

PETER CHANE - HIGHLY CONFIDENTIAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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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.

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HIGHLY CONFIDENTIAL
VIDEOTAPED DEPOSITION OF PETER CHANE
PALO ALTO, CALIFORNIA
WEDNESDAY, DECEMBER 2, 2009

JOB NO. 18308



DAVID FELDMAN WORLDWIDE, INC.

450 Seventh Avenue - Ste 2803, New York, NY 10123 (212) 705-8585

1 PALO ALTO, CA PETER CHANE DECEMBER 2, 2009

2 10:07:48 A. One and one half days.

3 10:07:50 Q. And have you ever testified before under
4 10:07:54 oath?

5 10:07:55 A. No, I have not.

6 10:07:57 Q. Do you -- I take it you've not testified,
7 10:07:59 then, in a court of law before?

8 10:08:01 A. I have not.

9 10:08:02 Q. And you've never testified at a deposition
10 10:08:04 before?

11 10:08:05 A. I have not testified at a deposition
12 10:08:07 before.

13 10:08:09 Q. And since -- is there any reason you're
14 10:08:11 aware of why you are not in the position to give
15 10:08:15 your best testimony today to the jury?

16 10:08:17 A. I believe I'm in a position to give my
17 10:08:19 best -- best testimony today.

18 10:08:21 Q. Now, when you joined Google seven years
19 10:08:24 ago, you said that was in 2001? 2002? When did you
20 10:08:32 join?

21 10:08:33 A. I joined Google in January of 2003.

22 10:08:37 Q. And at the time of the creation of
23 10:08:47 YouTube, were you involved with the business unit
24 10:08:52 known as Google Video?

25 10:08:56 MR. INGBER: Objection. Lacks foundation.

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2 10:08:58 THE WITNESS: I was involved. I don't
3 10:09:01 know exactly when YouTube started.

4 10:09:04 BY MR. BASKIN:

5 10:09:05 Q. In 2005 and 2006, were you employed by
6 10:09:09 Google Video?

7 10:09:10 A. I was employed by Google, Incorporated, at
8 10:09:14 that time.

9 10:09:15 Q. And were you assigned to the business unit
10 10:09:17 known as Google Video?

11 10:09:19 A. I worked on a project known as Google
12 10:09:21 Video.

13 10:09:22 Q. And were you senior management of that
14 10:09:25 project?

15 10:09:25 MR. INGBER: Object to form. Vague.

16 10:09:28 THE WITNESS: No, I was not.

17 10:09:29 BY MR. BASKIN:

18 10:09:29 Q. Who was the senior manager?

19 10:09:31 A. Susan Wojcicki was the senior manager of
20 10:09:35 Google Video.

21 10:09:36 Q. And how many people worked on this project
22 10:09:40 known as Google Video in and around 2005 and 2006?

23 10:09:44 A. I don't recall.

24 10:09:45 Q. And was your direct report Miss Wojcicki?

25 10:09:50 A. No, she was not.

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2 10:09:51 Q. Was she -- strike that.

3 10:09:52 Were you her direct report?

4 10:09:54 A. Yes, I was.

5 10:09:55 Q. So, basically, you were the second person
6 10:09:57 responsible for this project known as Google Video?

7 10:10:01 MR. INGBER: Objection. Form.

8 10:10:02 THE WITNESS: I was a member of the Google
9 10:10:04 Video team.

10 10:10:05 BY MR. BASKIN:

11 10:10:05 Q. And do you recall officially what your
12 10:10:07 title was?

13 10:10:08 A. My title was business product manager.

14 10:10:10 Q. And how many people did you manage as
15 10:10:14 business product manager?

16 10:10:17 A. Zero.

17 10:10:18 Q. So it was just you? You were the sole
18 10:10:20 business project manager?

19 10:10:21 A. Yes.

20 10:10:22 Q. And what was business project manager?
21 10:10:25 What did you do?

22 10:10:26 A. The term is business product manager, and
23 10:10:28 I was responsible for the vision of the product and
24 10:10:34 responsible to work with engineering to build the
25 10:10:41 product.

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2 10:58:57 time that you were talking about in the early part

3 10:58:59 of the deposition till now? Were you promoted to

4 10:59:03 senior business product manager?

5 10:59:04 A. I don't recall exactly, but I guess I was,

6 10:59:07 since I changed my title.

7 10:59:10 Q. And in your capacity as senior business

8 10:59:13 product manager, did anyone report to you then?

9 10:59:15 A. No.

10 10:59:16 Q. Now, I'm interested in the e-mail in the

11 10:59:21 middle of the Exhibit 4. First of all, you'll see

12 10:59:31 that in the e-mail dated January 15th, 2006, at

13 10:59:37 2:29 p.m. on a Sunday, you were explaining, to

14 10:59:44 Mr. Rosenberg at least, Google Video's zero

15 10:59:51 tolerance policy for copyrighted content.

16 10:59:57 Do you see that?

17 10:59:58 A. I see that.

18 10:59:58 Q. And he tells you in the immediately

19 11:00:00 preceding -- in the e-mail right above that that "I

20 11:00:03 agree with our policy here."

21 11:00:07 Do you see that, sir?

22 11:00:08 A. Yes, I see those words.

23 11:00:10 Q. Now, do you recall actually discus- -- now

24 11:00:13 do you recall discussing with Mr. Rosenberg that

25 11:00:24 Google Video had a zero tolerance policy for

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2 11:00:28 copyrighted content?

3 11:00:29 A. I don't recall a specific discussion with
4 11:00:29 Mr. Rosenberg, but I'm sure Mr. Rosenberg was aware
5 11:00:31 of our policy, because he was responsible for all
6 11:00:39 Google products and, as a matter of his work, needed
7 11:00:40 to know details about them.

8 11:00:42 Q. Now, then you say, in the course of that
9 11:00:43 e-mail at 2:29 p.m.:

10 11:00:47 "youtube is at an advantage because they
11 11:00:51 aren't the target that we are with issues
12 11:00:54 like this. They are aware of this (I
13 11:01:00 spoke with them on friday) and they plan
14 11:01:04 on exploiting this in order to get more
15 11:01:08 and more traffic."

16 11:01:10 Do you see that, Mr. Chane?

17 11:01:11 A. I do see that.

18 11:01:12 Q. Now, first of all, in reporting to
19 11:01:14 Mr. Rosenberg about YouTube's awareness and plan,
20 11:01:24 who did you speak with on Friday at YouTube when --
21 11:01:25 that you got this information?

22 11:01:27 A. I don't recall. I recall having the one
23 11:01:30 meeting with YouTube that we already discussed.

24 11:01:33 Q. So to the extent that you were accurately
25 11:01:35 reporting YouTube's policies and practices to

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2 11:01:37 Mr. Rosenberg, I take it that the source of your

3 11:01:42 information would have been either Mr. Hurley or

4 11:01:45 Mr. Maxcy at this one meeting you had; right, sir?

5 11:01:49 MR. INGBER: Objection. Lacks foundation,

6 11:01:51 calls for speculation.

7 11:01:57 THE WITNESS: Those are the attendees in

8 11:02:00 the meeting.

9 11:02:01 BY MR. BASKIN:

10 11:02:01 Q. And the only attendees in the meeting;

11 11:02:05 right?

12 11:02:05 A. That's correct.

13 11:02:06 Q. And that was your only meeting with

14 11:02:09 YouTube prior to the acquisition by Google; correct?

15 11:02:13 A. That's correct.

16 11:02:14 Q. And you recall no phone call; correct,

17 11:02:16 sir?

18 11:02:17 A. I recall no phone calls.

19 11:02:19 Q. Now, do you recall, as you sit here today,

20 11:02:21 Chad Hurley saying to you, in nouns and verbs, that

21 11:02:26 they are aware that they have an advantage as

22 11:02:30 against Google Video's zero tolerance policy for

23 11:02:33 copyrighted content and they plan on exploiting that

24 11:02:38 advantage in order to get more and more traffic?

25 11:02:41 MR. INGBER: Objection. To the extent it