

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

VIACOM INTERNATIONAL INC., ET AL.,	)	
	)	
Plaintiffs,	)	ECF Case
v.	)	
	)	Civil No. 07-CV-2103 (LLS)
YOUTUBE, INC., ET AL.,	)	
	)	
Defendants.	)	
	)	
<hr/>		
THE FOOTBALL ASSOCIATION	)	
PREMIER LEAGUE LIMITED, ET AL., on	)	
behalf of themselves and all others similarly	)	ECF Case
situated,	)	
	)	Civil No. 07-CV-3582 (LLS)
Plaintiffs,	)	
v.	)	
	)	
YOUTUBE, INC., ET AL.,	)	
	)	
Defendants.	)	
	)	
<hr/>		

**SUPPLEMENT TO  
REPLY DECLARATION OF MICHAEL  
RUBIN IN SUPPORT OF DEFENDANTS’  
MOTION FOR SUMMARY JUDGMENT**

# **Rubin Reply Exhibit 72**

May 8, 2009

Jenner & Block LLP  
919 Third Avenue  
37th Floor  
New York, NY 10022-3908  
Tel 212 891-1600  
www.jenner.com

Chicago  
Los Angeles  
New York  
Washington, DC

VIA E-MAIL

Susan J. Kohlmann  
Tel 212 891-1690  
Fax 212 891-1699  
skohlmann@jenner.com

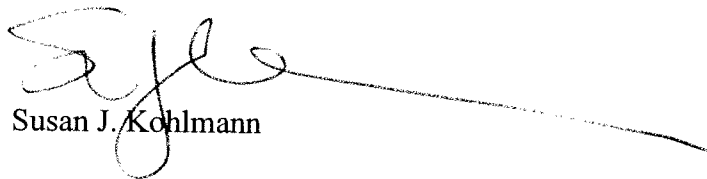
Michael H. Rubin  
Wilson Sonsini Goodrich & Rosati PC  
650 Page Mill Road  
Palo Alto, CA 94304

Re: *Viacom International Inc. et al. v. YouTube, Inc. et al.*, No. 07-CV-2103  
*The Football Ass'n Premier League, et al. v. YouTube, Inc., et al.*, 07 Civ. 3582 (LLS)

Dear Michael,

I write in response to your May 1, 2009 letter. As your letter concedes, we have already produced several thousand emails sent or received by Ms. Tipton, who left Viacom's employment in September 2007. Defendants never identified Ms. Tipton as a priority custodian and first identified her as an additional custodian on January 28, 2009, almost two years after Viacom's lawsuit was filed and almost a year and a half after Ms. Tipton left Viacom's employment. Viacom had no reason to know that her documents would be relevant in the Viacom action at the time she left, and Defendants' recent fishing expedition into Paramount's marketing activities does not alter that fact. In any event, Defendants have sought documents from numerous individuals who worked with Ms. Tipton, and have obtained thousands of emails to and from her. Defendants simply cannot claim any prejudice and have not done so. And, as you know, Defendants remain free to depose Ms. Tipton and examine her on the thousands of her email communications that Viacom has produced.

Sincerely,



Susan J. Kohlmann

cc: Counsel for all parties in both the *Premier League and Viacom* actions

# **Rubin Reply Exhibit 73**

To: "Jamie Byrne" <jbyrne@youtube.com>  
From: "Maryrose Dunton" <maryrose@youtube.com>  
Cc: "Michael Powers" <powers@youtube.com>, "Bradley Heilbrun" <brad@youtube.com>, "Steve Chen" <steve@youtube.com>  
Bcc:  
Sent Date: 2006-11-03 22:11:24 CST  
Subject: Re: Confirmation

---

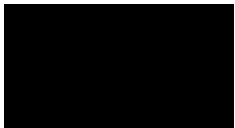
This went live this morning. We all owe Bradley a beer. :)

On Oct 31, 2006, at 2:01 PM, Jamie Byrne wrote:

> Maryrose:  
>  
>  
> I need a custom domain switch for Paramount (paying over \$400K to  
> promote one movie!).  
>  
>  
> They want their custom URL to point to their Group instead of their => channel.  
>  
>  
> Can we make this happen?  
>  
>  
> Please let me know if you have any questions. Details are below.  
>  
>  
>  
> Thanks.  
>  
>  
> Jamie  
>  
>  
> From: Tipton, Kristina [mailto:Kristina\_Tipton@Paramount.com]  
> Sent: Thursday, October 26, 2006 3:24 PM  
> To: Jaimie Byrne; Bordo, Sara  
> Cc: Andy Tress; Caity Noonan; Wahtera, Megan - Paramount  
> Subject: RE: Confirmation  
>  
>  
>  
> Hi Jamie,  
>  
>  
>  
> We have a group set up at: <http://youtube.com/group/beheard>  
>  
>  
>  
> This was set up using our profile at <http://youtube.com/beheard>

>  
>  
>  
> Username: beheard  
>  
> Password: para2006  
>  
>  
>  
> Let me know if you need any other information.  
>  
>  
>  
> Thanks,  
>  
> Kristina Tipton  
>  
> 323-956-8453  
>  
>  
>  
> From: Jaimie Byrne [mailto:jbyrne@youtube.com]  
> Sent: Wednesday, October 25, 2006 8:29 PM  
> To: Bordo, Sara  
> Cc: 'Andy Tress'; 'Caity Noonan'; Tipton, Kristina; Wahtera, Megan  
> - Paramount  
> Subject: RE: Confirmation  
>  
>  
>  
> Please let me know when this is set-up so I can make the URL change.  
>  
>  
>  
> Thanks!  
>  
>  
>  
> Jamie  
>  
>  
>  
> From: Bordo, Sara [mailto:Sara\_Bordo@Paramount.com]  
> Sent: Wednesday, October 25, 2006 9:14 AM  
> To: Jamie Byrne  
> Cc: Andy Tress; Caity Noonan; Tipton, Kristina; Wahtera, Megan -  
> Paramount  
> Subject: Confirmation  
>  
>  
>  
> This note is to confirm that we do not want the brand channel and  
> wish our [www.youtube.com/beheard](http://www.youtube.com/beheard) to direct to our Group asap.  
> Thank you!  
>  
>  
>  
> Sara Bordo

>  
> Director, Motion Picture Interactive Marketing  
>  
> Paramount Pictures  
>  
> 323.956.8499  
>  
> 323.862.1107  
>  
> From: Jamie Byrne [mailto:jbyrne@youtube.com]  
> Sent: Wednesday, October 18, 2006 7:00 PM  
> To: Bordo, Sara  
> Cc: 'Andy Tress'; 'Caity Noonan'  
> Subject: FW: Revised Freedom Writers Proposal  
>  
>  
>  
> Sara:  
>  
>  
>  
> Here is the overview for the Freedom Writers channel and group. It => should provide most of the information  
you need to help understand  
> how the different components work.  
>  
>  
>  
> In thinking through our conversation earlier – you placed a lot of => emphasis on the ability to have consumers  
talk about the clips and  
> write comments on the channel; you also wanted the ability to  
> moderate these comments. This functionality is really delivered on => by Groups more than it is in the  
Channel. I'm pretty confident  
> that between the Group and Channel, we can make sure we have a  
> really interactive, immersive environment for the users.  
>  
>  
>  
> We might want to consider having the <http://www.youtube.com/beheard> => URL actually drive consumers  
directly to the group instead of the  
> channel. There will be more interactivity in the channel and I  
> think it might be the more natural hub.  
>  
>  
>  
> We can discuss in more detail tomorrow or Friday.  
>  
>  
>  
> Thanks.  
>  
>  
>  
> Jamie  
>  
>  
>  
>  
>  
>

>  
> From: Caity Noonan [mailto:cnoonan@youtube.com]  
> Sent: Wednesday, October 18, 2006 6:37 PM  
> To: 'Jamie Byrne'  
> Subject: Revised Freedom Writers Proposal  
>  
>  
>  
> Hey Sara-  
>  
> Sorry for the delay, I have been working with Andy on the Freedom  
> Writers proposal and he asked that I sent you this revised media  
> plan. I have also attached our step by step document for creating  
> a Brand Channel. It includes the specs for each unit and goes  
> through the process so you will be able to completely customize  
> your page. It also includes screenshots of the Group page. Andy  
> and Jamie will walk you through the process of how these are  
> related. Thanks!  
>  
> Caity  
>  
>  
>  
>  
> <image001.jpg>  
>  
>  
> Caity Noonan|Account Manager|  
>  
> 1000 Cherry Ave. Suite 200|San Bruno, CA 94066|  
>   
> email: cnoonan@youtube.com  
>  
> http://www.youtube.com  
>  
>  
>  
>  
>  
>

---



# **Rubin Reply Exhibit 74**

To: Taylor Cascino <tcascino@youtube.com>  
From: Bryan\_Warman@paramount.com <Bryan\_Warman@paramount.com>  
Cc: amy\_powell@paramount.com <amy\_powell@paramount.com>; kevin@youtube.com <kevin@youtube.com>; Sara\_Bordo@paramount.com <Sara\_Bordo@paramount.com>  
Bcc:  
Received Date: 2006-10-07 00:36:00 GMT  
Subject: RE: featured video

---

Taylor,

I am super excited to say we got a version that syncs properly! Not that we have not already done enough but is there any way the homepage team can point to the alt video in the same chu2007 account link below?  
<http://www.youtube.com/watch?v=k3SIHKFfZBM>

I've already changed my description on the mis-synched version to link to this one, but I'd prefer all links driving to the older versions all point to this new one.

Feel free to call with any questions or concerns.

Thanks,

Bryan Warman  
Creative Director  
Motion Picture Interactive Marketing  
Paramount Pictures  
5555 Melrose Avenue - Marathon, 3205  
Hollywood, CA 90038  
P: 323.956.8275 | F: 323.862.1107  
(Embedded image moved to file: pic03902.gif)

Flushed Away - In Theaters November 3  
<http://www.FlushedAway.com>

----- Replied by Bryan Warman on 10/6/2006 5:22:01 PM

---

From: "Taylor Cascino" <tcascino@youtube.com>

10/05/2006 06:45 PM

To: <Sara\_Bordo@paramount.com>, <kevin@youtube.com>

cc: <amy\_powell@paramount.com>, <Bryan\_Warman@paramount.com>

Subject: RE: featured video

The switch has been made. It could take up to an hour to reflect on the homepage. As for the synching issue, if you want to send me a copy of the original file, we can take a look and see what the problem is. Otherwise, we'll see you tomorrow. Have a safe trip.

Taylor

From: Sara\_Bordo@paramount.com [mailto:Sara\_Bordo@paramount.com]  
Sent: Thursday, October 05, 2006 6:12 PM  
To: Kevin Donahue; 'Taylor Cascino'  
Cc: amy\_powell@paramount.com; Bryan\_Warman@paramount.com  
Subject: Re: featured video

K&T-

We're uploading a new file. We need the current Featured Video slot redirected to the new link below. Taylor spoke with the editors and this seemed viable. Can you check on the upload status for us?

<http://www.youtube.com/watch?v=t7W3bxHFShw>

One more issue- we need to change the account name from 'flushed away'. Due to the GREAT success today- even with the video so unsync'd, that you'll allow us to stay in the section for another day. I'll be calling to follow up in a second and I'll see your group tomorrow. You guys were great to put it on the hp, you'll now be Outstanding to keep it there.

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

----- Replied by Sara Bordo on 10/5/2006 5:54:48 PM

From: "Kevin Donahue" <kevin@youtube.com>

10/05/2006 05:50 PM

To: <Sara\_Bordo@paramount.com>

cc:

Subject: featured video

Got your voice mail. Do you want me to ask the editors to take it down?

---

Attachments:

pic03902.gif

# **Rubin Reply Exhibit 75**

Search

Browse

Upload

Create Account

Sign In

### Gonna Make Sweat

chu2007

1 videos

Subscribe



1,094,618 views

chu2007 — October 05, 2006 — Singing Dancing Slugs - see fixed sync version at <http://www.youtube.com/watch?v=t7W3bxHFShw>

Category: Film & Animation

Tags: slugs animation dance music comedy movie trailer clip sing funny

Like Save to Share <Embed>

Loading...

Respond to this video...

#### Highest Rated Comments

- [chicirli](#) 3 years ago 36 **OMG soooooooooooooo funny**
- [hippywawa](#) 3 years ago 21 **awesome!**

#### All Comments (187)

[see all](#)

- [sweetangelgirl122881](#) 3 years ago 20 **Very cute!!**
- [eunicep79](#) 3 years ago 16 **lol. This video was featured on news.**
- [Elbenno2](#) 3 years ago 17 **LOL! I love it!**
- [Ch28Kid](#) 3 years ago 16 **omg thats so cute love it**
- [Froggy5](#) 3 years ago 13 **This is from the movie flushed away**
- [Froggy5](#) 3 years ago 12 **Tis is from the movie Flushed away**

1 2 3 4 5 6 7 Next

[View all Comments >](#)



Slugs and Snails attack of the cow 3d animation  
425,963 views  
strag1

Featured Video



pump it (perform' by the slugs)  
347,985 views  
laneykhu



Ma-ia-hii Ma-ia-huu Ma-ia-haa Ma-ia-ha-ha  
9,043,113 views  
superblid



C & C Music Factory Freedom Williams- Gonna  
843,843 views  
Castivaz



FLUSHED AWAY animation Movie Trailer  
105,886 views  
moviepreviews4U



Gonna Make You Sweat (Everybody Dance Now)  
49,205 views  
puppiechow6



bébé shrek  
8,554,783 views  
lohyt



chick  
27,713,997 views  
coyotitoyo



Dancing Slugs - Made by a Byo  
315,734 views  
gonzosj



Everybody Dance Now! Slugs!  
68,237 views  
daninhampshire



i dont feel like dancing  
98,850 views  
antolarra



Videos Animados  
4,591,011 views  
igorbz



Kwi!  
26,413,947 views  
Madyet47



Evolution of Dance  
10,410,211 views  
facundisimo



Dancing Slugs  
3,341,558 views  
LULAWKA



Keith Sweat - Make You Sweat (12" UK Remix)  
24,458 views  
nkzeroG



gonna make you sweat :)  
10,359 views  
InvMstr



UB40 GIRL I WANT TO MAKE YOU SWEAT  
65,562 views  
imegreendaflene



Wpuszczony w kanal- Dont worry be happy  
19,391 views  
ErnikeK



monkey farts!  
7,296,454 views  
pussydribble

# **Rubin Reply Exhibit 76**

<b>Video ID</b>	lvA6oabsA_E
<b>Video Title</b>	new clips from MTV2's Wonder Showzen
<b>Length (Seconds)</b>	52
<b>Date Video Uploaded</b>	2/21/2006
<b>YouTube Account Username</b>	mosjef73
<b>Date YouTube Account Created</b>	2/17/2006
<b>Signup Email</b>	jinkoy@aol.com
<b>Signup IP</b>	166.77.6.4

<b>Video ID</b>	x-Igybtzczk
<b>Video Title</b>	New Clip from MTV2's The Andy Milonakis Show
<b>Length (Seconds)</b>	150
<b>Date Video Uploaded</b>	2/21/2006
<b>YouTube Account Username</b>	mosjef73
<b>Date YouTube Account Created</b>	2/17/2006
<b>Signup Email</b>	jinkoy@aol.com
<b>Signup IP</b>	166.77.6.4



# **Rubin Reply Exhibit 77**

To: Kevin Donahue <kevin@youtube.com>  
From: Lam, Cuong <Cuong.Lam@mtvstaff.com>  
Cc: Apmann, Todd <Todd.Apmann@mtvstaff.com>  
Bcc:  
Received Date: 2006-03-01 22:44:54 GMT  
Subject: RE: MTV2 / "Create Your Own Andy Milonakis Rap" Contest

---

Hi Kevin:

You may have to boot user "MTV2" off. And most likely MTV as well. Please let me know when that's done so we can sign up, upload the clips and get the clips promoted.

Thanks!  
cuong.

---

From: Kevin Donahue [mailto:kevin@youtube.com]  
Sent: Wednesday, March 01, 2006 4:00 PM  
To: Lam, Cuong  
Cc: Apmann, Todd  
Subject: RE: MTV2 / "Create Your Own Andy Milonakis Rap" Contest

Cuong,

One more thing - can you re-upload the videos under the MTV or MTV2 username? I don't know if you've created accounts with those names yet. If you try and find out that another user has already done so, we can boot that user off of the name and give it to you guys. We want to be very clear that MTV is sanctioning our use of this content.

Best,  
Kevin

---

From: Kevin Donahue [mailto:kevin@youtube.com]  
Sent: Wednesday, March 01, 2006 12:52 PM  
To: 'Lam, Cuong'  
Cc: 'Apmann, Todd'  
Subject: RE: MTV2 / "Create Your Own Andy Milonakis Rap" Contest

Cuong,

Thx for sending the links. We'd be happy to feature these. Can you send me your logo and the URL's for both the Andy M website and the WonderShowzen site? We'd like to designate MTV as an "official partner" and feature these on our home page with the MTV logo (or MTV2?) and links to the appropriate websites below the logo. I've attached a couple of gifs that will give you an idea of what we have in mind. One is the home page

and shows how we'll call out "official partners" and the other gif is the watch page and shows how we'll include logo and a link.

Best,  
Kevin

---

From: Lam, Cuong [mailto:Cuong.Lam@mtvstaff.com]  
Sent: Wednesday, March 01, 2006 12:02 PM  
To: Kevin Donahue  
Cc: Apmann, Todd  
Subject: RE: MTV2 / "Create Your Own Andy Milonakis Rap" Contest

Hi Kevin:

Good to meet you. We're working wtih T3 on both shows and on the ad buy on YouTube.com. We uploaded the Wonder Showzen and The Andy Milonakis Show videos onto your site. They are located at the below links. Can you promote those links?

Wonder Showzen:

[http://www.youtube.com/watch?v=lvA6oabsA\\_E](http://www.youtube.com/watch?v=lvA6oabsA_E)

The Andy Milonakis Show:

<http://www.youtube.com/watch?v=x-lgybtxczk>

Thanks,

cuong.

---

From: Apmann, Todd  
Sent: Wednesday, March 01, 2006 2:55 PM  
To: 'Kevin Donahue'  
Cc: Lam, Cuong  
Subject: RE: MTV2 / "Create Your Own Andy Milonakis Rap" Contest

Hey Kevin-

Meet Cuong Lam, who's working with T-3 on our tune-in promotions for Andy Milonakis. T-3 has uploaded the video, but he can give you more detail on that, as well as a few questions he has.

Thanks!

Todd

---

From: Kevin Donahue [mailto:kevin@youtube.com]  
Sent: Wednesday, March 01, 2006 2:21 PM  
To: Apmann, Todd  
Subject: RE: MTV2 / "Create Your Own Andy Milonakis Rap" Contest

Todd,

As we've discussed, I am planning on providing you with some suggestions on the various ways we can work together in an ongoing way to promote MTV and MTV2, but I was wondering if you'd be interested in doing something right away that's simple. I've been talking to Andrea Nelson at T-3 about featuring one of the Andy Milonakis clips on our home page and sending you guys the traffic (back to the Andy M website). Problem is I haven't been able to access the clips from the ftp site that T-3 sent me to. We could do this today if I can get my hands on a clip. Do you have one you could email me? I'm sure we could provide you with hundreds of thousands or maybe millions of views very quickly. We're anxious to get started in this simple way with content partners and whoever works with us first will probably get a lot of additional press/attention. What do you think?

Best,

Kevin

---

From: Apmann, Todd [mailto:Todd.Apmann@mtvstaff.com]  
Sent: Friday, February 24, 2006 12:08 PM  
To: Kevin Donahue  
Subject: RE: MTV2 / "Create Your Own Andy Milonakis Rap" Contest

great, thanks! since march 1st is only next wednesday, i'm gonna wait until then to send you specifics on the milonakis contest, rather than send you something and then recall it if MSN actually comes in as a sponsor.

does that work?

---

From: Kevin Donahue [mailto:kevin@youtube.com]  
Sent: Thursday, February 23, 2006 5:36 PM  
To: Apmann, Todd  
Subject: RE: MTV2 / "Create Your Own Andy Milonakis Rap" Contest

No problem. Thx for the clarification. If T-3 is authorized to represent MTV-2, I'm happy to promote the Milonakis clips on the home page asap as I mentioned. We can chat tomorrow in more detail about things.

Best,  
Kevin

---

From: Apmann, Todd [mailto:Todd.Apmann@mtvstaff.com]  
Sent: Thursday, February 23, 2006 1:57 PM  
To: Kevin Donahue  
Subject: RE: MTV2 / "Create Your Own Andy Milonakis Rap" Contest

Thanks Kevin. No one talks to anyone in these big media companies anyway! I just left a message for Cuong Lam, the guy at MTV2 who's most likely working with T-3 on the media buys (they're focusing more on tune-in rather than the contest).

I'll chat with him and then hit you back. You and I will be dealing directly on the logistics of the contest, though we may package an overall deal that includes those media buys.

Let's touch base tomorrow. Sorry for the confusion.

---

From: Kevin Donahue [mailto:kevin@youtube.com]  
Sent: Thursday, February 23, 2006 4:46 PM  
To: Apmann, Todd  
Subject: RE: MTV2 / "Create Your Own Andy Milonakis Rap" Contest

Hey Todd,

Andrea Nelson from T-3 contacted us and requested rates on advertising for the Andy Milonakis show and WonderShowzen. I just wanted to keep you in the loop, though I assume you're aware of this but wanted to check. Also wanted to get your thoughts on whether you'd like us to work directly with you only, or with agencies like this on ad buys and promotions. Andrea also said T-3 has Milonakis clips that we can use on YouTube. I wanted to check in with you regarding this and see if you are authorizing this. If so, I'd like to start right away by featuring some of them on our home page. We receive 15-20 million video views every day now and videos featured on the home page get millions of views pretty quickly. From my perspective, it would be great for us to

have them on the site, especially if the username listed is "MTV" or "MTV-2." With that user name you would then have a profile that you could use to promote new videos and photos in an ongoing way. I'd be happy to feature some of the clips today or tomorrow if you're interested. Let me know what you think. I'll also have some more detailed thoughts on working together for you soon.

Best,

Kevin

---

From: Apmann, Todd [mailto:Todd.Apmann@mtvstaff.com]  
Sent: Wednesday, February 15, 2006 9:32 AM  
To: Kevin Donahue  
Subject: MTV2 / "Create Your Own Andy Milonakis Rap" Contest

Hey Kevin-

Great talking to you last week! I'm very excited about all the different possibilities of working with YouTube for MTV2 and MTV. Wanted to give you a heads up that MSN may come in as a national sponsor of the Andy Milonakis contest, in which case they will be the official video upload / contest entry destination.

I'd prefer to work with YouTube for all of it, though, and will know for sure by March 1st. However, I will send you a proposal by end of next week regardless so we'll have all the details worked out in plenty of time. Even if MSN does come in, I'd still like to work with you on the contest in any way possible.

Also, I am the person you should talk to about getting MTV & MTV2 video content on a regular basis. Please send me a few bullet points on how you envision this partnership and we'll start conversations from there.

Thanks so much,

Todd

Todd Apmann

Director, Grassroots Marketing

MTV - MTV2 - MTV HITS - MTV JAMS

212.846.6942

todd.apmann@mtvstaff.com

---

# **Rubin Reply Exhibit 78**



To: "Tipton, Kristina - Paramount" <Kristina\_Tipton@Paramount.com>, "Joanna Ging" <jging@youtube.com>, "Bordo, Sara - Paramount" <Sara\_Bordo@Paramount.com>  
From: "Sam Cimino" <scimino@youtube.com>  
Cc: "Griswold, Kristina - Paramount" <Kristina\_Griswold@Paramount.com>, "Suzie Reider" <sreider@youtube.com>  
Bcc:  
Received Date: 2007-02-26 17:45:45 GMT  
Subject: RE: your VM

---

Great news! Thanks Joanna for sorting this.

S

---

From: Tipton, Kristina - Paramount [mailto:Kristina\_Tipton@Paramount.com]  
Sent: Monday, February 26, 2007 9:04 AM  
To: Joanna Ging; Bordo, Sara - Paramount; Sam Cimino  
Cc: Griswold, Kristina - Paramount  
Subject: RE: your VM

Hi Joanna,

Wonderful! Thanks so much for your help with this. I was able to log-on fine, so I think we're set for now. We'll let you know if we have any other questions.

Thanks again!

Kristina Tipton

Paramount Pictures

Interactive Coordinator, Promotions & Publicity

323-956-8453

---

From: Joanna Ging [mailto:jging@youtube.com]  
Sent: Sunday, February 25, 2007 12:39 PM  
To: Tipton, Kristina - Paramount; Bordo, Sara - Paramount; 'Sam Cimino'  
Cc: Griswold, Kristina - Paramount  
Subject: RE: your VM

Hi Kristina,

We got soundoff for you as your login name. Password and email have been set according to what you provided me.

Please let me know if you have any questions. Thanks!

Joanna Ging

Media Coordinator

Office:

Phone:

Email: [jging@youtube.com](mailto:jging@youtube.com)

<outbind://22-00000000CB7EB9EB2014E24BBD80AA7DD13ABF2B84E52800/cid:431483601@10022007-1554>

---

From: Tipton, Kristina - Paramount [mailto:[Kristina\\_Tipton@Paramount.com](mailto:Kristina_Tipton@Paramount.com)]  
Sent: Friday, February 23, 2007 5:14 PM  
To: Joanna Ging; Bordo, Sara - Paramount; Sam Cimino  
Cc: Griswold, Kristina - Paramount  
Subject: RE: your VM

Hey Joanna,

Sounds good. Let me know if you need any other info from me to make a Soundoff log-in named account.

Thanks!

Kristina Tipton

Paramount Pictures

Interactive Coordinator, Promotions & Publicity

323-956-8453

---

From: Joanna Ging [mailto:jging@youtube.com]  
Sent: Friday, February 23, 2007 5:01 PM  
To: Tipton, Kristina - Paramount; Bordo, Sara - Paramount; 'Sam Cimino'  
Cc: Griswold, Kristina - Paramount  
Subject: RE: your VM

Hey Kristina,

I'll see if we'll be able to do that. If not, you'll have soundoff as the login name.

Thanks!

Joanna Ging

Media Coordinator

Office: 

Phone: 

Email: jging@youtube.com

<outbind://22-00000000CB7EB9EB2014E24BBD80AA7DD13ABF2B84E52800/cid:431483601@10022007-1554>

---

From: Tipton, Kristina - Paramount [mailto:Kristina\_Tipton@Paramount.com]  
Sent: Friday, February 23, 2007 4:38 PM  
To: Joanna Ging; Bordo, Sara - Paramount; Sam Cimino  
Cc: Griswold, Kristina - Paramount  
Subject: RE: your VM

Hi Joanna,

I had actually already created an account using the following:

Email Account: soundoff2007@yahoo.com

Password: [REDACTED]

Username: Soundoff2007

Password: [REDACTED]

Group URL: N/A

Can we use this account to claim youtube.com/soundoff?

Thanks, Joanna!

Kristina Tipton

Paramount Pictures

Interactive Coordinator, Promotions & Publicity

323-956-8453

---

From: Joanna Ging [mailto:jging@youtube.com]  
Sent: Friday, February 23, 2007 2:49 PM  
To: Tipton, Kristina - Paramount; Bordo, Sara - Paramount; 'Sam Cimino'  
Cc: Griswold, Kristina - Paramount  
Subject: RE: your VM

Hey Kristina,

Can you provide me a desired password and email address for the soundoff account? Thanks!

Joanna Ging

Media Coordinator

Office:

Phone:

Email: jging@youtube.com

<outbind://22-00000000CB7EB9EB2014E24BBD80AA7DD13ABF2B84E52800/cid:431483601@10022007-1554>

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From: Tipton, Kristina - Paramount [mailto:Kristina\_Tipton@Paramount.com]  
Sent: Friday, February 23, 2007 12:44 PM  
To: Joanna Ging; Bordo, Sara - Paramount; Sam Cimino  
Cc: Griswold, Kristina - Paramount  
Subject: RE: your VM

Hi Joanna,

That would be great if you could secure the youtube.com/soundoff URL for us today. Can we hope on a call today or Monday to talk about URL options for our group?

Thanks!

Kristina Tipton

Paramount Pictures

Interactive Coordinator, Promotions & Publicity

323-956-8453

---

From: Joanna Ging [mailto:jging@youtube.com]  
Sent: Friday, February 23, 2007 12:39 PM  
To: Bordo, Sara - Paramount; Tipton, Kristina - Paramount; 'Sam Cimino'  
Cc: Griswold, Kristina - Paramount  
Subject: RE: your VM

Hi Sara,

With [www.youtube.com/soundoff](http://www.youtube.com/soundoff), you can use that for your (branded) channel URL. We'll try to secure the user name soundoff for you today.

Thanks!

Joanna Ging

Media Coordinator

Office:

Phone:

Email: [jging@youtube.com](mailto:jging@youtube.com)

<outbind://22-00000000CB7EB9EB2014E24BBD80AA7DD13ABF2B84E52800/cid:431483601@10022007-1554>

---

From: Bordo, Sara - Paramount [[mailto:Sara\\_Bordo@Paramount.com](mailto:Sara_Bordo@Paramount.com)]  
Sent: Friday, February 23, 2007 11:15 AM  
To: Joanna Ging; Tipton, Kristina - Paramount; Sam Cimino  
Cc: Griswold, Kristina - Paramount  
Subject: RE: your VM

Arg! Ok, we need to figure this out. In what way can we use the [www.youtube.com/soundoff](http://www.youtube.com/soundoff)?

Sara Bordo

Executive Director

Motion Picture Interactive Marketing

Paramount Pictures

323.956.8499

323.862.1107

---

From: Joanna Ging [mailto:jging@youtube.com]  
Sent: Friday, February 23, 2007 11:13 AM  
To: Tipton, Kristina - Paramount; 'Sam Cimino'; Bordo, Sara - Paramount  
Subject: RE: your VM

Hi Kristina,

I apologized for not getting back to you sooner. Please find below the responses to your questions.

1.) Can we make our Channel a Director's account, and if so, what are the long-term repercussions of doing that? That will allow us to claim youtube.com/soundoff without having videos uploaded.

We can switch you an advertiser's account and you'll be able to customize the URL without uploading the video. We have a new feature now that when you sign up an account, your channel URL with automatically assigned to www.youtube.com/(your user name). Being said, soundoff is currently being taken but we'll be able to get that for you.

2.) Can we claim youtube.com/soundoff with our Channel, and then later switch it over to our group URL?

We did this for you for the Freedom Writers campaign but we WILL NOT be able to switch www.youtube.com/soundoff over to your group URL anymore.

Hope this helps and let me know if you have any questions. Apologies again for not getting back to you sooner!

Thanks!

Joanna Ging

Media Coordinator

Office: 

Phone: 

Email: jging@youtube.com

<outbind://22-00000000CB7EB9EB2014E24BBD80AA7DD13ABF2B84E52800/cid:431483601@10022007-1554>

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From: Tipton, Kristina - Paramount [mailto:Kristina\_Tipton@Paramount.com]  
Sent: Friday, February 23, 2007 10:52 AM  
To: Sam Cimino; Joanna Ging; Bordo, Sara - Paramount  
Subject: RE: your VM

Hi,

Just wanted to check in to see if you've made any headway on our questions below. Any info you have would be very helpful as we have a call with filmmakers at noon.

Thanks!

Kristina Tipton

Paramount Pictures

Interactive Coordinator, Promotions & Publicity

323-956-8453

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From: Sam Cimino [mailto:scimino@youtube.com]  
Sent: Wednesday, February 21, 2007 10:13 AM  
To: Tipton, Kristina - Paramount; 'Joanna Ging'; Bordo, Sara - Paramount  
Subject: RE: your VM

Hi Ladies,

We've not forgotten about this we just want to be sure we have the right answers. Same for the Stop Loss/Soundoff program overview we discussed yesterday. Please stay tuned.

S



---

From: Tipton, Kristina - Paramount [mailto:Kristina\_Tipton@Paramount.com]  
Sent: Tuesday, February 20, 2007 4:34 PM  
To: Joanna Ging; Sam Cimino; Bordo, Sara - Paramount  
Subject: RE: your VM

Hi Joanna,

As discussed on the phone, we'd like to see:

- 1.) Can we make our Channel a Director's account, and if so, what are the long-term repercussions of doing that? That will allow us to claim youtube.com/soundoff without having videos uploaded.
- 2.) Can we claim youtube.com/soundoff with our Channel, and then later switch it over to our group URL?

Let us know what you find out. Thanks!

Kristina Tipton  
Paramount Pictures  
Interactive Coordinator, Promotions & Publicity  
323-956-8453

---

From: Joanna Ging [mailto:jging@youtube.com]  
Sent: Tuesday, February 20, 2007 3:24 PM  
To: 'Sam Cimino'; Bordo, Sara - Paramount; Tipton, Kristina - Paramount  
Subject: RE: your VM

The Group URL [www.youtube.com/group/soundoff](http://www.youtube.com/group/soundoff) is taken and there's no way we can retrieve that. But Sara and Kristina should create an account and customize the URL [www.youtube.com/soundoff](http://www.youtube.com/soundoff), this would be for their channel URL. When I type in [www.youtube.com/soundoff](http://www.youtube.com/soundoff), I got an error page so it doesn't look like it's taken.

Sara and Kristina, let me know if [www.youtube.com/soundoff](http://www.youtube.com/soundoff) is taken and we should be able to retrieve that - no guarantees but we'll try. Thanks!

Joanna Ging

Media Coordinator

Office: [REDACTED]

Phone: [REDACTED]

Email: jging@youtube.com

<outbind://22-00000000CB7EB9EB2014E24BBD80AA7DD13ABF2B84E52800/cid:431483601@10022007-1554>

---

From: Sam Cimino [mailto:scimino@youtube.com]  
Sent: Tuesday, February 20, 2007 3:18 PM  
To: 'Joanna Ging'; 'Bordo, Sara - Paramount'; 'Tipton, Kristina - Paramount'  
Subject: RE: your VM

Ok, what happened all of a sudden? It was taken 2 hrs ago.

---

From: Joanna Ging [mailto:jging@youtube.com]  
Sent: Tuesday, February 20, 2007 3:14 PM  
To: 'Sam Cimino'; 'Bordo, Sara - Paramount'; 'Tipton, Kristina - Paramount'  
Subject: RE: your VM

Hey Sara and Kristina,

If you want [www.youtube.com/soundoff](http://www.youtube.com/soundoff), you should create an account and customize the URL, it doesn't look like it's being taken right now.

Let me know if you have any questions. Thanks!

Joanna Ging

Media Coordinator

Office: [REDACTED]

Phone: [REDACTED]

Email: jging@youtube.com

<outbind://22-00000000CB7EB9EB2014E24BBD80AA7DD13ABF2B84E52800/cid:431483601@10022007-1554>

---

From: Sam Cimino [mailto:scimino@youtube.com]  
Sent: Tuesday, February 20, 2007 1:39 PM  
To: 'Bordo, Sara - Paramount'; 'Joanna Ging'; 'Tipton, Kristina - Paramount'  
Subject: RE: your VM

Ok, let me find out why.

---

From: Bordo, Sara - Paramount [mailto:Sara\_Bordo@Paramount.com]  
Sent: Tuesday, February 20, 2007 1:37 PM  
To: Joanna Ging; Tipton, Kristina - Paramount  
Cc: Sam Cimino  
Subject: RE: your VM

Sam,

Can you help with this?

Sara Bordo

Executive Director

Motion Picture Interactive Marketing

Paramount Pictures

323.956.8499

323.862.1107

From: Joanna Ging [mailto:jging@youtube.com]  
Sent: Tuesday, February 20, 2007 1:24 PM  
To: Tipton, Kristina - Paramount  
Cc: Bordo, Sara - Paramount  
Subject: RE: your VM

Hi Kristina,

If you plan on purchasing a brand channel, yes you may be able to get the URL. But we won't be able to get [www.youtube.com/group/soundoff](http://www.youtube.com/group/soundoff) for you.

Thanks!

Joanna Ging

Media Coordinator

Office: 

Phone: 

Email: [jging@youtube.com](mailto:jging@youtube.com)

---

From: Tipton, Kristina - Paramount [mailto:Kristina\_Tipton@Paramount.com]  
Sent: Tuesday, February 20, 2007 1:04 PM  
To: Joanna Ging  
Cc: Bordo, Sara - Paramount  
Subject: RE: your VM

Hi Joanna,

Thanks for looking into this. Just to clarify, we can still work with Sam on getting [www.youtube.com/soundoff](http://www.youtube.com/soundoff) , correct?

Thanks!

Kristina Tipton

Paramount Pictures

Interactive Coordinator, Promotions & Publicity

323-956-8453

---

From: Joanna Ging [mailto:jging@youtube.com]  
Sent: Thursday, February 15, 2007 10:44 AM  
To: Tipton, Kristina - Paramount  
Cc: Bordo, Sara - Paramount  
Subject: RE: your VM

Hi Kristina,

Unfortunately we won't be able to retrieve the group URL  
[www.youtube.com/group/soundoff](http://www.youtube.com/group/soundoff) for you. Sorry about this.

Thanks!

Joanna Ging

Media Coordinator

Office: 

Phone: 

Email: [jging@youtube.com](mailto:jging@youtube.com)

---

From: Tipton, Kristina - Paramount [mailto:Kristina\_Tipton@Paramount.com]  
Sent: Wednesday, February 14, 2007 2:50 PM  
To: Joanna Ging  
Cc: Bordo, Sara - Paramount

Subject: RE: your VM

Thanks, Joanna! Let me know if you have any questions we can help answer.

Kristina Tipton

Paramount Pictures

Interactive Coordinator, Promotions & Publicity

323-956-8453

---

From: Joanna Ging [mailto:jging@youtube.com]  
Sent: Wednesday, February 14, 2007 2:10 PM  
To: Tipton, Kristina - Paramount  
Subject: RE: your VM

Hey Kristina,

I'll get back to you on this as soon as I can. Thanks!

Joanna Ging

Media Coordinator

Office 

Phone 

Email: jging@youtube.com

---

From: Tipton, Kristina - Paramount [mailto:Kristina\_Tipton@Paramount.com]  
Sent: Tuesday, February 13, 2007 4:38 PM  
To: Joanna Ging  
Subject: RE: your VM

Hey Joanna,

The URL we'd like to secure is youtube.com/soundoff

Thank you!

Kristina Tipton

Paramount Pictures

Interactive Coordinator, Promotions & Publicity

323-956-8453

---

From: Joanna Ging [mailto:jging@youtube.com]  
Sent: Tuesday, February 13, 2007 4:33 PM  
To: Tipton, Kristina - Paramount  
Subject: your VM

Hey Kristina,

I got your voicemail.

Can you send me the URL that you were talking about? I can look into this for you. Thanks!

Joanna Ging

Media Coordinator

Office: 

Phone: 

Email: jging@youtube.com

# **Rubin Reply Exhibit 79**



### Expanded Wilkens Declaration Table

<i>Wilkins Decl. Exhibit</i>	<i>VideoID</i>	<i>Duration (min: sec)</i>	<i>Alleged Work in Suit</i>	<i>Video Title</i>	<i>Uploader Username</i>	<i>Uploader Email</i>	<i>Upload Date</i>
1	Mey5E9B-hHs	10:56	South Park, Episode 1102	cartman sucks part one	redshadowizbak		3/15/2007
2	2zXpVsZEK0Q	3:05	Grease	Grease We Go Together	catch0621		12/7/2006
3	CnWrOdaeZfM	9:58	Daria, Episode 101	Daria 101 Part 2	Aniversy		8/23/2007
4	iZaKWmLYUas	9:39	The Godfather	The Godfather I - Part 8	Sjenova		7/24/2007
5	6nJNHYOsxXo	3:35	MTV Video Music Awards, 2007	Britney Spears VMA 2007 "Gimme More"	temamoda		9/18/2007
6	L5wQ_ehwl4A	10:20	Dora the Explorer, Episode 119	Dora the Explorer - wishing star	patbtr		8/8/2008
7	JZJuAWslb44	9:43	How to Lose a Guy in 10 Days	How To Lose A Guy In 10 Days (Part 1)	thetalkingdude		11/16/2006
8	7uHO3jdxdkA	6:02	Beavis & Butthead, Episode 303	Cornholio!	PimpyD12		2/7/2008
9	Bwf8ETBW64U	7:57	Braveheart	BraveHeart - Wallace Defeat's The First Garrison	kemmdr		7/5/2006
10	jeL4-kTIAJY	4:37	Chappelle's Show, Episode 102	Tyrone Biggums in School	Jay1126		9/28/2006

<i>Wilkins Decl. Exhibit</i>	<i>VideoID</i>	<i>Duration (min: sec)</i>	<i>Alleged Work in Suit</i>	<i>Video Title</i>	<i>Uploader Username</i>	<i>Uploader Email</i>	<i>Upload Date</i>
11	39FNJprqvXs	1:45	Titanic	Titanic - floating door scene	RivuChan		1/11/2007
12	aTRZ26db1XY	9:10	Clarissa Explains It All, Episode 103	Clarissa Explains it All (No T.V.) Part 2 of 3	picklesnr1989		12/14/2007
13	B5UOfWjv6hs	2:34	Raiders of the Lost Ark	Raiders of the Lost Ark - Opening of the Ark	YanDaMan263		12/4/2007
14	EdcIXGe4Oco	4:14	The Hills, Episode 102	the-hills-s01e2-pt3	clauditaalvarado		8/9/2006
15	iLkyOWykXGs	9:53	Beverly Hills Cop	Beverly Hills Cop (Part Three)	Tripler112593		5/3/2007
16	j8Wxc0uVcs4	3:51	BET Awards, 2006	Beyonce at the BET Awards 2006	NevilleKlaassens		11/1/2007
17	9tLPoJ471G0	9:59	The Addams Family	The Addams Family Part 9/10	cathhyy		10/12/2008
18	GE7z11qMobE	2:55	Spongebob Squarepants, Episode 4A	Spongebob and Patrick Fighting	opperkerty		6/8/2007
19	CA18KEOaTgg	96:26	An Inconvenient Truth	An Inconvenient Truth (Full Movie)	sssukkk		12/11/2006
20	1WLhUJSxIbk	1:59	The Daily Show with Jon Stewart,	NY Daily News names Jon as one of their 'Best Dressed'	badgermushroom2		1/11/2007

# **Rubin Reply Exhibit 80**

**Metadata Regarding Clips Dismissed from Suit by Viacom**

<i>Rubin Reply Decl. Ex. No.</i>	<i>VideoID</i>	<i>Duration (min: sec)</i>	<i>Work in Suit</i>	<i>Video Title</i>	<i>Uploader Username</i>	<i>Uploader Email</i>	<i>Upload Date</i>
314A/B	Le52xv31TTM	2:02	Chappelle's Show (104)	Dave Chappelle - NY Boobs	Fueri86		8/28/2007
313A/B	L6a_iKo83RE	6:38	Comedy Central Presents (1016)	Old Jon Reep Reel	GrinReeper		8/3/2006
330A/B	qFXA10IQiM4	8:21	Comedy Central Presents (902)	best of comedy central (stand-up) part 3	ant1film		4/9/2008
312A/B	kg2WUirHOhw	1:12	ZODIAC	Zodiac en DVD - extrait 3	waytobluefrance		11/20/2007
349A/B	xiFajP-KVzE	8:45	Drawn Together (105)	valetines day videos	Drawntogetherfan08		2/13/2008
282A/B	aWt-fduKFmo	1:46	DRILLBIT TAYLOR	Don Tales Two - Lincoln Hires Ninjas! (Drillbit Taylor)	tastefullymine		3/7/2008
342A/B	vlQhux5mXfY	1:02	iCarly (102)	opening icarly	juan940513		10/6/2008
270A/B	6WhsXvOe2IU	7:27	Jackass (102)	Jackass 2/3 ver. Latinoamerica [Sub]	BoLiVaGaNDo		3/22/2008
320A/B	n8wDRoQkN1c	3:42	Jackass (203)	Jackass Party Boy Full	heyep1		4/19/2007

<i>Rubin Reply Decl. Ex. No.</i>	<i>VideoID</i>	<i>Duration (min: sec)</i>	<i>Work in Suit</i>	<i>Video Title</i>	<i>Uploader Username</i>	<i>Uploader Email</i>	<i>Upload Date</i>
317A/B	mJkGJQyDNQ0	1:59	LARRY THE CABLE GUY: HEALTH INSPECTOR	Larry the Cable Guy	nutbusternut		7/8/2006
343A/B	WBxZLCDm2uo	7:33	Punk'd (802)	Punk'd Marathon- Ashley Tisdale - JoJo - Zac Efron [Part 2]	ChingDude		10/13/2007
285A/B	BrCI7t5SU-s	8:33	Reno 911! (201)	Dangle's Stolen Bike	DeathToTNA		4/13/2008
352A/B	YbCNhLX-mi8	09:21	Shorties Watchin' Shorties (112)	this is the entire collection of Dane Cook's shorties watching shorties videos.	sylar38		8/31/2007
301A/B	hhXIVDxYzvg	5:48	South Park (101)	South Park - Kennys Tode Staffel 1	okkihaase		5/23/2008
318A/B	N-4MT9u6LUs	8:30	South Park (1111)	Imagination Land	garrettc134		1/9/2008
281A/B	aUonqu5RIcM	4:06	Storytellers (44)	Alanis Morissette - Q&A 2	iAMmin3		7/1/2008
345A/B	wfWEjb3DtV0	2:15	Strangers With Candy (307)	Strangers With Candy	FCSoles		1/6/2008
344A/B	wcHwE01xHNU	1:10	SWEENEY TODD	Sweeney Todd - extrait 3	waytobluefrance		9/22/2008

<i>Rubin Reply Decl. Ex. No.</i>	<i>VideoID</i>	<i>Duration (min: sec)</i>	<i>Work in Suit</i>	<i>Video Title</i>	<i>Uploader Username</i>	<i>Uploader Email</i>	<i>Upload Date</i>
280A/B	aITz05jvTlk	4:17	The Colbert Report (3033)	the colbert report 1/5 SuperMoviesDownload.com	freeforlife112		3/13/2007
295A/B	F-vuYx6d1XM	3:02	The Hollow Men (102)	Police Interview	davidarmand		11/28/2006

# **Rubin Reply Exhibit 81**

**Comparison of Video Clips Viacom Has Withdrawn from the Case to Those that Remain Clips In Suit**

<i>Work in Suit</i>	<i>Dismissed Clip (Video ID)</i>	<i>Dismissed Clip Uploader Username</i>	<i>Located at Ex.</i>	<i>Clip in Suit (Video ID)</i>	<i>Clip in Suit Uploader Username</i>	<i>Clip In Suit Ex. No.</i>	<i>Nature of Similarity</i>
Drillbit Taylor	5kWtyVo-8k0	tastefullymine	269A/B	05-rpbKib-c	vthokiesfan2	255A/B	Identical
Drillbit Taylor	5kWtyVo-8k0	tastefullymine	269A/B	28xcyE87EWM	XBloodyMelyX	260A/B	Indistinguishable in kind and format
Drillbit Taylor	sxNuomEUGG0	tastefullymine	335A/B	2dZ66NoxefY	drillbit001	261A/B	Identical
Drillbit Taylor	sxNuomEUGG0	tastefullymine	335A/B	2x1i2SCkRh0	Pawfict	262A/B	Indistinguishable in kind and format
Drillbit Taylor	AgGf_xso0HI	tastefullymine	279A/B	a4nSnBS-Yno	themightykop13	274A/B	Identical
The Heartbreak Kid	g5ce_rOoGcc	dreamworksfansite	297A/B	jgg9pIPqcuk	BlueViperz	308A/B	Indistinguishable in kind and format
The Heartbreak Kid	g5ce_rOoGcc	dreamworksfansite	297A/B	SHWyzbGNIIQ	weliveonlyto	333A/B	Identical
The Heartbreak Kid	g5ce_rOoGcc	dreamworksfansite	297A/B	z0d_wigerjM	geojospaog13	354A/B	Indistinguishable in kind and format
Hot Rod	6xFe570faSI	HotRodMovie	271A/B	zPnAMSIz0I	itrulyamloved	254A/B	Indistinguishable in kind and format
Hot Rod	6xFe570faSI	HotRodMovie	271A/B	4ImcoZoPHdY	crazyosgood	267A/B	Indistinguishable in kind and format
Iron Man	DUTtBxd2KP	waytobluetube	291A/B	7FZx2Ykf0l0	martoralho	272A/B	Identical



<i>Work in Suit</i>	<i>Dismissed Clip (Video ID)</i>	<i>Dismissed Clip Uploader Username</i>	<i>Located at Ex.</i>	<i>Clip in Suit (Video ID)</i>	<i>Clip in Suit Uploader Username</i>	<i>Clip In Suit Ex. No.</i>	<i>Nature of Similarity</i>
	Q						
Jamie Kennedy's Blowin Up (101)	k6CSyIS5528	BrienTA	311A/B	zdvpptWbSv4	jkss1	355A/B	Identical
Jamie Kennedy's Blowin Up (103)	88XvlfKnGwI	BrienTA	273A/B	rjQ3idh6Whk	jkss1	331A/B	Identical
Sweeney Todd	Gv3TrIlnTvA	dreamworksfansite	299A/B	HdZSFxFfDs	Kaliyagain	252A/B	Identical
The Andy Milonakis Show	sTgT76i3vc	mosjef73	253A/B	LNKunwTCtH A	milonakis4evar	316A/B	Indistinguishable in kind and format
Transformers	gxjpdGjv59o	dreamworksfansite	298A/B	4j3nWwCY4N Q	way2blue	268A/B	Identical
Transformers	hfPAw9MM69A	dreamworksfansite	300A/B	rSVdjKXmVDo	yugiohtcgcollecto r02	332A/B	Identical
Transformers	hfPAw9MM69A	dreamworksfansite	300A/B	i6nh-vJl3n0	headonisthebest	304A/B	Identical
Transformers	xWCkluxpGW8	dreamworksfansite	351A/B	ijN91rPxcMo	coolbuddybk	305A/B	Indistinguishable in kind and format
Transformers	j4A-BqFSSL8	dreamworksfansite	306A/B	JF5XI1hJ 30	Domovix	307A/B	Indistinguishable in kind and format
Transformers	1168T5BsmVY	dreamworksfansite	258A/B	1JqB_xvmWXw	chipdog	259A/B	Indistinguishable in kind and format

# **Rubin Reply Exhibit 82**


---

From: "heather gillette" <heather@youtube.com>  
Date: Mon, 17 Apr 2006 12:19:52 -0700  
To: <donna.cooper@bet.net>  
Subject: YouTube Content Verification Tool login and instructions...

Dear Donna,

Thank you for signing up for our content verification tool! I have created an account for you.

The username is: t1e1b

The password is: 

The password and email address for this content verification account can be changed by you at anytime. Simply login to the account and click on the 'my profile' link in the navigation bar. Once on this page, click on the 'edit' link next to the 'hello, I'm t1e1b'. On this next page you will see fields for email address and password that can be changed.

Also, attached is a short tutorial so you have everything you need to get started!

Thank you again!

Heather Gillette

Copyright Agent

YouTube, Inc.

List of attachments:  
Instructions for the CVT.doc

# **Rubin Reply Exhibit 83**

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

# **Rubin Reply Exhibit 84**

To: "heather@youtube.com" <heather@youtube.com>  
From: "Joseph Alaban" <josephal@baytsp.com>  
Cc:  
Bcc:  
Received Date: 2007-06-04 19:21:28 CST  
Subject: DMCA Accounts for BayTSP

---

Hi Heather,

My name is Joseph and I was given your name by Arian for help in setting up DMCA accounts for BayTSP. From the emails I got I believe you may not have spoken to Arian in a while so I hope you may still be able to help me.

Could you please create me a Content Verification Account for Lionsgate Films? It would have the same naming sequence of the past clients and the password would still be the same. Therefore Lionsgate Films username would be [REDACTED] with password [REDACTED] It would also be registered to the same email address: youtube@baytsp.com

I appreciate all your help.

Thank you,

Joseph

Joseph Alaban

Client Services Manager, BayTSP, Inc

408-341-2372(direct)

408-341-2399 (fax)

-----  
Be sure to visit [www.baytsp.com/weblog](http://www.baytsp.com/weblog)  
<file:///C:/Documents%20and%20Settings/josephal/Application%20Data/Micro  
soft/Signatures/www.baytsp.com/weblog> for the latest P2P news.

Click the Link for all the information!

The information contained in this email message may be confidential and is intended only for the parties to whom it is addressed. If you are not the intended recipient or an agent of same, please notify us of the mistake by telephone or email and delete the message from your system. Please do not copy the message or distribute it to anyone.

---

From: Arian Hormozi  
Sent: Monday, May 07, 2007 9:38 AM  
To: Joseph Alaban  
Subject: FW: DMCA Accounts for BayTSP

---

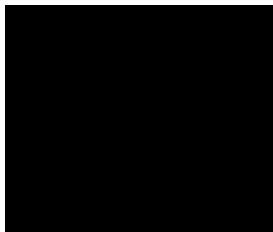
From: heather gillette [mailto:heather@youtube.com]  
Sent: Wednesday, June 21, 2006 6:10 PM  
To: Arian Hormozi  
Cc: Evelyn Espinosa; Courtney Nieman; Mark M. Ishikawa; Arielle Kim  
Subject: RE: DMCA Accounts for BayTSP

Hey there folks,

I have created content verification accounts for each of the content owners that you support. They all have the same password which is [REDACTED] and they are all registered with the email address of youtube@baytsp.com.

The usernames are as follows:

rapyab (Paramount)



Please let me know if you have any questions, and thanks guys! I hope I didn't mismark any take downs earlier?



Heather

---

From: Arian Hormozi [mailto:arianh@baytsp.com]  
Sent: Wednesday, June 21, 2006 3:29 PM  
To: heather gillette  
Cc: Evelyn Espinosa; Courtney Nieman; Mark M. Ishikawa; Arielle Kim  
Subject: DMCA Accounts for BayTSP

Heather,

In regards to our phone conversation earlier this is the list of the clients that we are authorized to send DMCA notices for:

Paramount Pictures

NBC Universal

Sony Pictures

Warner Brothers

Fox Pictures

If you want to just keep the naming sequences similar to what we did for the Paramount account that would be great. Also, we'll be using a different contact email for all accounts of youtube@baytsp.com.

Thanks!

-Arian Hormozi

CRM BayTSP

arianh@baytsp.com

(408) 341.2370

---

# **Rubin Reply Exhibit 85**

To: "arianh@baytsp.com" <arianh@baytsp.com>  
From: "Copyright Service" <copyright@youtube.com>  
Cc:  
Bcc:  
Sent Date: 2006-09-08 22:44:58 CST  
Subject: Welcome to the YouTube Content Verification Program

---

Thank you for signing up for our Content Verification Program! I have created an account for you.

The username is: v1t2m  
The password is: [REDACTED]

The username is: moca1i1v  
The password is: [REDACTED]

The password and email address for this content verification account can be changed by you at anytime. Simply login to the account and click on the 'my profile' link in the navigation bar. Once on this page, click on the 'edit' link next to the 'hello, I'm v1t2m, or moca1i1v'. On this next page you will see fields for email address and password that can be changed.

Also, attached is a short tutorial so you have everything you need to get started!

Thank you again!

Misty  
The YouTube Team

---

Attachments:

Instructions for the CVT.doc

# **Rubin Reply Exhibit 86**

To: "alovingood@atom.com" <alovingood@atom.com>  
From: "Copyright Service" <copyright@youtube.com>  
Cc:  
Bcc:  
Sent Date: 2006-09-14 01:37:56 GMT  
Subject: Welcome to the YouTube Content Verification Program

---

Thank you for signing up for our Content Verification Program! I have created an account for you.

The username is: mo1t1a  
The password is: [REDACTED]

The password and email address for this content verification account can be changed by you at anytime. Simply login to the account and click on the 'my profile' link in the navigation bar. Once on this page, click on the 'edit' link next to the 'hello, I'm mo1t1a'. On this next page you will see fields for email address and password that can be changed.

Also, attached is a short tutorial so you have everything you need to get started!

Thank you again!

Misty  
The YouTube Team

---

Attachments:

Instructions for the CVT.doc

# **Rubin Reply Exhibit 87**

To: "misty@youtube.com" <misty@youtube.com>  
From: "heather gillette" <heather@youtube.com>  
Cc:  
Bcc:  
Received Date: 2006-10-09 19:19:32 GMT  
Subject: FW: New Management Accounts for BayTSP

---

Misty,

Could you please create new CVP accounts for the BayTSP with the below usernames?

Moca1i1v

Eki1p1s

Cm1o1c

T1m1c

Thanks!

Heather

---

From: Arian Hormozi [mailto:arianh@baytsp.com]  
Sent: Monday, October 09, 2006 10:13 AM  
To: heather@youtube.com  
Cc: Courtney Nieman  
Subject: New Management Accounts for BayTSP

Heather,

We have begun to do searching and enforcement for Viacom including their partners, in this we need some new accounts for video searching. They are as follows:



Viacom

Spike TV

Comedy Central

CMT (Country Music Television)

Thanks for all the help on this, I know it's been quite the deluge. :-)

-Arian

---

# **Rubin Reply Exhibit 88**

To: "arianh@baytsp.com" <arianh@baytsp.com>  
From: "Copyright Service" <copyright@youtube.com>  
Cc: "courtney@baytsp.com" <courtney@baytsp.com>  
Bcc:  
Sent Date: 2006-10-09 09:05:13 GMT  
Subject: Welcome to the YouTube Content Verification Program

---

Thank you for signing up for our Content Verification Program! I have created an account for you.

The username is: moca1i1v  
The password is: [REDACTED]

The username is: eki1p1s  
The password is: [REDACTED]

The username is: ydem21o1c  
The password is: [REDACTED]

The username is: t1m1c  
The password is: [REDACTED]

The password and email address for this content verification account can be changed by you at anytime. Simply login to the account and click on the 'my profile' link in the navigation bar. Once on this page, click on the 'edit' link next to the 'hello, I'm moca1i1v, eki1p1s, ydem21o1c, or t1m1c'. On this next page you will see fields for email address and password that can be changed.

Also, attached is a short tutorial so you have everything you need to get started!

Thank you again!

Misty  
The YouTube Team

---

Attachments:

Instructions for the CVT.doc

# **Rubin Reply Exhibits 89-160**

**Intentionally Left Blank**

# **Rubin Reply Exhibit 161**



### Current or Former Employees of Plaintiffs

The following current or former employees of Plaintiffs may provide information on the subjects listed below. Unless otherwise noted, these persons may only be contacted through Plaintiffs' counsel, Jenner & Block LLP, 601 Thirteenth Street NW, Suite 1200 South, Washington, DC 20005.

1. Adam Cahan (Plaintiffs' efforts to enforce copyrights against Defendants; Plaintiffs' licensing negotiations with Defendants).
2. Alexander Carloss (Licensing for Paramount Pictures Corporation; Damages and harm for Paramount Pictures Corporation; Plaintiffs' licensing negotiations with Defendants).
3. Colette Chestnut (Damages and harm for MTV Networks).
4. Donna Cooper (Copyright ownership and registration for Black Entertainment Television LLC).
5. Douglas Herzog (Damages and harm for MTV Networks).
6. Frederick Huntsberry (Damages and harm for Paramount Pictures Corporation).
7. Jason Witt (Damages and harm for MTV Networks).
8. Joe Simon (Plaintiffs' efforts to enforce copyrights against Defendants).
9. Laurie Lawrence-Dillon (Copyright ownership and registration for MTV Networks).
10. Lori Ruffalo (Copyright ownership and registration for Paramount Pictures Corporation).
11. Mika Salmi (Damages and Harm for MTV Networks; Licensing for MTV Networks).
12. Nada Stirratt (Damages and harm for MTV Networks; Plaintiffs' licensing negotiations with Defendants).
13. Phillipe Dauman (Plaintiffs' damages and harm; Plaintiffs' licensing negotiations with Defendants).
14. Scott Mills (Damages and harm for Black Entertainment Television LLC; Licensing for Black Entertainment Television LLC).
15. Tom Dooley (Plaintiffs' damages and harm).
16. Warren Solow (Plaintiffs' efforts to enforce copyrights against Defendants).



Current or Former Employees of Defendants

In addition, Plaintiffs anticipate that Defendants and their agents and employees are likely to have discoverable information about Defendants' activities in relation to the claims in the Complaint, and which Plaintiffs may use to support their claims. Because Plaintiffs have not yet deposed or taken discovery of Defendants, Plaintiffs are not yet aware of all such individuals, and anticipate the need to supplement the following list after discovery and further investigation. At the present time, Plaintiffs anticipate that the following agents and employees of Defendants have discoverable information that Plaintiffs may use to support their claims:

1. Bradley Heilburne
2. Brent Hurley
3. Chad Hurley
4. Christina Brodbeck
5. Christopher Maxcy
6. Cuong Do
7. David Eun
8. Dwipal Akhilesh Desai
9. Eric Schmidt
10. George Reyes
11. Hong J. Qu
12. Jeff Huber
13. Julio Pekarovic
14. Kevin Christopher Donahue
15. Larry Page
16. Marissa Mayer
17. Mayrose Dunton
18. Michael Moritz
19. Omid Kordestani
20. Salar Kamangar
21. Sergey Brin

22. Shona Brown
23. Steve Chen
24. Susan Wojicki
25. Tim Armstrong

Third Parties:

In addition, Plaintiffs believe that the following third parties may have knowledge of facts supporting Defendants' liability for copyright infringement and/or the damages and profits arising therefrom:

1. Travis Hill, of BayTSP, Inc. (identification of infringing content on YouTube).
2. One or more employees of Audible Magic, Inc. (Defendants' supervision and control over the YouTube site; Defendants' knowledge of infringement).
3. One or more employees of Sequoia Capital, Inc. (Defendants' business model and profits attributable to infringement of Plaintiffs' works; Defendant's knowledge of infringement). Plaintiffs anticipate that Roloef Botha, Michael J. Moritz, Douglas M. Leone, Michael L. Goguen, Mark D. Kvamme, Sameer Gandhi, and James J. Goetz may have discoverable information supporting Plaintiffs' claims.
4. One or more employees of Triplepoint Capital LLC (Defendants' business model and profits attributable to infringement of Plaintiffs' works; Defendant's knowledge of infringement). Plaintiffs anticipate that Jim Labe and Sajal Srivastava may have discoverable information supporting Plaintiffs' claims.
5. One or more employees of Artis Capital Management, Inc. (Defendants' business model and profits attributable to infringement of Plaintiffs' works; Defendant's knowledge of infringement). Plaintiffs anticipate that Stuart L. Peterson may have discoverable information supporting Plaintiffs' claims.
6. One or more employees of 24/7 Real Media, Inc. (Defendants' advertising on the YouTube site). Plaintiffs anticipate that David J. Moore and Jonathan Hsu may have discoverable information supporting Plaintiffs' claims.
7. One or more employees of Adbrite, Inc. (Defendants' advertising on the YouTube site). Plaintiffs anticipate that Philip J. Kaplan and Jim Benton may have discoverable information supporting Plaintiffs' claims.
8. One or more employees of DoubleClick, Inc. (Defendants' advertising on the YouTube site). Plaintiffs anticipate that David Rosenblatt and Stuart Frankel may have discoverable information supporting Plaintiffs' claims.

9. One or more employees of FastClick, Inc. (Defendants' advertising on the YouTube site). Plaintiffs anticipate that David A. Yovanno and John Ellis may have discoverable information supporting Plaintiffs' claims.
10. One or more employees of Tribal Fusion (Defendants' advertising on the YouTube site). Plaintiffs anticipate that Scott Kellstedt and Jeff Montgomery may have discoverable information supporting Plaintiffs' claims.

In addition, Plaintiffs also anticipate that discovery will identify additional third parties, in the following categories, with discoverable information that Plaintiffs may use to support their claims:

1. Business or technical consultants for Defendants;
2. Individuals or entities involved in the marketing, promotion, or branding of YouTube, including public relations or marketing companies;
3. Individuals or entities engaged in a revenue alliance, strategic partnership, joint venture, or any other business arrangement with Defendants involving YouTube;
4. Individuals or entities that have entered licensing agreements with Defendants pertaining to the YouTube website, or who have engaged in or attempted negotiations to do so;
5. Individuals or entities engaged in tracking, monitoring, or otherwise retaining data concerning usage, traffic, and users of the YouTube site;
6. Individuals or entities engaged in developing, marketing, or utilizing applications for purposes of identifying copyrighted video content;
7. Banks, venture capitalists, investors, or any other individual or entity providing any capital, funds, or financing related to Defendants with respect to YouTube;
8. Insurance companies that provide, or have discussed providing, insurance coverage to Defendants for liability under copyright;
9. Individuals or entities that own, operate, control, or hold an ownership interest in any part of Defendants, or has in the past owned, operated, controlled, or held an ownership interest in any part of Defendants, and their agents and employees.

### Experts

Finally, Plaintiffs believe that expert witnesses, who will be identified pursuant to the schedule established by the Federal Rules of Civil Procedure and the scheduling order in this case, are also likely to have discoverable information that Plaintiffs may use to support their claims.

Reservation of Right to Supplement or Amend

Plaintiffs expressly reserve their rights to modify and supplement this list based upon investigation and discovery in this matter and to identify other witnesses as necessary.

**II. Disclosures Pursuant to Federal Rule of Civil Procedure 26(a)(1)(B)**

The parties have stipulated to waive disclosures pursuant to Fed. R. Civ. P. 26(a)(1)(B).

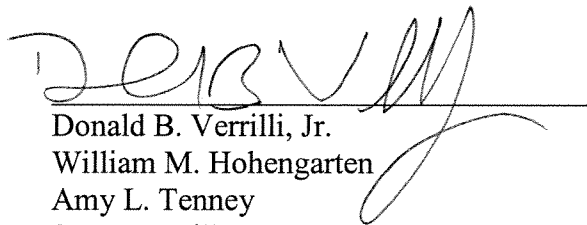
**III. Disclosures Pursuant to Federal Rule of Civil Procedure 26(a)(1)(C)**

Plaintiffs seek, at their election made at the due time, (a) statutory damages pursuant to 17 U.S.C. § 504(c) or (b) actual damages plus Defendants' profits attributable to the infringement (including Plaintiffs' diminished enterprise value and Defendants' enhanced enterprise value) pursuant to 17 U.S.C. § 504(b). Plaintiffs reserve the right to elect recovery of statutory damages for certain acts of infringement and actual damages plus profits for others. The computation of damages requires discovery and expert analysis and is premature at this time.

**IV. Disclosures Pursuant to Federal Rule of Civil Procedure 26(a)(1)(D)**

The parties have stipulated to waive disclosures pursuant to Fed. R. Civ. P. 26(a)(1)(D).

Dated: July 19, 2007



Donald B. Verrilli, Jr.  
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919 Third Avenue  
37th Floor  
New York, NY 10022  
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*Attorneys for Plaintiffs*

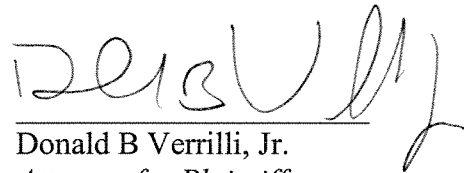
**CERTIFICATE OF SERVICE**

I hereby certify that I caused to be served a true and correct copy of the foregoing Plaintiffs' Initial Disclosures Pursuant to Federal Rule of Civil Procedure 26(a)(1) on the following Counsel for Defendants, by Electronic Mail:

David H. Kramer  
Bart E. Volkmer  
Tania Maria Oullette Klausner  
Mark S. Ouweleen

YTservice@bartlit-beck.com.

Dated: July 19, 2007

  
Donald B Verrilli, Jr.  
*Attorney for Plaintiffs*