

# **Schapiro Exhibit 269**

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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

PLAINTIFFS, )

vs. )

07 CIV. 3582 (LLS)

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

DEFENDANTS. )

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

PLAINTIFFS, )

vs. )

07 CIV. 2103 (LLS)

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

DEFENDANTS. )

----- )  
VIDEOTAPED DEPOSITION OF COURTNEY NIEMAN  
WEDNESDAY, DECEMBER 16, 2009  
PALO ALTO, CALIFORNIA

Job No. 18293

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VIDEOTAPED DEPOSITION OF COURTNEY NEIMAN,  
TAKEN ON BEHALF OF THE DEFENDANTS, AT 9:28 A.M.,  
WEDNESDAY, DECEMBER 16, 2009 AT 650 PAGE MILL ROAD,  
PALO ALTO, CALIFORNIA BEFORE MARY JACKSON, CSR NO.  
8688, PURSUANT TO NOTICE.

## A P P E A R A N C E S

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STUART PETTIGREW, Videographer

## INDEX

Examination By Page

Mr. Kramer

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## EXHIBITS

Number Page

1 E-mail Chain 6/7/2006 between Nieman 39  
and Gillette

2 E-mail Chain 2/8/2007 between Nieman 47  
and Cahan

3 E-mail Chain 10/19/2006 between Nieman 52  
and Misty

4 E-mail Chain 12/21/2006 between Nieman 54  
and Gillette

5 E-mail Chain 1/2/2007 between Gillette 56  
and Nieman

6 E-mail Chain 9/7/2006 between Nieman 58  
and Ishikawa

7 E-mail Chain 9/20/2006 between Woo and 71  
Ishikawa and Espinosa

8 Work Order 158-001 76

9 E-mail Chain 10/7/2006 between Hallie 87  
and Ishikawa and Nieman

10 E-mail Chain 10/7/2006 between Ishikawa 88  
and Hallie

1 identification.)

2 12:08 MR. KRAMER: Q. Do you recognize

3 Exhibit 15?

4 12:08 A. Yes, I do.

5 12:08 Q. What is it?

6 12:08 A. It's a -- hang on. I'm getting to the

7 page where there's actually printing. Holy smokes.

8 We cut down a forest to do this one.

9 12:08 Q. Mm-hmm.

10 12:08 A. I don't recall this format of this report.

11 However, I do recall the report in general. It was

12 part of the weekly process of informing our clients

13 what we did based on their instructions.

14 12:08 Q. In Exhibit 15, there is an e-mail exchange

15 on the cover page between Bay and Viacom

16 representatives including Ms. Hallie, Mr. Cahan,

17 you're included as a cc. In the first in time

18 message, Ms. Arizala says, "Please review the

19 enclosed YouTube, Google Video, MySpace and Yahoo!

20 Video approved notice sent rule."

21 12:09 A. Mm-hmm.

22 12:09 Q. Do you know what that's a reference to?

23 12:09 A. It would be, here's the report for the

24 actions you told us to take.

25 12:09 Q. But I'm specifically asking about the

1 "approved notice sent rule," not the report itself.

2 12:09 A. I don't know what -- what Deana -- why she  
3 chose that phrase. But in my dealings with Deana as  
4 a manager, that's -- I would ask her what she meant  
5 by that.

6 12:09 Q. The last four pages of Exhibit 15 --

7 12:09 A. Yeah.

8 12:09 Q. -- are one-page charts entitled MTV Agent  
9 Asset Rule List for each of the four services  
10 Ms. Arizala mentions in her message: YouTube,  
11 MySpace, Google Video, and Yahoo! And there is a  
12 list of shows in common among each of the four  
13 lists. Do you see that?

14 12:10 A. Yes.

15 12:10 Q. Do you recognize this as the rules that  
16 BayTSP was to follow with respect to each of those  
17 services at the time?

18 12:10 A. I recall that this table was the  
19 representation of what client services, Deana,  
20 myself, understood as to how BayTSP was to enforce  
21 these titles.

22 12:10 Q. Got it. You were involved in helping to  
23 prepare these asset agent rule lists?

24 12:10 A. Inasmuch as the manager of client services  
25 e-mails, phone calls, yeah, I'm sure it came up.

1 12:11 Q. Okay.

2 12:11 A. Please do this; please do that.

3 12:11 Q. If you take a look at the -- let me see if

4 I can do it this way. Can you explain to me what

5 these rules were looking at, these charts as of

6 November 6th, 2006?

7 12:11 A. Yes. We will take, for example, column

8 one would be the content order. So Spice TV, Comedy

9 Central, Viacom in general, Country Music

10 Television, blah, blah, blah. The second one would

11 be the specific network of that content holder that

12 those titles belong to. And then notices were to be

13 sent on the complete entire show versus a clip, some

14 subset, and, with God as my witness, I don't

15 remember what -- other than looking at it here, that

16 the rule would be to -- would be used to define what

17 is a clip.

18 12:12 Q. On which action should be taken, right?

19 12:12 A. Yeah. So full was fairly straightforward.

20 It's the whole episode. Whereas -- whether it had

21 commercials or not was irrelevant. It was, did you

22 have the whole show? Clip would have been anything

23 less than the whole show. So two and a half would

24 be in minutes as opposed to seconds or days or

25 greater.



1 12:12 Q. So these charts reflect that at this time,  
2 the full episode rule was in effect at YouTube,  
3 right?

4 12:12 MR. COX: Objection. Document speaks for  
5 itself.

6 12:12 MS. COLEMAN-BISHOP: Mischaracterizes --  
7 objection mischaracterizes the document.

8 12:13 THE WITNESS: Okay. I'm lost.

9 12:13 MR. KRAMER: Q. Sure.

10 12:13 A. Because I don't -- as I read this, these  
11 rules for engagement were for -- "please review the  
12 enclosed YouTube, Google Video, MySpace, Yahoo!  
13 Video."

14 12:13 Q. We have one page for each of the four  
15 services that you just mentioned, and on each page  
16 there are the rules that you just described, but  
17 they differ.

18 12:13 A. Oh, okay.

19 12:13 Q. So for the page entitled YouTube Approved  
20 Notice Sent, which is the first of the four  
21 charts --

22 12:14 A. Yes. There is full rule -- full assets is  
23 the rule for the YouTube page; full assets is for  
24 the Google page; full assets and some clips for  
25 MySpace; and full assets and some clips for Yahoo!

1                   That's what that tells me.

2           12:14           Q.    And my question is, do you have any  
3                   insight into why the rules for YouTube and Google  
4                   Video were different than the rules for MySpace and  
5                   Yahoo! at the time?

6           12:14           A.    No.

7           12:14           MS. COLEMAN-BISHOP:  Objection.  Calls for  
8                   speculation.

9           12:14           THE WITNESS:  No, I do not.

10          12:14           MR. KRAMER:  Q.    Were you communicating  
11                   Viacom's takedown rules to YouTube at the time?

12          12:14           A.    No.

13          12:14           Q.    Why not?

14          12:14           A.    We didn't communicate our practices to  
15                   anyone.  To -- I mean inasmuch as I didn't tell  
16                   YouTube or MySpace or AT&T or Canada Net, I didn't  
17                   tell -- I and none of my staff would have  
18                   communicated any rules.  We just sent the DMCA  
19                   notice.

20          12:15           Q.    Were you under instructions not to reveal  
21                   Viacom's takedown rules to YouTube?

22          12:15           A.    If it's in the -- if it's in my NDA or  
23                   work rules.  I don't remember somebody giving me an  
24                   explicit instruction.  I don't recall somebody  
25                   saying, don't tell, but --

1 12:15 Q. Do you think it would have helped YouTube  
2 follow Viacom's wishes with respect to having its  
3 content appear on YouTube --

4 12:15 MS. COLEMAN-BISHOP: Objection. Calls for  
5 speculation. No matter where you go with the  
6 question, it's going to call for speculation.

7 12:15 MR. KRAMER: Yeah, but you have to let me  
8 get the question so the record's clear, and then  
9 you can object. And if I think your objection --

10 12:16 MS. COLEMAN-BISHOP: Don't lecture me on  
11 how to defend a --

12 12:16 MR. KRAMER: No, Counsel, it's not just  
13 proper. It's just not proper. You have to let me  
14 get the question out so we can make the record, and  
15 then if you have an objection, you can make it. I  
16 can decide whether I want to restate the question or  
17 not. But if you object in the middle of the  
18 question, we don't even know whether your objection  
19 is going to be meritorious. So just wait until I  
20 get the question out. That's all. Just courtesy.  
21 Okay?

22 12:16 MR. KRAMER: Q. Do you think it would  
23 have helped YouTube follow Viacom's wishes with  
24 respect to having its content appear on YouTube if  
25 Viacom had communicated these kinds of rules to

1           putting them together and creating a new -- a new  
2           piece of art, a new whatever you want to call it,  
3           putting a new voice stream over a clip for humor  
4           sake. That's -- taking more than one piece of  
5           original work and reworking it to come up with  
6           something else.

7           1:11                   And that's when I -- someone told me about  
8           Andy Warhol. I mean I knew of the images. I just  
9           didn't realize that was of consequence. He took  
10          something everybody knew, an icon, and did something  
11          to it and made it different. So Andy Warhol's  
12          pictures, in my mind, were a mash-up.

13          1:11                   What defines a clip? I don't know that I  
14          ever got that answered. You know, let's go to the  
15          clip. You know, in sports, I don't know. So I  
16          don't know. It was -- it was struggling to  
17          understand the process.

18          1:11                   Q.    So the next question on the list is one  
19          about which I'd like to ask you. You asked  
20          Mr. Ishikawa, "Is setting any time limit arbitrary?"  
21          Sitting here today, do you believe that setting time  
22          limits for the clips that should be taken down  
23          versus the clips that should be left up was an  
24          arbitrary process?

25          1:12                   MS. COLEMAN-BISHOP: Object to form.

1 1:12 THE WITNESS: I don't have an opinion.

2 1:12 MR. KRAMER: Q. Okay. How about back

3 when you were a manager at BayTSP?

4 1:12 A. Same answer. I didn't have an opinion.

5 Did what I was told.

6 1:12 MR. COX: Same objection.

7 1:12 MR. KRAMER: Fair enough.

8 1:12 MS. COLEMAN-BISHOP: Can I ask a quick

9 question here?

10 1:12 MR. KRAMER: Sure.

11 1:12 MS. COLEMAN-BISHOP: Courtney, what

12 exactly is a mash-up? What is your understanding of

13 one?

14 1:12 THE WITNESS: Two or more pieces of

15 original work being put together to create a third.

16 1:12 MS. COLEMAN-BISHOP: Okay.

17 1:13 (Whereupon Exhibit No. 18 was marked for

18 identification.)

19 1:13 MR. KRAMER: Q. Okey doke. Exhibit 18

20 is an e-mail exchange between BayTSP and MTVN

21 representatives on which you were copied with the

22 subject line, Video Takedown 11/14/2006. And

23 contained within the e-mail exchange itself, there

24 is a report entitled MTV Network's Video Takedown

25 Update. That's at the bottom of the first page.

1                   The title is on the bottom of the first page. Then  
2                   the report starts on page 2.

3           1:14           A.    Yes.

4           1:14           Q.    Let me ask you if you've seen reports like  
5           this at BayTSP?

6           1:14           A.    Yes.

7           1:14           Q.    This is a report on the application of the  
8           Viacom takedown effort through BayTSP on that day,  
9           November 14th, 2006, right?

10          1:14           A.    Yes.

11          1:14           Q.    And in the chart at the top of page 2  
12          there are the four services that we looked at  
13          earlier: YouTube, MySpace, Yahoo! Video, and Google  
14          Video, right?

15          1:14           A.    Yes.

16          1:14           Q.    So am I reading the chart correctly in  
17          saying that it shows on that day BayTSP sent  
18          takedown notices for 22 episodes and 36 clips on  
19          YouTube?

20          1:14           A.    Yes.

21          1:14           Q.    Okay. In the next column it says, "Passed  
22          on." Do you know what that means?

23          1:15           A.    Means we determined what we saw didn't  
24          fall within the rules that we had been given, too  
25          long, too short, it wasn't the clip.

1 1:15 Q. So on that day, Bay found and sent  
2 takedown notices to YouTube for 58 videos containing  
3 what it thought was Viacom content?

4 1:15 A. Yes.

5 1:15 Q. And on that day, it also found and left  
6 out or passed on 555 videos on the YouTube service,  
7 right?

8 1:15 A. Of the ones they reviewed, yes.

9 1:15 Q. So 555 clips that were passed on because  
10 they fell outside of Viacom's takedown rules, right?

11 1:15 MR. COX: Objection. Asked and answered.

12 1:15 THE WITNESS: Trying to make sure I  
13 understand. I believe that is correct.

14 1:16 MR. KRAMER: Q. And the reason that  
15 BayTSP left up on YouTube those 555 clips it found  
16 was because Viacom directed BayTSP to leave them up,  
17 right --

18 1:16 MR. COX: Objection. Calls for  
19 speculation.

20 1:16 MR. KRAMER: Q. -- as part of its  
21 instructions?

22 1:16 A. No, that would not be correct.

23 1:16 Q. Why is that not correct?

24 1:16 A. We were not given instructions, per se, of  
25 what to leave up.

1 1:16 Q. Fair enough. The converse of an  
2 instruction to take something down, however, is it  
3 implicitly to leave it up, right?

4 1:16 A. Yes.

5 1:16 Q. Okay. In the next table down in the  
6 document, there's a chart labeled P2P?

7 1:17 A. Yes.

8 1:17 Q. Can you explain what that shows?

9 1:17 A. Those were files that we found on those  
10 three P2P networks: Gnutella, eDonkey and  
11 BitTorrent.

12 1:17 Q. That you believed contained Viacom  
13 content?

14 1:17 A. Yes.

15 1:17 Q. And so on that day, BayTSP representatives  
16 identified 7,626 pieces of Viacom content on the  
17 BitTorrent service, correct?

18 1:17 A. That's what this report would suggest.

19 1:17 Q. So Bay had found a far greater volume of  
20 what it thought was Viacom content on P2P networks  
21 that day than it had found on YouTube, right?

22 1:17 MR. COX: Object to the form.

23 1:18 THE WITNESS: It would be an inaccurate  
24 comparison.

25 1:18 MR. KRAMER: Q. Hmm. Well, I suppose I



1 should ask you why that's an inaccurate comparison.

2 1:18 A. Why can't you make a Yugo go as fast as a  
3 drag race rail car?

4 1:18 Q. I take it you're a fan of car racing. I'm  
5 getting that sense.

6 1:18 A. It is not designed to do so. Why can't  
7 you find bags of oranges that have counts of upwards  
8 to 1,000 like you would if you bought a bag of  
9 peanuts? It's apples and oranges. You can't make  
10 that comparison.

11 1:18 The kind of things you can find on a P2P  
12 network have a broader base, a global base, than you  
13 would find on a particular video service regardless  
14 of service. So --

15 1:19 Q. Can you elaborate on that?

16 1:19 A. There's no relationship between the number  
17 we found or passed on a service -- on a single point  
18 of source, MySpace server, than we would find on the  
19 untold -- and I say that because I don't know -- the  
20 untold number of BitTorrent servers that are out  
21 there on the planet Earth. There's more  
22 possibilities to find things on BitTorrent than you  
23 would find on YouTube or MySpace or whatever just  
24 because of the sheer number of source points.

25 1:19 Q. Okay. Let's -- let me come it at slightly

1                   differently. In the chart beneath the P2P chart  
2                   there's a list by asset of Viacom content --

3           1:20           A.    Mm-hmm.

4           1:20           Q.    -- that rolls up into the 22 episodes, 36  
5                   clips and 556 clips passed on for the day, right?

6           1:20           A.    Yes.

7           1:20           Q.    And so on that given day Viacom  
8                   encountered 316 different pieces of content on the  
9                   YouTube service that appeared to contain content  
10                  from South Park, it took down one clip?

11          1:20           A.    Yes.

12          1:20           Q.    It took down one clip, and it passed on  
13                  315, correct?

14          1:20           A.    Yes.

15          1:20           Q.    So I'm reading that correctly. The counts  
16                  for the P2P services that appear in the chart above  
17                  the asset-by-asset breakdown --

18          1:20           A.    Mm-hmm.

19          1:20           Q.    -- those counts were for the same list of  
20                  assets that appear in the breakdown beneath it,  
21                  right?

22          1:20                           MR. COX: Object to form, lacks  
23                  foundation.

24          1:21                           THE WITNESS: I don't know in that -- the  
25                  start of this, I don't know if the P2P chart refers

1 to the assets below or the asset above, the European  
2 Music Awards 2006 or to the asset list below. I  
3 don't remember.

4 1:21 MR. KRAMER: Q. Take a look, if you  
5 would, at the page that starts -- the page that ends  
6 with the Bates No. BayTSP 522. See that's the topic  
7 heading P2P Not Sent?

8 1:21 A. Excuse me. Yes.

9 1:21 Q. And there's a breakdown by asset which  
10 matches the same assets in the --

11 1:21 A. Okay.

12 1:21 Q. -- prior YouTube chart, right?

13 1:21 A. Yes. Okay.

14 1:21 Q. So the totals in the P2P chart for each of  
15 the three P2P services, Gnutella, eDonkey and  
16 BitTorrent, those correspond to the specific list of  
17 assets that BayTSP was charged with identifying for  
18 YouTube as well, correct?

19 1:22 A. Yes.

20 1:22 MR. COX: Object to the form.

21 1:22 MR. KRAMER: Q. So am I reading the  
22 chart correctly that on this day, November 14, 2006,  
23 with respect to P2P services, BayTSP identified some  
24 6500 pieces of content on P2P networks that it  
25 believed contained content from Viacom's show South

1 1:30 MR. KRAMER: Q. So Exhibit 20 is an  
2 e-mail exchange you had with a gentleman by the name  
3 of Micah Schaffer at YouTube. Started at the bottom  
4 with others on the chain at BayTSP, and Ms. Gillette  
5 is a cc shown on the last in time e-mail dated  
6 November 29, 2006. The subject line is Please Take  
7 This Down Immediately.

8 1:30 A. Yes.

9 1:30 Q. Do you recognize this document?

10 1:31 A. Yeah.

11 1:31 Q. Okay. Your first message has a list of  
12 URLs identifying clips on the YouTube service that  
13 you wanted removed, right?

14 1:31 A. Yes.

15 1:31 MR. COX: Objection. Document speaks for  
16 itself.

17 1:31 MR. KRAMER: Q. Do you remember that  
18 these documents -- that these were full episodes of  
19 the show South Park from a YouTube user with the  
20 name South Park Studios?

21 1:31 A. Other than my e-mail says that, no.  
22 There's nothing about a YouTube URL that gives you  
23 any indication of what it is.

24 1:31 Q. Fair enough. Do you remember that there  
25 was a user on the YouTube service with the user name

1 South Park Studios?

2 1:31 A. I don't have any specific memory of it,  
3 but it would be a memory of one of hundreds of  
4 accounts, so . . .

5 1:31 Q. You're aware that South Park Studios is  
6 the name of a Viacom-related entity, right?

7 1:32 A. I don't know. I don't remember.

8 1:32 Q. Well, you -- you wrote in your message  
9 that's the last in time at the top, "Under normal  
10 circumstances, I would be cheering right now.  
11 Please be prepared to reinstate that account" --

12 1:32 A. Mm-hmm.

13 1:32 Q. -- "if and when it's determined that South  
14 Park Studios is actually an authorized activity of  
15 Comedy Central." So you thought it was possible  
16 that the clips that you were identifying had been  
17 uploaded to YouTube by someone authorized to do it,  
18 right?

19 1:32 A. Yes. That's the way I would read this.

20 1:32 Q. By the way, YouTube took down,  
21 immediately, the clips that you sent to it --

22 1:32 A. Yes.

23 1:32 Q. -- right? Now, Ms. Nieman, couldn't you  
24 tell from the user name South Park Studios that the  
25 clips had been uploaded to YouTube by someone with

1 the authority to upload them?

2 1:33 MR. COX: Object to the form.

3 1:33 THE WITNESS: No. There's nothing about a  
4 name that suggests anything about the owner.

5 1:33 MR. KRAMER: Q. Could you tell by  
6 looking at the clips that they had not been uploaded  
7 to YouTube by someone at Viacom with the authority  
8 to do it?

9 1:33 A. No.

10 1:33 Q. Why not?

11 1:33 A. An episode of South Park is an episode of  
12 South Park. There's nothing that makes it  
13 identifiable -- the source of the clip identifiable  
14 other than that there is a screen name attached to  
15 it, a screen name which doesn't tell me anything  
16 about the owner of the screen name. So, no, there's  
17 no chain from clip to source. If the source comes  
18 forward, we have taken down somebody -- taken down  
19 somebody's content and they can prove they're the  
20 owner, then across the board, it was BayTSP's policy  
21 to send a retraction because that's what the DMCA  
22 says to do.

23 1:34 Q. Well, if they were full episodes of South  
24 Park though, Ms. Neiman, couldn't you tell that they  
25 weren't authorized?

1 1:34 A. No.

2 1:34 Q. Why not?

3 1:34 A. There were no rules at the time for a time  
4 limitation -- when I first became aware of YouTube,  
5 MySpace, video sharing, videos were five minutes,  
6 videos were an hour, videos were two hours. There  
7 was no rule that said, okay, you can't put up just  
8 part of it. And there was nothing there -- from the  
9 videos that I watched, I don't recall ever seeing an  
10 entire movie, hundred and two minutes in its  
11 entirety. But I can think of a number of times,  
12 including now, where you can see whole content on  
13 YouTube.

14 1:35 I like watching the Glenn Beck show. It  
15 is approximately a 38-minute, sucking out  
16 commercials, and some people put it up in two parts.  
17 Some people put it up in six parts. Some people put  
18 it up in -- so the point is, nothing about the clip  
19 identifies its source.

20 1:35 Q. Okay. But couldn't you tell if it was a  
21 full episode of South Park, that it wasn't  
22 authorized to be there?

23 1:35 A. No.

24 1:35 Q. The whole thing was there. Doesn't that  
25 give it away?

1 1:35 MR. COX: Object to the form.

2 1:36 THE WITNESS: No.

3 1:36 MR. KRAMER: Q. Do you think it's likely  
4 that someone with authority to do it at Viacom was  
5 uploading full episodes of South Park to YouTube?

6 1:36 MS. COLEMAN-BISHOP: Objection. Asked and  
7 answered, argumentative. She's already said no.  
8 She's not able to identify whether or not any one of  
9 these full episodes had any authority to be posted  
10 or did not.

11 1:36 MR. KRAMER: Okay.

12 1:36 MS. COLEMAN-BISHOP: There's no way to  
13 tell from a full episode whether or not the person  
14 that uploaded it had authority. No matter how many  
15 times you ask the question, you're going to get the  
16 same answer. The answer's no.

17 1:36 THE WITNESS: I'm with her.

18 1:36 MR. KRAMER: Q. You agree with the  
19 sentiment your attorney just expressed?

20 1:36 A. Yeah. There is no connection between what  
21 you see in YouTube, the person who posted it, and  
22 the person who produced it. There is no  
23 identifiable link.

24 1:36 Q. Meaning there's no way to tell --

25 1:36 A. Correct.



1 1:36 Q. -- whether it's authorized?

2 1:36 A. Correct.

3 1:37 (Whereupon Exhibit No. 21 was marked for  
4 identification.)

5 1:37 MS. COLEMAN-BISHOP: Can we go off the  
6 record just one second?

7 1:37 MR. KRAMER: Sure. Off the record.

8 1:37 THE VIDEOGRAPHER: The time is 1:38. Off  
9 the record.

10 1:37 (Whereupon a recess was taken.)

11 1:37 THE VIDEOGRAPHER: Time is 1:38. On the  
12 record.

13 1:37 MR. KRAMER: Q. Okay.

14 1:37 A. Okay.

15 1:37 Q. Ms. Nieman, Exhibit 21 is a similar e-mail  
16 exchange you had with someone named Misty at YouTube  
17 the same day as Exhibit 20, right?

18 1:38 A. Yes.

19 1:38 Q. Your message starts with the same list of  
20 clips on YouTube and the same requests, "Please take  
21 this down immediately." Misty responds that she  
22 removed the videos but she, too, thought that the  
23 account might have been set up by Comedy Central.  
24 Do you see that?

25 1:38 MR. COX: Object to the characterization

1 of the document.

2 1:38 THE WITNESS: I don't know what Misty was  
3 thinking. As I read this, she had some belief that  
4 they may have come from a valid source.

5 1:38 MR. KRAMER: Q. And you wrote, "Referring  
6 to this account, South Park Studios, they are  
7 associated with Comedy Central, but MTVN has the  
8 exclusive rights"?

9 1:38 A. Yes.

10 1:38 Q. So you thought at that point that the user  
11 South Park Studios was associated with Comedy  
12 Central, right?

13 1:38 A. I believe our client informed us of that.

14 1:39 Q. Do you recall who specifically?

15 1:39 A. No, I do not.

16 1:39 Q. Can you turn back to Exhibit 8, which is  
17 the work digest for Project 1 for MTV?

18 1:39 A. Got it.

19 1:39 Q. And if you could look at the second page  
20 of Exhibit 8 --

21 1:39 A. Yes.

22 1:39 Q. Under where it says, "Description of  
23 Activity," it says, "YouTube is no longer an active  
24 protocol in Project 1 because of the implementation  
25 of Project 2." Do you know what that means?