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YOUTUBE, LLC and GOOGLE LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MARIA SCHNEIDER, UNIGLOBE ENTERTAINMENT, LLC, and AST PUBLISHING LTD., individually and on behalf of all others similarly situated,
Plaintiffs,
v.
YOUTUBE, LLC and GOOGLE LLC,
Defendants.

CASE NO.: 3:20-cv-04423-JD

DECLARATION OF CHENYUAN ZHU IN SUPPORT OF DEFENDANTS' SEALING REQUESTS

YOUTUBE, LLC and GOOGLE LLC,
Counterclaimants,
v.
PIRATE MONITOR LTD, PIRATE MONITOR LLC, and GÁBOR CSUPÓ,
Counterclaim Defendants.

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1 I, Chenyuan Zhu, declare as follows:

2 1. I am currently a Product Manager for Content ID for Defendant YouTube, LLC
3 (“YouTube”). I previously worked in and then led YouTube’s copyright operations team, which
4 was responsible for leading YouTube’s DMCA-compliance efforts. I am familiar with YouTube’s
5 practices regarding copyright operations. I have personal knowledge of the facts set forth herein
6 and, if called as a witness, I could and would testify competently to them.

7 2. Pursuant to Local Rule 79-5, I submit this Declaration in Support of Defendants’
8 Sealing Requests. YouTube has requested to seal limited, highly sensitive information contained
9 in documents submitted in connection with Plaintiffs’ Motion for Class Certification (ECF Nos.
10 189 and 190), YouTube’s opposition thereto (ECF Nos. 197 and 198), and Plaintiffs’ reply (ECF
11 Nos. 202 and 203). Where applicable, the more limited information proposed to be sealed is
12 attached to the Declaration of Catherine R. Hartman in Support of Defendants’ Sealing Requests
13 (“Hartman Declaration”) in redacted form. Mindful of the interest of public access to litigation
14 documents, YouTube’s redactions are specific and tailored as necessary to safeguard YouTube’s
15 confidential information.

16 3. The following portions of the documents attached to the Hartman Declaration
17 should be redacted for the reasons set out below:

Portions Sought to be Sealed	Basis for Sealing
<p>21 Exhibit 1 to the Hartman Declaration, originally filed at ECF Nos. 189-2 & 190-8: 22 Excerpts of the June 21, 2022 30(b)(6) deposition of Kevin Zhu</p> <p>23 Ex. 2 to the Declaration of Demetri Blaisdell in Support of Plaintiffs’ Motion for Class 24 Certification & 25 Ex. 2 to Plaintiffs’ Administrative Motion to File Under Seal</p>	
<p>26 20:8-20; 21:1-19; 23:12-18; 27 26:14-27:24</p>	<p>This testimony contains detailed discussions about the operations of YouTube’s policy for terminating repeat infringers. It is highly sensitive commercial information YouTube protects as highly confidential and requires heightened protection. Defendants have designated this</p>

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	<p>testimony “Confidential” under the parties’ Stipulated Protective Order.</p> <p>Public disclosure of the limited information YouTube seeks to seal would instruct bad actors on how to circumvent termination under YouTube’s repeat infringer policy and therefore hinder YouTube’s ability to identify and terminate repeat infringers.</p>
<p>Exhibit 2 to the Hartman Declaration, originally filed at ECF Nos. 189-4 & 190-10: Excerpts of the June 29, 2022 deposition of Chris Ting</p> <p>Ex. 4 to the Declaration of Demetri Blaisdell in Support of Plaintiffs’ Motion for Class Certification & Ex. 4 to Plaintiffs’ Administrative Motion to File Under Seal</p>	
<p>107:11-12; 107:14-17; 107:25-108:3</p>	<p>This testimony contains detailed discussions about YouTube’s internal target handling times for responding to DMCA takedown notices and counter notifications. It is highly sensitive commercial information YouTube protects as highly confidential and requires heightened protection. Defendants have designated this testimony “Highly Confidential - Attorneys’ Eyes Only” under the parties’ Stipulated Protective Order. These targets reflect YouTube’s proprietary analysis regarding optimal takedown notice and counter notification processing times balanced with other factors, including safeguarding the quality of the review process. They also reflect confidential service level agreements incorporated into YouTube’s agreements with vendors who process takedown notices and counter notifications for YouTube.</p> <p>Public disclosure of such information would cause harm to YouTube by providing bad actors with information that would be used to abuse YouTube’s systems, allow competitors to use YouTube’s hard won knowledge to improve their own systems without having to expend the same resources and may harm YouTube’s relationship with its vendors if competitors use this information to offer vendors more favorable terms.</p>

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<p>Exhibit 5 to the Hartman Declaration, originally filed at ECF Nos. 189-15 & 190-21: Expert Report of Joseph M. Winograd, Ph.D., dated September 1, 2022</p> <p>Ex. 15 to the Declaration of Demetri Blaisdell in Support of Plaintiffs’ Motion for Class Certification & Ex. 15 to Plaintiffs’ Administrative Motion to File Under Seal</p>	
<p>Portions of pages 11 and 68</p>	<p>The report of Plaintiffs’ proffered expert, Dr. Winograd, contains information about the number of videos on YouTube’s platform. This information relies on testimony designated “Confidential” under the parties’ Stipulated Protective Order.</p> <p>The number of videos on YouTube is highly sensitive commercial information YouTube protects as highly confidential and requires heightened protection. Public disclosure of this information may allow competitors to estimate the scale of YouTube’s systems and resourcing costs, which they may use to improve upon their own systems and unfairly compete based on the knowledge of those resourcing costs.</p>
<p>Portions of pages 18, 21, 39, 43, 69, and 83</p>	<p>Dr. Winograd’s report contains discussions about the specific capabilities of YouTube’s copyright management tools, including Content ID and Copyright Match Tool’s matching system and their numerical thresholds for detection. This information relies on testimony designated “Highly Confidential - Attorneys’ Eyes Only” under the parties’ Stipulated Protective Order.</p> <p>These capabilities are highly sensitive commercial information YouTube protects as highly confidential and require heightened protection. Public disclosure of such information would enable bad actors to abuse and circumvent YouTube’s systems and avoid detection by YouTube’s copyright management tools, Content ID and Copyright Match Tool. YouTube has developed its copyright management tools over the course of many years, incurring significant development costs. The public disclosure of this information could also result in competitive harm by revealing to competitors how Content ID and Copyright Match Tool technically function and providing them with information they could use to mimic YouTube’s proprietary technology without having to expend the same resources.</p>

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<p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p>	<p>Portions of page 50</p>	<p>Dr. Winograd’s report contains the specific criteria for Content ID partners to be granted access to a particular Content ID mode. This information relies on documents produced during discovery that were designated “Highly Confidential - Attorneys’ Eyes Only” under the parties’ Stipulated Protective Order.</p> <p>These specific criteria are highly sensitive commercial information YouTube protects as highly confidential and requires heightened protection. This nuanced discussion of specific threshold requirements for accessing a particular mode of the Content ID system, if disclosed, would frustrate some of the purpose of having thresholds in the first place, as disseminating the knowledge of these thresholds could lead to gaming them. It also would show Content ID participants how to advance to different Content ID modes through improper means and thereby, manipulate the Content ID process. YouTube has developed its Content ID system over the course of many years, incurring significant development costs. Public disclosure of this information may also unfairly advantage competitors who could use this information to improve their own copyright management systems without having to expend the same resources.</p>

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