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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

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1 **PRELIMINARY STATEMENT**

2 Since its founding in 2005, YouTube has gone far above and beyond its legal obligations
3 to assist copyright holders in protecting their rights. It has developed best-in-class processes for
4 removing allegedly infringing materials pursuant to the Digital Millennium Copyright Act
5 (“DMCA”), which protects online services like YouTube from claims of infringement by their
6 users. It has also invested well over a hundred million dollars to pioneer industry-leading
7 copyright management tools like its Content ID system.

8 Precisely because YouTube’s novel copyright management tools are so powerful, they
9 must be used with care. These special tools enable users to automatically (or at the touch of a
10 button) remove content from YouTube or block it from appearing in the first place. Misused or
11 put in the wrong hands, these tools can be used to censor videos that others have every right to
12 share through YouTube. These tools can also enable users to wrongfully claim ownership rights
13 in others’ content or to take for themselves revenue that rightly belongs to others.

14 Plaintiffs’ claims in this case offer an especially pointed example of why YouTube limits
15 access to Content ID. Plaintiffs complain that they have not been allowed access to Content ID.
16 But Dismissed Plaintiff Pirate Monitor has clearly demonstrated why it cannot be trusted to use
17 that tool properly. As set forth In YouTube’s Counterclaims, Pirate Monitor engaged in
18 widespread abuse of the DMCA’s notice-and-takedown process, going so far as to upload
19 hundreds of videos to YouTube under false pretenses only then to claim, through false DMCA
20 notices, that those same videos were infringing. This was apparently a ruse to obtain access to
21 Content ID, and when it failed Pirate Monitor responded with this lawsuit. As for Plaintiffs
22 Maria Schneider, Uniglobe Entertainment, LLC (“Uniglobe”), and AST Publishing Ltd (“AST”),
23 they are suing YouTube on copyrighted works that they and their agents licensed YouTube to
24 use. Not only that, despite Plaintiffs Maria Schneider and Uniglobe’s claims that they have no
25 access to Content ID, their agents in fact used the tool to generate revenue from those same
26 works on their behalf. Use of Content ID requires far greater care and candor.

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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.¹

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 ¹ 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.
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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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