

9/1/2009 Solomon, Michael

HIGHLY CONFIDENTIAL -- OUTSIDE COUNSEL'S EYES ONLY

1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK
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4 VIACOM INTERNATIONAL, INC., COMEDY )
5 PARTNERS, COUNTRY MUSIC. )
6 TELEVISION, INC., PARAMOUNT )
7 PICTURES CORPORATION, and BLACK )
8 ENTERTAINMENT TELEVISION, LLC, )

9 Plaintiffs, )

10 vs. )

NO. 07-CV-2203

11 YOUTUBE, INC., YOUTUBE, LLC, )
12 and GOOGLE, INC., )

13 Defendants. )

14 THE FOOTBALL ASSOCIATION PREMIER )
15 LEAGUE LIMITED, BOURNE CO., et al., )
16 on behalf of themselves and all )
17 others similarly situated, )

18 Plaintiffs, )

19 vs. )

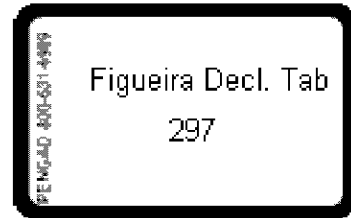
NO. 07-CV-3582

20 YOUTUBE, INC., YOUTUBE, LLC, and )
21 GOOGLE, INC., )

22 Defendants. )

23 VIDEOTAPED DEPOSITION OF MICHAEL SOLOMON
24 PALO ALTO, CALIFORNIA
25 TUESDAY, SEPTEMBER 1, 2009

JOB NO. 17576



1 SOLOMON, M.

2 blocking the same user from uploading the same video  
3 multiple times?

4 MR. WILLEN: Objection to the form.

5 THE WITNESS: At some point, I have wanted a  
6 filter to prevent the same user from uploading -- the  
7 same user account from uploading the same video  
8 multiple times.

9 MR. DESANCTIS: Oh. I'll show you a document  
10 that we're marking as Solomon Exhibit 12 -- Solomon  
11 Exhibit 13. Sorry.

12 (Document marked Solomon Exhibit 13  
13 for identification.)

14 MR. DESANCTIS: Okay.

15 Q I've just handed you -- or have handed to  
16 you, Mr. Solomon, a three-page document beginning with  
17 Bates No. GOO001-2826899 through '901. It's an e-mail  
18 chain. The topmost is from Steve Chen to Yu Pan,  
19 dated December 1st, 2005. The re line is "KWONE," and  
20 as you'll see, if you glance through it, there are  
21 e-mails from you throughout this chain.

22 A Okay.

23 Q Okay. So this is a -- this e-mail chain is  
24 about a situation, is it not, where a user named  
25 Kwone, K-W-O-N-E, uploaded the same video hundreds of

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2 times? It begins in the middle of page two and goes  
3 up from there, if you want to give it a quick read.

4 A Yes, this is definitely about a user  
5 uploading the same video multiple times.

6 Q Okay. Then on -- at the bottom of the first  
7 page, on December 1, 2005, you wrote, "I'll be testing  
8 the duplicate video reject today, and I'll work on a  
9 pruning tool to mulch some of these videos."

10 Is that duplicate video reject tool the tool  
11 that you had just testified to that you created to  
12 address the -- I think you called it a filter -- you  
13 created a filter for addressing multiple uploads by  
14 the same user?

15 MR. WILLEN: Objection to the form of that  
16 question.

17 THE WITNESS: It doesn't make any specific  
18 mention of the implementation, but I think it's --  
19 it's solving the same problem, so, yeah.

20 MR. DESANCTIS: Okay.

21 Q And clearly this user wanted to upload the  
22 same video hundreds of times; correct?

23 MR. WILLEN: Objection; calls for  
24 speculation.

25 MR. DESANCTIS: Well, just -- the e-mail is

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very clear.

THE WITNESS: I don't know what the user wants.

MR. WILLEN: What are you asking him, then?

MR. DESANCTIS: Okay. Let's not be talking over each other.

MR. WILLEN: Sorry.

MR. DESANCTIS: Q. In -- on the second page, at the bottom, it says, "Jawed wrote." Who's Jawed?

A Jawed was an engineer at YouTube.

Q Is he one of the initial founders of YouTube?

A Yes.

Q Jawed wrote, "Why are you uploading the same video hundreds of times?" Kwone then writes, above that, "Who are you? And I have the right to do what -- I have the right to do what I want, right? You can ignore, but you can't blame me."

And then Jawed writes, "Apparently this idiot doesn't even know why he's uploading the same video hundreds of times."

So I'm just trying to figure out, when the user writes "I have the right to do what I want," that wasn't true after you designed the filter that blocked duplicate videos; correct? He actually didn't have

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2 the right -- he may have had the right to do that at  
3 the time this e-mail was written, but a user would not  
4 have had the right to do that after you had the filter  
5 in place; correct?

6 MR. WILLEN: Objection to the form.

7 THE WITNESS: Can you specify? I mean, it's  
8 unclear of what the meaning of the word "right" is  
9 here in this particular context.

10 MR. DESANCTIS: Sure. That's fair, and I  
11 suppose we can't divine what a particular user meant  
12 by a particular word.

13 Q Let me ask it this way: Do you recall the  
14 blocking tool or filter, as you called it, ever having  
15 been put in place?

16 A Yes.

17 Q Okay. Do you recall approximately when it  
18 was put in place?

19 A I do not. No, not from memory.

20 Q And how did that filter work?

21 A The filter computes a hash of the uploaded  
22 file and compares it against the hash values of other  
23 files that the user has uploaded.

24 Q Okay. And if it matches other files, what  
25 happens? First of all, if the hashes -- if the hash

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2 of one file matches the hash of another file, what  
3 does that indicate about the two files?

4 A It means that there's a reasonable chance  
5 that they're the same, but it's not 100 percent.  
6 There could be collisions.

7 Q Okay. So what happened -- how does your  
8 filter respond if there are two files with the same  
9 hash uploaded by the same user?

10 A It's been a while, so I can say generally,  
11 but some of the specific actions, you know, I may not  
12 recall.

13 Q That's fine.

14 A But the general -- the general idea is to  
15 mark subsequent files as -- as a duplicate rejection.

16 Q Okay. And are subsequent files marked as a  
17 duplicate rejection before they are sort of publicly  
18 viewable on the website?

19 A Yes. It goes directly from the uploaded  
20 state to the rejected state.

21 Q Okay. And the reason it's rejected, when  
22 this filter is being used, is not because it was  
23 previously rejected or previously deleted or anything  
24 like that, it's simply because there are -- the same  
25 user has already uploaded the identical video?

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2 MR. WILLEN: Objection to form.

3 MR. DESANCTIS: I'm just trying to  
4 understand.

5 THE WITNESS: The filter -- the purpose of  
6 the filter is to prevent the same user from uploading  
7 the identical video again.

8 MR. DESANCTIS: Okay.

9 THE WITNESS: And so once he's uploaded it, a  
10 hash is computed, and then a subsequent file can be  
11 uploaded. If the -- if the hash matches, then that  
12 subsequent file and any subsequent file from that --  
13 that matches the hash within that user, it's marked as  
14 a -- as a reject, yeah.

15 MR. DESANCTIS: Okay.

16 Q Is that still in place today, that filter?

17 A I do not know.

18 Q Okay. When the filter was in place -- well,  
19 was it in place ever?

20 A Yes.

21 Q Okay. When it was in place, if a user wanted  
22 to upload multiple copies of the same file, could they  
23 have?

24 A It's vague as your -- I mean, in terms of  
25 what do you mean by "user"?

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Q Well, if -- if an uploader has uploaded a file and then the uploader wants to upload it, say, a hundred times because he thinks that will make it more popular, where more people will be able to see it, was there a way for the user to do that, or was it the purpose of your filter to prevent that?

A Maybe I'm restating myself, but the purpose of the filter was to prevent the same user name on YouTube from uploading identical files more than once. So given a particular user name, he can upload a file, and then if a subsequent file uploaded by the same user happened to match the same hash, we would mark it as a reject once the filter was in place.

Q Okay. And it's marked as a reject -- I'm just trying to be clear here -- it's marked as a reject, even though it was the user's intent for the file to be posted?

MR. WILLEN: Objection; calls for speculation.

THE WITNESS: I have no idea about the intent of the user.

MR. DESANCTIS: Q. Well, presumably, a user wouldn't upload a video so that it can be rejected; correct?



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2 MR. WILLEN: Objection; calls for  
3 speculation.

4 THE WITNESS: Again, you know, it could  
5 simply be user error. It -- I don't -- you know, I  
6 don't know what the user's reason for doing so is.

7 MR. DESANCTIS: I see.

8 Q So regardless of whether the user -- what the  
9 user's reason was or what the user's desire was, the  
10 filter was there simply to block the subsequent upload  
11 of identical video files by the same user account?

12 MR. WILLEN: Objection to the form of the  
13 question.

14 THE WITNESS: I think I'll restate just --  
15 again. The -- the purpose of the filter is for a  
16 given username and a -- to prevent subsequent uploads  
17 that match an existing upload.

18 MR. DESANCTIS: Okay.

19 Q And on the first page of the exhibit, Exhibit  
20 No. 13, in about the middle, it says, "Mike Solomon  
21 wrote"; do you see that?

22 A Yes.

23 Q It says, "One of the things that rejecting  
24 duplicates will solve is reducing signal to noise and  
25 making the site more fun."