

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

VIACOM INTERNATIONAL INC., ET AL.,)
)
Plaintiffs,) ECF Case
v.)
) Civil No. 07-CV-2103 (LLS)
YOUTUBE, INC., ET AL.,)
)
Defendants.)
)
THE FOOTBALL ASSOCIATION)
PREMIER LEAGUE LIMITED, ET AL., on)
behalf of themselves and all others similarly) ECF Case
situated,)
) Civil No. 07-CV-3582 (LLS)
Plaintiffs,)
v.)
)
YOUTUBE, INC., ET AL.,)
)
Defendants.)
)

**SUPPLEMENT TO
REPLY DECLARATION OF MICHAEL
RUBIN IN SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

Rubin Reply Exhibit 8

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,) CASE NO.
) 07-CIV-02103
vs.)
)
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,) CASE NO.
) 07-CV-3582
vs.)
)
YOUTUBE, INC., YOUTUBE, LLC, AND)
GOOGLE, INC.,)
)
)
DEFENDANTS.)
-----)

VIDEOTAPED DEPOSITION OF JOHN EDDOW

TAKEN THURSDAY, NOVEMBER 12, 2009
LOS ANGELES, CALIFORNIA

Job No. 18093

1 UNITED STATES DISTRICT COURT

2 FOR THE SOUTHERN DISTRICT OF NEW YORK

3

4 VIACOM INTERNATIONAL, INC., COMEDY)
5 PARTNERS, COUNTRY MUSIC TELEVISION,)
6 INC., PARAMOUNT PICTURES CORPORATION,)
7 AND BLACK ENTERTAINMENT TELEVISION,)
8 LLC,)
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VIACOM INTERNATIONAL, INC., COMEDY)
PARTNERS, COUNTRY MUSIC TELEVISION,)
INC., PARAMOUNT PICTURES CORPORATION,)
AND BLACK ENTERTAINMENT TELEVISION,)
LLC,)
PLAINTIFFS,) CASE NO.
vs.) 07-CV-2103

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,) CASE NO.
vs.) 07-CV-3582

YOUTUBE, INC., YOUTUBE, LLC, AND)
GOOGLE, INC.,)
)
DEFENDANTS.)
-----)
)

VIDEOTAPED DEPOSITION OF JOHN EDDOW, TAKEN ON
BEHALF OF THE DEFENDANTS, AT 9:31 A.M., THURSDAY,
NOVEMBER 12, 2009 20, 2009, AT 350 SOUTH GRAND AVENUE,
LOS ANGELES, CALIFORNIA, BEFORE AUDRA E. CRAMER,
CSR NO. 9901, PURSUANT TO SUBPOENA.

1 APPEARANCES OF COUNSEL

2

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24 (650) 565-3508
25 mrees@wsgr.com (202) 639-6072

24 ALSO PRESENT:

25 TOM CAVANAUGH, VIDEOGRAPHER

1 Leak, Kristy's Ass and then Gossip Girl 40 and then A
11:51
2 Shot of Love 2, Tila Tequila Leak, Lesbian Sandwich,
3 Gossip Girl 40.

4 A. Okay.

5 Q. Based on reviewing Exhibit 24, is it your 11:51
6 understanding that the -- first of all, that the
7 Gossip Girl 40 YouTube user name was created by
8 Fanscape?

9 A. I think that's a leap. We're using the
10 channel -- using the channel versus creating it is not 11:51
11 necessarily the same thing so -- right?

12 Q. Well, is it your understanding that YouTube
13 people are allowed to use channels that they didn't
14 create?

15 A. Yes. 11:52

16 Q. But you're not aware of any circumstances where
17 Fanscape did that, use channels that it didn't create,
18 are you?

19 A. No.

20 Q. And in fact, in Exhibit 26, My-lan Beauford 11:52
21 references e-mailing gossip blocks with the fake e-mail
22 address Gossip Girl 40. Does that indicate to you that
23 My-lan created the Gossip Girl 40 YouTube account?

24 A. Exhibit 26?

25 MR. TARKIAN: Do you know whether or not My-lan 11:52

1 created Gossip Girl 40?

11:53

2 THE WITNESS: Based on this, yes.

3 BY MS. REES:

4 Q. Were all of the four videos listed on

5 Exhibit 30 on the Gossip Girl 40 uploaded to YouTube by

11:53

6 Fanscape on behalf of MTV?

7 A. All four? Say your question again.

8 Q. The question was, were all four of the videos

9 listed on Exhibit 30 on the Gossip Girl Channel uploaded

10 to YouTube on behalf of MTV?

11:53

11 A. The only one I would question would be the
12 Perez Hilton freakout.

13 Q. Why would you question that?

14 A. I don't think that was provided by MTV. I
15 don't think Perez Hilton is an MTV property.

11:54

16 Q. Again, if you look back at Exhibit 26 in
17 My-lan's update for the Celebrity Wrap Superstar Show
18 she references -- the first bullet point is "Perez
19 Hilton threw a temper tantrum, and MTV wanted the world
20 to know about it. 'Leaked' video clip uploaded to ifilm
21 and YouTube."

11:54

22 A. Okay.

23 Q. So does that indicate to you that Perez Hilton
24 Freaking Out clip is one of the clips that My-lan is
25 referring to in Exhibit 26?

11:54

1 A. Yes. 11:54

2 Q. Back to the page with the Tila Tequila Poolside
3 Fight Scene, in the video kind of in the middle of the
4 screen shot of the video looks like a time code. Looks
5 like "01:18:18:03." 11:55

6 A. Yes.

7 Q. Do you know why those numbers were superimposed
8 on the video like that?

9 A. I don't know.

10 Q. Was including a time code in the video 11:55
11 something that MTV ever asked Fanscape to do?

12 A. I don't know.

13 MR. TARKIAN: May not be a time code. It's
14 four numbers.

15 BY MS. REES: 11:56

16 Q. As far as Fanscape goes, did MTV ever put time
17 codes in video footage in order to make it look as
18 though the video was unfinished and it was being leaked?

19 MR. WILKENS: Objection to the form.

20 THE WITNESS: Yeah, I don't know. 11:56

21 BY MS. REES:

22 Q. On the Gossip Girl 40 Channel, is there any
23 indication from looking at the printout that Gossip Girl
24 40 is a Fanscape account?

25 A. No. 11:56

1 Q. These two first videos are called or have 11:57
2 "Tila Tequila Leak" in the title, they are not really
3 leaks in the sense of being unauthorized. MTV provided
4 these videos to Fanscape with permission to upload them;
5 correct? 11:57

6 MR. TARKIAN: Objection to form.

7 THE WITNESS: Fanscape only uses videos that
8 they provided. We don't create videos, and we don't
9 manufacture videos.

10 BY MS. REES:

11:57

11 Q. And it certainly doesn't steal videos?

12 A. Yeah. Certainly doesn't steal videos.

13 MS. REES: Exhibit 31.

14 (Whereupon, Exhibit 31 was marked
15 for identification.) 11:58

16 THE WITNESS: Okay.

17 BY MS. REES:

18 Q. Can you identify Exhibit 31?

19 A. This is a copy of an e-mail.

20 Q. It's an e-mail string involving Christy Wise at 11:59
21 Fanscape, Jessica Nicola at MTV, and the last one is
22 forwarded to My-lan Beauford at Fanscape.

23 A. I don't see --

24 Q. At the very top.

25 A. Yes. Thank you. Getting tired already. 11:59

Rubin Reply Exhibit 9

GossipGirl40's Channel [Subscribe](#) All Uploads Favorites

TCR 01:01.19.27

0:04 / 0:43

Date Added | Most Viewed | Top Rated

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236,715 views - 1 year ago

 **Tila Tequila Leak... Kristy's Ass**
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 **Tila Tequila Poolside Fight Scene**
1,041,351 views - 2 years ago

 **More Perez Hilton Freaking Out**
16,921 views - 2 years ago

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Tila Tequila Leak... Lesbian Sandwich 245 ratings ★★★★★

From: GossipGirl40 | May 09, 2008 | 236,715 views

Footage from A Shot At Love 2.

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Channel Views: 13,042

Age: 29

Joined: September 14, 2007

Last Sign In: 2 weeks ago

Videos Watched: 12

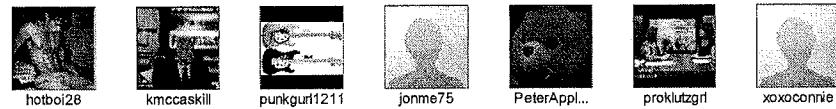
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Country: United States

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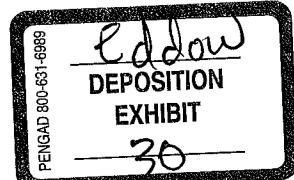
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Subscribers (126)



Channel Comments (35)

 ilovefoxywoman3000 (4 months ago)	Spam
hi beautiful my name is justin davis and i am 28 and will be 29 this june ,30,2009,tuesday << this is my 29th birthday i am 100% single white male from ABILENE,TEXAS and i have HUGE CRUSH on TILA TQUILA so much i invited her as my new friend i love her beautiful hot sexy body and her music videos and her shows	
 WatchMeSweetie (8 months ago)	Spam
=)	
 joanitoo (1 year ago)	Spam
eres la mas guapa del mundo	

 PENGAD 800-631-6868
Eddow
DEPOSITION
EXHIBIT
30
11/10/2009 12:07 PM

	Zelthie (1 year ago) How did you get these leaks of ASAL??	Spam
	coqueta47 (1 year ago) add me please.	Spam
	smallville4life (1 year ago) can u post more of a shot of love with Tila tquila	Spam
	Bacheegs (1 year ago) Subscribed to you...get more leaked videos like that of Kristy and Tila!	Spam
	fabipoo (1 year ago) Please look up Aclarion on youtube and comment on their videos. Aclarion is a new band and wants ur opinion on them. If u like them, they have a myspace. Much Love!	Spam
	ytbzb5 (2 years ago) want more subscribers? Google "YouTube Friend Bot!"	Spam
	emeigthy19 (2 years ago) Hello plz check out my channel which has some sick vids and PLZ subscribe, rate and comment =)	Spam

Add Comment**Post Comment**1 2 3 4 [Next](#)

Test94304

Subscriptions History

This video may not be suitable for minors.

Tila Tequila Leak... Kristy's Ass



0:02 / 1:16

294,238 views

189 ratings

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Text Comments (219) Options Post a Text Comment

HSMCRAZY22 (1 month ago) que trasero lo malo es que es lesbiana :S [Reply](#) | [Spam](#) 0

samsmith5354 (1 month ago) lol [Reply](#) | [Spam](#) 0

GunStreets (2 months ago) Very nice Whoooty [Reply](#) | [Spam](#) +1

andcor379 (2 months ago) es muy linda [Reply](#) | [Spam](#) 0

Pittyellow (4 months ago) nossa que bunda é essa?! rsrsrs! a Kristy é linda! é muito mais gata que a Tila mesmo.. [Reply](#) | [Spam](#) +2

malelagmg (4 months ago) q culoo [Reply](#) | [Spam](#) +1

vermuchosvideos (4 months ago) thats a juicy ass :D [Reply](#) | [Spam](#) +5

if7084 (1 week ago) thats why tila wanted to keep her [Reply](#) | [Spam](#) 0

So agree. I want that ass too you know. Shake it girl. Shake it like you mean it. I would for any guy if I were her.

Showing 10 of 219 comments [Show More Comments](#) [View All 219 comments](#)

GossipGirl40

May 09, 2008 (more info)

Footage from A Shot At Love 2.

URL <http://www.youtube.com/watch?v=UGFJpm--RW0>

Embed <object width="425" height="344"><param name="movie" value="http://www.youtube.com/watch?v=UGFJpm--RW0" /></object>

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Tila Tequila Leak... Lesbian Sandwich



TCR 01:01.27.23

0:11 / 0

245 ratings
236,715 views

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prlinCeziita1260 (1 week ago) Reply | Spam 0  

azuuuuuuuuuuu! Omg! Reply | Spam 0  

Incinerator09 (1 month ago) Reply | Spam 0  

thats hot ;p Reply | Spam +4  

jdubz369 (1 month ago) Reply | Spam +4  

i wanna know where all their hands are underneath the water!!!!!!!!!!!!!! Reply | Spam 0  

vedepuff (1 month ago) Reply | Spam 0  

just dreaming where Brit's hands are at the end! ;p Reply | Spam 0  

scifijunkie08 (2 months ago) Comment removed by author

gigliangel2002 (2 months ago) Reply | Spam +2  

oo por DIOs Reply | Spam 0  

itsonthetab (3 months ago) Reply | Spam 0  

Well. What about Dani? Reply | Spam 0  

IsisRising (3 months ago) Reply | Spam +3  

cos I dont have a dick.... hmm lol Reply | Spam 0  

DrDoobs420 (1 month ago) Reply | Spam 0  

Lol! Reply | Spam 0  

scrabblefan1169 (4 months ago) Reply | Spam +2  

did u c how sabrina was tryin 2 get in there Reply | Spam 0  

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1 of 2

11/10/2009 12:00 PM

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Tila Tequila Poolside Fight Scene



01:18:16:03

0:05 / 1:27

1,041,351 views

590 ratings

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jackssuprise (1 day ago) that black guys a bitc h...to loud! [Reply](#) [Spam](#) 0  

KCommiss (1 day ago) haha that black guy got owned [Reply](#) [Spam](#) 0  

hutcherson115 (3 days ago) i love tht itialn guy [Reply](#) [Spam](#) +1  

SpyPixel (1 week ago) xD they must love theirselves xD hugging time deluxe [Reply](#) [Spam](#) 0  

AdorkableQQ (1 week ago) Hugging competition <3 [Reply](#) [Spam](#) +1  

hueidesia08 (1 week ago) lmao [Reply](#) [Spam](#) 0  

w4rror94 (2 weeks ago) would have been awesome if they tackled each other into the pool! [Reply](#) [Spam](#) 0  

tntluvv (3 weeks ago) Pair of homos should have just punched on [Reply](#) [Spam](#) +2  

SerialKillerist (1 month ago) ahahaha two bitches [Reply](#) [Spam](#) +2  

xoxsimonexox93 (1 month ago) I love 0:41. [Reply](#) [Spam](#) 0  

GossipGirl40 October 15, 2007 (more info) [Subscribe](#)

A fight breaks out poolside on A Shot of Love with Tila Tequila. The episode airs tomorrow night.

URL <http://www.youtube.com/watch?v=PPB-aiJMTmI>

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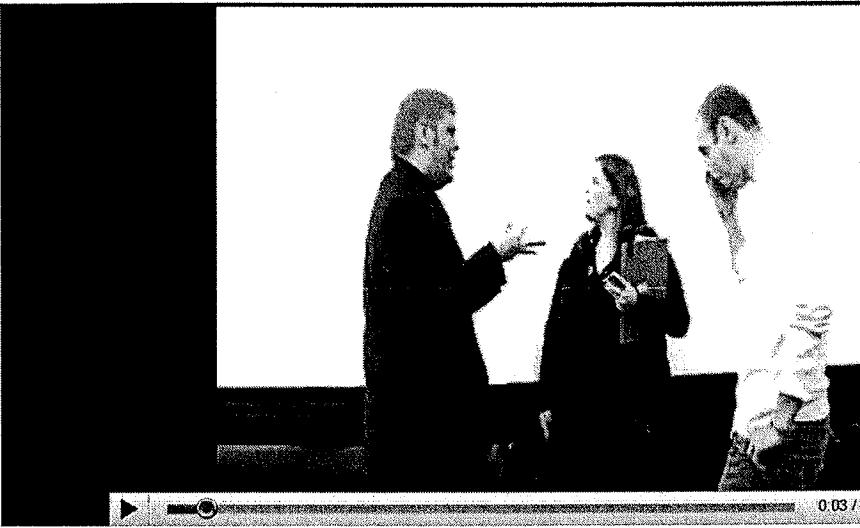
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phrekyazz (5 months ago)
Gawd he is so pathetic. No wonder he kisses Spencer Pratt's @ss, he could be mistaken for his brother in this clip.

jsbud333 (6 months ago)
i hope the next guy that drills this fag gives him a donkey punch

11bornm (10 months ago)
he is such a asshole
he thinks he is the shit but no one cares aabout him

anaxor137911 (1 year ago)
it's a joke idiots

Lukeacker (1 year ago)
HEY PEREZ

You want a dose of reality? Read these comments.

apizu (1 year ago)
he is wearing shorts

dacomedyshow (1 year ago)
wow he was being meaaaaaaaaan

AxelOrganizationVIII (1 year ago)
what show is this

bribee1324 (1 year ago)
hi i hate perez :D

myscooter (1 year ago)
i so agree yoo!!!!

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More footage from backstage of Perez Hilton yelling at show producers

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Rubin Reply Exhibit 10



Joanna Ging <jging@youtube.com>

Re: YouTube Account and Clip URL removed

#257649695 | 17 messages

"Joanna Ging" <jging@youtube.com> to "Marni Harris" <marnih@google.com>, "Copyright Service" <copyright@youtube.com> 3/27/2008 14:28

Cc: "Dickehut, Robb - Paramount" <Robb_Dickehut@paramount.com>, "Arneson, Latham - Paramount" <Latham_Arneson@paramount.com>, "Tiffany Bowers" <tbowers@google.com>

Subject: Re: YouTube Account and Clip URL removed

Thanks Marni!

Hi Copyright team, can you please look and see which videos under the account *http://www.youtube.com/profile_videos?user=tastefullymine* have been removed as indeed this is Paramount Picture's channel and they have the copyright to the video contents.

Please help, thanks!

"Arneson, Latham - Paramount" <Latham_Arneson@paramount.com> to "Joanna Ging" <jging@youtube.com>, "Marni Harris" <marnih@google.com>, "Copyright Service" <copyright@youtube.com> 3/28/2008 11:56

Cc: "Dickehut, Robb - Paramount" <Robb_Dickehut@paramount.com>, "Tiffany Bowers" <tbowers@google.com>

Subject: RE: YouTube Account and Clip URL removed

Hey all -

Any update here? We'd like to have up for this weekend. Also, assuming we figure out the issue, can we just reinstate the videos (views included) or will we have to re-upload the videos?

Thanks,

Latham

From: jging@google.com [mailto:jging@google.com] On Behalf Of Joanna Ging
Sent: Thursday, March 27, 2008 2:29 PM
To: Marni Harris; Copyright Service
Cc: Dickehut, Robb - Paramount; Arneson, Latham - Paramount; Tiffany Bowers
Subject: Re: YouTube Account and Clip URL removed

Thanks Marni!

Hi Copyright team, can you please look and see which videos under the account http://www.youtube.com/profile_videos?user=tastefullymine have been removed as indeed this is Paramount Picture's channel and they have the copyright to the video contents.

Please help, thanks!

"Joanna Ging" <jging@youtube.com> to "Arneson, Latham - Paramount"
<Latham_Arneson@paramount.com>

3/28/2008
13:01

Cc: "Marni Harris" <marnih@google.com>, "Copyright Service" <copyright@youtube.com>, "Dickehut, Robb - Paramount" <Robb_Dickehut@paramount.com>, "Tiffany Bowers" <tbowers@google.com>
Subject: Re: YouTube Account and Clip URL removed

Hi Latham,

Can we get an email confirmation from you stating that Paramount Pictures would like to retract the DMCA claims submitted on the videos below.

Once we get this, our copyright team will be able to reinstate the videos today.

Thanks!

On 3/28/08, Arneson, Latham - Paramount <Latham_Arneson@paramount.com> wrote:
>
> Hey all -
>
>
>
> Any update here? We'd like to have up for this weekend. Also, assuming
> we figure out the issue, can we just reinstate the videos (views included)
> or will we have to re-upload the videos?
>
>
>
> Thanks,
>
> Latham
>
>
>
>

>
> -----
> *From:* jging@google.com [mailto:jging@google.com] *On Behalf Of *Joanna
> Ging
> *Sent:* Thursday, March 27, 2008 2:29 PM
> *To:* Marni Harris; Copyright Service
> *Cc:* Dickehut, Robb - Paramount; Arneson, Latham - Paramount; Tiffany
> Bowers
> *Subject:* Re: YouTube Account and Clip URL removed
>
>
>
> Thanks Marni!
>
>
> Hi Copyright team, can you please look and see which videos under the
> account http://www.youtube.com/profile_videos?user=tastefullymine have
> been removed as indeed this is Paramount Picture's channel and they have the
> copyright to the video contents.
>
> Please help, thanks!
>
>
>
>
>

"Harry Smith" <hsmith@google.com> to "Copyright Service" <copyright@youtube.com> 3/28/2008 13:06
Subject: Re: [#257649695] YouTube Account and Clip URL removed

"Joanna Ging" <jging@youtube.com> to "Arneson, Latham - Paramount" 3/28/2008
<Latham_Arneson@paramount.com> 13:08

Cc: "Marni Harris" <marnih@google.com>, "Copyright Service" <copyright@youtube.com>, "Dickehut, Robb - Paramount" <Robb_Dickehut@paramount.com>, "Tiffany Bowers" <tbowers@google.com>
Subject: Re: YouTube Account and Clip URL removed

Hey Latham,

Here are the 7 videos and would like you to state that you would like to retract the DMCA claims submitted for these videos. Thanks!

<http://www.youtube.com/watch?v=aWt-fduKFmo>
<http://www.youtube.com/watch?v=SjKP6pT8eD>
<http://www.youtube.com/watch?v=xLUPs8zZ-mA>
<http://www.youtube.com/watch?v=t2x6N4qnGdM>
<http://www.youtube.com/watch?v=rig59Nf9qRw>
<http://www.youtube.com/watch?v=sxNuomEUGG0>
http://www.youtube.com/watch?v=AgGf_xso0HI

"Harry Smith" <hsmith@google.com> to "Copyright Service" <copyright@youtube.com> 3/28/2008 13:29

Subject: Re: [#257649695] YouTube Account and Clip URL removed

"Arneson, Latham - Paramount" <Latham_Arneson@Paramount.com> to "Joanna Ging"
<jging@youtube.com>

3/28/2008
14:02

Cc: "Marni Harris" <marnih@google.com>, "Copyright Service" <copyright@youtube.com>, "Dickehut, Robb - Paramount" <Robb_Dickehut@Paramount.com>, "Tiffany Bowers" <tbowers@google.com>

Subject: RE: YouTube Account and Clip URL removed

Hi Joanna -

I can confirm the account "Tastefullymine" has authorization to post all of the videos regarding Drillbit Taylor it has posted to date. And we will not issue takedown orders for these videos.

Quick question as well - once the videos are reinstated, will they retain their view count?

Thanks!

Latham

From: jging@google.com [mailto:jging@google.com] On Behalf Of Joanna Ging
Sent: Friday, March 28, 2008 1:01 PM
To: Arneson, Latham - Paramount
Cc: Marni Harris; Copyright Service; Dickehut, Robb - Paramount; Tiffany Bowers
Subject: Re: YouTube Account and Clip URL removed

Hi Latham,

Can we get an email confirmation from you stating that Paramount Pictures would like to retract the DMCA claims submitted on the videos below.

Once we get this, our copyright team will be able to reinstate the videos today.

Thanks!

"Copyright Service" <copyright@youtube.com> to "Arneson, Latham - Paramount"
<Latham_Arneson@Paramount.com>

3/28/2008
14:14

Cc: "Joanna Ging" <jging@youtube.com>
Subject: Re: [#257649695] YouTube Account and Clip URL removed

Dear Latham,

Thank you for your email. If you wish to retract the DMCA claims filed by Paramount Pictures Corp. against the material below. We require a statement of retraction of the DMCA claims and the URL links to the material claimed by Paramount Picture Corp. Once we receive this retraction we will be able to reinstate the material with all statistics intact. Thank you for your patience and understanding.

Material Claimed by Paramount Pictures Corp. from the Tastefullymine account.

<http://www.youtube.com/watch?v=aWt-fduKFmo>
<http://www.youtube.com/watch?v=SjKP6pT8eD>
<http://www.youtube.com/watch?v=xLUPs8zz-mA>
<http://www.youtube.com/watch?v=t2x6N4qnGdM>
<http://www.youtube.com/watch?v=rig59Nf9qRw>
<http://www.youtube.com/watch?v=sxNuomEUGG0>
http://www.youtube.com/watch?v=AgGf_xso0HI

Sincerely,

Harry
The YouTube Team

"Arneson, Latham - Paramount" <Latham_Arneson@Paramount.com> to "Copyright Service" <copyright@youtube.com>

3/28/2008
14:31

Cc: "Joanna Ging" <jging@youtube.com>
Subject: RE: [#257649695] YouTube Account and Clip URL removed

Hi -

Paramount would like to retract the DMCA claims on the following videos. Please reinstate them and notify us when this has been completed.

<http://www.youtube.com/watch?v=aWt-fduKFmo>
<http://www.youtube.com/watch?v=SjKP6pT8eD>
<http://www.youtube.com/watch?v=xLUPs8zz-mA>
<http://www.youtube.com/watch?v=t2x6N4qnGdM>
<http://www.youtube.com/watch?v=rig59Nf9qRw>
<http://www.youtube.com/watch?v=sxNuomEUGG0>
http://www.youtube.com/watch?v=AgGf_xso0HI

Thanks!
Latham

-----Original Message-----
From: Copyright Service [mailto:copyright@youtube.com]
Sent: Friday, March 28, 2008 2:15 PM
To: Arneson, Latham - Paramount
Cc: Joanna Ging
Subject: Re: [#257649695] YouTube Account and Clip URL removed

Dear Latham,

Thank you for your email. If you wish to retract the DMCA claims filed by Paramount Pictures Corp. against the material below. We require a statement of retraction of the DMCA claims and the URL links to the material claimed by Paramount Picture Corp. Once we receive this retraction we will be able to reinstate the material with all statistics intact. Thank you for your patience and understanding.

Material Claimed by Paramount Pictures Corp. from the Tastefullymine account.

<http://www.youtube.com/watch?v=aWt-fduKFmo>
<http://www.youtube.com/watch?v=SjKP6pT8eD>
<http://www.youtube.com/watch?v=xLUPs8zZ-mA>
<http://www.youtube.com/watch?v=t2x6N4qnGdM>
<http://www.youtube.com/watch?v=rig59Nf9qRw>
<http://www.youtube.com/watch?v=sxNuomEUGG0>
http://www.youtube.com/watch?v=AgGf_xso0HI

Sincerely,

Harry
The YouTube Team

"Copyright Service" <copyright@youtube.com> to tastefullymine@tempinbox.com

3/28/2008 14:43

Subject: Re: [C#257649695] DMCA Claims Retracted

Hi there,

Paramount Pictures Corp. has retracted its copyright claim with respect to the following videos:

<http://www.youtube.com/watch?v=aWt-fduKFmo>
<http://www.youtube.com/watch?v=SjKP6pT8eD>
<http://www.youtube.com/watch?v=xLUPs8zZ-mA>
<http://www.youtube.com/watch?v=t2x6N4qnGdM>
<http://www.youtube.com/watch?v=rig59Nf9qRw>
<http://www.youtube.com/watch?v=sxNuomEUGG0>
http://www.youtube.com/watch?v=AgGf_xso0HI

This content has been restored and your account will not be penalized. For technical reasons, it may take a day for the video to be available again.

Sincerely,

Harry
The YouTube Team

"Copyright Service" <copyright@youtube.com> to "Arneson, Latham - Paramount"
<Latham_Arneson@Paramount.com>

3/28/2008
14:44

Cc: "Joanna Ging" <jging@youtube.com>
Subject: Re: [#257649695] YouTube Account and Clip URL removed

Dear Latham,

Thank you for the retraction. The material has been reinstated.

Sincerely,

Harry
The YouTube Team

"Mail Delivery Subsystem" <MAILER-DAEMON@google.com> to bounce-
20-257649695@trakken.google.com

3/28/2008
14:48

Subject: Returned mail: see transcript for details

The original message was received at Fri, 28 Mar 2008 21:48:42 GMT
from zps19.corp.google.com [172.25.146.19]

----- The following addresses had permanent fatal errors -----
<tastefullymine@tempinbox.com>

----- Transcript of session follows -----
550 5.1.2 <tastefullymine@tempinbox.com>... Host unknown (Name server: dev.null.: host
not found)

From: "Copyright Service" <copyright@youtube.com>
To: tastefullymine@tempinbox.com
Date: Fri, 28 Mar 2008 21:43:06 -0000
Subject: Re: [C#257649695] DMCA Claims Retracted
Hi there,

Paramount Pictures Corp. has retracted its copyright claim with respect to
the following videos:

<http://www.youtube.com/watch?v=aWt-fduKFmo>
<http://www.youtube.com/watch?v=SjKP6pT8eD0>
<http://www.youtube.com/watch?v=xLUPs8zZ-mA>
<http://www.youtube.com/watch?v=t2x6N4qnGdM>
<http://www.youtube.com/watch?v=rig59Nf9qRw>
<http://www.youtube.com/watch?v=sxNuomEUGG0>
http://www.youtube.com/watch?v=AgGf_xso0HI

This content has been restored and your account will not be penalized.
For technical reasons, it may take a day for the video to be available
again.

Sincerely,

Harry
The YouTube Team

"Harry Smith" <hsmith@google.com> to "Copyright Service" <copyright@youtube.com> 3/28/2008 15:01

Subject: Re: [#257649695] YouTube Account and Clip URL removed

"Joanna Ging" <jging@youtube.com> to "Arneson, Latham - Paramount" 3/31/2008
<Latham_Arneson@paramount.com>, "Copyright Service" <copyright@youtube.com> 14:00

Cc: "Marni Harris" <marnih@google.com>, "Dickehut, Robb - Paramount" <Robb_Dickehut@paramount.com>,
"Warman, Bryan - Paramount" <Bryan_Warman@paramount.com>, "Lawson, Josh - Paramount"
<Josh_Lawson@paramount.com>

Subject: Re: [#257649695] YouTube Account and Clip URL removed

Hi Latham,

Sorry about this but let me ask Harry to look into this for you again.

Copyright/Harry - can you please help and reinstate the videos below?

Thanks!

On 3/31/08, Arneson, Latham - Paramount <Latham_Arneson@paramount.com> wrote:
>
> Hi Joanna/Marni -
>
>
>
> It seems two of our promoted Drillbit Taylor videos have been removed
> again. The specific URLs for these videos are:
>
>
>
> http://www.youtube.com/watch?v=AgGf_xso0HI - Punch Me Harder
>
>
>
> <http://www.youtube.com/watch?v=rig59Nf9qRw> - Teacher's Lounge
>
>
>
> Both of these videos were included in the URLs we sent along to Copyright
> Service. Is there something more we can do to make sure they do not get
> taken down?
>
>
>
> For reference, here is one of the promoted videos that is still live.
>
>
>
> <http://www.youtube.com/watch?v=sxNuomEUGG0> - Interviewing Bodyguards
>
>
>
> Thanks,
>
> Latham
> -----
>
> *From:* Arneson, Latham - Paramount
> *Sent:* Friday, March 28, 2008 4:27 PM
> *To:* 'Joanna Ging'
> *Cc:* Dickehut, Robb - Paramount; Warman, Bryan - Paramount; Marni Harris;
> Lawson, Josh - Paramount
> *Subject:* RE: [#257649695] YouTube Account and Clip URL removed
>
>
>
> Thanks Joanna.
>
>
> -----
>
> *From:* jging@google.com [mailto:jging@google.com] *On Behalf Of *Joanna
> Ging
> *Sent:* Friday, March 28, 2008 4:26 PM
> *To:* Arneson, Latham - Paramount
> *Cc:* Dickehut, Robb - Paramount; Warman, Bryan - Paramount; Marni Harris;
> Lawson, Josh - Paramount
> *Subject:* Re: [#257649695] YouTube Account and Clip URL removed

>
>
>
> Hi Latham,
>
>
>
> I'm not too familiar with the process you can take to prevent this from
> happening in the future but let me find out from our copyright team to see
> what you need to do :)
>
>
>
> Stay tuned...thanks!
>
>
>
> On 3/28/08, *Arneson, Latham - Paramount* <Latham_Arneson@paramount.com>
> wrote:
>
> Hi Joanna -
>
> Thanks for the help on this; the videos are all live again.
>
> I was also hoping you could let us know how we can avoid situations like
> these in the future? I think we assumed on our side that since we were
> promoting the videos the account would be "white listed" or the videos
> tagged not to be removed. Is there some process we need to go through in
> the future before we launch our videos?
>
> Thanks,
> Latham
>
> -----Original Message-----
> From: Copyright Service [mailto:copyright@youtube.com]
> Sent: Friday, March 28, 2008 2:44 PM
> To: Arneson, Latham - Paramount
> Cc: Joanna Ging
> Subject: Re: [#257649695] YouTube Account and Clip URL removed
>
> Dear Latham,
>
>
> Thank you for the retraction. The material has been reinstated.
>
>
> Sincerely,
>
> Harry
> The YouTube Team
>
>

"Copyright Service" <copyright@youtube.com> to "Arneson, Latham - Paramount"
<Latham_Arneson@paramount.com>, "Dickehut, Robb - Paramount"
<Robb_Dickehut@paramount.com>, "Warman, Bryan - Paramount"
<Bryan_Warman@paramount.com>, "Lawson, Josh - Paramount"
<Josh_Lawson@paramount.com>

3/31/2008

14.47

Cc: jging@google.com, "Marni Harris" <marnih@google.com>
Subject: Re: [#257649695] YouTube Account and Clip URL removed

Dear Latham,

The url links listed below were claimed by a third party agent, BayTSP, working on behalf of Paramount Pictures Corp. BayTSP can be contacted at copyright-compliance@baytsp.com They may have an approved listed that your account can be added to avoid re-claiming this material again. If you would like the material below reinstated please forward a statement retracting the DMCA claims against the material. Thank you for your patience and understanding.

<http://www.youtube.com/watch?v=SjKP6pT8eD0>
http://www.youtube.com/watch?v=AgGf_xs0HI
<http://www.youtube.com/watch?v=rig59Nf9qRw>
<http://www.youtube.com/watch?v=t2x6N4qnGdM>
<http://www.youtube.com/watch?v=xLUPs8zZ-mA>

Sincerely,

Harry
The YouTube Team

"Arneson, Latham - Paramount" <Latham_Arneson@Paramount.com> to "Copyright Service" 3/31/2008
<copyright@youtube.com>, "Dickehut, Robb - Paramount" 17:04
<Robb_Dickehut@Paramount.com>, "Warman, Bryan - Paramount"
<Bryan_Warman@Paramount.com>, "Lawson, Josh - Paramount"
<Josh_Lawson@Paramount.com>

Cc: jging@google.com, "Marni Harris" <marnih@google.com>
Subject: RE: [#257649695] YouTube Account and Clip URL removed

Hello Harry -

I contacted our people at BayTSP regarding these videos so hopefully they will no longer make claims against them.

Is it possible for me to state now that we retract any DMCA claims against the material below (the URLs) and ask that you reinstate the videos in question?

Pleas let me know if there is anything more we need to do.

Thanks,
Latham

-----Original Message-----

From: Copyright Service [mailto:copyright@youtube.com]
Sent: Monday, March 31, 2008 2:47 PM
To: Arneson, Latham - Paramount; Dickehut, Robb - Paramount; Warman, Bryan - Paramount;
Lawson, Josh - Paramount
Cc: jging@google.com; Marni Harris
Subject: Re: [#257649695] YouTube Account and Clip URL removed

Dear Latham,

The url links listed below were claimed by a third party agent, BayTSP, working on behalf of Paramount Pictures Corp. BayTSP can be contacted at copyright-compliance@baytsp.com They may have an approved listed that your account can be added to avoid re-claiming this material again. If you would like the material below reinstated please forward a

statement retracting the DMCA claims against the material. Thank you for your patience and understanding.

<http://www.youtube.com/watch?v=SjKP6pT8eD0>
http://www.youtube.com/watch?v=AgGf_xso0HI
<http://www.youtube.com/watch?v=rig59Nf9qRw>
<http://www.youtube.com/watch?v=t2x6N4qnGdM>
<http://www.youtube.com/watch?v=xLUPs8zZ-mA>

Sincerely,

Harry
The YouTube Team

"Copyright Service" <copyright@youtube.com> to "Arneson, Latham - Paramount"
<Latham_Arneson@Paramount.com>

3/31/2008
19:41

Cc: "Dickehut, Robb - Paramount" <Robb_Dickehut@Paramount.com>, "Warman, Bryan - Paramount"
<Bryan_Warman@Paramount.com>, "Lawson, Josh - Paramount" <Josh_Lawson@Paramount.com>,
jging@google.com, "Marni Harris" <marnih@google.com>
Subject: Re: [#257649695] YouTube Account and Clip URL removed

Dear Latham,

Thank you for the retraction. The material has been reinstated. For technical reasons, it may take a day for the video to be available again.

Sincerely,

Harry
The YouTube Team

Rubin Reply Exhibit 11

Video ID	t2x6N4qnGdM
Video Title	DRILLBIT TAYLOR - Emmit
Length (Seconds)	53
Date Video Uploaded	3/17/2008
YouTube Account Username	tastefullymine
Date YouTube Account Created	5/23/2007
Signup Email	tastefullymine@tempinbox.com
Signup IP	171.64.128.220

Video ID	xLUPs8zZ-mA
Video Title	DRILLBIT TAYLOR - Ryan
Length (Seconds)	47
Date Video Uploaded	3/17/2008
YouTube Account Username	tastefullymine
Date YouTube Account Created	5/23/2007
Signup Email	tastefullymine@tempinbox.com
Signup IP	171.64.128.220

Rubin Reply Exhibit 12

From: "Worsnup, Mickey - Paramount" <Mickey_Worsnup@Paramount.com>
Date: Thu, 21 Jun 2007 16:32:29 -0700
To: "Powell, Amy - Paramount" <[REDACTED]>, "Teifeld,
Tamar - Paramount" <Tamar_Teifeld@Paramount.com>, "Chiang, Cat
- Paramount" <Cat_Chiang@Paramount.com>, "Tipton, Kristina -
Paramount" <Kristina_Tipton@Paramount.com>
Subject: Re: Transformers

These are all legit. The first one is from someone just compiled all our TV spots and trailers and made their own music video....its actually good, we should turn a blind eye.

I think KT said the rest of them are just EPK clips.

On 6/21/07 4:21 PM, "Powell, Amy - Paramount" [REDACTED] wrote:

----- Original Message -----

From: Courtney Nieman <courtneyni@baytsp.com>
To: Perry, Alfred - Paramount; Powell, Amy - Paramount
Cc: Mark M. Ishikawa <marki@baytsp.com>; Evelyn Espinosa <evelyn@baytsp.com>; Warren Kim
<warrenk@baytsp.com>
Sent: Thu Jun 21 16:19:47 2007
Subject: FW: Transformers

We found these just a short time ago. I have asked Blair to send take down notices on them. They don't look like teasers or trailers. Many scenes I haven't picked up on before. Let me know if you want me to stop the take down notices.

Courtney Nieman

From: Blair Taylor
Sent: Thursday, June 21, 2007 4:10 PM
To: Warren Kim; Courtney Nieman
Subject: Transformers

yugiohtcgcollector02

<http://www.youtube.com/watch?v=5G8Tcms6xQk>
<http://www.youtube.com/watch?v=3v1NUJze4nI>
<http://www.youtube.com/watch?v=rSVdjKXmVDo>
<http://www.youtube.com/watch?v=VG3OjK41Q8E>
<http://www.youtube.com/watch?v=fyCNSWALU6k>
<http://www.youtube.com/watch?v=wZREL0QN-HQ>
http://www.youtube.com/watch?v=wxxnlc5K_g
<http://www.youtube.com/watch?v=RDPGh6hsW0g>
http://www.youtube.com/watch?v=Esyyx1i1_nQ

This user has all the above clips on YouTube. To me they do not appear to be parts of the trailer.
Please advise~

Thanks

b

.....
Blair Taylor

Client Services Support

BayTSP, Inc

blairt@baytsp.com

408.341.2300

.....

The information contained in this email message may be confidential and is intended only for the parties to whom it is addressed. If you are not the intended recipient or an agent of same, please notify us of the mistake by telephone or email and delete the message from your system. Please do not copy the message or distribute it to anyone.

Rubin Reply Exhibit 13

Subject: Fw: Fw: MI:3
From: "Alfred Perry" <>
To: Scott Martin
Cc: Date: Wed, 19 Apr 2006 23:47:28 +0000

Thankfully part of our Internet marketing campaign.

Sent from my BlackBerry wireless handheld

From: Alfred Perry
Sent: 04/19/2006 04:46 PM
To: Bryan Warman
Cc: Amy Powell
Subject: Re: Fw: MI:3

Thanks to all....we hoped as much.

Sent from my BlackBerry wireless handheld

From: Bryan Warman
Sent: 04/19/2006 04:45 PM
To: Alfred Perry
Cc: Amy Powell
Subject: Re: Fw: MI:3

Alfred, Dan & Joe,

None of the below scenes mistakenly listed as "leaked" in this article were leaked at all, they were all brought online this week as part of normal online publicity before the release of the film.

These 2 clips plus 7 others are all online on numerous websites including the official site at MissionImpossible.com

Hope this helps clear up any confusion...

Please feel free to let Amy Powell or myself know if there are any other questions or concerns about these or any other clips online.

Bryan Warman
Creative Director
Motion Picture Interactive Marketing
Paramount Pictures
5555 Melrose Avenue - Marathon, 3204
Hollywood, CA 90038
P: 323.956.8273 | F: 323.862.1167

----- Replied by Bryan Warman on 4/19/2006 4:41:50 PM

From: Alfred Perry
Sent: 04/19/2006 04:37 PM
To: Amy Powell
Subject: Fw: MI:3

----- Forwarded by Alfred Perry/PHE/MP/Paramount_Pictures on 04/19/2006 04:36 PM -----

From: Alfred Perry

04/19/2006 04:32 PM

To: Scott Martin

cc:

Subject: Fw: MI:3

FYI I will see if Amy Powell knows any thing about these scenes.

Sent from my BlackBerry wireless handheld

From: Joe Ruvalcaba
Sent: 04/19/2006 04:27 PM
To: Alfred Perry
Subject: Fw: MI:3

I just spoke with Dan Seymour and Brad Borchard from the MPA re. MI:3 scenes found on YouTube.com. [REDACTED]

The 3 clips I found on the site are:

1. Mission Impossible 3: I've Got a Signal
2. Mission Impossible 3: Are You In
3. MI:3 Trailer

Also noting that an article was posted today on the FOX NEWS website indicating scenes have hit the internet.

Here's a cut and paste of the article:

'Mission: Impossible' Scenes Hit Internet

Tom Cruise's baby was not the only birth in his life over the past 24 hours. Today, scenes from his upcoming thriller, "Mission: Impossible 3," are being leaked to the Internet.

In the last day or so, two scenes have made it onto youtube.com. They aren't trailers. These are scenes. One of them is called "I've Got a Signal" and the other is "Are You In?"

Both scenes are a minute long. The first one is an action sequence with Ving Rhames and Jonathan Rhys-Myers. You can't really judge it, but it's very colorful chase that ends with a big explosion. The sound is good enough that the clip will definitely whet appetites for more.

The second scene, however, is less exciting. It's Tom delivering an impassioned speech to Rhames and Rhys-Myers in front of a clear planning board. Honestly, it looks a little like an outtake from "Minority Report."

But at least there's a funny little spoiler: it seems that Philip Seymour Hoffman's villain is named Oscar Davian, a tribute to his longtime manager and friend Davien Littlefield. The character is referred to in the movie by his last name, so there's a lot of talk about "Davian." It's a nice inside joke.

It's hard to say whether Paramount has authorized these clips as a way of stoking interest in the \$200 million film (that includes promotion), or if some snarky person in the production office is behind the leaks.

And if there are two today, are more coming? The answer is probably yes. Paramount's mission, if they choose to accept it, may be to stem the tide in coming days.

The clips can be found on youtube simply by typing in Cruise's name or the name of the movie in the search engine.

But be warned: you will also find several parodies of the film and of Cruise himself regarding Katie Holmes and Scientology. They are almost more fun to watch than the clips.

----- Forwarded by Joe Ruvalcaba/PHE/MP/Paramount_Pictures on 04/19/2006 04:16 PM -----

From:<Dan_Seymour@mpaa.org>
04/19/2006 04:14 PM
To: <Joe_Ruvalcaba@paramount.com>
cc:
Subject: FW: MI:3

Daniel Seymour
Internet Investigations Manager
Worldwide Internet Enforcement
Motion Picture Association of America
818.995.6600

From: Borchard, Brad
Sent: Wednesday, April 19, 2006 3:43 PM
To: Seymour, Dan; Bergstrom, Peter; Winter, Craig; Yang, Jason; Huang, Eddie; Gischner, Michael
Subject: MI:3
Importance: High

Saw that two scenes have been leaked onto YouTube.com. Anyway we can confirm that this is the studio doing this to create buzz or do we have a serious leak that we need to start tracking on?

<http://www.foxnews.com/story/0,2933,192331,00.html>

Brad

Powered by CardScan

Rubin Reply Exhibit 14

Certain Accounts Used by Viacom's Third Party Agents

<i>Account Name</i>	<i>Videos Uploaded</i>	<i>Evidence Showing Connection to Viacom</i>
BrienTA	231	Ostrow Opening Dec. ¶2-6; Rubin Reply Ex. 15
broadwayjoe415	5	Rubin Opening Ex. 87 (Response to RFA 32, 33); Rubin Reply Exs. 16-19
fanscapemtv	18	Schapiro Opp. Ex. 417; Rubin Opening Ex. 31, 116
fanscapevideos	1142	Schapiro Opp. Ex. 417; Rubin Opening Exs. 31, 87 (Response to RFA 67); Rubin Reply Exs. 20-25
fanscapevideos4u	38	Schapiro Opp. Ex. 417; Rubin Opening Exs. 31, 116; Rubin Reply Ex. 26
GossipGirl40	7	Rubin Opening Exs. 31, 66 (Response to RFA 66), 107
isitfridayyet	30	Rubin Opening Exs. 86, 87 (Response to RFA 64); Rubin Reply Ex. 27, 28
mtvfanscape	15	Schapiro Opp. Ex. 417; Rubin Reply Ex. 29; Rubin Opening Ex. 116
OfficialReno911	20	Rubin Reply Exs. 30, 31
parkmyvibe	3	Rubin Opening Exs. 87 (Response to RFA 36), 96; Rubin Reply Ex. 16
Snackboard	26	Rubin Reply Ex. 33; Rubin Opening Ex. 87 (Response to RFA 65)
Tesderiw	5	Rubin Opening Exs. 46-48
thatisalsofunny	7	Rubin Opening Exs. 87 (Response to RFA 30), 115; Rubin Reply Exs. 7, 18, 34
thatsfunny	158	Rubin Opening Ex. 87 (Response to RFA 29), 115; Rubin Reply Ex. 35

<i>Account Name</i>	<i>Videos Uploaded</i>	<i>Evidence Showing Connection to Viacom</i>
TNAwrestling	3518	Rubin Opening Ex. 87 (Response to RFA 99); Rubin Reply Exs. 60, 61
waytblue	109	Rubin Opening Ex. 87 (Response to RFA 85); Rubin Reply Ex. 36
waytobluelfrance	66	Schapiro Opp. Ex. 417; Rubin Opening Ex. 87 (Response to RFA 88)
Wiredset	556	Schapiro Opp. Ex. 417; Rubin Opening Ex. 87 (Response to RFA 63); Rubin Reply Exs. 28, 37
Total Videos Uploaded	5,954	

Rubin Reply Exhibit 15

To: "jbyrne@youtube.com" <jbyrne@youtube.com>
From: "Justin" [REDACTED]
Cc: "Michelle Fleishman" [REDACTED]
Bcc:
Received Date: 2007-02-16 17:41:27 GMT
Subject: Hi Jamie

I work for Total Assault, a music marketing company. We were hired by Warner Bros Records to promote "Jamie Kennedy - Blowin' Up".

We upload videos to many, many video sites including YouTube on a regular basis to promote different artists from various major labels. In this case, we uploaded clips for 'Blowin Up' in July of 2006. The clips were from MTV/Viacom. At that time, Warner Bros gave us the clips and full rights to distribute. This was before the recent decision from MTV that videos were no longer to be available on YouTube.

Since that decision, NO videos have been uploaded that compromise that policy, hence no intentional infringement. This is an old video, put up BEFORE that policy was instituted, and that is the reason it was overlooked and not taken down. It is a mistake of circumstance, not malicious intent.

Please let me know what I need to do to re-instate my account and videos (minus Jamie Kennedy, of course), or at least re-use my user name (for people who use that as name recognition). We have tons of subscribers and CLIENTS that depend on us to promote their artists. YouTube is one of the best and it could greatly hinder the online success our clients expect for their artists. This could also negatively reflect on YouTube, as we deal with Universal Records, Warner Bros Records, Hollywood Records, Island/Def Jam Records, Virgin/EMI Records, Sony Records and more on a regular basis.

Please contact me at Justin@totalassault.com to assist me further in solving this matter. Thank you in advance for your prompt attention.

Justin Andera

Total Assault

Oh yeah.

Username: brienta

Pword [REDACTED]

Email linked to account [REDACTED]
