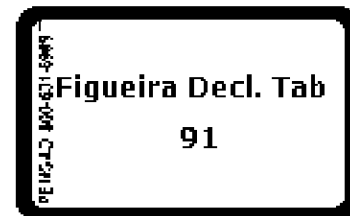


8/28/2008 Maxcy, Chris

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. )

NO. 07-CV-2203

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. )

NO. 07-CV-3582

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

Defendants. )

VIDEOTAPED DEPOSITION OF CHRIS MAXCY  
SAN FRANCISCO, CALIFORNIA  
THURSDAY, AUGUST 28, 2008

BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CLR  
CSR LICENSE NO. 9830  
JOB NO. 15485

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2 A Yes.

3 Q Do you -- do you remember whether there was  
4 one -- was there a phone conversation?

5 A I believe there was a phone conversation, but  
6 my memory fails me as to who and when.

7 Q Do you remember whether YouTube provided any  
8 information or material to Cherry Lane concerning  
9 partnership opportunities?

10 A What kind of material?

11 Q At any -- you testified that there was --  
12 that you recall a conversation.

13 A Yes.

14 Q I take it a telephone conversation with  
15 either Mr. Hauprich or Mr. Jacobson.

16 A Yes.

17 Q You don't remember when -- when it was?

18 A No.

19 Q And do you remember anything about the  
20 substance?

21 A I recall having a conversation and explaining  
22 that we were working with major record labels, and  
23 that we were trying to work with those labels to clear  
24 synchronization rights for our music and that we were  
25 trying to rely on the record labels to clear the

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synchronization with the publishers, but what we were running into was two issues.

One was incomplete data and, two, historical acrimony between music publishers and record labels, and so it was very difficult to identify who the publishers were to even work with them, but the premise of the conversation was that we were relying on the record labels to clear the synchronization rights that we needed for publishers.

Q So if I'm understanding, Cherry Lane, as you understand it, is a music publisher?

A As far as I know, yes.

Q As distinct from a record label?

A That's correct --

Q And briefly --

A -- as I recall.

Q -- briefly, generally, how are you distinguishing between the two so we can have it on the record?

A I understand a record label produces or owns rights in a sound recording, and a music publisher would typically own rights in composition.

Q And was it -- when you spoke with Mr. Hauprich or Mr. Jacobson, was it YouTube's business