

# Schapiro Exhibit 79



Thank you for choosing **SEO Inc.** to provide you with your search engine optimization and branding campaign. Please provide us with the following information so we can get started on your web site placements.

**A) Initial keyword list:**

Please provide a list of 15-25 keyword(s) and keyword phrases in order of importance that are most relevant and significant to your business, your products, and your target market.

Most of these words also get significant traffic used with the word "free"

1.	video	11.	stunts	21.	movie clips / trailers
2.	share	12.	music videos	22.	stupid videos
3.	camera	13.	dv camera	23.	home movies
4.	phone	14.	cartoons	24.	
5.	upload video	15.	Flash	25.	
6.	post video	16.	sexy videos	26.	
7.	funny videos	17.	sex / sex related keywords	27.	
8.	random	18.	crazy videos	28.	
9.	viral	19.	caught on tape	29.	
10.	prank	20.	wtf	30.	

**B) Competitors' website addresses:**

Please provide the URLs for 5-10 of your competitors' websites to be used during our competitive keyword analysis.

1.	www.youtube.com	6.	www.vsocial.com
2.	www.ifilm.com	7.	www.dailymotion.com
3.	www.vidilife.com	8.	www.grouper.com
4.	www.zippyvideos.com	9.	www.vmix.com
5.	www.revver.com	10.	www.myspace.com

**C) Other domain names:**

If you are using multiple domain names please list below

1.	www.addictingclips.com	6.	
2.		7.	
3.		8.	
4.		9.	
5.		10.	



D) Web server information

Hosting information:	{in house server, dedicated hosting, shared hosting or other}
Type:	{Apache, IIS or other}
Script language used:	{html, asp, php, cfm, jsp or other}

E) Website access information:

**File Transfer**

Host name:	{ftp.yourwebsite.com or IP}
Username:	
Password:	
Port:	{if FTP is located on a port other than Port 21}

For: FTP, SFTP, SCP, etc.

OR

**Web/CMS login**

Type:	
Web address:	
Username:	
Password:	

For: FrontPage, Yahoo Store, Custom CMS, etc.

F) Do you have access to any web traffic statistics packages (Web Trends, Hitbox, Urchin, Livestats, etc.)? If so, what is the access information?

G) Do you have any affiliate websites?

# **Schapiro Exhibit 80**

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Subject: Hitmaker Comp  
From: "Jackson, Brendan" <EX:/O=VIACOM/OU=MTVUSA/CN=RECIPIENTS/CN=BJACKSON69575362>  
To: Roesch, Scott; Sanders, Joel; Albrecht, Chris; Barrera, John  
Cc: Joves, Steve  
Date: Thu, 05 Apr 2007 16:45:59 +0000

I wanted to pass along the latest versions of the Hitmaker cpage. The text is still FPO, but Chris's team should be providing copy tomorrow. From a layout perspective I think we are good to go though, and unless there are any major comments/concerns, we are going so start building these pages out. Please let me know any questions.

Thanks –

Brendan

brendan.jackson

senior product manager

atom films/addicting clips

mtv networks

225 bush st. #1200

san francisco, ca 94104

o: 415.503.2442

f: 415.503.2555



List of attachments:  
af\_04\_hitmaker.jpg  
ac\_06\_hitmaker.jpg

# HITMAKER PROGRAM

Become a star online and on TV.

- 1** Become a star: Upload Now!
  - 2** Your chance to be on AtomFilms
  - 3** You've just hit the big time
- CLICK HERE TO UPLOAD VIDEOS!**



**Now playing on Comedy Central:**

**Fat Girls On Bikes**  
from: killerburrito77

Started on AtomFilms and you can now see it on Comedy Central.

## MORE ATOM SUCCESS STORIES

[see all success stories](#)



**Future Shock**  
from: killerburrito77  
Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna



**Future Shock**  
from: killerburrito77  
Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna



**Future Shock**  
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**Future Shock**  
from: killerburrito77  
Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna

## COMING SOON

[see all](#)



**Comedy Central's Test Pilots**  
Starting in June you can submit your pilot for and see if Comedy Central will put you on TV.



**Star Wars Fan Movie Challenge**  
Starting in June you can submit your pilot for and see if Comedy Central will put you on TV.



**AtomFilms Studio**  
Starting in June you can submit your pilot for and see if Comedy Central will put you on TV.

## 500 MORE REASONS TO UPLOAD

- Sed ut perspiciatis unde omnis
- Sed ut perspiciatis unde omnis
- Sed ut perspiciatis unde omnis
- Sed ut perspiciatis unde omnis

Most Watched Films: Film #1, Film #2, Film #3  
Most Watched Channels: Channel #1, Channel #2, Channel #3

AddictingClips is the place to upload, play, and share your video clips, cartoons and Flash games. We've got free funny videos, indie music videos, hilarious cartoons, video game clips, eye-opening animations, movie clips, sports clips, celebrity clips, stunts, crazy videos, stupid videos, and more.

Make sure to get our free e-mail updates and RSS feed. If you've got clips of your own, upload them now, and you could earn real money in our Cash for Clips program.

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# HITMAKER PROGRAM

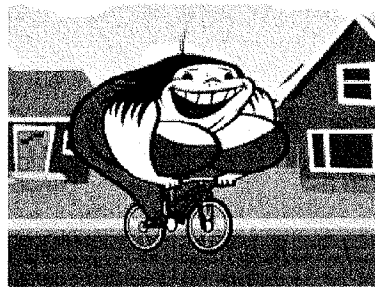
Become a star online and on TV.

**1** Become a star: Upload Now!

**2** Your chance to be on AtomFilms

**3** You've just hit the big time

**CLICK HERE TO UPLOAD VIDEOS!**



Now playing on Comedy Central:

**Fat Girls On Bikes**  
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Started on AtomFilms and you can now see it on Comedy Central.

## MORE ATOM SUCCESS STORIES

[see all success stories](#)



**Future Shock**

from: killerburrito77

Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna



**Future Shock**

from: killerburrito77

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**Future Shock**

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**Future Shock**

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## COMING SOON

[see all](#)



### Comedy Central's Test Pilots

Starting in June you can submit your pilot for and see if Comedy Central will put you on TV.



### Star Wars Fan Movie Challenge

Starting in June you can submit your pilot for and see if Comedy Central will put you on TV.



### AtomFilms Studio

Starting in June you can submit your pilot for and see if Comedy Central will put you on TV.

## WHAT ATOM CAN DO FOR YOU

- Sed ut perspiciatis unde omnis
- Sed ut perspiciatis unde omnis
- Sed ut perspiciatis unde omnis
- Sed ut perspiciatis unde omnis

AtomFilms.com is the only place to submit your original or parody video. Watch, share, name and vote. Don't miss our new releases every Tuesday. Get e-mail updates or RSS updates.

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# **Schapiro Exhibit 81**



**From:** Steve Chen <[REDACTED]>  
**Sent:** Tuesday, February 22, 2005 12:18 PM  
**To:** Jawed Karim <[REDACTED]>  
**Cc:** Chad Hurley <[REDACTED]>  
**Subject:** Re: Strategy: please comment

---

hey.

can you tell me what you have in place in terms of revenue-stream, the dating module, and interaction with payment engine?

how is that coded now? how fleshed out is it? are you comfortable with it?

-s

Tuesday, February 22, 2005, 11:36:01 AM, you wrote:

> Product design:

> -----

> The site should look good, but not too professional. It should look like  
> it was thrown together by a couple of guys. Note that hotornot and  
> friendster, while easy to use, don't look professional, and yet they've  
> had enormous success. We don't want to look too professional because it  
> scares people off. Subconsciously, if it looks professional, people think  
> it's expensive to use.

> The most important aspect of the design is ease of use. Our moms should be  
> able to use the site easily.

> Timing/Competition:

> -----

> I think our timing is perfect. Digital video recording just became  
> commonplace last year since this is now supported by most digital cameras.

> There is one site I'm aware of: stupidvideos.com, that also hosts videos  
> and allows viewers to rate them. Luckily the site hasn't caught on very  
> much. We should discuss why this is the case, and why we expect our site  
> to gain more traction.

> Note that they have the simplest possible implementation: they simply host  
> AVI and MPEG files, just like mpegnation.com, a site that hosts videos for  
> use in auctions. Auto-converting uploaded videos to flash will set us  
> apart from the rest, especially if the flash player is slick.

> Site Focus:

> -----

> Our focus should implicitly be dating, just like hotornot. Note that  
> hotornot is a dating site without seeming too much like one. This puts  
> people at ease. I believe that a dating-focused video site will draw much  
> more attention than stupidvideos. Why? Because dating and finding girls is  
> what most people who are not married are primarily occupied with. There  
> are only so many stupid videos you can watch.

> Also, most people have little motivation to post their own "stupid" video.

> Such videos are pretty difficult to make: you have to do something stupid,  
> which might be embarrassing or painful, and it requires planning. And  
> what's the payoff? Even if your video is popular, what do you get out of  
> it?

> A personal dating-video however is easy to put together, and the reward is  
> clear: potential contacts from people who want to date you. People will be  
> motivated to put up their videos, and it takes a minimal time investment  
> to do so.

> The fact that stupidvideos.com is thriving, making 14k/mo, and having been  
> around since 2001 is a big encouragement. It shows that such a site does  
> in fact work, despite bandwidth cost concerns, and I believe we can far  
> exceed the popularity of this site. We should look at them closely, for  
> example see what ISP they are using, and possibly call their ISP to see  
> what rate they paying for bandwidth.

> Rollout:  
> -----

> Although we want our product to get out ASAP, it must be ready for  
> primetime. Our design and features should be superior to stupidvideos when  
> we launch. Before public launch we should have a private launch, which  
> requires a password to access the site. During the private launch phase we  
> should encourage our friends to populate the site with dating-oriented  
> videos. This way, when we launch to the world, visitors will know what  
> kinds of videos they should upload.

> Private launch target date: May 15th.

> Jawed

> \_\_\_\_\_  
> Jawed Karim <http://jawed.com/>

> "First, let me make it very clear, poor people aren't necessarily  
> killers. Just because you happen to be not rich doesn't mean you're  
> willing to kill." - George W. Bush, Washington, D.C., May 19, 2003

# **Schapiro Exhibit 82**

**From:** Steve Chen <steve@youtube.com>  
**Sent:** Friday, July 29, 2005 6:51 AM  
**To:** Chad Hurley <chad@youtube.com>  
**Cc:** YouTube Group <[REDACTED]>  
**Subject:** Re: http://www.filecabi.net/

---

right, i understand those goals but, at the same time, we have to keep in mind that we need to attract traffic. how much traffic will we get from the personal videos? remember, the only reason why our traffic surged was due to a video of this type.

i'm not really disagreeing with you but i also think we shouldn't be so high & mighty and think we're better than these guys. viral videos will tend to be THOSE type of videos.

-s

On Jul 29, 2005, at 7:45 AM, Chad Hurley wrote:

> hmm, i know they are getting a lot of traffic... but its because  
> they are a stupidvideos.com-type of site. they might make enough  
> money to pay hosing bills, but sites like this and big-boys.com  
> will never go public. I would really like to build something more  
> valuable and more useful... actually build something that people  
> will talk about and changes they way people use video on the internet.

>

>

>

> On Jul 29, 2005, at 1:33 AM, Steve Chen wrote:

>

>

>> haha ya.

>>

>> or something.

>>

>> just something to watch out for. check out their alexa ranking.

>>

>> -s

>>

>> On Jul 29, 2005, at 1:25 AM, Chad Hurley wrote:

>>

>>

>>

>>> hmm, steal the movies?

>>>

>>>

>>>

>>> On Jul 29, 2005, at 1:05 AM, Steve Chen wrote:

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>>>> steal it!

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# **Schapiro Exhibit 83**

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 CHAD HURLEY  
SAN FRANCISCO, CALIFORNIA  
WEDNESDAY, APRIL 22, 2009

BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CLR  
JOB NO. 16789

APRIL 22, 2009

9:08 a.m.

VIDEOTAPED DEPOSITION OF CHAD HURLEY,  
held at the offices of SHEARMAN & STERLING,  
525 Market Street, San Francisco, California,  
pursuant to notice, before ANDREA M. IGNACIO  
HOWARD, CLR, CCRR, RPR, CSR License No. 9830.

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## A P P E A R A N C E S :

FOR THE PLAINTIFFS VIACOM INTERNATIONAL, INC. :

JENNER &amp; BLOCK, LLP

By: SCOTT WILKENS, Esq.

1099 New York Avenue, NW, Suite 900

Washington, D.C. 20001

(202) 639-6000 swilkens@jenner.com

FOR THE LEAD PLAINTIFFS AND PROSPECTIVE CLASS :

BERNSTEIN LITOWITZ BERGER &amp; GROSSMANN LLP

By: JOHN C. BROWNE, Esq.

1285 Avenue Of The Americas

New York, New York 10019

(212) 554-1533 johnb@blbglaw.com

FOR THE PLAINTIFFS VIACOM INTERNATIONAL INC. :

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By: STUART J. BASKIN, Esq.

599 Lexington Avenue

New York, New York 10022-6069

(212) 848-4000 stuart.baskin@shearman.com

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A P P E A R A N C E S (Continued.)

FOR THE DEFENDANTS YOUTUBE, INC., YOUTUBE, LLC and  
GOOGLE, INC.:

MAYER BROWN, LLP

By: ANDREW H. SCHAPIRO, Esq.

BRIAN WILLEN, Esq.

1675 Broadway

New York, New York 10019-5820

(212) 506-2279 aschapiro@mayer.com

ALSO PRESENT:

GOOGLE

By: ADAM L. BAREA, Litigation Counsel

1600 Amphitheater Parkway

Mountain View, California 94043

(650) 214-4879 adambarea@google.com

KEN REESER, Videographer.

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HURLEY, CHAD

10:58:49 Q Did you have any other goals at that time  
10:58:55 with respect to the YouTube website?

10:58:59 A I can't, you know, remember specifically.  
10:59:02 It's just we -- we wanted to build a -- a great site.  
10:59:06 We wanted to build a great team. We -- yeah, I mean,  
10:59:09 we were creating business. We want to be successful  
10:59:11 on all levels.

10:59:13 Q Was one of your goals at this time to  
10:59:18 potentially sell the YouTube website?

10:59:22 A I mean, yeah. You could dream. We -- we  
10:59:26 never imagined what would have happened, you know. It  
10:59:30 looks like I'm discussing going public. I mean, we  
10:59:32 did have the experience of being involved with PayPal.  
10:59:34 We saw what was possible with just -- come up with a  
10:59:37 simple idea that would empower people with, you know,  
10:59:41 an otherwise complicated procedure that, you know,  
10:59:44 give them a solution.

10:59:45 So, you know, if we did the right things,  
10:59:48 potentially we could -- we would find ourselves in the  
10:59:50 same position. We were optimistic about that.

10:59:53 Q Would -- would having additional traffic help  
10:59:58 advance your goal of potentially selling the YouTube  
11:00:00 website?

11:00:02 A Sure. It could be a factor.

1 HURLEY, CHAD

2 11:00:04 Q Would having additional traffic help increase

3 11:00:09 the price by which you might be able to sell the

4 11:00:11 YouTube website?

5 11:00:13 A Yeah. Again, it -- it could be one of the

6 11:00:15 factors that someone would consider.

7 11:00:16 Q Can you think of any other reason, other than

8 11:00:23 ones that we've discussed, why -- why YouTube needed

9 11:00:27 to attract more traffic in July of 2005?

10 11:00:30 MR. SCHAPIRO: Objection; lacks foundation.

11 11:00:31 THE WITNESS: Yeah, I -- I don't know what

12 11:00:34 you necessarily mean. It just -- like I said, we were

13 11:00:38 trying to build a great service, a great site on all

14 11:00:42 levels, just...

15 11:00:47 MR. BROWNE: Q. But as of July of '05

16 11:00:50 and -- and I'm sorry if you answered this already, but

17 11:00:53 you were already considering -- you and your

18 11:00:56 cofounders were already considering selling

19 11:00:59 advertisements on the YouTube website; is that right?

20 11:01:02 A It's probably something -- it's probably

21 11:01:05 something that we were considering. I don't know, you

22 11:01:08 know, specifically if -- of our plans. I can't

23 11:01:12 remember at the time. You know, again, another thing

24 11:01:15 that we were -- we were looking at doing is -- is, you

25 11:01:20 know, creating a site that people could share their

1 HURLEY, CHAD

2 11:01:23 experiences.

3 11:01:24 i mean, these sites, Stupid Videos or Big

4 11:01:26 Boys or, you know, which became great, these were

5 11:01:31 sites that were paying people to do, basically, stupid

6 11:01:34 things. You know, jumping off buildings, drinking a

7 11:01:37 gallon of milk, whatever. That's not what we wanted

8 11:01:40 the site to be about. We were trying to build a

9 11:01:42 community.

10 11:01:44 Q Well, you were also, at that time, thinking

11 11:01:46 of ways to start making money off of the website;

12 11:01:51 weren't you?

13 11:01:52 A I'm sure, but, I mean, we were thinking about

14 11:01:53 lots of things beyond just advertising. I mean, at

15 11:01:56 the end of the day, you have to create a great service

16 11:01:58 for your users and build a great community to -- to

17 11:02:02 have any chance of success.

18 11:02:03 Q And you have to have a lot of traffic to have

19 11:02:06 any chance of success; is that right?

20 11:02:08 A Again, that's another factor that would come

21 11:02:10 into play. Sure.

22 11:02:12 MR. BROWNE: Let's mark Exhibit 6.

23 11:02:23 (Document marked Hurley, C., Exhibit 7

24 11:02:28 for identification.)

25 11:02:28 MR. BASKIN: I believe, Exhibit 7.

1 HURLEY, CHAD

2 11:02:30 MR. BROWNE: Oh, Exhibit 7. I'm sorry.

3 11:02:41 THE WITNESS: Thanks. That's a long one.

4 11:02:57 MR. BROWNE: Wait. I said 6, and you guys

5 11:03:01 said 7.

6 11:03:02 MR. SCHAPIRO: This is 7.

7 11:03:03 MR. BROWNE: Oh, okay. So you were right.

8 11:03:05 THE WITNESS: Should I start reading it?

9 11:03:07 MR. BROWNE: Yeah, you know --

10 11:03:08 THE WITNESS: It looks like a resumé in the

11 11:03:10 middle here, so I'll skip through that.

12 11:03:12 MR. BROWNE: I'm sorry.

13 11:03:13 Q You said it looks like a resumé? Can I see

14 11:03:19 what --

15 11:03:20 A In the middle there. Is that the right one?

16 11:03:28 Q Yeah. We have the same one. Sorry about

17 11:03:29 that. It didn't seem right to me.

18 11:03:32 A Yeah.

19 11:03:45 Q Yeah, in fact, Mr. Hurley, I -- so we can all

20 11:03:48 get out of here today, I -- I'll tell you I'm not

21 11:03:51 going to ask you any questions about any part of this

22 11:03:54 document starting on the second half of page two and

23 11:03:56 continuing to the end.

24 11:03:58 A Okay. I'll hurry up and read my part, at

25 11:04:00 least.

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HURLEY, CHAD

17:10:01 e-mail?

17:10:05 A Yeah, it looks like I got it.

17:10:06 Q And there actually was a prior e-mail

17:10:09 reference that you sent out on November 16th, 2006,

17:10:16 responding to Peter Chang in which you stated that

17:10:22 this could potentially be a very powerful acquisition

17:10:25 for Google; correct?

17:10:29 A Yeah, it looks like that's what I did, yeah.

17:10:31

17:11:38

17:11:47

17:11:49

17:11:51 MR. SCHAPIRO: Objection; asked and answered.

17:11:53

17:11:57

17:11:59

17:12:02 MR. BASKIN: Q. And, in fact, basically all

17:12:09 of the media companies that you were talking to in and

17:12:14 around October 2006 wanted you to adopt a similar

17:12:19 technology to this, a filtering technology; isn't that

17:12:24 correct?

17:12:24 MR. SCHAPIRO: Objection; lacks foundation.

17:12:29 MR. BASKIN: Q. Is that true, sir?

17:12:32 A It may have been the case. I --

1 HURLEY, CHAD

2 17:12:35 Q Do you know who Kevin Donahue is?

3 17:12:37 A Yeah, I think he leads partnerships, some

4 17:12:41 partnerships for us. I think he reports to -- to

5 17:12:44 Chris, I think.

6 17:12:45 Q And did he report to you that all of your

7 17:12:48 would-be partners basically want YouTube to agree to

8 17:12:56 certain filtering and copyright protection standards

9 17:12:58 as part of transactions?

10 17:13:02 A It may have been the case. I mean, we make

11 17:13:04 our tools available to them. We want to make our

12 17:13:07 tools available generally to anyone. They don't need

13 17:13:10 to -- to enter into a licensing agreement because of

14 17:13:13 it.

15 17:13:13 Q Okay. We'll get to that.

16 17:13:15 We'll just mark -- let's mark as Exhibit 26,

17 17:13:21 which we'll provide to everyone.

18 17:13:22 (Document marked Hurley, C., Exhibit 26

19 17:13:26 for identification.)

20 17:13:26 THE VIDEOGRAPHER: Counsel, could you slide

21 17:13:28 your microphone up?

22 17:13:29 MR. BASKIN: Yes. Sorry.

23 17:13:38 MR. SCHAPIRO: She's marking it.

24 17:13:44 THE WITNESS: Okay. Let me just read this

25 17:13:45 quickly.



1 HURLEY, CHAD

2 17:13:50 MR. BASKIN: Just, again, to speed things

3 17:13:51 along, I'm only going to be referencing the first

4 17:13:55 paragraph with you, so we can try to get everyone to

5 17:13:57 the garage on time.

6 17:13:58 THE WITNESS: Okay. All right.

7 17:14:56 MR. BASKIN: Q. Now, again, this is an

8 17:14:59 e-mail, Exhibit 26, an e-mail, in fact, received by

9 17:15:03 you, correct, sir?

10 17:15:05 A Yeah, that's what it looks like.

11 17:15:06 Q And in the first paragraph, Mr. Donahue is

12 17:15:09 discussing with you some of the wishes of the networks

13 17:15:13 and studios with which you are engaging in discussions

14 17:15:17 at the time; is that correct?

15 17:15:18 A Yeah, it looks like that's what he's

16 17:15:20 discussing here.

17 17:15:21 Q And among the things that they want, I

18 17:15:26 believe, he says, "I believe the business development

19 17:15:29 people would like to do a deal, but you must -- they

20 17:15:34 must satisfy their lawyers and that means that they

21 17:15:36 want YouTube to agree to certain filtering and

22 17:15:40 copyright protection standards"; do you see that?

23 17:15:43 A I see that.

24 17:15:43 Q And was the transaction with Audible Magic,

25 17:15:46 at least in part, intended to provide a filtering

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HURLEY, CHAD

17:35:14 come on board.

17:35:15 Q Are you suggesting that you think you might  
17:35:17 have entered into a techno- -- a license agreement  
17:35:18 with NBC in and around February 2007?

17:35:21 A I don't know if it was part of that deal or  
17:35:22 if this was a separate one. I don't know.

17:35:24 Q And did you, in fact, not end up offering to  
17:35:27 NBC in and around February 2007 video techno- --  
17:35:32 fingerprinting technology once they declined to enter  
17:35:36 into a license agreement with YouTube?

17:35:38 MR. SCHAPIRO: Objection; unclear syntax.

17:35:46 MR. BASKIN: You can answer a question with  
17:35:49 unclear syntax.

17:35:49 MR. SCHAPIRO: Did you, in fact, not end up  
17:35:52 offering --

17:35:52 THE WITNESS: Yeah.

17:35:52 MR. SCHAPIRO: -- once they declined.

17:35:54 MR. BASKIN: Okay. Thank you. Let me clear  
17:35:55 it up.

17:35:56 Q Once they declined to enter into a license  
17:36:00 agreement with you, isn't it true, sir, that you  
17:36:03 refused to provide NBC with -- with filtering  
17:36:07 technology -- with fingerprinting technology in and  
17:36:08 around February 2007?

1 HURLEY, CHAD

2 17:36:10 MR. SCHAPIRO: Objection; assumes they

3 17:36:11 declined.

4 17:36:12 THE WITNESS: Yeah, so, assuming they

5 17:36:14 declined and, you know, assuming I would remember this

6 17:36:17 deal, I -- I do not know.

7 17:36:19 MR. BASKIN: Q. Viacom the same thing? Were

8 17:36:20 you prepared to offer Viacom fingerprinting technology

9 17:36:24 in and around December, January, February, of 2006 and

10 17:36:28 2007?

11 17:36:29 A I -- I don't know.

12 17:36:31 Q And once Viacom refused to enter into a

13 17:36:35 license agreement with YouTube, did YouTube offer

14 17:36:37 Viacom fingerprinting technology in -- in and around

15 17:36:41 February 2007?

16 17:36:42 MR. SCHAPIRO: Objection; foundation;

17 17:36:43 compound.

18 17:36:44 THE WITNESS: Again, like all of these

19 17:36:47 examples, I do not know what was in the deal terms.

20 17:36:51 MR. BASKIN: Q. How about EMI Music Group?

21 17:36:53 Are you familiar with that transaction?

22 17:36:55 A You know, I -- I know of the company. You

23 17:37:00 know, the -- I knew we were trying to enter deals with

24 17:37:02 all of the major music labels. Again, I don't know

25 17:37:05 the specific terms, but...

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HURLEY, CHAD

17:37:06 Q Did you enter into a transaction with EMI?

17:37:10 A I think we were able to reach agreement with  
17:37:11 them.

17:37:11 Q And as part of that transaction with EMI,  
17:37:14 they provided you with a license agreement, did they  
17:37:16 not?

17:37:17 A Yeah.

17:37:17 Q And as part of the transaction with EMI for a  
17:37:20 license agreement, you offered them fingerprint  
17:37:23 technology, did you not, Mr. Hurley?

17:37:25 A I don't know.

17:37:26 Q Are you familiar with the -- with the  
17:37:28 transaction with EMI? Did anyone report to you about  
17:37:32 it, sir?

17:37:33 A Again, it would probably go up to Chris  
17:37:37 Maxcy.

17:37:37 Q Were you told, sir, that in connection with  
17:37:40 EMI's transaction, that YouTube contracted to provide  
17:37:48 EMI with audio fingerprinting technology that shall  
17:37:57 be -- shall be 95 percent or greater effective at  
17:38:01 protecting them from uploads on your website?

17:38:06 A Well, considering I don't remember the terms  
17:38:07 from any of these deals, I'm sure I don't remember  
17:38:10 that number as well.

1 HURLEY, CHAD

2 18:40:47 Q Do you recall the proposals or suggestions

3 18:40:54 that Mr. Fricklas makes on the top of page two of this

4 18:40:58 letter having been discussed internally at YouTube?

5 18:41:01 A We may have. Like I said, I didn't see this.

6 18:41:04 I don't remember seeing this specific document. I --

7 18:41:10 I -- I can't remember if it was discussed, these

8 18:41:15 specific points.

9 18:41:16 MR. BASKIN: I have no further questions.

10 18:41:19 Thank you.

11 18:41:19 THE WITNESS: Thank you.

12 18:41:23 THE VIDEOGRAPHER: This concludes today's

13 18:41:25 videotaped deposition --

14 18:41:27 MR. SCHAPIRO: No, no, it doesn't,

15 18:41:28 unfortunately.

16 18:41:29 THE VIDEOGRAPHER: Okay.

17 18:41:29 MR. SCHAPIRO: I'm going to have a couple of

18 18:41:30 minutes of redirect, but we'll need to step out and

19 18:41:33 prepare for a second.

20 18:41:34 THE VIDEOGRAPHER: The time is 6:40.

21 18:41:36 We're off the record.

22 18:41:38 (Recess taken.)

23 18:48:58 THE VIDEOGRAPHER: The time is 6:48 p.m.

24 18:49:02 We're back on the record.

25 18:49:02 ///

1 HURLEY, CHAD

2 18:49:04 EXAMINATION BY MR. SCHAPIRO

3 18:49:04 MR. SCHAPIRO: Q. Mr. Hurley, do you recall

4 18:49:08 giving some testimony earlier today about the loss of

5 18:49:11 some of your e-mail messages?

6 18:49:14 A Yes, I remember that.

7 18:49:15 Q I'm going to represent to you that this

8 18:49:19 lawsuit was filed in March 2007. Was the loss of the

9 18:49:23 e-mails prior to the filing of this lawsuit?

10 18:49:29 A Yes, the -- the loss of my e-mail happened

11 18:49:32 while we were in San Mateo and well before the

12 18:49:35 lawsuit.

13 18:49:35 Q Was the loss of those e-mails prior to the

14 18:49:38 acquisition of YouTube by Google?

15 18:49:40 A Yes, absolutely.

16 18:49:43 MR. SCHAPIRO: Nothing further.

17 18:49:46 MR. BASKIN: That was easy. You made it

18 18:49:48 within two minutes.

19 18:49:50 MR. SCHAPIRO: Great. Said we would.

20 18:49:50 THE VIDEOGRAPHER: This concludes the

21 18:49:51 deposition of Chad Hurley in the matter of Viacom

22 18:49:51 International, Incorporated, and The Football

23 18:49:51 Association Premier League Limited, et al., vs.

24 18:50:06 YouTube, Incorporated.

25 18:50:06 We're off the record.

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HURLEY, CHAD

18:50:07                   The time is 6:49 p.m.

18:50:10                   (WHEREUPON, the deposition ended at 6:49 p.m.)

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# **Schapiro Exhibit 84**



Won't talk much about YouTube the current product, but rather about the thought process through which this product came about.

How did they come up with that? Why did it happen when it did? Why now? Why didn't someone develop it earlier?

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One of the earliest videos, and in my opinion still one of the best.

This video illustrates what YouTube is about: anyone with a cool idea can have an audience of millions.

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I'll first show you what YouTube has achieved, then we'll talk about how we got there.

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YouTube is much younger than MySpace. MySpace was founded in 2003 and has been called one of the fastest growing websites in Internet history.

YouTube was launched last year and its growth curve has already eclipsed MySpace and it is continuing to grow whereas MySpace has flattened out.

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Recently eclipsed Wikipedia, which was launched in 2001.

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Even eclipsed well-established old-timers like eBay, which was started in 1995.

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Why has it become so popular so quickly?

Unlike other entertainment sites, YouTube has unusually broad appeal: everyone likes to watch videos, regardless of culture.

Facebook is for college students, MySpace is for teenagers.

On YouTube, all age ranges are well represented. In fact for a while the most popular user on YouTube was geriatric1927, an 80 yr old man in the UK.

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The great thing about the Internet is that nearly every year a new killer application emerges.

I've always found it very interesting to understand why they are successful. What's also interesting is to see how they build on one another: What often happens is that one killer

application establishes the foundation for the next killer application. And that's the main topic I want to talk about.

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This is not supposed to be a list of the biggest or most successful killer applications.

This is a subset of examples from the social content space. It's a list of products I've picked that I think built the foundation for a product like YouTube.

Notice that anyone can build these applications (though scaling is a separate and much more difficult issue).

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Social interaction was already happening online, but not in the mainstream. Only geeks on IRC, newsgroups, etc.

LiveJournal showed us that people were willing to share a lot of personal content online. Who knew before LiveJournal came along?

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Hotornot proved that it is technically possible to build a service where anyone can upload photos and where everyone can view all of those photos. The idea seemed crazy at the time.

It also proved that it could be done profitably. This was not obvious at the time. 2000 is before the age of ad networks such as AdSense.

At first most photos on Hotornot were scanned. Later they came from digital cameras.

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I went to a talk by Jim Wales, the founder of Wikipedia, and he said that Wikipedia is not about technology. He said Wikipedia is a purely social experiment.

Wikipedia proved two things:

- 1) people are willing to donate their free time to create content
  - 2) people can collaborate by making millions of tiny contributions to create a cohesive larger entity
- 

I started this "Air Force One" article in 2002 when I was bored. It was more of a personal experiment. I didn't know if this would really work.

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When I saw how well this concept worked, it really impressed me, and made me realize what's possible with a global community site.

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Earlier efforts failed: sixdegrees.com shut down without much adoption. It wasn't a very good product (based on email addresses).

It was just a question of the right product coming along that simplified the process. Although Friendster is no longer the most successful social network, it obviously is what inspired almost all of the social networks that you see today.

Social networking has become so ubiquitous that social networking functionality is now just a standard feature of almost any website.

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Popularized the concept of tagging.

Tagging is an incredibly simple solution: Leave it up to the people to enter the information.

Shows that sometimes the best solution is also the easiest. Works on ANY data: URLs, images, videos.

Acquired by Yahoo.

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Flickr is essentially Hotornot + del.icio.us.

- borrowed tagging from del.icio.us,
- built on the foundation created by hotornot

There were existing photo sharing services, so photo sharing in itself was not new. However, those sites did not cross-reference images, visitors just stayed in one album, and albums were usually private, not intended for browsing by everyone. Small innovations led to huge success.

Acquired by Yahoo.

Finally, what all of the above services have in common is that they use MySQL/apache/php platform. They were among the first to prove that that platform does in fact work well.

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Now what about videos?

YouTube is about videos, so let's see what the state of videos on the Internet was prior to YouTube.

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If you wanted to share a video with someone in 2004:

- couldn't email (too big)
- upload it to your own website, if you have one
- instruct person to download the file MVI\_ whatever
- wait for it to finish downloading
- hope you have the right player installed
- hope you have the right codec installed because I had to DivX encode it to make it smaller. You can pay \$25 for DivX or go install a free version of the codec called Xvid, but there's no binary of it due to patent issues, so you'll have to compile it yourself.

As an aside, there is still no good way to transfer a 1GB file between two people who are not CS majors. Right now mailing a CD is still the way to go. If you have a solution for this problem, I would be very interested in hearing it.

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Best solution was to search on Google and hope to find a directory full of videos.

- no idea what the videos are
- searching is only by filename
- hope they don't blow the host's bandwidth limit: Ironically, just as a clip becomes popular it goes offline!

"LSD tested on british troops" is a pretty descriptive filename.

What is apache.mpg? Is it about a Native American tribe? Or is it about Apache helicopters? Or is it a video about web servers?

No interaction between the content or the content owners.

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We've all had this experience.

RealPlayer: hard to find the free player, has features that almost make it like AdWare (alerts, etc), wants to be your Jukebox

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These two events are notable in the fact that they were two major events on television that received far more views online, after the fact, than on TV, at the time they were broadcast.

Because many people were watching them online, the events called attention to the fact that video solutions were inadequate.

Created demand for a better solution.

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Article about Bittorrent that talked about how Bittorrent is being used to transfer massive amounts of video across the Internet. Article was a wakeup call for me.

Again underscored the fact that for the first time, TV clips were reaching more audience online than on TV.

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It wasn't clear what product would really push video forward. Bittorrent works great for large files, but is not ideal for small clips:

- overhead of finding and initializing peers
- no guarantees of bandwidth from peers
- BitTorrent is only a transfer mechanism, not a way to find videos.

This got me thinking... what would the best solution look like?

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Nobody knew it would happen, so there weren't any camera crews. Filmed by amateurs on digital cameras.

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It became obvious that current video solutions weren't good.

Gist of the idea was as simple as that. A new concept, but in many ways borrowed from existing sites.

Not obvious: Would people use it? Would it scale?

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Why not earlier? Why hasn't anyone done it? If it's a good idea, and nobody has done it, there must be a reason.

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These are the reasons it could not have happened any earlier. If any of these had not been true, YouTube would have been impossible.

Secondary technologies are beyond our control. Sometimes you have to wait.

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Due to all these factors, we came to the conclusion in February 2005 that the time was right for a site like YouTube. That really did happen in a garage in Menlo Park.

Key innovation: Player starts immediately. Small innovation that made a huge difference. People take it for granted now, but it was novel at the time.

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After launch we had no videos and no users.

Showed prototype to friends to get their reactions. Mostly positive. One friend who is a Product Manager at Google said “why would anyone use that?” I found that question hard to answer.

To publicize it, emailed WIRED reporters. Didn't get a single reply. Now, it's hard to pick up a copy without seeing a mention of YouTube.

Some VCs didn't even call us back.

There are no experts. If there were, why didn't they do it? You are the expert.

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We just tried to see what would happen. Best way to promote a site is to email all your friends.

I remember reading that Hotornot just emailed their friends and did no promotion whatsoever after that.

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We went on Craigslist and said if you're female and good-looking, we'll pay you \$100 if you upload 10 videos of yourself to YouTube. Nobody did.

Frustrated, didn't know how to get more videos.

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Site wasn't working. Revamped features.

Make everything as easy as possible. As fast as possible.

I'm an aviation nut, so I populated YouTube with aviation videos: planes taking off and landing. Steve and Chad complained that YouTube was turning into an airplane video site.

Lots of early videos were video bloggers.

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Why did we experience exponential growth?

First viral clip: “Money go away!” of a guy flipping coins into shot glasses.

Initially we got one viral hit every two weeks. But we weren't getting that many uploads. We figured as time went on, we would get more and more viral clips. Why? Because as

the number of video uploads increases, so does the probability that one of them is a viral hit. This happened, and now there are many new viral clips every day.

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Watch emerging secondary technologies closely.