Matt Friese

Figueira Decl. Tab
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From: Vance Ikezoye [v_ikezoye@audiblemagic.com]
Sent: Monday, September 25, 2006 11:16 AM
To: 'Stern, Jeremy'
Subject: FW: YouTube/AudibleMagic integration

From: Franck Chastagnol [mailto:fchastagnol@youtube.com]
Sent: Monday, September 25, 2006 10:37 AM
To: Jim Schrempp
Cc: Ikezoye, Vance; Williams, Rob
Subject: Re: YouTube/AudibleMagic integration

hi Jim,

yes, i understand and i'm confident reliability and availability on your side will be excellent.

let me touch base with our Ops, bus dev and legal teams and then get back to you.

in parallel, would be great if you could discuss with your Ops team possible options.

i'm sure we can find a compromise that will work for both of us

thanks,
franck

On Sep 23, 2006, at 11:07 AM, Jim Schrempp wrote:

> Hi Franck,
>
> You will remember that the business side of YouTube wanted an extremely cheap - really, really, really cheap - deal from us. They were willing to cut out all kinds of features to get the price lower. We were asked to give you a rock bottom price. Rock bottom implies business hours support, not someone on standby 24/7. You'll remember that we even discussed going to geographically dispersed load balancing to give you higher reliability - we all kind of laughed that this would be more reliability than you'd want to pay for.
>
> I think you will experience very, very good reliability from us that will meet your needs. But for what you're paying us our Ops team can't afford to have someone available to take a call from your Ops team at 2am.
>
> I've passed the issue over to Vance for resolution.
>
> All the best,
> Jim

Audible Magic Corporation

DATE: 12/10/08
DEPONENT: _Chastagnol_   EXHIBIT# 11

CASE: Viacom, et al., v. YouTube, et al., The Football
Association Premier League, et al., v. YouTube, et al.,
Case Nos. 07-CV-2203 and 07-CV-3582
A. Ignacio Howard, CLR, RPR, CSR No. 9830

7/24/2008

408.399.6405 x105

8-0002

This message is intended for the use of the addressee only
and may contain confidential information and trade secrets
of Audible Magic. Unauthorized use or disclosure is
prohibited.

From: Franck Chastagnol [mailto:fchastagnol@youtube.com]
Sent: Friday, September 22, 2006 5:53 PM
To: Jim Schrempp
Cc: 'Vance Ikezoye ((Vance Ikezoye))'; 'David Estrada'
Subject: Re: YouTube/AudibleMagic integration

On Sep 22, 2006, at 4:29 PM, Jim Schrempp wrote:

> Hi Franck,
>
> Yes, the forecast can come later.

it is on my todo list

> 99% uptime is 15 minutes down per day. Is that really too much? Also, we do
> run a load balanced server farm with redundancy for all in-line components so
> downtime would require a lot of things to all go wrong all at once. I expect you
> to see much better reliability than this. I just don't think the current deal justifies
> spec'ing that.

yes, but 99% over a years is 3.65 days :)
we have strict SLA for Warner (under 12 hours). they are paranoid that a video
would be up there on the site for a long time...
so i think it is just a matter of adding a time window: 99% monthly availability (7.2
hours downtime a month) ?

> We were not expecting to provide 24/7 support for this since it is an offline
> process for you. I've sent that to our VP Ops to discuss with Vance.

ok.
again the reason is SLA imposed by Warner on us.

thanks Jim,
have a great week-end,
Franck

> Have a good weekend,
> Jim
>
> Audible Magic Corporation

7/24/2008

AM 002947

408.399.6405 x105

8-0003

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prohibited.

From: Franck Chastagnol [mailto:fchastagnol@youtube.com]
Sent: Friday, September 22, 2006 4:09 PM
To: Jim Schrempp
Cc: 'Vance Ikezoye ((Vance Ikezoye))'; 'David Estrada'
Subject: Re: YouTube/AudibleMagic integration

Hi Jim,

Hi,

Yes, the forecast periods you suggest will work for us.

ok, i will crunch some numbers. i assume we do not need this to
close contract and i can provide these later on ?

AM systems will be available > 99% of the time

is it more like 99.9% or 99.0% ?
we should add this to contract

We talked about this early on, but I think we should add it
to the addendum: AM will have support available during
normal business hours, Pacific Time.

i assume you will have an escalation process for live issues ?
we would need our ops folks to be able to contact yours 24/7 in
case your system goes down.

And yes we should make this an addendum to the contract.

ok

thanks,
franck

It's good working with you,
Jim

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AM 002948

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Audible Magic Corporation
408.399.6405 x105

From: Franck Chastagnol
[mailto:fchastagnol@youtube.com]
Sent: Friday, September 22, 2006 10:48 AM
To: Jim Schrempp
Cc: 'Vance Ikezoye ((Vance Ikezoye))'; 'David Estrada'
Subject: Re: YouTube/AudibleMagic integration

Hi Jim,

> With the current deal, the number of
> servers becomes our issue, so we
> should remove that from the SLA.

makes sense

> As to concurrent processes, when we
> go live you can do 16 concurrent, as
> your forecast of rates goes up we can
> increase that number for you. Can you
> send me the first forecast of
> transaction rates?

16 concurrent txns makes sense.
i can work on forecast for daily volume of
match API and add API calls. would a 3
months after launch and 6 months after launch
forecasts suffice ?

In terms of SLA, here is what I suggest we put
in the contract, let me know if you are ok with
this
- overall availability of AM system: <need
number from AM>
- match API SLAs (see requirements below,
this is what we had discussed)

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- add API SLAs (see requirements below. we had not discussed it but I hope it is reasonable for you)

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I think it may make sense to add the requirements we discussed together (see below) as an exhibit to the contract ?

Thanks,
Franck

Requirements for integration with Audible Magic (AM) ¶

Phase 1 (launch) ¶
Database setup ¶

- AM should host and setup 2 reference fingerprint databases:
    - one populated with Warner content (referenced as 'WarnerDB' hereafter)
    - one populated by YouTube via the new fingerprint add API (this DB is referenced as 'YouTubeDB' hereafter)

- YouTubeDB requirements:
    - should be able to store 200,000 (two hundred thousands) fingerprints at launch
    - should have the capability to scale upon YouTube explicit request up to several Millions

- Fingerprinting match mode
    - WarnerDB should be setup in "File identification" mode
    - YouTubeDB should be setup in "File identification" mode

Fingerprint Match API ¶

- A single match API call should have ability to query against WarnerDB and/or YouTubeDB
    - There will be a

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paramater "target_db" in the URL of the HTTP request that indicates the target database: WarnerDB, YouTubeDB, or both WarnerDB and YouTubeDB

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- o The possible values for target_db are:
  - "db1" = WarnerDB
  - "db2" = YouTubeDB
  - "all" = both WarnerDB and YouTubeDB
- If target_db parameter is not present in URL, default value "all" should be assumed: request should go against both WarnerDB and YouTubeDB
- If target_db is "all", fingerprint lookup algorithm should:
  - o lookup first on WarnerDB, then on YouTubeDB
  - o return as soon as a match is found. e.g. if a match is found on WarnerDB, there is not need to search on YouTubeDB

- match API should return the following standard meta-data information in its XML response (content owner is Warner for Phase I):
  - o ISRC, if supplied by content owner
  - o GRiD, if supplied by content owner (Warner specific)
  - o Product ID, if suplied by content owner (Warner specific)
  - o Artist name
  - o Track title
  - o Album name
  - o Releasing Label
  - o Genre , if supplied by content owner

- match API should return additional meta-data (this may require custom work on AM side):
  - o <supplier> field, indicating the source of content (Warner, Sony, Universal, etc...)
  - o <policy>: block content or share revenues. policy should be set by Warner and sent to AM to store as a business rule in WarnerDB. default policy will be "block". ' **This is contingent upon Warner passing this meta-data**

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to AM
- o <content_type> field, indicating 8-0007
  type of content: Music or Music
  Video. **This is contingent upon
  Warner passing this meta-data
  to AM**

- AMItemID
  - o The AMItemID returned in case of
    a match against YouTubeDB
    should:
    - have its 3 last characters be
      as "YTB" (or any specific 3
      chars defined by AM)
    - have the other characters
      (max 40 chars) representing
      the custom id passed as
      part of the add fingerprint
      API (see below)

- SLAs
  - o match API performance:
    - the response time is
      measured at ingress point of
      the AM network
    - average response time
      should not exceed 8 secs
    - 90th percentile response
      time within 12 secs
    - AM should be able to handle
      concurrent transactions. At
      launch, YouTube will have
      up to 16 concurrent
      transactions. As volume
      grows, it will be possible to
      increase this number.
  - o match API volume
    - At launch, AM should be
      able to handle 200,000 (two
      hundred thousands) match
      API calls / day.
    - Based on forecast volume
      numbers provided by
      YouTube, AM should be able
      to scale

Fingerprint Add API ¶

- AM should expose a new API for
  YouTube to be able to incrementally add
  a new reference fingerprint to
  YouTubeDB
- Each day, new reference fingerprints

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received by 11:00am should be
uploaded to YouTubeDB by 18:00am   8-0008

- interface definition:
    o HTTP POST
    o XML body
    o XML will include:
        - binary reference fingerprint,
          generated using AM MFCBR
          C library
        - custom_id: max 32
          alphanumeric chars,
          returned in case of a match
          by the match API

- SLAs (**Still to be discussed with AM**)
    o add API performance:
        - the response time is
          measured at ingress point of
          the AM network
        - average response time
          should not exceed 8 secs
        - 90th percentile response
          time within 12 secs
        - AM should be able to handle
          concurrent transactions.
    o add API volume
        - At launch, AM should be
          able to handle 5,000 (five
          thousands) add API calls /
          day
        - Based on forecast volume
          numbers provided by
          YouTube, AM should be able
          to scale

Reports ¶

- AM should provide a high level weekly
  report.
    o Report for previous week should
      be sent to YT by email every
      Monday.
    o Report should contain general
      information including (but not
      limited to):
        - total number of API match
          queries made by YouTube
        - general stats on
          performance and system
          load (average response
          time, 90th percentile
          response time, average and

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