

4/2/2009 Levine, Zahavah

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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VIACOM INTERNATIONAL, INC., COMEDY
4 PARTNERS, COUNTY MUSIC
TELEVISION, INC., PARAMOUNT
5 PICTURES CORPORATION, and BLACK
ENTERTAINMENT TELEVISION, LLC,

6

Plaintiffs,

7 vs. No. 07-CV-2203

8 YOUTUBE, INC., YOUTUBE, LLC,
and GOOGLE, INC.,

9

Defendants.

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

13 Plaintiffs,

14 vs. No. 07-CV-3582

YOUTUBE, INC., YOUTUBE, LLC,
15 and GOOGLE, INC.,
16 Defendants.

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HIGHLY CONFIDENTIAL

18 VIDEOTAPED DEPOSITION OF ZAHAVAH LEVINE
SAN FRANCISCO, CALIFORNIA
19 THURSDAY, APRIL 2, 2009

20 BY: KATHERINE E. LAUSTER, CSR 1894, RPR, CRR, CLR
21 Job No. 16721

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LEVINE

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got --

Q. Uh-huh.

A. -- was much less than the market share that they purported to represent.

Q. Okay. Thank you for clarifying that.

Do you recall what proportion of the market they purported -- they, Harry Fox -- purported to represent at that time?

A. Not exactly.

Q. Ballpark. Approximately.

A. Somewhere between 65 and 75 percent maybe.

Q. Okay. And are you aware of what Harry Fox -- what proportion of the market Harry Fox purports to represent today?

A. For what purpose?

Q. For clearance of publishing rights in the manner you described a moment ago.

A. So I think it depends on the context, because Harry Fox represents different publishers for different kinds of licensing. So, for example, they may have a different market share for licensing downloads --

Q. Uh-huh.

A. -- than they do for audio only streaming,