

**HIGHLY CONFIDENTIAL -- OUTSIDE  
COUNSEL'S EYES ONLY**

**12/16/2009 Patterson, Jim**

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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THE FOOTBALL ASSOCIATION )  
PREMIER LEAGUE LIMITED AND )  
BOURNE CO., ET AL., ON BEHALF )  
OF THEMSELVES AND ALL OTHERS )  
SIMILARLY SITUATED,, )



PLAINTIFFS, )

vs. )

07 CIV. 3582 (LLS)

YOUTUBE, INC., YOUTUBE, LLC )  
AND GOOGLE, INC.,, )

DEFENDANTS. )

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VIACOM INTERNATIONAL INC., )  
COMEDY PARTNERS, COUNTRY MUSIC )  
TELEVISION, INC., PARAMOUNT )  
PICTURES CORPORATION, AND )  
BLACK ENTERTAINMENT )  
TELEVISION, LLC, )

PLAINTIFFS, )

vs. )

07 CIV. 2103 (LLS)

YOUTUBE, INC., YOUTUBE, LLC )  
AND GOOGLE, INC.,, )

DEFENDANTS. )

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VIDEOTAPED DEPOSITION OF JIM PATTERSON  
FRIDAY, DECEMBER 18, 2009  
SAN FRANCISCO, CALIFORNIA  
Job No. 18411

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1 to look at the document?

2 A. Yes.

3 Q. Does the e-mail marked as Patterson  
4 Exhibit 4 help clarify for you whether Patterson  
5 Exhibit 3 is August 1st or January 8th?

6 MS. REES: Objection, lacks foundation.

7 THE WITNESS: It suggests one  
8 interpretation of that date or the other.

9 MR. PLATZER: Q. Does the document  
10 marked as Patterson Exhibit 4 refresh your  
11 recollection as to the timeline as to when YouTube's  
12 mobile website launched.

13 A. Yes.

14 Q. What --

15 A. It reflects my understanding but not my  
16 direct recollection since I wasn't there.

17 Q. That's fair. What does it -- what  
18 understanding does it refresh for you?

19 A. It suggests that we launched our mobile  
20 website or version of our mobile website on March --  
21 in March -- late March 2007.

22 Q. And at the point in time when YouTube  
23 launched its mobile website, was the entire catalog  
24 of YouTube videos available through the mobile  
25 website?

1           A.    When we launched a very early primitive  
2 version of our website, the entire catalog was not  
3 available. I'm not sure here when Dwipal is talking  
4 about launching the website if he was talking about  
5 that early primitive manual version of the website  
6 or if he's talking about an automated full-featured  
7 full catalog version of the website.

8           Q.    You've used the term manual and automatic  
9 to refer to the YouTube website. I'd like to just  
10 ask you what you mean by those. Let's start off  
11 with manual.

12          A.    Okay.

13          Q.    You talked about a manual version of the  
14 website. What do you mean by that term?

15          A.    I believe the history of it -- of our web  
16 syndication is that the -- in the very, very early  
17 days, we manually selected a small number of videos  
18 to syndicate to, for example, Verizon which we  
19 talked about. And then I believe the progression  
20 from there was we -- instead of delivering those  
21 videos to Verizon, we made that same small number of  
22 videos available on a web page that could be  
23 accessed by a mobile device. And then over time we  
24 automated that and made all, or nearly all, of the  
25 video catalog available on that web page for mobile

1 devices.

2 Q. Okay. And when you say you made the  
3 videos available on the web page for mobile devices,  
4 that means you transcoded it into the appropriate  
5 format and then posted a copy of the access to the  
6 mobile website?

7 A. Once we transcoded the video into a format  
8 suitable for --

9 THE COURT REPORTER: I'm sorry. We  
10 transcoded --

11 THE WITNESS: The video into a format  
12 suitable for delivery to mobile devices.

13 MR. PLATZER: Q. So initially the videos  
14 that were transcoded into a format suitable for  
15 mobile devices were selected by YouTube employees  
16 manually?

17 A. That's my understanding.

18 Q. And at some point in time the process was  
19 automated so that the entire catalog was made  
20 available in that manner?

21 A. All or nearly all, yes.

22 Q. About when did that switch happen from  
23 videos that were selected manually to an automated  
24 process?

25 A. I don't know authoritatively, but I

1 believe it was late 2007.

2 Q. You've used the term automated to describe  
3 the process that was put into place after the manual  
4 selection. Can you explain what you mean by  
5 automated?

6 MS. REES: Objection, outside the scope to  
7 the extent you're asking for technical details, but  
8 again you can answer to your understanding.

9 THE WITNESS: When a partner provides or  
10 user provides a video to YouTube, that video needs  
11 to be stored by us in a combination of bits, and in  
12 order to deliver the YouTube service to make the  
13 YouTube service available to a number of different  
14 devices and over different Internet connection  
15 speeds, we transcode the video into multiple  
16 formats. And we do that automatically for each  
17 video.

18 Q. Okay. So at some point in time, YouTube  
19 began automatically transcoding every video that was  
20 uploaded to the YouTube service into a format that  
21 was appropriate to be accessed by a wireless device?

22 A. All or nearly all, yes.

23 Q. What about videos that were uploaded by  
24 users before YouTube began automatically transcoding  
25 all or nearly all uploaded videos into a format that

1 was appropriate for wireless devices? Did YouTube  
2 go back and transcode those as well?

3 A. I imagine -- my understanding is that now  
4 we are transcoding all or nearly all of the videos  
5 that have been uploaded to YouTube into multiple  
6 formats. So I believe the answer is yes.

7 Q. Just to be clear, I'm not asking about  
8 what happens when a user uploads a video.

9 A. Yes.

10 Q. I'm asking what happened to videos --

11 A. Yes.

12 Q. -- that users had previously uploaded.

13 YouTube went back and transcoded those?

14 A. That is my understanding.

15 Q. Okay. And the users who uploaded those  
16 videos didn't prompt YouTube to do that?

17 MS. REES: Objection, calls for  
18 speculation, vague.

19 THE WITNESS: My understanding is that  
20 they were presented with a user interface that gave  
21 them the ability to choose whether or not it would  
22 also be available on mobile devices. So it's  
23 reasonable that they would have understood that that  
24 would be happening.

25 Q. Okay. But that interface, that was