

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,)
) Civil Action
 Plaintiffs,)
 vs.) No. 07-CV-2103
)
 YOUTUBE, INC., YOUTUBE, LLC, and)
 GOOGLE, INC.,) Pages 1 thru 141
 Defendants.)
)

THE FOOTBALL ASSOCIATION PREMIER)
 LEAGUE LIMITED and BOURNE CO., on) 30(b)(6) Deposition of
 behalf of themselves and all others)
 similarly situated,) CUONG DO
 Plaintiffs,) September 12, 2007
 vs.) Volume I
 YOUTUBE, INC., YOUTUBE, LLC, and)
 GOOGLE, INC.,)
 Defendants.)
)

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2 BE IT REMEMBERED that, pursuant to Notice of Taking
3 Deposition, and on Wednesday, September 12, 2007,
4 commencing at the hour of 1:11 p.m, in the Law Offices
5 of Sherman & Sterling, 525 Market Street, 15th Floor,
6 San Francisco, California 94105, before me, Jan Brown
7 Jones, a Certified Shorthand Reporter in the State of
8 California, there personally appeared

9
10 CUONG DO,

11 called as a witness by the Plaintiffs, who being by me
12 first duly sworn, was thereupon examined and interrogated
13 as is hereinafter set forth.

14
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1 also come up and that is referring to defendant Google,
2 Inc. And if I am referring to both at once, I'll use
3 both terms. Does that make sense?

4 A. Yes.

5 Q. What is your educational background?

6 A. I attended Carnegie Mellon University between
7 1996 and 2000. Got a bachelor's in computer science.
8 And yeah, that was the last degree I got.

9 Q. Did you have any further education after that?

10 A. I took a couple of graduate courses at
11 Stanford.

12 Q. And who is your current employer?

13 A. My current employer is YouTube, which is now
14 part of Google.

15 Q. And when were you first hired by YouTube?

16 A. In September 2005.

17 Q. And you have worked for YouTube ever since
18 then?

19 A. Yes.

20 Q. And what is your position at YouTube?

21 A. I am an engineering manager.

22 Q. And have you held that same position since you
23 were first hired or has it changed?

24 A. It's changed over time.

25 Q. What prior positions have you held?

1 A. I started at the company as a software
2 engineer/architect. And I became a manager maybe a year
3 or so into my tenure there.

4 Q. And what are your general responsibilities as
5 engineering manager? Pardon me for one moment.

6 A. Okay.

7 Q. Do we need to repeat the question?

8 A. No. Okay. So my responsibilities are to
9 manage a group of software engineers who develop the
10 features for the YouTube website.

11 Q. And are there any particular features that you
12 and your group are responsible for, or is it the entire
13 suite of features on the YouTube website?

14 A. My team is responsible for the features that
15 service the end user for the YouTube.com website.

16 Q. And are there other types of features that
17 aren't within your purview? I'm not sure I understood
18 that.

19 A. Uh-huh. Well, for example, we also service
20 mobile users, for example, so there's a different site
21 for that, as well as other devices such as some Apple
22 devices.

23 Q. I see. Thank you. Let me hand you what has
24 previously been marked as Plaintiff's Exhibit No. 1, I
25 think. The rest of the counsel already have a copy of

1 centers?

2 A. Uh-huh.

3 Q. Plus there's the ServerBeach disks, which are
4 some additional original video files, correct?

5 A. Yes.

6 Q. And that exhausts the universe, to your
7 knowledge?

8 A. Yes.

9 Q. Do you know what the form of organization is
10 that is used on the ServerBeach disks?

11 A. It's the same structure we use everywhere else
12 for consistency's sake.

13 Q. So to locate a specific video file, you would
14 follow the same way of consulting the databases that you
15 described before?

16 A. You would look at the files in the directories
17 the same way.

18 Q. Now, if I understand correctly, after the
19 original video file was uploaded by users to YouTube,
20 YouTube transcodes the file into a format that can be
21 exhibited on the YouTube website. Is that correct?

22 A. Yes.

23 Q. Is there a terminology that you use like "the
24 transcoded video" or something like that, to describe
25 that set of videos?

1 A. Yeah. We normally -- yes. Basically we just
2 call it the video file because we don't normally care
3 about the originals very much.

4 Q. I see. So if we talk about the video file
5 without the modifier, that's the transcoded videos?

6 A. Yes.

7 Q. What system do you use to transcode the videos
8 into -- it's an Adobe Flash format that is shown on the
9 website. Is that right?

10 A. Right.

11 Q. What system do you use to transcode?

12 MR. HINDERAKER: Let me interject an
13 objection. I don't know to what extent we're getting
14 into any kind of proprietary or trademark area here, I
15 don't think it's an issue, but can you just describe the
16 system that is used in a way that wouldn't violate any
17 kind of trademark secret, if there is some, I don't
18 know.

19 MR. HOHENGARTEN: We have a protective order
20 to cover exactly that meticulously negotiated, and that
21 would be exactly the type of information that is deemed
22 "Highly Confidential" under the protective order and to
23 which everyone here in this room is allowed to have
24 access.

25 MR. HINDERAKER: For this purpose you don't

1 A. To my understanding, yes.

2 Q. So you described before a small number of the
3 original video files that had been deleted?

4 A. Uh-huh.

5 Q. But for those same videos, the post transcoded
6 files have been retained, correct?

7 A. Yes.

8 Q. And are there any redundant locations or
9 copies of the transcoded video files?

10 A. Well, as I mentioned before, like each machine
11 has RAID, so local to the machine there is. And we
12 employ the use of content distribution networks for the
13 serving of particularly popular content.

14 That's a very dynamic set of contents that we
15 can shuffle things in and out.

16 Q. And the content distribution network, that is
17 called a CDN?

18 A. CDN, yes.

19 Q. So for the popular videos that are at any
20 given time on the CDN, each video might be in multiple
21 locations. Is that right?

22 A. That's all proprietary to them because that's
23 part of their business model.

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Q. And for the videos that are at any given time being streamed or distributed via the CDN, is a copy also maintained at the data center and the systems that you previously described?

A. Definitely.

Q. So if I wanted to find the entire universe of FLV video files that have ever been on YouTube, we could look to those data centers?

A. That's right.

Q. And can you just tell me briefly who else besides Google has provided CDN services for YouTube?

A. We had signed a contract with a company called Bit Gravity, but we ended up not using them. I just want to mention that for completeness.

We did use a company called -- or we are using a company called Limelight Networks. And that relationship still exist.

Q. So basically it's been Limelight and then Google for actual use?

A. Yes. Or a combination of those two at the

1 moment.

2 Q. Thank you. And other than the copies that are
3 of transcoded video files that are on the CDN, are there
4 any other repositories or copies of video files other
5 than those you have mentioned?

6 A. No.

7 Q. And does YouTube make backups of its video
8 file collection?

9 A. No.

10 Q. That applies both to the original video files
11 as well as to the transcoded ones, correct?

12 A. The original video files are stored at Google.
13 And I guess whatever automatic snapshots or backups they
14 do in their system, I'm not privy to.

15 Q. I see. You also mentioned in passing that at
16 least some videos are transcoded to other formats for
17 other viewer experiences, correct?

18 A. That's right.

19 Q. So one of those would be a format for viewing
20 on YouTube mobile. Is that right?

21 A. Yes.

22 Q. And what is the video format used for that?

23 A. I believe it's a format called 3GPP.

24 Q. And has the entire universe of YouTube videos
25 been transformed into that format or transcoded into

1 have the video files on them?

2 A. I don't have an exact count right now, but the
3 ballpark is between 1,500 and 2,000. Ballpark.

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7 Q. And can you tell me what the average size of a
8 YouTube FLV video is in megabytes?

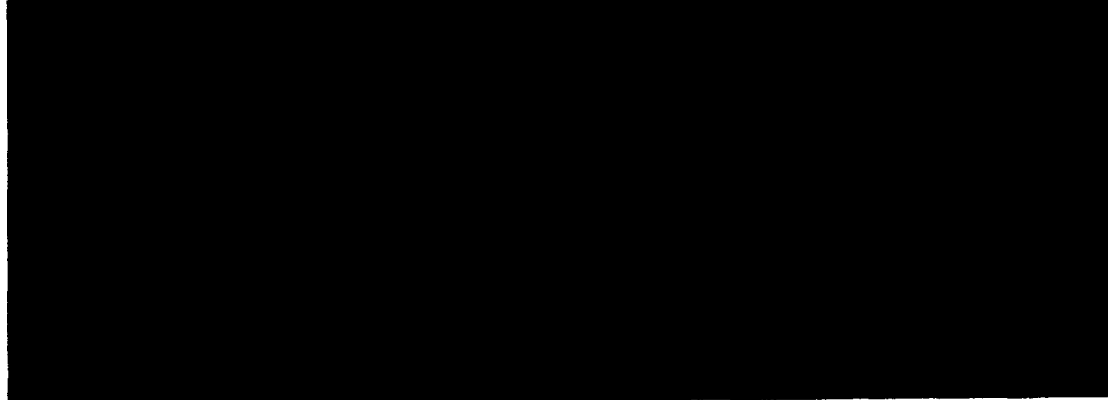
9 A. It is roughly -- the last I checked a few
10 months ago, it was roughly 5 megabytes.

11 Q. And do you know roughly how many FLV video
12 files there are?

13 A. It's on the order of tens of millions. I
14 think -- it adds up very quickly. So it's between --
15 it's around 60 or 70 million I believe at the moment,
16 but that number could be very out of date in a week or
17 so. So --

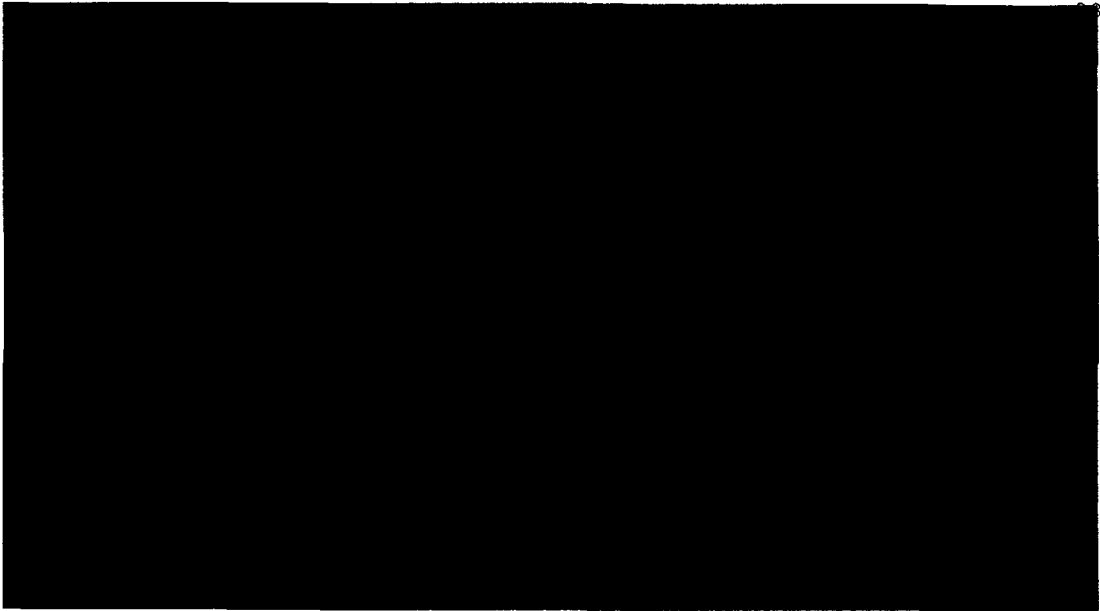
18 Q. Now let's return to the thumbnails.

19 A. Okay.

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Q. And previously the files were stored at
YouTube. Is that right?

A. Yes.

Q. Are there three thumbnails per video; did I
understand that correctly?

A. There are three thumbnails per video and then
there is a large thumbnail that is used because we have
an embeddable player that just happens to be larger than
the average size of a thumbnail.

Q. And is that just a large version of one of the
other three thumbnails?

A. I believe it's the middle one, yes.

Q. And has that been constant, that you generate
the three smaller ones and then also a larger version of
the middle thumbnail?

A. That's correct.

1 A. That's correct.

2 Q. I think I want to switch now to the data or
3 metadata about videos.

4 A. Okay.

5 Q. And I don't want to use -- again, I'm a
6 layperson, I don't want to use terms that are too narrow
7 like we got into that discussion before about what I.T.
8 means and --

9 A. Uh-huh.

10 Q. To me I use the word "metadata," but I'm just
11 trying to get at all of the different forms of data
12 other than the videos themselves and the thumbnails that
13 we've already discussed that YouTube might generate and
14 store about videos.

15 So does metadata seem like a reasonable phrase
16 for that or is there something else you would use?

17 A. Metadata is fine.

18 Q. First question is, does YouTube extract and
19 store any metadata in the process of the upload of
20 original video files or their transcoding to the FLV
21 format?

22 Maybe that's two different questions and you
23 can answer one and then the other.

24 A. I'm not exactly -- by extract, what do you
25 mean exactly?

1 Q. Well, other than the copy of the video itself,
2 do you keep information about the video? I don't know
3 what it would be. Its length, its format, who the user
4 was, who uploaded it. Maybe that last one.

5 A. Yeah.

6 Q. Reading tags or run time.

7 A. Oh, sure, sure. Okay. I wasn't clear if you
8 were talking about the file itself or the user-generated
9 content. But okay.

10 Yes. We store a fair amount of information
11 about that kind of thing. Actually -- I mean, there
12 were a fair number of fields, so I have a little list I
13 guess of --

14 Q. Cheat sheet as we say.

15 A. Yeah. It's just mainly so that I don't, you
16 know, kind of omit anything really really major here.

17 Q. Could we get a copy of that and just mark it
18 as Plaintiffs' Exhibit No. 2?

19 A. Sure.

20 MR. HOHENGARTEN: Maybe it would be helpful if
21 we did that real quick right now so everyone can look at
22 it and follow along. Why don't we go off the record for
23 a few minutes.

24 (Off the record at 3:55 p.m. and
25 back on the record at 4:11 p.m.)

1 Q. When you say "these things," you mean the
2 things that are listed in Exhibit 2?

3 A. Correct. At the time of upload we store the
4 [REDACTED], right, obviously, or specifically the [REDACTED]
5 [REDACTED], but we also store [REDACTED] for efficiency reasons.

6 Q. Are those two different fields, but they
7 linked or --

8 A. They would be two different fields, yes. And
9 we have an -- we assign the [REDACTED]. And there is
10 an [REDACTED], which is also shown on
11 this list, but same thing, just different format.

12 The user can enter a whole host of
13 information. I guess the really big ones that are very
14 prominent are the [REDACTED]
15 [REDACTED].

16 Q. And those are the same things that if you are
17 viewer looking at a video, you see those [REDACTED]
18 [REDACTED] actually associated with each
19 video on the website?

20 A. Yes. Exactly. We log when the video was --
21 the [REDACTED]

22 [REDACTED].

23 Q. So [REDACTED]
24 [REDACTED]?

25 A. Well, I mean that's -- we -- okay.

1 Q. What about -- let's just keep going down the
2 list. Some of them seem pretty obvious, but sometimes
3 it's not what it seems.

4 So why don't you tell me what [REDACTED]
5 [REDACTED] means?

6 A. [REDACTED]
7 [REDACTED].

8 Q. Is that information supplied by the uploader
9 or the licensor?

10 A. Yes. The uploader or the license content.

11 The [REDACTED]
12 [REDACTED].

13 Q. Okay.

14 A. At least the [REDACTED] that we know about.
15 [REDACTED]
16 [REDACTED].

17 Q. That's [REDACTED] supplied by the user, right?

18 A. Exactly. User inputted.

19 Q. By user I guess I meant the uploading user?

20 A. Yes. It's completely user inputted.

21 Q. What about [REDACTED]?

22 A. [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 Q. No matter what [REDACTED] it got?