

11/3/2009 Marx, Henry



1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK
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4 THE FOOTBALL ASSOCIATION
5 PREMIER LEAGUE LIMITED, BOURNE
6 CO., (together with its affiliate
7 MURBO MUSIC PUBLISHING, INC.),
8 CHERRY LANE MUSIC PUBLISHING
9 COMPANY, INC., CAL IV ENTERTAINMENT
10 LLC, ROBERT TUR d/b/a LOS ANGELES
11 NEWS SERVICE, NATIONAL MUSIC
12 PUBLISHERS' ASSOCIATION, THE
13 RODGERS & HAMMERSTEIN ORGANIZATION,
14 STAGE THREE MUSIC (US), INC.,
15 EDWARD B. MARX MUSIC COMPANY,
16 FREDDY BIENSTOCK MUSIC COMPANY
17 d/b/a BIENSTOCK PUBLISHING
18 COMPANY, ALLEY MUSIC CORPORATION,
19 X-RAY DOG MUSIC, INC., FEDERATION
20 FRANCAISE DE TENNIS, THE MUSIC
21 FORCE MEDIA GROUP LLC, THE MUSIC
22 FORCE LLC, and SIN-DROME RECORDS,
23 LTD. on behalf of themselves and
24 all others similarly situated,
25

Plaintiffs, Case No.
vs. 07-CV-3582

YOUTUBE, INC., YOUTUBE, LLC,
and GOOGLE, INC.,
Defendants.

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HIGHLY CONFIDENTIAL
VIDEOTAPED DEPOSITION OF HENRY MARX
PALO ALTO, CALIFORNIA
TUESDAY, NOVEMBER 3, 2009

JOB NO. 17941

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1 Henry Marx Palo Alto, CA November 3, 2009

2 Channel" on the left-hand side of the page?

3 A. Yes.

4 Q. Is that you?

5 MR. GALDSTON: Is what -- is what him?

6 MR. LIDDIARD: Is that his channel,

7 Mr. Marx's channel?

8 MR. GALDSTON: Objection. Lacks

9 foundation.

10 THE WITNESS: I don't know.

11 BY MR. LIDDIARD:

12 Q. Is it your testimony, Mr. Marx, under
13 oath, that you didn't create a YouTube channel?

14 A. That is correct.

15 Q. So you have no idea what Exhibit Number 11
16 is?

17 A. That is correct.

18 Q. Okay. It's not -- it's not associated
19 with you or The Music Force entities label -- or
20 it's not associated with you or The Music Force
21 entities?

22 A. I don't know that it is or it isn't.

23 Q. Would you be surprised if someone created
24 a YouTube channel using your e-mail address?

25 A. Yes.

1 Henry Marx Palo Alto, CA November 3, 2009

2 MR. GALDSTON: Objection to the form of
3 the question.

4 BY MR. LIDDIARD:

5 Q. Why would you be surprised then?

6 A. Because they would have done it without my
7 knowledge.

8 MR. GALDSTON: And it assumes facts not in
9 evidence, lacks foundation.

10 BY MR. LIDDIARD:

11 Q. On the profile of this individual that's
12 referred "grumpom," and then you recall earlier I
13 showed you a document which was an e-mail that you
14 said was yours, "Grumpom"?

15 A. Yes.

16 Q. Okay. Is there anyone that could have
17 created a YouTube channel in your behalf?

18 MR. GALDSTON: Object to the form of the
19 question.

20 THE WITNESS: I don't know how to answer
21 that. I mean, somebody could have, sure.

22 BY MR. LIDDIARD:

23 Q. Have you ever authorized anybody to create
24 a YouTube account?

25 A. No.