

Schapiro Exhibit 74

Return-Path: <mtvn-no-reply@copyright-compliance.com>
X-Original-To: copyright@youtube.com
Delivered-To: [REDACTED]
Received: from newpop2.baytsp.com (smtp.copyright-compliance.com [216.133.204.238])
by sjl-mbox1.sjl.youtube.com (Postfix) with ESMTP id F35202CEE84
for <copyright@youtube.com>; Fri, 9 Mar 2007 14:02:51 -0800 (PST)
Received: from manta4-xp (corp.baytsp.com [207.168.171.181] (may be forged))
by newpop2.baytsp.com (8.13.1/8.13.1) with ESMTP id l29KsaPC004661
for <copyright@youtube.com>; Fri, 9 Mar 2007 12:54:36 -0800
Message-Id: <200703092054.l29KsaPC004661@newpop2.baytsp.com>
From: mtvn-no-reply@copyright-compliance.com
Subject: Notice ID: 158-36639 Notice of Unauthorized Use of Intellectual
Property
To: copyright@youtube.com
Reply-To: mtvn-no-reply@copyright-compliance.com
Date: Fri, 9 Mar 2007 14:02:53 -0800

-----BEGIN PGP SIGNED MESSAGE-----
Hash: SHA1

Notice ID: 158-36639
Notice Date: 9 Mar 2007 22:02:48 GMT

YouTube, Inc.

Dear Sir or Madam:

BayTSP, Inc. ("BayTSP") swears under penalty of perjury that it is authorized to act on behalf of Viacom International Inc., Atom Entertainment, Inc., Black Entertainment Television LLC, Comedy Partners, Country Music Television, Inc., Network Enterprises Inc., 51 Minds Entertainment, LLC, and Mindring Productions, LLC (collectively, the "Copyright Owners"), one of which is the owner of exclusive rights under copyright alleged to be infringed herein. BayTSP's search of the protocol listed below has detected infringements of exclusive copyright interests on your IP addresses as detailed in the attached report.

BayTSP has reasonable good faith belief that use of the material in the manner complained of in the attached report is not authorized by the Copyright Owners, their agents, or the law. The information provided herein is accurate to the best of our knowledge. Therefore, this letter is an official notification to effect removal of the detected infringement listed in the attached report. The attached documentation specifies the exact location of the infringement.

We hereby request that you immediately remove or block access to the infringing material, as specified in the copyright laws, and insure the user refrains from using or sharing with others the Copyright Owners' materials in the future. Additionally we request that the removed link state the following:

"This video has been removed due to copyright infringement."

We urge you to take immediate action to stop this infringing activity and inform us of the results of your actions.

Please respond indicating the actions you have taken to resolve this matter. The provided link has been assigned to this matter

<http://webreply.baytsp.com/webreply/webreply.jsp?customerid=158&commhash=ed606fa3bc7813502b0cd1ee4f798a57>. For email correspondence, please reference the above Notice ID in the subject line

mailto:mtvn@copyright-compliance.com?subject=RE%3A%20Notice%20ID%3A%20158%2D36639%20Notice%20of%20Unauthorized%20Use%20of%20Intellectual%20Property.

Nothing in this letter shall serve as a waiver of any rights or remedies of the Copyright Owners with respect to the alleged infringement, all of which are expressly reserved. This notice is without prejudice to the positions that

(1) 17 U.S.C. 512 does not apply and (2) you have an affirmative obligation to take down the Copyright Owners' copyrighted content without regard to getting a specific takedown notice.

In complying with this notice, YouTube should not destroy or spoliage any evidence which may be relevant in a subsequent lawsuit relating to the infringement alleged herein, including the infringing videos and all associated electronic documents and data relating to their presence on YouTube, which shall be preserved while disabling public access, irrespective of any document retention or corporate policy to the contrary.

Should you need to contact me, I may be reached at the following address:

Mark Ishikawa
Chief Executive Officer
BayTSP, Inc.
PO Box 1314
Los Gatos, CA 95031

v: 408-341-2300
f: 408-341-2399
copyright-compliance@baytsp.com

*pgp public key is available on the key server at ldap://keyserver.pgp.com

Evidentiary Information:
Notice ID: 36639
Protocol: YouTube
Video Title: South Park The N-Bomb
Video Length: 79
Timestamp: 9 Mar 2007 17:11:19 GMT
Last Seen Date: 9 Mar 2007 19:12:09 GMT
URL: <http://www.youtube.com/watch?v=Tht2iCpQ0J0>
Username (if available): youube02

-----BEGIN PGP SIGNATURE-----
Version: 8.0

iD8DBQFF8dmNTCeiqeUtGBMRAqhTAKCPAEU3BuAPgXzp2hFGjO3/iFC2sQCg9naP
Q29lVIQ5ag4QJwzAZ8nallA=
=A9ww
-----END PGP SIGNATURE-----

Schapiro Exhibit 75

To: "anna@youtube.com" <anna@youtube.com>
From: [REDACTED]
Cc:
Bcc:
Received Date: 2007-04-16 06:05:16 GMT
Subject: More facts

- current stats
 - [REDACTED] million videos uploaded
 - [REDACTED] million registered users
 - i don't know current page views (maybe doubleclick would have an estimate?)
- machine growth
 - 11/05: [REDACTED]
 - 3/06: [REDACTED]
 - 2/07: [REDACTED]
- we surpassed Google Video and Yahoo video in marketshare by 1/2006 (source: Nielsen NetRatings)
- key moments (from GQ article on us):
 - 10/05: Nike's viral video "Ronaldinho: Touch of Gold" becomes a hit <http://www.youtube.com/watch?v=lsO6D1rwrKc>
 - 11/05: close first round of funding (\$3.5 mil)
 - 12/05: Lazy Sunday posted on YT
 - 2/06: Lazy Sunday taken down at NBC's request
 - 4/06: we raise \$8 mil in second round VC funding
 - 6/06: Lonelygirl15 makes first appearance on site
 - 7/06: Chad invited to Sun Valley retreat of media titans (usually reserved for huge media dudes)
 - 9/06: we sign licensing deal with Warner Music Group
 - 9/06: YT video shows embarrassing moment for Senator George Allen of VA
- 10/06: acquisition announced
- 11/06: acquisition closed

That's all I have I think.

Cuong

Schapiro Exhibit 76

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

x

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

Plaintiffs,

vs. NO. 07-CV-2103

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

Defendants.

x

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.

x

VIDEOTAPED DEPOSITION OF MICHAEL WOLF
NEW YORK, NEW YORK
FRIDAY, APRIL 17, 2009

JOB NO.: 16687

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APRIL 17, 2009
10:02 a.m.

VIDEOTAPED DEPOSITION OF MICHAEL
WOLF, held at the offices of CAHILL GORDON &
REINDEL, LLP, 80 Pine Street, New York, New
York, pursuant to subpoena, before JENNIFER
OCAMPO-GUZMAN, a Shorthand Reporter and
Notary Public of the State of New York.

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A P P E A R A N C E S :

FOR THE PLAINTIFFS VIACOM INTERNATIONAL,
INC.:

JENNER & BLOCK, LLP

BY: SUSAN J. KOHLMANN, ESQ.

919 Third Avenue, 37th Floor

New York, New York 10022-3908

(212) 891-1690 skohlmann@jenner.com

FOR THE DEFENDANTS YOUTUBE, INC., YOUTUBE,
LLC and GOOGLE, INC.:

WILSON SONSINI GOODRICH & ROSATI, PC

BY: BART E. VOLKMER, ESQ.

650 Page Mill Road

Palo Alto, California 94304-1050

650-565-3508 bvolkmer@wsgr.com

DAVID FELDMAN WORLDWIDE, INC.
805 Third Avenue, New York, New York 10022 (212)705-8585

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APPEARANCES (Continued):

FOR THE DEPONENT:

CAHILL GORDON & REINDEL, LLP

BY: ADAM ZUROFSKY, ESQ.

BY: CHRISTOPHER A. GORMAN, ESQ.

80 Pine Street

New York, New York 10005-1702

(212) 701-3137 azurofsky@cahill.com

(212) 701-3119 cgorman@cahill.com

ALSO PRESENT:

CARLOS KING, Videographer

1 Wolf

11:23:01 2 A. I think Judy was looking for a
11:23:05 3 large scale acquisition, which would be
11:23:10 4 comparable to the acquisition by News Corp of
11:23:17 5 MySpace.

11:23:17 6 Q. And you thought that -- pardon me.
11:23:22 7 And she thought that an acquisition
11:23:26 8 by Viacom of YouTube would be comparable to
11:23:30 9 the News Corp acquisition of MySpace?

11:23:33 10 MR. ZUROFSKY: Objection to form,
11:23:34 11 calls for speculation. The document
11:23:37 12 speaks for itself.

11:23:38 13 MS. KOHLMANN: Objection.

11:23:39 14 A. Once again, I'd be speculating.
11:23:42 15 It's hard for me to remember her state of
11:23:47 16 mind here and so it's possible that's what
11:23:49 17 she meant.

11:23:50 18 Q. Is that how you viewed it at the
11:23:54 19 time, that an acquisition of YouTube by
11:23:56 20 Viacom would be comparable to the News Corp
11:23:58 21 acquisition of MySpace?

11:24:05 22 A. At the time, and, again, I would
11:24:07 23 just be thinking about my points of view
11:24:08 24 then, I was looking at -- we wanted to look
11:24:13 25 at YouTube as an acquisition on its own

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1 Wolf

11:24:16 2 merits, not necessarily how that would have
11:24:20 3 compared to the acquisitions that were done
11:24:23 4 by other companies.

11:24:24 5 Q. And when you wrote, "We should get
11:24:34 6 our best minds together and figure out how to
11:24:36 7 make it a business," did MTV Networks end up
11:24:38 8 putting its best minds together to look at a
11:24:43 9 potential acquisition of YouTube?

11:24:44 10 MR. ZUROFSKY: Objection to form.

11:24:45 11 But answer, you can answer.

11:24:48 12 A. At the time I considered these to
11:24:50 13 be our best minds and, therefore -- and, yes,
11:24:52 14 we did put them together.

11:25:03 15 MR. VOLKMER: Let's mark Exhibit 5.

11:25:16 16 (Exhibit Wolf-5, E-mail dated
11:25:16 17 7/6/06, Bates No. VIA00613122, marked
11:25:16 18 for identification, this date.)

11:25:34 19 MR. VOLKMER: This is a July 6,
11:25:37 20 2006, e-mail that Adam Cahan sent to
11:25:42 21 Judy McGrath and Michael Wolf. The
11:25:43 22 subject line is "Update from the plane."

11:25:47 23 Q. If you'd just let me know when
11:25:48 24 you've had a chance to review that document,
11:25:50 25 Mr. Wolf?

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1 Wolf

11:25:51 2 A. Okay. Thank you.

11:26:35 3 Q. And if could you turn to the fifth
11:26:37 4 paragraph, and the title of that paragraph is
11:26:39 5 "YouTube"?

11:26:40 6 A. Yes.

11:26:43 7 Q. Mr. Cahan writes, "We had a very
11:26:45 8 deep conversation over an hour about the
11:26:47 9 potential" -- "about the potential, the risk
11:26:49 10 and why strategically it is so critical."

11:26:52 11 Do you know who Mr. Cahan is
11:26:55 12 referring to when he says "we" in that
11:26:57 13 sentence?

11:27:05 14 A. I didn't write this memo. It was
11:27:07 15 written by Mr. Cahan, and -- and I don't know
11:27:09 16 who was on the plane with him, so I don't
11:27:12 17 know who the "we" was.

11:27:13 18 Q. Based on your experience and your
11:27:20 19 position at the time, who would you guess was
11:27:22 20 the person on the plane or the people on the
11:27:25 21 plane with Mr. Cahan?

11:27:27 22 MR. ZUROFSKY: Objection, calls for
11:27:31 23 speculation.

11:27:31 24 MS. KOHLMANN: Objection.

11:27:31 25 A. I'd be taking a guess and I really

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1 Wolf

11:40:53 2 Q. Do you have any recollection of
11:41:01 3 advising Mr. Freston that you did not think
11:41:03 4 it was a good idea for MTV Networks or Viacom
11:41:06 5 to acquire YouTube?

11:41:08 6 MR. ZUROFSKY: Objection to form.

11:41:09 7 MS. KOHLMANN: Objection as to
11:41:10 8 form.

11:41:11 9 A. Not specifically.

11:41:15 10 Q. What about generally?

11:41:20 11 A. As a result of the analysis that we
11:41:25 12 had done on YouTube, we had questions about
11:41:31 13 whether or not this would be a business that
11:41:36 14 we could acquire and that would be a
11:41:43 15 valuable, from a financial perspective,
11:41:45 16 business for MTV Networks.

11:41:56 17 MR. VOLKMER: I would like to mark
11:41:57 18 Exhibit 7.

11:41:59 19 (Exhibit Wolf-7, E-mail dated
11:41:59 20 7/9/06, Bates No. VIA00613111, marked
11:42:19 21 for identification, this date.)

11:42:19 22 Q. This is an e-mail that Viacom
11:42:29 23 produced in this litigation from Adam Cahan
11:42:33 24 to Michael Wolf and Judy McGrath on July 9th
11:42:38 25 of 2006.

1 Wolf

11:42:39 2 If you can just review this very
11:42:41 3 briefly and I have a few questions.

11:43:08 4 A. Okay.

11:43:09 5 Q. In the individuals that are listed
11:43:15 6 at the top of this e-mail where Adam Cahan
11:43:19 7 says, just finished a call Nick, Blair,
11:43:21 8 Steph, Nada, Denmark, Wade and Bob.

11:43:23 9 I think we've gone over this, but I
11:43:25 10 just want to be clear, this is Nick Lehman,
11:43:28 11 Blair Harrison, Stephanie Schwartz, Nada
11:43:32 12 Stirrat, Denmark West, Wade Davis and Bob
11:43:35 13 Bakish; is that correct?

11:43:36 14 MR. ZUROFSKY: Objection misstates.

11:43:38 15 MS. KOHLMANN: Objection.

11:43:39 16 MR. ZUROFSKY: Can you answer.

11:43:40 17 A. I don't think we talked about
11:43:42 18 Denmark West earlier, but I would guess from
11:43:46 19 the memo that would be Bob Bakish.

11:43:49 20 Q. And Mr. Cahan writes, "We all
11:43:54 21 believe this is a transformative acquisition
11:43:57 22 that we should pursue."

11:43:59 23 So was it the view of the best
11:44:01 24 minds at MTV Networks that Viacom or MTVN
11:44:06 25 should acquire YouTube?

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1 Wolf

11:44:08 2 MR. ZUROFSKY: Objection.

11:44:09 3 MS. KOHLMANN: Objection.

11:44:10 4 MR. ZUROFSKY: Foundation, form,
11:44:14 5 misstates.

11:44:14 6 A. Well, reading this memo, it says
11:44:18 7 directionally that we should do that. If you
11:44:21 8 look down below, since it says that, that
11:44:25 9 there's a number of next steps to determine
11:44:28 10 this, so it doesn't look like a
11:44:33 11 recommendation. In fact, Mr. Cahan writes a
11:44:37 12 "Key takeaways."

11:44:37 13 Q. And the key takeaway from the
11:44:40 14 sessions that these individuals listed at the
11:44:43 15 top of this e-mail had was that YouTube would
11:44:46 16 be a "transformative acquisition that we
11:44:50 17 should pursue"; is that right?

11:44:51 18 MR. ZUROFSKY: Objection, the
11:44:52 19 document speaks for itself.

11:44:55 20 MS. KOHLMANN: Objection.

11:44:56 21 A. That's what it says here.

11:44:57 22 Q. And that was the consensus of that
11:44:58 23 group, right?

11:44:59 24 MR. ZUROFSKY: Objection.

11:45:01 25 MS. KOHLMANN: Objection.

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1 Wolf

11:45:02 2 A. As it's reflected here, since I
11:45:05 3 didn't write the memo and I wasn't with that
11:45:07 4 group, I -- it looks like it was the
11:45:10 5 consensus of that group.

11:45:11 6 Q. And you convened this group to look
11:45:14 7 into the very question of whether MTV
11:45:17 8 Networks or Viacom should acquire YouTube,
11:45:21 9 right?

11:45:21 10 A. Yes, previous to this memo.

11:45:24 11 Q. And they came back with the
11:45:25 12 recommendation that you should, right?

11:45:28 13 MR. ZUROFSKY: Objection,
11:45:29 14 misstates.

11:45:30 15 MS. KOHLMANN: Objection.

11:45:30 16 A. I'm looking to see if it says
11:45:32 17 recommendation somewhere. And I don't think
11:45:36 18 it does. So I would say, no.

11:45:40 19 Q. When Mr. Cahan says, "We all
11:45:47 20 believe this is a transformative acquisition
11:45:51 21 that we should pursue," you don't read that
11:45:53 22 as a recommendation that MTV Networks or
11:45:55 23 Viacom acquire YouTube?

11:45:56 24 MR. ZUROFSKY: Objection as to
11:45:57 25 form.

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1 Wolf

12:16:16 2 MR. ZUROFSKY: Objection to form.

12:16:18 3 MS. KOHLMANN: Objection.

12:16:19 4 MR. ZUROFSKY: Calls for a legal
12:16:20 5 conclusion.

12:16:20 6 A. I'm not a lawyer. I do -- I made
12:16:23 7 no determination nor did I ever see any legal
12:16:28 8 documents that would have said such a thing.

12:16:32 9 Q. And you think you would need to be
12:16:37 10 a lawyer to make the determination about
12:16:39 11 whether the appearance of the Lazy Sunday
12:16:43 12 sketch on iFilm was infringing any
12:16:45 13 copyrights?

12:16:46 14 MR. ZUROFSKY: I think he needs to
12:16:48 15 be a lawyer to answer that question, so
12:16:49 16 objection.

12:16:49 17 MR. VOLKMER: That's not an
12:16:50 18 objection.

12:16:50 19 MR. ZUROFSKY: It is an objection.
12:16:52 20 Objection, calls for a legal conclusion,
12:16:53 21 and that question is objectionable on
12:16:54 22 that ground.

12:16:55 23 A. Could you repeat the question,
12:16:56 24 please? All this back and forth is
12:16:58 25 confusing.

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1 Wolf

12:17:03 2 Q. And you think that you would need
12:17:04 3 to be a lawyer to make the determination
12:17:06 4 about whether the appearance of the Lazy
12:17:08 5 Sunday sketch on iFilm was infringing any
12:17:11 6 copyrights?

12:17:11 7 MR. ZUROFSKY: Objection.

12:17:12 8 A. Yes.

12:17:14 9 MR. ZUROFSKY: Calls for legal
12:17:15 10 conclusion.

12:17:15 11 MS. KOHLMANN: Objection as to
12:17:16 12 form.

12:17:16 13 A. Yes, I would need to be a lawyer.

12:17:21 14 Q. Do you think that the appearance of
12:17:23 15 the Lazy Sunday sketch on YouTube was
12:17:26 16 infringing any copyrights?

12:17:27 17 MR. ZUROFSKY: Objection.

12:17:28 18 MS. KOHLMANN: Objection.

12:17:29 19 MR. ZUROFSKY: Calls for legal
12:17:30 20 conclusion.

12:17:31 21 A. I would both have to be a lawyer
12:17:34 22 and, and an employee at NBC, so I probably
12:17:41 23 would have to be a lawyer at NBC to know
12:17:42 24 whether it was infringing.

12:17:43 25 Q. Do you think that the appearance of

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1 Wolf

12:17:54 2 the Lazy Sunday sketch on viral video sites
12:17:57 3 was beneficial to Saturday Night Live?

12:18:01 4 MR. ZUROFSKY: Objection to form.

12:18:02 5 MS. KOHLMANN: Objection.

12:18:03 6 A. If you're asking me for my belief
12:18:07 7 and opinion, I would say that, that having
12:18:15 8 clips of video on shows could be helpful to
12:18:21 9 increase ratings of those shows.

12:18:23 10 Q. And increase viewership of those
12:18:28 11 shows, correct?

12:18:28 12 MS. KOHLMANN: Objection.

12:18:29 13 A. Ratings and viewership are the same
12:18:32 14 thing. Unless there's a different legal
12:18:42 15 definition.

12:18:43 16 Q. And if you could turn to page 7 of
12:18:52 17 the deck, and the last bullet point is: "The
12:19:06 18 potential competitive threat of a combined
12:19:10 19 MySpace/YouTube would reach 51 MM
12:19:13 20 unduplicated uniques."

12:19:18 21 Was there a concern at MTV Networks
12:19:21 22 that a combined MySpace/YouTube property
12:19:25 23 would compete with MTV's core demographic for
12:19:29 24 viewers?

12:19:30 25 A. It says it here.

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1 Wolf

13:42:51 2 MR. ZUROFSKY: Objection to form.

13:42:53 3 A. It could be that we were discussing
13:42:55 4 those deal -- those terms or it could be
13:42:57 5 that -- that those were the deal terms we
13:43:00 6 were proposing. I really can't tell by this
13:43:02 7 memo and I can't remember when I wrote it.

13:43:03 8 Q. Could it also be the case that
13:43:07 9 those deal terms that we just went over had
13:43:10 10 not been discussed between the parties as of
13:43:14 11 October 3, 2006?

13:43:15 12 MR. ZUROFSKY: Objection to form.

13:43:17 13 MS. KOHLMANN: Objection to form.

13:43:18 14 A. It's possible, yes.

13:43:20 15 Q. You're just not sure one way or the
13:43:22 16 other?

13:43:25 17 A. I'm not sure. Lots of information.
13:43:26 18 Lots of things that go past what I was doing
13:43:30 19 as the president of the company and I just
13:43:33 20 can't remember what happened in each of these
13:43:36 21 situations.

13:43:36 22 Q. When Viacom and MTVN were
13:43:46 23 negotiating with YouTube in the summer and
13:43:49 24 fall of 2006, was it aware of the presence of
13:43:53 25 Viacom content on the YouTube website?

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1 Wolf

13:43:56 2 MR. ZUROFSKY: Objection to form.

13:43:57 3 A. First of all, I don't know if
13:43:59 4 Viacom was negotiating with YouTube. I was
13:44:02 5 in charge of MTV Networks. I don't know if
13:44:05 6 Viacom, there was any other independent of
13:44:09 7 MTV Networks' negotiation.

13:44:11 8 Q. Okay. So I'll rephrase the
13:44:12 9 question.

13:44:13 10 When MTVN was negotiating with
13:44:16 11 YouTube in the summer and fall of 2006, was
13:44:18 12 it aware of the presence of Viacom content on
13:44:20 13 the YouTube website?

13:44:22 14 MR. ZUROFSKY: Objection to form.

13:44:24 15 A. I don't recall one way or the
13:44:26 16 other.

13:44:30 17 Are you asking about this memo or
13:44:32 18 just in general?

13:44:33 19 Q. I'm not asking about the memo, just
13:44:36 20 in general. And this goes throughout the
13:44:38 21 entire period of the negotiations between
13:44:39 22 YouTube and Google and MTVN, at any time in
13:44:44 23 those negotiations was MTVN aware of the
13:44:48 24 presence of Viacom content on the YouTube
13:44:50 25 website?

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1 Wolf

13:44:52 2 MR. ZUROFSKY: Objection to form.

13:44:55 3 MS. KOHLMANN: Objection.

13:44:56 4 A. We were certainly aware that our
13:45:02 5 content was on YouTube.

13:45:03 6 Q. And during the negotiations did
13:45:11 7 Viacom allow that content to stay up on
13:45:13 8 YouTube?

13:45:14 9 MR. ZUROFSKY: Objection to form.

13:45:15 10 MS. KOHLMANN: Objection.

13:45:16 11 A. The decision would have been ours,
13:45:20 12 not Viacom's. It was going to be -- but MTV
13:45:26 13 Networks, to the best of my recollection, we
13:45:28 14 allowed the content to be there.

13:45:30 15 Q. And why did you allow it to be
13:45:34 16 there?

13:45:35 17 MR. ZUROFSKY: Objection.

13:45:37 18 A. I'd be only speculating today
13:45:42 19 because I can't remember specifically, but I
13:45:43 20 would guess that, that we thought that we
13:45:47 21 could do a deal with YouTube and that also at
13:45:53 22 the same time we thought that having the
13:45:55 23 content there was valuable in terms of
13:45:59 24 helping the ratings of our shows.

13:46:24 25 MR. VOLKMER: Let's go off the

DAVID FELDMAN WORLDWIDE, INC.

805 Third Avenue, New York, New York 10022 (212)705-8585

1 Wolf

13:46:25 2 record.

13:46:26 3 THE VIDEOGRAPHER: The time is
13:46:27 4 1:44 p.m., and we're off the record.

13:51:31 5 (A brief recess was taken.)

13:51:31 6 THE VIDEOGRAPHER: The time is
13:51:42 7 1:50 p.m., and we're back on the record.

13:51:44 8 BY MR. VOLKMER:

13:51:44 9 Q. On Monday, October 9, 2006, Google
13:51:53 10 issued a press release announcing that it was
13:51:55 11 acquiring YouTube. Do you remember having a
13:51:58 12 conversation with Eric Schmidt the preceding
13:52:01 13 weekend in which you discussed Google's
13:52:03 14 potential acquisition of YouTube?

13:52:06 15 A. I don't remember the exact dates of
13:52:08 16 the things that you're describing to me, but
13:52:11 17 I certainly remember having discussion with
13:52:14 18 Eric Schmidt before, before the potential
13:52:19 19 acquisition, before the acquisition of
13:52:21 20 YouTube took place.

13:52:22 21 Q. And what do you recall about that
13:52:24 22 conversation?

13:52:29 23 A. To the best of my ability to
13:52:33 24 recall, I remember him telling me that they
13:52:36 25 were considering acquiring YouTube, that I

DAVID FELDMAN WORLDWIDE, INC.

805 Third Avenue, New York, New York 10022 (212)705-8585

Schapiro Exhibit 77

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.)

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.)

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

DEFENDANTS.)

-----)

VIDEOTAPED DEPOSITION OF AMY POWELL
TAKEN ON TUESDAY, DECEMBER 15, 2009

JOB NO. 18310

CASE NO.
07-CV-2103

CASE NO.
07-CV-3582

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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,)

CASE NO.
07-CV-2103

VS.)

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,)

CASE NO.
07-CV-3582

PLAINTIFFS,)

VS.)

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

DEFENDANTS.)

Videotaped deposition of AMY HOWELL, taken on
behalf of the Defendants, at 350 South Grand Avenue,
Suite 2500, Los Angeles, California, on Tuesday,
December 15, 2009, at 9:25 a.m., before NIKKI ROY,
CSR. No. 3052.

1 APPEARANCES:

2
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19 ALSO PRESENT:

20 PAUL KOENIG, Paramount
21 REBECCA PRENTICE, General Counsel, Paramount
22 SCOTT McNAIR, Videographer
23
24
25

1 10:19:04 A. Uh-huh.

2 10:19:05 Q. Were there any other instances in which a

3 10:19:08 Paramount marketing employee or agent uploaded clips

4 10:19:12 from that film to YouTube to promote the film?

5 10:19:15 MS. KOHLMANN: Objection.

6 10:19:17 THE WITNESS: To the best of my knowledge,

7 10:19:18 all materials were uploaded VIA the same destination

8 10:19:22 within YouTube.

9 10:19:23 BY MR. VOLKMER:

10 10:19:28 Q. And how about the film *Blades of Glory*, did

11 10:19:31 Paramount use YouTube to promote that film?

12 10:19:33 MS. KOHLMANN: Objection.

13 10:19:34 THE WITNESS: I believe so.

14 10:19:36 BY MR. VOLKMER:

15 10:19:36 Q. And how did Paramount use YouTube to promote

16 10:19:40 that film?

17 10:19:40 A. Uploading approved materials, clips, trailer

18 10:19:45 to YouTube.

19 10:19:45 Q. Was there a promotion or marketing campaign

20 10:19:59 on YouTube that you thought was more successful than

21 10:20:03 the others?

22 10:20:03 MS. KOHLMANN: Objection as to form; vague.

23 10:20:05 You can answer.

24 10:20:06 THE WITNESS: Not necessarily.

25

1 10:20:07 BY MR. VOLKMER:

2 10:20:18 Q. Are you aware of all the account names and
3 10:20:21 user names that Paramount has used to upload
4 10:20:23 materials to YouTube?

5 10:20:26 MS. KOHLMANN: Objection as to form.

6 10:20:30 THE WITNESS: No, I wouldn't say that I am.

7 10:20:32 BY MR. VOLKMER:

8 10:20:36 Q. Is there anyone in your department that
9 10:20:38 would know all of the account names and user names
10 10:20:41 that Paramount has used to upload materials to
11 10:20:44 YouTube?

12 10:20:44 MS. KOHLMANN: Objection as to form.

13 10:20:46 THE WITNESS: No, it's a large company.

14 10:20:48 BY MR. VOLKMER:

15 10:21:07 Q. In the ordinary course of your job, would
16 10:21:09 you or someone working for you keep a list of all the
17 10:21:13 user names that have been used to upload materials to
18 10:21:16 YouTube?

19 10:21:16 MS. KOHLMANN: Objection as to form.

20 10:21:21 THE WITNESS: For my specific department the
21 10:21:26 team member who is leading a campaign would have
22 10:21:31 knowledge of the accounts that he or she is using.

23 10:21:34 BY MR. VOLKMER:

24 10:21:43 Q. So is the answer to that question no?
25 10:21:45 MS. KOHLMANN: Objection.

1 10:21:47 THE WITNESS: Can you repeat the question?

2 10:21:48 BY MR. VOLKMER:

3 10:21:48 Q. Sure. In the ordinary course of your job,
4 10:21:50 would you or someone who worked for you keep a list
5 10:21:53 of all the YouTube user names or account names that
6 10:21:57 have been used to upload materials to the YouTube
7 10:22:00 service?

8 10:22:01 MS. KOHLMANN: Objection as to form.

9 10:22:04 You can answer.

10 10:22:04 THE WITNESS: My team members would keep
11 10:22:07 track of the user names that they specifically would
12 10:22:10 use.

13 10:22:15 BY MR. VOLKMER:

14 10:22:15 Q. And you said that Paramount was a big
15 10:22:16 company earlier. Are there circumstances in which
16 10:22:20 there were uploads of Paramount material to YouTube
17 10:22:23 for promotional reasons that occurred outside of the
18 10:22:28 purview of your department?

19 10:22:30 MS. KOHLMANN: Objection as to form.

20 10:22:32 THE WITNESS: I wouldn't know.

21 10:22:33 BY MR. VOLKMER:

22 10:22:42 Q. You never heard of any other departments at
23 10:22:46 Paramount uploading materials to YouTube for
24 10:22:51 promotional or marketing purposes?

25 10:22:53 MS. KOHLMANN: Objection as to form.

1 10:22:56 THE WITNESS: No.

2 10:22:56 BY MR. VOLKMER:

3 10:23:03 Q. Didn't you have occasion to view materials

4 10:23:05 on YouTube and make determinations about whether they

5 10:23:07 were authorized marketing material or not?

6 10:23:12 MS. KOHLMANN: Objection.

7 10:23:14 You can answer.

8 10:23:14 THE WITNESS: Can you repeat the question?

9 10:23:15 BY MR. VOLKMER:

10 10:23:15 Q. Sure. Didn't you have occasion in the

11 10:23:17 course of your employment to view materials on

12 10:23:20 YouTube and make determinations about whether they

13 10:23:22 were authorized marketing materials or not?

14 10:23:24 MS. KOHLMANN: Same objection.

15 10:23:25 You can answer.

16 10:23:25 THE WITNESS: In specific instances, yes.

17 10:23:28 BY MR. VOLKMER:

18 10:23:29 Q. In the course of performing that task, did

19 10:23:31 you ever come across marketing material that had been

20 10:23:37 uploaded to YouTube by Paramount but did not emanate

21 10:23:40 from your department?

22 10:23:42 A. No, I don't recall so.

23 10:23:50 MS. KOHLMANN: Bart, we've been going about

24 10:23:52 an hour. So if you get to a point you think we can

25 10:23:56 break, can we do that?

1 02:01:17 BY MR. VOLKMER:

2 02:01:25 Q. Didn't your frustrations with BayTSP

3 02:01:28 removing approved Paramount marketing material from

4 02:01:31 YouTube continue for some lengthy period of time?

5 02:01:35 MS. KOHLMANN: Objection as to form; vague.

6 02:01:37 You can answer.

7 02:01:38 THE WITNESS: No, I don't know that I would

8 02:01:41 say that.

9 02:01:42 BY MR. VOLKMER:

10 02:01:43 Q. Didn't that frustration last for months that

11 02:01:46 Bay continued to remove material that your department

12 02:01:51 had either uploaded or approved to be on the YouTube

13 02:01:53 service?

14 02:01:54 MS. KOHLMANN: Objection; asked and

15 02:01:54 answered.

16 02:01:56 You can answer.

17 02:01:56 THE WITNESS: I don't recall the specific

18 02:01:59 amount of time we had the disagreement.

19 02:02:04 BY MR. VOLKMER:

20 02:02:19 Q. As a result of BayTSP mistakenly removing

21 02:02:25 marketing material from the YouTube service you asked

22 02:02:27 that you have an opportunity to review material

23 02:02:33 before it was taken down from YouTube; is that right?

24 02:02:36 MS. KOHLMANN: Objection; lacks foundation;

25 02:02:39 form.

1 02:02:39 You can answer.

2 02:02:40 THE WITNESS: Can you repeat the question?

3 02:02:43 BY MR. VOLKMER:

4 02:02:44 Q. Sure. As a result of BayTSP mistakenly

5 02:02:47 removing marketing material from the YouTube service

6 02:02:51 you asked that you have an opportunity to review

7 02:02:54 material before it was taken down from YouTube; is

8 02:02:57 that right?

9 02:02:58 A. As part of our -- as part of determining how

10 02:03:02 our partnership would work, we did put several

11 02:03:05 practices in place that would help us both be able to

12 02:03:29 intelligently identify approved materials, one of

13 02:03:13 which was for them to call me and ask me, just as we

14 02:03:16 would ask any other party to call and ask me if

15 02:03:19 content was questionable.

16 02:03:42 Q. The reason that you would be called would be

17 02:03:43 to make a determination as to whether the material

18 02:03:45 that was proposed for removal, whether or not that

19 02:03:49 material was approved Paramount marketing?

20 02:03:53 MS. KOHLMANN: Objection as to form.

21 02:03:58 You can answer.

22 02:03:58 THE WITNESS: The process was put in place

23 02:04:00 not only to determine if content should be removed or

24 02:04:03 not, but to identify what our approved marketing

25 02:04:07 materials were so we could all be on the same page in

1 02:04:13 terms of what that material consisted of.

2 02:04:15 BY MR. VOLKMER:

3 02:04:19 Q. Did any other parties besides BayTSP ever

4 02:04:22 call you and ask whether material on online

5 02:04:29 video-sharing services was authorized or

6 02:04:34 unauthorized?

7 02:04:35 A. Yes.

8 02:04:35 Q. Who else called you?

9 02:04:37 A. Either call or e-mail, I should clarify.

10 02:04:40 Q. Sure.

11 02:04:40 A. Many -- all the time webmasters, different

12 02:04:44 websites, end-users, happens frequently.

13 02:04:49 Q. End-users would contact you and ask you

14 02:04:52 whether or not material on the Internet was approved

15 02:04:55 Paramount marketing material?

16 02:04:56 A. Yes.

17 02:04:57 MS. KOHLMANN: Objection; asked and

18 02:04:58 answered.

19 02:04:58 THE WITNESS: Pardon me, yes.

20 02:04:59 BY MR. VOLKMER:

21 02:05:03 Q. And that would take usually an e-mail

22 02:05:06 format; is that right?

23 02:05:07 MS. KOHLMANN: Objection.

24 02:05:08 THE WITNESS: Either e-mail or phone call,

25 02:05:15 depending on how a person could track me down.

1 02:05:33 MR. VOLKMER: Let's mark Exhibit 16.

2 02:05:34 (Powell Exhibit 16, document bearing

3 02:05:34 Bates number VIA 003724421, marked for

4 02:05:46 identification, as of this date.)

5 02:05:46 MS. KOHLMANN: Thank you.

6 02:05:47 BY MR. VOLKMER:

7 02:06:04 Q. Exhibit 16 is a document that was produced

8 02:06:06 by BayTSP in this litigation. It's an e-mail

9 02:06:11 exchange from June 26th and 27th, 2006. Al Perry

10 02:06:21 John Salter, Mark Ishikawa appear in this e-mail

11 02:06:25 thread.

12 02:06:25 Do you know who Mr. Perry is?

13 02:06:27 A. Yes.

14 02:06:29 Q. And what is his role at Paramount?

15 02:06:31 A. He works on Scott Martin's team, which is

16 02:06:36 the Paramount legal team.

17 02:06:39 Q. And who is Mr. Salter?

18 02:06:43 A. I'm not sure.

19 02:06:48 Q. And Mark Ishikawa ran BayTSP; is that right?

20 02:06:51 A. He works at BayTSP. I'm not sure of his

21 02:06:56 position.

22 02:06:56 Q. In Mark Ishikawa's e-mail to Mr. Salter he

23 02:07:08 writes:

24 02:07:08 Need to discuss how we get the

25 02:07:10 marketing people to let us know what

1 03:56:26 down.

2 03:56:28 Why did you need to speak with the publicity

3 03:56:29 department?

4 03:56:30 A. I don't recall.

5 03:56:31 Q. Who would you have checked with in the

6 03:56:35 publicity to determine -- in the publicity department

7 03:56:37 to make determinations about whether materials should

8 03:56:41 be removed from YouTube?

9 03:56:42 MS. KOHLMANN: Objection; calls for

10 03:56:42 speculation.

11 03:56:43 You can answer.

12 03:56:44 THE WITNESS: I would have asked whoever the

13 03:56:48 publicist handling that movie was.

14 03:56:49 BY MR. VOLKMER:

15 03:56:50 Q. And who was the publicist for the film

16 03:56:55 that's being discussed here, Jackass 2?

17 03:56:58 A. I don't recall.

18 03:56:59 Q. So were the publicists for Paramount films

19 03:57:08 engaged in the upload of materials to promote the

20 03:57:14 films?

21 03:57:16 MS. KOHLMANN: Objection.

22 03:57:17 You can answer.

23 03:57:17 THE WITNESS: No, not to the best of my

24 03:57:19 knowledge.

25

1 03:57:20 BY MR. VOLKMER:

2 03:57:22 Q. So why would you need to check with someone
3 03:57:24 in publicity before confirming which videos should be
4 03:57:28 taken down?

5 03:57:30 A. On certain films with unique circumstances,
6 03:57:33 as with the film Jackass, certain clips were approved
7 03:57:37 for different usages. Some were only approved for
8 03:57:41 online and some were only approved to live in the
9 03:57:45 offline world.

10 03:57:47 Q. Are you saying that you needed to check with
11 03:57:57 publicity to determine whether clips were permitted
12 03:58:04 to be marketed in the online world in the case of
13 03:58:07 Jackass 2?

14 03:58:11 MS. KOHLMANN: Objection to form.

15 03:58:12 You can answer.

16 03:58:13 THE WITNESS: To the best of my knowledge,
17 03:58:16 yes. In the film Jackass 2 we had specific
18 03:58:21 strategies put in place as to where clips would be
19 03:58:25 positioned and distributed.

20 03:58:28 BY MR. VOLKMER:

21 03:58:29 Q. And the publicity department was in charge
22 03:58:30 of that decision?

23 03:58:32 A. I don't know that I would say they were in
24 03:58:35 charge of it. They were -- it was a collaboration
25 03:58:38 with the publicity department to make those

1 03:58:40 determinations.

2 03:58:41 Q. But here Jackass 2 clips had been syndicated

3 03:58:45 by the interactive marketing department, right?

4 03:58:48 MS. KOHLMANN: Objection.

5 03:58:49 THE WITNESS: As the e-mail indicates, some

6 03:58:51 of the clips were. All of the clips that we

7 03:58:55 syndicated had an official warning before the clips.

8 03:59:00 BY MR. VOLKMER:

9 03:59:07 Q. Right. So what was the purpose of checking

10 03:59:09 with the publicity department if you knew that your

11 03:59:12 department had engaged in online viral marketing of

12 03:59:18 Jackass 2?

13 03:59:18 MS. KOHLMANN: Objection; asked and

14 03:59:18 answered.

15 03:59:20 You can answer.

16 03:59:21 THE WITNESS: We did not have a viral

17 03:59:23 marketing campaign for Jackass 2. All we had was the

18 03:59:27 syndication of a very specific set of clips, all of

19 03:59:30 which had a warning in front of them.

20 03:59:34 BY MR. VOLKMER:

21 03:59:34 Q. Why did you need to check with publicity if

22 03:59:36 you had engaged in a syndication marketing strategy

23 03:59:42 online with respect to Jackass 2?

24 03:59:44 A. With --

25 03:59:44 MS. KOHLMANN: Objection; asked and

1 03:59:44 answered.

2 03:59:46 You can answer.

3 03:59:46 THE WITNESS: With respect to Jackass 2,
4 03:59:48 some clips were never intended to live online.

5 04:00:13 BY MR. VOLKMER:

6 04:00:14 Q. Is there any possibility that the YouTube
7 04:00:16 clips referenced in Mr. Wilson's e-mail emanated from
8 04:00:18 the publicity department?

9 04:00:20 MS. KOHLMANN: Objection; calls for
10 04:00:20 speculation.

11 04:00:22 You can answer.

12 04:00:22 THE WITNESS: Without knowing the specific
13 04:00:25 clips referenced or how they were uploaded, I
14 04:00:27 couldn't answer that question.

15 04:00:28 BY MR. VOLKMER:

16 04:00:33 Q. So it was the case that publicity sometimes
17 04:00:36 would upload clips to YouTube to promote Paramount
18 04:00:38 films?

19 04:00:39 MS. KOHLMANN: Objection.

20 04:00:40 THE WITNESS: No, I didn't say that.

21 04:00:42 BY MR. VOLKMER:

22 04:00:59 Q. But you couldn't answer the question about
23 04:01:00 whether it was possible that publicity uploaded any
24 04:01:03 of the clips that are referenced in Mr. Wilson's
25 04:01:09 e-mail; is that right?

1 04:01:11 MS. KOHLMANN: Objection as to form.

2 04:01:14 THE WITNESS: No, I didn't say that. I

3 04:01:15 don't think the question has anything to do with who

4 04:01:17 uploaded clips.

5 04:01:19 BY MR. VOLKMER:

6 04:01:19 Q. Is there any possibility that publicity --

7 04:01:22 the publicity department at Paramount uploaded the

8 04:01:25 clips that are referenced in Mr. Wilson's e-mail?

9 04:01:27 MS. KOHLMANN: Objection; calls for

10 04:01:29 speculation.

11 04:01:29 You can answer.

12 04:01:30 THE WITNESS: To the best of my knowledge,

13 04:01:31 no.

14 04:01:32 BY MR. VOLKMER:

15 04:01:47 Q. If, to the best of your knowledge, there was

16 04:01:50 no possibility that publicity had uploaded the

17 04:01:59 clips referenced in Mr. Wilson's e-mail to YouTube,

18 why would you need to check with publicity?

19 THE DEPOSITION OFFICER: I'm sorry. Could

20 you slow down?

21 MR. VOLKMER: Sure.

22 THE DEPOSITION OFFICER: Had uploaded --

23 BY MR. VOLKMER:

24 04:02:00 Q. If it is, to the best of your knowledge --

25 04:02:00 if it is, to the best of your knowledge, the case

1 04:02:04 that there was no possibility that publicity had
2 04:02:06 uploaded the clips referenced in Mr. Wilson's e-mail,
3 04:02:13 why did you need to check with publicity before
4 04:02:15 getting back to Mr. Perry?
5 04:02:20 MS. KOHLMANN: Objection; asked and
6 04:02:23 answered.
7 04:02:24 THE WITNESS: Because I wanted to confirm
8 04:02:26 which clips could live within the online world.
9 04:02:31 BY MR. VOLKMER:
10 04:02:42 Q. And how would getting an answer to that
11 04:02:44 question enable you to advise Mr. Perry whether or
12 04:02:49 not the clips referenced in Mr. Wilson's e-mail were
13 04:02:53 authorized to be on YouTube?
14 04:02:54 MS. KOHLMANN: Objection as to form.
15 04:02:57 THE WITNESS: Am I to answer?
16 04:03:12 MS. KOHLMANN: You can answer. Sorry.
17 04:03:14 BY MR. VOLKMER:
18 04:03:14 Q. You are.
19 04:03:14 A. Because I would view the clips with
20 04:03:23 publicity and determine which clips specifically were
21 04:03:25 approved to be online on this particular film, the
22 04:03:29 Jackass 2 campaign.
23 04:03:33 Q. And why would publicity have information
24 04:03:45 about the authorization as to these clips that you
25 04:03:50 did not have?

1 04:03:51 MS. KOHLMANN: Objection; misstates the
2 04:03:51 record.
3 04:03:52 You can answer.
4 04:03:54 THE WITNESS: On this particular film,
5 04:03:56 Jackass 2, we were very sensitive to the nature of
6 04:04:00 the material within the clips, as well as the nature
7 04:04:03 of the film and whether it was suitable for all clips
8 04:04:06 to live online.
9 04:04:14 BY MR. VOLKMER:
10 04:04:21 Q. So it could have -- could have been the case
11 04:04:26 that some of these YouTube clips referenced in
12 04:04:29 Mr. Wilson's e-mail were authorized to be on YouTube,
13 04:04:31 but you would not have known that in the absence of
14 04:04:34 having a conversation with publicity?
15 04:04:35 MS. KOHLMANN: Objection; misstates the
16 04:04:38 record; calls for speculation.
17 04:04:38 You can answer.
18 04:04:39 THE WITNESS: Without reviewing the clips, I
19 04:04:42 cannot answer your question.
20 04:05:05 MR. VOLKMER: Let's mark Exhibit 28.
21 04:05:08 Change tapes?
22 04:05:09 THE VIDEOGRAPHER: Yeah. This marks the end
23 04:05:12 of videotape No. 3 in the deposition of Amy Powell.
24 04:05:14 We're off the record at 4:05 p.m.
25 04:05:18 (Recess was held from 4:05 to 4:11.)

1 04:11:34 THE VIDEOGRAPHER: We are back on the record
2 04:11:35 at 4:11 p.m.
3 04:11:37 This marks the beginning of videotape No. 4
4 04:11:39 in the deposition of Amy Powell.
5 04:12:38 (Powell Exhibit 28, document bearing
6 04:12:38 Bates number BAYTSP 003716491, marked for
7 04:11:42 identification, as of this date.)
8 04:11:42 BY MR. VOLKMER:
9 04:11:45 Q. We marked Exhibit 28, which is a document
10 04:11:47 produced by BayTSP in this litigation. And in this
11 04:12:09 message Warren Kim sends along a YouTube video of
12 04:12:18 indeterminable source that he is submitting to
13 04:12:21 Paramount for review. And that message came to you.
14 04:12:25 And you wrote:
15 04:12:26 This should not be removed, not
16 04:12:28 in all caps.
17 04:12:31 I have a screen shot of the video that's
18 04:12:33 being referenced. I'll mark that as 29.
19 04:12:38 (Powell Exhibit 29, document marked for
20 04:13:07 identification, as of this date.)
21 04:13:07 MS. KOHLMANN: Thanks.
22 04:13:08 BY MR. VOLKMER:
23 04:13:23 Q. Do you know if Paramount posted the video
24 04:13:26 that's being referenced in Exhibit 28 and the video
25 04:13:29 that appears in the screen shot at Exhibit 29?

1 04:40:41 Q. 34 is a screen shot of the YouTube video
2 04:40:45 that's referenced in Exhibit 33.
3 04:40:54 Do you recognize this video?
4 04:40:59 A. I don't.
5 04:40:59 Q. This is a segment that appeared on CNBC that
6 04:41:04 related to the Cloverfield film; is that right?
7 04:41:07 MS. KOHLMANN: Objection; asked and
8 04:41:09 answered.
9 04:41:10 THE WITNESS: It appears to be from CNBC. I
10 04:41:13 don't know what the content is.
11 04:41:18 BY MR. VOLKMER:
12 04:41:18 Q. The title of the YouTube clip is
13 04:41:21 "Cloverfield on CNBC." And there's a message at the
14 04:41:29 bottom of the screen that says:
15 04:41:30 All we know is that it is a
16 04:41:32 JJ Abrams film and it's due out in
17 04:41:34 January.
18 04:41:34 A. I see that.
19 04:41:35 MS. KOHLMANN: Objection --
20 04:41:35 BY MR. VOLKMER:
21 04:41:35 Q. Based on --
22 04:41:36 MS. KOHLMANN: -- document speaks for
23 04:41:37 itself.
24 04:41:39 BY MR. VOLKMER:
25 04:41:39 Q. Based on that context, isn't it apparent

1 04:41:41 that this YouTube clip is a video that relates to the
2 04:41:46 Cloverfield movie?
3 04:41:49 MS. KOHLMANN: Objection; asked and
4 04:41:50 answered.
5 04:41:51 You can answer.
6 04:41:51 THE WITNESS: I could speculate that. I
7 04:41:55 really don't know.
8 04:41:56 BY MR. VOLKMER:
9 04:42:06 Q. Is this a video that you watched?
10 04:42:08 A. I truly don't recall.
11 04:42:11 Q. Do you think it's likely that if Mr. Burke
12 04:42:21 at Bad Robot sent you a YouTube URL that you would
13 04:42:27 have watched the video that he sent you?
14 04:42:29 MS. KOHLMANN: Objection; calls for
15 04:42:29 speculation.
16 04:42:30 You can answer.
17 04:42:30 THE WITNESS: I probably would have.
18 04:42:31 MR. VOLKMER: Let's mark 35.
19 04:42:42 (Powell Exhibit 35, document bearing
20 04:42:42 Bates number VIA 00608131, marked for
21 04:42:56 identification, as of this date.)
22 04:42:56 MS. KOHLMANN: Sorry.
23 04:43:03 BY MR. VOLKMER:
24 04:43:03 Q. 35 is an e-mail from Amy Powell to Frederick
25 04:43:06 Huntsberry on July 8th, 2007. It's an e-mail that

1 04:43:16 contains the YouTube URL that we were looking at in
2 04:43:20 Exhibit 33 and 34.

3 04:43:22 Having reviewed Exhibit 35, do you think
4 04:43:23 that you viewed the YouTube clip that I've marked at
5 04:43:28 34?

6 04:43:29 MS. KOHLMANN: Objection.

7 04:43:30 You can answer.

8 04:43:30 THE WITNESS: I would guess that I probably
9 04:43:32 did.

10 04:43:32 BY MR. VOLKMER:

11 04:43:36 Q. Do you think that you were infringing any
12 04:43:40 copyrights of CNBC by watching this clip?

13 04:43:43 MS. KOHLMANN: Objection.

14 04:43:44 You can answer.

15 04:43:44 THE WITNESS: Without recalling the content
16 04:43:47 of the clip, I don't know.

17 04:43:48 BY MR. VOLKMER:

18 04:43:49 Q. There's a CNBC logo on the bottom of the
19 04:43:52 clip on the right-hand bottom, right?

20 04:43:54 A. Uh-huh.

21 04:43:54 Q. Based on the appearance of that logo, do you
22 04:43:57 know whether you were engaged in any copyright
23 04:43:59 infringement by viewing this clip on YouTube?

24 04:44:03 MS. KOHLMANN: Objection.

25 04:44:03 THE WITNESS: I don't know. I'm not a

1 04:44:04 lawyer.

2 04:44:04 BY MR. VOLKMER:

3 04:44:07 Q. Setting aside any legal conclusions, do you

4 04:44:10 think this was an unauthorized pirated clip on the

5 04:44:15 YouTube service?

6 04:44:16 MS. KOHLMANN: Objection.

7 04:44:16 THE WITNESS: I have no way of knowing

8 04:44:17 whether CNBC uploaded it themselves or if somebody

9 04:44:21 else did.

10 04:44:23 BY MR. VOLKMER:

11 04:44:40 Q. Do you know if this user moooviefan, with

12 04:44:43 three Os, if that user was associated at all with

13 04:44:47 CNBC?

14 04:44:48 MS. KOHLMANN: I'm sorry. Please refer to

15 04:44:51 the exhibit you're referring to.

16 04:44:52 BY MR. VOLKMER:

17 04:44:53 Q. Sorry. Exhibit 34 on the top right-hand

18 04:44:57 side of the exhibit contains the YouTube user name of

19 04:45:00 the user who posted this video and it's moooviefan,

20 04:45:04 three Os.

21 04:45:04 And you do you know if that user is

22 04:45:09 associated or affiliated with CNBC?

23 04:45:13 A. I do not know.

24 04:45:21 Q. Did you ask that BayTSP send a take-down

25 04:45:26 notice for this video?

1 04:45:28 MS. KOHLMANN: Objection.

2 04:45:28 THE WITNESS: Not that I recall.

3 04:45:29 BY MR. VOLKMER:

4 04:45:38 Q. Do you think that the presence of this video

5 04:45:40 on YouTube provided a promotional benefit for the

6 04:45:44 Cloverfield movie?

7 04:45:46 MS. KOHLMANN: Objection. You're asking her

8 04:45:48 about the video that she said she doesn't recall?

9 04:45:52 Which video are we talking about?

10 04:45:53 MR. VOLKMER: The video marked as Exhibit 34

11 04:45:55 and that she sent to Mr. Huntsberry the day after

12 04:45:58 receiving it from Mr. Burke.

13 04:46:00 THE WITNESS: Without remembering the

14 04:46:01 content of the clip, I cannot answer your question.

15 04:46:03 BY MR. VOLKMER:

16 04:46:23 Q. Were you engaged -- strike that.

17 04:46:25 Were you encouraging Mr. Huntsberry to

18 04:46:29 engage in copyright infringement by sending this URL

19 04:46:32 to him?

20 04:46:33 MS. KOHLMANN: Objection.

21 04:46:38 THE WITNESS: I don't know.

22 04:46:38 BY MR. VOLKMER:

23 04:46:46 Q. Did you subjectively believe that you were

24 04:46:48 engaged in the encouragement of copyright

25 04:46:51 infringement by sending this link to Mr. Huntsberry?

Schapiro Exhibit 78

Subject: FW: the incredibly involved lonelygirl15 saga.
From: "Roger Jackson" <EX:/O=IFILM/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=RJACKSON>
To: Blair Harrison; Chris Dominguez; Cameron Saless
Cc: Date: Fri, 25 Aug 2006 01:08:39 +0000

See below. I still think we should do an immediate deal with the LG15 guys, even if it involves the up front cash they're talking about. This could be a huge win for us. Meanwhile, we should all keep silent about the fact that it is fake.

From: Jason Hirschhorn [mailto:jasonh@triplehmedia.com]
Sent: Thursday, August 24, 2006 5:50 PM
To: jon_fine@businessweek.com; ricky@connectedventures.com; josh@connectedventures.com; scott@stereogum.com; Graver, Fred - VH1 - Viacom; Benjamin White; Roger Jackson
Subject: Re: the incredibly involved lonelygirl15 saga.

Guys, what do you think? Is it real? Fake? And ad? A filmmaker?

jason hirschhorn ((via mobile))

----- Original Message -----
From: Fine, Jon <Jon_Fine@businessweek.com>
To: Jason Hirschhorn
Sent: Thu Aug 24 17:46:24 2006
Subject: the incredibly involved lonelygirl15 saga.

So what do we think?

Videos here: <http://www.youtube.com/profile?user=lonelygirl15>

Underneath my sigfile is a good sum-up that ran in NY mag this week.

Jon Fine

Media Columnist

BusinessWeek

1221 Avenue of the Americas, 43rd Floor

New York, NY 10020

212.512.2510

jon_fine@businessweek.com

Hey There, Lonelygirl

One cute teen's online diary is probably a hoax. It's also the birth of a new art form.

There are thousands of people who post video Å-diaries on YouTube, and, by all rights, Lonelygirl15 should be just as annoying as the rest of them. Even more so, actually, since in all likelihood, Lonelygirl15 is a fake. She's a suspiciously photogenic teen who films first-Å-person confessionals in her bedroom, detailing the dramas of her so-called life. Most of them revolve around her Å-study-buddy Daniel, who secretly (okay, not so secretly—is anything a secret in the YouTube world?) has a crush on her. This is all supposedly done without the knowledge of her religious,

homeschooling parents. From her first video, posted June 16, she's doled out new chapters in two-minute chunks, each with an alluring title such as "Boy Problems," "Dad 'Talks' to Daniel," and "What Did Daniel and Dad Talk About?" And lots of viewers are caught up in her micro-soap; her videos have totaled almost 2 million views, her "channel" is the fourth most popular on YouTube, and the New York Times' Virginia Heffernan recently lobbied for her to get her own TV show.

Along the way, people have started questioning whether she even exists, and for good reason: She's just a little too charming, her videos a little too well edited, and her story a little too neatly laid out. As such, her saga's taken on the brimstone whiff of viral marketing. Some skeptical YouTubers are posting short films dedicated to debunking her, while others wave a smoking gun: The domain name for her fan site was registered a month before her first video went up.

Ironically, her most prominent critic—a YouTuber named Gohepcat, a film-geek hipster in mirrored sunglasses and a cowboy hat—has become a mini-YouTube star in his own right. And because anyone on YouTube can post responses or theories about Lonelygirl (and plenty have), her story now has its own metastasizing, David Lynch-worthy cast: Not just Lonelygirl, Daniel, and their monkey puppet (don't ask), but the Javert-like Mirrored Cowboy; her defender, Nerd With the Headset; a nemesis called Lazydork; and Richard Feynman. (Yes, Richard Feynman, the famous physicist. He doesn't appear personally—it's a long story.)

But wait a minute—what if the Mirrored Cowboy is in on it, too? After all, networks routinely spray the Internet with fake reality-show spoilers to throw intrepid fans off the scent. Wouldn't this be the ultimate viral-marketing technique—to create not only the cute-girl phenomenon but the she's-a-fake controversy as well? And what about the other characters? Et tu, Headset Nerd?

Of course, not everyone commenting on Lonelygirl can be part of the hoax (if it is a hoax). But they're all, in their own way, now part of her story.

And presto: Just like that, Lonelygirl's tale goes from Web-based melodrama or viral-marketing trickery toward something like a brand-new art form. It's the birth of WikiTV: a television show created by a broad community of participants and built not of sequential, hour-long episodes, but of two-minute interconnected parcels. The story line is both linear (will Daniel get the girl?) and expansive (enter the Mirrored Cowboy!), and anyone can join in. I, for example, could don a tuxedo and eye patch, and post a video claiming that the Cowboy's a double agent. Then someone could post a video refuting me, now known as the Dapper Pirate.

Which means that, of all the possible outcomes to the Lonelygirl story, the one in which she actually turns out to be just some cute teen with preternatural editing skills will be the least interesting of all. The second-least-interesting outcome—and the one I dread, and half-expect—is that once her page views reach critical mass, she'll start popping open the Mountain Dews and talking about how deliciously refreshing they are.

The best scenario is that she's a sleeper agent in the employ of MTV, or VH1, or some as-yet-unidentified entity, and that others will follow her fictional lead. Imagine how much fun J.J. Abrams of *Lost* could have with a YouTube-based conspiracy story. Or forget that—imagine what fun you could have with a camera, a computer, and a catchy idea. Of course, as a necessary side effect, YouTube will be flooded with crap. (Or even more flooded with crap.) But the weak story lines will wither and the smartly crafted ones will blossom, just as Lonelygirl's have. And maybe this, and not some NBC shows for sale on iTunes, is the future of television—or the promised land of a new narrative form. If so, we might look back at Lonelygirl15 as Moses with a monkey puppet.

Schapiro Exhibit 79

From: "Mika Salmi" <msalmi@atom.com>
Date: Wed, 13 Sep 2006 10:57:06 -0700
To: "James Stephenson" <JStephenson@atom.com>, "&AtomFilms Team" <atomfilmsteam@shockwave.com>
Subject: Re: [AtomFilms]FW: SFGate: Creators behind Web's Lonelygirl15 confess to creating character

Smart move on Revver's part.

-----Original Message-----

From: atomfilmsteam-admin@atomshockwave.com <atomfilmsteam-admin@atomshockwave.com>
To: &AtomFilms Team <atomfilmsteam@shockwave.com>
Sent: Wed Sep 13 10:51:17 2006
Subject: [AtomFilms]FW: SFGate: Creators behind Web's Lonelygirl15 confess to creating character

For all you Lonelygirl15 fans - the mystery has been revealed.

Also - Revver is now partnering to monetize the online show, and lonelygirl15 has launched a website (as much a put-on as the videos of course):

<http://www.lonelygirl15.com/>

This article was sent to you by someone who found it on SFGate.

The original article can be found on SFGate.com here:

<http://www.sfgate.com/cgi-bin/article.cgi?file=/news/archive/2006/09/13/entertainment/e065903D58.DTL> <<http://www.sfgate.com/cgi-bin/article.cgi?file=/news/archive/2006/09/13/entertainment/e065903D58.DTL>>

Wednesday, September 13, 2006 (AP)

Creators behind Web's Lonelygirl15 confess to creating character

By GARY GENTILE, AP Business Writer

(09-13) 06:59 PDT Los Angeles (AP) --

The creators behind the Internet video mystery teen Lonelygirl15 have revealed themselves and want their fans to know they are not a front for a big Hollywood studio marketing some upcoming film.

Instead, the three friends launched the adventures of the doe-eyed, 16-year-old homeschooled "Bree" as an experiment in storytelling that they intend to continue on their own Web site that was launched Tuesday.

Bree's inventors went public after fans of the two- to three-minute videos began questioning her existence and expressing disappointment that the seemingly genuine video diaries were a hoax.

The creators identified themselves to The Associated Press as Miles Beckett, 28, of Woodland Hills, Calif.; Mesh Flinders, 26, of Petaluma, Calif., and Greg Goodfried, 27, of Los Angeles.

Beckett, a self-confessed Internet geek, said he came up with the idea of using short videos as a storytelling technique while a surgical resident. Earlier this year, he met Flinders, a fledgling filmmaker, at a party.

"I saw YouTube coming about and podcasting and wanted to be a part of it," Beckett said.

Flinders said he had been developing the character of a teenage girl who was more at home relating to adults than with her peers. The character never quite fit into any of his screenplays, but seemed a perfect fit for Beckett's idea of telling stories using video blogging.

The two joined with Goodfried, an attorney, recruited the actors to play Bree and her dorky boyfriend, Daniel, and began writing the broad outlines of an open-ended plot filled with the kind of mysteries and clues TV watchers know from the hit ABC show "Lost."

The short videos began appearing on the Web sites YouTube and MySpace in June. The creators said Tuesday that they never intended to stage a hoax or trick people into believing their characters were real.

"We never wanted to lie to people," Beckett said.

"Our job from the beginning was not to trick people, it was to create a character that was believable," Flinders said.

The trio began posting individually scripted and filmed episodes online and began incorporating changes based on reactions and suggestions from fans.

The result is part video game, where viewers exercise some measure of control over the characters, and part mystery novel, complete with hidden clues and cliffhanger chapters that left viewers wanting more.

Flinders writes scripts for each "episode" and the actress playing Bree delivers her lines with a persuasive power that still has some online viewers believing she is genuine, even after "The Creators" posted their online confession several days ago.

The three creators declined to identify the name of the actress Tuesday. But amateur Internet sleuths discovered she is Jessica Rose, a 19-year-old actress from New Zealand who recently moved to Los Angeles.

Despite suspicions that the videos were slickly produced, the creators say they use the same tools and resources available to others who regularly post videos on the Web.

The episodes are shot with a \$130 Web camera and the lighting is provided by two desk lamps and a window. The sound comes from the Webcam's internal microphone.

"We're fans of this medium," Goodfried said. "It represents a shift from the content being in control of the big corporations to power being in the hands of the little guy who has a Webcam."

"We are the little guys," Beckett said.

The revelation that Bree was fake initially angered fans on YouTube, who suspected Lonelygirl15 was a slick Hollywood attempt to advertise some upcoming movie or TV show.

But since the creators revealed the fictitious nature of the show last week, the number of people subscribing to the Lonelygirl15 channel on YouTube has skyrocketed.

"Just because I know a movie isn't real isn't going to stop me from watching it," Alexandra Inman, a 17-year-old fan from St. Louis, said Tuesday. "I'm there for the entertainment."

Bree's adventures will continue on a new Web site created in conjunction with the online syndication network Revver.

The company helps video-makers profit from their efforts by attaching ads to each video, then burying a "tag" in the computer code that tracks where the video is posted. Revver then shares the ad revenue with the authors.

"The fact that creators are getting paid to make more stuff is a good thing," said Revver co-founder Steven Starr, a former Hollywood agent.

As far as what happens to Bree next or just how long "Season One" will last, the creators themselves are unsure.

The three are represented by Hollywood talent agency Creative Artists Agency, but say they have no immediate plans to make a Lonelygirl15 movie or TV show.

"We're moving forward and we want to keep doing what we've been doing," Beckett said.

—

On the Net:

www.lonelygirl15.com -----
Copyright 2006 AP

AtomFilmsTeam mailing list
AtomFilmsTeam@atomshockwave.com
<http://maillist.shockwave.com/mailman/listinfo/atomfilmsteam>

Schapiro Exhibit 80

Redacted at the request of Defendants pending a meet and confer and,
if applicable, further action of the Court.

Schapiro Exhibit 81

Redacted at the request of Defendants pending a meet and confer and,
if applicable, further action of the Court.

Schapiro Exhibit 82

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 JAWED KARIM
PALO ALTO, CALIFORNIA
TUESDAY, JUNE 9, 2009

JOB NO. 16798

1 KARIM, JAWED

2 JUNE 9, 2009

3 10:11 a.m.

4

5 VIDEOTAPED DEPOSITION OF JAWED KARIM,
6 held at the offices of WILSON, SONSINI,
7 GOODRICH & ROSATI, 601 California Avenue,
8 Palo Alto, California, pursuant to notice,
9 before R. CHAYO AYON, CLR, CSR License
10 No. 12372.

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1 KARIM, JAWED

2 A P P E A R A N C E S:

3

4 FOR THE PLAINTIFFS VIACOM INTERNATIONAL, INC.:

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10

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13 BY: SUSAN J. KOHLMANN, ESQ.

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19

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21 BERNSTEIN, LITOWITZ, BERGER & GROSSMAN, LLP

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25 (800) 380-8496 johnb@blbglaw.com

DAVID FELDMAN WORLDWIDE, INC.

805 Third Avenue, New York, New York 10022 (212)705-8585

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KARIM, JAWED
A P P E A R A N C E S (Continued.)
FOR THE DEFENDANTS YOUTUBE, INC., YOUTUBE, LLC, and
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ALSO PRESENT:
KELLY TRUELOVE, Ph.D,
TRUELOVE RESEARCH, CONSULTANT FOR VIACOM
LOU MEADOWS, VIDEOGRAPHER

1 KARIM, JAWED

10:29:23 2 Trepia with you?

10:29:24 3 A. It was Cuong Do.

10:29:26 4 Q. Okay. And when you began YouTube with the
10:29:37 5 two other founders, did you have a formal title?

10:29:40 6 A. I don't think -- I don't think any of us
10:29:54 7 had formal titles when we started.

10:29:56 8 Q. And up until the time when you signed the
10:30:01 9 consulting agreement, did you ever have a formal
10:30:04 10 title at YouTube?

10:30:05 11 MR. PAGE: Objection, foundation.

10:30:08 12 THE WITNESS: I don't think I had a formal
10:30:14 13 title.

10:30:14 14 BY MR. BASKIN:

10:30:15 15 Q. Did Mr. Hurley?

10:30:19 16 MR. PAGE: Objection, vague as to time.

10:30:21 17 BY MR. BASKIN:

10:30:21 18 Q. Well, up until the time when you signed the
10:30:23 19 consulting agreement, did Mr. Hurley have a formal
10:30:28 20 title?

10:30:29 21 A. I think that -- I think the first time he
10:30:39 22 had a formal title was when the company received its
10:30:45 23 first investment. But I don't think before that it
10:30:48 24 was formalized.

10:30:49 25 Q. When Sequoia first invested money, he

DAVID FELDMAN WORLDWIDE, INC.

805 Third Avenue, New York, New York 10022 (212)705-8585

1 KARIM, JAWED

10:30:54 2 procured a formal title?

10:30:56 3 A. I think so.

10:30:58 4 Q. And what was the formal title? Do you
10:30:59 5 remember?

10:30:59 6 A. I think it was probably CEO.

10:31:01 7 Q. And at that point in time, did you get a
10:31:03 8 formal title?

10:31:04 9 A. No, I did not have a title.

10:31:11 10 Q. Now, you signed a consulting contract in
10:31:14 11 and around 2005; is that correct?

10:31:14 12 A. I don't remember the date when I signed it.

10:31:17 13 Q. And what caused you to become a consultant
10:31:20 14 of -- of YouTube? How did that come about?

10:31:23 15 MR. PAGE: Objection, vague and ambiguous.

10:31:24 16 THE WITNESS: So -- when the project was
10:31:28 17 started, I had sort of already determined I was
10:31:32 18 going to go to school, to graduate school. And so
10:31:40 19 I -- but you know, I thought it was a cool project,
10:31:43 20 and so I wanted to stay involved in it. But I had
10:31:48 21 already, you know, determined that I wasn't going to
10:31:51 22 join the company, YouTube.

10:31:53 23 So as sort of a way for me to remain
10:32:00 24 involved as a consultant, I basically signed a
10:32:06 25 consulting agreement.

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805 Third Avenue, New York, New York 10022 (212)705-8585

1 KARIM, JAWED

10:32:07 2 BY MR. BASKIN:

10:32:08 3 Q. And was it your idea that you would become
10:32:10 4 a consultant?

10:32:11 5 A. It was my idea, I would say, to -- to
10:32:18 6 remain involved part-time in the company. But you
10:32:27 7 know, whether that took the shape of a consulting
10:32:32 8 agreement in the legal sense, that was not my idea.

10:32:37 9 Q. By the way, then when you were involved
10:32:39 10 with Trepia, did Trepia ever receive any external
10:32:45 11 funding?

10:32:49 12 MR. PAGE: Objection. It's vague and
10:32:51 13 ambiguous.

10:32:51 14 THE WITNESS: I don't remember it receiving
10:32:56 15 any external funding.

10:32:59 16 BY MR. BASKIN:

10:33:00 17 Q. And no venture capital firm invested in
10:33:04 18 Trepia?

10:33:05 19 A. No, I don't think so, no.

10:33:06 20 Q. Just you and the cofounder?

10:33:08 21 A. Uh-huh, yeah.

10:33:09 22 MR. BASKIN: Now, let me -- let's mark as
10:33:15 23 Exhibit 2 a document that is entitled Consulting
10:33:33 24 Agreement.

10:33:33 25 (Plaintiffs' Exhibit No. 2 was marked for

1 KARIM, JAWED

14:06:54 2 been received by you on or about April 5, 2005?

14:07:00 3 MR. PAGE: Objection, vague and ambiguous.

14:07:03 4 THE WITNESS: It was sent to me.

14:07:05 5 BY MR. BASKIN:

14:07:06 6 Q. Now, the original message, the bottom half
14:07:14 7 of the -- the e-mail, you make reference to:

14:07:20 8 "Oh, I still need to do the admin
14:07:24 9 interface to remove offensive videos."

14:07:27 10 A. (Witness nods head.)

14:07:29 11 Q. Can you describe to us what that is?

14:07:32 12 MR. INGBER: Objection, vague and
14:07:33 13 ambiguous.

14:07:33 14 THE WITNESS: There was an admin interface
14:07:37 15 where we could remove videos.

14:07:40 16 BY MR. BASKIN:

14:07:40 17 Q. Well, how did -- how did it work? Describe
14:07:45 18 to us what you set -- what -- what functions you
14:07:47 19 performed in creating this admin interface.

14:07:50 20 MR. PAGE: Objection, compound.

14:07:51 21 MR. INGBER: Assumes facts.

14:07:53 22 MR. BASKIN: That's true.

14:07:53 23 MR. PAGE: Pick a question.

14:07:55 24 BY MR. BASKIN:

14:07:55 25 Q. What -- describe for us what steps you

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1 KARIM, JAWED

14:07:58 2 undertook to -- to create this admin interface.

14:08:03 3 A. It basically listed videos, and then each

14:08:07 4 video could be approved or rejected.

14:08:12 5 BY MR. BASKIN:

14:08:12 6 Q. And who had access to the admin interface

14:08:15 7 in order to approve or reject videos?

14:08:23 8 MR. PAGE: Object, vague as to time.

14:08:25 9 THE WITNESS: Yeah, I think the three of us

14:08:27 10 had access to it.

14:08:28 11 BY MR. BASKIN:

14:08:28 12 Q. "The three of us," meaning the three

14:08:31 13 founders of the company?

14:08:33 14 A. Yeah. Although I didn't have access
14:08:36 15 anymore after I went back to school, which -- the
14:08:40 16 beginning of my contract agreement.

14:08:43 17 Q. When you became a consultant you ceased
14:08:50 18 having access to the administrative interface?

14:08:56 19 A. Uh-huh.

14:08:56 20 Q. Well, in particular, the admin interface,
14:08:58 21 was it created by writing source code or writing
14:09:01 22 computer code? How -- how did it work?

14:09:03 23 MR. PAGE: Objection, vague and ambiguous.

14:09:04 24 THE WITNESS: I mean, a lot of things go
14:09:06 25 into it. You know, that's just one part of it.

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1 KARIM, JAWED

14:09:10 2 BY MR. BASKIN:

14:09:11 3 Q. Why don't you tell us how -- what goes into
14:09:12 4 it.

14:09:12 5 A. I can't possibly reiterate all of it, but,
14:09:17 6 the HTML markup, database schema. You know,
14:09:22 7 database data has to be initialized, source code.
14:09:29 8 You know, hooking up the front end with the business
14:09:31 9 logic. I could go on for hours.

14:09:34 10 Q. And in setting up the part of the interface
14:09:38 11 that allowed the removal of offensive videos, was
14:09:41 12 that something -- was that a function you performed?

14:09:44 13 MR. PAGE: Objection, asked and answered.

14:09:46 14 THE WITNESS: Well, there's so many
14:09:47 15 components, and you know, all of us had ability to
14:09:51 16 do a part of it. So we shared in doing all of it.

14:09:55 17 BY MR. BASKIN:

14:09:55 18 Q. Now, in practice, how did this interface
14:09:58 19 work? If -- if -- in particular, to review videos
14:10:06 20 to determine if they were offensive, how did -- how
14:10:10 21 did that -- how would -- how was that function
14:10:11 22 carried out?

14:10:12 23 MR. PAGE: Objection, vague and ambiguous,
14:10:13 24 and compound.

14:10:14 25 MR. INGBER: Same objections.

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1 KARIM, JAWED

14:12:32 2 THE WITNESS: During which time frame?

14:12:38 3 BY MR. BASKIN:

14:12:38 4 Q. Let's go back to the year 2005.

14:12:40 5 A. Well, in 2005, I was also -- there was a
14:12:46 6 time when I was -- had no access. So I can't answer
14:12:51 7 for the whole year of 2005.

14:12:53 8 Q. During the part of the year when you had
14:12:54 9 access prior to your agreement with the company, was
14:13:00 10 this a Web-based interface?

14:13:02 11 A. It was on the Web site, yes.

14:13:06 12 Q. And so you and the other two founders
14:13:11 13 accessed it via a Web browser?

14:13:14 14 MR. INGBER: Objection to form.

14:13:16 15 THE WITNESS: What's the objection?

14:13:19 16 MR. INGBER: Vague and ambiguous.

14:13:20 17 THE WITNESS: Would you repeat the
14:13:21 18 question?

14:13:22 19 BY MR. BASKIN:

14:13:22 20 Q. Did you and the other founders access it
14:13:25 21 via a Web browser?

14:13:28 22 A. Access what?

14:13:29 23 Q. The interface, the administrative
14:13:34 24 interface.

14:13:34 25 A. It was accessed with a Web browser.

1 KARIM, JAWED

14:13:39 2 Q. And you logged in with an administrative
14:13:43 3 account?

14:13:45 4 MR. INGBER: Objection to form, vague and
14:13:49 5 ambiguous.

14:13:49 6 THE WITNESS: Um, I don't remember exactly
14:13:52 7 how we did the log -- exactly how that was done.

14:13:58 8 BY MR. BASKIN:

14:13:58 9 Q. Now -- now, using this interface, am I
14:14:16 10 correct that any of the three founders could remove
14:14:20 11 any video on YouTube?

14:14:22 12 A. Again, which time frame?

14:14:28 13 Q. The time frame that you had access on the
14:14:30 14 interface.

14:14:31 15 A. Yes, I think we could.

14:14:36 16 Q. And to your knowledge, after you became a
14:14:39 17 consultant, could those people with access to the
14:14:46 18 interface continue to remove any video they wanted
14:14:49 19 from YouTube?

14:14:50 20 MR. PAGE: Objection, calls for
14:14:52 21 speculation.

14:14:52 22 THE WITNESS: I had no insight into -- into
14:14:58 23 that after I was no longer full-time with the
14:15:01 24 company.

14:15:01 25 BY MR. BASKIN:

1 KARIM, JAWED

14:15:01 2 Q. So as you sit here today, you don't know
14:15:03 3 whether your colleagues had the ability to remove
14:15:07 4 any and all videos from YouTube by way of the admin
14:15:12 5 interface?

14:15:13 6 A. I don't know.

14:15:14 7 Q. Um, was it possible, using the
14:15:23 8 administrative interface, to remove videos before
14:15:35 9 they're actually shown on YouTube?

14:15:37 10 MR. PAGE: Objection, vague and ambiguous,
14:15:39 11 and vague as to time.

14:15:44 12 THE WITNESS: I don't know if actually if
14:15:49 13 that was part of the system.

14:15:52 14 BY MR. BASKIN:

14:15:52 15 Q. Well, did you give consideration to writing
14:15:55 16 source code to permit removing videos from the
14:16:00 17 administrative interface prior to their being
14:16:05 18 displayed to anyone on YouTube?

14:16:08 19 MR. INGBER: Objection, vague and
14:16:10 20 ambiguous.

14:16:10 21 THE WITNESS: I think it was a potential
14:16:12 22 consideration.

14:16:13 23 BY MR. BASKIN:

14:16:13 24 Q. And was that a very easy project to do, if
14:16:17 25 you wanted to do so?

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Schapiro Exhibit 83

BAY:TSP

Digital Tracking + Security + Protection

Music Television Video Network (MTVN)

Internet Tracking and Enforcement Video Streaming

Date: February 8, 2007

Work Order 158 - 002

BayTSP, Inc.
Los Gatos, CA

Phone: 408.341.2300
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BayTSP.com Incorporated | Phone: 408.341.2300 | Toll Free: 1.877.922.9877 | 2007 BayTSP, Inc.

Client Details

Client ID 158 – Music Television Video Network
Project Outline Internet Tracking and Enforcement for Video Streaming Site
Notes/Status 377 Assets
Fees \$ N/A

Project Details

Project Title Internet Tracking and Enforcement for Video Streaming Site
Start Date December 18, 2006
End Date TBD
Description of Activity: We were instructed to search 377 assets using the Bay Video Manager Tool (BVM) with full coverage on staff –day and night shift. Clips were MTVN content and clips with bugs (logos). Once 100K infringements have been met, we were instructed to prepare for a zero tolerance takedown notice sending to YouTube on behalf of Viacom International Inc., Atom Entertainment, Inc., Black Entertainment Television LLC, Comedy Partners, Country Music Television, Inc., Network Enterprises Inc., 51 Minds Entertainment, LLC, and Mindring Productions, LLC.
Approved By Not Available

Work Order Deliverables

Daily Reports Monday – Sunday Pending Notices
Examples attached to the end of this document \\omega\CRM\MTVN\SPECIAL REPORT

Special Instructions

Email Pending Count Example of subject line for Daily Report RE: YouTube Infringement Update as of 0900 15Jan07 ***Infringement count - 60,355**. The correct subject line should be used for Adam to be able to review. → This is a different format now.
Email View Count Example of subject line for View Count Re: View Count Update as of 0900 15Jan07 ***Infringement count - 156,355**. The correct subject line should be used for Adam to be able to review. → I do not believe this is being done anymore either.
Notice Sent Open = Notice Sent, Pending = Downloaded, Complied = Takedown by Someone. Links are no longer available to view.
Template Assigned MTVN YouTube Template to be use for all 377 assets
Channels: 51 Minds – 51 Minds Entertainment, LLC & Mindring Productions, LLC, ATM – Atom Entertainment, Inc., BET – Black Entertainment Television LLC CMT – Country Partners Inc, Logo – Viacom International Inc. MTV – Viacom International Inc. Spike – Network Enterprises Inc, TVLa – Viacom International Inc, VH1 – Viacom International Inc.
Batch Review Process click batch, click file, results will show in interface.

Daily metrics Include notices that are not compliant after 3 days. Reports needs to go out to Adam and Warren → URLs still live after 48 hours is part of the daily report.

Video Streaming Group We will have a minimum of 5 people between the hours of 8AM and 2AM. One person will always be assigned to final review/notice-sending. We should assume that this project will continue for a couple of months unless notified otherwise. We should check the four every 3 to 4 hours and sent out email updates. **UPDATE 10/8/07** VST group dedicates 150-200 hours per week to work on Viacom assets.

Changes to Work Order

New Asset Added	01/06/2007	Generic Search terms added (5 assets)
BET added	01/08/2007	BET added to asset
1 st BVM Tool	01/10/2007	BayTSP Video Status Tool to MTVN
MTVN access to BVM	01/12/2007	MTVN had given BayTSP lots of urls to approve
New Asset Added	01/21/2007	Artist Assets Added (17 assets)
BVN tool change	01/23/2007	Can sort date added, no duplicates
Template Changed	01/26/2007	Statement is same for each notice. We are using one template for all clients. This was approved by Viacom, Mark Morrill.
Sent Notices	02/02/2007	7AM notices were sent
Daily Report Change	02/2/2007	Daily Report is sent automatically every hour 7 days a week. YouTube Ongoing Report: Pending; Open; Complied Manual, Ignored, Not Complied, Complied-Auto.
Retraction Notice	02/02/2007	Retraction notice made
Revised Retraction	02/03/2007	New "letter" template approved for legit takedown errors
Sent Retraction	02/03/2007	Began sending retraction notices to YouTube, no more than 2-3/per hour with the approved template from Viacom;
New Asset Added	02/03/2007	Brazilian MTV artist, Hermes Renato, BVM sent approved links for takedown notices.
Notice Send Changed	02/06/2007	We switched to the 1 on 1 notice sending at 3PM. Adam wanted to move to single notices per infringement rather than batches, to get more user accounts banned, since people are reposting under the same accounts now.
New Asset Added	02/06/2007	Dancelife

Modify Rule Takedown	02/07/2007	Modify Rule: identifiable shows, clearly identifiable bugs. Please do not take down if it doesn't have a bug. MTV microphone is ok.
Daily Report Change	02/11/2007	Counts Live YouTube, Hold for Review, Bad URL, MashUps for Review, MashUpsSend for Review, Download Resubmit.
Mashups	2/12/2007	New rules of engagement, mashups are not to be taken down, but sent for review in the "Mashup for Review folder"
Clips that are still up	02/12/2007	Once we had sent a notice, please check to see if clips are still within the 48 hours.
Daily metrics	02/12/2007	Include notices that are not compliant after 3 days. Report needs to go out to Adam and Warren.
Mashups	02/27/2007	FanVid images with music, please do not send
Viva Logo	03/02/2007	Michelle had approved for BayTSP to take down any Viva logo.
Conference Call Changed	03/7/2007	Conference Call had been changed to Tuesday and Thursday at 2PM instead of Monday, Wednesday, and Friday.
Conference Call	03/13/2007	The meeting was done after 10 minutes. There are no major changes.
Conference Call	0315/2007	Warren was not available for the call. He was at the taxi cab and he didn't have any connection. Courtney had mentioned that "supermoviedownload" user has been posting lots of Viacom materials. Michelle had told the team to let her know if we have any questions or information for her to tell Warren.
Conference Call	03/20/2007	Warren was not available in the meeting. Courtney had mentioned that user "legaltemp4" from MTVN was approving wrong clips. Michelle indicated that she will talk to the person.
Viral Advertising	04/19/07	<u>No advertising for MTVN content/shows should be removed.</u> Confirmed by Michelena that commercials or clips that advert to programming on MTVN should NOT be taken down.
Viral Marketing Content	04/25/07	DO NOT REMOVE - User Names: thatsfunny, thatisalsofunny Assets, Clip Titles, and examples of URL content: Good God "The meeting" - http://www.dailymotion.com/thatsfunny/video/xrd80_good-god-poo-caper

Baxter & McGuire "Yer Outta There" -
http://www.dailymotion.com/thatsfunny/video/xinj_r_baxter-and-mcguire-yer-out

Freak Show "TCS clip" -
http://www.dailymotion.com/thatsfunny/video/xf18z_freak-show

Naked Trucker "Music video American Dream" -
http://www.dailymotion.com/thatsfunny/video/xuwyr_the-naked-trucker-and-tbones-show

Shatner Roast "Takei Clip" -
<http://grouper.com/video/MediaDetails.aspx?id=1489881&ml=0%3d7%26fk%3dshatner%2broast%26fx%3d&>

"Shatner/Nimoy clip" -
<http://grouper.com/video/MediaDetails.aspx?id=1489901&ml=0%3d7%26fk%3dshatner%2broast%26fx%3d&>

Betty White Clip" -
<http://clipshack.com/Clip.aspx?key=4736A9291B393131>

"Greg Giraldo clip" -
<http://grouper.com/video/MediaDetails.aspx?id=1489888&ml=0%3d7%26fk%3dshatner%2broast%26fx%3d&>

"Patton Oswalt clip" -
http://www.bolt.com/Thatsfunny/video/Shatner_Roast_Patton_Oswa/1959222

"Artie Lang clip" -
<http://clipshack.com/Clip.aspx?key=9A5645B9226BE982>

"Son of Shat and Spock" -
<http://addictingclips.com/Clip.aspx?key=558B09C12032BD03>

Sarah Silverman "Weather Report" -
<http://addictingclips.com/Clip.aspx?key=2F161B5F78DFEF55>

"Jail" -
<http://addictingclips.com/Clip.aspx?key=AE8A0849D7977477>

"Homeless Guy" -
<http://addictingclips.com/Clip.aspx?key=A599F8855E0C9E3E>

"Food & Blankets" -
<http://www.addictingclips.com/Clip.aspx?key=48673CD6F39AF327>

"Talkshow" -
<http://addictingclips.com/Clip.aspx?key=96F88DC835CAAAC9>

"Batteries" -
<http://www.addictingclips.com/Clip.aspx?key=49D9B47B691A9533>

Halfway Home "Pogo Stick" -
<http://www.dailymotion.com/thatsfunny/video/2342789>

Mind of Mencia "Castro" -
http://www.dailymotion.com/video/x1bx7g_mind-of-mencia-castro

"Asian Event" -
http://www.dailymotion.com/video/x1c91g_mind-of-mencia-asian-event

"Collar" -
http://www.dailymotion.com/video/x1c943_mind-of-mencia-collar

"First Look: Season 3" -
http://www.dailymotion.com/video/x1kj07_first-look-mind-of-mencia-season-3

Special Instructions	05/09/07	South Park Parody video confirmed to stay up: http://www.youtube.com/watch?v=Id_kGL3M5Cg&mode=related&search=
	05/11/07	YouTube User: digitalfilmmaker confirmed to stay up
Conference Call	06/08/07	Weekly teleconferences on Mondays from 1pm-2pm (Pacific) 4pm-5pm (Eastern) beginning June 11. BayTSP Staff - Courtney Nieman, Sarah Cruz, Eric Antze Viacom Staff - Carlos Arenas, Michael Housley, optional Warren Solow, Michelena Hallie Agenda to be determined by Viacom Two additional copies of Cims send to Carols Arenas and Michael Housley.
Template Update	06/13/07	<div style="border: 1px solid black; height: 20px; width: 100%;"></div>
Retraction response	08/31/07	Retraction response text updated with gross number of files. "With more than <u>238,000</u> unauthorized clips..."

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Work Diary

*****First notice sent to YT was on 10/6/06. Notice ID: 158-4315*****

Update from VSG	01/18/2007	URLs from Adam were not able to input till this morning. A percentage was manually put in, but at noon they took the remaining stack and tagged them as MTVN-GENERIC. They did not receive the tool to do this till 6PM Wednesday, and Eric was update to train the group on the process till this morning. Outside of the minor setback, the team is on back headed in the right direction. With the new tool, they are confident and will push over 3K infringements over the next 24 hours.
MTVN Final Summary	02/01/2007	Travis had sent the MTVN Final Summary Report. This is the summary of the videos that will go out in the large takedown notice tomorrow at 7AM Pacific time.
Error Rate	02/02/2007	The team had reviewed the 330 links that were misidentified. 49 of those 330 has "Bugs" correctly identifying them as MTVN content, so the human error rate may be even lower than anticipated. If we were to extrapolate this gross error rate to the entire notice campaign to date this would be around .1% error rate.
Retraction Plan	02/03/2007	Viacom had requested BayTSP to send retraction as we discover it. They are to be sent them as they come and not by batches. They had agreed on a Template used for the retraction.
Notice Sent Plan	02/03/2007	Review links sent from MTVN. Chris Schmaltz and AST group designated people to send hourly takedown notices. Courtney reviewed 105K by user. Evelyn reviewed 2000 links "without: username. Chris Schmaltz sent notices from Cims after reviewing. The team ignored only the ones that were already taken down.
Re-Posting Plan	02/04/2007	Team were tracking re-posters. Travis ran MD5 comparing new postings against old ones. Mark requests 2 sets of reposting files from re-posters.
Orders for the day	02/04/2007	Video Streaming Group (VSG): review new infringements in Bay Video Manager (BVM). There were 3 people sending notices
Conference Call	02/05/2007	
Do it items	02/05/2007	Travis to create a batch review process tool that will use an asset list with approved keywords, and 2 batch retrieval buttons: asset and user. Adam/Michelle to

work on keywords—give to Courtney to sent onto Adam. Courtney is tracking individual users that are reposting. We will continue searching as we have been. Adam is finding declines that should be ok'd and requested that when the batch button work, that MTV rescans those with the new tool

Update on Counts	02/05/2007	Since the trigger pull on Friday, February 02, 2007, we have sent 6,600 notices (in batches), have 2231 to review, show 192 complied (we manually closed them) and ignored 87(they might have been bad). DC ran a query to show what was still up on youtube (notices sent after trigger pull): Number of records follow-up = 6,420. Number of Records still online = 2,656
VSG Notice sending	02/06/2007	Video Streaming Group (VSG) start sending notices. MTVN will work on keywords and Eric Antze will send keywords. Travis will have batch files review process. We are tracking multiple information users. Also, we will continue searching for assets and links.
Conference Call	02/07/2007	Adam is unhappy that we are not sending enough takedowns. Adam Cahan had instructed for Travis to be able to search through YouTube by "Date Added". Travis indicated that this can not be done. Adam will ask his contact at YouTube how they could they allow this. He wants to create crawlers, batch function with keywords searches automatically. Mark suggested a reasonable time of detection to catch clips when they show up since time is very critical.
Notice Sent Update	02/07/2007	Notices Sent – 8,175, Pending—2747, reason is that either waiting for downloads or visually verifying. We are roughly estimating adding 2,200 new infringements per day.
Test Batch	02/07/2007	Travis is running the last test batch processing program. It will be available in the afternoon outside Bay or Michelle and Adam. Travis will teach and send out instructions. Michelle will be sending keywords frequently.
Decline Links	02/07/2007	Adam is finding declines that should be approved. He requested that when the batch file works, MTVN wants to re-scan the declines, with the new tool.
Update from VSG	02/07/2007	Notice Sending process is taking longer then expected. The 50-500 per hour estimate we gave is not being met. Some videos are requiring more viewing time for us to be sure before sending a notice. Eric had held back on having too many hands on this as he wants to make sure that anyone involved in Cims on his end is going to be 100% accurate. Also, they are searching for both Daily Show and Colbert report every couple of hours. Daily show and Colbert report approvals are being checked and have sent notices regularly.

Critical Assets	02/08/2007	Adam will email critical assets with keywords. We will search hourly and send take downs automatically. Travis will create batch function to quickly review review-not asset specific, drop into bucket. Travis will have this available on Wednesday. Michelle will also create the list of search by words.
Flag Out Users	02/08/2007	User search mode, batch program to see user with all their files. Travis has usernames.
Conference Call	02/09/2007	Intro to Warren Solow who will be taking over Adam Cahan's role on the day to day management. BayTSP will get more people to approve cue. New Daily Report Number of Takedown (notice sent), Number of Cue (video in the cue), Number coming in.
Links	02/06/2007	Wrong approve links. Our team will give the list of the MTV user and notify Michelle.
Conference Call	02/12/2007	Resend the notices that were not taken down, approximately 2,100 going out by end of business today. In regards to documentation, we have proof that they were sent, however, nothing was done by YouTube. Report showing that videos are still up, date—time stamp. In the Future, this needs to be taken down within 48 hours.
To do list	02/12/2007	Spot check that the 2,100 notices actually went to YouTube. Courtney needs to prepare a list of users with more than 3 infringing videos—compare to see if they are in the 2,100 list, to be delivered end of business today. User ID of MTV approving bad content send list to Michele.
Conference Call	02/12/2007	2,200 re-send notices by the end of business Metrics Daily Report # that is still up, date/timestamp of what is sent Infringements, User Name – Multiple Infringements, Decline Report. Courtney will receive Travis' numbers.
Conference Call	2/14/2007	User Name – Multiple Infringements, accounts still alive, no retraction
Add Filter	2/22/2007	Added a rule to filter out omnipotentuniverse.com from sending notices
Conference Call	03/2/2007	Warren wanted BayTSP to add cumulative count on the daily report. MTVN had increase staffing. Approval rate went up and we had promised Warren that this will go down by Friday, end of business. The increases on overall numbers are contributed from the American video bands that BayTSP had not looked at. Courtney had subscribe to a "Private Group". She will do research and determine if there are any changes on the user target.
Conference Call	03/05/2007	Courtney had a Cims demonstration during the meeting. Warren is interested in working on Cims but

		not at the moment. Travis had indicated that they are working to upgrade the system to have a constant monitoring
Conference Call	03/13/2007	The meeting only lasted for 10 minutes. There are no major changes.
Conference Call	03/15/2007	Warren was not available in this call. He had bad connection in the cab and wasn't able to dial in. Michelle suggested that she will just give our information to Warren.
Conference Call	03/16/2007	Courtney had a demo on Cims.
Conference Call	3/29/07	Present: Warren, Michelle, Eric, Courtney. There will be a push to get to 200,000 infringements. The new people, lists will come from Michelle at Viacom. Warren & someone from Jenner & Block will be here next week (4/2?). They are working out a schedule with Mark (Arielle). Viacom to review the "comedy" logos sent by Eric to determine any action on clips using those logos.
BET Daily Reporting	4/09/07	Special Daily Reporting for BET assets – confirmed by Courtney N.
VST Notes	4/10/07	<p>"CIMS had some minor issues today. There were some login problems this morning and late afternoon. Contacted help desk and let them know. Joe stopped by to check out what was happening.</p> <p>Talked with the Video Researchers twice now about asset separation. I am going to repeat myself again before I leave and I have sent the group an email regarding this as well.</p> <p>User digitalfilmmaker is to be added to the exclude list. To make sure that we didn't accidentally approve his videos I did a username search and declined out his vids. This is the "Ask a Ninja" guy on YouTube</p> <p>11:40 Live YouTube count at 233/383."</p>
VST Notes	4/11/07	<p>"Now sending notices on TNN. Micheal Housely from Viacom communicated that we are clear to take down TNN as it is a predecessor to Spike TV.</p> <p>Received 50+ Bad URLs from lgtmp4 Sent notices on TNN from Bad URL folder."</p>
VST Notes	4/12/07	<p>"No call with Warren today.</p> <p>11:37 live YouTube count at 86/248"</p>
VST Notes	4/16/07	Files stopped coming into Cims at 7:45PM.
VST Notes	4/17/07	Issue resolved: "Files dumped into Cims".

		11:27 Live YouTube count at 96/247. Lgitmp4 continues to give us a significant amount of bad URLs; I would estimate approximately 40 bad URLs per day.
VST Notes	4/23/07	Passed 200,000 and are setting sites on a quarter million.
Viral Marketing Placement	4/25/07	Created rule in Cims "MTVN – VIRAL PLACEMENT" for MTVN user names and filenames to be "Ignored", flagged, placed in "partners" folder, and/or stop automation. Updated BFM Notes with "Do Not Approve" and URL's with marketing content.
BVM Tool Updated	4/26/07	Change to the interface of YouTube cause issues with the VST and BVM. Hashing was halted for a couple hours in the morning, however BVM has been updated v.1.0.4.10 and no further issues have been reported.
VST Notes	05/01/07	"Email sent to Warren regarding the Lady In Pink as well as the International Super Spy request. 11:35 live YouTube count 362/484."
	05/02/07	"Did not receive any response from Warren relating to the "Lady in Pink" or "International Super Spy". "
	05/06/07	No new files in Cims. Data flow seems to be interrupted. I created a 'Help Desk' post at http://helpdesk:8080/HomePage.do . Still unable to check all of the http://newpop:20000/ accounts. CIMS was backlogged earlier today and files were not coming through. Files came in mid afternoon and we have a relatively large count to work through now. CIMS was shut down for a short period as well due to continued problems on the backend.
	05/20/07	Cims at 350 at beginning of shift, files coming in faster than I can send notices. 9:32pm files at 391. There were a few bad files in cims (videos with no logo). A lot of files with user's accounts suspended as well.
	05/24/07	We are seeing infringements coming into CIMS again. Unfortunately this is coming in large dumps. I expect there is going to be a backlog to work through. Cindy Morales from Viacom contacted us in relation to "Lisa left eye Lopes" clips that they want down ASAP. I have Gene working on finding all of these. They are being approved under MTVN-Generic and as soon as Scott sees those files coming in he will send notices on them.
	06/04/07	CIMS working fine most of the day. There is going to be an upgrade to CDB which may help eliminate some of the issues we have had over the past week. The MTV Movie Awards aired last night. We are searching for Sarah Silverman as well as the award show to get these clips down. Tuan informed me that "YouTube has

		apparently changed their website again. DC has been notified and the issue is being address."
Conference Call	06/11/07	<p>Username created in Cims for Carlos and Michael.</p> <p>Report sent regarding Top Infringing Assets for Project 2 (Carlos request).</p> <p>Training for Cims scheduled for Wednesday June 13 at 1PM Pacific.</p>
Training on Cims	06/13/07	<p>Training for Carlos and Michael – Points covered:</p> <p>Sending Notices-view infringement</p> <ul style="list-style-type: none"> -notice preview: Notice ID will be assigned after sending -custom templates -creating a manual infringement <p>Communication</p> <ul style="list-style-type: none"> - Sent Items – message sent and notice id assigned - Inbox – replies <p>Reports – “create a copy, rather than from scratch”</p> <ul style="list-style-type: none"> -Infringement Data – Display Fields: views, URLs, etc -Infringement Counts – notices sent, pending, ignored etc <p>Find” Feature –</p> <ul style="list-style-type: none"> -Infringements vs. Communication <p>“Main” tab applies to “Advanced” tab</p>
Conference Call	06/18/07	<p>Inconsistencies in Daily Reporting – approvals vs. notices sent</p> <p>2 reasons for inconsistencies – system maintenance or changes in YouTube interface. Infringements and notice sent counts report (generated in Cims) sent for the weekend of 06.15 – 06.17. Counts in Cims vs. counts in daily stats monitor will vary since the Cims database is “replicated” – meaning that data is not processed/solid for 2-3 days after initial date. Daily counts in stats monitor is from a “live” database so reporting is available in real time.</p>
Maintenance	06/19/07	<p>“YouTube changed their interface yesterday. We are catching up on the downloading of the videos before sending notices. This means that we caught the infringements for MTV, but were not able to send notices. We were able to get everything in the pipeline for notice sending. We will resume notice sending today. No data was lost.”</p>
Conference Call	06/25/07	<p>Reviewed again inconsistencies in daily reporting. Carlos is looking to see trends in data, such as spikes in content uploading when a show premieres (BET Awards, Colbert Report special, etc). In return, special report provided (Courtney) with</p>

approvals and notices sent since the "Big Notice" back in February.

Also inquired with Travis about "Metrics" available in Cims reports & ways to report on them. - "The additional fields gathered by the crawler itself are page / result position in our search, description, and tags. These are part of our raw data. The additional fields gathered by the crawler itself are page / result position in our search, description, and tags. These are part of our raw data. You can now see the extra data in the Evidence Text of an infringement in CIMS, but it is not separated out anywhere in report form." – TH

Manual Infringements Requests

7/20/07

List of infringements provided by Michael H. All have been downloaded and notices sent.

7/27/07

Manual infringements have been downloaded and Notices were sent. Notified Viacom when removed.

8/28/07

VH1 HPC clip asked to be removed.

9/12/07

Manual Infringement from Viacom, Tila Tequila promo. Also asked to be on the lookout for any others.

9/19/07

Due to an increase in the number of URLs to enforce on from Viacom a folder was created. Folder named "Viacom Manual Infringements". It is checked through out the day for infringements to be downloaded and have notices sent.

10/5/07

Asked to send on a user with 36 infringing clips. 1 was entered by Mike; retrieved the FLV via FTP.

10/29/07

Manual infringements for 3 leaked Degrassi clips. Notified Viacom when removed.

11/1/07

Manual infringement for 'I Love New York'. Waiting to hear if this title should be added as an asset. Notified Viacom when removed.

11/26/07

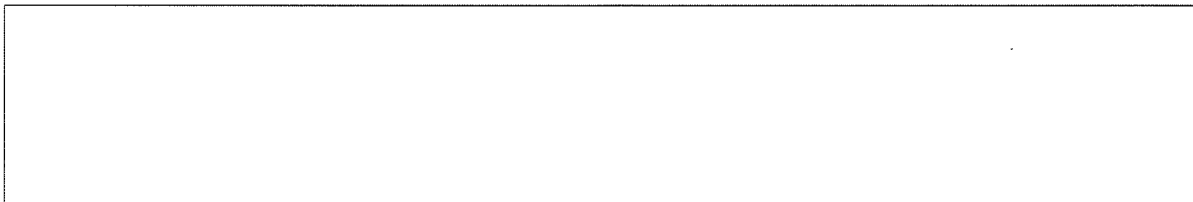
Manuals added by Mike H. for "VH1 Celebrity Rehab with Dr. Drew". Once downloaded, notices were issued and Viacom notified.

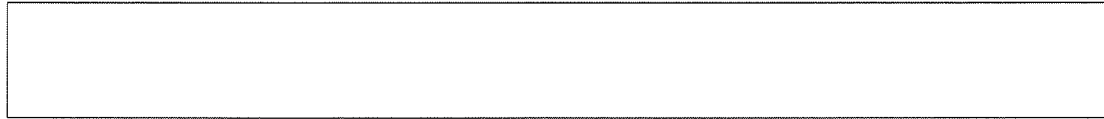
12/6/07

Manual infringements added by Mike H. 2 for South Park & 1 for MTV. Viacom notified when notices were sent.

12/8/07

Manual infringement created by Mike H and notice was issued. The downloaded file was emailed to Andrea.





Conference Call	8/6/07	Introduced Justin H. from VST
Conference Call	8/13/07	Notified of Project 1 termination.
Special Request	8/15/07	Mike H. has some questions for his creation of a Workflow Summary. Eric helped to answer many questions. Sent to Jim to smooth out answers.
	8/17/07	Made revisions based on Jim's recommendations. Sent to Mike.
High Priority Asset Request	8/16/07	Comedy Central Roast of Flavor Flav temporarily added to top priority per request of Viacom.
	9/7/07	2007 VMA Award Show airing 9/9 instructed to be a top priority over the weekend and throughout the following week.
	10/9/07	VH1 Hip-Hop Honors 2007 added to high priority list temporarily. Covering only the footage of the show, but not the associated Tour.
	10/24/07	Dane Cook's "Rough Around the Edges" temporarily added to high priority list; it was released today. VST notified.
	11/2/07	MTV European Music Awards (EMAs) temporarily added to high priority asset list. VST notified.
Retractions	08/17/07	Retraction for Swedish Edu Broadcasting Co and for BitTorrent.com. Swedish Edu was reposted. BitTorrent.com fwd to Warren S.
Conference Call	8/20/07	Instructed to revise Retraction letters to reflect increase in the amount of takedowns, about 235,000 (gross number from daily report).
New Asset	8/23/07	Added Rick and Steve. User 'bretchtv' on YouTube had several clips that Viacom wanted taken down.
Conference Call	8/27/07	Instructed to include Mike and Carlos in CC: on all counter notifications.
Retraction	8/27/07	Retraction from MyDamnChannel. Content reinstated 8/29.
Retraction	8/30/07	Retraction for United 300 clip. Content was part of Spoof contest. Reinstated 8/31
Database Request	8/30/07	All URLs in the MTVN database were requested to have all status 5 removed, with the exception of the URLs on the retraction spreadsheet.
Daily Reports	8/30/07	Questions have been brought up as to why the daily numbers fluctuate SO much. The issue is being looked into.

	9/4/07	Discussed with DC why stats page reports zero while CIMS reports the opposite. "In most cases, it zeroes out because the results were not in the system at the GMT cutoff time for the report (which you understand). This means that had you looked in CIMS at the time the report was generated, it would also likely show zero, but if there was even a few minutes between that and when another batch of files was processed by the backend (assuming normal infringements and not things like instant infringements) then the number would be different." –JA
	9/10/07	Set up CIMS reports for notice sent per day field on daily report. This data is more in line with what Viacom want to see according to Mike H.
	9/13/07	Discussed issue further with Travis. "We can just change the report page to match what you need. Rather than base it on infringement's with notices sent as they requested earlier, we'll just change it to straight Notices Sent. Seems the better way to go. The whole point of that page is to give you a one stop shop of the daily #s you need, as far as it is possible." –TH. The report page was modified to reflect this. UPDATE: This seems to be working much better and numbers have been much more consistent.
Retraction	9/4/07	Retraction for Web Junk 2.0 on VH1. Sent to Viacom for review. No action was taken.
Conference Call	9/5/07	Requested new version of BVM – completed. Justin explained the significance of the flags. Discussed doing more frequent manual audits. Discussed a list of High Priority MTVN titles – will receive list from Mike. Also stated that in general, clips with high view counts are high priority.
Addition to Daily Report	9/6/07	Stanley Pierre-Louis added to all MTVN & BET daily reports.
Conference Call	9/10/07	There are concerns with the number of failed downloads in MTVN. Carlos would like to set up a meeting with someone in DC to discuss. There are also concerns about the extreme fluctuations in daily report numbers – Looking for a way to adjust this.
Call with DC	9/12/07	Joseph Arruda and I talked with Carlos about the issues with failed downloads in MTVN CIMS. Joseph explained that the number of failed downloads is actually very low and that the reasons for failing are not always due to problems here, but rather on YouTube's side.
Conference Call	9/17/07	MTVN audit completed. Will run them the middle of each month on the top 10. Requested a distro list of when shows will air. Discussed in detail the rules of engagement. Putting together a document with thorough explanation of the rules so everyone who works on Viacom can have a point of reference since there are many people in difference areas working on the assets.
Retraction	9/18/07	Retraction from photographer present at VMAs. Retraction sent by Arian 9/21. Reinstated 9/24

Retraction	9/19/07	Retraction for VMA content by CelebTV. Forwarded to Viacom for review. No action taken. Reinstated 10/2.
Special Coverage	9/19/07	MTV airing "Legally Blonde" on Broadway 9/29. Track and enforce on intros and interludes featuring MTV people. MGM will be enforcing on the performance itself.
Conference Call	9/24/07	Agreed to create a Rules of Engagement document to be sent to all analyst, including the one at Viacom. Will have it completed by end of the week.
Retraction	10/8/07	Retraction from BlankTV for a music video tapped off MTV Europe. Actually asked for the infringement to expunge so they could continue to have their YT account. Forwarded the counter notice to Viacom. It was handled internally by their team.
VST/BVM Notes	10/9/07	<p>It was brought to our attention that some clips are not making it into BVM. This was prompted by Viacom being able to easily find the clips in YT searches. From the links provided, we are asked to have analysts go through the "related videos".</p> <p>Eric and Travis worked on resolving the issue of why BVM approvals were not showing up in CIMS. "A script had been malfunctioning. This is a script which syncs the external server which Viacom staff BVM approvals had been saving to the client database seen by CIMS. This script has been fixed and we have had it go back over the past 2 weeks of data on the external server to make sure nothing was lost." -EA Since fixing the script there has been a high volume of files coming into CIMS.</p> <p>It appears that here are still clips in CIMS after 4 months. To be sure that any files that may have been stuck get into CIMS, a complete re-sync has been done rather than the initial 2 weeks we started with. Many more files have appeared in CIMS and are being worked on.</p>
Prioritizing Assets	10/10/07	<p>It has been requested that enforcement be ramped up on highly visible assets. 2 lists of clips for "The Daily Show" (TDS) and "The Colbert Report" (TCR) were sent for removal. The majority of these clips were affected by the issue with the script from the day before. Many on the list are now appearing in CIMS. The list of prioritizing assets is as follows:</p> <ol style="list-style-type: none"> 1. Manual entries in the Viacom Manual Infringements folder 2. Clips from The Daily Show, The Colbert Report, South Park, Chappelle's Show (from any source - i.e., list from Viacom or entries from BVM) 3. Premieres/Specials TBD on ongoing basis 4. The top 30 most infringed assets (not including assets listed in #2) 5. All other assets

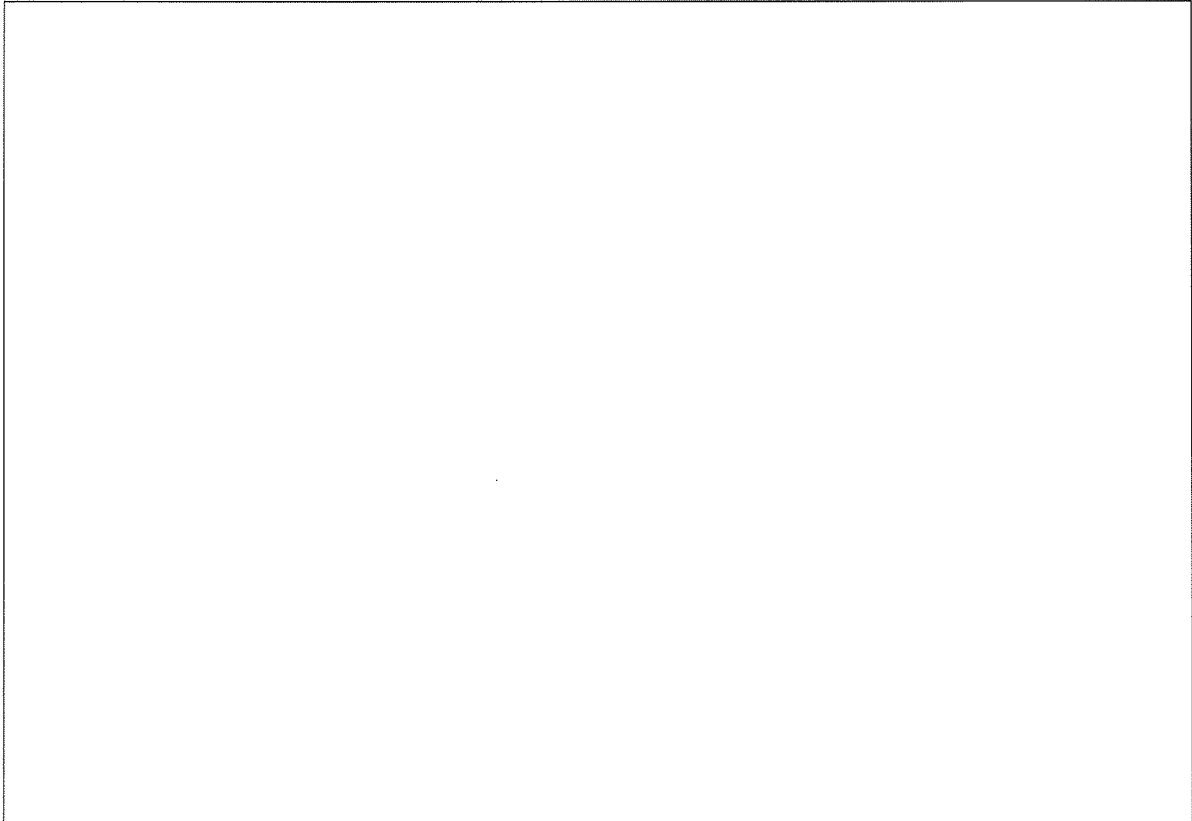
		Have made VST leads aware of the priorities and they are assigning task accordingly.
Change Retraction List	10/10/07	Revised Retraction spreadsheet. Title was changed to "Counter Notices Received". Added a column specifying what action, if any, was taken.
Retraction	10/13/07	Received a retraction from mrpregnant. Sent to Viacom for review.
	10/16/07	User has been in contact with Viacom legal. They are ok with the user's account being reinstated as long as the video remains down. Viacom is inquiring as to whether we can 'lift' the notice of infringement so the account can be put back up. Instructed to send a retraction directly to Damien Estreich (the person the user has been dealing with).
Conference Call	10/15/07	Discussed revisions to retraction spreadsheet. VST audit to be completed by 1 st of the month. Sync issues discussed as well.
Change Counter Notice List	10/15/07	List of changes made: Added a tab for No Action URLs. I did not include the Date of Retraction column since no retraction letter was sent. Additional column for Date of Repost Changed Date of Notice to Date of Counter Notice Removed duplicate URLs Filled in the blank status fields Updated all recent retraction/no action URLs with the correct dates in each column. Added a tab for pending counter notices.
Added to filter	10/16/07	Username "HGiantVid" added to white list in BVM. Also added to rule "MTVNPpartners - TAKE NO ACTION" in CIMS.
	10/17/07	Added lakeshoreent and lakeshorerecords to white list in BVM and to "MTVNPpartners - TAKE NO ACTION" rule in CIMS.
	10/23/07	Added http://www.youtube.com/watch?v=-0fsmtRmiW0 to list of do not remove URLs rule in CIMS at request of Viacom. Added username RunHouseVideos to "MTVNPpartners - TAKE NO ACTION" in CIMS and to white list in BVM
	11/19/07	Added "TDSwriters" to white list in BVM and rules in MTVN CIMS.
	12/14/07	ChannelFrederator was added to white list in BVM and rules in MTVN CIMS.
	12/17/07	Added user virtualmtv to white list in BVM and rules in CIMS per Viacom'.
	1/10/08	Added user "OfficialReno911" to white list in BVM and rules in CIMS.
	2/21/08	Added user "JackassWorldMTV" to BVM white list and rules in CIMS.

	3/5/08	Per Viacom's request the username "barelypolitical" has been added to the BVM white list and rules in CIMS. This was specifically done because the user was posting a viral marketing video which included the Comedy Central character Lil Bush.
	3/7/08	Username "BdubEtv" added to BVM white list and rules in CIMS.
	3/11/08	Added username "tomato808" to BVM white list and rules in CIMS.
	3/24/08	Added user "TVgasmdotcom" to BVM white list and rules in CIMS.
	3/25/08	Added users "ParentsConnect" and "FreshTakes" to BVM white list and rules in CIMS
Conference Call	10/22/07	Nothing new to report.
Retraction	10/22/07	Received retractions from MoTV1, mmflint & bobhofman . MoTV1 & mmflint sent to Viacom for review. Bobhofman sent directly to Mike H. as it more of an inquiry of removal than a retraction.
	10/23/07	Issued retraction for bobhofman file. Updated 'Counter Notices Received' document. Material reinstated same day. MoTV1 had no action taken. Mmflint resolved by Viacom. 'Counter Notices Received' spreadsheet updated.
	10/25/07	It was brought to our attention by Viacom that the date the counter-notifications for MoTV1 & mmflint were originally sent to BAY on 10/15. Inquiry as to why it took seven days to reach CSM. It was explained to CSM that there was not a notice ID attached to the original counter notices sent to Bay by YT and that these ID were trying to be tracked down before passing along the counter notices to CSM. The issue was resolved by instructing compliance to send ALL counter notifications received directly to CSM immediately. It was explained to Viacom via telephone and a follow up email that in this particular case, actions were taken outside of normal operating procedure and that the problem has been resolved to avoid any future errors of this nature.
New Folder	10/23/07	New folder created in CIMS "UNDER REVIEW – DO NOT SEND". This is for items which have been sent to Viacom for review and are awaiting response.
Special Report	10/25/07	Request for special report to be created. It is to include the total number of infringements where a notice was sent and the associated view counts per week beginning on the day of the first notice up until present for YT only.
	10/26/07	Instructed to also include same data for Paramount Video. Report is to also include retracted URLs.
	11/2/07	Special Report sent.

	11/6/07	Revised Report sent. New request for same data, but broken down by infringements per asset. Does not have to be organized by week.
	11/7/07	Re-sent report with breakdown by asset. Per conversation with Mike H., it is ok that this did not include the data from the 100k notice. **The data from this notice is much more complex as it was all done outside of CIMS**
	11/26/07	Final version of Viacom report sent.
Conference Call	10/29/07	Monthly audit begins. To be delivered by next Monday.
Pending Assets	11/1/07	These titles are pending asset creation: 'I Love New York' & 'Tila Tequila'.
Addition to Distro	11/5/07	Requested that Stanley Pierre-Louis be added to newsletter distro list.
Special Request	11/6/07	we have been asked to capture the metadata and download videos from YT for 'It's a Wonderful Life'. Since this a Paramount title, all Paramount capturing procedures were followed as well. Sent DC request to get the URL vidcaped and the FLV files downloaded. We are not sending the notice.
	11/7/07	Change of plans. Viacom wants a notice sent for these YT URLs via Paramount procedures. Manual infringements in Paramount 205 created and sent.
Conference Call	11/5/07	Nothing new to report.
Retraction	11/7/07	2 Counter notices from powmadeak47 and one from cimatics. Forwarded all of them to Viacom for review.
	11/13/07	Notified in conference call that no action will taken regarding counter notices from powmadeak47. Issued retraction for cimatics. 'Counter Notices Received' spreadsheet updated. Powmadeak47 also added to BVM whitelist and MTVN rule so it will not appear again.
	11/14/07	Cimatics content reinstated.
	11/19/07	Powmadeak47 content reinstated.
Conference Call	11/13/07	Notified Viacom of sites where leaked Avatar episodes are being hosted.
		Conference call with Amy Tenney from Jenner & Block. Set her up with CIMS client and log in. She requested a report of all Paramount Video 205 infringements sent to YT. Report format includes # notices sent, asset, URL, found date & time, contact email, notice ID, infringement ID.
File Request	11/15/07	Requests for specific FLV file received throughout the day. All were uploaded to the MTVN ftp site.
	11/19/07	FLV file requested. Uploaded to ftp site.

	3/10/08	FLV files requested for username iggychan444. Clips were uploaded to the ftp.
CIMS Maintenance	11/15/07	CIMS shut down for maintenance at 6.
Retraction	11/19/07	Counter Notice received from bigvintv. Forwarded to Viacom for review.
Conference Call	11/19/07	Requested username "TDSwriters" be added to whitelist and MTVN rules.
Special Request	11/20/07	All Paramount Video media files have been requested by Viacom. A DC request was submitted. Informed that turnover of these files must go through Mark.
	11/21/07	Mark, Arian & Andrea had a meeting with Carlos Arenas, Michael Housley from Viacom to discuss further the detail of this project. Will meet again Monday providing an estimated delivery schedule.
	11/26/07	This is the day of the usual conference call with Viacom. Mark joined us for this. It was agreed to send out by Thursday as many media files as we can get through. The remainder will be shipped next week.
	11/29/07	First package sent to Viacom w/ Paramount Video media files.
	11/30/07	Confirmed that the hard drive was received. Conference call w/ Mike, Carlos, Mark, Arian & Andrea to further discuss the turnover process. Future shipments will be including current weekly data as well.
	12/5/07	Second package sent containing online MTVN content & new files for Paramount video from 11/27-12/2. Included spreadsheets with infringement data for all. Confirmed delivered on 12/6.
	12/10/07	Meeting with Viacom to discuss the media files. In attendance were Andrea, Joseph Arruda, Travis H., Arian, Mike H. and Carlos A. Agenda of the meeting as follows: (1) the cause of Missing and Incomplete video files, (2) the significance of the duplicate clips, (3) the status of Paramount (% delivered), and (4) the status of the backup restoration process (implementation of new hardware and revised project timeline). Missing files are those where the capture took place after the removal of the clip. Incomplete files are those where the .wmv file is shorter than the actual clip. Reasons for this were explained. They include 1) the file is one of many from the same user (we were instructed to follow methods for account suspensions) 2) Removed by another client (it has been known to happen that the tag on the YT page is not always correct as to who/what client/why the video is removed) 3) YT web page is lagging causing the entire clip to not record fully on Bay's. The significance of the duplicate (wmv + flv) is that PM Video did .flv's in the past and turned on vidcaps in October, but

downloading .flv's was never turned off. As a result Viacom has asked that for the purpose of this project that moving forward we only send the flv files with the exception of the manual vidcaps done by Sarah and Jeffry.
Status of the other two questions was pending.



[Redacted] Referred them to the Retraction spreadsheet sent every day w/ the MTVN daily report and am working on putting together a list of Paramount Video YT retractions.

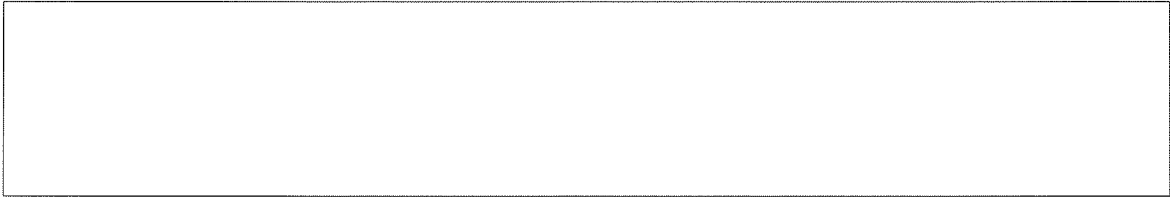
1/28/08



Emailed a list of retractions that have been issued for both 158 & 205.

1/29/08

Using data collected from Warren & Sarah, a spreadsheet of Paramount Video YT retractions was sent to Viacom. There were very few.





Retraction	11/30/07	Received a counter notice today from PatsFanYTA. Issued a retraction and apology letter; content reinstated.
YT Audit	11/5/07	Audit of YT for top infringing assets complete. Sent to Viacom
	12/3/07	Audit of YT for top infringing assets complete. Sent to Viacom
	1/3/08	Audit of YT for top infringing assets complete. Sent to Viacom
	2/3/08	Audit of YT for top infringing assets complete. Sent to Viacom
	3/3/08	Audit of YT for top infringing assets complete. Sent to Viacom
Conference Call	12/3/07	Discussed audit. There have been little to no new files for TDS & TCR – probably due to strike. Answered some brief questions about the media files sent.
Conference Call	12/10/07	Conference Call discussed the media file deliverables. See notes in Special Request for details.
Special Request	12/12/07	Sent a list of search queries for show "BET Sunday's Best". They are for "crystal aikin", "shari Addison" & "jenmaine sellers". VST did searches and approved clips via BVM.
Changes to YT	12/13/07	YouTube made some changes to their website causing some issues w/ BVM and the crawlers. Problem was notices immediately and engineers began working on the problem asap. This resulted in a low number of approval and notices being sent (clips couldn't be downloaded).
Conference Call	12/17/07	Conference Call for next week pushed to 12/26 due to holiday. Will be run by Sarah C.  
Retraction	12/17/07	Received counter notice today from TheNextWave. Our records indicate that BayTSP did not issue a notice of infringement for this user. Emailed YT to inquire.
	12/18/07	Received word from YT that the counter notice for TheNextWave was sent to Bay in error. Viacom informed.
Retraction	12/18/07	Received counter notice today from user tboneflynn. This clip was part of the 2/2 notice. Letter of retraction & apology issued. Reinstated 12/19.
	12/18/07	Received counter notice today from user Chrislller. Forwarded to Viacom for review. Informed on 12/19 that Viacom has elected to take no action.

Manual Infringement	12/17/07	<p>Today there were 4 infringements which were manually added by Viacom and sent w/o downloading. Below is the email w/ instructions:</p> <p>Andrea,</p> <p>Please issue notices on the ILNY2 finale clips without downloading. If I am able to capture from this end, I will pass files to you. These are the ones I've entered manually. Please issue notices for any additional final clips you find.</p> <p>http://www.youtube.com/watch?v=qEV6RCGQz_U</p> <p>http://www.youtube.com/watch?v=NSvFiTS5bY8</p> <p>http://www.youtube.com/watch?v=tQWgF64jAn0</p> <p>http://www.youtube.com/watch?v=E_kXiddwAfl</p> <p>UPDATE: For the above clips Mike H. was able to capture them from his end and uploaded them to the ftp site. The files were copied to the YT 158 video download folder on Eeyore. "I Love New York 2" finale clips were OKd to be sent with out downloading until 12/18 after the finale has aired.</p>
Special Request	12/17/07	<p>Searching and sending notices on an informal basis for "I Love New York", "I Love New York 2", & "Rock of Love". Will revisit after 1 week. We were also asked to be on the lookout for "Comedy Central Special: Daniel Tosh - Completely Serious.</p>
	12/19/07	<p>Manual infringements created by Mike H. for Zoey 101 "Goodbye Zoey". It had not aired in the US yet and has been given priority. A search query was provided to find more posts http://www.youtube.com/results?search_query=goodbye+zoey</p> <p>There were a total of 28 infringing clips found for which notices were sent.</p>
	1/08/07	<p>Asked to look into user: http://www.youtube.com/profile?user=Chik3nRic3 due to the high volume of possible infringing clips.</p>
	2/27/08	<p>Given 8 "Access All Areas" URLs to take down per Viacom's request. Once downloaded, notices were issued and they were informed.</p>
	3/6/08	<p>Takedown request from Warren Solow for URL http://www.youtube.com/watch?v=eRmuj4VU0lg.</p>
Retraction	12/20/07	<p>Viacom elected to withdraw two URLs for the User: PerezHilton.</p> <p>http://www.youtube.com/watch?v=wgtNOU_t2b0</p> <p>http://www.youtube.com/watch?v=HD5tE4jbMbQ</p> <p>Re-instatement notice was issued to YouTube by Mike Housley. No email was on behalf of Viacom by BayTSP.</p>

New Rule	12/21/07	Rule created in CIMS to filter out the username PerezHilton into a separate folder. Viacom would still like to monitor this user as the content posted, at times, is in fact infringing.
Conference Call	12/31/07	Cancelled.
Conference Call	1/6/08	Nothing new to report.
Retraction	1/8/08	Letter of retraction & apology issued for two clips from user smpflims at request of Viacom. These were part of the 100k notice.
HP Assets	1/10/08	Instructed to amp up searches for The Daily Show & The Colbert Report as the two shows began airing again this week.
	3/12/08	Jackass has been bumped to the top of the HP Asset list until further notice. Specifically we are instructed to look for Jackass: 24-hour takeover clips.
Retraction	1/25/08	Received counter notice from user kidkel69. Forwarded to Viacom for review. Retraction and apology issued. Content reinstated on 1/29/08.
Conference Call	1/14/08	<div style="border: 1px solid black; width: 300px; height: 15px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 300px; height: 15px; margin-bottom: 5px;"></div> Asked to create more specific asset buckets for Music Videos coming from Viva and TMF; Created MTVN – Viva & MTVN – TMF. VST notified and instructed to begin using them when appropriate.
Conference Call	1/21/08	Cancelled due to holiday.
Change to YT	1/24/08	Late Wed and Thursday there were changes made to YT. BVM crawler being update. New version sent to Viacom.
Special Request	1/24/08	Two Paramount links were forwarded for immediate removal. It was asked that these be downloaded, then have notices sent, then attempt to vidcap what we could. Since this was outside of normal operations a email was sent to confirm that it was OK to take these actions. War of the Worlds http://video.google.com/videoplay?docid=-7865705095278644537&hl=en Cloverfield http://video.google.com/videoplay?docid=1988529875254787610&hl=en-CA Received more links during the day: Cloverfield http://video.google.com/videoplay?docid=-98562731256931220&hl=en-CA Tupac: Resurrection http://video.google.com/videoplay?docid=9150491566713844342
User Review	1/29/08	User on YT claimed to have authorization from Comedy Central to post clips of "Drawn Together". Username and URLs were

		sent to Viacom for confirmation. We were instructed to remove the clips.
Retraction Inquiry	1/30/08	Asked if we could retrieve the counter-notice for URL http://www.youtube.com/watch?v=xHVqXaC-NIA . Warren forwarded me an email from Paramount regarding the URL. There did not appear to have been a counter notice filed only the request from Paramount. This was sent to Viacom.
Retraction	1/31/08	Issued retraction for 4 URLs from user rollingoutTELEVISION per request of Viacom. User added to BVM white list and rules in CIMS.
Retraction	2/13/08	Retraction issued for 4 URLs from the user fanscapevideos per request of Viacom. User added to BVM white list and rules in CIMS.
	2/14/08	Sent follow up email to Pim at YouTube at Viacom's request in an effort to speed up the reinstatement process. Pim assured me that all YouTube always tries to reinstate material as soon as possible. Content was indeed reposted by EOB.
Special Request	2/26/08	Viacom has asked for P2P stats on some of their assets. I uploaded to ftp site all of the P2P infringements that were collected for MTVN assets (this was done for Project 1).
First Notice to YT	2/29/08	After doing some research, what is believed to be the first notice ever sent to YouTube on behalf of Viacom was found. Sent to Evelyn – Notice ID 158-4315
Retraction	2/15/08	Received email about counter notice from user dmaravin811. However, the actual counter notice was not attached to the document which was also sent directly to BayTSP staff rather than the compliance email. URLs were found by searching for the username in CIMS. Information forwarded to Viacom for review.
	2/20/08	Contacted Pim at YT in order to get the original counter notice.
	2/22/08	Called Pim at YT to follow up about missing counter notice. I was informed that it has been sent on 2/20/08 but it had not been received. I requested that it be sent again.
		It was confirmed by BayTSP staff that the counter notice was in fact not attached to the original email sent on 2/15/08.
		Pim informed me that the 10-day timer would not begin until the counter notice was received on our end.
		It appears that Pim's emails to BayTSP were bouncing back. Looking into this and will know more when we receive a copy of the error.
	2/25/08	After receiving the error from Pim, it was given to IT to further investigate the problem. It turns out the emails were actually being timed out and not being sent.

		As of today the counter-notification has not been received. Followed up with Pim both by email and phone – no word.
	2/27/08	Per Viacom's request an email was sent to Pim instructing him that the 10-timer can begin.
Retraction	2/22/08	Counter notice received from user SomethingElseTV. The clips were not infringing and a retraction/apology was issued.
Conference Call	3/3/08	Nothing new to report.
Conference Call	3/10/08	Informed of new season of South Park
Conference Call	3/17/08	Nothing new to report.
Inquiry	3/20/08	Received inquiry on 3/20 from Sony BMG about videos of theirs that had been taken down by Viacom. All clips had a BET or MTV logo. Sent to Viacom for review
Data Request	3/20/08	Viacom requested Comedy Central metrics – number of infringements where a notice was sent, what percentage of the whole this is and the associated view counts. This same data was also requested for the 100k notice. Numbers for CIMS data sent 3/21. 100k for infringements sent was sent on 3/21 – view counts pending.
Conference Call	3/24/08	Followed up to let Mike know the Metadata & FLV file requests were still being worked on.
Retraction	3/24/08	Issued retraction for newly white listed username TVgasmdotcom.
	3/27/08	There was an issue the reposting of this URL. According to the user it was reposted then removed again. Pim at YouTube was contacted about the issue. URL was reposted by EOB 3/27
Report Update	3/24/08	Now receiving email for URLs live after 48 hours. Will continue working on how to make this process better.
Retraction	3/24/08	Received counter notices from users "younghollywood" and "Zazreport". Both were sent to Viacom for review. Retractions and apologies were issued.
Retraction	3/27/08	Received counter notice from user "freddiepal". A Retraction and apology were issued.

Schapiro Exhibit 84

From: Leland Woo
Sent: Wednesday, September 20, 2006 9:31 PM
To: Mark M. Ishikawa; Evelyn Espinosa
Cc: Courtney Nieman; Arielle Kim; Richard Kawasaki; Martin Dare; Matt Sprague; Travis Hill
Subject: RE: MTVN

We can use the similar report I will be using for the MPAA. It will include all on the above plus more. I think the one I'm missing keyword reporting.

LW

From: Mark M. Ishikawa
Sent: Wednesday, September 20, 2006 2:12 PM
To: Evelyn Espinosa
Cc: Courtney Nieman; Arielle Kim; Richard Kawasaki; Martin Dare; Leland Woo; Matt Sprague; Travis Hill
Subject: MTVN
Importance: High

Just completed a call with MTVN. I would anticipate a start in 2 – 3 weeks, where initially we will be searching Youtube only for assets that they have defined, and reporting on the results of the keyword searches broken down by length of the video. # of videos that match the keyword SouthPark and then broken down by 1 minute increments. Additionally we will need to find a way to identify postings that are continuations.

Initially there will be no takedowns, takedown process will probably occur after the 2nd month or so, once we get a handle on the amount of video infringements that exceed their interpretation of fair use. Everyone should read up on "Fair Use" and be prepared to exercise their judgment, especially the managers need to be able to explain it to their people.

I will get a list of assets from MTVN in the next week or so, and will forward the list.

Please assign a CSM to work with this account.

Engineering: I will need to be able to generate reports by asset (multiple keywords), keywords, broken down by video time, and possibly a report by user. We may need to search by user as well to see how much posting this individual does.

Mark

6/19/2008

HIGHLY CONFIDENTIAL

BAYTSP 004133087

Schapiro Exhibit 85

Redacted at the request of Plaintiffs pending a meet and confer and,
if applicable, further action of the Court.

Schapiro Exhibit 86

To: Kevin Donahue <kevin@youtube.com>
From: Sara_Bordo@paramount.com <Sara_Bordo@paramount.com>
Cc: mshaw@youtube.com <mshaw@youtube.com>
Bcc:
Received Date: 2006-10-04 22:53:05 GMT
Subject: RE: Need your help

Who are these famous editors and what do they like to drink?? :)

Sara Bordo
Director, Interactive Marketing
Paramount Pictures
323-956-8499

----- Replied by Sara Bordo on 10/4/2006 3:51:26 PM

From: "Kevin Donahue"
10/04/2006 03:45 PM
To:
cc:
Subject: RE: Need your help

Hi Sara,

I don't make the decisions re: featured videos on the home page. It's done by our editors. If you upload the video to your account and send it to [REDACTED] they may choose to feature it but I have no influence over the decision. That's the only editorial area on our site. Everything else rises up virally.

Best,
Kevin

From: Sara_Bordo@paramount.com [mailto:Sara_Bordo@paramount.com]
Sent: Wednesday, October 04, 2006 3:30 PM
To: kevin@youtube.com
Cc: mshaw@youtube.com
Subject: Need your help
Importance: High

Kevin,
Need your help- I have a :60 piece that some animators from DreamWorks created just for fun that we're working to get promoted in a viral network quickly.... the video is being uploaded as we speak. How can we get this in Featured? NBC's shows are all over Featured- don't think I haven't noticed! We're coming up to talk about a big partnership on Friday. Please help me with this- Matt's fully aware.

http://www.flushedaway.com/videos/FA_slugs_dancenow.mov

Sara Bordo
Director, Interactive Marketing
Paramount Pictures
323-956-8499

Schapiro Exhibit 87

Subject: Re:
From: "Powell, Amy - Paramount" <EX:/O=VIACOM/OU=PARAMOUNT/CN=RECIPIENTS/CN=POWELLAM>
To: Katzenberg, Jeffrey
Cc: Date: Fri, 06 Oct 2006 15:09:11 +0000

Yes- its really because we were on the homepage of youtube. They are currently experiencing over 65,000 new videos uploaded every day, so the homepage gets tremendous traffic. We'll keep growing and expanding over the next three weeks- our goal is to top the viral video charts by opening week.

----- Original Message -----

From: "Katzenberg, Jeffrey" [REDACTED]
Sent: 10/06/2006 08:01 AM
To: "Powell, Amy \{PPC\}" [REDACTED]
Subject: Re:

Sounds good. Is that a big # for 24 hrs.

-----Original Message-----

From: Powell, Amy (PPC)
To: Katzenberg, Jeffrey [REDACTED]
Sent: Fri Oct 06 07:53:42 2006
Subject: Re:

Good- will fwd a complete list of our links to you in about an hour. We're on all the top viral video + peer-to-peer sites and at about 500,000 views. People are responding most about the simple fact that slugs singing is a funny thing.

----- Original Message -----

From: "Katzenberg, Jeffrey" [REDACTED]
Sent: 10/06/2006 07:45 AM
To: "Powell, Amy \{PPC\}" <[REDACTED]>

How we doing today with the slugs

Schapiro Exhibit 88

To: 'chris@youtube.com' <chris@youtube.com>
From: Kevin Donahue <kevin@youtube.com>
Cc:
Bcc:
Received Date: 2006-10-05 16:26:00 GMT
Subject: FW: youtube latest

Fyi - Asked Mia if she'd feature an animated clip related to a new Paramount movie to show the marketing folks a little love. That slug video in the screen shot below.

From: Sara_Bordo@paramount.com [mailto:Sara_Bordo@paramount.com]
Sent: Thursday, October 05, 2006 9:18 AM
To: Kevin Donahue
Cc: [REDACTED] Bryan_Warman@paramount.com;
Carolyn_Hu@paramount.com
Subject: RE: youtube latest

I LOVE YOU! THANK YOU!!!

Can't wait to see you tomorrow.

Sara Bordo
Director, Interactive Marketing
Paramount Pictures
323-956-8499

----- Replied by Sara Bordo on 10/5/2006 9:16:30 AM

From: "Kevin Donahue"

10/04/2006 06:05 PM

To:

cc: ,

,

Subject: RE: youtube latest

I'll send this to the editors and will put what pressure I can on them.
:-)

From: Sara_Bordo@paramount.com [mailto:Sara_Bordo@paramount.com]
Sent: Wednesday, October 04, 2006 5:18 PM
To: Kevin Donahue
Cc: [REDACTED] Bryan_Warman@paramount.com;
Carolyn_Hu@paramount.com
Subject: Re: youtube latest

Here's our new link... thanks again kevin!

<http://www.youtube.com/watch?v=s7QACvtXyEE>

Sara Bordo
Director, Interactive Marketing
Paramount Pictures
323-956-8499

----- Replied by Sara Bordo on 10/4/2006 5:17:02 PM

From: "Kevin Donahue"

10/04/2006 04:57 PM

To:

cc:

Subject: youtube latest

Sara,

If you can upload the video to the user account with the name of the movie, I have approval from our lawyers to ask our editors to feature it. Please have Brian email the video link to me once it's uploaded.
Thx.

- Kevin

Attachments:

ATT00015.gif



Schapiro Exhibit 89

To: Kevin Donahue <kevin@youtube.com>
From: Andrew_Lin@paramount.com <Andrew_Lin@paramount.com>
Cc:
Bcc:
Received Date: 2006-04-13 17:58:23 CST
Subject: Re: trailer is on youtube home page

that is funny...i was just writing you a thank you note... it is amazing how many people are commenting on this trailer - EVERYBODY here is excited that the trailer is on YouTube. Congrats on the continuing good press today too! You guys definitely have the Silicon Valley's longest winning streak right now!

----- Replied by Andrew Lin on 4/13/06 10:56:27AM -----

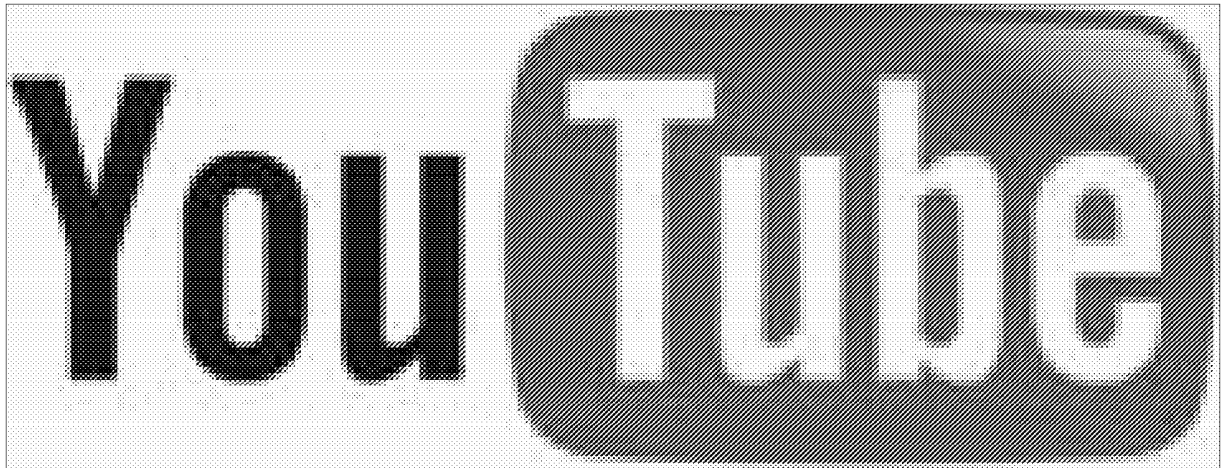
From: "Kevin Donahue"
04/13/06 10:51 AM
To:
cc:
Subject: trailer is on youtube home page

Your trailer is up on our home page. Fyi.

Kevin Donahue
VP Marketing & Programming
71 E. Third Ave | San Mateo, CA | 94401
kevin@youtube.com [REDACTED]

My YouTube Video Pick of the Day: Ronaldinho - Nike

Attachments:
ATT00055.jpg



Schapiro Exhibit 90

To: 'Maryrose Dunton' <maryrose@youtube.com>
From: Kevin Donahue <kevin@youtube.com>
Cc:
Bcc:
Received Date: 2006-06-23 18:52:00 CST
Subject: FW: Futurama/AI Gore exclusive

A potential feature video if you like it. :-)


From: Andrew_Lin@paramount.com [mailto:Andrew_Lin@paramount.com]
Sent: Friday, June 23, 2006 11:39 AM
To: kevin@youtube.com
Subject: Futurama/AI Gore exclusive
Importance: High

Hi Kevin,

The creators of Futurama/Simpsons made this video for us and we'd love to make it a YouTube exclusive. Anyway to feature on your homepage in time for the weekend?

<http://www.youtube.com/watch?v=5BjrOi4vF24>

best,
Andrew

Andrew Lin - VP, Interactive Marketing
Paramount Specialty Film - v: 

An Inconvenient Truth
now playing in select cities
<http://www.climatecrisis.net>

Schapiro Exhibit 91

To: 'Andrew Lin' <andrew.lin@gmail.com>
From: Kevin Donahue <kevin@youtube.com>
Cc: 'heather gillette' <heather@youtube.com>
Bcc:
Received Date: 2006-05-05 16:54:00 GMT
Subject: RE: Hi Kevin.../Question

Andrew,

Looking forward to hammering out the plan for the new filmmakers program with you. Some time next week. Does Friday afternoon work for you? Maybe 2pm?

RE: the notice below, I was informed of this by our copyright agent yesterday. Apparently Paramount is using some third party service to search YouTube and other sites for copyright infringing material and this is one of the pieces of content that the third party, acting on Paramount's behalf (as I understand it) wanted us to remove.

You can learn the details from Heather Gillette who I've cc'd here.

Best,
Kevin

From: Andrew Lin [mailto:andrew.lin@gmail.com]
Sent: Thursday, May 04, 2006 11:33 PM
To: Kevin Donahue
Subject: Hi Kevin.../Question
Importance: High

Kevin,

Great seeing you this week and thanks again for coming down and meeting some of the Paramount Classics team. Let me know if you're free next week to hammer out the "new filmmakers" program.

Also - I just received this note today... is there someone that I should speak to at you YouTube regarding the below message? Obviously, we're very happy with the Trailer being showcased on YouTube. I'm not sure

who's the "third party" who complained.

best,

Andrew

Andrew Lin - v: 310/420-7759 aim/msn: andyinplaya skype: andrewlin8

Begin forwarded message:

From: DMCA Complaints

Date: May 4, 2006 11:46:55 AM PDT

To: ParamountClassics

Subject: Video Rejected: Copyright Infringement

Dear Member:

This is to notify you that we have removed or disabled access to the following material as a result of a third-party notification claiming that this material is infringing:

An Inconvenient Truth - Trailer:
<http://www.youtube.com/watch?v=TUiP6dqPynE>

Please Note: Repeat incidents of copyright infringement will result in the deletion of your account and all videos uploaded to that account. In order to avoid future strikes against your account, please delete any videos to which you do not own the rights, and refrain from uploading additional videos that infringe on the copyrights of others. For more information about YouTube's copyright policy, please read the Copyright Tips guide.

If you elect to send us a counter notice, to be effective it must be a written communication provided to our designated agent that includes substantially the following (please consult your legal counsel or see 17 U.S.C. Section 512(g)(3) to confirm these requirements):

(A) A physical or electronic signature of the subscriber.

(B) Identification of the material that has been removed or to which access has been disabled and the location at which the material appeared before it was removed or access to it was disabled.

(C) A statement under penalty of perjury that the subscriber has a good faith belief that the material was removed or disabled as a result of mistake or misidentification of the material to be removed or disabled.

(D) The subscriber's name, address, and telephone number, and a statement that the subscriber consents to the jurisdiction of Federal District Court for the judicial district in which the address is located, or if the subscriber's address is outside of the United States, for any judicial district in which the service provider may be found, and that the subscriber will accept service of process from the person who provided notification under subsection (c)(1)(C) or an agent of such person.

Such written notice should be sent to our designated agent as follows:

DMCA Complaints
YouTube, Inc.
PO Box 2053
San Mateo, CA 94401
Email: copyright@youtube.com

Please note that under Section 512(f) of the Copyright Act, any person who knowingly materially misrepresents that material or activity was removed or disabled by mistake or misidentification may be subject to liability.

Sincerely,
YouTube, Inc.

To change or cancel your email notifications, go to your email options

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abuse-copyright.tmpl