

7/22/2008 Walker, Patrick

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL INC., COMEDY)
PARTNERS, COUNTRY MUSIC)
TELEVISION, INC., PARAMOUNT)
PICTURES CORPORATION, and BLACK)
ENTERTAINMENT TELEVISION LLC,)
Plaintiffs,)

vs.) Case No. 1:07CV02103

YOUTUBE, INC., YOUTUBE, LLC,)
and GOOGLE, INC.,)
Defendants.)

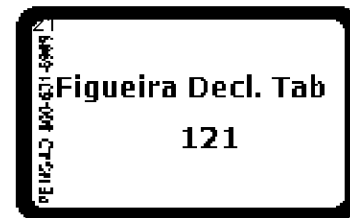
THE FOOTBALL ASSOCIATION PREMIER)
LEAGUE LIMITED, BOURNE CO., et al.,)
on behalf of themselves and all)
others similarly situated,)
Plaintiffs,)

vs.) Case No. 07CV3582

YOUTUBE, INC., YOUTUBE, LLC, and)
GOOGLE, INC.,)
Defendants.)

DEPOSITION OF PATRICK WALKER
SAN FRANCISCO, CALIFORNIA
TUESDAY, JULY 22, 2008

REPORTED BY:
YVONNE FENNELLY, CRP, CSR NO. 5495
JOB NO. 15375



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What's that referring to?

MR. INGBER: Objection; calls for speculation.

THE WITNESS: He made an indication here that it was popular on YouTube. I don't know what was his specific reason for that.

BY MR. SHAFTEL:

Q. Well, do you understand that Premier League content in this time period was appearing on YouTube?

A. Yes.

The Premier League had indicated to us that content was appearing on YouTube, and which is why we explained to them the procedures for removal of that content if they objected to its presence on YouTube.

Q. Did you or did you have anyone on your staff make any inquiries in terms of the extent that Premier League content was appearing on YouTube?

A. I don't know.

Q. When the Premier League in substance said to you, we're upset by the amount of Premier League material on YouTube, did you take any steps to check into the accuracy of their statements?

MR. INGBER: Object to form, assumes facts not in evidence.

THE WITNESS: When anyone, including the

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Premier League, indicates to me that their content is on YouTube, what I tell each and every one of them is, why is it still there if you don't want it there? The tools are available to you to have it removed if you object to its presence there.

BY MR. SHAFTEL:

Q. And you said that to the Premier League officials?

A. Yes.

Q. And what did they say in response?

A. They said that we should, meaning YouTube should take it down.

To which I responded, you are the only one that knows which clips are the ones that might be unauthorized, and you must follow procedures for its removal through the DMCA process.

I've had been through so many different examples and circumstances with different partners already where even the same organization was counterclaiming itself. Marketing departments, legal departments, business divisions had very different views, and in some cases didn't know what one's arm was doing relative to the other.

The only clear way for us to remove content, to

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satisfy the requirement of the rights holder was based on their very specific use of the takedown notification tools about specific URL's. And even in that case, as I

demonstrated in the past, in Channel 4, sometimes we've had examples where they are actually incorrect or they actually asked for removal of things that, in fact, were not there, but they needed to take responsibility for identifying, and we were there to provide them guidance and support to help them with removal of that content.

Q. You're not testifying that Premier League or certain departments within Premier League, that you have any evidence wanted Premier League video clips to be put onto YouTube; are you?

MR. INGBER: Object to form.

THE WITNESS: I don't have any evidence. I said I have --

MR. INGBER: Let him finish his answer.

THE WITNESS: I said I've experienced circumstances where organizations -- and this was very new. I was actually quite surprised by what I learned over time.

The amount of active submission of content by different parts of media companies, organizations and rights holders, was actually quite staggering. Many