

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VIACOM INTERNATIONAL INC.,  
et al.,

Plaintiffs,

07 Civ. 2103 (LLS)

v.

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

Defendants.

-----x  
THE FOOTBALL ASSOCIATION PREMIER  
LEAGUE LIMITED, et al., on  
behalf of themselves and all  
others similarly situated,

ORDER

Plaintiffs,

v.

07 Civ. 3582 (LLS)

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

Defendants.

[The Football Association Premier League Limited et al v. Youtube, Inc. et al](#)

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Doc. 223

Having examined the redactions proposed by defendants to the materials submitted with the parties' motions for summary judgment, and the reasons given for the continued confidential treatment of the designated material, the Court finds that the proposed redactions relate to private, proprietary and commercially sensitive information of defendants concerning their negotiations and agreements with third parties, the operation and use of their business, their revenue numbers, revenue projections, and monetization strategies, their

partnerships with content providers and users, and third party use of their copyright management tools, in addition to private and personal information of their employees and contacts, and that the protection of the value of this information to its owners clearly outweighs any countervailing public interest in its disclosure to the general public and to competitors.

Thus, the redactions sought to be made by defendants, as listed on the attached appendix (without regard to the particular categories into which the documents have been placed by defendants in paragraphs 12-20 of that appendix), are authorized.

The deposition testimony of Larry Page, attached as Exhibit 315 to the Declaration of William M. Hohengarten, shall remain under seal pending a decision regarding defendants' motion to strike that testimony.

So ordered.

Dated: New York, New York  
April 23, 2010

*Louis L. Stanton*

LOUIS L. STANTON  
U. S. D. J.

## Appendix

The following documents shall remain under seal, and redacted public versions of the documents for which YouTube has submitted proposed redactions shall be filed in the public record with the proposed redactions made:

12. Documents containing information identified by YouTube as within the category of “Highly Sensitive and Confidential Agreements with Third Parties”

- a. Exhibits 161, 163, 164, 165, 166, 167, 170, 172 to the Declaration of Elizabeth Anne Figueira in Support of Class Plaintiffs’ Statement of Uncontroverted Material Facts (“Figueira Decl.”)
- b. Exhibits 141, 153, 155, 160, 163, 165, 166, 186, 187, 188, 312 to the Declaration of William M. Hohengarten in Support of Viacom’s Motion for Partial Summary Judgment (“Hohengarten Decl.”)
- c. Class Plaintiffs’ Statement of Uncontroverted Material Facts in Support of Their Motion for Partial Summary Judgment (“Class Plaintiffs’ SUF”)

13. Documents containing information identified by YouTube as within the category of “highly sensitive and competitive YouTube negotiation strategies and proposed deal terms”

- a. Figueira Decl. Exs. 21, 22, 72, 129, 171
- b. Hohengarten Decl. Exs. 86, 88, 89, 90, 91, 149, 152, 154, 161, 167, 168, 169, 177, 178, 312

14. Documents containing information identified by YouTube as within the category of “trade secret search engine-related statistics and metrics”

- a. Figueira Decl. Exs. 21, 22, 24, 41, 132, 162, 173
- b. Hohengarten Decl. Exs. 38, 78, 79, 80, 83, 86
- c. Class Plaintiffs’ SUF

d. Viacom's Statement of Undisputed Facts in Support of Its Motion for Partial Summary Judgment on Liability and Inapplicability of the Digital Millennium Copyright Act Safe Harbor Defense ("Viacom's SUF")

15. Documents containing information identified by YouTube as within the category of "trade secret statistics regarding use of the YouTube website"

- a. Figueira Decl. Exs. 41, 78
- b. Hohengarten Decl. Exs. 78, 110, 137, 182, 292
- c. Viacom's SUF

16. Documents containing information identified by YouTube as within the category of "highly sensitive and confidential revenue numbers, revenue projections, and monetization strategy"

- a. Figueira Decl. Exs. 41, 72, 129, 162, 179
- b. Hohengarten Decl. Exs. 76, 110, 113, 137, 292
- c. Declaration of Suzanne Reider in Support of Defendants' Motion for Summary Judgment ("Reider Decl.")
- d. Class Plaintiffs' SUF
- e. Defendants' Local Rule 56.1 Statement of Material Facts as to Which There Is No Genuine Issue to Be Tried ("YouTube's SUF")

17. Documents containing information identified by YouTube as within the category of "trade secret and highly confidential information about how YouTube operates its partner program"

- a. Figueira Decl. Exs. 21, 22, 41, 129, 131
- b. Hohengarten Decl. Ex. 182

18. Documents containing information identified by YouTube as within the category of "trade secret technical information"

- a. Figueira Decl. Exs. 54, 58, 72, 78, 179

b. Hohengarten Decl. Exs. 173, 322, 323, 338, 364

c. Class Plaintiffs' SUF

19. Documents containing information identified by YouTube as within the category of "highly sensitive and confidential information about third party participation in YouTube's Content ID program"

a. Paragraph 10 of the Declaration of David King in Support of Defendants' Motion for Summary Judgment ("King Decl.")

b. King Decl. Ex. 1

20. Documents containing information identified by YouTube as within the category of "private personal information"

a. Figueira Decl. Exs. 2, 4, 5, 7, 9, 14, 15, 16, 20, 21, 23, 29, 39, 40, 42, 43, 45, 46, 47, 60, 61, 62, 63, 64, 67, 70, 71, 80, 82, 85, 92, 94, 98, 106, 108, 112, 117, 119, 127, 129, 130, 132, 150, 151, 152, 155, 175, 176, 179, 182

b. Hohengarten Decl. Exs. 3, 5, 6, 7, 8, 10, 11, 14, 15, 16, 17, 20, 21, 23, 24, 25, 27, 29, 30, 32, 35, 37, 38, 43, 44, 45, 47, 48, 49, 50, 53, 54, 57, 61, 62, 64, 66, 67, 68, 69, 70, 72, 73, 75, 80, 82, 85, 87, 93, 104, 106, 109, 110, 112, 113, 114, 115, 128, 129, 131, 133, 135, 137, 138, 140, 145, 156, 157, 158, 170, 175, 176, 179, 180, 182, 185, 190, 191, 193, 194, 195, 197, 198, 201, 202, 205, 206, 207, 208, 209, 210, 211, 212, 213, 215, 216, 217, 218, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 238, 239, 244, 290, 291, 292, 293, 296, 297, 299, 300, 303, 312, 313, 374, 375, 376, 377, 378, 379, 380, 382

c. Hurley Decl. Exs. 1-25, 30

d. Levine MSJ Decl. Ex. 11, 12, 13, 15, 16

- e. Rubin Decl. Exs. 14, 16, 25, 26, 53, 56, 58, 70, 71, 75, 76, 77, 78, 79, 80, 81, 82, 83, 112
- f. Schaffer Decl. Exs. 2, 3, 7
- g. Schapiro Decl. Exs. 6, 84, 96, 111, 140, 145, 157, 160, 161, 162, 163, 164, 165, 166
- h. Viacom's SUF
- i. Viacom Mot. for Summ. J. Page 8 n.4