

Exhibit M

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 GERALD B. CURRAN,
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 Saint John's,
44045 Five Mile Road, Plymouth Michigan, on August 3,
2006, commencing at or about the hour of 9:30 a.m.

APPEARANCES:

Keker & Van Nest, LLP
BY: MR. MICHAEL H. PAGE
710 Sansome Street
San Francisco, CA 94111-1704
(415) 391-5400

Appearing on behalf of the Plaintiff.

Kelley Drye & Warren, LLP
BY: MR. PAUL W. GARRITY
101 Park Avenue
New York, New York 10178
(212) 808-7613

Appearing on behalf of the Defendants.

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1 Q. That's about a year. If you could take a look
2 to your left, there is a pile of exhibits from
3 yesterday's depo.

4 If you could take a look at the first
5 one, Layne Exhibit 1, the Amended Notice of 30(b)(6)
6 Deposition of American Blind and Wallpaper Factory.

7 Is it your understanding that you have
8 been designated by American Blind to testify concerning
9 a number of the topics on this notice?

10 A. Yes.

11 Q. Okay. And which topics have you been
12 designated to testify concerning?

13 A. I might need some help with this as to which
14 numbers I am actually working on.

15 Q. Actually, let me -- perhaps I can help.

16 My understanding is that you have been
17 designated to testify on topics 9, 10, 19, and 22; and
18 that of those topics, Mr. Alderman will also be
19 addressing topic 10.

20 Does that match your understanding?

21 A. Yes.

22 Q. What, if anything, have you done to prepare for
23 today's deposition?

24 A. Spent probably one half hour with Paul just
25 discussing the approach and the logic of a deposition.

1 Previously, spent time assembling
2 documents and requested materials that were sent to
3 our attorneys, Kelley Drye, relative to the Google
4 litigation.

5 Q. Okay. When you say previously spent time
6 assembling documents, when was that?

7 A. Oh, I think I've really been working in one
8 way or another on the Google case since my arrival at
9 American Blinds.

10 Q. I see. Can you estimate how much time total
11 you have spent, as you described it, working in one
12 way or another on the Google case since you joined the
13 company?

14 A. It would certainly vary by week, but a number
15 of hours per week.

16 Q. I see, and what sorts of tasks have you been
17 performing in connection with the Google litigation?

18 A. Primarily record report requisition, assembly,
19 mailing.

20 Q. So, by that, do you mean assembling financial
21 information and forwarding it?

22 A. Correct.

23 Q. Other than meeting with Mr. Garrity yesterday,
24 did you meet with anyone else in preparation for this
25 deposition?

1 A. No.

2 Q. Have you met with, at any time, with attorneys
3 for American Blind, other than Mr. Garrity?

4 A. Yes.

5 Q. Who else have you met with?

6 A. Our main contact at Kelley Drye is Ms. Susan
7 Greenspon. She is our normal day-to-day attorney.

8 Q. Okay. Anyone else?

9 A. No.

10 Q. Have you, at any time, met with any experts or
11 consultants in connection with the Google matter?

12 A. No.

13 MR. PAGE: Mark as -- I'm sorry. I
14 didn't get exhibit tabs from you. I'm sorry. It will
15 be one minute.

16 (Mark'd for identification

17 was Deposition Exhibit No. 1.)

18 Q. (BY MR. PAGE) Mark as Curran Exhibit 1 a
19 two-page document produced to us in this litigation,
20 Bates number ABWF007803 through 4.

21 Do you recognize this document?

22 A. No.

23 Q. Sorry. I didn't hear your answer. Do you know
24 who created this document?

25 A. No.

1 Q. Great. Put that aside. Topic 19 on the
2 deposition notice is the injuries and damages allegedly
3 suffered by American Blind as a result of Google's
4 actions.

5 Have you done anything to attempt to
6 calculate the damages American Blind has suffered as a
7 result of Google's actions?

8 A. No.

9 Q. Have you done anything to prepare to testify
10 on topic 19?

11 A. No.

12 Q. Okay. Are you aware of any calculations that
13 anyone at American Blind has done in attempt to quantify
14 the damages American Blind contends it's suffered at
15 Google's hands?

16 A. No.

17 Q. Do you have an understanding of what harm
18 American Blind claims it has suffered as a result
19 of Google's actions?

20 A. Yes.

21 Q. What is that understanding?

22 A. The understanding that I have is that, as a
23 result of Google selling the names that rightfully
24 belong to American Blinds to the highest bidder, it has
25 caused several actions to take place.

1 One, American Blinds is required to pay
2 Google higher fees, search engine fees, in order to get
3 placement on the Google sites.

4 Two, it directs sales or, I should say,
5 interested parties in blinds, wallpaper, and related
6 home interior type products to other sites besides
7 the American Blinds' site; and, as a result of that,
8 American Blinds has suffered a very difficult loss
9 of sales, loss of profits; and it would be a difficult
10 calculation to come up with that number; but, indeed,
11 there is a direct correlation between the start of
12 Google's sites, if you will, and the downturn in
13 revenue sales for American Blinds.

14 Q. Let me unpack a few of those things.

15 You said there is a direct correlation
16 between the start of Google's site and a downturn in
17 revenue for American Blind.

18 When precisely did American Blinds suffer
19 a downturn in revenue?

20 A. In 2002, the revenue for American Blinds was
21 approximately 125 million dollars.

22 Since that time, the revenue has
23 decreased to 92 million dollars for the year ended 2005,
24 gradually decreasing each year.

25 Q. I see. And is it your belief that that gradual

1 decrease each year in revenue is attributable to the
2 existence of the Google website?

3 A. Some portion of it, certainly.

4 Q. What portion?

5 A. It would be hard to calculate.

6 Q. Have you made any attempt to calculate?

7 A. No.

8 Q. Do you have any belief as to what percentage of
9 that downturn in revenue is traceable to the existence
10 of Google?

11 A. Couldn't calculate that.

12 Q. Okay. How would anyone calculate that?

13 A. I believe that one would have to look at
14 Google's information as to the amount of inquiries that
15 were directed to sites other than American Blinds using
16 the American Blind keywords and attempt to do some
17 reasonable calculation of the conversion that took
18 place from those inquiries on the site that were
19 directed to other sites.

20 Q. Would you also have to look at what inquiries
21 were directed -- were directed from American Blinds'
22 competitors to American Blind via Google and back that
23 out?

24 A. Yes. Yes, sir.

25 Q. Okay. Do you have a reason to think that the

1 net on that is a net loss rather than gain for American
2 Blind?

3 A. Yes.

4 Q. Why?

5 A. Just because of the issue of placement on the
6 Google site, the cost of that placement, and the fact
7 that American Blinds has a complete advertising program
8 outside of the search engine cost, which is effectively
9 supporting our competitors when they go to the Google
10 site and get directed other than to American Blinds.

11 Q. What mark -- how would you describe the market
12 in which American Blinds competes?

13 MR. GARRITY: Object to the question to
14 the extent to which it's outside the scope of the
15 notice.

16 MR. PAGE: Okay.

17 MR. GARRITY: With that objection, you
18 can answer.

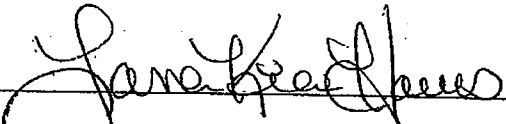
19 THE WITNESS: Repeat the question.

20 Q. (BY MR. PAGE) Let me explain. I am just
21 trying to figure out what you would -- what market I
22 would talk about in comparing decline in American
23 Blinds' revenue to the decline of the overall market?

24 I am trying to get your sense of what
25 market you are in.

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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