

Exhibit K

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GOOGLE, INC., a Delaware corporation,

Plaintiff,

vs.

Case No. C 03-5340-JF

AMERICAN BLIND & WALLPAPER
FACTORY, INC., a Delaware corporation
d/b/a decoratetoday.com, Inc., and
DOES 1 - 100, inclusive,

Defendants.

**CERTIFIED
COPY**

AMERICAN BLIND & WALLPAPER
FACTORY, INC., a Delaware corporation
d/b/a decoratetoday.com, Inc.,

Counter-Plaintiff,

vs.

GOOGLE, INC.,

Counter-Defendant.

The video deposition of JEFFREY A. ALDERMAN,
taken pursuant to the Rules of the State of California,
before Lana Kia Haws, CRR, CM, RPR, CSR-0995, a Notary
Public in the County of Oakland, Acting in the County
of Wayne, State of Michigan, at the Inn at St. John's,
44045 Five Mile Road, Plymouth, Michigan, on August 4,
2006, commencing at or about the hour of 8:00 a.m.

APPEARANCES:

Keker & Van Nest, LLP

BY: MR. MICHAEL H. PAGE

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Appearing on behalf of the Plaintiff.

Kelley Drye & Warren, LLP

BY: MR. PAUL W. GARRITY

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Appearing on behalf of the Defendants.

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1 American Blind aware of any other evidence of actual
2 customer confusion as a result of advertising on
3 Google?

4 A. We have, since Mr. Katzman left, we have,
5 with the new individuals processes in place to alert
6 me directly if they are aware or receive any customer
7 confusion issues as a result of paid advertising from
8 Google.

9 Q. Okay, and have you, in fact, been alerted to
10 any customer confusion issues as a result of paid
11 advertising from Google?

12 A. Not since he left, no.

13 Q. Okay. Were you made aware of any before you
14 left?

15 A. No. Again, just, as I mentioned earlier, just
16 anecdotally from him.

17 (Mark'd for identification
18 was Deposition Exhibit No. 1.)

19 Q. (BY MR. PAGE) This is a big ugly exhibit with
20 hopefully very short questions. I want you to review
21 every page of this document.

22 I have marked as Alderman Exhibit 1 a
23 large and ugly document, Bates ABWF48864 through 48987,
24 which appears to be a text dump from a data base of some
25 sort.

1 Can you tell me what this document is?

2 A. It looks like a bunch of gobbly goop. Just
3 looking at the top of the page, it does say Product
4 Surveys.

5 Q. I will represent to you this was produced to us
6 sometime in the last few days, and that is about all I
7 know about it.

8 A. Yeah. This is really -- you know, the product
9 surveys on the website is really handled by Michael
10 Layne.

11 Q. Unfortunately, I received this after his
12 deposition. So I am just trying to find out where it
13 comes from.

14 MR. GARRITY: Absolutely. Do you mind if
15 we just go off the record for just a minute?

16 MR. PAGE: Yeah, sure. You may very well
17 know.

18 THE VIDEOGRAPHER: Off the record,
19 8:54:28 a.m.

20 (Recess taken.)

21 THE VIDEOGRAPHER: Back on the record,
22 9:05:44 a.m.

23 Q. (BY MR. PAGE) Before we broke, we were looking
24 at Alderman Exhibit 1.

25 I think the question is, what is this?

1 A. This is, by looking at the top of the page, a
2 product survey, which is on our website. Our product
3 categories on our website, we have surveys.

4 That's really a way for us to gather
5 customer feedback and suggestions.

6 Q. I see. And is this -- it's basically a survey
7 page that's always on your website?

8 A. I, to be honest with you, don't recall exactly
9 when it went on the website.

10 I will tell you, however, since I have
11 been there, it has been on the website.

12 Q. Okay. Is there any -- do you offer any
13 incentive to people to respond to the survey?

14 A. No.

15 Q. Do you -- how does a user come to know that the
16 survey exists?

17 A. Sure. We have a feedback form or a feedback
18 link on our -- the top -- I believe it's the top right
19 hand of the website once you get into product pages.

20 Q. I see. And so is it your experience that the
21 people who were completing this survey tend to be people
22 who have a complaint?

23 A. Not have a complaint, no.

24 Q. Is there a separate link on the website for
25 complaints; or if I have a complaint, would my normal

1 path be to click on feedback?

2 A. We are extremely open in how we get feedback
3 from our customers. We have a Contact Us section of the
4 website; and there is, you know, numerous types of, you
5 know, topics that customers can reply onto.

6 Q. What, if anything, is done with the data you
7 collect on this -- well, strike that.

8 First, is Exhibit 1 all of the survey
9 information from -- I believe it starts January 1, 2004,
10 and goes up it appears through a couple days ago,
11 July 28th, 2006.

12 The question is, is this all of the
13 information that you have collected on your website
14 survey in that period?

15 A. Sitting here today, at this table, I can't
16 answer if it's all the information. Just looking at,
17 again, the dates that you just mentioned, it does look
18 like it covers that time period.

19 Q. Okay. Are there -- are there multiple surveys
20 on your website or a single one?

21 A. No. There is multiple.

22 Q. How many different surveys are there on the
23 website?

24 A. There are, I would say, two primary surveys.
25 One is what we are looking at here today, which is the

1 product survey.

2 There are different questions for each
3 product category, and the other type of survey that's
4 on the website is a customer survey.

5 Q. What is a customer survey?

6 A. A customer survey is just really a open
7 feedback form for customers to share, again, ideas
8 with us, comments, feedback, and such.

9 Q. If I go to your -- if I go to the American
10 Blind website, how would I -- how do I get to each of
11 the two surveys?

12 A. They are both -- well, first let's start with
13 the product survey.

14 The product survey, again, is on our
15 product category pages. There is a link on those pages,
16 a link to the survey. I should say a link to an
17 opportunity to fill out the survey.

18 Obviously, from a customer service
19 company, we want to make sure we address true customer
20 service issues first; and so we try to filter those out
21 first.

22 So when they click on the product survey
23 link, they are then taken to a page; and on that page,
24 they could click on different types of Contact Us links;
25 and at the bottom of that page is an opportunity to

1 click on the survey and participate in the survey.

2 Q. I see. And when you say the survey, that's the
3 product survey?

4 A. Yes.

5 Q. Okay. How about the customer survey?

6 A. The customer survey is, I believe, on our
7 Contact Us page on the website.

8 Again, that is a link on our top nav of
9 the website, navigation of the website, or the bottom
10 navigation of the website, Contact Us; and then there
11 is a link to the survey at that point.

12 Q. And what sorts of questions are in the customer
13 survey?

14 A. Sitting here today, I don't recall the
15 questions. Primarily, the information here that you
16 would see from customers is an open-ended box in which
17 they can share ideas with us.

18 Q. What does American Blind do with this
19 information?

20 A. American Blinds captures this information and
21 it distributes it in spreadsheets on a weekly basis
22 to our management team.

23 Q. I see. So everybody in the management team
24 gets a spreadsheet of all of the survey information
25 every week?

1 A. For that week.

2 Q. I see, and then it's sort of up to the
3 individual as to whether to read it and what to do
4 with it?

5 A. That's correct.

6 Q. Okay. Do you make any use of that information,
7 personally?

8 A. I do. I tell you, a lot of it is, I love you,
9 I hate you. You know, there is -- when I was writing
10 the e-mail marketing program, as an example, we would
11 get, you know, some customers that use the survey or
12 Contact Us forms to say, "Please, take me off of your
13 e-mail mailing list," and I did use the survey at that
14 time.

15 I do read the surveys when I have time at
16 this point; and, again, it's up to the individual
17 members on that list to read the surveys.

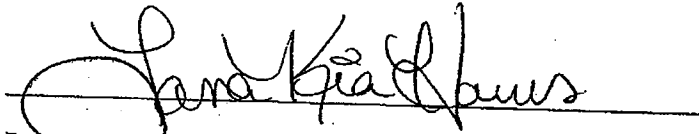
18 Q. When you say that management team, who are you
19 referring to?

20 A. On that distribution list, in particular, you
21 know, I would -- on our management team, we have
22 Bruce Burger, Joel Levine, Ron Myers, Bill Tufts,
23 Michael Layne, Martha Ross, Angie Sustarich and, I
24 believe, Greg Ruppert.

25 Q. Okay. You can put that aside.

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I further certify that I am not Of
Counsel to either party nor interested in the event of
this cause.



Lana Kia Haws, CM, RPR, CSR-0995

Notary Public

State of Michigan

County of Oakland

Acting in the County of Wayne

My Commission Expires:

September 29, 2011