12/12/2008 King, David

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 1                UNITED STATES DISTRICT COURT
             FOR THE SOUTHERN DISTRICT OF NEW YORK
 2

     VIACOM INTERNATIONAL, INC., COMEDY )
 3   PARTNERS, COUNTRY MUSIC.           )
     TELEVISION, INC., PARAMOUNT        )
 4   PICTURES CORPORATION, and BLACK    )
     ENTERTAINMENT TELEVISION, LLC,     )
 5                                      )
                     Plaintiffs,        )
 6                                      )
     vs.                               ) NO. 07-CV-2203
 7                                      )
     YOUTUBE, INC., YOUTUBE, LLC,       )
 8   and GOOGLE, INC.,                  )
                                        )
 9                    Defendants.       )
     _____)
10                                      )
     THE FOOTBALL ASSOCIATION PREMIER   )
11   LEAGUE LIMITED, BOURNE CO., et al.,)
     on behalf of themselves and all    )
12   others similarly situated,         )
                                        )
13                    Plaintiffs,       )
     vs.                               ) NO. 07-CV-3582
14                                      )
     YOUTUBE, INC., YOUTUBE, LLC, and   )
15   GOOGLE, INC.,                      )
                                        )
16                    Defendants.       )
     _____)
17

                   HIGHLY CONFIDENTIAL
18        VIDEOTAPED DEPOSITION OF DAVID KING
                 SAN FRANCISCO, CALIFORNIA
19             FRIDAY, DECEMBER 12, 2008
20
     BY:  ANDREA M. IGNACIO HOWARD, CSR, RPR, CCRR, CLR
21   CSR LICENSE NO. 9830
     JOB NO. 16211
22
23
24
25
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Figueira Decl. Tab
75

1   KING   75-0002

2   afternoon, Mr. King.

3   Under item 1B, these are apparently options.

4   It says/state "Offer UMG the ad-inventory for the

5   videos that we don't have publishing (we would have to

6   run this by compliance) as a way to keep them live

7   on" -- YouTube or -- "YT" -- excuse me, there's an

8   abbreviation -- "(block embeds)."

9   Do you see that? Actually, there's no period

10   there, but a full stop.

11   A   Yes, I see that.

12   Q   Okay. Do you have any idea what that

13   statement means, we don't have publishing for certain

14   videos as a way to keep them live on YouTube?

15   MR. MANCINI: Again, objection to the extent

16   it calls for any legal communications.

17   You can testify to a business understanding.

18   Just to be clear, I'll permit the witness to

19   testify to a fact, to a fact about -- but not to

20   communications with lawyers.

21   THE WITNESS: So putting -- what this would

22   be referring to is, at times, for specific sound

23   recordings, YouTube has certain sound recordings where

24   the -- the publishing has not been identified.

25   MR. HART: Q. Unidentified or not cleared?