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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

YOUTUBE, LLC and GOOGLE LLC,

Counterclaimants,

v.

PIRATE MONITOR LTD, PIRATE MONITOR  
LLC, and GÁBOR CSUPÓ,

Counterclaim Defendants.

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

**YOUTUBE AND GOOGLE'S  
ANSWER AND COUNTERCLAIMS**

**JURY TRIAL DEMANDED**



1 Plaintiffs' claims of entitlement to use Content ID are badly misguided; their claims of  
2 copyright infringement even more so. Defendants YouTube, LLC ("YouTube") and Google LLC  
3 ("Google," and collectively, "Defendants") hereby answer the First Amended Complaint ("First  
4 Amended Complaint," Dkt. No. 99) and assert Counterclaims against Dismissed Plaintiff Pirate  
5 Monitor LTD.<sup>1</sup>

6 **DEFENDANTS' ANSWER**

7 To the extent the paragraphs ("Paragraphs") of the First Amended Complaint are grouped  
8 under headings and subheadings, Defendants respond generally that such headings and  
9 subheadings (some of which are repeated below for reference only and which do not constitute  
10 admissions) state legal conclusions and pejorative inferences to which no response is required.  
11 To the extent a response is necessary, Defendants deny each and every heading and subheading  
12 in the First Amended Complaint and incorporate by reference this response in each Paragraph  
13 below as if fully set forth herein.

14 Further, Defendants object that, rather than a short and plain statement of Plaintiffs'  
15 allegations and claims required by Fed. R. Civ. P. 8, the First Amended Complaint is an overlong  
16 narrative with lengthy Paragraph after lengthy Paragraph of advocacy. The complex rhetoric and  
17 built-in assumptions in the First Amended Complaint make straightforward responses often  
18 impossible.

19 Except as expressly admitted herein, Defendants deny any and all allegations as set forth  
20 in the First Amended Complaint. Defendants expressly reserve the right to amend and/or  
21 supplement their Answer as may be necessary. Defendants further answer the numbered  
22 Paragraphs in the First Amended Complaint as follows:

- 23 1. Defendants deny the allegations in Paragraph 1.
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27 <sup>1</sup> On March 8, 2021, Plaintiff Pirate Monitor voluntarily dismissed all claims against Defendants.  
28 (Dkt. No. 66). The parties stipulated that Defendants' counterclaims remain in this suit.

1           2.       Defendants admit that YouTube provides certain users with a tool known as  
2 “Content ID” for the purpose of managing copyrighted works. Defendants deny the remaining  
3 allegations in Paragraph 2.

4           3.       Defendants lack knowledge or information sufficient to form a belief about  
5 Plaintiffs’ alleged “lack [of] resources and leverage necessary to combat copyright  
6 infringement.” Defendants deny the remaining allegations in Paragraph 3.

7           4.       Defendants lack knowledge or information sufficient to form a belief about the  
8 allegation that “watching[ing] more than one billion hours of videos every single day ... equat[es]  
9 to approximately 5 billion videos viewed each day.” Defendants otherwise admit the allegations  
10 in Paragraph 4.

11           5.       Defendants deny the allegations in Paragraph 5.

12           6.       Defendants deny the allegations in Paragraph 6.

13           7.       Defendants admit that they generate revenue from targeted advertising.  
14 Defendants deny the remaining allegations in Paragraph 7.

15           8.       Defendants admit that YouTube provides certain users with a tool known as  
16 “Content ID” for the purpose of managing copyrighted works, and that the tool scans videos  
17 uploaded to YouTube and comparing them against files previously provided to YouTube by  
18 copyright owners. Defendants also admit that an uploaded video that matches copyright material  
19 submitted through Content ID may receive a Content ID claim. Defendants further admit that  
20 copyright owners who use the Content ID tool can then choose to block that video, license and  
21 monetize that video, and/or track viewership statistics. *See* “How Content ID works,”  
22 <https://support.google.com/youtube/answer/2797370?hl=en>. Defendants deny the remaining  
23 allegations in Paragraph 8.

24           9.       Defendants admit that YouTube provides certain users with a tool known as  
25 “Content ID” for the purpose of managing copyrighted works. Defendants further admit that  
26 YouTube also provides a notice-and-takedown system for the purpose of managing copyrighted  
27 works. Defendants deny the remaining allegations in Paragraph 9.  
28

1           10. Defendants admit that YouTube provides certain users with a tool known as  
2 “Content ID” for the purpose of managing copyrighted works; that Content ID screening occurs,  
3 among other times, at the moment a user uploads a video to YouTube; and that such screening  
4 may prevent the public availability of the uploaded video, at the Content ID user’s election.  
5 Defendants further admit that YouTube also provides a notice-and-takedown system for the  
6 purpose of managing copyrighted works. Defendants deny the remaining allegations in  
7 Paragraph 10.

8           11. Defendants deny the allegations in Paragraph 11.

9           12. Defendants admit that YouTube assesses “strikes” for copyright violations and  
10 bans repeat copyright infringers from its platform. Defendants further admit that under  
11 YouTube’s repeat infringer policy, Users become eligible to have a copyright strike expire after  
12 90 days subject to certain conditions, including completing YouTube’s Copyright School  
13 (including passing a quiz) and not accruing 2 or more copyright strikes within the 90-day period.  
14 Defendants further admit that the DMCA creates a safe harbor from liability for copyright  
15 infringement to which Defendants are entitled. Defendants further admit that a video being  
16 identified as a Video Match through Content ID does not satisfy the criteria for an allegation of  
17 infringement set forth in Section 512(c) of the DMCA. Defendants deny the remaining  
18 allegations in Paragraph 12.

19           13. Defendants admit that YouTube has received DMCA takedown requests sent  
20 purporting to be on behalf of Plaintiffs Maria Schneider, Uniglobe Entertainment, LLC  
21 (“Uniglobe”), and AST Publishing Ltd. (“AST”). Defendants further admit that Plaintiffs have  
22 not been individually approved to use the Content ID tool. Defendants deny the remaining  
23 allegations in Paragraph 13.

24           14. Defendants deny the allegations in Paragraph 14.

25           15. Defendants deny the allegations in Paragraph 15.

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