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1 KARIM, JAWED

10:27:23 2 go at it a different way.

10:27:24 3 When -- when YouTube was first starting up,
10:27:32 4 I take it there were three founders; is that
10:27:35 5 correct?

10:27:35 6 A. Yes.

10:27:38 7 Q. And you were one of the three; correct?

10:27:41 8 A. Uh-huh.

10:27:43 9 Q. And the second founder was named Chad
10:27:46 10 Hurley; correct?

10:27:47 11 A. Yes.

10:27:48 12 Q. And the third founder was Mr. Chen, Steven
10:27:53 13 Chen?

10:27:53 14 A. Uh-huh.

10:27:54 15 Q. Did you know all three of these gentlemen
10:27:56 16 from PayPal?

10:27:58 17 MR. PAGE: Two.

10:27:58 18 MR. BASKIN: Strike that. You're
10:28:00 19 absolutely right.

10:28:01 20 BY MR. BASKIN:

10:28:01 21 Q. Do you know the other two gentlemen from
10:28:03 22 PayPal?

10:28:04 23 A. Yes, uh-huh.

10:28:05 24 Q. And they'd worked with you at PayPal at the
10:28:10 25 time?

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1

KARIM, JAWED

10:45:20

2

Q. How did you go about -- strike that.

10:45:24

3

Did you personally collect the documents

10:45:27

4

that's been produced in this matter?

10:45:29

5

MR. PAGE: Objection, vague -- vague and

10:45:33

6

ambiguous.

10:45:34

7

Do you want to ask about the documents he's

10:45:38

8

produced in this matter?

10:45:39

9

THE WITNESS: I think --

10:45:40

10

BY MR. BASKIN:

10:45:41

11

Q. With respect to the documents you produced

10:45:42

12

in this matter, how did you go about collecting

10:45:47

13

them?

10:45:47

14

A. I think I kept a copy of the consulting

10:45:50

15

agreement, and I just put them, you know, in a

10:45:53

16

folder.

10:45:53

17

Q. What about the various documents that bear

10:45:57

18

your -- JK and have been produced in this matter?

10:46:03

19

How did you collect those electronically?

10:46:06

20

MR. PAGE: Objection as vague and

10:46:11

21

ambiguous.

10:46:11

22

THE WITNESS: You know, those -- those were

10:46:14

23

all documents produced as a result of, you know, my

10:46:20

24

involvement with YouTube.

10:46:22

25

So for example, the e-mails, you know, any

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1 KARIM, JAWED

10:46:29 2 e-mails that -- that I wrote and received, those
10:46:31 3 were all in my e-mail file.

10:46:34 4 BY MR. BASKIN:

10:46:36 5 Q. E-mail -- I'm sorry. Were you done?

10:46:37 6 A. Yeah.

10:46:38 7 Q. The e-mail file on your own personal
10:46:42 8 computer?

10:46:42 9 A. So you're asking me where the e-mails came
10:46:47 10 from?

10:46:47 11 Q. Yes.

10:46:48 12 A. So the e-mails were a combination of two
10:46:52 13 e-mail accounts. I used my personal e-mail kind of
10:46:59 14 early on, before there was a YouTube, you know, kind
10:47:05 15 of e-mail address for everyone.

10:47:08 16 And then -- and then there was also the
10:47:14 17 e-mails that I used from the YouTube e-mail account.

10:47:18 18 So two -- so the e-mails were in two
10:47:21 19 accounts. Initially in the personal account, and
10:47:24 20 then later, once we had the YouTube e-mail, then I
10:47:28 21 think everyone used the YouTube e-mail account.

10:47:34 22 Q. And who searched your personal account --
10:47:39 23 e-mail account for e-mails to produce in this
10:47:45 24 matter? Did you do it personally?

10:47:47 25 MR. PAGE: Objection as vague and

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1

KARIM, JAWED

10:47:48

2

ambiguous.

10:47:48

3

THE WITNESS: There was a collection

10:47:52

4

process at Wilson, Sonsini, I believe. And so I --

10:48:00

5

I brought in, you know, all of my e-mails. And the

10:48:04

6

person responsible for the collection, I -- I worked

10:48:10

7

with him to extract the YouTube related e-mails from

10:48:14

8

all those e-mails.

10:48:15

9

BY MR. BASKIN:

10:48:15

10

Q. So you worked with a Wilson, Sonsini

10:48:18

11

lawyer?

10:48:19

12

A. There was a -- it was someone employed by

10:48:26

13

Wilson, Sonsini who was there who I worked with.

10:48:29

14

Q. In your YouTube e-mail account -- strike

10:48:33

15

that.

10:48:33

16

Did you follow the same procedure with

10:48:35

17

respect to your YouTube e-mail account?

10:48:37

18

A. With the YouTube e-mail account, the

10:48:46

19

procedure for collecting those e-mails was

10:48:50

20

different.

10:48:50

21

Q. Okay. And what was that procedure?

10:48:53

22

A. That procedure was to simply copy, you

10:48:59

23

know, sent and received e-mails in -- in all other

10:49:06

24

e-mail folders.

10:49:07

25

Q. And did you participate in that process?

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1

KARIM, JAWED

10:49:10

2

A. Let's see. My participation was to simply,

10:49:18

3

you know, transfer the data.

10:49:18

4

Q. Um --

10:49:22

5

MR. BASKIN: By the way, just for the

10:49:23

6

record, let's mark as Exhibit 3 a letter dated

10:49:33

7

June 14, 2006.

10:49:33

8

(Plaintiffs' Exhibit No. 3 was marked for

10:49:42

9

identification.)

10:49:42

10

BY MR. BASKIN:

10:49:43

11

Q. I'll ask you to see if you can identify

10:49:45

12

that for us.

10:49:46

13

A. (Document review.)

10:50:41

14

Q. Does Exhibit 3 appear to you to be a copy

10:50:44

15

of the termination letter that you received from

10:50:46

16

Mr. Hurley on and around June 14, 2006?

10:50:51

17

A. I think so.

10:51:01

18

Q. And am I correct that as part of the

10:51:15

19

termination process, there was an adjustment made to

10:51:19

20

the 1.2 million shares that you had received under

10:51:22

21

your consulting agreement?

10:51:23

22

MR. PAGE: Object as vague and ambiguous.

10:51:44

23

THE WITNESS: I think -- I think the table

10:51:47

24

outlines a change.

10:51:49

25

BY MR. BASKIN:

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1 KARIM, JAWED

13:07:51 2 Exhibit 27?

13:07:52 3 A. I think so.

13:07:53 4 Q. And accordingly, did you receive Exhibit 27
13:07:59 5 on or around -- in and around September 2, 2005?

13:08:02 6 MR. PAGE: Object as to form.

13:08:05 7 THE WITNESS: I think I probably did
13:08:07 8 receive this e-mail.

13:08:13 9 MR. BASKIN: Shall we take a short break,
13:08:16 10 or make it a lunch break, for that matter. It's
13:08:18 11 1:10.

13:08:18 12 THE VIDEOGRAPHER: Off the record. The
13:08:21 13 time is 1:07 p.m.

13:08:21 14 (Lunch recess taken from 1:07 p.m. to
13:08:21 15 2:02 p.m.)

14:02:57 16 AFTERNOON SESSION

14:02:57 17 THE VIDEOGRAPHER: On the record. The time
14:02:58 18 is 2:02 p.m. Please continue.

14:03:20 19 BY MR. BASKIN:

14:03:21 20
14:03:25 21
14:03:28 22
14:03:30 23
14:03:35 24
14:03:38 25

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KARIM, JAWED

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14:03:41 2
14:03:44 3
14:03:44 4
14:03:47 5
14:03:49 6
14:03:51 7
14:03:56 8
14:03:56 9
14:04:16 10
14:04:23 11
14:04:27 12
14:04:30 13
14:04:30 14
14:04:32 15
14:04:33 16
14:04:34 17
14:04:40 18
14:04:43 19
14:04:49 20
14:04:54 21
14:04:56 22
14:04:57 23
14:04:57 24
14:04:58 25



Q. Did you work -- did you perform work during your time at YouTube on the administrative part of the Web site, the administrative interface?

MR. INGBER: Objection, vague and ambiguous.

THE WITNESS: What do you mean by "administrative"?

BY MR. BASKIN:

Q. Well, am I correct that a -- that part of the software -- that part of the design of the Web site was an administrative component of the Web site, which only high level executives of YouTube had access to?

MR. INGBER: Objection, vague and ambiguous.

MR. PAGE: And compound.

THE WITNESS: There was an interface where

1

KARIM, JAWED

14:17:18

2

MR. PAGE: Objection, misstates --

14:17:18

3

BY MR. BASKIN:

14:17:20

4

Q. Is that your testimony?

14:17:21

5

MR. PAGE: -- prior testimony.

14:17:22

6

THE WITNESS: I wouldn't say

14:17:24

7

"oversimplification," but simplification.

14:17:28

8

BY MR. BASKIN:

14:17:28

9

Q. So how many -- let me just -- so we're

14:17:30

10

talking about the same thing, let me show you what

14:17:34

11

we'll mark as Exhibit 29.

14:17:34

12

(Plaintiffs' Exhibit No. 29 was marked for

14:18:12

13

identification.)

14:18:12

14

THE WITNESS: Thanks.

14:18:14

15

(Document review.)

14:18:32

16

BY MR. BASKIN:

14:18:32

17

Q. Is Exhibit 29 -- strike that.

14:18:36

18

Was Exhibit 29 sent by you in and around

14:18:43

19

April 20, 2005?

14:18:44

20

A. Yes.

14:19:07

21

Q. Now, I take it this is the e-mail that you

14:19:09

22

referenced a few seconds ago; is that correct?

14:19:12

23

MR. PAGE: Objection, misstates his

14:19:14

24

testimony.

14:19:15

25

THE WITNESS: I don't know if it was this

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1 KARIM, JAWED

14:19:19 2 particular e-mail.

14:19:20 3 BY MR. BASKIN:

14:19:20 4 Q. Well, towards the bottom of Exhibit 29,
14:19:30 5 there's a sentence that begins, "If videos get
14:19:31 6 flooded with porn" -- and then it goes on to talk
14:19:32 7 about -- "we could always approve videos first
14:19:36 8 before they are shown anywhere. That's a one-line
14:19:40 9 code change."

14:19:41 10 Do you see that, sir?

14:19:42 11 A. Uh-huh.

14:19:43 12 Q. Is that the sentence that you're telling us
14:19:46 13 is now a simplification?

14:19:49 14 A. I mean, you know, most changes are not
14:19:53 15 one-line code changes. It's used as an expression
14:19:56 16 to say that something is fairly simple, but it may
14:20:00 17 not be one line.

14:20:01 18 Q. But as I understand it, to make this change
14:20:05 19 would have been -- for someone like you, would have
14:20:08 20 been a very simple thing to undertake; right?

14:20:13 21 MR. INGBER: Objection, vague and
14:20:15 22 ambiguous.

14:20:15 23 THE WITNESS: It would have been a pretty
14:20:17 24 simple change.

14:20:18 25 BY MR. BASKIN:

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1 KARIM, JAWED

14:20:18 2 Q. Now, was there a decision made within
14:20:24 3 YouTube in and around April of 2005 not to permit
14:20:31 4 the administrative interface to block videos from
14:20:37 5 going -- from being viewed prior to review?

14:20:42 6 MR. PAGE: Objection, vague and ambiguous.

14:20:47 7 THE WITNESS: Um, so this was discussed
14:20:55 8 before the Web site launched. So actually,
14:20:59 9 everything we discuss at this point is really
14:21:01 10 subject to, you know, changing, and we were
14:21:06 11 considering different possibilities.

14:21:09 12 BY MR. BASKIN:

14:21:09 13 Q. My question is: Was a decision made --
14:21:14 14 when the administrative interface went live, was a
14:21:19 15 decision made not to write the code to permit review
14:21:24 16 of videos by the interface prior to their being
14:21:29 17 displayed to the public?

14:21:31 18 A. Um, I don't know if -- so you're asking me
14:21:39 19 about the initial kind of implementation of the --
14:21:43 20 of this interface?

14:21:45 21 I think it probably varied. I think, you
14:21:49 22 know -- this is before the Web site launched. I
14:21:52 23 think we probably tried out different approaches.
14:21:55 24 So I wouldn't be surprised if we had tried both of
14:21:58 25 those approaches.

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1

KARIM, JAWED

14:22:00

2

Q. Well, one possibility was to review videos

14:22:03

3

before they became publicly available; correct?

14:22:05

4

A. That's one of the possibilities.

14:22:07

5

Q. And was that possibility ever adopted by

14:22:10

6

YouTube, to your knowledge?

14:22:11

7

MR. INGBER: Objection, vague.

14:22:13

8

THE WITNESS: I don't remember, but I think

14:22:14

9

it's very possible that we used both approaches.

14:22:17

10

BY MR. BASKIN:

14:22:18

11

Q. When did you use both approaches,

14:22:21

12

Mr. Karim?

14:22:22

13

MR. PAGE: Objection, misstates his prior

14:22:24

14

testimony.

14:22:27

15

MR. INGBER: Same objection.

14:22:28

16

THE WITNESS: I don't remember exactly when

14:22:30

17

but these -- the approaches changed, I'm pretty

14:22:32

18

sure.

14:22:32

19

BY MR. BASKIN:

14:22:32

20

Q. Can you tell us any period of time when the

14:22:37

21

interface was set up to review videos before they

14:22:42

22

became publicly available?

14:22:44

23

A. I don't know the time frame. I think it's

14:23:01

24

very likely that that was the case for some time.

14:23:03

25

Q. What time, sir?

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1 KARIM, JAWED

14:35:59 2 Q. When you were involved with the site.

14:36:00 3 A. Until what date?

14:36:01 4 Q. Until you ceased being involved with the
14:36:04 5 site.

14:36:05 6 MR. INGBER: Objection as to "involved."

14:36:06 7 THE WITNESS: Define "involved."

14:36:08 8 MR. INGBER: Vague as to "involved."

14:36:10 9 BY MR. BASKIN:

14:36:11 10 Q. Until -- until the period of time when you
14:36:13 11 were terminated. From your start -- start with the
14:36:16 12 site until when you were terminated from the site,
14:36:21 13 could a YouTube user upload a video and switch it
14:36:27 14 from public to private at his will?

14:36:30 15 A. I'm not certain about the time after I was
14:36:32 16 no longer full-time with the company, after
14:36:36 17 September 2005, but before that I know that users
14:36:38 18 could do that.

14:36:39 19 Q. Now, am I right that if a content provider
14:36:48 20 wanted to search for its content on YouTube, it had
14:36:51 21 no access to what was switched to private videos;
14:36:54 22 correct?

14:36:54 23 MR. INGBER: Objection, vague and
14:36:56 24 ambiguous, calls for speculation.

14:36:57 25 THE WITNESS: What time frame?

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1 KARIM, JAWED

14:36:58 2 BY MR. BASKIN:

14:36:59 3 Q. Let's take your -- your past time frame.

14:37:03 4 Up until September 2005, am I correct that
14:37:06 5 a content provider who wanted to search the site for
14:37:11 6 its intellectual property had no access to the
14:37:15 7 private videos?

14:37:16 8 MR. INGBER: Same objections.

14:37:20 9 THE WITNESS: What is the objection?

14:37:21 10 MR. INGBER: Vague and ambiguous, calls for
14:37:29 11 speculation.

14:37:29 12 THE WITNESS: I mean, private videos, you
14:37:33 13 couldn't, you know, have access to if it wasn't
14:37:36 14 being shared with the person who -- if it wasn't
14:37:40 15 shared with you. So you couldn't just find it on
14:37:44 16 the site.

14:37:45 17 BY MR. BASKIN:

14:37:47 18 Q. Now, do you know whether you had private
14:38:19 19 videos on your site that had been reviewed thousands
14:38:23 20 of times by -- by viewers?

14:38:27 21 MR. INGBER: Vague and ambiguous as to the
14:38:29 22 term "your site."

14:38:33 23 BY MR. BASKIN:

14:38:34 24 Q. With respect to the videos that you
14:38:38 25 uploaded, sir, to your private video site on

1 KARIM, JAWED

16:10:44 2 A. I see Exhibit 45.

16:10:47 3 Q. Who is Charles Chariya?

16:10:49 4 A. I think he's an acquaintance of Steve, but
16:10:52 5 I have not met him.

16:10:54 6 Q. Was he involved at -- at -- at Yahoo, do
16:10:59 7 you know?

16:10:59 8 A. I know that he worked at Yahoo. That's all
16:11:05 9 I know, though.

16:11:06 10 Q. Do you recall reviewing Exhibit 45?

16:11:10 11 A. I actually do not remember seeing this
16:11:13 12 before.

16:11:14 13 Q. Okay. Finally, let me hand you what we'll
16:11:31 14 mark as Exhibit -- sorry -- 47.

16:11:31 15 (Plaintiffs' Exhibit No. 47 was marked for
16:11:54 16 identification.)

16:11:54 17 THE WITNESS: (Document review.)

16:12:15 18 BY MR. BASKIN:

16:12:16 19 Q. Can you identify for us, sir, what is
16:12:19 20 Exhibit 47?

16:12:19 21 A. It's a document I wrote.

16:12:24 22 Q. And did you write it on or about the date
16:12:28 23 set forth on the document?

16:12:29 24 A. Yes.

16:12:30 25 Q. And for what purpose did you write this

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1

KARIM, JAWED

16:12:36

2

document?

16:12:37

3

A. I just wrote this to communicate some

16:12:49

4

ideas.

16:12:50

5

Q. And to whom did you communicate these

16:12:53

6

ideas?

16:12:53

7

MR. PAGE: Objection, assumes facts.

16:12:57

8

THE WITNESS: This was handed out by me at

16:13:01

9

a board meeting and -- but it was only handed out.

16:13:07

10

It was not discussed. So I don't know if anyone

16:13:09

11

other than me actually ever read this.

16:13:11

12

BY MR. BASKIN:

16:13:11

13

Q. You -- you were at a board meeting that

16:13:13

14

occurred on the day after you wrote this memo;

16:13:16

15

correct?

16:13:16

16

A. Yes.

16:13:17

17

Q. And you distributed Exhibit 47 to the

16:13:23

18

members of the board?

16:13:24

19

A. Yes.

16:13:25

20

Q. And -- but there was no discussion taken at

16:13:31

21

the meeting at the time?

16:13:31

22

A. No.

16:13:32

23

Q. Was there -- was there scheduled to be a

16:13:53

24

discussion of Exhibit 47 at the board meeting?

16:13:56

25

MR. PAGE: Objection, calls for

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1 KARIM, JAWED

16:14:00 2 speculation.

16:14:00 3 THE WITNESS: I remember handing it out at
16:14:04 4 the board meeting, and -- I -- I was just an
16:14:10 5 observer on the board. I was not -- never a member
16:14:12 6 of the board.

16:14:13 7 And I remember, you know, the members,
16:14:16 8 they're saying, you know, "Thanks. We'll check it
16:14:18 9 out."

16:14:19 10 BY MR. BASKIN:

16:14:20 11 Q. And going into the board meeting, was a
16:14:27 12 discussion of your memo a scheduled item for the
16:14:30 13 board meeting?

16:14:31 14 A. No, it was not.

16:14:32 15 Q. What caused you to hand it out at the board
16:14:35 16 meeting?

16:14:35 17 A. So between board meetings, I would
16:14:45 18 sometimes, you know, have some ideas. And then I
16:14:50 19 thought it would be better organized to assemble
16:14:56 20 them into one document that I could then hand out at
16:14:59 21 the board meeting.

16:15:00 22 Q. So was it your practice to hand out
16:15:05 23 memoranda from time to time at the board meeting?

16:15:07 24 MR. INGBER: Objection, mischaracterizes
16:15:11 25 his testimony.

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1

KARIM, JAWED

16:15:11

2

THE WITNESS: I think it was the only time

16:15:13

3

I did that, but I would verbally discuss things at

16:15:14

4

board meetings that I had developed over the

16:15:16

5

previous month.

16:15:18

6

BY MR. BASKIN:

16:15:18

7

Q. And was there a reason you recall why you

16:15:21

8

decided to communicate to the board in writing on

16:15:28

9

March 23, 2006, rather than orally?

16:15:32

10

A. Because I had accumulated a lot of

16:15:35

11

different things.

16:15:36

12

Q. Did you propose at the board meeting that

16:15:44

13

the board discuss the -- the items set forth in

16:15:48

14

Exhibit 47?

16:15:48

15

A. I remember saying, you know, "Here are some

16:15:52

16

things that I wanted to talk about."

16:15:57

17

Q. And did someone make the decision not to

16:15:59

18

discuss Exhibit 47 at the board meeting?

16:16:02

19

MR. INGBER: Objection, calls for

16:16:03

20

speculation.

16:16:03

21

MR. PAGE: Join.

16:16:06

22

THE WITNESS: It was -- I handed it out,

16:16:10

23

and Steve said, "Thanks, I will -- I will look at

16:16:16

24

it," and then the meeting proceeded, but not with

16:16:22

25

this.

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1 KARIM, JAWED

16:16:23 2 BY MR. BASKIN:

16:16:24 3 Q. And did there come a time in a subsequent
16:16:28 4 board meeting when you had occasion to discuss
16:16:31 5 Exhibit 47 with the board members?

16:16:33 6 A. No. This was never discussed.

16:16:39 7 Q. Did there come a time when any member of
16:16:42 8 the board contacted you to discuss any of the topics
16:16:46 9 set forth in Exhibit 47?

16:16:47 10 A. No.

16:16:48 11 Q. Did there come a time when Mr. Hurley
16:16:50 12 discussed with you the matters set forth in
16:16:54 13 Exhibit 47?

16:16:54 14 MR. PAGE: Objection, asked and answered.

16:16:56 15 MR. INGBER: Objection, asked and answered.

16:16:58 16 MR. PAGE: Stop doing that.

16:16:59 17 THE WITNESS: This was never brought up by
16:17:03 18 anyone again after I handed it out.

16:17:05 19 BY MR. BASKIN:

16:17:05 20 Q. So if I understand, after you handed it out
16:17:09 21 at the board meeting, no human being associated with
16:17:13 22 YouTube talked to you about this exhibit; is that
16:17:15 23 correct?

16:17:15 24 A. That's correct.

16:17:16 25 Q. And did any human being associated with

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1 KARIM, JAWED

16:17:20 2 YouTube ever e-mail you in connection with this
16:17:22 3 exhibit?

16:17:23 4 A. Not that I remember.

16:17:24 5 Q. Um, in subsequent board meetings, did you
16:17:30 6 attempt orally to raise any of the items set forth
16:17:34 7 in Exhibit 47?

16:17:37 8 MR. PAGE: Objection, assumes facts.

16:17:40 9 THE WITNESS: No, I did not.

16:17:41 10 BY MR. BASKIN:

16:17:42 11 Q. And at any prior board meeting, did you
16:17:46 12 discuss the topics set forth in Exhibit 47 orally?

16:17:50 13 MR. PAGE: Objection, compound.

16:17:51 14 THE WITNESS: I didn't.

16:17:53 15 BY MR. BASKIN:

16:18:27 16 Q. I have one more document to show you, sir.

16:18:31 17 MR. WILLEN: You said that last time.

18 MR. BASKIN: Yeah, I know. I made a
19 mistake last time.

20 (Discussion held off the record.)

21 (Plaintiffs' Exhibit No. 48 was marked for
22 identification.)

23 BY MR. BASKIN:

16:20:09 24 Q. Let me hand out Exhibit 48.

16:20:31 25 A. (Document review.)

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