

## **Schaffer Exhibit 4**

To: "Heather Gillette" <hgillette@google.com>  
From: "micahs@google.com" <micahs@google.com>  
Cc:  
Bcc:  
Received Date: 2007-02-05 02:35:24 GMT  
Subject: Re: Please put SpikeTV back up

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We're not just restoring anything. Tomorrow morning we'll go through all the retractions and restore those and email the users. Then whatever is left we will email the users to submit counter notices... We should also keep track of the partners who were effected to make sure that they are reached out to, etc. These guys, MadTV, others..

M

On 2/4/07, Heather Gillette <hgillette@google.com> wrote:  
> Are we just restoring these or do they have to go through the counter  
> process? this is obviously another false positive.  
>  
> Wow, they have really screwed up. It's incredible.  
>  
> Heather  
>  
> ----- Forwarded message -----  
> From: Farrell, Steve <Steve.Farrell@spiketv.com>  
> Date: Feb 4, 2007 5:41 AM  
> Subject: Please put SpikeTV back up  
> To: copyright@youtube.com, heather@youtube.com  
>  
>  
>  
>  
> I know you're removing Viacom material, but you've suspended our  
> account mistakenly. We entered into an agreement last year with  
> YouTube for an official Spike channel. All of those clips were legal.  
> Exclusion of the clips hosted within our Directors Channel should  
> have been part of the cease and desist order from Viacom. Please  
> reinstate the account immediately.  
>  
> Steve Farrell  
> VP of Digital Media  
> Spike  
>

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## **Schaffer Exhibit 5**

To: "Micah Schaffer" <micah@youtube.com>, "Jacob Pruess" <jpruess@youtube.com>  
From: "Justin Green" <jgreen@youtube.com>  
CC: "Matthew Liu" <mliu@youtube.com>  
BCC:  
Sent Date: 2007-02-08 03:13:47 GMT  
Subject: Fwd: Video Removed: Copyright Infringement

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Micah/Jacob,

Can we contact BayTSP to ask about a retraction?

Thanks  
Justin

----- Forwarded message -----

From: Matthew Liu <matthew@youtube.com>  
Date: Feb 7, 2007 6:51 PM  
Subject: Fwd: Video Removed: Copyright Infringement  
To: Justin Green <jgreen@youtube.com>, Jacob Pruess <jpruess@youtube.com>

Hey guys,

If there is an obvious error on Viacom's part are we able to re-instate a video without an official DMCA Counter Notice? This is obviously a gross error on their part. Please give me an answer. These guys are starting to call my personal line. Thank!

Matt

Begin forwarded message:

From: "Bashkoff, Rick (WEAC)" <Rick.Bashkoff@wmg.com>  
Date: February 7, 2007 6:37:29 PM PST  
To: "'matthew@youtube.com'" <matthew@youtube.com>  
Cc: "Sinclair, Paul (Atlantic)" <Paul.Sinclair@atlanticrecords.com>, "Chung, Yujin (WVG)" <Yujin.Chung@wmg.com>  
Subject: Re: FW: Video Removed: Copyright Infringement

Matt-

Paul from Atlantic is not seeing any reaction time on this and this is a serious problem as Panic! At The Disco videos are some of the most successful on YouTube.

Please help us out here.

RDB

----- Original Message -----

From: Sinclair, Paul (Atlantic)  
To: 'Jamie Byrne' <jbyrne@youtube.com>; 'gentry@youtube.com'

<gentry@youtube.com>; 'matthew@youtube.com' <matthew@ycutube.com>;  
'dgking@google.com' <dgking@google.com>

Cc: 'video-partner@google.com' <video-partner@google.com>; Bashkoff,  
Rick (WEAC)  
Sent: Wed Feb 07 21:07:01 2007  
Subject: RE: FW: Video Removed: Copyright Infringement

Jamie and all,

Can we get an ETA on getting the Panic! at the Disco videos that were  
wrongly pulled back up? Panic has dropped 3 spots in the most viewed  
channels because of this. What do we need to do to rectify this?

Thanks,  
Paul

-----Original Message-----

From: Jamie Byrne [mailto:jbyrne@youtube.com]  
Sent: Sunday, February 04, 2007 8:32 PM  
To: Sinclair, Paul (Atlantic)  
Subject: Re: FW: Video Removed: Copyright Infringement

I'll check into it.

Basically I think that Viacom is abusing the take down process and  
issuing mass take downs without confirming rights.

I am checking to see how we handle.

Will let you know.

Jamie

Sinclair, Paul (Atlantic) wrote:

>  
> Jamie,  
>  
> Our crew at Fueled by Ramen received the email below regarding a DCMA  
> infringement for Panic's videos. Obviously this isn't correct, as we  
> own the copyright. Who should I speak with to rectify this? I'm not  
> sure why this would be reported by Viacom.  
>  
> Thanks,  
> Paul

> -----Original Message-----

> From: Adam Samiljan <adam@fueledbyramen.com>  
> Date: Sat, 3 Feb 2007 23:30:33  
> To: John Janick <john@fueledbyramen.com>, joe@fueledbyramen.com, Jason  
> Russum <jason@fueledbyramen.com>  
> Subject: Fw: Video Removed: Copyright Infringement

>  
> All of our panic videos were just removed. Should we talk with paul?  
>  
> -adam

> -----Original Message-----

> From: DMCA Complaints <copyright\_counternotice@youtube.com>  
> To: FueledByRamen <adam@fueledbyramen.com>

> Subject: Video Removed: Copyright Infringement  
> Date: Sat, 3 Feb 2007 19:55:23 -0300 (PST)  
>  
> YouTube | Broadcast Yourself(tm)  
>  
> Dear Member:  
>  
> This is to notify you that we have removed or disabled access to the  
> following material as a result of a third-party notification by Viacom  
> Internation Inc. claiming that this material is infringing:  
>  
> PANIC! AT THE DISCO: Lying Is The Most Fun...:  
> <http://www.youtube.com/watch?v=8AZkUtZ2ZqI>  
>  
> Please Note: Repeat incidents of copyright infringement will result in  
> the deletion of your account and all videos uploaded to that account.  
> In order to avoid future strikes against your account, please delete  
> any videos to which you do not own the rights, and refrain from  
> uploading additional videos that infringe on the copyrights of others.  
> For more information about YouTube's copyright policy, please read the  
> Copyright Tips guide.  
>  
> If you elect to send us a counter notice, to be effective it must be a  
> written communication provided to our designated agent that includes  
> substantially the following (please consult your legal counsel or see  
> 17 U.S.C. Section 512(g)(3) to confirm these requirements):  
>  
> A physical or electronic signature of the subscriber.  
> Identification of the material that has been removed or to which  
> access has been disabled and the location at which the material  
> appeared before it was removed or access to it was disabled.  
>  
> A statement under penalty of perjury that the subscriber has a good  
> faith belief that the material was removed or disabled as a result of  
> mistake or misidentification of the material to be removed or disabled.  
>  
> The subscriber's name, address, and telephone number, and a statement  
> that the subscriber consents to the jurisdiction of Federal District  
> Court for the judicial district in which the address is located, or if  
> the subscriber's address is outside of the United States, for any  
> judicial district in which the service provider may be found, and that  
> the subscriber will accept service of process from the person who  
> provided notification under subsection (c)(1)(C) or an agent of such  
> person.  
>  
> Such written notice should be sent to our designated agent as follows:  
>  
> DMCA Complaints  
> YouTube, Inc.  
> 1000 Cherry Ave.  
> Second Floor  
> San Bruno, CA 94066  
> Email: [copyright@youtube.com](mailto:copyright@youtube.com)  
>  
> Please note that under Section 512(f) of the Copyright Act, any person  
> who knowingly materially misrepresents that material or activity was  
> removed or disabled by mistake or misidentification may be subject to  
> liability.  
>  
> Sincerely,

> YouTube, Inc.  
>  
> Copyright (c) 2007 YouTube, Inc.  
> ADAMsamiljan  
> sent from my sidekick  
>

Matthew Liu  
Product Manager

510.921.6684 | matthew@youtube.com

<?xml version="1.0" encoding="UTF-8"?>

<!DOCTYPE plist PUBLIC "-//Apple Computer//DTD PLIST 1.0//EN"

"http://www.apple.com/DTDs/PropertyList-1.0.dtd">

<plist version="1.0">

<dict>

<key>date-sent</key>

<real>1170904427</real>

<key>flags</key>

<integer>570686593</integer>

<key>original\_mailbox</key>

<string>pop://mliu@sjl-mbox1.sjl.youtube.com/</string>

<key>remote-id</key>

<string>00006867452ebl3b</string>

<key>sender</key>

<string>"Justin Green" &lt;jgreen@youtube.com&gt;</string>

<key>subject</key>

<string>Fwd: Video Removed: Copyright Infringement</string>

<key>tc</key>

<string>"Micah Schaffer" &lt;micah@youtube.com&gt;, "Jacob Pruess"

&lt;jpruess@youtube.com&gt;</string>

</dict>

</plist>

## **Schaffer Exhibit 6**



To: "Matthew Liu" <matthew@youtube.com>, "Ali Sandier"  
<aliza@google.com>  
From: "Sherman, Bobby" <bobby.sherman@sonybmj.com>  
CC: "Mullen, Pete, SONY BMJ" <petc.mullen@sonybmj.com>,  
"Levin, David, SONY BMJ NY" <David.Levin@sonybmj.com>  
BCC:  
Sent Date: 2007-02-13 15:03:36 GMT  
Subject: Artist Accounts Deleted/Suspended

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Matt & Ali,

J Records just informed me late yesterday that access to two of their artists accounts has been restricted. The Paula DeAnda account has been suspended and their Say Anything account has been "permanently disabled." They had received a warning email that a specific video was pulled by Viacom and repeat occurrences would result in account suspension (though the account was suspended indefinitely). This makes no sense given the fact that it was cleared footage they had shot specifically for use on this channel (as well as Paula's).

To say that the label is concerned is a huge understatement! Can you help me reestablish their access as quickly as possible? Also, can you walk me through how this happened and if there is anything we can do on our end to prevent this from happening in the future?

Thank you in advance,

Bobby

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## **Schaffer Exhibit 7**

To: "Christopher Maxcy" <maxcy@google.com>  
From: "Chung, Yujin (WMG)" <Yujin.Chung@wmg.com>  
Cc: "Bryan, Stephen (WMG Corp)" <Stephen.Bryan@wmg.com>, "Peters, Elliott (WMG Corp)" <Elliott.Peters@wmg.com>, "Singer, Howie (WMG Corp)" <Howie.Singer@wmg.com>  
Bcc:  
Received Date: 2007-02-13 23:42:04 GMT  
Subject: RE: Jet YouTube channel suspended

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Chris, thanks for your note. We're certainly frustrated by this blatant abuse of the DMCA takedown statute.

I have a contact at MTV (Michela Hallie) but was wondering if you knew of additional individuals there, either their legal counsel or business development. We'd like to discuss ways to prevent these mistakes from occurring in the future.

Thanks,  
Yujin D. Chung  
Warner Music Group  
Strategic Planning and Product Strategy  
75 Rockefeller Plaza | New York, NY 10019  
Phone: [REDACTED] | Fax: 212 275 1491  
Email: yujin.chung@wmg.com

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From: Christopher Maxcy [mailto:maxcy@google.com]  
Sent: Tuesday, February 13, 2007 4:53 PM  
To: 'Sinclair, Paul (Atlantic)'  
Cc: 'Bashkoff, Rick (WEAC)'; 'Chung, Yujin (WMG)'  
Subject: RE: Jet YouTube channel suspended

Hi Paul,

I just received confirmation from our content team that the cause of this was an erroneous takedown request from Viacom. Unfortunately this is not an isolated incident and we are trying to address with Viacom (who has not been too concerned with accuracy). As you can imagine we are not happy with the incorrect takedown requests coming in right now. I'd also encourage your business affairs team to reach out to Viacom directly and let them know about the problems they are creating. Please let me know if you experience any further problems and my apologies again for the inconvenience.

Best,

Chris

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From: Sinclair, Paul (Atlantic) [mailto:Paul.Sinclair@atlanticrecords.com]  
Sent: Tuesday, February 13, 2007 10:32 AM  
To: 'Christopher Maxcy'  
Cc: Bashkoff, Rick (WEAC); Chung, Yujin (WMG)  
Subject: RE: Jet YouTube channel suspended

Thanks much Chris. Would love to know the cause so that we do what's needed to avoid it on our end in the future.

Best,

Paul

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From: Christopher Maxcy [mailto:maxcy@google.com]  
Sent: Tuesday, February 13, 2007 1:28 PM  
To: 'Sinclair, Paul (Atlantic)'; aliza@google.com; chris@youtube.com;  
[REDACTED] matthew@youtube.com  
Cc: 'Bashkoff, Rick (WEAC)'; 'Mueller, Mark (Atlantic)'; 'Chung, Yujin (WMG)'; [REDACTED]; 'Ali'; 'Micah Schaffer';  
jpreuss@youtube.com  
Subject: RE: Jet YouTube channel suspended

Hi Paul,

Our content team will take care of this asap -copying Jacob and Micah. Sorry about the inconvenience.

Best,

Chris

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From: Sinclair, Paul (Atlantic) [mailto:Paul.Sinclair@atlanticrecords.com]  
Sent: Tuesday, February 13, 2007 10:14 AM  
To: 'aliza@google.com'; 'chris@youtube.com'; [REDACTED];  
'matthew@youtube.com'  
Cc: Bashkoff, Rick (WEAC); Mueller, Mark (Atlantic); Chung, Yujin (WMG);  
[REDACTED]  
Subject: FW: Jet YouTube channel suspended

Importance: High

All,

Can you point us in the right direction to get this resolved? Is this related to the Viacom C&D last week?

Thanks,

Paul

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From: Mueller, Mark (Atlantic)  
Sent: Tuesday, February 13, 2007 12:49 PM  
To: Russo, Michael (Atlantic); Sinclair, Paul (Atlantic); Dackowski, Brian (Atlantic)  
Subject: Jet YouTube channel suspended  
Importance: High

trying to log in to the Jet YouTube channel and i'm getting this account has been disabled.

if i go to their URL, i'm getting this user account is suspended.  
[www.youtube.com/jetvideos](http://www.youtube.com/jetvideos) <<http://www.youtube.com/jetvideos>>

any idea why? we have 17 videos up and i was going to add SHINE ON video to it today.

mark mueller

atlantic records new media

[REDACTED]

<http://www.atlanticrecords.com> <<http://www.atlanticrecords.com/>>

1290 ave of the americas | 28th fl. | ny, ny 10104

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