

12/3/2009 Grach, Michel



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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.

) Case No. 1:07CV02103

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.

) Case No. 07CV3582

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

_____)
DEPOSITION OF MICHEL GRACH
NEW YORK, NEW YORK
THURSDAY, DECEMBER 3, 2009

REPORTED BY:
ERICA RUGGIERI, CSR, RPR
JOB NO. 18235

1 GRACH

2 the ambience." And then it has a link to
3 YouTube.

4 Do you see that?

5 A. Yes.

6 Q. Do you know what the context for
7 this e-mail is?

8 MR. GITTERMAN: Objection to the
9 form. Lacks foundation.

10 A. No. I read it's regarding the
11 BNP Paribas, but I don't know.

12 Q. Do you know why Mr. DuBois would
13 have sent a YouTube link which would allow
14 the people to whom he sent it to, "See the
15 video animations made and the ambience"?

16 MR. GITTERMAN: Objection to the
17 form. Lacks foundation. Calls for
18 speculation.

19 A. I don't know. Lionel DuBois is
20 in charge of animation for the BNP Paribas
21 Masters, which we organize, and apparently
22 is very creative.

23 Q. But in preparing for this
24 deposition, in particular for topic 5, you
25 didn't investigate the circumstances

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2 surrounding Mr. Dubois's sending of an
3 e-mail that included a link to YouTube?

4 A. No.

5 Q. So I think you testified earlier
6 that there was at least one occasion on
7 which FFT uploaded videos to YouTube?

8 A. Yes.

9 Q. Has FFT ever had a channel on
10 YouTube?

11 A. I don't think so.

12 MR. GITTERMAN: Objection to the
13 form. Vague and ambiguous as to
14 channel.

15 Q. Are you familiar with an account
16 on YouTube called FFT multimedia.

17 A. I think that's the account that
18 Christoph creates without authorization.

19 Q. Who is Christoph Thoreau?

20 A. Christoph Thoreau is not
21 anymore, no longer with, working for the
22 French Tennis Federation. He was in
23 charge of the website.

24 Q. Which website?

25 A. Sorry. FFT.fr.