

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 HEATHER GILLETTE

SAN FRANCISCO, CALIFORNIA

TUESDAY, AUGUST 12, 2008

BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CLR

CSR LICENSE NO. 9830

JOB NO. 15481



GILLETTE

1
2 15:04:04 potentially, predators. And because the video was not
3 15:04:10 uploaded to violator terms of use, there was nothing
4 15:04:14 wrong with it, because it was innocently posted, we
5 15:04:17 would remove it, but we didn't need to try to train
6 15:04:20 the users to change their behavior. The strikes were
7 15:04:25 to train behavior.

8 15:04:27 Q Was it possible on the YouTube site for users
9 15:04:39 to mark videos as private?

10 15:04:42 A The users, yes.

11 15:04:44 Q And what would happen if the user did that?

12 15:04:47 A Their video, once uploaded, would be not
13 15:04:50 available to the general public.

14 15:04:53 Q And if -- if another user, a member of the
15 15:04:59 general public, used the searched feature on the
16 15:05:03 YouTube page, could they find that private video?

17 15:05:08 A No.

18 15:05:08 Q Was there any way that a member of the
19 15:05:10 general public could locate private videos on the
20 15:05:15 YouTube site?

21 15:05:18 A I don't think so.

22 15:05:18 Q When -- during the times that you were
23 15:05:24 conducting proactive scans, would YouTube do proactive
24 15:05:30 scans of the -- the private site videos?

25 15:05:31 A Yes.

1 GILLETTE

2 believed that it was violating the copyright; is that
3 right?

4 A That was the intention of the tool, yes.

5 Q And you said there were additional buttons?

6 A A submit button that wouldn't normally be in
7 the .com interface.

8 Q Okay. Now, the search program that -- that
9 was used with the Content Verification Program, was
10 that the standard search program that was available to
11 all other users?

12 A Yes.

13 Q Was there a limit to the number of searches
14 that are displayed at any one time?

15 MR. SHAPIRO: Objection to the form of the
16 question.

17 MR. BROWNE: Q. Do you understand it?

18 A So I think you mean was there a limit to the
19 number of items that could show up in search results.

20 Q Yes.

21 A And the answer is, I don't know.

22 Q Okay. Did the Content Verification Program
23 have a box that the content owners could check if they
24 wanted YouTube to proactively scan for their material?

25 A No.