

# Schapiro Exhibit 33

Redacted at the request of a third party pending a meet and confer  
and, if applicable, further action of the Court.

# **Schapiro Exhibit 34**

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From: "Alicia Higareda" <aliciahig@baytsp.com>  
Date: Thu, 13 Dec 2007 08:02:46 -0800  
To: "Solow, Warren" <Warren.Solow@viacom.com>, "Fricklas, Michael" <Michael.Fricklas@viacom.com>, "Michelena.hallie@mtvn.com" <Michelena.Hallie@mtvn.com>, "Morril, Mark" <Mark.Morril@viacom.com>, "Cooper, Donna" <DONNA.COOPER@BET.NET>, <michael.housley@viacom.com>, <Carlos.Arenas@viacom.com>, <alan\_bell@paramount.com>  
Cc: "Mark M. Ishikawa" <marki@baytsp.com>, "Evelyn Espinosa" <evelyn@baytsp.com>, "Richard Kawasaki" <richardk@baytsp.com>, "Travis Hill" <travish@baytsp.com>, "Eric Antze" <erica@baytsp.com>, "Tenney, Amy L" <ATenney@jenner.com>, "Arian Hormozi" <arianh@baytsp.com>, "Andrea Cordone" <andrea@baytsp.com>, "Justin Hernandez" <Justinh@baytsp.com>, <vst@baytsp.com>, <Stanley.Pierre-Louis@viacom.com>, "Sarah Cruz" <sarac@baytsp.com>, "Alicia Higareda" <aliciahig@baytsp.com>  
Subject: MTVN Daily Report 12/13/07

MTV Daily Report

Yesterday's Approvals: 378  
Yesterday's Rejected URLs: 0  
Yesterday's MTVN Review: 0  
Yesterday's Notices Sent: 254

Number of videos reviewed the past 7 days:

27,949

Total number of videos reviewed:

4,103,307

Cumulative number of videos with takedowns sent:

248,676

Cumulative number of views for videos with takedowns sent:

2,032,714,615

Gross cumulative number of videos with takedowns sent:

274,712

Gross cumulative number of views for videos with takedowns sent:

2,257,638,277

URLs live with notices > 48 hours old: 0

Yesterday's Counter Notices Received: 0

Number of Retractions Sent ToDate: 270 (attached spreadsheet)

Best Regards

Alicia Higareda  
Customer Service Support  
BayTSP, Inc.  
408-341-2379  
aliciahig@baytsp.com

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List of attachments:

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Counter Notices Received.xls

	A	B
1	<b>URL</b>	<b>User</b>
2	<a href="http://www.youtube.com/watch?v=HGr8RvRBSIs">http://www.youtube.com/watch?v=HGr8RvRBSIs</a>	Alison Sparks
3	<a href="http://www.youtube.com/watch?v=gxghfH0K0OI">http://www.youtube.com/watch?v=gxghfH0K0OI</a>	Alison Sparks
4	<a href="http://www.youtube.com/watch?v=ZjipYtwX118">http://www.youtube.com/watch?v=ZjipYtwX118</a>	Alison Sparks
5	<a href="http://www.youtube.com/watch?v=c-giZQHxswc">http://www.youtube.com/watch?v=c-giZQHxswc</a>	Alison Sparks
6	<a href="http://www.youtube.com/watch?v=NBdQ6CDai-c">http://www.youtube.com/watch?v=NBdQ6CDai-c</a>	Alison Sparks
7	<a href="http://www.youtube.com/watch?v=RRwk4zFzpBA">http://www.youtube.com/watch?v=RRwk4zFzpBA</a>	Alison Sparks
8	<a href="http://www.youtube.com/watch?v=pkyrvnqhdKA">http://www.youtube.com/watch?v=pkyrvnqhdKA</a>	Allison Sparks
9	<a href="http://www.youtube.com/watch?v=VBpId4rpnP4">http://www.youtube.com/watch?v=VBpId4rpnP4</a>	Amelik
10	<a href="http://www.youtube.com/watch?v=x2x395FENS0">http://www.youtube.com/watch?v=x2x395FENS0</a>	Anthony Caporale
11	<a href="http://www.youtube.com/watch?v=NSkyxj2TNf0">http://www.youtube.com/watch?v=NSkyxj2TNf0</a>	Anthony White
12	<a href="http://www.youtube.com/watch?v=bpr1Yr4hElg">http://www.youtube.com/watch?v=bpr1Yr4hElg</a>	apell
13	<a href="http://www.youtube.com/watch?v=UoJXrXYVzdA">http://www.youtube.com/watch?v=UoJXrXYVzdA</a>	asher666
14	<a href="http://www.youtube.com/watch?v=eZHOmaQxAvA">http://www.youtube.com/watch?v=eZHOmaQxAvA</a>	Augustine
15	<a href="http://www.youtube.com/watch?v=glu4K4qzH20">http://www.youtube.com/watch?v=glu4K4qzH20</a>	BadBoyRecords
16	<a href="http://www.youtube.com/watch?v=LH6U5arySrU">http://www.youtube.com/watch?v=LH6U5arySrU</a>	BadBoyRecords
17	<a href="http://www.youtube.com/watch?v=vPmPNf-st04">http://www.youtube.com/watch?v=vPmPNf-st04</a>	BadBoyRecords
18	<a href="http://www.youtube.com/watch?v=gScEZ0UDPxc">http://www.youtube.com/watch?v=gScEZ0UDPxc</a>	BadBoyRecords
19	<a href="http://www.youtube.com/watch?v=4tNgWUDZctg">http://www.youtube.com/watch?v=4tNgWUDZctg</a>	BadBoyRecords
20	<a href="http://www.youtube.com/watch?v=dwkpY24vGYg">http://www.youtube.com/watch?v=dwkpY24vGYg</a>	BadBoyRecords
21	<a href="http://www.youtube.com/watch?v=PN--W3xrH5k">http://www.youtube.com/watch?v=PN--W3xrH5k</a>	BadBoyRecords
22	<a href="http://www.youtube.com/watch?v=Zl8ftDkzI3l">http://www.youtube.com/watch?v=Zl8ftDkzI3l</a>	BadBoyRecords
23	<a href="http://www.youtube.com/watch?v=4QePJFWDJ-A">http://www.youtube.com/watch?v=4QePJFWDJ-A</a>	Balls2TheWall666
24	<a href="http://www.youtube.com/watch?v=uF9LB6EBxyk">http://www.youtube.com/watch?v=uF9LB6EBxyk</a>	Balls2TheWall666
25	<a href="http://www.youtube.com/watch?v=m2zW9RX-m60">http://www.youtube.com/watch?v=m2zW9RX-m60</a>	Balls2TheWall666
26	<a href="http://www.youtube.com/watch?v=l3bBkrJIAEQ">http://www.youtube.com/watch?v=l3bBkrJIAEQ</a>	bendoo2
27	<a href="http://www.youtube.com/watch?v=bQvzn-IMhMg">http://www.youtube.com/watch?v=bQvzn-IMhMg</a>	benhatten
28	<a href="http://www.youtube.com/watch?v=LJz9v26aPCA">http://www.youtube.com/watch?v=LJz9v26aPCA</a>	Bestweekevertv
29	<a href="http://www.youtube.com/watch?v=62i3dbFdjSs">http://www.youtube.com/watch?v=62i3dbFdjSs</a>	Bestweekevertv
30	<a href="http://www.youtube.com/watch?v=NcSDjn1kbqY">http://www.youtube.com/watch?v=NcSDjn1kbqY</a>	Bestweekevertv
31	<a href="http://www.youtube.com/watch?v=nHtjhjXYu34">http://www.youtube.com/watch?v=nHtjhjXYu34</a>	Bestweekevertv
32	<a href="http://www.youtube.com/watch?v=RxiT2-4UdiQ">http://www.youtube.com/watch?v=RxiT2-4UdiQ</a>	Bestweekevertv
33	<a href="http://www.youtube.com/watch?v=udTDdXLY5-A">http://www.youtube.com/watch?v=udTDdXLY5-A</a>	Bestweekevertv
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35	<a href="http://www.youtube.com/watch?v=ZY9LVn_C3Zo">http://www.youtube.com/watch?v=ZY9LVn_C3Zo</a>	Bestweekevertv
36	<a href="http://www.youtube.com/watch?v=2CY8HIHyXCs">http://www.youtube.com/watch?v=2CY8HIHyXCs</a>	Bestweekevertv
37	<a href="http://www.youtube.com/watch?v=6-3BmUotSYE">http://www.youtube.com/watch?v=6-3BmUotSYE</a>	Bestweekevertv
38	<a href="http://www.youtube.com/watch?v=8Zsxd-vZDUM">http://www.youtube.com/watch?v=8Zsxd-vZDUM</a>	Bestweekevertv
39	<a href="http://www.youtube.com/watch?v=BJUQXz6QFQ4">http://www.youtube.com/watch?v=BJUQXz6QFQ4</a>	Bestweekevertv
40	<a href="http://www.youtube.com/watch?v=hLy7Nn_3lk0">http://www.youtube.com/watch?v=hLy7Nn_3lk0</a>	Bestweekevertv
41	<a href="http://www.youtube.com/watch?v=hR9sxfKu2VY">http://www.youtube.com/watch?v=hR9sxfKu2VY</a>	Bestweekevertv
42	<a href="http://www.youtube.com/watch?v=KX-ntLZXuoQ">http://www.youtube.com/watch?v=KX-ntLZXuoQ</a>	Bestweekevertv
43	<a href="http://www.youtube.com/watch?v=IADLEYg5goU">http://www.youtube.com/watch?v=IADLEYg5goU</a>	Bestweekevertv
44	<a href="http://www.youtube.com/watch?v=LWcIVjjQiEM">http://www.youtube.com/watch?v=LWcIVjjQiEM</a>	Bestweekevertv
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48	<a href="http://www.youtube.com/watch?v=SkktCLKbhT0">http://www.youtube.com/watch?v=SkktCLKbhT0</a>	Bestweekevertv
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51	<a href="http://www.youtube.com/watch?v=uX-vv_dAMRg">http://www.youtube.com/watch?v=uX-vv_dAMRg</a>	Bestweekevertv

	A	B
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53	<a href="http://www.youtube.com/watch?v=yxADizJPH5M">http://www.youtube.com/watch?v=yxADizJPH5M</a>	Bestweekevertv
54	<a href="http://www.youtube.com/watch?v=zC_NeTGtNH4">http://www.youtube.com/watch?v=zC_NeTGtNH4</a>	Bestweekevertv
55	<a href="http://www.youtube.com/watch?v=Zsul1AgDhal">http://www.youtube.com/watch?v=Zsul1AgDhal</a>	Bestweekevertv
56	<a href="http://www.youtube.com/watch?v=9WIZKR-m1QM">http://www.youtube.com/watch?v=9WIZKR-m1QM</a>	Bill Stenner
57	<a href="http://www.youtube.com/watch?v=MqEI7YCTM8U">www.youtube.com/watch?v=MqEI7YCTM8U</a>	BlackTreeMedia
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67	<a href="http://www.youtube.com/watch?v=ePjGiyCMzbk">www.youtube.com/watch?v=ePjGiyCMzbk</a>	BlackTreeMedia
68	<a href="http://www.youtube.com/watch?v=TbutOemU-es">www.youtube.com/watch?v=TbutOemU-es</a>	BlackTreeMedia
69	<a href="http://www.youtube.com/watch?v=UldIdaV6Q4-Q">www.youtube.com/watch?v=UldIdaV6Q4-Q</a>	BlackTreeMedia
70	<a href="http://www.youtube.com/watch?v=eBh2cWnDMnY">www.youtube.com/watch?v=eBh2cWnDMnY</a>	BlackTreeMedia
71	<a href="http://www.youtube.com/watch?v=833xwk4XgNk">www.youtube.com/watch?v=833xwk4XgNk</a>	BlackTreeMedia
72	<a href="http://www.youtube.com/watch?v=8BtjF4pN8H8">www.youtube.com/watch?v=8BtjF4pN8H8</a>	BlackTreeMedia
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77	<a href="http://www.youtube.com/watch?v=UeFUvW5YInQ">www.youtube.com/watch?v=UeFUvW5YInQ</a>	BlackTreeMedia
78	<a href="http://www.youtube.com/watch?v=3B386Ut0y2Y">http://www.youtube.com/watch?v=3B386Ut0y2Y</a>	blondeeagles
79	<a href="http://www.youtube.com/watch?v=1_sXjWNjliw">http://www.youtube.com/watch?v=1_sXjWNjliw</a>	Brian Thompson
80	<a href="http://www.youtube.com/watch?v=UT6kmddYa_A">http://www.youtube.com/watch?v=UT6kmddYa_A</a>	Bryan Munson
81	<a href="http://www.youtube.com/watch?v=nnF1ODD0HRA">http://www.youtube.com/watch?v=nnF1ODD0HRA</a>	CanibalCorpse5006
82	<a href="http://www.youtube.com/watch?v=ro4I8oH1VFQ">http://www.youtube.com/watch?v=ro4I8oH1VFQ</a>	CasketMusic/Copro Records
83	<a href="http://www.youtube.com/watch?v=nqe2QclOebc">http://www.youtube.com/watch?v=nqe2QclOebc</a>	CasketMusic/Copro Records
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89	<a href="http://www.youtube.com/watch?v=dpHdyN4svFY">http://www.youtube.com/watch?v=dpHdyN4svFY</a>	CasketMusic/Copro Records
90	<a href="http://www.youtube.com/watch?v=eXHusX6KbSY">http://www.youtube.com/watch?v=eXHusX6KbSY</a>	casserk
91	<a href="http://www.youtube.com/watch?v=NCFIjBWslIY">http://www.youtube.com/watch?v=NCFIjBWslIY</a>	CBS
92	<a href="http://www.youtube.com/watch?v=wjO68v_Mvyl">http://www.youtube.com/watch?v=wjO68v_Mvyl</a>	CBSNewsOnline
93	<a href="http://www.youtube.com/watch?v=J5CS32xppLc">http://www.youtube.com/watch?v=J5CS32xppLc</a>	CenterNAD
94	<a href="http://www.youtube.com/watch?v=GxkWZE8Y9x8">http://www.youtube.com/watch?v=GxkWZE8Y9x8</a>	CenterNAD
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97	<a href="http://www.youtube.com/watch?v=znEM4CssD7I">http://www.youtube.com/watch?v=znEM4CssD7I</a>	CenterNAD
98	<a href="http://www.youtube.com/watch?v=TJSqeKlyVYU">http://www.youtube.com/watch?v=TJSqeKlyVYU</a>	Collin Guillas
99	<a href="http://www.youtube.com/watch?v=3t9Ceb8wIUY">http://www.youtube.com/watch?v=3t9Ceb8wIUY</a>	cyberyt
100	<a href="http://www.youtube.com/watch?v=jcvF7YDdS3A">http://www.youtube.com/watch?v=jcvF7YDdS3A</a>	d3fin3d
101	<a href="http://www.youtube.com/watch?v=HI3Fryg-5IE">http://www.youtube.com/watch?v=HI3Fryg-5IE</a>	Damien Estreich
102	<a href="http://www.youtube.com/watch?v=40_HTP_Lue4U">http://www.youtube.com/watch?v=40_HTP_Lue4U</a>	dancesoul31

	A	B
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104	<a href="http://www.youtube.com/watch?v=j2I5DwtdpHsthat">http://www.youtube.com/watch?v=j2I5DwtdpHsthat</a>	David Quinn
105	<a href="http://www.youtube.com/watch?v=sNHqX27hlz8">http://www.youtube.com/watch?v=sNHqX27hlz8</a>	Devin Smith
106	<a href="http://www.youtube.com/watch?v=jv5IKZ1dhLM">http://www.youtube.com/watch?v=jv5IKZ1dhLM</a>	devin6687
107	<a href="http://www.youtube.com/watch?v=373hCfkNf8o">http://www.youtube.com/watch?v=373hCfkNf8o</a>	devin6687
108	<a href="http://www.youtube.com/watch?v=MH7Wx9sD4bw">http://www.youtube.com/watch?v=MH7Wx9sD4bw</a>	devin6688
109	<a href="http://www.youtube.com/watch?v=A9kQwfc4WLo">http://www.youtube.com/watch?v=A9kQwfc4WLo</a>	Down TOS Violation
110	<a href="http://www.youtube.com/watch?v=sBQNnhfZ6CY">http://www.youtube.com/watch?v=sBQNnhfZ6CY</a>	Dr. Michael Owen
111	<a href="http://www.youtube.com/watch?v=6-KQ1tp_qOQ">http://www.youtube.com/watch?v=6-KQ1tp_qOQ</a>	drivethrurecords
112	<a href="http://www.youtube.com/watch?v=wmdhmnNlaHc">http://www.youtube.com/watch?v=wmdhmnNlaHc</a>	elemendozas
113	<a href="http://www.youtube.com/watch?v=MUuEMpUSV7c">http://www.youtube.com/watch?v=MUuEMpUSV7c</a>	endclub
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116	<a href="http://www.youtube.com/watch?v=DOOnLrxwapXk">http://www.youtube.com/watch?v=DOOnLrxwapXk</a>	Francis Vaylumkal
117	<a href="http://www.youtube.com/watch?v=WOPHMidcxhQ">http://www.youtube.com/watch?v=WOPHMidcxhQ</a>	galipoka
118	<a href="http://www.youtube.com/watch?v=mNymL47bmPo">http://www.youtube.com/watch?v=mNymL47bmPo</a>	Gary Rosenzweig
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120	<a href="http://www.youtube.com/watch?v=QxLkQZRILV8">http://www.youtube.com/watch?v=QxLkQZRILV8</a>	glenm5951
121	<a href="http://www.youtube.com/watch?v=8V71I_DWbDQ">http://www.youtube.com/watch?v=8V71I_DWbDQ</a>	Gorifater
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124	<a href="http://www.youtube.com/watch?v=gvQL9jO0Xpc">http://www.youtube.com/watch?v=gvQL9jO0Xpc</a>	hsuchiahao
125	<a href="http://www.youtube.com/watch?v=EHhzuEyaMUM">http://www.youtube.com/watch?v=EHhzuEyaMUM</a>	hurricane101
126	<a href="http://www.youtube.com/watch?v=JjvoGmT8lvk">http://www.youtube.com/watch?v=JjvoGmT8lvk</a>	IanLuckey
127	<a href="http://www.youtube.com/watch?v=n4TyqYsC26g">http://www.youtube.com/watch?v=n4TyqYsC26g</a>	ibeckman671
128	<a href="http://www.youtube.com/watch?v=yY7rQRD4ucY">http://www.youtube.com/watch?v=yY7rQRD4ucY</a>	irenemariemodels
129	<a href="http://www.youtube.com/watch?v=X9ED6Mesx9Y">http://www.youtube.com/watch?v=X9ED6Mesx9Y</a>	JakeUnrated
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133	<a href="http://www.youtube.com/watch?v=wgadqrYKEtA">http://www.youtube.com/watch?v=wgadqrYKEtA</a>	Jonathan Douglas
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185	<a href="http://www.youtube.com/watch?v=akgj-mMaBlc">http://www.youtube.com/watch?v=akgj-mMaBlc</a>	Sarah-Elizabeth Daly
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194	<a href="http://www.youtube.com/watch?v=rCC49MbKxJ0">http://www.youtube.com/watch?v=rCC49MbKxJ0</a>	SpikeTV
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199	<a href="http://www.youtube.com/watch?v=GBrqsZ7KBbA">http://www.youtube.com/watch?v=GBrqsZ7KBbA</a>	Tara Golden
200	<a href="http://www.youtube.com/watch?v=CFsnQ9fb8_Q">http://www.youtube.com/watch?v=CFsnQ9fb8_Q</a>	thelonelyisland
201	<a href="http://www.youtube.com/watch?v=6l9wgY91VB8">http://www.youtube.com/watch?v=6l9wgY91VB8</a>	ThinkFilm
202	<a href="http://www.youtube.com/watch?v=m1ITdy_w5EY">http://www.youtube.com/watch?v=m1ITdy_w5EY</a>	Tim Samoff
203	<a href="http://www.youtube.com/watch?v=3eBUbgLYA0k">http://www.youtube.com/watch?v=3eBUbgLYA0k</a>	Timothy Brickley
204	<a href="http://www.youtube.com/watch?v=EMHtkH5hICw">http://www.youtube.com/watch?v=EMHtkH5hICw</a>	TNAwrestling

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214	<a href="http://www.youtube.com/watch?v=W8Y3qDDODT0">http://www.youtube.com/watch?v=W8Y3qDDODT0</a>	warnerborsrecords
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265	<a href="http://www.youtube.com/watch?v=E3CRE9kFRvo">http://www.youtube.com/watch?v=E3CRE9kFRvo</a>	thejanitor
266	<a href="http://www.youtube.com/watch?v=n85VX4G49dl">http://www.youtube.com/watch?v=n85VX4G49dl</a>	richardcameron
267	<a href="http://www.youtube.com/watch?v=5oa2bZHSBY4">http://www.youtube.com/watch?v=5oa2bZHSBY4</a>	bobhofman
268	<a href="http://www.youtube.com/watch?v=NIME1PSGNal">http://www.youtube.com/watch?v=NIME1PSGNal</a>	MrPregnant
269	<a href="http://www.youtube.com/watch?v=i0-nRcHF0Jl">http://www.youtube.com/watch?v=i0-nRcHF0Jl</a>	cimatics
270	<a href="http://www.youtube.com/watch?v=4UIpOUgQt-g">http://www.youtube.com/watch?v=4UIpOUgQt-g</a>	FearLessTV
271	<a href="http://www.youtube.com/watch?v=QJ6duK_F-el">http://www.youtube.com/watch?v=QJ6duK_F-el</a>	PatsFanYTA

	C	D	E
1	<b>Additional User Information</b>	<b>Date of Counter Notice</b>	<b>Date of Retraction</b>
2		2/2/2007	2/16/2007
3		2/2/2007	2/16/2007
4		2/2/2007	2/16/2007
5		2/2/2007	2/23/2007
6		2/2/2007	2/22/2007
7		2/2/2007	2/23/2007
8		2/2/2007	2/16/2007
9		2/2/2007	2/8/2007
10		2/2/2007	2/21/2007
11		2/2/2007	2/21/2007
12		2/2/2007	3/6/2007
13		2/2/2007	2/3/2007
14		2/2/2007	2/3/2007
15		2/2/2007	2/8/2007
16		2/2/2007	2/8/2007
17		2/2/2007	2/8/2007
18		2/2/2007	2/8/2007
19		2/2/2007	2/8/2007
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22		2/2/2007	2/8/2007
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24		2/2/2007	2/3/2007
25		2/2/2007	2/3/2007
26		2/2/2007	2/3/2007
27		2/2/2007	2/3/2007
28		2/2/2007	2/22/2007
29		2/2/2007	2/22/2007
30		2/2/2007	2/22/2007
31		2/2/2007	2/22/2007
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35		2/2/2007	2/22/2007
36		2/2/2007	2/22/2007
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44		2/2/2007	2/22/2007
45		2/2/2007	2/22/2007
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49		2/2/2007	2/22/2007
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51		2/2/2007	2/22/2007

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52		2/2/2007	2/22/2007
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57		2/2/2007	3/19/2007
58		2/2/2007	3/19/2007
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95		2/2/2007	2/3/2007
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97		2/2/2007	2/3/2007
98		2/2/2007	2/28/2007
99		2/2/2007	2/3/2007
100		2/2/2007	2/12/2007
101		2/2/2007	4/17/2007
102		2/2/2007	2/28/2007

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206		2/2/2007	2/3/2007
207		2/2/2007	2/3/2007
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214		2/2/2007	2/8/2007
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222		4/8/2007	4/11/2007
223		4/29/2007	5/1/2007
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249		4/29/2007	5/1/2007
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254		4/29/2007	5/1/2007
255		4/29/2007	5/1/2007



	C	D	E
256		4/29/2007	5/1/2007
257		4/29/2007	5/1/2007
258		4/29/2007	5/1/2007
259		4/29/2007	5/1/2007
260		4/29/2007	5/1/2007
261	ArtisanNewsService	5/8/2007	5/9/2007
262	AritsanNewsService	6/28/2007	7/2/2007
263	Swedish Educational Broadcasting Company	8/14/2007	8/16/2007
264		8/23/2007	8/27/2007
265		8/28/2007	8/29/2007
266		9/13/2007	9/17/2007
267		10/20/2007	10/23/2007
268		9/29/2007	Not Available
269		11/7/2007	11/13/2007
270		11/21/2007	11/26/2007
271		11/28/2007	11/30/2007

	F	G	H	I
1	<b>Action Taken (If any)</b>	<b>Date of Repost</b>	<b>Status</b>	<b>Notes</b>
2	Issued Retraction	Not Available		5
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234	Issued Retraction	Not Available	5	
235	Issued Retraction	Not Available	5	
236	Issued Retraction	Not Available	5	
237	Issued Retraction	Not Available	5	
238	Issued Retraction	Not Available	5	
239	Issued Retraction	Not Available	5	
240	Issued Retraction	Not Available	5	
241	Issued Retraction	Not Available	5	
242	Issued Retraction	Not Available	5	
243	Issued Retraction	Not Available	5	
244	Issued Retraction	Not Available	5	
245	Issued Retraction	Not Available	5	
246	Issued Retraction	Not Available	5	
247	Issued Retraction	Not Available	5	
248	Issued Retraction	Not Available	5	
249	Issued Retraction	Not Available	5	
250	Issued Retraction	Not Available	5	
251	Issued Retraction	Not Available	5	
252	Issued Retraction	Not Available	5	
253	Issued Retraction	Not Available	5	
254	Issued Retraction	Not Available	5	
255	Issued Retraction	Not Available	5	

	F	G	H	I
256	Issued Retraction	Not Available	5	
257	Issued Retraction	Not Available	5	
258	Issued Retraction	Not Available	5	
259	Issued Retraction	Not Available	5	
260	Issued Retraction	Not Available	5	
261	Issued Retraction	Not Available	5	
262	Issued Retraction	Not Available	5	
263	Issued Retraction	8/17/2007	5	
264	Issued Retraction	8/29/2007	5	
265	Issued Retraction	8/31/2007	5	
266	Issued Retraction	9/24/2007	5	
267	Issued Retraction	10/23/2007	5	
268	Retraction was issued but r	Not Available	5	
269	Issued Retraction	11/14/2007	5	
270	Issued Retraction	11/26/2007	5	
271	Issued Retraction	11/30/2007	5	

	A	B	C
1	<b>URL</b>	<b>User</b>	<b>Additional User Information</b>
2	<a href="http://www.youtube.com/watch?v=V3p9xYz0oqs">http://www.youtube.com/watch?v=V3p9xYz0oqs</a>	Christopher Gordon	
3	<a href="http://www.youtube.com/watch?v=dYTzqDqzI8E">http://www.youtube.com/watch?v=dYTzqDqzI8E</a>	Christopher Gordon	
4	<a href="http://www.youtube.com/watch?v=o8TTMRxO9XM">http://www.youtube.com/watch?v=o8TTMRxO9XM</a>	Christopher Gordon	
5	<a href="http://www.youtube.com/watch?v=9zWuTfr7mu0">http://www.youtube.com/watch?v=9zWuTfr7mu0</a>	Christopher Gordon	
6	<a href="http://www.youtube.com/watch?v=wrjACzkUuSw">http://www.youtube.com/watch?v=wrjACzkUuSw</a>	Christopher Gordon	
7	<a href="http://www.youtube.com/watch?v=V6x_C8qibKU">http://www.youtube.com/watch?v=V6x_C8qibKU</a>	Christopher Gordon	
8	<a href="http://www.youtube.com/watch?v=pP7YuGGI7o0">http://www.youtube.com/watch?v=pP7YuGGI7o0</a>	Christopher Gordon	
9	<a href="http://www.youtube.com/watch?v=MA4F-JzyLY8">http://www.youtube.com/watch?v=MA4F-JzyLY8</a>	Christopher Gordon	
10	<a href="http://www.youtube.com/watch?v=ISkont4A6Bs">http://www.youtube.com/watch?v=ISkont4A6Bs</a>	Christopher Gordon	
11	<a href="http://www.youtube.com/watch?v=kYXxf4sVQtQ">http://www.youtube.com/watch?v=kYXxf4sVQtQ</a>	Jordan Wiggins	
12	<a href="http://www.youtube.com/watch?v=5dICeLQ4dbo">http://www.youtube.com/watch?v=5dICeLQ4dbo</a>	MuzikNetRadio	
13	<a href="http://www.youtube.com/watch?v=EXwi2SIADjA">http://www.youtube.com/watch?v=EXwi2SIADjA</a>	BitTorrent23	
14	<a href="http://www.youtube.com/watch?v=ddyVQwpByug">http://www.youtube.com/watch?v=ddyVQwpByug</a>	kwerky	
15	<a href="http://www.youtube.com/watch?v=6jqIgrtGVS0">http://www.youtube.com/watch?v=6jqIgrtGVS0</a>	CelebTV.com	
16	<a href="http://www.youtube.com/watch?v=T3PswNWGcyA">http://www.youtube.com/watch?v=T3PswNWGcyA</a>	MoTv1	
17	<a href="http://www.youtube.com/watch?v=CwEfaxM1mVU">http://www.youtube.com/watch?v=CwEfaxM1mVU</a>	mmflint	
18	<a href="http://www.youtube.com/watch?v=sGrQkzdJBMQ">http://www.youtube.com/watch?v=sGrQkzdJBMQ</a>	powmadeak47	
19	<a href="http://www.youtube.com/watch?v=IVKmHgX26Qk">http://www.youtube.com/watch?v=IVKmHgX26Qk</a>	powmadeak47	



	D	E	F	G
1	<b>Date of Counter Notice</b>	<b>Action Taken (If any)</b>	<b>Date of Repost</b>	<b>Status</b>
2	2/2/2007	No action	3/23/2007	5
3	2/2/2007	No action	3/23/2007	5
4	2/2/2007	No action	3/23/2007	5
5	2/2/2007	No action	3/23/2007	5
6	2/2/2007	No action	3/23/2007	5
7	2/2/2007	No action	3/23/2007	5
8	2/2/2007	No action	3/23/2007	5
9	2/2/2007	No action	3/23/2007	5
10	2/2/2007	No action	3/23/2007	5
11	2/2/2007	No action	4/12/2007	5
12	2/2/2007	No action	4/10/2007	5
13	8/8/2007	No action	Not Available	5
14	8/29/2007	No action	9/11/2007	5
15	9/16/2007	No action	10/2/2007	5
16	10/15/2007	No action	10/26/2007	5
17	10/15/2007	Resolved internally by Viacom	10/25/2007	5
18	11/6/2007	No action	11/19/2007	5
19	11/6/2007	No action	11/19/2007	5

	A	B	C
1	URL	User	Additional User Information

	D
1	<b>Date of Counter Notice</b>

# **Schapiro Exhibit 35**

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**From:** Michelena.hallie@mtvn.com  
**Sent:** Friday, December 22, 2006 8:45 PM  
**To:** Fricklas, Michael; Cahan, Adam  
**Cc:** Mark M. Ishikawa  
**Subject:** Bay Request

**Importance:** High

Bay has apparently identified 700,000 clips of the programs we have listed with them that they have to review as possible infringements.  
(Btw, his prediction is that 50,000 to 100,000 of them will be real infringements with the others not containing our material, but just containing references to our programs.) He will have to bring in a significant number of temps to meet the January 2 deadline which he will do if that date is immovable. However, every additional day we can provide him will ease the burden. Could you let us know if there is any flexibility on that date?

# **Schapiro Exhibit 36**



*YouTube*

**VIA EMAIL, FACSIMILE AND U.S. MAIL**

Michael D Fricklas  
Executive Vice President and General Counsel  
Viacom, Inc.  
1515 Broadway  
New York, NY 10036

Re YouTube Take-Down Notices

Dear Mr Fricklas

We are writing to express the concerns of the ACLU of Northern California regarding Viacom's recent action in sending over 100,000 take-down notices to YouTube last Friday. While we recognize and support Viacom's right to protect the integrity of its copyrighted material, the enforcement of that right cannot come at the expense of the rights of YouTube users whose video clips do not violate the copyright laws.

YouTube is an important and vibrant forum for creativity and commentary on the Internet. Much of the work on YouTube is entirely original. But other work, like so much in the world of art, politics, criticism, and social commentary, makes its point through reference to or incorporation of the words or pictures of others. The fair use doctrine is the means by which the Constitution and the laws of copyright accommodate that process.

Based on recent press reports, it appears that at least some video clips that made no use of material copyrighted by Viacom, have nevertheless been swept up in the YouTube take-down notices. In addition, we do not know what process, if any, Viacom used to determine whether the use of any material from Viacom programs falls within fair use doctrine.

Parody, political commentary, and criticism, like news reporting, all go to the heart of expression protected by the First Amendment and the fair use doctrine. Whether a particular video clip comes within the protection of the fair use doctrine is a determination that can only be made on a case by case basis. For these reasons, it is imperative that copyright holders, including Viacom, conduct a careful review of material believed to be infringing prior to sending out DMCA take-down notices. That review should include, at a minimum, (1) a review of the material by a human being to ensure that the potentially infringing material is actually using the copyright holder's work without authorization; and (2) a reasonable fair use analysis for each potentially infringing work to ensure that works that legitimately use copyrighted material are not swept in by any take-down notices.

M. QUINN DELANEY, CHAIRPERSON | ROBERT CAPISTRANO, SUSAN FREIWALD, LISA HONIG, ROBERTA SPIECKERMAN, VICE CHAIRPERSONS | NANCY PEMBERTON, SECRETARY/TREASURER  
DOROTHY M. EHRLICH, EXECUTIVE DIRECTOR | MAYA HARRIS, ASSOCIATE DIRECTOR | ALAN SCHLOSSER, LEGAL DIRECTOR  
ANN BRICK, MARGARET C. CROSBY, TAMARA LANGE, JULIA HARUMI MASS, MICHAEL RISHER, JORY STEELE, STAFF ATTORNEYS  
ERIKA CLARK, COMMUNICATIONS DIRECTOR | CHERI BRYANT, DEVELOPMENT DIRECTOR | JUSTINE SARVER, ORGANIZING DIRECTOR  
NATASHA MINSKER, NICOLE A. OZER, MARK SCHLOSBERG, POLICY DIRECTORS  
STEPHEN V. BOMSE, GENERAL COUNSEL

AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF NORTHERN CALIFORNIA  
39 DRUMM STREET, SAN FRANCISCO, CA 94111 | T/415.621.2493 | F/415.255.1478 | TTY/415.863.7832 | WWW.ACLU.NC.ORG



Michael D. Fricklas  
February 6, 2007  
Page 2

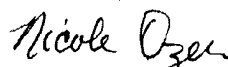
The public discussion generated by Viacom's take-down notices to YouTube would be benefited greatly by further information from Viacom regarding the steps that it took prior to issuing the take-down notices. Specifically, please advise us if Viacom did in fact have a human being review each of the allegedly infringing video clips and if a fair use analysis was conducted. To the extent Viacom did not do so, we urge Viacom to take a more measured approach in the future in its efforts to protect its copyrights, one that takes into account the constitutional rights of Internet speakers and the important First Amendment values embodied in the fair use doctrine.

We look forward to hearing from you. Thank you for your attention to this important matter.

Very truly yours,



Ann Brick  
Staff Attorney



Nicole Ozer  
Technology and Civil Liberties  
Policy Director



# **Schapiro Exhibit 37**

To: Cuong Do <cdo@youtube.com>; YouTube Group [REDACTED]  
From: [REDACTED]  
Cc: [REDACTED]  
Bcc: [REDACTED]  
Received Date: 2005-11-24 02:57:44 CST  
Subject: Re: Please read: reviewing videos

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I certainly appreciate everyone's help, especially over the long weekend!

If you're not familiar with the process, videos are reviewed here:  
<http://www.youtube.com/admin.php>

Please reject any nudity/porn and any death videos, along with anything else that's glaringly inappropriate.

As far as copyright stuff is concerned, be on the look out for Family Guy, South Park, and full-length anime episodes...music videos and news programs are fine to approve.

Please mark bikinis and other racy but not entirely inappropriate vids as racy, using the 'Approve, mark as racy' dropdown selection.

Other than that, just use your impartial judgment. The community is pretty good at flagging stuff, so you can lean on them to catch anything that slips through. That said, we do have some inspired uber conservatives that flag excessively, so no need to reject everything that gets flagged.

Cheers, and gobble, gobble!

~Brent

On 11/23/05 6:14 PM, "Cuong Do" <cdo@youtube.com> wrote:

> As most or all of you already know, Brent has been a video reviewing  
> army of one. Sometimes, he even reviews suspected inappropriate  
> videos multiple times to be absolutely sure. Unfortunately, given  
> our volume of new videos, we should all help out if/when we get the  
> chance. So, if you already have YouTube admin access, please review  
> videos when you get the chance. If you don't have YouTube admin  
> access, please e-mail me with your YouTube user name, and I'll add  
> you to the list of admin users.

>  
> Cuong

>  
> \_\_\_\_\_  
> All mailing list  
> [REDACTED]  
>

\_\_\_\_\_  
All mailing list  
[REDACTED]

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# **Schapiro Exhibit 38**

Redacted at the request of Plaintiffs pending a meet and confer and,  
if applicable, further action of the Court.

# **Schapiro Exhibit 39**

Redacted at the request of Plaintiffs pending a meet and confer and,  
if applicable, further action of the Court.

# **Schapiro Exhibit 40**

Redacted at the request of Plaintiffs pending a meet and confer and,  
if applicable, further action of the Court.



# **Schapiro Exhibit 41**

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From: "Zweig, Jeremy" <Jeremy.Zweig@viacom.com>  
Date: Wed, 21 Feb 2007 23:13:09 -0500  
To: "Folta, Carl" <Carl.Folta@viacom.com>, "Fricklas, Michael" <Michael.Fricklas@viacom.com>, "Morril, Mark" <Mark.Morril@viacom.com>, "Cahan, Adam" <Adam.Cahan@mtvn.com>, "Dooley, Tom" <TED@viacom.com>, "Dauman, Philippe" <PPD@viacom.com>, "Hallie, Michelena" <Michelena.Hallie@mtvn.com>, "Hurvitz, Lauren" <Lauren.Hurvitz@mtvstaff.com>  
Subject: New Reuters Story: Google will offer anti-piracy tools to all Copyright holders

Ken Li from Reuters called us with the heads-up about this story resulting from an interview with Eric Schmidt this evening.

Google sees video anti-piracy tools as priority

Thu Feb 22, 2007 3:09 AM GMT 163<<http://i.today.reuters.co.uk/images/spacer.gif>>

By Eric Auchard

SAN FRANCISCO (Reuters) - Google Inc. (GOOG.O), racing to head off a media industry backlash over its video Web site YouTube, will soon offer anti-piracy technologies to help all copyright holders thwart unauthorized video sharing, its chief executive said on Wednesday.

"We are definitely committed to (offering copyright protection technologies)," Google Chief Executive Officer Eric Schmidt said in an interview. "It is one of the company's highest priorities," he said.

"We just reviewed that (issue) about an hour ago," Schmidt told Reuters when asked what Google was doing to make anti-piracy technologies widely available to video owners. "It is going to roll out very soon ... It is not far away."

YouTube, which Google acquired late last year, plans to introduce technology to help media companies identify pirated videos uploaded by users.

But, to date, the tools are only being offered as part of broader licensing talks, media industry insiders complain.

Schmidt declined to give a specific timeframe of weeks or months to cover all potential users, saying that any move would take time to cover all Google's services, including YouTube, and to be made available to all copyright holders wishing to use the anti-piracy technology.

"It is not some product you can just build and leave alone," Schmidt said. Protecting copyrighted material is likely to involve an endless cat-and-mouse game to keep pace with hackers bent on breaking such security tools.

MySpace, the popular Internet social network owned by News Corp. (NWSa.N: Quote <<http://today.reuters.co.uk/stocks/Quote.aspx?symbol=NWSa.N&WTmodLoc=NewsArt-C1-ArticlePage2>> , Profile <<http://today.reuters.co.uk/stocks/CompanyProfile.aspx?ticker=NWSa.N&WTmodLoc=NewsArt-C1-ArticlePage2>> , Research <<http://today.reuters.co.uk/stocks/ResearchReports.aspx?ticker=NWSa.N&WTmodLoc=NewsArt-C1-ArticlePage2>> ) said last week it would offer its own version of copyright protection services for free. MySpace is YouTube's biggest rival.

YouTube's "proposition that they will only protect copyrighted content if there's a business deal in place is unacceptable," a spokesman for Viacom Inc. (VIAb.N: Quote <<http://today.reuters.co.uk/stocks/Quote.aspx?symbol=VIAb.N&WTmodLoc=NewsArt-C1-ArticlePage2>> , Profile <<http://today.reuters.co.uk/stocks/CompanyProfile.aspx?ticker=VIAb.N&WTmodLoc=NewsArt-C1-ArticlePage2>> , Research <<http://today.reuters.co.uk/stocks/ResearchReports.aspx>>

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ticker=VIAb.N&WTmodLoc=NewsArt-C1-ArticlePage2> ), owner of MTV Networks and Comedy Central, complained recently.

Schmidt said Google plans to make video anti-piracy tools generally available to copyright owners. "We have to do that," he said, but cautioned that, "It takes a while to roll this stuff out" on a wide basis.

Earlier this month, Viacom demanded YouTube remove more than 100,000 Viacom video clips from the site after the two sides failed to reach a distribution agreement.

In a prepared statement last week, YouTube said the process of identifying copyrighted material is not an automated process and required the cooperation of media company partners.

For instance, a clip of a TV show owned by one company might contain music produced by another, making the process of identifying ownership difficult.

"These matters are very complicated and we are working with our partners to identify and solve these problems," YouTube said in an e-mailed statement issued last week.