

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

18 Plaintiffs,)

19 vs.)

NO. 07-CV-3582

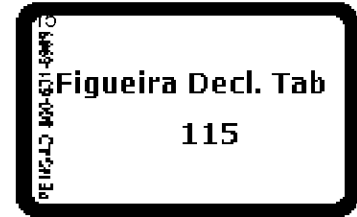
20 YOUTUBE, INC., YOUTUBE, LLC, and)
21 GOOGLE, INC.,)

22 Defendants.)

23 VIDEOTAPED DEPOSITION OF KENT WALKER
24 PALO ALTO, CALIFORNIA

25 THURSDAY, DECEMBER 17, 2009

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



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WALKER, KENT

115-0002

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