

**HIGHLY CONFIDENTIAL**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

VIACOM INTERNATIONAL INC., ET	)	
AL.,	)	
	)	ECF Case
Plaintiffs,	)	
v.	)	Civil No. 07-CV-2103 (LLS)
	)	
YOUTUBE, INC., ET AL.,	)	
	)	
Defendants.	)	
<hr/>		
THE FOOTBALL ASSOCIATION	)	
PREMIER LEAGUE LIMITED, ET AL.,	)	
on behalf of themselves and all others	)	ECF Case
similarly situated,	)	
	)	Civil No. 07-CV-3582 (LLS)
Plaintiffs,	)	
v.	)	
	)	
YOUTUBE, INC., ET AL.,	)	
	)	
Defendants.	)	
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**DECLARATION OF ANDREW H. SCHAPIRO  
IN SUPPORT OF DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT**

Andrew H. Schapiro, pursuant to 28 U.S.C. § 1746, hereby declares as follows:

1. I am a partner at the firm of Mayer Brown LLP, attorneys for Defendants YouTube, Inc., YouTube, LLC, and Google Inc. (collectively, “YouTube”) in the above-captioned matters. I submit this Declaration in support of Defendants’ Motion for Summary Judgment.

2. Attached hereto are true and correct copies of the following documents. Documents with the following Bates prefixes were produced by the following party or non-party in these actions:

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- Documents with the Bates prefix “GOO001” were produced by YouTube in these actions.
- Documents with the Bates prefixes “VIA” and “VIA-SUPP” were produced by plaintiffs Viacom International Inc., Comedy Partners, Country Music Television, Inc., Paramount Pictures Corporation and Black Entertainment Television LLC (collectively, “Viacom”) in these actions.
- Documents with the Bates prefix “CAL” were produced by named plaintiff Cal IV Entertainment, LLC.
- Documents with the Bates prefix “CH” were produced by named plaintiff Cherry Lane Music Publishing Company, Inc.
- Documents with the Bates prefix “FT” were produced by named plaintiff Fédération Française de Tennis.
- Documents with the Bates prefix “PL” were produced by named plaintiff The Football Association Premier League Limited (“Premier League”), and documents with the Bates prefix “PLC” were produced by the individual Clubs making up the Premier League.
- Documents with the Bates prefix “ST” were produced by named plaintiff Stage Three Music (US), Inc.
- Documents with the Bates prefix “TUR” were produced by named plaintiff Robert Tur d/b/a Los Angeles News Service.
- Documents with the Bates prefix “XD” were produced by named plaintiff X-Ray Dog Music, Inc.
- Documents with the Bates prefix “BAYTSP” were produced by non-party BayTSP, Inc. pursuant to a subpoena.
- Documents with the Bates prefix “FS” were produced by non-party Fanscape Inc. pursuant to a subpoena.
- Documents with the Bates prefix “ICED” were produced by non-party ICED Media Ltd. pursuant to a subpoena.
- Documents with the Bates prefix “JK” were produced by non-party Jawed Karim pursuant to a subpoena.

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Exhibit	Description
1	"Best Inventions 2006," <i>Time Magazine</i>
2	Compilation of Videos Appearing on the YouTube Website
3	Excerpts of the Deposition of Tom Freston (Sept. 11, 2009)
4	Excerpts of the Deposition of Michael Wolf (Apr. 17, 2009)
5	VIA00885981 – 00885982
6	VIA00258318 – 00258319
7	VIA00328256
8	VIA00613094 – 00613095
9	VIA00329729 – 00329730
10	VIA00173284
11	Excerpts of the Deposition of Courtney Nieman (Dec. 16, 2009)
12	Excerpts of the Rule 30(b)(6) Deposition of Viacom, by Warren Solow (Dec. 18, 2009)
13	Excerpts of the Deposition of Michele Ganeless (Nov. 3, 2008)
14	VIA00349674
15	VIA01129009 – 01129010
16	VIA01623231 – 01623233
17	Excerpts of the Rule 30(b)(6) Deposition of The Football Association Premier League Limited, by Oliver Weingarten (Dec. 15-16, 2009)
18	Excerpts of the Deposition of Michael Housley (Oct. 3, 2008)
19	<i>Perfect 10, Inc. v. Amazon</i> , CV-05-4753, slip op. (C.D. Cal. Nov. 4, 2008)
20	Excerpts of the Rule 30(b)(6) Deposition of Edward B. Marks Music Company, Freddy Bienstock Music Company d/b/a Bienstock Publishing Company and Alley Music Corporation, by Theodora Michaels (Sept. 24, 2009)
21	Excerpts of the Deposition of Theresa Torrance (Jan. 21, 2009)
22	The Rodgers & Hammerstein Organization's Responses and Objections to Defendants' First Set of Requests for Admission (Jan. 12, 2010)
23	"Garage Brand: With NBC Pact, YouTube Site Tries to Build a Lasting Business --- Internet Video Service Sketches A Path to Profitability," <i>The Wall Street Journal</i> , June 27, 2006
24	Excerpts of the Deposition of Andrew Lin (July 2, 2009)
25	Excerpts of the Deposition of Tina Exarhos (Feb. 23, 2009)
26	VIA00330333 – 00330334
27	Excerpts of the Deposition of Amy Powell (Dec. 15, 2009)
28	GOO001-05161257 – 05161258
29	Excerpts of the Deposition of Kyle Bonici (Apr. 22, 2009)
30	YouTube screenshot of paraccount channel
31	Excerpts of the Deposition of Cuong Lam (Aug. 6, 2009)
32	Excerpts of the Deposition of Stephen Farrell (July 14, 2009)
33	FS048715 – 048716
34	VIA00434221 – 00434222

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Exhibit	Description
35	VIA00429321 – 00429322
36	ICED000002 – 000031
37	VIA00353857 – 00353858
38	VIA00348985
39	VIA00398639
40	VIA00365701 – 00365722
41	VIA00397857 – 00397862
42	VIA00830861 – 00830863
43	VIA11660417 – 11660421
44	BAYTSP 001125131 – 00sdz1125133
45	Excerpts of the Deposition of Damon Burrell (Apr. 14, 2009)
46	VIA00455125
47	Excerpts of the Deposition of Megan Wahtera (Dec. 4, 2009)
48	VIA00374613 – 00374616
49	VIA00908729 – 00908732
50	VIA10406143
51	VIA11787096
52	VIA00431656
53	GOO001-01151179
54	BAYTSP 001093408 – 001093413
55	BAYTSP 003724704 – 003724735
56	Excerpts of the Deposition of Adam Cahan (Dec. 9, 2009)
57	BAYTSP 001125563 – 001125608
58	VIA01676948 – 01676949
59	BAYTSP 001125622 – 001125625
60	BAYTSP 001093577 – 001093578
61	“No Joke: ‘SouthPark’ Uploads Spared,” <i>Multichannel News</i> , Oct. 14, 2006
62	BAYTSP 001093517 – 001093523
63	BAYTSP 003732680 – 003732681
64	BAYTSP 003740975
65	BAYTSP 003718200 – 003718202
66	BAYTSP 003863202 – 003863203
67	BAYTSP 004283227 – 004283230
68	BAYTSP 004345611 – 004345612
69	BAYTSP 003733345
70	BAYTSP 004283955
71	BAYTSP 003727465 – 003727496
72	BAYTSP 003719298 – 003719299
73	VIA11788097
74	BAYTSP 003721230 – 003721233
75	BAYTSP 003723588
76	BAYTSP 001125759

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<b>Exhibit</b>	<b>Description</b>
77	VIA00235270
78	Excerpts of the Rule 30(b)(6) Deposition of The Rodgers & Hammerstein Organization, by Victoria Traube (Oct. 8, 2009)
79	Excerpts of the Rule 30(b)(6) Deposition of The Rodgers & Hammerstein Organization, by Victoria Traube (Dec. 18, 2009)
80	YouTube screenshot of Sound of Music
81	CAL00000219 – 00000220
82	CAL00000783 – 00000787
83	Stage Three Music (US), Inc.’s Responses and Objections to Defendants’ First Set of Requests for Admission (Jan. 11, 2010)
84	ST00097906 – 00097911
85	Excerpts of the Rule 30(b)(6) Deposition of Stage Three Music (US), Inc., by Maryann Slim (Oct. 23, 2009)
86	Cherry Lane’s Responses and Objections to Defendants’ First Set of Requests for Admission (Jan. 8, 2010)
87	CH00019803 – 00019806
88	TUR00000477 – 00000478
89	Bourne Co.’s Responses and Objections to Defendants’ First Set of Requests for Admission (Jan. 8, 2010)
90	Edward B. Marks’ Responses and Objections to Defendants’ First Set of Requests for Admission (Jan. 11, 2010)
91	Bienstock Publishing Company’s Responses and Objections to Defendants’ First Set of Requests for Admission (Jan. 11, 2010)
92	Excerpts of the Rule 30(b)(6) Deposition of X-Ray Dog Music, Inc., by Timothy Stithem (Dec. 8, 2009)
93	XD00063860 – 00063863
94	Excerpts of the Rule 30(b)(6) Deposition of Fédération Française de Tennis, by Michel Grach (Dec. 3, 2009)
95	FT00096512
96	FT00096491
97	FT00096527 – 00096528
98	The Music Force Media Group LLC, The Music Force LLC, and Sin-Drome Records, Ltd.’s Responses and Objections to Defendants’ First Set of Requests for Admission (Jan. 8, 2010)
99	Screenshot of YouTube account for grumpoM
100	PLC00000597 – 00000598
101	PLC00000237 – 00000238
102	Excerpts of the Rule 30(b)(6) Deposition of Stage Three Music (US), Inc., by Jeffrey Duncan (Nov. 12, 2009)
103	Cal IV Entertainment LLC’s Responses and Objections to Defendants’ First Set of Requests for Admission (Jan. 8, 2010)
104	Excerpts of the Deposition of Brian Bradford (Mar. 12, 2009)

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<b>Exhibit</b>	<b>Description</b>
105	PL00000458
106	PL00000574 – 00000575
107	Excerpts of the Rule 30(b)(6) Deposition of Fédération Française de Tennis, by Georgina Loth (Dec. 2, 2009)
108	Excerpts of the Rule 30(b)(6) Deposition of Cherry Lane Music Publishing Company, Inc., by Keith Hauprich (Sept. 24, 2009)
109	BAYTSP 004282799 – 004282800
110	GOO001-01855601 – 01855603
111	GOO001-01858440 – 01858443
112	Excerpts of the Deposition of Deborah Kadetsky (Aug. 18, 2009)
113	GOO001-00856030 – 00856031
114	VIA10405833 – 10405836
115	VIA10405976
116	VIA02088065
117	Excerpts of the Rule 30(b)(6) Deposition of Bourne Co., by Marco Berrocal (Nov. 5, 2009)
118	XD00063614 – 00063615
119	XD00063613
120	BAYTSP 002369678 – 002369679
121	BAYTSP 001125401 – 001125402
122	Excerpts of the Deposition of Warren Solow (Jan. 14, 2010)
123	BAYTSP 004282398
124	BAYTSP 004288622 – 004288623
125	VIA02090167
126	VIA02159159 – 02159177
127	Excerpts of the Deposition of Blair Harrison (Dec. 9, 2009)
128	Excerpts of the Deposition of Judy McGrath (July 29, 2009)
129	Excerpts of the Deposition of Erik Flannigan (Oct. 16, 2008)
130	Excerpts of the Deposition of Doug Herzog (Jan. 16, 2009)
131	YouTube screenshot of Theodoramichael's channel
132	Excerpts of the Rule 30(b)(6) Deposition of Auditude, Inc., by Nicholas Seet (Nov. 24, 2009)
133	Excerpts of the Deposition of Mika Salmi (Oct. 16, 2009)
134	Excerpts of the Deposition of Jason Witt (Sept. 25, 2008)
135	BAYTSP 003722239
136	Excerpts of the Deposition of Alfred Perry (Dec. 16, 2009)
137	BAYTSP 003742450 – 003742452
138	BAYTSP 001125469 – 001125474
139	Excerpts of the Deposition of Michelena Hallie (Dec. 10, 2009)
140	VIA-SUPP000001 – 000016
141	BAYTSP 003728192
142	VIA11918373 – 11918375

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Exhibit	Description
143	BAYTSP 003727194 – 003727195
144	VIA11786486
145	BAYTSP 001088445 – 001088448
146	BAYTSP 003728607 – 003728608
147	VIA 11786386
148	BAYTSP 003724925
149	VIA11562371 – 11562372
150	BAYTSP 004174398 – 004174400
151	CH00019822
152	Excerpts of the Deposition of Gregg Barron (Sept. 23, 2008)
153	Excerpts of the Rule 30(b)(6) Deposition of National Music Publishers Association, by Lauren Apolito (Jan. 7, 2010)
154	CAL00000747 – 00000748
155	Excerpts of the Deposition of Daniel Hill (Mar. 13, 2009)
156	ST00105023 – 00105026
157	ST00088238 – 00088239
158	Excerpts of the Deposition of Chad Hurley (Apr. 22, 2009)
159	Excerpts of the Rule 30(b)(6) Deposition of YouTube, by Varun Kacholia (Jan. 8, 2010)
160	GOO001-02757265 – 02757268
161	JK00005599 – 00005600
162	GOO001-02757231 – 02757232
163	JK00003225
164	GOO001-02548690
165	GOO001-02548740
166	GOO001-02123017 – 02123018
167	VIA00316614 – 00316658
168	VIA00857221 – 00857227
169	Excerpts of the Deposition of Alan Bell (Aug. 5, 2009)
170	Excerpts of the Deposition of Viacom, by Lee L’Archevesque (Feb. 18, 2010)
171	GOO001-02244041 – 02244057
172	Excerpts of the Deposition of Scott Roesch (Sept. 25, 2009)
173	VIA00613111
174	2006 CableFAX 100, Entry for Judy McGrath, <i>CableFAX Daily</i>
175	VIA10132342 – 10132363
176	Excerpts of the Deposition of Robert Tur (Nov. 12, 2009)
177	“The Man Who Could Kill YouTube,” <i>Esquire</i> , Nov. 9, 2009
178	Declaration of Michael Housley (Feb. 28, 2008)
179	Viacom Plaintiffs’ Objections and Responses to YouTube’s Third Set of Interrogatories (without attachments) (Jan. 8, 2010)

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<b>Exhibit</b>	<b>Description</b>
180	Complaint, <i>Robert Tur d/b/a Los Angeles News Serv. v. YouTube, Inc.</i> , CV06-4436 (C.D. Cal. July 14, 2006)

3. Defendants’ Memorandum Of Law In Support Of Defendants’ Motion For Summary Judgment refers to a number of videos that Plaintiffs have alleged as clips in suit in these actions. Attached hereto are true and correct copies of those videos. Version “A” of each video is provided in the “Flash Video,” or “.flv,” format, as stored on YouTube’s servers. (See Declaration of Michael Solomon, submitted herewith, at ¶ 12, which explains the manner in which those videos were captured from YouTube’s servers.) For the Court’s convenience, we have also converted each video to the “MPEG-1” format, and include that format as version “B.”

<b>Exhibit</b>	<b>Description</b>
181A	tBXNS9obErI (.flv format)
181B	tBXNS9obErI (MPEG-1 format)
182A	k4Ei7kSHCFM (.flv format)
182B	k4Ei7kSHCFM (MPEG-1 format)
183A	P5Hii42p8uA (.flv format)
183B	P5Hii42p8uA (MPEG-1 format)
184A	M9aninYQLdw (.flv format)
184B	M9aninYQLdw (MPEG-1 format)
185A	j0hF-i-bv7Q (.flv format)
185B	j0hF-i-bv7Q (MPEG-1 format)
186A	_oXsI2uabP8 (.flv format)
186B	_oXsI2uabP8 (MPEG-1 format)
187A	LL2SneogeUE (.flv format)
187B	LL2SneogeUE (MPEG-1 format)
188A	0BFCCGLZ_0k (.flv format)
188B	0BFCCGLZ_0k (MPEG-1 format)
189A	rIDQE5iotFg (.flv format)
189B	rIDQE5iotFg (MPEG-1 format)
190A	g56jaRx3RmE (.flv format)
190B	g56jaRx3RmE (MPEG-1 format)
191A	LAI7VFiwRSM (.flv format)



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<b>Exhibit</b>	<b>Description</b>
191B	LA17VFiwRSM (MPEG-1 format)
192A	KmnHFYZXygk (.flv format)
192B	KmnHFYZXygk (MPEG-1 format)
193A	KA24Sg1K_Ys (.flv format)
193B	KA24Sg1K_Ys (MPEG-1 format)
194A	ZOLLbGGZgy4 (.flv format)
194B	ZOLLbGGZgy4 (MPEG-1 format)
195A	4hrdXObreII (.flv format)
195B	4hrdXObreII (MPEG-1 format)
196A	5lDGnGgR9JE (.flv format)
196B	5lDGnGgR9JE (MPEG-1 format)
197A	FKhEli0mSpk (.flv format)
197B	FKhEli0mSpk (MPEG-1 format)
198A	If9oyBH623s (.flv format)
198B	If9oyBH623s (MPEG-1 format)
199A	XbrWIKLJtuE (.flv format)
199B	XbrWIKLJtuE (MPEG-1 format)
200A	2F-tATkenkM (.flv format)
200B	2F-tATkenkM (MPEG-1 format)
201A	RMvxHd5gB4o (.flv format)
201B	RMvxHd5gB4o (MPEG-1 format)
202A	S6U_Z2BMkaY (.flv format)
202B	S6U_Z2BMkaY (MPEG-1 format)
203A	1hubX0wlTjQ (.flv format)
203B	1hubX0wlTjQ (MPEG-1 format)
204A	2UKkvEObQxM (.flv format)
204B	2UKkvEObQxM (MPEG-1 format)
205A	phFBa9AhC0A (.flv format)
205B	phFBa9AhC0A (MPEG-1 format)
206A	Y_0MEVbbQg8 (.flv format)
206B	Y_0MEVbbQg8 (MPEG-1 format)
207A	O9ht-qIMyu0 (.flv format)
207B	O9ht-qIMyu0 (MPEG-1 format)
208A	SzhaWJmoUWo (.flv format)
208B	SzhaWJmoUWo (MPEG-1 format)
209A	keR7kRNg05Y (.flv format)
209B	keR7kRNg05Y (MPEG-1 format)
210A	LmLgt8oGtuM (.flv format)
210B	LmLgt8oGtuM (MPEG-1 format)

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4. The Declaration of Hunter Walk, submitted herewith, describes a number of webpages appearing on the YouTube website, and identifies the corresponding URLs for those webpages. Attached hereto is a true and correct copy of a screenshot captured between February 25 and March 5, 2010 for each URL described in Mr. Walk's declaration and, where applicable, a true and correct copy of the video appearing on that webpage. Version "A" of each video is provided in the "Flash Video," or ".flv" format, as stored on YouTube's servers. (See Declaration of Michael Solomon, submitted herewith, at ¶ 12, which explains the manner in which those videos were captured from YouTube's servers.) For the Court's convenience, we have also converted each video to the "MPEG-1" format, and include that format as version "B."

Paragraph in Walk Declaration	URL	Corresponding YouTube Screenshot Exhibit No.	Corresponding Video File Exhibit No. (where applicable)
¶ 6	<a href="http://www.youtube.com/user/johnmccaindotcom?blend=3&amp;ob=4&amp;rclk=cti#p/f/25/JTL4jC1bKzY">http://www.youtube.com/user/johnmccaindotcom?blend=3&amp;ob=4&amp;rclk=cti#p/f/25/JTL4jC1bKzY</a>	211	315A/315B
¶ 6	<a href="http://www.youtube.com/user/barackobamadotcom?blend=1&amp;ob=4&amp;rclk=cth#p/u/781/vpmFd25tRqo">http://www.youtube.com/user/barackobamadotcom?blend=1&amp;ob=4&amp;rclk=cth#p/u/781/vpmFd25tRqo</a>	212	316A/316B
¶ 6	<a href="http://www.youtube.com/user/YTdebates#p/u/46/XWokI0NaGMc">http://www.youtube.com/user/YTdebates#p/u/46/XWokI0NaGMc</a>	213	317A/317B
¶ 6	<a href="http://www.youtube.com/user/whitehouse?blend=1&amp;ob=4&amp;rclk=cth#p/u/91/94RRh9qZGYc">http://www.youtube.com/user/whitehouse?blend=1&amp;ob=4&amp;rclk=cth#p/u/91/94RRh9qZGYc</a>	214	318A/318B
¶ 6	<a href="http://www.youtube.com/watch?v=0pqzNJYzh7I">http://www.youtube.com/watch?v=0pqzNJYzh7I</a>	215	319A/319B
¶ 6	<a href="http://www.youtube.com/user/NancyPelosi">http://www.youtube.com/user/NancyPelosi</a>	216	N/A

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Paragraph in Walk Declaration	URL	Corresponding YouTube Screenshot Exhibit No.	Corresponding Video File Exhibit No. (where applicable)
¶ 6	<a href="http://www.youtube.com/user/RepublicanLeader">http://www.youtube.com/user/RepublicanLeader</a>	217	N/A
¶ 6	<a href="http://www.youtube.com/user/senatehub">http://www.youtube.com/user/senatehub</a>	218	N/A
¶ 6	<a href="http://www.youtube.com/user/househub">http://www.youtube.com/user/househub</a>	219	N/A
¶ 7	<a href="http://www.youtube.com/user/MarineCorpsNews">http://www.youtube.com/user/MarineCorpsNews</a>	220	N/A
¶ 7	<a href="http://www.youtube.com/user/soldiersmediacenter">http://www.youtube.com/user/soldiersmediacenter</a>	221	N/A
¶ 7	<a href="http://www.youtube.com/user/UnitedStatesNavy">http://www.youtube.com/user/UnitedStatesNavy</a>	222	N/A
¶ 7	<a href="http://www.youtube.com/user/AFBlueTube">http://www.youtube.com/user/AFBlueTube</a>	223	N/A
¶ 7	<a href="http://www.youtube.com/watch?v=mDUInYe8G2c">http://www.youtube.com/watch?v=mDUInYe8G2c</a>	224	320A/320B
¶ 7	<a href="http://www.youtube.com/user/ReelNASA#p/a/3CD87307666C1B55/0/e16eXXAoisg">http://www.youtube.com/user/ReelNASA#p/a/3CD87307666C1B55/0/e16eXXAoisg</a>	225	321A/321B
¶ 7	<a href="http://www.youtube.com/user/NASAtelevision#p/u/631/JgBgmw-2U8c">http://www.youtube.com/user/NASAtelevision#p/u/631/JgBgmw-2U8c</a>	226	322A/322B
¶ 7	<a href="http://www.youtube.com/user/LibraryOfCongress">http://www.youtube.com/user/LibraryOfCongress</a>	227	N/A
¶ 8	<a href="http://www.youtube.com/user/vatican">http://www.youtube.com/user/vatican</a>	228	N/A
¶ 8	<a href="http://www.youtube.com/user/theroyalchannel">http://www.youtube.com/user/theroyalchannel</a>	229	N/A
¶ 8	<a href="http://www.youtube.com/user/kremlin">http://www.youtube.com/user/kremlin</a>	230	N/A
¶ 8	<a href="http://www.youtube.com/user/Iraqigov">http://www.youtube.com/user/Iraqigov</a>	231	N/A
¶ 8	<a href="http://www.youtube.com/user/unitednations">http://www.youtube.com/user/unitednations</a>	232	N/A
¶ 8	<a href="http://www.youtube.com/peres">http://www.youtube.com/peres</a>	233	N/A
¶ 8	<a href="http://www.youtube.com/user/PresidentMBLee">http://www.youtube.com/user/PresidentMBLee</a>	234	N/A
¶ 9	<a href="http://www.youtube.com/watch?v=HgQd0K5W0vI">http://www.youtube.com/watch?v=HgQd0K5W0vI</a>	235	323A/323B

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Paragraph in Walk Declaration	URL	Corresponding YouTube Screenshot Exhibit No.	Corresponding Video File Exhibit No. (where applicable)
¶ 9	<a href="http://www.youtube.com/watch?v=I0MkATcn04M">http://www.youtube.com/watch?v=I0MkATcn04M</a>	236	324A/324B
¶ 9	<a href="http://www.youtube.com/watch?v=mcQ8zMpthis">http://www.youtube.com/watch?v=mcQ8zMpthis</a>	237	325A/325B
¶ 10	<a href="http://www.youtube.com/watch?v=Og1bYPn8nW8">http://www.youtube.com/watch?v=Og1bYPn8nW8</a>	238	326A/326B
¶ 10	<a href="http://www.youtube.com/watch?v=7g9mOMQfY2s">http://www.youtube.com/watch?v=7g9mOMQfY2s</a>	239	327A/327B
¶ 10	<a href="http://www.youtube.com/watch?v=1B98PExsoXs">http://www.youtube.com/watch?v=1B98PExsoXs</a>	240	328A/328B
¶ 10	<a href="http://www.youtube.com/watch?v=OEdVfyt-mLw">http://www.youtube.com/watch?v=OEdVfyt-mLw</a>	241	329A/329B
¶ 11	<a href="http://youtube-global.blogspot.com/2010/01/live-tonight-top-artists-perform-in.html">http://youtube-global.blogspot.com/2010/01/live-tonight-top-artists-perform-in.html</a>	242	N/A
¶ 11	<a href="http://youtube-global.blogspot.com/2009/10/can-billion-views-help-billion-people.html">http://youtube-global.blogspot.com/2009/10/can-billion-views-help-billion-people.html</a>	243	N/A
¶ 11	<a href="http://www.youtube.com/watch?v=6jSBW0BOPqM">http://www.youtube.com/watch?v=6jSBW0BOPqM</a>	244	330A/330B
¶ 11	<a href="http://www.youtube.com/watch?v=BDqs-OZWw9o">http://www.youtube.com/watch?v=BDqs-OZWw9o</a>	245	331A/331B
¶ 11	<a href="http://www.youtube.com/view_play_list?p=749732FFD312CA7F">http://www.youtube.com/view_play_list?p=749732FFD312CA7F</a>	246	N/A
¶ 12	<a href="http://www.youtube.com/channels?s=ytedu_mv">http://www.youtube.com/channels?s=ytedu_mv</a>	247	N/A
¶ 12	<a href="http://www.youtube.com/watch?v=S9WtBRNyds0">http://www.youtube.com/watch?v=S9WtBRNyds0</a>	248	332A/332B
¶ 13	<a href="http://www.youtube.com/watch?v=tGn3-RW8Ajk">http://www.youtube.com/watch?v=tGn3-RW8Ajk</a>	249	333A/333B
¶ 13	<a href="http://www.youtube.com/watch?v=SGJMoYcM8yY">http://www.youtube.com/watch?v=SGJMoYcM8yY</a>	250	334A/334B
¶ 14	<a href="http://www.youtube.com/watch?v=7jRE3xRm8Vk">http://www.youtube.com/watch?v=7jRE3xRm8Vk</a>	251	335A/335B
¶ 14	<a href="http://www.youtube.com/watch?v=Phjw9dzHU-0">http://www.youtube.com/watch?v=Phjw9dzHU-0</a>	252	336A/336B
¶ 14	<a href="http://www.youtube.com/watch?v=msTLaSQFhrc">http://www.youtube.com/watch?v=msTLaSQFhrc</a>	253	337A/337B

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Paragraph in Walk Declaration	URL	Corresponding YouTube Screenshot Exhibit No.	Corresponding Video File Exhibit No. (where applicable)
¶ 14	<a href="http://www.youtube.com/watch?v=pTHc5wB-u8w">http://www.youtube.com/watch?v=pTHc5wB-u8w</a>	254	338A/338B
¶ 15	<a href="http://www.youtube.com/user/reporterscenter">http://www.youtube.com/user/reporterscenter</a>	255	N/A
¶ 16	<a href="http://www.youtube.com/watch?v=dTAAAsCNK7RA">http://www.youtube.com/watch?v=dTAAAsCNK7RA</a>	256	339A/339B
¶ 16	<a href="http://www.youtube.com/watch?v=jmR0V6s3NKk">http://www.youtube.com/watch?v=jmR0V6s3NKk</a>	257	340A/340B
¶ 16	<a href="http://www.youtube.com/watch?v=EwTZ2xpQwpA">http://www.youtube.com/watch?v=EwTZ2xpQwpA</a>	258	341A/341B
¶ 16	<a href="http://www.youtube.com/watch?v=-dadPWhEhVk">http://www.youtube.com/watch?v=-dadPWhEhVk</a>	259	342A/342B
¶ 16	<a href="http://www.youtube.com/watch?v=p_YMigZmUuk">http://www.youtube.com/watch?v=p_YMigZmUuk</a>	260	343A/343B
¶ 17	<a href="http://www.youtube.com/watch?v=-prfAENSh2k">http://www.youtube.com/watch?v=-prfAENSh2k</a>	261	344A/344B
¶ 17	<a href="http://www.youtube.com/watch?v=m56F4EKN9hg">http://www.youtube.com/watch?v=m56F4EKN9hg</a>	262	345A/345B
¶ 17	<a href="http://www.youtube.com/watch?v=uHPg262Kr9c">http://www.youtube.com/watch?v=uHPg262Kr9c</a>	263	346A/346B
¶ 17	<a href="http://www.youtube.com/watch?v=xLYWtjEUKa4">http://www.youtube.com/watch?v=xLYWtjEUKa4</a>	264	347A/347B
¶ 17	<a href="http://www.youtube.com/watch?v=JkUNGWH1Jzg">http://www.youtube.com/watch?v=JkUNGWH1Jzg</a>	265	348A/348B
¶ 17	<a href="http://www.youtube.com/watch?v=-MIm5WgIepE">http://www.youtube.com/watch?v=-MIm5WgIepE</a>	266	349A/349B
¶ 17	<a href="http://www.youtube.com/watch?v=Sh9E_JO3nV0">http://www.youtube.com/watch?v=Sh9E_JO3nV0</a>	267	350A/350B
¶ 17	<a href="http://www.youtube.com/watch?v=FOqVpflq3EE">http://www.youtube.com/watch?v=FOqVpflq3EE</a>	268	351A/351B
¶ 17	<a href="http://www.youtube.com/watch?v=f0IRXINcPjI">http://www.youtube.com/watch?v=f0IRXINcPjI</a>	269	352A/352B
¶ 17	<a href="http://www.youtube.com/watch?v=NaGLVS5b_ZY">http://www.youtube.com/watch?v=NaGLVS5b_ZY</a>	270	353A/353B
¶ 17	<a href="http://www.youtube.com/watch?v=6vQpW9XRiyM">http://www.youtube.com/watch?v=6vQpW9XRiyM</a>	271	354A/354B
¶ 17	<a href="http://www.youtube.com/user/foxnewschannel">http://www.youtube.com/user/foxnewschannel</a>	272	N/A

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Paragraph in Walk Declaration	URL	Corresponding YouTube Screenshot Exhibit No.	Corresponding Video File Exhibit No. (where applicable)
¶ 17	<a href="http://www.youtube.com/user/CBSNewsOnline">http://www.youtube.com/user/CBSNewsOnline</a>	273	N/A
¶ 17	<a href="http://www.youtube.com/user/ntvkenya">http://www.youtube.com/user/ntvkenya</a>	274	N/A
¶ 17	<a href="http://www.youtube.com/show/startrek">http://www.youtube.com/show/startrek</a>	275	N/A
¶ 17	<a href="http://www.youtube.com/show/macgyver">http://www.youtube.com/show/macgyver</a>	276	N/A
¶ 17	<a href="http://www.youtube.com/user/MontyPython">http://www.youtube.com/user/MontyPython</a>	277	N/A
¶ 17	<a href="http://www.youtube.com/watch?v=vSYadh2xmcl">http://www.youtube.com/watch?v=vSYadh2xmcl</a>	278	355A/355B
¶ 17	<a href="http://www.youtube.com/watch?v=Ye8mB6VsUHw">http://www.youtube.com/watch?v=Ye8mB6VsUHw</a>	279	356A/356B
¶ 18	<a href="http://www.youtube.com/oprah">http://www.youtube.com/oprah</a>	280	N/A
¶ 18	<a href="http://www.youtube.com/user/paulmccartney">http://www.youtube.com/user/paulmccartney</a>	281	N/A
¶ 18	<a href="http://www.youtube.com/user/andreaabocelli">http://www.youtube.com/user/andreaabocelli</a>	282	N/A
¶ 18	<a href="http://www.youtube.com/user/u2official">http://www.youtube.com/user/u2official</a>	283	N/A
¶ 18	<a href="http://www.youtube.com/user/joined">http://www.youtube.com/user/joined</a>	284	N/A
¶ 18	<a href="http://www.youtube.com/user/TeamRadioShack">http://www.youtube.com/user/TeamRadioShack</a>	285	N/A
¶ 18	<a href="http://www.youtube.com/watch?v=9S9vlggt264">http://www.youtube.com/watch?v=9S9vlggt264</a>	286	357A/357B
¶ 18	<a href="http://www.youtube.com/user/aliciakeys">http://www.youtube.com/user/aliciakeys</a>	287	N/A
¶ 18	<a href="http://www.youtube.com/watch?v=dF6D7xs1qMY">http://www.youtube.com/watch?v=dF6D7xs1qMY</a>	288	358A/358B
¶ 19	<a href="http://www.youtube.com/watch?v=TwsIagFWKlY">http://www.youtube.com/watch?v=TwsIagFWKlY</a>	289	359A/359B
¶ 19	<a href="http://www.youtube.com/user/USDCINSD">http://www.youtube.com/user/USDCINSD</a>	290	N/A
¶ 20	<a href="http://www.youtube.com/watch?v=1JynBEX_kg8">http://www.youtube.com/watch?v=1JynBEX_kg8</a>	291	360A/360B
¶ 20	<a href="http://www.youtube.com/watch?v=TZ860P4iTaM">http://www.youtube.com/watch?v=TZ860P4iTaM</a>	292	361A/361B

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Paragraph in Walk Declaration	URL	Corresponding YouTube Screenshot Exhibit No.	Corresponding Video File Exhibit No. (where applicable)
¶ 20	<a href="http://www.youtube.com/watch?v=4PcL6-mjRNk">http://www.youtube.com/watch?v=4PcL6-mjRNk</a>	293	362A/362B
¶ 20	<a href="http://www.youtube.com/watch?v=xPxDw7ajfGE">http://www.youtube.com/watch?v=xPxDw7ajfGE</a>	294	363A/363B
¶ 20	<a href="http://www.youtube.com/watch?v=i mFTcjHIY_s">http://www.youtube.com/watch?v=i mFTcjHIY_s</a>	295	364A/364B
¶ 20	<a href="http://www.youtube.com/watch?v=LU8DDYz68kM">http://www.youtube.com/watch?v=LU8DDYz68kM</a>	296	365A/365B
¶ 20	<a href="http://www.youtube.com/watch?v=Z-BzXpOch-E">http://www.youtube.com/watch?v=Z-BzXpOch-E</a>	297	366A/366B
¶ 20	<a href="http://www.youtube.com/watch?v=s7a9xCIAAdDU">http://www.youtube.com/watch?v=s7a9xCIAAdDU</a>	298	367A/367B
¶ 20	<a href="http://www.youtube.com/watch?v=_OBlgSz8sSM">http://www.youtube.com/watch?v=_OBlgSz8sSM</a>	299	368A/368B
¶ 20	<a href="http://www.youtube.com/watch?v=E8aprCNnecU">http://www.youtube.com/watch?v=E8aprCNnecU</a>	300	369A/369B
¶ 20	<a href="http://www.youtube.com/watch?v=5P6UU6m3cqk">http://www.youtube.com/watch?v=5P6UU6m3cqk</a>	301	370A/370B
¶ 20	<a href="http://www.youtube.com/watch?v=zlfKdbWwruY">http://www.youtube.com/watch?v=zlfKdbWwruY</a>	302	371A/371B
¶ 20	<a href="http://www.youtube.com/watch?v=dMH0bHeiRNg">http://www.youtube.com/watch?v=dMH0bHeiRNg</a>	303	372A/372B
¶ 20	<a href="http://www.youtube.com/watch?v=eaRcWB3jwMo">http://www.youtube.com/watch?v=eaRcWB3jwMo</a>	304	373A/373B
¶ 20	<a href="http://www.youtube.com/watch?v=EMhUZAq5IxQ">http://www.youtube.com/watch?v=EMhUZAq5IxQ</a>	305	374A/374B
¶ 20	<a href="http://www.youtube.com/watch?v=T7TI-AJi2O8">http://www.youtube.com/watch?v=T7TI-AJi2O8</a>	306	375A/375B
¶ 20	<a href="http://www.youtube.com/watch?v=hSvIOd7tfh0">http://www.youtube.com/watch?v=hSvIOd7tfh0</a>	307	376A/376B
¶ 20	<a href="http://www.youtube.com/watch?v=vPm27Wm-0tY">http://www.youtube.com/watch?v=vPm27Wm-0tY</a>	308	377A/377B
¶ 20	<a href="http://www.youtube.com/watch?v=4-94JhLEiN0">http://www.youtube.com/watch?v=4-94JhLEiN0</a>	309	378A/378B
¶ 20	<a href="http://www.youtube.com/watch?v=cvj-0RUpteo">http://www.youtube.com/watch?v=cvj-0RUpteo</a>	310	379A/379B
¶ 20	<a href="http://www.youtube.com/watch?v=pXD7rDgsL88">http://www.youtube.com/watch?v=pXD7rDgsL88</a>	311	380A/380B

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Paragraph in Walk Declaration	URL	Corresponding YouTube Screenshot Exhibit No.	Corresponding Video File Exhibit No. (where applicable)
¶ 20	<a href="http://www.youtube.com/watch?v=i1azm1oNRbk">http://www.youtube.com/watch?v=i1azm1oNRbk</a>	312	381A/381B
¶ 20	<a href="http://www.youtube.com/watch?v=jNQXAC9IVRw">http://www.youtube.com/watch?v=jNQXAC9IVRw</a>	313	382A/382B
¶ 21	<a href="http://www.youtube.com/watch?v=TPAO-IZ4_hU">http://www.youtube.com/watch?v=TPAO-IZ4_hU</a>	314	383A/383B

5. The Declaration of Micah Schaffer, submitted herewith, also describes two URLs. Paragraph 2 of Mr. Schaffer's declaration references the URL <http://www.youtube.com/watch?v=KNwLn85I75Y>, which is currently available on the YouTube website. Attached hereto as Exhibit 384 is a true and correct copy of a screenshot captured on March 5, 2010 for that URL. Attached hereto as Exhibit 385A is a true and correct copy of the video appearing on that webpage in the "Flash Video," or ".flv" format, as stored on YouTube's servers. (See Declaration of Michael Solomon, submitted herewith, at ¶ 12, which explains the manner in which those videos were captured from YouTube's servers.) For the Court's convenience, attached hereto as Exhibit 385B is a true and correct copy of that video converted to the "MPEG-1" format. Paragraph 7 of Mr. Schaffer's declaration references a video which previously appeared on the YouTube website at the URL <http://www.youtube.com/watch?v=TUiP6dqPynE>. Attached hereto as Exhibit 386A is a true and correct copy of the video that appeared on that webpage in the "Flash Video," or ".flv" format, as stored on YouTube's servers. (See Declaration of Michael Solomon, submitted herewith, at ¶ 12, which explains the manner in which those



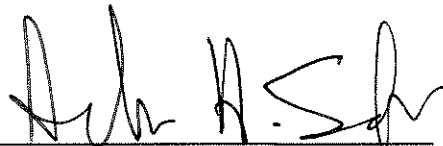
**HIGHLY CONFIDENTIAL**

videos were captured from YouTube's servers.) For the Court's convenience, attached hereto as Exhibit 386B is a true and correct copy of that video converted to the "MPEG-1" format.

6. The Declaration of Roelof Botha, submitted herewith, also describes the URL <http://www.youtube.com/watch?v=KNwLn85I75Y> at paragraph 11. Attached hereto as Exhibit 384 is a true and correct copy of a screenshot captured on March 5, 2010 for that URL. Attached hereto as Exhibit 385A is a true and correct copy of the video appearing on that webpage in the "Flash Video," or ".flv" format, as stored on YouTube's servers, and attached hereto as Exhibit 385B is a true and correct copy of that video converted to the "MPEG-1" format.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: New York, NY  
March 11, 2010

  
\_\_\_\_\_  
Andrew H. Schapiro

## **Schapiro Exhibit 46**

---

Subject: Disturbia / Paris  
From: "Tipton, Kristina - Paramount" <EX:/O=VIACOM/OU=PARAMOUNT/CN=RECIPIENTS/CN=TIPTONKR>  
To: Bonnici, Kyle - Paramount  
Cc: Teifeld, Tamar - Paramount; Wahtera, Megan - Paramount  
Date: Mon, 11 Jun 2007 20:57:34 +0000

Hi Kyle,

As soon as your back, we need help with uploading the below video to viral video sites.

- please create NON-PARAMOUNT accounts using email that can't be traced to Paramount (ie create an account)
- Upload video with following info:
  - o Title: Paris Hilton on house arrest
  - o Description: Ankle bracelets are hot
  - o Tags: Paris Hilton jail house arrest hot funny disturbia
  - o Post as video response to:
    - \* <http://youtube.com/watch?v=k66epna2Sss>
    - \* <http://youtube.com/watch?v=4yjRLrZfln8>
    - \* <http://youtube.com/watch?v=EXFsxuUjGM>

Link:  
<http://secure.wiredrive.com/clients/buddhajonestrailer/wd/folder/55341/list>

username:   
password: 

This is top priority, so please do this before media meeting prep. Thanks, Kyle!

Kristina Tipton

Interactive Marketing

Paramount Pictures

323-956-8453

# **Schapiro Exhibit 65**

---

**From:** Mark M. Ishikawa  
**Sent:** Tuesday, October 03, 2006 4:14 AM  
**To:** Evelyn Espinosa; Courtney Nieman; Deana Arizala  
**Subject:** FW: FW: Proposed links to take down

---

**From:** Perry, Alfred - Paramount [mailto:Alfred\_Perry@Paramount.com]  
**Sent:** Monday, October 02, 2006 7:44 PM  
**To:** Amy Powell, [REDACTED]  
**Cc:** Scott Martin; Derwin-Weiss, Nancy - Paramount; John Salter; dwilson@kmdlaw.com; Mark M. Ishikawa  
**Subject:** RE: FW: Proposed links to take down

Thanks, we look forward to hearing from you.

---

**From:** Amy Powell/Marketing/MP/Paramount\_Pictures@PARAMOUNT\_PICTURES  
**Sent:** Monday, October 02, 2006 7:24 PM  
**To:** Perry, Alfred - Paramount  
**Cc:** Martin, Scott - Paramount; Derwin-Weiss, Nancy - Paramount; Salter, John - Paramount  
**Subject:** Re: FW: Proposed links to take down

all of the clips that we syndicated have the official "warning" before the clip. any clip without the warning was not sent out by our dept. However, i need to speak to the publicity dept before confirming which should be taken down. I will follow up first thing in the AM. thanks.

Amy Powell  
Senior Vice President  
Interactive Marketing  
Paramount Pictures  
[REDACTED]

-----Alfred Perry@exchange wrote: -----

To: [REDACTED]  
From: Alfred Perry@exchange  
Date: 10/02/2006 07:01PM  
cc: Scott Martin/Business Affairs/MP/Paramount\_Pictures@Paramount\_Pictures, Nancy Derwin-Weiss/Business Affairs/MP/Paramount\_Pictures@Paramount\_Pictures, John Salter@exchange  
Subject: FW: Proposed links to take down

Amy, please confirm that these should be taken down (our guy thinks that these are not your clips).

We await your confirmation before proceeding.

---

**From:** Dennis L. Wilson [mailto:dwilson@kmdlaw.com]  
**Sent:** Monday, October 02, 2006 6:33 PM  
**To:** Perry, Alfred - Paramount  
**Subject:** Proposed links to takedown

Al,

6/13/2008

There are a lot of questionable Jackass 2 videos on youtube that we cannot act on tonight without risking taking down unauthorized content.

However, there are some videos that we believe we could request be taken down. Perhaps these videos could be forwarded to the appropriate executives for review, including the following:

<http://www.youtube.com/watch?v=3r66byYRFm4>  
<http://www.youtube.com/watch?v=dtSu3lJZTA;>  
<http://www.youtube.com/watch?v=2brTttAYReE;>  
<http://www.youtube.com/watch?v=G7EAM8f929o;>  
[http://www.youtube.com/watch?v=m5\\_1figW2\\_k;](http://www.youtube.com/watch?v=m5_1figW2_k;)  
<http://www.youtube.com/watch?v=nASITzMokE8;>  
<http://www.youtube.com/watch?v=TKjMvoc0VtI;>  
<http://www.youtube.com/watch?v=d4KrR6yoPAY;>  
[http://www.youtube.com/watch?v=mOJ61oeCQeY? .](http://www.youtube.com/watch?v=mOJ61oeCQeY?)

Each of these is a fairly long clip and/or has language indicating that it is not legitimate (e.g., "here is the first 3 minutes of the movie").

Please let me know what action you would like me to take on these, if any.

Dennis

---

**From:** Perry, Alfred -Paramount [mailto:Alfred\_Perry@Paramount.com]  
**Sent:** Monday, October 02, 2006 5:23 PM  
**To:** Powell, Amy - Paramount  
**Cc:** Derwin-Weiss, Nancy -Paramount; Martin, Scott - Paramount; Salter, John - Paramount; Christiansen, Mark - Paramount  
**Subject:** FW: Illegal Jackass 2 Footage Online

Amy, when you refer to many authorized clips are you able to provide identifiers of them? Apparently, what is being found are stunt/skit clips rather than the full feature broken up into 10 minute pieces (as is the case with other films from other studios).

---

**From:** Mark M. Ishikawa [mailto:marki@baytsp.com]  
**Sent:** Monday, October 02, 2006 5:03 PM  
**To:** Perry, Alfred - Paramount; dwilson@kmwlaw.com  
**Cc:** Martin, Scott - Paramount; Salter, John - Paramount; Christiansen, Mark - Paramount; Evelyn Espinosa; Courtney Nieman; Leland Woo; Richard Kawasaki; Deana Arizala  
**Subject:** RE: Illegal Jackass 2 Footage Online

AI,

We have started getting results back from our High Priority Radar system and we're seeing something different than our usual clips of 10 minute segments uploaded to YouTube. The pirates are submitting the content to YouTube broken down by individual stunt/skit. We are attempting to identify the content that appears to be camcordered, and is of the individual stunt/skit for takedown. Can you pls confirm that none of the stunts/skits are authorized by the studio?

Mark

---

**From:** Perry, Alfred -Paramount [mailto:Alfred\_Perry@Paramount.com]  
**Sent:** Monday, October 02, 2006 4:44 PM  
**To:** dwilson@kmwlaw.com; Mark M. Ishikawa  
**Cc:** Scott Martin; John Salter; Christiansen, Mark - Paramount  
**Subject:** FW: Illegal Jackass 2 Footage Online

Ok, err on the side of leaving some infringing material up rather than being overly aggressive and taking down one of the "many approved clips".

Again, my direction would be to take down linked segments which comprise all or nearly all of the motion picture and is presumably camcordered (based on appearance, for example).

Either of you know of other "social networking" sites such as YouTube which we might also devote our special kind of "love"?

6/13/2008

Please advise.

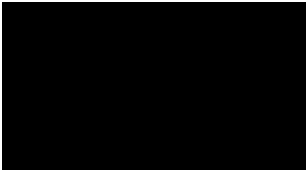
Thank you.

**From:** AmyPowell/[REDACTED]  
**Sent:** Monday, October 02, 2006 4:22 PM  
**To:** Perry, Alfred - Paramount  
**Cc:** dwilson@kmlaw.com; Salter, John - Paramount; marki@baytsp.com; Derwin-Weiss, Nancy - Paramount; Martin, Scott - Paramount; Worsnup, Mickey - Paramount; rob\_moore@paramount.com  
**Subject:** Illegal Jackass 2 Footage Online

Thanks, Alfred. Please only remove camcorded content (which is clearly pirated footage). There are many approved film clips online which should not be removed. Feel free to call with any questions or concerns.

amy

Amy Powell  
Senior Vice President  
Interactive Marketing  
Paramount Pictures



----- Replied by AmyPowell on 10/2/2006 4:20:31 PM -----

**From:** Alfred Perry@exchange  
10/02/2006 03:04 PM  
**To:** Amy Powell  
**cc:** Scott Martin, John Salter@exchange, Nancy Derwin-Weiss, dwilson@kmlaw.com, marki@baytsp.com  
**Subject:**

We are going after the camcorded versions of JackAss Number Two on YouTube, but would like to know if you have content you have authorized or if you are aware of other content which should not be taken down.

Thanks, in the first instance we are going after ?obviously? camcorded content.

Thank you.

No virus found in this outgoing message.  
Checked by AVG Free Edition  
Version: 7.5.516 / Virus Database: 269.17.13/1207 - Release Date: 1/2/2008 11:29 AM

6/13/2008

# **Schapiro Exhibit 66**



---

**From:** Hallie, Michelena [Michelena.Hallie@mtvn.com]  
**Sent:** Thursday, October 05, 2006 10:25 PM  
**To:** Deana Arizala  
**Cc:** Mark M. Ishikawa; Morales, Cindy  
**Subject:** FW: Scan from a Xerox WorkCentre Pro

**Attachments:** Scan001.PDF



Scan001.PDF (34  
KB)

Deana:

Attached is a pdf of a signed authorization letter. It is on MTVN (which is a division of Viacom) letterhead though Viacom is the copyright owner of the copyrights. If you need it on Viacom letterhead, it will have to wait until Monday when my assistant returns.

Please note that this authorization is limited only to particular shows, uploads or protocols identified by Cindy, myself or a designee. As of now Viacom authorizes only the takedowns of full episodes of "Avatar" that appear on youtube.com.

You should also note that not all MTVN programming is owned by Viacom International so you will need additional authorizations for some of the programs we choose in the future to take down.

Thank you for your assistance.

Michelena Hallie  
Senior Vice President  
Deputy General Counsel, Intellectual Property MTV Networks, Business and Legal Affairs  
1515 Broadway, 34th Floor  
New York, New York 10036  
(212)846-6849

**MTV NETWORKS**  
A VIACOM COMPANY

Michelena Hallie  
Senior Vice President  
Deputy General Counsel, Intellectual Property

October 5, 2006

Mark Ishikawa, CEO  
BayTSP.com  
PO Box 1314  
Los Gatos, CA 95031-1314  
(408) 341-2300

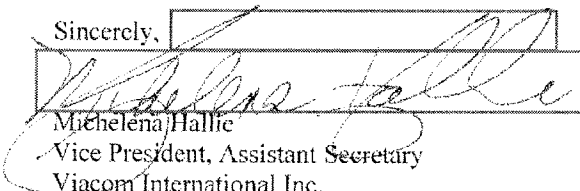
Dear Mark,

This letter acts as an official notification that I, Michelena Hallie, of Viacom International Inc, agent of its copyrighted material, authorize Mark Ishikawa, CEO of BayTSP.com to act as my agent for notification of detected infringements on the Internet pursuant to the Digital Millennium Copyright Act.

Nothing in this letter releases any exclusive rights that Viacom International Inc. has in the copyrights that I represent. This agent authorization is merely to facilitate the process of notifying Internet service providers for removal of detected infringements that I have been made aware of by BayTSP.com and its tracking service reports.

I reserve the right to terminate this agency relationship at any time for any reason by written notification, effective upon receipt at BayTSP.com.

Sincerely,

  
Michelena Hallie  
Vice President, Assistant Secretary  
Viacom International Inc.

1515 Broadway, New York, NY 10036  
Email: michelena.hallie@mtvn.com

# **Schapiro Exhibit 79**

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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

Plaintiffs,

-against-

Case No.  
07-CV-3582

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

Defendants.  
-----

CONTINUED VIDEOTAPED DEPOSITION OF  
VICTORIA G. TRAUBE  
NEW YORK, NEW YORK  
Friday, December 18, 2009

JOB NO: 18329  
Reported by:  
AYLETTE GONZALEZ

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December 18, 2009  
Time: 10:12 a.m.

CONTINUED VIDEOTAPED DEPOSITION  
OF VICTORIA G. TRAUBE, held at the  
offices of Mayer Brown, LLP., 1675  
Broadway, New York, New York 10019,  
pursuant to notice, before Aylette  
Gonzalez, Certified LiveNote Reporter  
and Notary Public of the State of New  
York.

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

FOR THE PLAINTIFFS and WITNESS:

LIEFF, CABRASER, HEIMANN &  
BERNSTEIN, LLP.

BY: DAVID STELLINGS, ESQ.

EMAIL: dstellings@lchb.com

BY: ANNIKA MARTIN, ESQ.

EMAIL: akmartin@lchb.com

250 Hudson Street, 8th floor  
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PHONE NUMBER: (212) 355-9500

FOR THE DEFENDANTS:

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BY: FIDELIS I. AGBAPURUONWU, ESQ.

EMAIL: fagbapuruonwu@mayerbrown.com

1675 Broadway  
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PHONE NUMBER: (212) 506-2296

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

ALSO PRESENT:

TOM KRAUSE, Videographer

KATHRYN E. WAGNER,

National Music

Publishers' Association

1 VICTORIA G. TRAUBE

2 A. Yes.

3 Q. Who issued that license?

4 A. It was licensed by EMI Belgium

5 and the actual person is Guy Vanderhoven. 10:19:57

6 Q. What, if anything, is the  
7 relationship between EMI Belgium and R&H?

8 A. They're our subpublisher.

9 Q. Was R&H aware that EMI licensed  
10 the clip at the time the license was 10:20:21  
11 issued?

12 A. Yes.

13 Q. Did the license issue before or  
14 after or at the same time as the clip was  
15 uploaded? 10:20:36

16 A. After.

17 Q. Do you have a sense of how long  
18 after the clip was uploaded, the license  
19 was issued?

20 A. You know, it took some period 10:20:45  
21 of time, months perhaps.

22 Q. At the time the license was  
23 issued by EMI Belgium, was R&H aware of it  
24 immediately?

25 MR. STELLINGS: Object to the 10:21:11



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VICTORIA G. TRAUBE

form of the question.

A. What's it in that sentence?

Q. It is the fact that the license

has been issued; was R&H aware that the

10:21:18

license had been issued at the time that

the license was issued?

A. Yes, but I need to take a break  
to discuss a privilege question.

Q. Okay.

10:21:40

THE VIDEOGRAPHER: The time is  
10:21 a.m. and we're going off the  
record.

(Whereupon, an off-the-record  
discussion was held.)

10:25:47

THE VIDEOGRAPHER: The time is  
10:25 a.m. We're back on the record.

Q. I'm not sure if there was a  
question pending, but you said you wanted  
to consult with Counsel. Is there  
something you wanted to add to the last  
answer?

10:25:59

A. No, I believe I answered the  
last question by saying yes.

Q. Now, if I could read back some

10:26:11

1 VICTORIA G. TRAUBE

2 of your earlier testimony from the first  
3 part of the deposition. I'm referring to  
4 page 50, starting at line 24, are you there  
5 yet?

10:26:36

6 A. Yeah.

7 Q. So question: Has R&H ever had  
8 difficulty in determining whether  
9 particular use of license on the internet.  
10 Mr. Stelling objects to the form of the  
11 question. You can answer.

10:26:43

12 Answer: Not really a  
13 difficulty. It is just -- let me give an  
14 example. A clip from the television show  
15 in Holland had turned up on the internet.

10:26:53

16 We had to determine -- first, we had to  
17 determine if the television show was  
18 licensed. That meant we had to go to the  
19 foreign subpublisher and to the stage  
20 producer, too and to our foreign subagent.

10:27:01

21 And ultimately, it just took a few steps to  
22 discover that the use was in fact properly  
23 licensed for television. So it's not  
24 just -- it just sometimes takes a little  
25 bit of work to determine whether a subagent

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VICTORIA G. TRAUBE

has issued a license, that's what I meant  
by difficulty.

Is this testimony in reference  
to the same clip of a performance in the  
train station in Belgium?

10:27:20

A. Yeah, yes.

Q. In the testimony, you seem to  
suggest, do you not, that R&H was not  
immediately aware of the license having  
been issued; is that correct?

10:27:35

MR. STELLINGS: Object to the  
form of the question; misstates the  
witness' testimony. You can answer.

A. No, here's what happened. We  
became aware that the clip was up on  
YouTube. It was an unlicensed use. What  
was licensed was the television program,  
the name of which I cannot pronounce in  
Dutch, but it was the Star Search program  
for Maria, which had been licensed  
previously through the London producers of  
"The Sound of Music" and we had granted a  
stage license for a production of "The  
Sound of Music" and the television program

10:27:42

10:28:09

10:28:32

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VICTORIA G. TRAUBE

was intended to choose the Maria for the stage production.

We -- when we became aware of the clip, what we had to find out was whether it was related to the television show. The television show was licensed. The format was licensed by the really useful group in London that created the format for the Star Search program and the right to use music from the show on the Dutch television program is covered by what is called a blanket license.

The blanket license belongs to the Dutch television station. That was what I had to figure out. It didn't -- it took a little doing, not that much doing. But what became clear is that the use of that clip had not been licensed for appearance on YouTube.

Q. Did there come a time that it was licensed to be on YouTube?

A. Yes.

Q. That license was issued by EMI?

A. Yes.

1 VICTORIA G. TRAUBE

2 Q. And we've requested a copy of  
3 the license, but we haven't received it.  
4 Do you know if such a copy exist?

5 A. I do not have a copy of the 10:30:10  
6 license. It is possible that all there was  
7 was an invoice as opposed to a formal  
8 license.

9 Q. Do you know the terms under  
10 which it was licensed? 10:30:27

11 A. Yes.

12 Q. What were the terms?

13 A. Five hundred euros.

14 Q. Were there any restrictions on  
15 the ability to use on YouTube? 10:30:36

16 A. The right granted was the right  
17 to show what I will call the Antwerp video  
18 on YouTube.

19 Q. Did EMI consult with R&H in  
20 issuing this license? 10:30:54

21 A. Yes.

22 Q. Do you know what the date of  
23 the license was, approximately?

24 MR. STELLINGS: If you know,  
25 you can answer. I don't want you to 10:31:08

1 VICTORIA G. TRAUBE

2 document production, we'll produce  
3 additional documents, but as of now,  
4 without that agreement for the  
5 bilateral document production 10:40:51  
6 supplementation, we will not be  
7 unilaterally supplementing our  
8 document production.

9 MR. FRANTZ: I obviously  
10 disagree with that. It clearly calls 10:41:01  
11 for several document requests and  
12 clear rather than in the scope and  
13 rather than go on and on on the  
14 record, we agree to talk about that  
15 after the deposition. 10:41:11

16 MR. STELLINGS: Sure.

17 TO BE FURNISHED: \_\_\_\_\_

18 \_\_\_\_\_

19 Q. In this instance you just  
20 referred to, why was it that you decided to 10:41:14  
21 authorize this use on YouTube?

22 A. Because the theater really  
23 wanted to be able to leave the clips up and  
24 made a special plea.

25 Q. Did they express that they 10:41:43

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VICTORIA G. TRAUBE

really wanted to leave these clips up to  
you?

A. Not directly to me, through one  
of my colleagues.

10:41:52

Q. Which colleague was that?

A. I think it may have been Bruce  
Pammerhacker, our music director that was  
down there for music rehearsals.

Q. Was anyone else involved in the  
discussions regarding this requested  
license for YouTube?

10:42:11

A. No.

Q. Did -- I can't say the last  
name, so I'll say Bruce. Did Bruce express  
a view to you as to whether this license,  
this view should be authorized?

10:42:26

A. Not -- no, he didn't really  
express a view. He simply conveyed to me a  
message that the theater wanted the ability  
to leave these clips up.

10:42:40

Q. Other than the instance we've  
just been discussing, can you recall any  
other instances in which R&H has authorized  
it's contents to appear on YouTube?

10:42:58

1 VICTORIA G. TRAUBE

2 A. Yes.

3 Q. Can you describe that?

4 A. Fairly recently, a theater in

5 Philadelphia posted clips from it's 10:43:09

6 production of "Light in the Piazza" on

7 YouTube, again, not permitted by the

8 license.

9 The licensing agent at R&H

10 instructed the theater on the telephone 10:43:31

11 that they didn't have the right to do this

12 and that the clips needed to come down, but

13 the theater, as I understand it, and this

14 is just reported to me by Michelle who is

15 the licensing agent, the theater wanted to 10:43:50

16 leave the clips up and they -- and once

17 again, when a customer wants something, I

18 determine that it was all right to allow --

19 to actually license the usage.

20 Q. Did R&H issue a written license 10:44:10

21 in this instance?

22 A. Yes.

23 MR. FRANTZ: We request a copy

24 of that license. I know what you're

25 going to say. 10:44:21



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VICTORIA G. TRAUBE

MR. STELLINGS: I'm not going  
to say anything.

TO BE FURNISHED: \_\_\_\_\_

10:44:25

Q. Other than the two instances  
we've just discussed, were there any other  
instances in which R&H has authorized its  
contents to appear on YouTube?

A. Well, we previously discussed  
in my last deposition the Young Vic,  
"Annie, Get Your Gun" use.

10:44:34

Q. Right. Just to be clear, I'm  
excluding the five that we've discussed.

A. Okay. There is a current tour,  
a first class tour of "South Pacific". It  
was brought to my attention that the  
promoter, that is to say the theater owner  
in San Francisco where the show opened, had  
links from its own page to YouTube where  
they were showing clips from the show.

10:44:47

10:45:19

When I looked at the license  
that we had issued, I discovered that the  
license did not include what I considered  
to be a customary clause for these kinds of

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VICTORIA G. TRAUBE

first class licenses authorizing  
promotional use of elements from the show  
and radio television and the internet.

Accordingly, I am in the process of  
amending the "South Pacific" license  
agreement to permit use of clips from the  
show for promotional purposes on radio,  
television and the internet.

Q. And the internet would include  
YouTube, correct?

A. It would.

Q. Do you have any concerns about  
this or any of the other clips we've just  
been discussing being on YouTube?

MR. STELLINGS: Object to the  
form of the question. You can  
answer.

A. Do I have any concerns, no.

MR. FRANTZ: Let's do the next  
exhibit, please. This is an exhibit  
that was previously marked as Exhibit  
8, so we don't need to mark it, I  
don't think.

Q. You have in front of you,

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VICTORIA G. TRAUBE

Ms. Traube, a document previously marked as Exhibit 8; do you recall this document?

A. I do.

Q. SP in this e-mail chain refers to "South Pacific"; is that correct?

10:47:32

A. That's correct.

Q. You see in this e-mail chain, Mr. Gaden is suggesting that "South Pacific", that he might want to promote "South Pacific" on YouTube; is that correct?

10:47:51

A. That is correct.

Q. Did R&H, in fact, promote "South Pacific" on YouTube in this instance?

10:48:02

A. No.

Q. Did R&H promote it on any other websites in connection with this e-mail?

A. Not in connection with this e-mail.

10:48:08

Q. To clarify, I'm saying in connection with this e-mail just to distinguish from the previous testimony, where you said that you're currently in the

10:48:19

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VICTORIA G. TRAUBE

A F T E R N O O N    S E S S I O N

(Time noted: 12:50 p.m.)

V I C T O R I A   G .   T R A U B E ,

resumed and testified as follows:

EXAMINATION BY (Cont'd.)

MR. FRANTZ:

THE VIDEOGRAPHER: The time is 12:51:15

12:50 p.m. and this is tape number  
three of the videotaped deposition of  
Victoria Traube.

Q. Welcome back, Ms. Traube.

A. Thank you. 12:51:56

Q. I wanted to actually read back  
some testimony not from today, but from  
October 8th. I'm referring to page 139,  
line ten, starting there. If you're ready,  
just look up? 12:52:19

A. How far am I supposed to read?

Q. I'm just going to do to the top  
of the next page.

A. Okay, I'll just listen to you  
read. 12:52:32

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VICTORIA G. TRAUBE

Q. So, the testimony was,

Question: Besides that, are there other  
third-party websites that sometimes R&H  
permits works to be posed on. Answer: I'm  
not sure. Let me give you a specific.  
When synchronization rights are granted for  
the use of a musical composition in a  
commercial, the advertising agency or the  
sponsor acquiring that's acquiring the  
rights may want the right to post the  
commercial on the internet as well as  
showing it on the television and typically,  
we have to agree. Well, we don't have to  
agree, but we choose to agree to it and I  
just plain don't know whether there are  
ever third-party websites involved.

12:52:39

12:52:51

12:53:02

I was reading back that  
testimony, because I was hoping it might  
refresh your recollection as to sync  
licenses for use in commercials and having  
heard that earlier testimony, can you  
recall any sync licenses for commercials  
which R&H works were authorized to appear  
on YouTube?

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12:53:28

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VICTORIA G. TRAUBE

A. There was a U.K. promotional piece for Turner Classic Television and that promotional piece, it was an advertisement/promotional piece, but the purpose was to promote the Turner service and that it was my understanding that that promotional piece was to appear on websites including YouTube.

12:54:09

Q. And when was that; when did that event occur?

12:54:26

A. I'm pretty sure that it was recently, over the summer of 2009.

Q. In that Turner promotional piece that appeared on YouTube, were there any R&H musical compositions included in the piece?

12:54:53

A. Yes.

Q. Do you know which ones?

A. I think -- I just can't remember exactly. It was one song from "The Sound of Music".

12:55:05

Q. Do you know whether it was "Do-Re-Mi"?

A. I want to say it was "My

12:55:19

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VICTORIA G. TRAUBE

Favorite Thing", but I could be wrong.

Q. Did you -- do you recall  
issuing the license in this instance that  
we're talking about right now?

12:55:41

A. I do not know whether the  
license was ever, in fact, issued.

Q. Do you consider this particular  
use to be authorized?

A. I don't know whether the use  
actually took place. What I was telling  
you about -- you know what, well, okay.  
It's not -- I was consulted in my capacity  
as Counsel about the possibility of this  
particular promotional use, that is where  
my knowledge of it comes from.

12:55:57

12:56:20

Q. Did R&H ultimately authorize  
the promotional use?

A. I don't know.

Q. You don't know whether R&H  
authorized it?

12:56:39

A. I don't know.

Q. Did you authorize it  
personally?

A. Are we getting into privilege?

12:56:46

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VICTORIA G. TRAUBE

MR. STELLINGS: You can testify

whether you authorized it or not.

A. I did not object to it.

Q. Who were you discussing this 12:57:02  
with?

A. It would have been Nancy DeToro  
who was doing sync licensing.

Q. Was the licensee or the party  
that would have been the licensee, was that 12:57:21  
party Turner Classic?

A. I don't know whether it was  
Turner Classic or an advertising agency.

Q. Why is it that you did not  
object to this particular use or 12:57:32  
contemplated use?

MR. STELLINGS: You should  
answer only to the extent that your  
answer would not implicate work  
product. 12:57:41

A. I can't answer without  
implicating work product.

Q. The answer is simply because  
the licensee was interested in it and R&H  
seeks to please its licensee? 12:57:54



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VICTORIA G. TRAUBE

exhibit, please.

(Defendants' Exhibit 29,  
agreement, marked for identification,  
as of this date.)

13:20:10

(Whereupon, at this time, a  
short break was taken.)

THE VIDEOGRAPHER: The time is  
1:19 p.m. and we're back on the  
record.

13:20:15

Q. I believe you have Exhibit 28  
in front of you?

A. 29.

Q. This is a subpublisher  
agreement between Williamson Music and Cafe  
Concerto, correct?

13:20:27

A. Um-hum.

Q. Williamson Music is affiliated  
with R&H; correct?

A. They're the subpublisher for  
Italy.

13:20:36

Q. Williamson Music is the  
subpublisher?

A. No, Cafe Concerto is.

Q. My question is Williamson

13:20:44

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VICTORIA G. TRAUBE

Music, what is the relationship between  
Williamson Music and R&H?

A. Williamson Music is a division  
of the Rodgers and Hammerstein  
Organization, it's a nominee. 13:20:53

Q. If you look at the agreement,  
looking at the Grant of Right, clause 1B,  
does that include internet use?

A. Well, you can read it as well  
as I can. It includes reproductions by  
downloads through electronic media such as  
internet, but only to the extent authorized  
by SIAE, which is the Italian licensing  
society. 13:21:26  
13:21:47

Q. Do you know what it means only  
to the extent authorized by SIAE?

A. I do not.

Q. Also looking at paragraph 1C,  
again, does that indicate internet  
authorization to you? 13:22:01

A. Only to the extent authorized  
by the society and I do not know what that  
extent is.

Q. Earlier you testified that 13:22:15

1 VICTORIA G. TRAUBE

2 subpublishers do not have the right to  
3 authorize internet use, does anything in  
4 this agreement make you question your  
5 earlier testimony? 13:22:35

6 A. Obviously, but I don't. Number  
7 one, I don't think I've actually ever read  
8 the Cafe Concerto agreement before and  
9 number two, I don't know what to the extent  
10 authorized by SIAE means and I don't want 13:23:01  
11 to speculate. I could find out.

12 Q. Earlier you testified that you  
13 were not certain whether your Counsel had  
14 checked with all of the subpublishers for  
15 the works in suit before asserting these 13:23:17  
16 clips in this action; is that correct?

17 MR. STELLINGS: Object to the  
18 form of the question. You can  
19 answer.

20 A. I was not -- I testified that I 13:23:25  
21 was not certain that my Counsel had checked  
22 with our subpublishers; I do not believe  
23 our Counsel checked with our subpublishers.

24 Q. Did R&H itself or anyone else  
25 acting on behalf of R&H consult with all of 13:23:42

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VICTORIA G. TRAUBE

A. I don't know.

Q. What about the clip we discussed earlier at length, the train station in Belgium, would that be an example of a clip that included R&H contents, but R&H could not immediately determine whether it was authorized or not?

13:37:56

MR. STELLINGS: Object to the form. You can answer.

13:38:08

A. It did take me a couple of e-mails and a couple of phone calls to determine that that clip was not authorized.

Q. Who did you send those e-mails to?

13:38:30

A. Probably --

MR. STELLINGS: Don't speculate, please.

A. Okay. I honestly don't remember with any specificity.

13:39:01

Q. Have there been any instances where a DMCA Takedown Notice sent on behalf of R&H has been challenged or otherwise the subject of dispute?

13:39:30

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VICTORIA G. TRAUBE

A. No.

MR. FRANTZ: Why don't we take  
a short break. I think I'm almost  
done.

13:39:43

THE VIDEOGRAPHER: The time is  
1:39 p.m. We're going off the  
record.

(Whereupon, at this time, a  
short break was taken.)

14:04:39

THE VIDEOGRAPHER: The time is  
2:04 p.m. and this is tape number  
four of the videotaped deposition of  
Victoria Traube.

Q. I just wanted to do some  
cleanup as to the authorized uses on  
YouTube that I think I may have gotten it  
wrong. Let me try to clarify it for the  
record.

14:04:57

On October 8th, we talked about  
three authorized uses on YouTube, "White  
Christmas", the musical, Young Vic's  
production of "Annie, Get Your Gun" and  
"Do-Re-Mi" and the Belgium train station;  
is that correct?

14:05:08

14:05:22

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VICTORIA G. TRAUBE

A. Yes.

Q. Today, I believe, we talked about an additional three, if not four.

Let me try to run through them, make sure I have them right.

14:05:28

First new one was the June 2009 Lyric Stage Production in Texas; is that correct?

A. Correct.

14:05:36

Q. Second new one was the production of "Light in the Piazza" in Philadelphia; is that correct?

A. Yes.

Q. Third new one was "The Tour of South Pacific" in San Francisco that you said was currently -- the paperwork is currently being revised; is that correct?

14:05:44

A. Correct.

Q. A fourth one that you referenced, which was Turner Classic, but I think the testimony was that you weren't certain if a license was ultimately issued; is that correct?

14:05:53

A. Yes.

14:06:02

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Q. Starting with the 2009 Lyric Stage Production in Texas, do you know what compositions were included in the particular use on YouTube?

14:06:12

A. No, they were from the King and I.

Q. Do you know if any of the compositions are works in suit?

A. I don't know.

14:06:31

Q. Do you know if any of them were "Getting to Know You"?

A. I don't know.

Q. When did R&H first become aware of this particular use on YouTube?

14:06:57

A. The Lyric Stages?

Q. Correct.

A. It was June of 2009.

Q. Approximately, when did R&H issue the license?

14:07:09

A. In July of 2009.

Q. Does R&H ever inform YouTube of this license?

A. No.

MR. FRANTZ: To the extent we

14:07:27

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haven't already, we request  
production of all documents relating  
to this particular subject.

TO BE FURNISHED: \_\_\_\_\_

14:07:32

Q. The second, I'll call new use  
for today, was the production of "Light in  
the Piazza" in Philadelphia and I believe I  
asked you if you could recall the  
composition and I believe your testimony  
was that you could not?

14:07:42

A. I can't, but I can tell you  
they're not the works in suit.

Q. Do you recall when R&H first  
became aware of this use on YouTube?

14:07:52

A. Recently, November possibly.

Q. November of 2009?

A. Yes.

Q. Has a license been issued  
already?

14:08:11

A. It has.

Q. That license was issued by R&H  
itself; is that right?

A. R&H Theatricals, the

14:08:27



1 VICTORIA G. TRAUBE

2 theatricals division.

3 MR. FRANTZ: We also call for  
4 production for all documents relating  
5 to this appearance of an R&H  
6 composition on YouTube.

14:08:36

7 TO BE FURNISHED: \_\_\_\_\_

8 \_\_\_\_\_

9 Q. The third new use from today  
10 was "The Tour of South Pacific" in San  
11 Francisco, can you tell me when you became  
12 aware of that existence of those clips on  
13 YouTube?

14:08:45

14 A. Sometime in the summer.

15 Q. You're in the process of  
16 issuing a license, but it hasn't happened  
17 yet; is that correct?

14:09:04

18 A. It's been drafted and sent, but  
19 not signed.

20 Q. Do you know which compositions  
21 appear in the clips on YouTube?

14:09:13

22 A. I do not know.

23 Q. The compositions would be  
24 compositions from the --

25 A. From the musical "South

14:09:24

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Pacific".

Q. Do you know if any of those compositions are works in suit?

A. I don't know.

14:09:30

MR. FRANTZ: We'll call for production of all documents relating to this use on YouTube.

TO BE FURNISHED: \_\_\_\_\_

14:09:41

Q. The last new use that we learned about today is the Turner Classic use and again the same question, do you recall which composition or compositions from R&H are involved?

14:09:55

A. I'm pretty sure it was "My Favorite Things".

Q. Do you know whether there are other compositions involved?

A. I believe there was only one.

14:10:12

Q. When did R&H become aware of the use?

A. Sometime this summer -- well, no, I'm sorry, I take that back. This was not a pre-existing use. This was a request

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for a license for use that had not yet  
occurred.

Q. Do you know whether the clips  
are currently on YouTube?

14:10:44

A. I do not -- I don't know. I  
also don't know whether the license was in  
fact issued.

MR. FRANTZ: We'll also request  
production of all documents relating  
to this particular use on YouTube or  
contemplated use on YouTube.

14:10:54

TO BE FURNISHED: \_\_\_\_\_  
\_\_\_\_\_

Q. With respect to all seven of  
the instances of uses on YouTube or at  
least contemplated uses on YouTube, in any  
of those cases, did R&H inform YouTube of  
the licenses?

14:11:00

A. No.

14:11:19

MR. STELLINGS: Objection,  
asked and answered.

Q. I think we're going to talk  
about the purchase agreement briefly. The  
purchase agreement, I believe, was

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previously marked as Exhibit 19. You have  
it in front of you.

In paragraph 2.4, it list the  
purchase price as [REDACTED]; do  
you see that?

14:12:21

A. Yes, I do.

Q. Was that, in fact, the purchase  
price for this transaction?

A. By contract, yes.

14:12:30

Q. Did this purchase price account  
at all for the valuation of the R&H  
copyrights?

MR. STELLINGS: Objection,  
vague. You can answer.

14:12:47

A. Sure.

Q. How was, if at all, valuation  
performed on the R&H copyrights?

MR. STELLINGS: Objection. You  
can answer.

14:13:09

A. The custom in the industry is  
to use a multiple of average earnings.

Q. Is that the process by which  
the works were valued in this case?

A. That's my understanding.

14:13:30

# **Schapiro Exhibit 96**

**From:** Lionel Dubois [ldubois@fft.fr]  
**Sent:** Thursday, December 06, 2007 1:56 PM  
**To:** Cristina Depalma Teresa Difolco  
**Cc:** Christophe Schaefer  
**Subject:** Envoi d'un message : descriptifs animations BNPPM 07

**Attachments:** Programme Prévisionnel BNP PM 2007 + Animations.pdf; descriptifs animations BNPPM 07.doc

Bonjour,

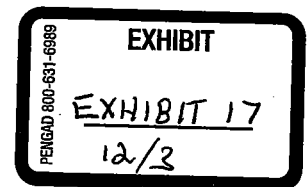
Je fais suite à notre conversation téléphonique, veuillez trouver ci-joint un descriptif des animations, un programme du tournoi avec les animations, et un lien youtube qui vous permettra de voir aussi les animations vidéos faites et l'ambiance.

[http://fr.youtube.com/watch?v=lo\\_TZF1OAJY](http://fr.youtube.com/watch?v=lo_TZF1OAJY)

Cordialement,

<<...>> <<...>>

Lionel Dubois



**From:** Lionel Dubois [ldubois@fft.fr]  
**Sent:** Thursday, December 06, 2007 1:56 PM  
**To:** Cristina Depalma Teresa Difolco  
**Cc:** Christophe Schaefer  
**Subject:** Sending a message: descriptions, animations BNPPM 07

**Attachments:** Programme Previsionnel BNP PM 2007 + Animations.pdf; descriptifs animations BNPPM 07.doc

Hello,

I am following up on our telephone conversation, please find enclosed a description of the animations, a tournament program with the animations, and a YouTube link which will allow you to also see the video animations made and the ambiance.

<http://fr.youtube.com/watch?v=loTZF1OAJY>

Sincerely,

<<...>> <<...>>

Lionel Dubois

Confidential

FT00096491