

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
NETWORK-1 TECHNOLOGIES, INC.,	§
	§
Plaintiff,	§
	§
v.	§
	§
GOOGLE, INC. and YOUTUBE, LLC	§
	§
Defendants.	§
-----X	

Case No. 1:14-cv-02396-PGG

DECLARATION OF DAVID ROSENSTEIN

I, David Rosenstein, declare under penalty of perjury that the foregoing is true and correct:

1. I am presently the Group Product Manager for Content ID at YouTube, LLC which is a wholly owned subsidiary of Google, Inc. (collectively, "Google"). In this capacity, I have become familiar with both the technical underpinnings and business concerns of Content ID. I submit this declaration in support of Defendants' request to restrict access to certain confidential documents.

2. Users upload over 100 hours of video to YouTube every minute. ("Statistics – YouTube," attached as Exhibit A.) YouTube uses a sophisticated computer system called Content ID to determine whether uploaded videos contain third party copyrighted material. ("How Content ID Works – YouTube Help," attached as Exhibit B.) If Content ID detects that a user has uploaded a copyrighted work, it gives the copyright holder a number of options, including to block the work from YouTube or post advertising in connection with the uploaded video. (Id.) Thus, Content ID alerts copyright holders to potential infringement and allows them to decide how to react. (Id.)

3. The technical details underlying Content ID are closely guarded trade secrets that have never been publicly disclosed. While the concepts of content recognition systems are widely known, the details of Google's implementation of Content ID remain secret. These trade secret technical details are embodied in numerous internal documents that Network-1 has requested in discovery in this suit, including but not limited to source code. (Plaintiff Network-1 Technologies, Inc.'s First Set of Requests for Production of Documents and Things from Defendants," Request Nos. 4-5, 11, 13, 15-21, attached as Exhibit C.)

4. Even within Google, only a limited subset of employees with a need to know are permitted access to the trade secret technical details underlying Content ID. Specific protections include password protected computer and storage systems, and policies forbidding Google employees from sharing sensitive documents with unauthorized personnel.

5. It is common for YouTube users to attempt to circumvent Content ID by altering a video to prevent Content ID from recognizing it. (Compilation of Web Pages Regarding Content ID Circumvention, attached as Exhibit D.) Presently, Content ID is generally resistant to such attempts. (*Id.*) However, a user with knowledge of the details underlying the operation of Content ID would, in effect, have a guide to alter videos to circumvent Content ID. Thus, the dissemination of the technical details underlying Content ID would harm content owners by jeopardizing their copyright protection. Remedying this harm could potentially require a wholesale redesign of Content ID.

6. Network-1 has also requested the production of certain confidential Google business information in this action, including financial data, marketing strategies, legal policies, and contracts with third parties, including copyright owners. (Ex. C at Request Nos. 14, 26-31, 33-41.) Disclosure of such material to the public, Google's competitors, or others with a commercial interest

in the content recognition technology could put Google at a competitive disadvantage and/or provide an unfair competitive advantage to such third parties.

DATED: October 17, 2014

A handwritten signature in blue ink, appearing to read "David Rosenstein", written over a horizontal line.

David Rosenstein
Group Product Manager for Content ID
YouTube, LLC