

Contains Material Designated Confidential and Highly Confidential Pursuant to Protective Order

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

THE FOOTBALL ASSOCIATION  
PREMIER LEAGUE LIMITED, BOURNE  
CO. (together with its affiliate MURBO  
MUSIC PUBLISHING, INC.), CHERRY  
LANE MUSIC PUBLISHING  
COMPANY, INC., CAL IV  
ENTERTAINMENT LLC, ROBERT TUR  
d/b/a LOS ANGELES NEWS SERVICE,  
NATIONAL MUSIC PUBLISHERS'  
ASSOCIATION, THE RODGERS &  
HAMMERSTEIN ORGANIZATION,  
STAGE THREE MUSIC (US), INC.,  
EDWARD B. MARKS MUSIC  
COMPANY, FREDDY BIENSTOCK  
MUSIC COMPANY d/b/a BIENSTOCK  
PUBLISHING COMPANY, ALLEY  
MUSIC CORPORATION, X-RAY DOG  
MUSIC, INC., FÉDÉRATION  
FRANÇAISE DE TENNIS, THE MUSIC  
FORCE LLC, and SIN-DROME  
RECORDS, LTD. on behalf of themselves  
and all others similarly situated,

Plaintiffs,

v.

YOUTUBE, INC., YOUTUBE, LLC and  
GOOGLE, INC.,

Defendants.

Case No. 07 Civ. 3582 (LLS)

**DECLARATION OF ELIZABETH  
ANNE FIGUEIRA IN SUPPORT OF  
CLASS PLAINTIFFS' STATEMENT  
OF UNCONTROVERTED  
MATERIAL FACTS**

I, Elizabeth Figueira, pursuant to 28 U.S.C. § 1746, hereby declares as follows:

I am an associate at Proskauer Rose LLP, which represents Class Plaintiffs in the above-referenced action. I submit this Declaration in Support of Class Plaintiffs' motion for partial summary judgment, in order to put documentary evidence before the Court.

1. Attached hereto at Tab 1 is a true and correct copy of GOO001-00906824-52, also marked as Ex. 18 at the deposition of Tim Armstrong on October 30, 2008.
2. Attached hereto at Tab 2 is a true and correct copy of GOO001-00500181-85, also marked as Ex. 29 at the deposition of Wendy Chang on July 11, 2008.
3. Attached hereto at Tab 3 is a true and correct copy of GOO001-00059035, also marked as Ex. 32 at the deposition of Wendy Chang on July 11, 2008.
4. Attached hereto at Tab 4 is a true and correct copy of GOO001-00375061-65, also marked as Ex. 36 at the deposition of Wendy Chang on July 11, 2008.
5. Attached hereto at Tab 5 is a true and correct copy of GOO001-01004547-49, also marked as Ex. 37 at the deposition of Wendy Chang on July 11, 2008.
6. Attached hereto at Tab 6 is a true and correct copy of GOO001-01529251, also marked as Ex. 8 at the deposition of Frank Chastagnol on December 10, 2008.
7. Attached hereto at Tab 7 is a true and correct copy of GOO001-00174229-30, also marked as Ex. 9 at the deposition of Frank Chastagnol on December 10, 2008.
8. Attached hereto at Tab 8 is a true and correct copy of AM002946-53, also marked as Ex. 11 at the deposition of Frank Chastagnol on December 10, 2008.
9. Attached hereto at Tab 9 is a true and correct copy of GOO001-01676559-62, also marked as Ex. 12 at the deposition of Frank Chastagnol on December 10, 2008.
10. Attached hereto at Tab 10 is a true and correct copy of GOO001-00103004-06, also marked as Ex. 19 at the deposition of Frank Chastagnol on December 10, 2008.
11. Attached hereto at Tab 11 is a true and correct copy of a transcript excerpt (134:21-135:2) of the deposition of Cuong Do on September 12, 2007.
12. Attached hereto at Tab 12 is a true and correct copy of GOO001-02656593-94, also marked as Ex. 9 at the deposition of David Drummond on February 12, 2009.
13. Attached hereto at Tab 13 is a true and correct copy of GOO001-01511226-27, also marked as Ex. 31 at the deposition of David Drummond on February 12, 2009.

14. Attached hereto at Tab 14 is a true and correct copy of G00001-00507525-32, also marked as Ex. 4 at the deposition of Maryrose Dunton on August 22, 2008.
15. Attached hereto at Tab 15 is a true and correct copy of G00001-00507535-G00001-00507540, also marked as Ex. 5 at the deposition of Maryrose Dunton on August 22, 2008.
16. Attached hereto at Tab 16 is a true and correct copy of G00001-00829702-18, also marked as Ex. 21 at the deposition of Maryrose Dunton on August 22, 2008.
17. Attached hereto at Tab 17 is a true and correct copy of a transcript excerpt (29:23-30:6) of the deposition of Maryrose Dunton on August 22, 2008.
18. Attached hereto at Tab 18 is a true and correct copy of a transcript excerpt (84:12-85:9; 89:5-18) of the deposition of Maryrose Dunton on August 22, 2008.
19. Attached hereto at Tab 19 is a true and correct copy of a transcript excerpt (94:9-14) of the deposition of Maryrose Dunton on August 22, 2008.
20. Attached hereto at Tab 20 is a true and correct copy of G00001-02875707-19, also marked as Ex. 7 at the deposition of Alex Ellerson on May 22, 2009.
21. Attached hereto at Tab 21 is a true and correct copy of G00001-03065453-67, also marked as Ex. 9 at the deposition of Alex Ellerson on May 22, 2009.
22. Attached hereto at Tab 22 is a true and correct copy of G00001-02519867-73, also marked as Ex. 10 at the deposition of Alex Ellerson on May 22, 2009.
23. Attached hereto at Tab 23 is a true and correct copy of G00001-00496651-54, also marked as Ex. 12 at the deposition of David Eun on August 7, 2008.
24. Attached hereto at Tab 24 is a true and correct copy of G00001-00986823-26, also marked as Ex. 25 at the deposition of David Eun on August 7, 2008.
25. Attached hereto at Tab 25 is a true and correct copy of G00001-00238624-25, also marked as Ex. 27 at the deposition of David Eun on August 7, 2008.
26. Attached hereto at Tab 26 is a true and correct copy of a transcript excerpt (130:3-17) of the deposition of David Eun on August 7, 2008.
27. Attached hereto at Tab 27 is a true and correct copy of G00001-00757950, also marked as Ex. 1 at the deposition of Heather Gillette on August 12, 2008.
28. Attached hereto at Tab 28 is a true and correct copy of G00001-00839851, also marked as Ex. 4 at the deposition of Heather Gillette on August 12, 2008.
29. Attached hereto at Tab 29 is a true and correct copy of G00001-00951481-83, also marked as Ex. 9 at the deposition of Heather Gillette on August 12, 2008.

30. Attached hereto at Tab 30 is a true and correct copy of GOO001-00041715-20, also marked as Ex. 13 at the deposition of Heather Gillette on August 12, 2008.
31. Attached hereto at Tab 31 is a true and correct copy of a transcript excerpt (73:22-74:10) of the deposition of Heather Gillette on August 12, 2008.
32. Attached hereto at Tab 32 is a true and correct copy of a transcript excerpt (94:12-99:6) of the deposition of Heather Gillette on August 12, 2008.
33. Attached hereto at Tab 33 is a true and correct copy of GOO-CH-0001-07, also marked as Ex. 6 at the deposition of Keith Hauprich on September 24, 2009.
34. Attached hereto at Tab 34 is a true and correct copy of GOO-CH-0008-09, also marked as Ex. 7 at the deposition of Keith Hauprich on September 24, 2009.
35. Attached hereto at Tab 35 is a true and correct copy of the CH00117359 (YouTube screenshot).
36. Attached hereto at Tab 36 is a true and correct copy of a transcript excerpt (274:24-275:12) of the deposition of Keith Hauprich on November 4, 2008.
37. Attached hereto at Tab 37 is a true and correct copy of a transcript excerpt (95:3-13) at the deposition of Keith Hauprich on September 24, 2009.
38. Attached hereto at Tab 38 is a true and correct copy of a transcript excerpt (107:19-108:3) at the deposition of Keith Hauprich on September 24, 2009.
39. Attached hereto at Tab 39 is a true and correct copy of JK00008393, also marked as Ex. 3 at the deposition of Brent Hurley on August 26, 2008.
40. Attached hereto at Tab 40 is a true and correct copy of GOO001-00629095, also marked as Ex. 7 at the deposition of Brent Hurley on August 26, 2008.
41. Attached hereto at Tab 41 is a true and correct copy of GOO001-01016964-86, also marked as Ex. 18 at the deposition of Brent Hurley on August 26, 2008.
42. Attached hereto at Tab 42 is a true and correct copy of GOO001-00660582-83, also marked as Ex. 6 at the deposition of Chad Hurley on April 22, 2009.
43. Attached hereto at Tab 43 is a true and correct copy of JK00008043, also marked as Ex. 11 at the deposition of Chad Hurley on April 22, 2009.
44. Attached hereto at Tab 44 is a true and correct copy of JKOOO10387\_MVI\_0922, also marked as Ex. 12 at the deposition of Chad Hurley on April 22, 2009.
45. Attached hereto at Tab 45 is a true and correct copy of JK00005929, also marked as Ex. 33 at the deposition of Chad Hurley on April 22, 2009.

46. Attached hereto at Tab 46 is a true and correct copy of G00001-01424047-48, also marked as Ex. 38 at the deposition of Chad Hurley on April 22, 2009.
47. Attached hereto at Tab 47 is a true and correct copy of JK00007416, also marked as Ex. 41 at the deposition of Chad Hurley on April 22, 2009.
48. Attached hereto at Tab 48 is a true and correct copy of a transcript excerpt (16:20-17:16) of the deposition of Chad Hurley on April 22, 2009.
49. Attached hereto at Tab 49 is a true and correct copy of a transcript excerpt (107:14- 108:20) of the deposition of Chad Hurley on April 22, 2009.
50. Attached hereto at Tab 50 is a true and correct copy of AM000836-44, also marked as Ex. 10 at the deposition of Vance Ikezoye on September 10, 2009
51. Attached hereto at Tab 51 is a true and correct copy of AM001620-22, also marked as Ex. 16 at the deposition of Vance Ikezoye on September 10, 2009.
52. Attached hereto at Tab 52 is a true and correct copy of a transcript excerpt (15:10-16:11) of the deposition of Vance Ikezoye on September 10, 2009.
53. Attached hereto at Tab 53 is a true and correct copy of a transcript excerpt (81:7-24) of the deposition of Vance Ikezoye on September 10, 2009.
54. Attached hereto at Tab 54 is a true and correct copy of a transcript excerpt (24:3-26:8) of the deposition of Varun Kacholia on January 8, 2010.
55. Attached hereto at Tab 55 is a true and correct copy of a transcript excerpt (49:11-16) of the deposition of Varun Kacholia on January 8, 2010.
56. Attached hereto at Tab 56 is a true and correct copy of a transcript excerpt (163:16-19) of the deposition of Varun Kacholia on January 8, 2010.
57. Attached hereto at Tab 57 is a true and correct copy of a transcript excerpt (165:3-11) of the deposition of Varun Kacholia on January 8, 2010.
58. Attached hereto at Tab 58 is a true and correct copy of a transcript excerpt (167:16-25) of the deposition of Varun Kacholia on January 8, 2010.
59. Attached hereto at Tab 59 is a true and correct copy of Exhibit 1 (Resume), marked at the deposition of Jawed Karim on June 6, 2009.
60. Attached hereto at Tab 60 is a true and correct copy of JK00009871-72, also marked as Ex. 9 at the deposition of Jawed Karim on June 6, 2009.
61. Attached hereto at Tab 61 is a true and correct copy of JK00004969, also marked as Ex. 22 at the deposition of Jawed Karim on June 6, 2009.

62. Attached hereto at Tab 62 is a true and correct copy of JK00009933-34, also marked as Ex. 25 at the deposition of Jawed Karim on June 6, 2009.

63. Attached hereto at Tab 63 is a true and correct copy of JK00007479, also marked as Ex. 38 at the deposition of Jawed Karim on June 6, 2009.

64. Attached hereto at Tab 64 is a true and correct copy of JK00006166-69, also marked as Ex. 40 at the deposition of Jawed Karim on June 6, 2009.

65. Attached hereto at Tab 65 is a true and correct copy of a transcript excerpt (16:12 – 17:3) of the deposition of Jawed Karim on June 6, 2009.

66. Attached hereto at Tab 66 is a true and correct copy of GOO001-01403792-93, also marked as Ex. 2 at the deposition of David King on December 12, 2008.

67. Attached hereto at Tab 67 is a true and correct copy of GOO001-01404022, also marked as Ex. 4 at the deposition of David King on December 12, 2008.

68. Attached hereto at Tab 68 is a true and correct copy of GOO001-01517864, also marked as Ex. 6 at the deposition of David King on December 12, 2008.

69. Attached hereto at Tab 69 is a true and correct copy of GOO001-00981006-10, also marked as Ex. 6 at the deposition of David King on January 13, 2010.

70. Attached hereto at Tab 70 is a true and correct copy of GOO001-01998280-81, also marked as Ex. 7 at the deposition of David King on December 12, 2008.

71. Attached hereto at Tab 71 is a true and correct copy of GOO001-01519154-55, also marked as Ex. 13 at the deposition of David King on December 12, 2008.

72. Attached hereto at Tab 72 is a true and correct copy of GOO001-01905256-64, also marked as Ex. 18 at the deposition of David King on December 12, 2008.

73. Attached hereto at Tab 73 is a true and correct copy of GOO001-01613336-38, also marked as Ex. 21 at the deposition of David King on December 12, 2008.

74. Attached hereto at Tab 74 is a true and correct copy of GOO001-02191925-27, also marked as Ex. 23 at the deposition of David King on December 12, 2008.

75. Attached hereto at Tab 75 is a true and correct copy of a transcript excerpt (151:12-24) of the deposition of David King on December 12, 2008.

76. Attached hereto at Tab 76 is a true and correct copy of a transcript excerpt (215:24:-217:7) of the deposition of David King on December 12, 2008.

77. Attached hereto at Tab 77 is a true and correct copy of a transcript excerpt (229:17-231:5) of the deposition of David King on December 12, 2008.

78. Attached hereto at Tab 78 is a true and correct copy of G00001-00496021-62, also marked as Ex. 10 at the deposition of Omid Kordestani on February 12, 2009.
79. Attached hereto at Tab 79 is a true and correct copy of G00001-01295801-02, also marked as Ex. 20 at the deposition of Omid Kordestani on February 12, 2009.
80. Attached hereto at Tab 80 is a true and correct copy of G00001-00237661-63, also marked as Ex. 22 at the deposition of Omid Kordestani on February 12, 2009.
81. Attached hereto at Tab 81 is a true and correct copy of a transcript excerpt (68:21-69:14; 71:16-22) of the deposition of Omid Kordestani on February 12, 2009.
82. Attached hereto at Tab 82 is a true and correct copy of G00001-01040767-70, also marked as Ex. 1 at the deposition of Zahavah Levine on April 2, 2009.
83. Attached hereto at Tab 83 is a true and correct copy of G00001-03424419, also marked as Ex. 3 at the deposition of Zahavah Levine on April 2, 2009.
84. Attached hereto at Tab 84 is a true and correct copy of G00001-00839903, also marked as Ex. 10 at the deposition of Zahavah Levine on April 2, 2009.
85. Attached hereto at Tab 85 is a true and correct copy of G00001-00707313-14, also marked as Ex. 21 at the deposition of Zahavah Levine on April 2, 2009.
86. Attached hereto at Tab 86 is a true and correct copy of G00001-01918032, also marked as Ex. 24 at the deposition of Zahavah Levine on April 2, 2009.
87. Attached hereto at Tab 87 is a true and correct copy of a transcript excerpt (13-14; 18) of the deposition of Zahavah Levine on April 2, 2009.
88. Attached hereto at Tab 88 is a true and correct copy of a transcript excerpt (19:6-12) of the deposition of Zahavah Levine on April 2, 2009.
89. Attached hereto at Tab 89 is a true and correct copy of G00001-07171324-53, also marked as Ex. 15 at the deposition of Matthew Liu on November 13, 2009.
90. Attached hereto at Tab 90 is a true and correct copy of a transcript excerpt (201:24-202:15) of the deposition of Chris Maxcy on August 28, 2008.
91. Attached hereto at Tab 91 is a true and correct copy of a transcript excerpt (233:21-234:2) of the deposition of Chris Maxcy on August 28, 2008.
92. Attached hereto at Tab 92 is a true and correct copy of G00001-01211705-14, also marked as Ex. 19 at the deposition of Paul Molnar on September 16, 2008.
93. Attached hereto at Tab 93 is a true and correct copy of G00001-00794737-58, also marked as Ex. 4 at the deposition of Bhanu Narasimhan on September 18, 2009.

94. Attached hereto at Tab 94 is a true and correct copy of GOO001-06555098-99, also marked as Ex. 8 at the deposition of Bhanu Narasimhan on September 18, 2009.

95. Attached hereto at Tab 95 is a true and correct copy of a transcript excerpt (15:6-9) of the deposition of Jim Patterson on December 16, 2009.

96. Attached hereto at Tab 96 is a true and correct copy of a transcript excerpt (18:18-19:4) of the deposition of Jim Patterson on December 16, 2009.

97. Attached hereto at Tab 97 is a true and correct copy of GOO001-00305115-52, also marked as Ex. 3 at the deposition of Suzie Reider on October 3, 2008.

98. Attached hereto at Tab 98 is a true and correct copy of GOO001-00074410-11, also marked as Ex. 7 at the deposition of Suzie Reider on October 3, 2008.

99. Attached hereto at Tab 99 is a true and correct copy of "YouTube Video Ads", also marked as Ex. 9 at the deposition of Suzie Reider on October 3, 2008.

100. Attached hereto at Tab 100 is a true and correct copy of GOO001-00907818-19, also marked as Ex. 11 at the deposition of Suzie Reider on October 3, 2008.

101. Attached hereto at Tab 101 is a true and correct copy of *YouTube Screenshots*, also marked as Ex. 13 at the deposition of Suzie Reider on October 3, 2008.

102. Attached hereto at Tab 102 is a true and correct copy of *YouTube Screenshots*, also marked as Ex. 14 at the deposition of Suzie Reider on October 3, 2008.

103. Attached hereto at Tab 103 is a true and correct copy of *YouTube Screenshots*, also marked as Ex. 15 at the deposition of Suzie Reider on October 3, 2008.

104. Attached hereto at Tab 104 is a true and correct copy of a transcript excerpt (33:7-17) of the deposition of Suzie Reider on October 3, 2008.

105. Attached hereto at Tab 105 is a true and correct copy of GOO001-00839895, also marked as Ex. 6 at the deposition of Micah Schaffer on July 23, 2008.

106. Attached hereto at Tab 106 is a true and correct copy of GOO001-00840004-06, also marked as Ex. 8 at the deposition of Micah Schaffer on July 23, 2008.

107. Attached hereto at Tab 107 is a true and correct copy of GOO001-00561567-82, also marked as Ex. 12 at the deposition of Micah Schaffer on July 23, 2008.

108. Attached hereto at Tab 108 is a true and correct copy of CSSU003560-86, also marked as Ex. 2 at the deposition of Eric Schmidt on May 6, 2009.

109. Attached hereto at Tab 109 is a true and correct copy of GOO001-00496614-47, also marked as Ex. 8 at the deposition of Eric Schmidt on May 6, 2009.



110. Attached hereto at Tab 110 is a true and correct copy of a transcript excerpt (53:9-24) of the deposition of Eric Schmidt on May 6, 2009.

111. Attached hereto at Tab 111 is a true and correct copy of a transcript excerpt (109:20-21) of the deposition of Eric Schmidt on May 6, 2009.

112. Attached hereto at Tab 112 is a true and correct copy of GOO0001-02027618-02027619, also marked as Ex. 14 at the deposition of Shasha Seth on July 16, 2009.

113. Attached hereto at Tab 113 is a true and correct copy of the Declaration of Robert F. Tur, accompanied by Exs. 1-8, as of November 13, 2006.

114. Attached hereto at Tab 114 is a true and correct copy of a transcript excerpt (71:23-72:16) of the deposition of Kent Walker on December 17, 2009.

115. Attached hereto at Tab 115 is a true and correct copy of a transcript excerpt (71:24-72:7) of the deposition of Kent Walker on December 17, 2009.

116. Attached hereto at Tab 116 is a true and correct copy of a transcript excerpt (130:14-18) of the deposition of Kent Walker on December 17, 2009.

117. Attached hereto at Tab 117 is a true and correct copy of GOO001-00313643-46, also marked as Ex. 9 at the deposition of Patrick Walker on July 22, 2008.

118. Attached hereto at Tab 118 is a true and correct copy of GOO001-00502527-54, also marked as Ex. 14 at the deposition of Patrick Walker on July 22, 2008.

119. Attached hereto at Tab 119 is a true and correct copy of GOO001-00922380-81, also marked as Ex. 19 at the deposition of Patrick Walker on July 22, 2008.

120. Attached hereto at Tab 120 is a true and correct copy of a transcript excerpt (200:8-22) of the deposition of Patrick Walker on July 22, 2008.

121. Attached hereto at Tab 121 is a true and correct copy of a transcript excerpt (216:25-218:4) of the deposition of Patrick Walker on July 22, 2008.

122. Attached hereto at Tab 122 is a true and correct copy of a transcript excerpt (222:17-223:12) of the deposition of Patrick Walker on July 22, 2008.

123. Attached hereto at Tab 123 is a true and correct copy of a transcript excerpt (227:10-228:14) of the deposition of Patrick Walker on July 22, 2008.

124. Attached hereto at Tab 124 is a true and correct copy of a transcript excerpt (246:1-247:2) of the deposition of Oliver Weingarten on December 16, 2009.

125. Attached hereto at Tab 125 is a true and correct copy of SC009721-26, also marked at Ex. 9 at the deposition of Gideon Yu on August 14, 2009.

126. Attached hereto at Tab 126 is a true and correct copy of GOO001-02341604-09, also marked as Ex. 13 at the deposition of Anthony Zameczkowski on February 6, 2009.

127. Attached hereto at Tab 127 is a true and correct copy of GOO001-00214966-67, also marked as Ex. 14 at the deposition of Anthony Zameczkowski on February 6, 2009.

128. Attached hereto at Tab 128 is a true and correct copy of GOO001-00221953, also marked as Ex. 16 at the deposition of Anthony Zameczkowski on February 6, 2009.

129. Attached hereto at Tab 129 is a true and correct copy of GOO001-02339707-13, also marked as Ex. 17 at the deposition of Anthony Zameczkowski on February 6, 2009.

130. Attached hereto at Tab 130 is a true and correct copy of GOO001-00716143-45, also marked as Ex. 18 at the deposition of Anthony Zameczkowski on February 6, 2009.

131. Attached hereto at Tab 131 is a true and correct copy of GOO001-01655883-84.0003, also marked as Ex. 19 at the deposition of Anthony Zameczkowski on February 6, 2009.

132. Attached hereto at Tab 132 is a true and correct copy of GOO001-01316227-01316229.0019, also marked as Ex. 23 at the deposition of Anthony, Zameczkowski on February 6, 2009.

133. Attached hereto at Tab 133 is a true and correct copy of “eBay Completes PayPal Acquisition”, Ebay Press Release, dated as of October 3, 2002.

134. Attached hereto at Tab 134 is a true and correct copy of Google Press Release: “Google to Acquire YouTube for \$1.65 Billion in Stock,” as of October 9, 2006.

135. Attached hereto at Tab 135 is a true and correct copy of “Google To Acquire YouTube for \$1.65 Billion in Stock-Final”, Fair Disclosure Wire, as of October 9, 2006.

136. Attached hereto at Tab 136 is a true and correct copy of “Q2 2008 Google Earnings Conference Call – Final”, Fair Disclosure Wire, as of July 17, 2008.

137. Attached hereto at Tab 137 is a true and correct copy of the excerpt of the First Amended Complaint (¶¶ 33) as of November 7, 2007.

138. Attached hereto at Tab 138 is a true and correct copy of the excerpt of the Second Amended Complaint (¶¶ 2,3, 10-33, 45) as of November 26, 2008.

139. Attached hereto at Tab 139 is a true and correct copy of the excerpt of the Second Amended Answer (¶¶ 34,35,37) as of January 16, 2009.

140. Attached hereto at Tab 140 is a true and correct copy of the excerpt of Defendants’ Highly Confidential Responses and Objections to Plaintiffs Second Set of Interrogatories, as of January 11, 2010.

141. Attached hereto at Tab 141 is a true and correct copy of “Q1 2009 Google Q&A Session - Final”, Fair Disclosure Wire, as of April 16, 2009.
142. Attached hereto at Tab 142 is a true and correct copy of “Q2 2009 Google Earnings Conference Call - Final”, Fair Disclosure Wire, as of July 16, 2009.
143. Attached hereto at Tab 143 is a true and correct copy of “YouTube Help”, search on YouTube last accessed on March 5, 2010.
144. Attached hereto at Tab 144 is a true and correct copy of CH00001663-69.
145. Attached hereto at Tab 145 is a true and correct copy of CH00017947-48.
146. Attached hereto at Tab 146 is a true and correct copy of CH00035504-08.
147. Attached hereto at Tab 147 is a true and correct copy of CH00050892.
148. Attached hereto at Tab 148 is a true and correct copy of “YouTube Fall 2009,” retrieved from the YouTube website at the following URL:  
[http://www.gstatic.com/youtube/engagement/platform/autoplay/advertise/downloads/YouTube\\_InTheKnow.pdf](http://www.gstatic.com/youtube/engagement/platform/autoplay/advertise/downloads/YouTube_InTheKnow.pdf).
149. Attached hereto at Tab 149 is a true and correct copy of GOO001-00021120.
150. Attached hereto at Tab 150 is a true and correct copy of GOO001-00053573-74 (E-mail chain).
151. Attached hereto at Tab 151 is a true and correct copy of GOO001-00798356-57 (E-mail chain).
152. Attached hereto at Tab 152 is a true and correct copy GOO001-00923351-52 (E-mail chain).
153. Attached hereto at Tab 153 is a true and correct copy of GOO001-00980438-39 (E-mail chain).
154. Attached hereto at Tab 154 is a true and correct copy of GOO001-01027023-44 (“Copyright 101 for YouTube Partners.”)
155. Attached hereto at Tab 155 is a true and correct copy of GOO001-01053199-205 (E-mail chain).
156. Attached hereto at Tab 156 is a true and correct copy of GOO001-01523629-30 (E-mail chain).
157. Attached hereto at Tab 157 is a true and correct copy of GOO001-01179621 (E-mail).
158. Attached hereto at Tab 158 is a true and correct copy of GOO001-01609294-95 (E-mail chain).

159. Attached hereto at Tab 159 is a true and correct copy of GOO001-01644802-03 (E-mail chain).
160. Attached hereto at Tab 160 is a true and correct copy of GOO001-01905862-65 (Q1 CYC Priorities-Feature List).
161. Attached hereto at Tab 161 is a true and correct copy of GOO001-01907142-7190 (EMI Music Marketing Agreement).
162. Attached hereto at Tab 162 is a true and correct copy of GOO001-02111938-53.
163. Attached hereto at Tab 163 is a true and correct copy of GOO001-02240224-36 (GEMA Agreement).
164. Attached hereto at Tab 164 is a true and correct copy of GOO001-02241782-1835 (Universal Agreement).
165. Attached hereto at Tab 165 is a true and correct copy of GOO001-02242093-2149 (MCPS-PRS Agreement).
166. Attached hereto at Tab 166 is a true and correct copy of GOO001-02245062-67 (SESAC).
167. Attached hereto at Tab 167 is a true and correct copy of GOO001-02250887-904 (WMG).
168. Attached hereto at Tab 168 is a true and correct copy of GOO001-02737286-87 (E-mail chain).
169. Attached hereto at Tab 169 is a true and correct copy of GOO001-02816985-88 (E-mail chain).
170. Attached hereto at Tab 170 is a true and correct copy of GOO001-09684819-50 (SonyATV Agreement).
171. Attached hereto at Tab 171 is a true and correct copy of GOO001-03424742-78 (Warner Agreement).
172. Attached hereto at Tab 172 is a true and correct copy of GOO001-09684681-719 (Sony BMG).
173. Attached hereto at Tab 173 is a true and correct copy of GOO001-06238828-06239753 (“Keyword/Bucket”).
174. Attached hereto at Tab 174 is a true and correct copy of GOO001-07165570-72 (E-mail chain).
175. Attached hereto at Tab 175 is a true and correct copy of GOO001-1315683-85 (E-mail chain).

176. Attached hereto at Tab 176 is a true and correct copy of CSSU002686, also marked as Ex. 13 at the deposition of Storm Duncan on July 16, 2008.

177. Attached hereto at Tab 177 is a true and correct copy of a transcript excerpt (89:24-90:6) of the deposition of Storm Duncan on July 16, 2008.

178. Attached hereto at Tab 178 is a true and correct copy of a transcript excerpt (92:20-93:17) of the deposition of Storm Duncan on July 16, 2008.

179. Attached hereto at Tab 179 is a true and correct copy of GOO001-01332719-22 (E-mail chain).

180. Attached hereto at Tab 180 is a true and correct copy of 07220441.

181. Attached hereto at Tab 181 is a true and correct copy of 06510250-52 (E-mail chain).

182. Attached hereto at Tab 182 is a true and correct copy of GOO001-02910519-23 (E-mail chain).

183. Attached hereto at Tab 183 is a true and correct copy of a screenshot of the YouTube website generated on March 3, 2010. (“What you won’t do for love” Search).

184. Attached hereto at Tab 184 is a true and correct copy of a screenshot of the YouTube website generated on March 3, 2010. (“French Open” Search).

185. Attached hereto at Tab 185 is a true and correct copy of a screenshot of the YouTube website generated on March 3, 2010. (“roland garros” Search).

186. Attached hereto at Tab 186 is a true and correct copy of a screenshot of the YouTube website generated on March 3, 2010. (“edelweiss” Search).

187. Attached hereto at Tab 187 is a true and correct copy of a screenshot of the YouTube website generated on March 3, 2010. (“Carousel Waltz” Search).

188. Enclosed hereto as an Addendum to Declaration of Elizabeth Anne Figueira (Disc 1) are true and correct copies of the following videos produced by Defendants which were identified on Exhibit A to the Class Plaintiffs’ Second Amended Complaint, as well as screenshots of web pages, with corresponding URL, on which these videos appeared:


<u>Title of Infringed Work</u>	<u>Video ID of File Embodying Infringing Video</u>	<u>Date Posted</u>
PREMIER LEAGUE WORKS		
Middlesbrough v Tottenham, April 28, 2007	aF7xQ3HZ2Yw	April 28, 2007

Middlesbrough v Tottenham, April 28, 2007	XdOTw6xdaG8	March 10, 2008
Liverpool v Chelsea, August 19, 2007	njZz_0eWtsE	August 19, 2007
Liverpool v Chelsea, August 19, 2007	4f0heMW6w9M	August 21, 2007
Liverpool v Chelsea, August 19, 2007	Y1EWQ3DzyMo	August 21, 2007
Manchester United v Tottenham, August 26, 2007	nY2I2H8pUgU	August 26, 2007
Manchester United v Tottenham, August 26, 2007	N4Q0z_aF3xc	May 17, 2008
Manchester United v Tottenham, August 26, 2007	8c_aATOMUgM	August 28, 2007
BOURNE WORKS		
Let's Fall In Love	WqFxBY_YkXI	January 27, 2007
Let's Fall In Love	sFo1LRcM-Gk	March 21, 2008
Popcorn	Pc3orYnY21o	June 16, 2006
Popcorn	vQumKuo6meE	December 10, 2007
Smile	7r9qwAZnl64	July 15, 2006
Smile	0k0OPxHtqgc	April 26, 2008
CHERRY LANE WORKS		
Afternoon Delight	X5axMyJ_-Z8	November 19, 2006
Afternoon Delight	eaHYvkjH_QY	February 03, 2008
Afternoon Delight	FfoinnTh690	June 25, 2008
RHO WORKS		
The Carousel Waltz	HvN3vjZHN_Y	July 13, 2007

The Carousel Waltz	nMb_NMX8zbQ	May 5, 2008
STAGE 3 WORKS		
Dream On	RF8VLPglMwo	June 20, 2007
Dream On	Pax76o1Tun0	April 26, 2008
ALLEY WORKS		
I get the Sweetest Feeling	C-HIHcGgROU	May 5, 2007
I get the Sweetest Feeling	iIs1kIBOd_M	December 6, 2007

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: New York, New York  
March 15, 2010

  
Elizabeth Anne Figueira