

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-2103
)	
YOUTUBE, INC., YOUTUBE, LLC,)	
and GOOGLE INC.,)	
)	
Defendants.)	
)	
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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.)	
)	

30(b)(6) VIDEOTAPED DEPOSITION OF STORM DUNCAN
SAN FRANCISCO, CALIFORNIA
WEDNESDAY, JULY 16, 2008

BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CLR
CSR LICENSE NO. 9830
JOB NO. 15373

RECORDED 800-631-4888	Figueira Decl. Tab 278
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11:55:36 1 MR. VOLKMER: And renew that objection.

11:55:39 2 THE WITNESS: No. The way I read it, it's

11:55:40 3 63 percent of the net total, not the gross total. So

11:55:43 4 the percentage of the total would be 189 over 424

11:55:47 5 which would be a smaller percentage than the 63.

11:55:50 6 MR. HOHENGARTEN: Okay. Let me step back.

11:56:02 7 Q As the corporate representative of Credit

11:56:04 8 Suisse, what is your understanding of the purpose of

11:56:07 9 providing this information to Credit Suisse?

11:56:09 10 MR. VOLKMER: Objection to the form of the
11:56:11 11 question.

11:56:11 12 THE WITNESS: This is more information

11:56:18 13 that -- that is being provided to us coincident with,

11:56:22 14 I think, with what we just discussed in Exhibit 11 to

11:56:29 15 help us facilitate doing some modeling around the

11:56:33 16 valuation or the financial performance first, and then

11:56:36 17 the valuation second of YouTube.

11:56:39 18 MR. HOHENGARTEN: Q. And it's a -- one way

11:56:41 19 of breaking down video content on YouTube into

11:56:45 20 categories; correct?

11:56:47 21 A Yes.

11:56:48 22 Q And it's relevant to the valuation insofar as

11:56:53 23 the ability to monetize these different categories may

11:56:58 24 be different; correct?

11:57:00 25 A That is one way they could be differentiated,

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11:57:04 1 yes.

11:57:04 2 Q Do you know whether in your final valuation

11:57:08 3 models, which we'll get to, but at this point whether,

11:57:13 4 in fact, you differentiated between these categories

11:57:18 5 according to the ability to monetize them?

11:57:21 6 A It would probably be easier to answer that

11:57:22 7 question when I have that stuff in front of me.

11:57:25 8 Q Okay.

11:57:25 9 A You want me to guess?

11:57:27 10 Q No, I don't want you to guess.

11:57:28 11 A Okay.

11:57:29 12 Q But -- but having worked on this project, I

11:57:31 13 thought you might be able to give me a -- an answer

11:57:33 14 based on what you know right now.

11:57:34 15 A Okay. Yeah.

11:57:35 16 MR. VOLKMER: I'm going to object to the form

11:57:37 17 of this question --

11:57:37 18 THE WITNESS: Okay.

11:57:38 19 MR. VOLKMER: -- to the extent there's a

11:57:40 20 question pending.

11:57:41 21 MR. HOHENGARTEN: Well, it was my original

11:57:43 22 question, actually. I can read it.

11:57:51 23 Q Do you know whether in your final valuation

11:57:53 24 models, which we'll get to, but at this point whether,

11:57:58 25 in fact, you differentiated between these categories

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11:58:01 1 according to the ability to monetize them?

11:58:06 2 MR. VOLKMER: I'm going to renew the

11:58:08 3 objection.

11:58:12 4 THE WITNESS: Thank you.

11:58:13 5 Let's wait until we get to those, and then

11:58:15 6 I'll give you a better answer.

11:58:16 7 MR. HOHENGARTEN: Q. Let's walk through the

11:58:17 8 breakdown here though --

11:58:19 9 A Sure.

11:58:19 10 Q -- still.

11:58:19 11 We started to talk about it but I want to try

11:58:22 12 to go through it a little more methodically to make

11:58:25 13 sure that I understand the information that's being

11:58:27 14 supplied here.

11:58:28 15 A Okay.

11:58:29 16 Q There is -- the first line gives a gross

11:58:30 17 total and it says "424"; correct?

11:58:36 18 A That's correct.

11:58:36 19 Q In parenthesis, and you mentioned this in a

11:58:40 20 prior answer, it says "Includes 123 that aren't valid

11:58:45 21 URLs"; correct?

11:58:47 22 A That's correct also.

11:58:47 23 Q Do you understand what the 424 refers to?

11:58:55 24 A My recollection of the 424 is that it's a --

11:58:59 25 it says at the top of the e-mail, "Some manual

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11:59:02 1 analysis we did," was that it was a study that the
11:59:07 2 Google folks had performed studying, you know, a
11:59:10 3 number of randomly generated or chosen videos, and
11:59:16 4 that 424 is the number that they had randomly chosen
11:59:19 5 and -- and were able to categorize with these
11:59:25 6 subcategorizations.

11:59:27 7 Q Okay. And the "includes 123 that aren't
11:59:30 8 valid URLs," do you understand what the meaning of
11:59:36 9 that is?

11:59:38 10 A I would assume -- I don't know YouTube's
11:59:42 11 technology underpinnings well enough, but I would
11:59:46 12 assume that meant at one point there was a video that
11:59:49 13 had been put up and it kind of looks as though you can
11:59:52 14 click on it, but when you click on it, that video is
11:59:55 15 no longer there, so it's no longer valid. That would
11:59:58 16 be my understanding.

11:59:59 17 Q And that number is subtracted from -- the 123
12:00:03 18 that aren't valid URLs are -- are subtracted from the
12:00:07 19 gross total to provide a net total of videos of 301;
12:00:13 20 is that correct?

12:00:13 21 A That's correct.

12:00:14 22 Q And then that net total of 301 videos that's
12:00:18 23 regard -- that treated as 100 percent for purposes of
12:00:20 24 the analysis; right?

12:00:21 25 A That's correct, yes.

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12:00:22 1 Q And then that's divided into two categories.
12:00:26 2 The first category is called "No," and the second
12:00:29 3 category is called "Pram/Rem," which I believe means
12:00:37 4 premium/removed; correct?

12:00:40 5 A Yes.

12:00:40 6 MR. VOLKMER: Object to the form of the
12:00:41 7 question.

12:00:43 8 MR. HOHENGARTEN: Q. The first category is
12:00:44 9 "No"; correct?

12:00:46 10 A Yes.

12:00:46 11 Q And the second category is labeled here
12:00:48 12 "Prem/rem"; correct?

12:00:53 13 A There's actually just two labelings. So the
12:00:55 14 definition down below expands upon that to say that it
12:00:58 15 means premium/removed.

12:01:03 16 Q Okay. And that category of premium/removed
12:01:08 17 under this analysis is 63 percent of the net total of
12:01:12 18 videos sampled; correct?

12:01:15 19 MR. VOLKMER: Objection to the form of the
12:01:17 20 question.

12:01:37 21 (Whereupon, record read by the Reporter as
12:01:37 22 follows:

12:01:04 23 "Question: Okay. And that category of
12:01:05 24 premium/removed under this analysis is
12:01:11 25 63 percent of the net total of videos

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