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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

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)  
IO GROUP, INC., a California  
corporation, )  
)  
Plaintiff, )  
vs. )  
)  
VEOH NETWORKS, INC., a )  
California Corporation, )  
)  
Defendants. )  
\_\_\_\_\_

Case No. C-06-03926 (HRL)

DEPOSITION OF TED DUNNING  
SAN DIEGO, CALIFORNIA  
MARCH 16, 2007

REPORTED BY RITA BURGESS, CSR NO. 8374

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

	)	
IO GROUP, INC., a California	)	
corporation,	)	
	)	
Plaintiff,	)	
vs.	)	Case No. C-06-03926 (HRL)
	)	
VEOH NETWORKS, INC., a	)	
California Corporation,	)	
	)	
Defendants.	)	
	)	

DEPOSITION OF TED DUNNING,  
taken by the Plaintiff, commencing at the hour of 9:00 a.m.  
on Friday, March 16, 2007, at 530 "B" Street, Suite 350,  
San Diego, California, before Rita Burgess, Certified  
Shorthand Reporter, in and for the State of California.

1 APPEARANCES:

2 For the Plaintiff:

3 THE LAW OFFICES OF GILL SPERLEIN  
4 BY: GILL SPERLEIN  
5 584 Castro Street, Suite 849  
6 San Francisco, California 94114

6 For the Defendants:

7 WINSTON & STRAWN, LLP  
8 BY: JENNIFER A. GOLINVEZUX  
9 101 California Street  
10 San Francisco, California 94111-5894

9 Also Present:

10 Keith Webb

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1           A.     No reason, but no reason to believe it wouldn't  
2     be either.

3           Q.     How -- if a video that an individual user wants  
4     to watch, and they don't have the client -- strike that.

5                     How does a video get from the format that it's  
6     submitted in by the publisher into Flash format?

7           A.     There's a completely automated formatting  
8     exercised to maintain consistent sizing and presentation of  
9     videos on the web site.

10          Q.     Where does that transformation occur? Does it  
11     occur on a particular server?

12          A.     One or more servers.

13          Q.     And can you tell me where those servers reside?

14                     Are they at the same co-location facility as the  
15     indexing servers?

16          A.     No.

17          Q.     Did you tell me the specific physical location of  
18     those servers?

19          A.     Not entirely specific. It's in Los Angeles.

20          Q.     The user uploads a video file, and there's an  
21     automated process for taking that file and putting it in to  
22     Flash format. What are the limitations on that? Do they --  
23     does that happen with every file that's submitted by a  
24     publisher?

25          A.     The thumbnail extraction and Flash formatting for

1 presentation are both done automatically for every video.

2 Q. Does this transformation copy the entire video in  
3 to Flash regardless of size?

4 MS. GOLINVEAUX: Object to the form of the  
5 question.

6 BY MR. SPERLEIN:

7 Q. Go ahead and answer.

8 A. Repeat the question.

9 Q. When a publisher submits a file, a video file,  
10 you said that the Veoh system automatically transcodes each  
11 file into Flash format and extracts screen captures; is that  
12 correct?

13 A. Uh-huh.

14 Q. My question is, when it transcodes the file into  
15 Flash format, does it transcode the entire file regardless of  
16 the size of the file?

17 A. Just a moment. When he said, is that correct, I  
18 said, uh-huh. I should have said yes. And I apologize.

19 Q. Thank you for keeping those things in mind.

20 A. It examines the entire file, whether or not the  
21 Flash file contains the entire file or not, is the technical  
22 setting purely for business reasons that I can't comment  
23 on.

24 MR. SPERLEIN: Could you read that last response  
25 back to me, please.

1 I, RITA BURGESS, Certified Shorthand Reporter for the State  
2 of California do hereby state under penalty of perjury:

3  
4

5 That the witness in the foregoing deposition was by me first  
6 duly sworn to testify to the truth, the whole truth and  
7 nothing but the truth in the foregoing cause; that the  
8 deposition was taken by me in machine shorthand and that the  
9 foregoing contains a true record of the testimony of the  
10 witness.

11  
12

13 Dated this 31<sup>st</sup> day of March, 2007, at  
14 San Diego, California.

15  
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Rita Burgess  
RITA BURGESS  
C.S.R. No. 8374

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