

Exhibit 2
to the Declaration of Catherine Hartman
Public Redacted Version

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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MARIA SCHNEIDER, UNIGLOBE
ENTERTAINMENT, LLC, and
AST PUBLISHING LTD.,
individually and on behalf
of all others similarly
situated;

Plaintiffs,

vs.

Case No. 3:20-cv-04423-JD

YOUTUBE, LLC; and GOOGLE
LLC;

Defendants.

_____ /

C O N F I D E N T I A L
DEPOSITION OF CHRIS TING
SAN FRANCISCO, CALIFORNIA
WEDNESDAY, JUNE 29, 2022

STENOGRAPHICALLY REPORTED BY:

ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR

CSR LICENSE NO. 9830

JOB NO. 846000

1 the claimant who has not provided a full copy of the
2 work, we may still find that there is a strong
3 likelihood of copyright exception.

4 MS. O'KEEFE: Okay.

5 Q Have you ever found a DMCA takedown notice to
6 be insufficient where you did not have -- strike that.

7 Have you ever found a DMCA takedown notice to
8 be insufficient on the basis of an exception for fair
9 use where you did not have a complete copy of the
10 copyrighted work?

11 MR. WILLEN: Objection to the form.

12 THE WITNESS: I'm sorry. There -- there are
13 multiple parts to that -- that question. Could you
14 repeat it one more time, please.

15 MS. O'KEEFE: Q. Have you ever found a DMCA
16 takedown notice to be insufficient on the basis of an
17 exception for fair use where you did not have a
18 complete copy of the copyrighted work?

19 MR. WILLEN: Same objection.

20 THE WITNESS: So in the case where we have
21 received a DMCA takedown request, it may be incomplete
22 for varieties of reasons. It may have failed the
23 statutory requirements.

24 In the case that it is a -- it meets the
25 statutory requirements, but we feel that there is a --

1 after reviewing for -- under our -- our review
2 protocol for checking for copyright exceptions, we --
3 we may find that the takedown request -- we -- we may
4 ask the claimants to consider some copyright exception
5 and ask them to consider things like whether the --
6 the work is transformed.

7 MS. O'KEEFE: Q. So you engage in back and
8 forth with the claimant over the contours of the fair
9 use exception?

10 MR. WILLEN: Objection to the form.

11 THE WITNESS: We -- we merely ask -- after
12 we've done our own analysis on potential copyright
13 exception or the likelihood of potential copyright
14 exception existing in a -- yes, the likelihood of
15 potential copyright exception existing, we merely ask
16 the claimant to consider whether they thought about
17 things like the four factors.

18 MS. O'KEEFE: Okay.

19 Q And do you identify those four factors for
20 the claimant when you ask that question?

21 A We -- we have a response where we ask them to
22 consider things like whether the work has -- the new
23 work has a different meaning than the original work,
24 and ask them to consider how much of their work has
25 been used in the -- in the new work.

1 Q Okay. Do you have canned responses that bear
2 on fair use?

3 A This response to them describing is a canned
4 response.

5 Q How many canned responses do you have that
6 bear on fair use?

7 MR. WILLEN: Objection to the form.

8 THE WITNESS: I -- I don't recall at this
9 point.

10 MS. O'KEEFE: Q. Is it more than one?

11 A I -- I believe it's more than one.

12 Q Is it more than five?

13 A I -- I'm not sure about that.

14 Q In your canned response that bears on fair
15 use, do you advise the DMCA claimant that they could
16 face civil penalties if they make an unjustified DMCA
17 takedown claim?

18 A I -- I don't recall the exact text of the
19 canned response. So if -- if -- if you're asking
20 what's in the canned response, I'm not sure if that --
21 that is in there.

22 Q You had stated that the second factor was how
23 much of the work was used.

24 Please describe for me the physical steps
25 that you take in interacting with your user interface

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