

12/17/2009 Walker, Kent

HIGHLY CONFIDENTIAL -- OUTSIDE
COUNSEL'S EYES ONLY

1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK
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4 VIACOM INTERNATIONAL, INC., COMEDY)
5 PARTNERS, COUNTRY MUSIC.)
6 TELEVISION, INC., PARAMOUNT)
7 PICTURES CORPORATION, and BLACK)
8 ENTERTAINMENT TELEVISION, LLC,)

9 Plaintiffs,)

10 vs.)

NO. 07-CV-2103

11 YOUTUBE, INC., YOUTUBE, LLC,)
12 and GOOGLE, INC.,)

13 Defendants.)

14 _____)
15 THE FOOTBALL ASSOCIATION PREMIER)
16 LEAGUE LIMITED, BOURNE CO., et al.,)
17 on behalf of themselves and all)
18 others similarly situated,)

19 Plaintiffs,)

20 vs.)

NO. 07-CV-3582

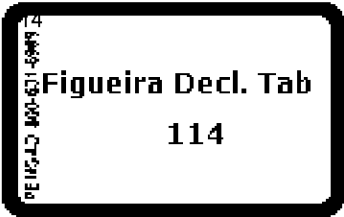
21 YOUTUBE, INC., YOUTUBE, LLC, and)
22 GOOGLE, INC.,)

23 Defendants.)

24 _____)
25 VIDEOTAPED DEPOSITION OF KENT WALKER
PALO ALTO, CALIFORNIA

THURSDAY, DECEMBER 17, 2009

BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CLR
CSR LICENSE NO. 9830
JOB NO. 18312



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A One, I have no idea what other people -- there were a number of people in the company who were engaged with Viacom in a whole variety of context that I'm not familiar with.

Q Understood.

A So I don't know what they may or may not have offered. With regard to my conversation with Mr. Fricklas, I don't remember whether Audible Magic came up, I don't remember whether he asked for it, I don't remember whether I offered it or didn't offer it. I just don't recall.

The reason for that was that it was and still is my understanding that Audible Magic is more -- while it's not a great tool, it relatively is more suited for audio content, music content, primarily, than is for video content. In part because of the -- the reasons we talked about before, that video is much more information dense, it's a much harder search problem, and that the -- the Audible Magic technology hadn't evolved in a way that would make it usable or useful for Viacom to -- to implement.

There's another distinction as well, which is, music content is perhaps uniquely legally complex because of the number of overlapping and sometimes

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inconsistent rights associated with it. There are a wide number of different rights that are owned by the performer, the creator, the -- the publishers, the labels, the collecting societies in Europe, et cetera, and each of those entities can own multiple rights, which sometimes align and sometimes do not.

As a result of that, there are complexities associated with that, which I believe the Audible Magic system had been optimized for, both in terms of the technological operation of the system and the assembly of a database, which was designed to track all of the -- the complex music rights associated with it.

As the name Audible Magic itself suggests, it was a music tool, at least that was my understanding.

MR. SCHAPIRO: Let's -- let's take a break for five minutes.

THE VIDEOGRAPHER: The time is 10:47.

Off the record.

(Recess taken.)

THE VIDEOGRAPHER: The time is 10:57.

On the record.

MR. DESANCTIS: Mr. Walker, before we just took a short break, you were describing for me certain