

# EXHIBIT K

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

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DIGITAL ENVOY, INC.,  
Plaintiff/Counterdefendant,  
vs. No. C0401497RS  
GOOGLE, INC,  
Defendant/Counterclaimant,  
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DEPOSITION OF SCOTT SPENCER  
New York, New York  
Friday, June 10, 2005

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Reported by:  
Adrienne M. Mignano  
JOB NO. 173940

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1 S. Spencer

2 knowledge, ever told DoubleClick that the  
3 availability of geotargeting data from  
4 Digital Envoy was important to its decision  
5 to participate in the DART Advertising --  
6 DART for Advertisers program?

7 MR. ZUCKERMAN: Objection. To  
8 the extent that you know.

9 A. To the extent that I know, it's  
10 never been that it's Digital Envoy's data,  
11 it's always been a question of how much, how  
12 accurate.

13 Q. Has any website publisher, to your  
14 knowledge, ever told DoubleClick that the  
15 availability of geotargeting data in general  
16 was important to its decision to participate  
17 in the DART for Publishers program?

18 A. To use the DART for Publishers  
19 service, not program?

20 Q. Correct.

21 A. Having geodata is important, yes.

22 Q. So publishers have said  
23 geotargeting, the availability of some  
24 geotargeting capability is important to their  
25 decision to participate in the DART for

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2 Publishers service?

3 A. Yes.

4 Q. And who has told you that?

5 A. Geotargeting is a common feature  
6 provided by every provider of ad serving  
7 solutions. To not have it would be a missing  
8 common feature. It's in almost every RFP as  
9 a check box, do you have geotargeting, yes.

10 Q. So when a publisher -- so your  
11 testimony is based on your understanding of  
12 geotargeting data as a feature of the service  
13 rather than on someone's specific statement  
14 to you that the existence of geotargeting  
15 data was important to their decision to  
16 participate?

17 A. My statement is based on having  
18 RFPs which say do you provide geotargeting.

19 Q. From publishers or advertisers?

20 A. From both.

21 Q. Do you know how much money  
22 DoubleClick has earned from its use of  
23 Digital Envoy's data?

24 A. I do not, no.

25 Q. Do you have any idea how you could