

# **Rubin Reply Exhibit 178**

_____	)	
VIACOM INTERNATIONAL INC.,	)	
COMEDY PARTNERS,	)	
COUNTRY MUSIC TELEVISION, INC.,	)	
PARAMOUNT PICTURES	)	Case No. 1:07-CV-2103-LLS
COPRORATION,	)	(Related Case No. 1:07-cv-03582 (LLS))
and BLACK ENTERTAINMENT	)	
TELEVISION LLC,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
YOUTUBE, INC., YOUTUBE, LLC, and	)	
GOOGLE INC.,	)	
	)	
Defendants.	)	
_____	)	

**PLAINTIFFS’ OBJECTIONS AND RESPONSES TO YOUTUBE’S THIRD SET OF INTERROGATORIES TO VIACOM INTERNATIONAL, INC. ET AL.**

Plaintiffs Viacom International Inc., Comedy Partners, Country Music Television, Inc., Paramount Pictures Corporation, and Black Entertainment Television, LLC, by their attorneys Jenner & Block LLP and Shearman & Sterling LLP, hereby object to and respond to YouTube’s Third Set of Interrogatories to Viacom International, Inc. (Defendants’ Third Set of Interrogatories) as follows:

**GENERAL OBJECTIONS**

Plaintiffs make the following objections to specific Interrogatories by, among other things, incorporating by reference the following general objections (“General Objections”):

1. Plaintiffs object to the Third Set of Interrogatories in their entirety as exceeding the scope permissible under Local Rule 33.3(b), which states that interrogatories other than those seeking names of witnesses with relevant knowledge or information only if ordered by the court or if interrogatories are “a more practical method of obtaining the information sought than a request for production or a deposition.” Defendants’ interrogatory requests are unduly burdensome and duplicative of their document requests.
2. Plaintiffs object to the Third Set of Interrogatories in their entirety as exceeding, with subparts, the limit of twenty-five Interrogatories under the Court’s Scheduling Order entered on August 9, 2007. Plaintiffs have already identified over 60,000 video clips that infringe its copyrights. Interrogatories 14, 15, 16, 17, 18, 19, 20, and 21 purport to request specific information about each of those thousands of infringing clips on a clip-by-clip basis; Interrogatory 25 seeks detailed information about each of Defendants’ 213 Requests for Admission. Defendants’ interrogatories thus impermissibly exceed the twenty-five interrogatory limit.
3. Plaintiffs object to Defendants’ definition of “Viacom,” which includes entities listed in Paragraph 3 of the Definitions. Paragraph 3 makes up a voluminous, globe-spanning listing of Plaintiffs’ partners, affiliates, and subsidiaries. Defendants’ inclusion of these entities is vexatious and improper. Plaintiffs further object to Defendants’ definition of “Viacom” to the extent that it includes Plaintiffs’ outside counsel, because searching for responsive information in the possession of Plaintiffs’ outside counsel would be unduly burdensome.

Plaintiffs further object to Defendants’ inclusion of Viacom’s “agents,” “representatives,” “any other person acting or purporting to act on [Viacom’s] behalf,” or

“any other person otherwise subject to its control” in their definition of Viacom because those terms and/or phrases are overbroad and vague.

4. Plaintiffs object to Defendants’ Third Set of Interrogatories to the extent that they seek to impose on Plaintiffs obligations or requirements beyond those imposed by the Federal Rules of Civil Procedure or the Local Rules of the Southern District of New York.

5. Plaintiffs object to Defendants’ Third Set of Interrogatories to the extent that they seek information or request documents that are known to Defendants, are a matter of public record, or otherwise publicly available.

6. In objecting to Defendants’ Third Set of Interrogatories, Plaintiffs do not in any way waive or intend to waive but, rather, intend to preserve and are preserving:

- a. all objections as to competency, relevancy, materiality, privilege and admissibility of evidence for any purpose of any information or document, or the subject matter thereof, in the trial of this or any other action or subsequent proceedings;
- b. the right to object to the use of any information or document, or the subject matter thereof, in the trial of this or any other action or subsequent proceedings;
- c. the right to elicit appropriate evidence, beyond the responses themselves, regarding the subjects referred to in or in response to any request;
- d. the right to preserve the confidential or proprietary nature of any information or document, or the subject matter thereof, by mutual agreement or otherwise, as a condition of production; *and*
- e. the right at any time to correct, supplement, or clarify any of the objections.

7. Plaintiffs' objections to Defendants' Third Set of Interrogatories shall not constitute an admission of any statement or conclusion implied in any of Defendants' Interrogatories.

### **RESPONSES AND OBJECTIONS TO SPECIFIC INTERROGATORIES**

Subject to and without waiving any of the foregoing General Objections, which apply to each Interrogatory as if set forth fully below, Plaintiffs make the following specific responses and objections:

#### **INTERROGATORY NO. 11:**

**For each instance in which You contend that Viacom requested access to use a YouTube Copyright Protection Service, but was denied such access, identify the Viacom entity that requested access, the date of the request, the name(s) of the specific YouTube Copyright Protection Service for which access was requested, and the production number (Bates number) of each document reflecting or evidencing the request and denial.**

#### **Response and Objections to Interrogatory No. 11:**

Plaintiffs incorporate the foregoing General Objections, and object further that this Interrogatory exceeds the scope permissible under Local Rule 33.3(b) because it is not "a more practical method of obtaining the information sought than a request for production or a deposition." Plaintiffs also object that this Interrogatory is overbroad, oppressive, harassing and unduly burdensome to the extent it seeks highly detailed information. Further, Plaintiffs object that this Interrogatory is premature and inconsistent with the Scheduling Order governing this case to the extent that it seeks information that will be identified at a later stage of the litigation and that is properly

subject to disclosure only when expert reports are exchanged or when a pretrial order is entered. In addition, Plaintiffs object that this Interrogatory because it seeks information produced in discovery. Such information is already equally and fully accessible to Defendants — indeed, Defendants should know when they denied Viacom access to YouTube Copyright Protection Services without having to ask Viacom — and it is unduly burdensome to require Plaintiffs to review documents and information to identify particular information for Defendants.

Subject to and without waiver of these general and specific objections, Plaintiffs provide the following examples of instances where Defendants denied Viacom access to YouTube Copyright Protection Services. Although these examples are not necessarily an exhaustive list of every instance in which Viacom requested but was denied access to a YouTube Copyright Protection Service, they illustrate the point.

On February 2, 2007, Viacom General Counsel Michael D. Fricklas sent a letter to David Drummond and Kent Walker requesting that Defendants take a number of measures to prevent rampant copyright infringement on the site and specifically stated that Viacom was “interested in working with [Defendants]” as Defendants began to use Audible Magic. (VIA01475465–VIA01475476.) On February 16, 2007, Mr. Walker refused on behalf of Defendants to allow the use of Audible Magic to protect Viacom’s copyrights (VIA01974134–VIA01974136).

In addition, Dean Garfield testified that YouTube generally refused to provide its copyright protection services to companies without partnership agreements: “[I]t became clear that Google/YouTube was willing to filter for those who had a licensing

relationship with Google/YouTube and not for those who did not.” (D. Garfield Tr. Nov. 2, 2009 at 55:10-13.)

**INTERROGATORY NO. 12:**

**Describe each policy adopted by a Viacom UGC Site addressing termination of the accounts of users who are “repeat infringers” (as that phrase is used in 17 U.S.C. § 512(i)), identifying in the description the Viacom UGC Site that adopted the policy, the dates during which the policy was in effect, and the number of users terminated pursuant to the policy.**

**Response and Objections to Interrogatory No. 12:**

Plaintiffs incorporate the foregoing General Objections, and object further that this Interrogatory exceeds the scope permissible under Local Rule 33.3(b) because it is not “a more practical method of obtaining the information sought than a request for production or a deposition.” Plaintiffs also object that this Interrogatory is overbroad, oppressive, harassing and unduly burdensome to the extent it seeks highly detailed information. In addition, Plaintiffs object that this Interrogatory because it seeks information contained in documents produced in discovery. Such information is already equally and fully accessible to Defendants, and it is unduly burdensome to require Plaintiffs to review the documents to identify particular information for Defendants.

Subject to and without waiver of these general and specific objections, Plaintiffs respond as follows: Plaintiffs have produced numerous Terms of Use documents in discovery. *See* Attachment A, Documents Responsive to Interrogatory 12. Those documents contain information responsive to this Interrogatory.

**INTERROGATORY NO. 13:**

**If You still contend, as alleged, that “YouTube prevents copyright owners from finding on the YouTube site all of the infringing works from which YouTube profits,” identify each fact, each document, and each portion of a witness’ testimony that supports this contention.**

**Response and Objections to Interrogatory No. 13:**

Plaintiffs incorporate the foregoing General Objections, and object further that this Interrogatory is improper, overly broad, unduly burdensome, unreasonably cumulative, abusive, and exceeds the scope of permissible discovery under Local Civil Rule 33.3 and Federal Rules of Civil Procedure 26 and 33. In particular, an interrogatory that seeks identification of each fact supporting a contention is improper, abusive and goes beyond the scope permitted by the Rules. It is oppressive, harassing and unduly burdensome to ask Plaintiffs to parse the millions of documents and hundreds of depositions in this case to specify each fact, each document and each piece of testimony supporting Plaintiffs’ claims, especially where that information is equally available to Defendants. Further, Plaintiffs object that this Interrogatory is premature and inconsistent with the Scheduling Order governing this case to the extent that it seeks information that will be identified at a later stage of the litigation and that is properly subject to disclosure only when expert reports are exchanged or when a pretrial order is entered. In addition, Plaintiffs object that this Interrogatory attempts to elicit trial or litigation strategy or information otherwise protected by the attorney work product doctrine. Subject to and without waiver of these general and specific objections, Plaintiffs respond as follows: numerous documents produced by the parties in this action,



numerous facts contained therein, and numerous pieces of testimony elicited during discovery support the quoted contention, and all of this evidence is already equally and fully accessible to Defendants. Based on the foregoing objections, no further response is required.

**INTERROGATORY NO. 14:**

**If You assert a claim of copyright infringement for any Accused Clip, that you contend does not arise “by reason of the storage at the direction of a user” (as that phrase is used in 17 U.S.C. § 512(c)), identify separately for each such Accused Clip each fact, each document, and each portion of a witness’ testimony that supports this contention.**

**Response and Objections to Interrogatory No. 14:**

Plaintiffs incorporate the foregoing General Objections, and object further that this Interrogatory is improper, overly broad, unduly burdensome, unreasonably cumulative, abusive, and exceeds the scope of permissible discovery under Local Civil Rule 33.3 and Federal Rules of Civil Procedure 26 and 33. In particular, an interrogatory that seeks identification of each fact supporting a contention is improper, abusive and goes beyond the scope permitted by the Rules. It is oppressive, harassing and unduly burdensome to ask Plaintiffs to parse the millions of documents and hundreds of depositions in this case to specify each fact, each document and each piece of testimony supporting Plaintiffs’ claims, especially where that information is equally available to Defendants. Further, Plaintiffs object that this Interrogatory is premature and inconsistent with the Scheduling Order governing this case to the extent that it seeks information that will be identified at a later stage of the litigation and that is properly

subject to disclosure only when expert reports are exchanged or when a pretrial order is entered. In addition, Plaintiffs object that this Interrogatory attempts to elicit trial or litigation strategy or information otherwise protected by the attorney work product doctrine. Finally, Plaintiffs object to this Interrogatory as complex and compound and as exceeding the limit of 25 Interrogatories under the Court's Scheduling Order in that it seeks separate and detailed information about each of the over 60,000 Accused Clips and thereby effectively seeks thousands of separate responses. Subject to and without waiver of these general and specific objections, Plaintiffs respond as follows: numerous documents produced by the parties in this action, numerous facts contained therein, and numerous pieces of testimony elicited during discovery support the quoted contention, and all of this evidence is already equally and fully accessible to Defendants. Based on the foregoing objections, no further response is required.

**INTERROGATORY NO. 15:**

**For each Accused Clip, if You contend that, before YouTube received a DMCA Takedown Notice for the Accused Clip, YouTube had “actual knowledge” (as that phrase is used in 17 U.S.C. § 512(c)(1)) that the Accused Clip infringed Your copyright or that YouTube was “aware of facts or circumstances from which infringing activity [was] apparent” as (as that phrase is used in 17 U.S.C. § 512(c)(1)), identify separately for each such Accused Clip each fact, each document, and each portion of a witness’ testimony that supports this contention.**

**Response and Objections to Interrogatory No. 15:**

Plaintiffs incorporate the foregoing General Objections, and object further that this Interrogatory is improper, overly broad, unduly burdensome, unreasonably cumulative, abusive, and exceeds the scope of permissible discovery under Local Civil Rule 33.3 and Federal Rules of Civil Procedure 26 and 33. In particular, an interrogatory that seeks identification of each fact supporting a contention is improper, abusive and goes beyond the scope permitted by the Rules. It is oppressive, harassing and unduly burdensome to ask Plaintiffs to parse the millions of documents and hundreds of depositions in this case to specify each fact, each document and each piece of testimony supporting Plaintiffs' claims, especially where that information is equally available to Defendants. Further, Plaintiffs object that this Interrogatory is premature and inconsistent with the Scheduling Order governing this case to the extent that it seeks information that will be identified at a later stage of the litigation and that is properly subject to disclosure only when expert reports are exchanged or when a pretrial order is entered. In addition, Plaintiffs object that this Interrogatory attempts to elicit trial or litigation strategy or information otherwise protected by the attorney work product doctrine. Finally, Plaintiffs object to this Interrogatory as complex and compound and as exceeding the limit of 25 Interrogatories under the Court's Scheduling Order in that it seeks separate and detailed information about each of the over 60,000 Accused Clips and thereby effectively seeks thousands of separate responses. Subject to and without waiver of these general and specific objections, Plaintiffs respond as follows: numerous documents produced by the parties in this action, numerous facts contained therein, and numerous pieces of testimony elicited during discovery support the quoted contention,

and all of this evidence is already equally and fully accessible to Defendants. Based on the foregoing objections, no further response is required.

**INTERROGATORY NO. 16:**

**For each Accused Clip, if You contend that YouTube failed to act “expeditiously to remove, or disable access to,” (as that phrase is used in 17 U.S.C. § 512(c)(1)) the Accused Clip after receiving actual knowledge or becoming aware of facts or circumstances from which it was apparent that the Accused Clip infringed a Work In Suit, or after receiving a DMCA Takedown Notice relating to the Accused Clip, identify separately for each such Accused Clip each fact, each document, and each portion of a witness’ testimony that supports this contention.**

**Response and Objections to Interrogatory No. 16:**

Plaintiffs incorporate the foregoing General Objections, and object further that this Interrogatory is improper, overly broad, unduly burdensome, unreasonably cumulative, abusive, and exceeds the scope of permissible discovery under Local Civil Rule 33.3 and Federal Rules of Civil Procedure 26 and 33. In particular, an interrogatory that seeks identification of each fact supporting a contention is improper, abusive and goes beyond the scope permitted by the Rules. It is oppressive, harassing and unduly burdensome to ask Plaintiffs to parse the millions of documents and hundreds of depositions in this case to specify each fact, each document and each piece of testimony supporting Plaintiffs’ claims, especially where that information is equally available to Defendants. Further, Plaintiffs object that this Interrogatory is premature and inconsistent with the Scheduling Order governing this case to the extent that it seeks information that will be identified at a later stage of the litigation and that is properly

subject to disclosure only when expert reports are exchanged or when a pretrial order is entered. In addition, Plaintiffs object that this Interrogatory attempts to elicit trial or litigation strategy or information otherwise protected by the attorney work product doctrine. Finally, Plaintiffs object to this Interrogatory as complex and compound and as exceeding the limit of 25 Interrogatories under the Court's Scheduling Order in that it seeks separate and detailed information about each of the over 60,000 Accused Clips and thereby effectively seeks thousands of separate responses. Subject to and without waiver of these general and specific objections, Plaintiffs respond as follows: numerous documents produced by the parties in this action, numerous facts contained therein, and numerous pieces of testimony elicited during discovery support the quoted contention, and all of this evidence is already equally and fully accessible to Defendants. Based on the foregoing objections, no further response is required.

**INTERROGATORY NO. 17:**

**For each Accused Clip, if You contend that YouTube received a “financial benefit directly attributable to” (as that phrase is used in 17 U.S.C. § 512(c)(1)(B)) the Accused Clip, identify separately for each such Accused Clip the amount of the financial benefit, and each fact, each document, and each portion of a witness’ testimony that supports this contention.**

**Response and Objections to Interrogatory No. 17:**

Plaintiffs incorporate the foregoing General Objections, and object further that this Interrogatory is improper, overly broad, unduly burdensome, unreasonably cumulative, abusive, and exceeds the scope of permissible discovery under Local Civil Rule 33.3 and Federal Rules of Civil Procedure 26 and 33. In particular, an interrogatory

that seeks identification of each fact supporting a contention is improper, abusive and goes beyond the scope permitted by the Rules. It is oppressive, harassing and unduly burdensome to ask Plaintiffs to parse the millions of documents and hundreds of depositions in this case to specify each fact, each document and each piece of testimony supporting Plaintiffs' claims, especially where that information is equally available to Defendants. Further, Plaintiffs object that this Interrogatory is premature and inconsistent with the Scheduling Order governing this case to the extent that it seeks information that will be identified at a later stage of the litigation and that is properly subject to disclosure only when expert reports are exchanged or when a pretrial order is entered. In addition, Plaintiffs object that this Interrogatory attempts to elicit trial or litigation strategy or information otherwise protected by the attorney work product doctrine. Finally, Plaintiffs object to this Interrogatory as complex and compound and as exceeding the limit of 25 Interrogatories under the Court's Scheduling Order in that it seeks separate and detailed information about each of the over 60,000 Accused Clips and thereby effectively seeks thousands of separate responses. Subject to and without waiver of these general and specific objections, Plaintiffs respond as follows: numerous documents produced by the parties in this action, numerous facts contained therein, and numerous pieces of testimony elicited during discovery support the quoted contention, and all of this evidence is already equally and fully accessible to Defendants. Based on the foregoing objections, no further response is required.

**INTERROGATORY NO. 18:**

**For each Accused Clip, if You contend that YouTube had “the right and ability to control” (as that phrase is used in 17 U.S.C. § 512(c)(1)(B)) the allegedly**

**infringing activity with respect to that Accused Clip, identify separately for each such Accused Clip each fact, each document, and each portion of a witness' testimony that supports this contention.**

**Response and Objections to Interrogatory No. 18:**

Plaintiffs incorporate the foregoing General Objections, and object further that this Interrogatory is improper, overly broad, unduly burdensome, unreasonably cumulative, abusive, and exceeds the scope of permissible discovery under Local Civil Rule 33.3 and Federal Rules of Civil Procedure 26 and 33. In particular, an interrogatory that seeks identification of each fact supporting a contention is improper, abusive and goes beyond the scope permitted by the Rules. It is oppressive, harassing and unduly burdensome to ask Plaintiffs to parse the millions of documents and hundreds of depositions in this case to specify each fact, each document and each piece of testimony supporting Plaintiffs' claims, especially where that information is equally available to Defendants. Further, Plaintiffs object that this Interrogatory is premature and inconsistent with the Scheduling Order governing this case to the extent that it seeks information that will be identified at a later stage of the litigation and that is properly subject to disclosure only when expert reports are exchanged or when a pretrial order is entered. In addition, Plaintiffs object that this Interrogatory attempts to elicit trial or litigation strategy or information otherwise protected by the attorney work product doctrine. Finally, Plaintiffs object to this Interrogatory as complex and compound and as exceeding the limit of 25 Interrogatories under the Court's Scheduling Order in that it seeks separate and detailed information about each of the over 60,000 Accused Clips and thereby effectively seeks thousands of separate responses. Subject to and without waiver

of these general and specific objections, Plaintiffs respond as follows: numerous documents produced by the parties in this action, numerous facts contained therein, and numerous pieces of testimony elicited during discovery support the quoted contention, and all of this evidence is already equally and fully accessible to Defendants. Based on the foregoing objections, no further response is required.

**INTERROGATORY NO. 19:**

**For each Accused Clip, if You contend that the Accused Clip was uploaded to the YouTube website by a user who had no authorization, right, or license to do so, identify separately for each such Accused Clip each fact, each document, and each portion of a witness' testimony that supports this contention.**

**Response and Objections to Interrogatory No. 19:**

Plaintiffs incorporate the foregoing General Objections, and object further that this Interrogatory is improper, overly broad, unduly burdensome, unreasonably cumulative, abusive, and exceeds the scope of permissible discovery under Local Civil Rule 33.3 and Federal Rules of Civil Procedure 26 and 33. In particular, an interrogatory that seeks identification of each fact supporting a contention is improper, abusive and goes beyond the scope permitted by the Rules. It is oppressive, harassing and unduly burdensome to ask Plaintiffs to parse the millions of documents and hundreds of depositions in this case to specify each fact, each document and each piece of testimony supporting Plaintiffs' claims, especially where that information is equally available to Defendants. Further, Plaintiffs object that this Interrogatory is premature and inconsistent with the Scheduling Order governing this case to the extent that it seeks information that will be identified at a later stage of the litigation and that is properly



subject to disclosure only when expert reports are exchanged or when a pretrial order is entered. In addition, Plaintiffs object that this Interrogatory attempts to elicit trial or litigation strategy or information otherwise protected by the attorney work product doctrine. Finally, Plaintiffs object to this Interrogatory as complex and compound and as exceeding the limit of 25 Interrogatories under the Court's Scheduling Order in that it seeks separate and detailed information about each of the over 60,000 Accused Clips and thereby effectively seeks thousands of separate responses. Subject to and without waiver of these general and specific objections, Plaintiffs respond as follows: numerous documents produced by the parties in this action, numerous facts contained therein, and numerous pieces of testimony elicited during discovery support the quoted contention, and all of this evidence is already equally and fully accessible to Defendants. Based on the foregoing objections, no further response is required.

**INTERROGATORY NO. 20:**

**For each Accused Clip, if You still contend, as alleged, that YouTube “enable[d], induce[d], facilitate[d], and materially contribute[d] to each act of infringement by YouTube users” with respect to the Accused Clip, identify separately for each such Accused Clip each fact, each document, and each portion of a witness’ testimony that supports this contention.**

**Response and Objections to Interrogatory No. 20:**

Plaintiffs incorporate the foregoing General Objections, and object further that this Interrogatory is improper, overly broad, unduly burdensome, unreasonably cumulative, abusive, and exceeds the scope of permissible discovery under Local Civil Rule 33.3 and Federal Rules of Civil Procedure 26 and 33. In particular, an interrogatory

that seeks identification of each fact supporting a contention is improper, abusive and goes beyond the scope permitted by the Rules. It is oppressive, harassing and unduly burdensome to ask Plaintiffs to parse the millions of documents and hundreds of depositions in this case to specify each fact, each document and each piece of testimony supporting Plaintiffs' claims, especially where that information is equally available to Defendants. Further, Plaintiffs object that this Interrogatory is premature and inconsistent with the Scheduling Order governing this case to the extent that it seeks information that will be identified at a later stage of the litigation and that is properly subject to disclosure only when expert reports are exchanged or when a pretrial order is entered. In addition, Plaintiffs object that this Interrogatory attempts to elicit trial or litigation strategy or information otherwise protected by the attorney work product doctrine. Finally, Plaintiffs object to this Interrogatory as complex and compound and as exceeding the limit of 25 Interrogatories under the Court's Scheduling Order in that it seeks separate and detailed information about each of the over 60,000 Accused Clips and thereby effectively seeks thousands of separate responses. Subject to and without waiver of these general and specific objections, Plaintiffs respond as follows: numerous documents produced by the parties in this action, numerous facts contained therein, and numerous pieces of testimony elicited during discovery support the quoted contention, and all of this evidence is already equally and fully accessible to Defendants. Based on the foregoing objections, no further response is required.

**INTERROGATORY NO. 21:**

**For each Accused Clip, if You still contend, as alleged, that YouTube's actions were "willful, intentional, and purposeful, in disregard of and indifferent to**

**[Your] rights” with respect to infringing activity associated with the Accused Clip, identify separately for each such Accused Clip each fact, each document, and each portion of a witness’ testimony that supports this contention.**

**Response and Objections to Interrogatory No. 21:**

Plaintiffs incorporate the foregoing General Objections, and object further that this Interrogatory is improper, overly broad, unduly burdensome, unreasonably cumulative, abusive, and exceeds the scope of permissible discovery under Local Civil Rule 33.3 and Federal Rules of Civil Procedure 26 and 33. In particular, an interrogatory that seeks identification of each fact supporting a contention is improper, abusive and goes beyond the scope permitted by the Rules. It is oppressive, harassing and unduly burdensome to ask Plaintiffs to parse the millions of documents and hundreds of depositions in this case to specify each fact, each document and each piece of testimony supporting Plaintiffs’ claims, especially where that information is equally available to Defendants. Further, Plaintiffs object that this Interrogatory is premature and inconsistent with the Scheduling Order governing this case to the extent that it seeks information that will be identified at a later stage of the litigation and that is properly subject to disclosure only when expert reports are exchanged or when a pretrial order is entered. In addition, Plaintiffs object that this Interrogatory attempts to elicit trial or litigation strategy or information otherwise protected by the attorney work product doctrine. Finally, Plaintiffs object to this Interrogatory as complex and compound and as exceeding the limit of 25 Interrogatories under the Court's Scheduling Order in that it seeks separate and detailed information about each of the over 60,000 Accused Clips and thereby effectively seeks thousands of separate responses. Subject to and without waiver

of these general and specific objections, Plaintiffs respond as follows: numerous documents produced by the parties in this action, numerous facts contained therein, and numerous pieces of testimony elicited during discovery support the quoted contention, and all of this evidence is already equally and fully accessible to Defendants. Based on the foregoing objections, no further response is required.

**INTERROGATORY NO. 22:**

**If you still contend, as alleged, that You have incurred actual damages directly caused by YouTube, identify the specific total amount of actual damages that You have incurred, describe in detail the legal theory upon which You would seek to recover these actual damages and each calculation You used to calculate these actual damages, and identify each fact, each document, and each portion of a witness' testimony that supports this contention.**

**Response and Objections to Interrogatory No. 22:**

Plaintiffs incorporate the foregoing General Objections, and object further that this Interrogatory is improper, overly broad, unduly burdensome, unreasonably cumulative, abusive, and exceeds the scope of permissible discovery under Local Civil Rule 33.3 and Federal Rules of Civil Procedure 26 and 33. Further, Plaintiffs object that the determination, specification, and quantification of actual damages are matters properly subject to expert analysis and discovery in this case. This Interrogatory is thus premature and inconsistent with the Scheduling Order governing this case in that it seeks information that is properly subject to disclosure only when expert reports are exchanged. In addition, Plaintiffs object that this Interrogatory attempts to elicit trial or litigation strategy or information otherwise protected by the attorney work product doctrine.

Subject to and without waiver of the foregoing objections, Plaintiffs respond as follows: Plaintiffs have incurred significant actual damages due to Defendants' unauthorized infringement, including, without limitation, lost licensing revenues payable by Defendants and lost advertising, syndication, and other distribution revenues payable by third parties.

**INTERROGATORY NO. 23:**

**Identify each Work In Suit uploaded in whole or in part to the YouTube website by Viacom or with Viacom's authorization and the date of each such authorized upload.**

**Response and Objections to Interrogatory No. 23:**

Plaintiffs incorporate the foregoing General Objections, and object further that this Interrogatory is improper, overly broad, and exceeds the scope of permissible discovery under Local Civil Rule 33.3 and Federal Rules of Civil Procedure 26 and 33. In particular, Plaintiffs object to Defendants' definition of "Works in Suit" as encompassing "all works ... as to which [Plaintiffs] have asserted claims of copyright infringement, at any time, in this action" and as encompassing portions of works as to which Plaintiffs have not asserted claims of copyright infringement in this action. This definition is facially overbroad and purports to cover content that is irrelevant to this copyright infringement action. Plaintiffs accordingly shall construe "Works in Suit" to encompass solely those clips listed on the Amended Production of Works in Suit produced to Defendants on October 15, 2009. Subject to that definition and subject to and without waiver of these general and specific objections, Plaintiffs respond as follows:

Plaintiffs uploaded none of the Works in Suit, and Plaintiffs authorized the upload of none of the Works in Suit.

**INTERROGATORY NO. 24:**

**Identify each Work In Suit that Viacom has provided as a reference file to any third party for purposes of creating a digital fingerprint of the work to identify copies of the work on the Internet, the third parties to whom each reference file was provided, and the dates on which it was provided to those third parties.**

**Response and Objections to Interrogatory No. 24:**

Plaintiffs incorporate the foregoing General Objections, and object further that this Interrogatory is improper, overly broad, and exceeds the scope of permissible discovery under Local Civil Rule 33.3 and Federal Rules of Civil Procedure 26 and 33. In particular, Plaintiffs object that this Interrogatory is overbroad, oppressive, harassing and unduly burdensome to the extent it seeks highly detailed information. Plaintiffs also object that this Interrogatory is unduly burdensome insofar as it seeks information from time periods for which such records are not reasonably available to Plaintiffs. Plaintiffs further object to this interrogatory insofar as it calls for Plaintiffs to identify works supplied to Auditude and to YouTube as reference files for fingerprinting purposes. Defendants have already sought and obtained such records from Auditude in this litigation, and information concerning works Plaintiffs have supplied to YouTube is equally in Defendants' own possession. Plaintiffs further object to Defendants' definition of "Works in Suit" as encompassing "all works ... as to which [Plaintiffs] have asserted claims of copyright infringement, at any time, in this action" and as encompassing portions of works as to which Plaintiffs have not asserted claims of copyright

infringement in this action. This definition is facially overbroad and purports to cover content that is irrelevant to this copyright infringement action. Plaintiffs accordingly shall construe “Works in Suit” to encompass solely those clips listed on the Amended Production of Works in Suit produced to Defendants on October 15, 2009. Subject to that definition and subject to and without waiver of these general and specific objections, and based upon information available to Plaintiffs, Plaintiffs respond as follows:

Plaintiffs’ current records of works Plaintiffs have provided to Audible Magic, Auditude, BayTSP, and YouTube for purposes of creating a digital fingerprint of the work to identify copies of the work on the Internet, and the dates on which they were provided to Audible Magic, Auditude, BayTSP, and YouTube, are reflected within the document attached hereto as Attachment B. The document attached hereto as Attachment C also lists the same information for additional works provided to Audible Magic and Auditude as DVDs and not reflected in Attachment B. Plaintiffs object that it would be unduly burdensome to require Plaintiffs to search these exhibits for the “Works in Suit,” as such information is equally available to Defendants from the documents. The document attached hereto as Attachment D lists additional Works in Suit that Plaintiff Paramount supplied, as DVDs, to BayTSP on December 29, 2006 and to Audible Magic on May 8, 2007.

In addition to the works listed on the aforementioned exhibits, Plaintiffs have also directly generated fingerprints of their works and supplied those fingerprints to Vobile, YouTube, BayTSP, and Audible Magic for purposes of identifying copies of those works on the Internet. Plaintiffs have also provided Auditude and Audible Magic with MRSS feeds directing them to content available on Plaintiffs’ websites so that Auditude and

Audible Magic can generate fingerprints thereof. Plaintiffs are not providing information concerning such in-house fingerprinting, or such MRSS feeds, in response to this Interrogatory, as the Interrogatory requests identification only of instances in which Plaintiffs have provided a “Work In Suit . . . as a reference file” and not identification of instances in which Plaintiffs have used alternative means for providing third-party vendors with fingerprints of Plaintiffs’ works.

**INTERROGATORY NO. 25:**

**If any of Your responses to a request for admission in this action is not an unqualified admission, identify the request for admission and each fact, each document, and each portion of a witness’ testimony that supports this contention.**

**Response and Objections to Interrogatory No. 25:**

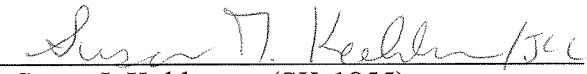
Plaintiffs incorporate the foregoing General Objections, and object further that this Interrogatory is improper, overly broad, unduly burdensome, unreasonably cumulative, abusive, and exceeds the scope of permissible discovery under Local Civil Rule 33.3 and Federal Rules of Civil Procedure 26 and 33. In particular, an interrogatory that seeks identification of each fact supporting a contention is improper, abusive and goes beyond the scope permitted by the Rules. It is oppressive, harassing and unduly burdensome to ask Plaintiffs to parse the millions of documents and hundreds of depositions in this case to specify each fact, each document and each piece of testimony supporting Plaintiffs’ responses to Defendants’ requests for admission, especially where that information is equally available to Defendants. Further, Plaintiffs object that this Interrogatory is premature and inconsistent with the Scheduling Order governing this case to the extent that it seeks information that will be identified at a later stage of the



litigation and that is properly subject to disclosure only when expert reports are exchanged or when a pretrial order is entered. In addition, Plaintiffs object that this Interrogatory attempts to elicit trial or litigation strategy or information otherwise protected by the attorney work product doctrine. Finally, Plaintiffs object to this Interrogatory as complex and compound and as exceeding the limit of 25 Interrogatories under the Court's Scheduling Order in that it seeks separate and detailed information about each of Plaintiffs' responses to Defendants' 213 Requests for Admission and thereby effectively seeks hundreds of separate responses. Subject to and without waiver of these general and specific objections, Plaintiffs respond as follows: numerous documents produced by the parties in this action, numerous facts contained therein, and numerous pieces of testimony elicited during discovery support Plaintiffs' responses to Defendants' 213 Requests for Admission, and all of this evidence is already equally and fully accessible to Defendants. Based on the foregoing objections, no further response is required.

January 8, 2010

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Susan J. Kohlmann / JCC", written over a horizontal line.

Susan J. Kohlmann (SK-1855)

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John Gueli (JG-8427)

**SHEARMAN & STERLING LLP**

599 Lexington Avenue

New York, New York 10022

Telephone: (212) 848-4000

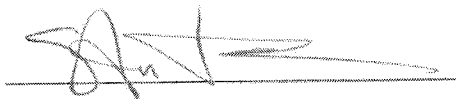
Facsimile: (212) 848-7179

**VERIFICATION FOR PLAINTIFFS VIACOM INTERNATIONAL INC., ET AL.**

Information in Plaintiffs' Responses to Defendants' Third Set of Interrogatories was provided by me and/or gathered at my direction from corporate records and personnel. I have reviewed the responses. I declare under penalty of perjury under the laws of the United States that the foregoing responses as to Plaintiffs Viacom International Inc. et al. are true and correct to the best of my knowledge and belief, based on my review of such information.

Executed on January 8, 2010, in New York, New York.

Signature:

A handwritten signature in black ink, appearing to read 'Stanley Pierre-Louis', written over a horizontal line.

Name:

Stanley Pierre-Louis

Title:

Vice President & Associate General Counsel

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on this 8th day of January, 2010, on Defendants' counsel by electronic mail pursuant to an agreement of the parties under Fed. R. Civ. P. 5(b)(2)(D).

  
James C. Cox

# **Rubin Reply Exhibit 179**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

	)	
VIACOM INTERNATIONAL INC.,	)	
COMEDY PARTNERS,	)	
COUNTRY MUSIC TELEVISION, INC.,	)	
PARAMOUNT PICTURES	)	Case No. 1:07-CV-2103-LLS
COPROPRATION,	)	(Related Case No. 1:07-cv-03582 (LLS))
and BLACK ENTERTAINMENT	)	
TELEVISION LLC,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
YOUTUBE, INC., YOUTUBE, LLC, and	)	
GOOGLE INC.,	)	
	)	
Defendants.	)	
	)	

**PLAINTIFFS' CONFIDENTIAL SUPPLEMENTAL AND AMENDED  
OBJECTIONS AND RESPONSES TO CERTAIN OF YOUTUBE'S  
INTERROGATORIES TO VIACOM INTERNATIONAL, INC. ET AL.**

Plaintiffs Viacom International, Inc., Comedy Partners, Country Music Television, Inc., Paramount Pictures Corporation, and Black Entertainment Television, LLC, by their attorneys Jenner & Block LLP and Shearman & Sterling LLP, hereby supplement and amend their Objections and Responses to the following interrogatories from YouTube's First Set of Interrogatories to Viacom International, Inc. (YouTube's First Set of Interrogatories), YouTube's Second Set of Interrogatories to Viacom International, Inc. (YouTube's Second Set of Interrogatories), and YouTube's Third Set of Interrogatories to Viacom International, Inc. (YouTube's Third Set of Interrogatories), as follows:

## **GENERAL OBJECTIONS**

Plaintiffs incorporate by reference the General Objections set forth in their October 1, 2007 Objections and Responses to YouTube's First Set of Interrogatories to Viacom International, Inc.; their September 8, 2008 Objections and Responses to YouTube's Second Set of Interrogatories; and their January 8, 2010 Objections and Responses to YouTube's Third Set of Interrogatories.

## **SUPPLEMENTAL AND AMENDED RESPONSES AND OBJECTIONS TO SPECIFIC INTERROGATORIES**

Subject to and without waiving any of the foregoing General Objections and the specific objections to each Interrogatory set forth in their January 8, 2010 Amended Objections and Responses to YouTube's First Set of Interrogatories, their January 8, 2010 Amended Objections and Responses to YouTube's Second Set of Interrogatories, or their January 8, 2010 Objections and Responses to YouTube's Third Set of Interrogatories, Plaintiffs provide the following specific supplemental or amended responses and objections:

### **INTERROGATORY NO. 2:**

**For each work in suit, describe in detail the basis for Your claim of copyright ownership, including an identification of all evidence on which you base your claim of ownership.**

### **Supplemental Response and Objections to Interrogatory No. 2:**

Plaintiffs incorporate the foregoing General Objections, and object further that this Interrogatory is improper, overly broad, unduly burdensome, unreasonably cumulative, abusive, and exceeds the scope of permissible discovery under Local Civil

Rule 33.3 and Federal Rules of Civil Procedure 26 and 33. It is oppressive, harassing and unduly burdensome to ask Plaintiffs to identify and describe in detail the basis for ownership claims for each work in suit, especially where that information has been produced in discovery and therefore is equally available to Defendants. Plaintiffs further object that Interrogatory 2 is duplicative of Defendants' document requests, including but not limited to Document Requests 1, 3, and 125. Seeking additional information by interrogatory is redundant, unduly burdensome, and inconsistent with the Scheduling Order and the Local Rule.

Subject to and without waiver of these general and specific objections, Plaintiffs supplement their prior response as follows: Attachment A - Supplemental, attached hereto, identifies by Bates Number additional documents that Viacom has produced in discovery that provide information responsive to this Interrogatory.

**INTERROGATORY NO. 5:**

**For each work in suit, describe in detail the circumstances under which You first became aware of the alleged infringement of those works on or through the YouTube service. Your answer should include, but not be limited to, providing the date and manner in which the alleged infringement came to your attention.**

**Supplemental Response and Objections to Interrogatory No. 5:**

Plaintiffs incorporate the foregoing General Objections, and object further that this Interrogatory is improper, overly broad, unduly burdensome, unreasonably cumulative, abusive, and exceeds the scope of permissible discovery under Local Civil Rule 33.3 and Federal Rules of Civil Procedure 26 and 33. Plaintiffs further object that Interrogatory 5 is duplicative of Defendants' document requests, including Document



Request No. 25. Seeking additional information by interrogatory is redundant, unduly burdensome, and inconsistent with the Scheduling Order and the Local Rule.

Subject to and without waiver of these general and specific objections, Plaintiffs supplement their prior response as follows: Plaintiffs' January 10, 2010 Amended Objections and Responses to YouTube's First Set of Interrogatories included a chart listing the date that BayTSP recorded detection of the earliest infringing clip for each Work in Suit. Attachment B - Supplemental, attached hereto, amends the dates previously listed for two Works in Suit.

**INTERROGATORY NO. 8:**

**For each Accused Video Clip, state whether the same content is available for viewing on a website operated by You or pursuant to a license agreement with You, and if so, identify the website and state when the clip first became available on that site.**

**Supplemental Response and Objections to Interrogatory No. 8:**

Plaintiffs incorporate the foregoing General Objections, and object further that this Interrogatory is improper, overly broad, unduly burdensome, unreasonably cumulative, abusive, and exceeds the scope of permissible discovery under Local Civil Rule 33.3 and Federal Rules of Civil Procedure 26 and 33. Plaintiffs also object that this Interrogatory is overbroad, oppressive, harassing and unduly burdensome to the extent it seeks highly detailed information. In addition, Plaintiffs object to the extent this Interrogatory seeks information contained in documents produced in discovery. Such information is already equally and fully accessible to Defendants, and it is unduly burdensome to require Plaintiffs to review the documents to identify particular

information for Defendants. Plaintiffs object further that this Interrogatory is vague. Plaintiffs further object that Interrogatory 8 is duplicative of Defendants' document requests. Seeking additional information by interrogatory is redundant, unduly burdensome, and inconsistent with the Scheduling Order and the Local Rule.

Subject to and without waiver of these general and specific objections, Plaintiffs supplement their prior response as follows:

Availability of Viacom Content on Viacom Websites

As a general matter under present practices, Paramount Pictures does not make full motion pictures available for free viewing on line on Viacom websites. Trailers from Paramount Pictures films generally are made available shortly before the film's theatrical release. At least some of those trailers typically remain on line until after the film's DVD release.

As a general matter under present practices, Black Entertainment Television makes clips from some shows available on line after their broadcast premieres. The content remains available for approximately one year. Among the Works In Suit, Black Entertainment Television made clips from the following shows available at [www.bet.com](http://www.bet.com):

College Hill, Episode 406  
College Hill, Episode 408  
BET Awards, 2006  
BET Awards, 2007  
BET Hip Hop Awards, 2006  
Celebration of Gospel, 2007  
Top 25: Hottest Couples  
Top 25: Money, Power, Respect

Availability of Viacom Content on Third Party Websites

Attached hereto as Attachment C - Supplemental is a spreadsheet listing Paramount Pictures content made available for viewing on third party websites, as well as the date when each piece of content was first made available on those sites.

Attached hereto as Attachment D - Supplemental is a spreadsheet listing Black Entertainment Television content made available for viewing on third party websites, as well as the date when each piece of content was first made available on those sites.

**INTERROGATORY NO. 23:**

**Identify each Work In Suit uploaded in whole or in part to the YouTube website by Viacom or with Viacom's authorization and the date of each such authorized upload.**

**Supplemental Response and Objections to Interrogatory No. 23:**

Plaintiffs incorporate the foregoing General Objections, and object further that this Interrogatory is improper, overly broad, and exceeds the scope of permissible discovery under Local Civil Rule 33.3 and Federal Rules of Civil Procedure 26 and 33. In particular, Plaintiffs object to Defendants' definition of "Works in Suit" as encompassing "all works ... as to which [Plaintiffs] have asserted claims of copyright infringement, at any time, in this action" and as encompassing portions of works as to which Plaintiffs have not asserted claims of copyright infringement in this action. This definition is facially overbroad and purports to cover content that is irrelevant to this copyright infringement action. Plaintiffs further object that Interrogatory 23 is unduly burdensome, as the relevant information has been produced in discovery and is therefore equally available to Defendants.

Subject to and without waiver of these general and specific objections, Plaintiffs supplement their prior response as follows: Attached hereto as Attachment E - Supplemental is a chart identifying by Bates number documents produced by Viacom in discovery that contain information responsive to this Interrogatory. This interrogatory response does not include documents and other data produced by Defendants and by third parties subpoenaed by Defendants.

**INTERROGATORY NO. 24:**

**Identify each Work In Suit that Viacom has provided as a reference file to any third party for purposes of creating a digital fingerprint of the work to identify copies of the work on the Internet, the third parties to whom each reference file was provided, and the dates on which it was provided to those third parties.**

**Amended Response and Objections to Interrogatory No. 24:**

Plaintiffs incorporate the foregoing General Objections, and object further that this Interrogatory is improper, overly broad, and exceeds the scope of permissible discovery under Local Civil Rule 33.3 and Federal Rules of Civil Procedure 26 and 33. In particular, Plaintiffs object that this Interrogatory is overbroad, oppressive, harassing and unduly burdensome to the extent it seeks highly detailed information. Plaintiffs also object that this Interrogatory is unduly burdensome, and seeks information in the possession of third parties, insofar as it seeks information from time periods for which such records are not reasonably available to Plaintiffs, and for which Plaintiffs must obtain records from third parties. Plaintiffs further object to this Interrogatory insofar as it calls for Plaintiffs to identify works supplied to Auditude and to YouTube as reference files for fingerprinting purposes. Defendants have already sought and obtained such

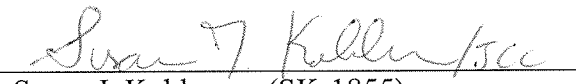
records from Auditude in this litigation, and information concerning works Plaintiffs have supplied to YouTube is equally in Defendants' own possession. Plaintiffs further object to Defendants' definition of "Works in Suit" as encompassing "all works ... as to which [Plaintiffs] have asserted claims of copyright infringement, at any time, in this action" and as encompassing portions of works as to which Plaintiffs have not asserted claims of copyright infringement in this action. This definition is facially overbroad and purports to cover content that is irrelevant to this copyright infringement action. Plaintiffs accordingly shall construe "Works in Suit" to encompass solely those clips listed on the Amended Production of Works in Suit produced to Defendants on October 15, 2009, as modified by Plaintiffs' February 26, 2010 Notice of Dismissal. Subject to that definition and subject to and without waiver of these general and specific objections, and based upon information available to Plaintiffs, Plaintiffs respond as follows:

Attached hereto as Attachment F - Supplemental is a chart listing – to the best of Plaintiffs' ability given available records – each Work in Suit and the date on which Plaintiffs provided Audible Magic, Auditude, and YouTube with either the work, or access to the work, for purposes of creating a digital fingerprint of the work to identify copies of the work on the Internet. In addition, for works in suit belonging to Plaintiff Paramount, Attachment F - Supplemental lists the date on which Paramount provided the work, or access to the work, to BayTSP for purposes of creating a digital fingerprint of the work to identify copies of the work on the Internet. Plaintiffs other than Paramount have not engaged BayTSP for such purpose, and Attachment F - Supplemental therefore omits as irrelevant any BayTSP fingerprinting of non-Paramount works.

In addition, Defendants' February 3, 2010 Letter concerning Defendants' 30(b)(6) Deposition Notice to Viacom sought information regarding the works, other than the Works in Suit, that were provided to Audible Magic and Vobile in 2007 (see Brian Willen's February 3, 2010 Letter to Luke Platzner, at ¶ 4). Plaintiffs provided works to Vobile in 2007 solely for testing purposes, and not for purposes of identifying those works on the Internet. With regard to Audible Magic, attached hereto as Attachment G - Supplemental is a chart listing all works Plaintiffs provided or made available to Audible Magic in 2007 for purposes of creating a digital fingerprint. In addition, Paramount supplied works to Audible Magic in 2007 for purposes of creating digital fingerprints; a list of those works is attached hereto as Attachment H - Supplemental.

Respectfully submitted,

April 16, 2010

A handwritten signature in cursive script, appearing to read "Susan J. Kohlmann / SKC", written over a horizontal line.

Susan J. Kohlmann (SK-1855)

**JENNER & BLOCK LLP**

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Facsimile: (212) 848-7179

**VERIFICATION FOR PLAINTIFFS VIACOM INTERNATIONAL INC., ET AL.**

Information in Plaintiffs' Supplemental and Amended Objections and Responses to Certain of YouTube's Interrogatories was provided by me and/or gathered at my direction from corporate records and personnel. I have reviewed the responses. I declare under penalty of perjury under the laws of the United States that the foregoing responses as to Plaintiffs Viacom International Inc. et al. are true and correct to the best of my knowledge and belief, based on my review of such information.

Executed on April 16, 2010, in New York, NY.

Signature: 


Name (print): Stanley Pierre-Louis

Title: VP + Associate General Counsel  
IP and Content Protection



### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on this 16<sup>th</sup> day of April 2010, on Defendants' counsel by electronic mail pursuant to an agreement of the parties under Fed. R. Civ. P. 5(b)(2)(D).

  
James C. Cox

Attachment E - Supplemental

VIA00330130-VIA00330133	VIA01179951-VIA01179952
VIA00330203-VIA00330204	VIA01986346-VIA01986348
VIA00330322	VIA02359230-VIA02359232
VIA00330343	VIA02359310-VIA02359312
VIA00330415-VIA00330415	VIA03021632-VIA03021635
VIA00330494-VIA00330495	VIA03164885-VIA03164893
VIA00346044-VIA00346047	VIA03169246
VIA00346888-VIA00346892	VIA10526547
VIA00347270-VIA00347280	VIA10350444
VIA00347403-VIA00347441	VIA10350452
VIA00347964	VIA10388931-VIA10388932
VIA00356582-VIA00356583	VIA10389617-VIA10389624
VIA00366609-VIA00366611	VIA10390550-VIA10390552
VIA00366904-VIA00366905	VIA10390963-VIA10390964
VIA00369535-VIA00369536	VIA10391785-VIA10391787
VIA00369543-VIA00369544	VIA10392821-VIA10392822
VIA00369594-VIA00369596	VIA10401737
VIA00369779-VIA00369781	VIA10402225
VIA00372241	VIA10402727
VIA00372294	VIA10404875
VIA00373382-VIA00373390	VIA10405142-VIA10405143
VIA00373413-VIA00373421	VIA10405260
VIA00373855-VIA00373859	VIA10405349
VIA00374543-VIA00374544	VIA10405377-VIA10405378
VIA00374792-VIA00374796	VIA10405527-VIA10405528
VIA00376546	VIA10405537-VIA10405538
VIA00376595	VIA10405807
VIA00377960	VIA10405875-VIA10405877
VIA00378149-VIA00378150	VIA10406091-VIA10406092
VIA00378415-VIA00378416	VIA10474343-VIA10474345
VIA00397856-VIA00397862	VIA10474714
VIA00430652	VIA10478816-VIA10478821
VIA00455125	VIA10483206-VIA10483209
VIA00471113	VIA10484480
VIA00471114-VIA00471115	VIA10485349-VIA10485350
VIA00471119-VIA00471120	VIA10485351-VIA10485353
VIA00471163	VIA10485973
VIA00670702	VIA10487876
VIA00670748	VIA10487903
VIA00670749	VIA10495554
VIA00670750	VIA11660417-VIA11660421
VIA00702697-VIA00702698	VIA11786392
VIA00703450	VIA11786495-VIA11786522
VIA00703454-VIA00703460	VIA11787170-VIA11787182
VIA00830842-VIA00830860	VIA11789323-VIA11789325
VIA00830846-VIA00830852	VIA11789331-VIA11789333
VIA00830853-VIA00830860	VIA11789334-VIA11789336

VIA00861835-VIA00861836	VIA11789365-VIA11789367
VIA00862907-VIA00862908	VIA11789368-VIA11789372
VIA00911618-VIA00911619	VIA11789373-VIA11789375
VIA01107876-VIA01107878	VIA12557484
VIA01107971-VIA01107973	VIA14067446-VIA14067449
VIA01127416-VIA01127417	VIA14759662-VIA14759663
VIA01145487-VIA01145488	VIA16074316-VIA16074319
VIA01163976-VIA01163977	

## **Rubin Reply Exhibit 180**

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Subject: RE: Hot Rod Exclusive Stunt Sketch Plan  
From: "Wahtera, Megan - Paramount" <EX:/O=VIACOM/OU=PARAMOUNT/CN=RECIPIENTS/CN=WHATERME>  
To: Tipton, Kristina - Paramount; Teifeld, Tamar - Paramount  
Cc: Thurber, Jessica - Paramount  
Date: Tue, 05 Jun 2007 04:04:06 +0000

hi kt and tt -

we went up with some more vids today on stuntman.  
here are the youtube links for special opps to promote.

<http://www.youtube.com/watch?v=t1nQHWW2ywc>  
<http://www.youtube.com/watch?v=wgUcQydZ5ak>

we will also add to myspace tomorrow.

thanks!  
megan

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

From: Tipton, Kristina - Paramount  
Sent: Mon 6/4/2007 8:48 PM  
To: Powell, Amy - Paramount  
Cc: Teifeld, Tamar - Paramount; Wahtera, Megan - Paramount  
Subject: RE: Hot Rod Exclusive Stunt Sketch Plan

Hi Amy,

Understood - we can discuss whether there are any materials that might help give them more context to make them syndicable.

I'll try to get time on your calendar Tuesday to discuss Special Ops' larger progress. Attached is their latest report. It's honestly not very impressive, and I was frank and stern with them that we are looking for 10-15 new features to launch during the coming week and for a strong level of support for the Stuntman Forever videos on YouTube.

Here are the priorities and goals I gave them for this week:

- Continue to push the Stuntman Forever videos on YouTube (or within StuntmanForever) - please monitor outreach and progress in reports
- Start raising awareness / getting pieces on the official site and line rider game when it launches
- Pitch and run the exclusive stunt sketches / flyers - awaiting approval
- Pitch and run exclusive image galleries (we should have about 3 galleries we can give you)

Goals:

- 10-15 new pieces launching
- Measurable outreach on the Stuntman Forever videos on YouTube - 5+ pieces linking to videos either on YouTube or StuntmanForever.com

I am hopeful that their performance will be strong this week, but I'd love to discuss with you at your convenience. Let me know your thoughts.

---

Thanks,

Kristina Tipton

Interactive Marketing

Paramount Pictures

323-956-8453

---

From: Powell, Amy - Paramount  
Sent: Sunday, June 03, 2007 8:21 AM  
To: Tipton, Kristina - Paramount  
Cc: Teifeld, Tamar - Paramount; Wahtera, Megan - Paramount  
Subject: RE: Hot Rod Exclusive Stunt Sketch Plan

i just don't know that these are funny out of context... can we meet some time on monday to discuss Hot Rod & Special Opps' status, etc.?

---

From: Tipton, Kristina - Paramount  
Sent: Fri 6/1/2007 2:34 PM  
To: Powell, Amy - Paramount  
Cc: Teifeld, Tamar - Paramount; Wahtera, Megan - Paramount  
Subject: Hot Rod Exclusive Stunt Sketch Plan

Hi Amy,

For Hot Rod, we decided it would be best to debut the stunt sketches / fliers exclusively with sites, and pairing each with a relevant image from the film. Below is an outline of what we had planned and attached are the images we wanted to pair the stunts with.

Do you think it will be okay to move forward with these to go up in the next week or so?

Thanks!

KT

COOL STUNT - MAIL TRUCK DANGER

Pair with Image # HR-03426

Debut on IGN

COOL STUNT - HIGH IMPACT DANGER

Pair with Image # HR-02438

Debut on Suicide Girls

COOL STUNT - DYNAMITE DANGER

Pair with Image # HR-06887

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Debut on JoBlo.com

ROD MEMORABILIA - POOL JUMP FLYER

Pair with Image # HR-03364

Debut on TBD College/Humor Site (Special Ops is pitching)

COOL STUNT - DUMP TRUCK IMPACT

Pair with Image # HR-06598

Debut on TBD College/Humor Site (Special Ops is pitching)

COOL STUNT - HOUDINI DANGER

Pair with Image # HR-03248

Debut on TBD College/Humor Site (Special Ops is pitching)

ROD MEMORABILIA - NOTE FROM MOM

Pair with Image # HR-06402

Debut on TBD Site (Special Ops is pitching)

Kristina Tipton

Interactive Marketing

Paramount Pictures

323-956-8453

List of attachments:

image007.jpg  
image006.jpg  
image005.jpg  
image004.jpg  
image003.jpg  
image002.jpg  
image001.jpg