

EXHIBIT B

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

HELIO LLC,)	
)	
Plaintiff,)	Case No.: C06-7754 SBA
)	
vs.)	VOLUME I
)	
PALM, INC.,)	
)	Pages 1 to 183
Defendant.)	
)	

VIDEOTAPED DEPOSITION OF JULIE PATTERSON
Friday, February 2, 2007

Reported by:
HEIDI BELTON, CSR #12885, RPR

COPY

JAN BROWN & ASSOCIATES
CERTIFIED SHORTHAND REPORTERS
701 Battery Street, 3rd Floor, San Francisco, CA 94111
(415) 981-3498

7 08:32 1 ultimately selected for that work?

14:08:33 2 A. Yes.

14:08:34 3 Q. Who was that?

14:08:35 4 A. Young & Rubicam.

14:09:04 5 Q. What was your understanding of the time period
14:09:06 6 during which this Palm advertising campaign was supposed
14:09:10 7 to run?

14:09:11 8 MR. COLT: Objection. Vague and ambiguous as to
14:09:13 9 the time; specifically the time of the understanding.

14:09:21 10 THE WITNESS: Initially my understanding was
14:09:22 11 that the campaign was set to launch in either late
14:09:26 12 October -- either in October or early November. And
7 09:31 13 potentially run into May of '07.

14:09:36 14 BY MR. TROCK:

14:09:36 15 Q. What is your current understanding?

14:09:38 16 A. My current understanding is that as a result of
14:09:41 17 a launch date slip, the campaign, certain elements of
14:09:45 18 it -- certain elements of the messaging went up in October
14:09:48 19 but the heavy media push began in late November. And we
14:09:52 20 purchased media through December with the exception of a
14:09:55 21 couple of key placements.

14:09:58 22 Q. What are those key placements?

14:10:01 23 A. We had approximately, I'd say, 15 or less
14:10:08 24 out-of-home units. So those could have been billboards or
1 0:12 25 bus shelters -- I'm not exactly sure what they are. I

7 10:16 1 would assume billboards -- in Chicago, San Francisco, and
14:10:19 2 Los Angeles. And we also had two interactive bus shelter
14:10:25 3 units in San Francisco and one in Los Angeles that were to
14:10:28 4 stay up through January.

14:10:35 5 And lastly, our Orbitz contract runs -- I think
14:10:41 6 it's going to end in about a week. They're trying to
14:10:44 7 complete delivery.

14:10:45 8 Q. So roughly mid-February?

14:10:47 9 A. Yes.

14:10:51 10 Q. Now when you say that these interactive bus
14:10:59 11 shelter units were to run through January, does that mean
14:11:03 12 through the end of January?

7 11:10 13 A. Yes. I don't know if the physical structures
14:11:10 14 have been taken down yet.

14:11:12 15 Q. Now, you mentioned that it's less than 15
14:11:15 16 out-of-home purchases, which you presume were billboards
14:11:20 17 in these three cities?

14:11:21 18 A. Yes.

14:11:22 19 Q. Do you know through what time period they were
14:11:24 20 supposed to run?

14:11:27 21 A. I believe -- I believe only Chicago and
14:11:34 22 San Francisco had placements through February. And I
14:11:37 23 believe LA's go through January.

14:11:41 24 Q. So when you say through February --

1 1:44 25 A. End of month.

11:45 1 Q. Through the end of month.

14:11:46 2 And LA through January is through the end of the

14:11:50 3 month?

14:11:50 4 A. I believe so, yes.

14:12:03 5 Q. Do you have an understanding of what happens to

14:12:05 6 the outdoor physical advertising once the media buy period

14:12:13 7 expires?

14:12:16 8 A. Typically if a new advertiser has purchased the

14:12:22 9 space, a new ad goes up. And if they don't, then it stays

14:12:24 10 up, the current ad stays up.

14:12:27 11 Q. Is there any media buys that you're aware of

14:12:34 12 that were scheduled to run after the end of December '06

12:41 13 other than these out-of-home and interactive -- ones you

14:12:48 14 referred to as well as the Orbitz contract?

14:12:53 15 A. There were, I believe, some print insertions

14:12:57 16 that were in the January monthlies, which hit the shelves

14:13:00 17 in mid-December. But they have a shelf life, basically,

14:13:06 18 through the month of January.

14:13:07 19 Q. Which January monthlies are you referring to?

14:13:09 20 A. Honestly, I don't remember because Y & R ended

14:13:13 21 up placing the media. I know -- I can speak personally

14:13:17 22 that I just saw our ad in Lucky magazine. Because I was

14:13:22 23 reading the magazine myself.

14:13:25 24 Q. So do I understand that to mean that Young &

13:29 25 Rubicam had some involvement with the Palm advertising

6:51:08

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

(The proceeding adjourned at 4:54 p.m.)

JULIE PATTERSON

1 STATE OF CALIFORNIA) ss.

2

3 I hereby certify that the deponent in the
4 forgoing deposition was by me duly sworn to testify to
5 tell the truth, the whole truth and nothing but the truth
6 in the within-entitled cause; that said deposition was
7 taken at the time and place therein stated; that the
8 deposition is a true record of the deponent's testimony as
9 reported to the best of my ability by me, a duly certified
10 shorthand reporter and a disinterested person, and was
11 thereafter transcribed under my direction into typewriting
12 by computer.

13 I further certify that I am not interested in
14 the outcome of the said action, nor connected with, nor
15 related to any of the parties in said action, nor to their
16 respective counsel.

17 IN WITNESS WHEREOF, I have hereunto set my hand
18 this 11th day of February, 2007.

19

20

21



22

HEIDI BELTON, CSR #12885, RPR

23

24

25