

12/12/2008 King, David

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



3 VIACOM INTERNATIONAL, INC., COMEDY)
4 PARTNERS, COUNTRY MUSIC.)
5 TELEVISION, INC., PARAMOUNT)
6 PICTURES CORPORATION, and BLACK)
7 ENTERTAINMENT TELEVISION, LLC,)

8 Plaintiffs,)

9 vs.)

NO. 07-CV-2203

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

12 Defendants.)

13 _____)
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 HIGHLY CONFIDENTIAL
24 VIDEOTAPED DEPOSITION OF DAVID KING
25 SAN FRANCISCO, CALIFORNIA
FRIDAY, DECEMBER 12, 2008

BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CCRR, CLR
CSR LICENSE NO. 9830
JOB NO. 16211

1 KING 77-0002

2 THE WITNESS: I'm aware of a technical
3 discussion about the requirements for a video
4 identification system that could meet the needs of
5 YouTube.

6 (Document marked King Exhibit 21
7 for identification.)

8 THE WITNESS: Okay. Can I dispose of this
9 one?

10 MR. HART: Don't dispose of it. You can put
11 it in front of the court reporter, though,
12 from Mr. Mancini's lexicon of nitpicking.

13 See, I got him to smile. There you go.

14 MR. MANCINI: I prefer not to.

15 MR. HART: You prefer not to smile. I know.
16 You object to smiling.

17 Q Okay. Before we get into this document in
18 any depth, Mr. King, are you aware of discussions
19 internally at YouTube/Google to turn any of the
20 content identification systems or technology into
21 products that YouTube/Google could license to
22 third-party websites?

23 MR. MANCINI: Objection to form and objection
24 to the extent it seeks any legal communications with
25 counsel.

1 KING 77-0003

2 MR. HART: I don't want your communications
3 with counsel.

4 THE WITNESS: There we have had --

5 MR. MANCINI: I just want to caution the
6 witness --

7 THE WITNESS: Yes.

8 MR. MANCINI: -- not to discuss either any
9 communications with counsel which are privileged or
10 the results of communications with counsel, which are
11 also privileged. Other than that, you can -- you can
12 communicate -- you can discuss this subject.

13 THE WITNESS: So once again, what was your
14 question?

15 MR. HART: Let's read it back.

16 (Whereupon, record read by the Reporter as
17 follows:

18 "Question: Okay. Before we get into this
19 document in any depth, Mr. King, are you
20 aware of discussions internally at
21 YouTube/Google to turn any of the content
22 identification systems or technology into
23 products that YouTube/Google licensed
24 to third party websites?")

25 MR. HART: Could license to third parties.

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KING

77-0004

THE WITNESS: I think our video identification platform is a -- is a platform that we're proud of, and we have considered making it available to third-party websites.

MR. HART: Okay. Thank you.

Q And if you could just quickly identify for me what we've marked as Exhibit 21?

MR. MANCINI: Identify in which way?

MR. HART: Q. Well, I guess, first, is it -- is this consistent with your usual practice as an e-mail that you had received in the ordinary course at YouTube?

A So based on the file header that I see here, it would appear that this is an e-mail I did receive in December of 2007. Is that -- does that answer your question?

Q Yeah, that's fine.

And if you would just look at the sentence immediately below the heading "Overview" on the first page, and there's a sentence, quote, "The purpose of this project is to explore opportunities to open the video identification API to third-party UGC sites."

Do you see that sentence?

A I see that sentence.