

Subject to Protective Order – HIGHLY CONFIDENTIAL
Includes RESTRICTED Attachment

Documents Produced by Defendants

2. The documents listed below in paragraphs 3 through 6 are true and correct copies of documents produced by Defendants in this action, and accordingly are marked by Defendants with a Bates number beginning with the prefix “GOO001-”.

3. Attached as Exhibit 1 is a true and correct copy of a document produced by Defendants marked with the Bates number GOO001-00932647.

4. Attached as Exhibit 2 is a true and correct copy of an email exchange produced by Defendants marked with the Bates number GOO001-01156431.

5. Attached as Exhibit 3 is a true and correct copy of an email exchange produced by Defendants marked with the Bates number range GOO001-02062883-89.

6. Attached as Exhibit 4 is a true and correct copy of an email exchange produced by Defendants marked with the Bates number range GOO001-06519634-38.

Instant Message Transcripts Produced by Defendants

7. Attached as Exhibit 5 is a true and correct copy of an instant message transcript produced by Defendants marked with the Bates number range GOO001-02703870-80. The transcript produced by Defendants is preceded by a readable version generated in the manner described in the Declaration of William M. Hohengarten, filed March 5, 2010, at ¶¶ 202-203.

Documents Produced by Viacom

8. The documents listed below in paragraphs 9 through 10 are true and correct copies of documents produced by Viacom in this action, and accordingly are marked with Bates numbers beginning with the prefix “VIA.”

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9. Attached as Exhibit 6 is a true and correct excerpt of a document produced by Viacom marked with the Bates number range VIA15483433-34. This document was introduced as Exhibit 11 at the deposition of Victoria Libin.

10. Attached as Exhibit 7 is a true and correct calendar entry produced by Viacom marked with the Bates number VIA16560177.

Documents Produced by Third Party Audible Magic

11. In response to a subpoena issued by Viacom in this action on April 16, 2008, third-party Audible Magic produced documents marked with Bates numbers beginning with the prefix “AM.”

12. Attached as Exhibit 8 is a true and correct copy of an email exchange produced by third party Audible Magic marked with the Bates number range AM001386-90, and true and correct copies of associated email attachments produced by Defendants marked with the Bates numbers AM001389 and AM001390. This email exchange was introduced as Exhibit 7 at the 30(b)(6) deposition of David King and as Exhibit 19 at the deposition of Vance Ikezoye.

Documents Produced by Third Party MPAA

13. In response to a subpoena issued by Viacom in this action on April 16, 2008, third party MPAA produced documents marked with Bates numbers beginning with the prefix “MPAA.”

14. Attached as Exhibit 9 is a true and correct copy of an email exchange produced by Defendants marked with the Bates number range MPAA012833-35. This email exchange was introduced as Exhibit 10 at the deposition of Dean Garfield.

Deposition Transcripts From This Action

15. Attached as Exhibit 10 are true and correct copies of excerpts from the transcript of the deposition of Dean Garfield taken on November 2, 2009.

16. Attached as Exhibit 11 are true and correct copies of excerpts from the transcript of the deposition of Lee L'Archevesque taken on February 18, 2010.

17. Attached as Exhibit 12 are true and correct copies of excerpts from the transcript of the deposition of Kent Walker taken on December 17, 2009.

Other Documents

18. Attached as Exhibit 13 is a true and correct copy of an email exchange between Kelly Klaus, counsel for the MPAA, and Bart Volkmer, counsel for Defendants, concerning the MPAA's Objections to Defendants' 30(b)(6) Deposition notice.

19. Attached as Exhibit 14 is a true and correct copy of a letter from Defendants to the Court regarding Steve Chen.

20. Attached as Exhibit 15 is a true and correct copy of a *New York Times* article dated February 3, 2007 titled "Viacom Tells YouTube: Hands Off," available at <http://www.nytimes.com/2007/02/03/technology/03tube.html>.

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I declare under penalty of perjury that the foregoing is true and correct. Executed this
4 day of June 2010, at Washington D.C.

A handwritten signature in black ink, appearing to read "Scott B. Wilkens", written over a horizontal line.

Scott B. Wilkens