

EXHIBIT L

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

-----X
DIGITAL ENVOY, INC. :

Plaintiff/Counter-Defendant :

COPY

v. :

Case No.:

GOOGLE, INC. :

C 04 01497 RS

Defendant/Counterclaimant :

CONFIDENTIAL

-----X
HIGHLY CONFIDENTIAL - OUTSIDE ATTORNEYS' EYES ONLY

Videotaped deposition of MICHAEL WILLIAM POLK

Baltimore, Maryland

Wednesday, June 8, 2005

10:02 a.m.

Job No.: 5-57041

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Reported by: Beatriz D. Fefel, RPR



CONFIDENTIAL VIDEOTAPED DEPOSITION OF MICHAEL WILLIAM POLK
CONDUCTED ON WEDNESDAY, JUNE 8, 2005

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1 so I don't manage those relationships and I have not 11:31:21
2 heard of any. That doesn't mean there were or 11:31:23
3 weren't. I just don't know. 11:31:27

4 Q In your experience is it reasonable to 11:31:28
5 believe that if a publisher couldn't get geo-targeted 11:31:30
6 advertisements from Advertising.com, they would take a 11:31:33
7 license from Digital Envoy directly to do their own 11:31:36
8 geo-targeting? 11:31:39

9 A Can you repeat that one more time? 11:31:40

10 Q Sure. Is it reasonable in your experience 11:31:42
11 to believe that if a publisher in your network 11:31:44
12 couldn't get geo-targeted advertisements from 11:31:46
13 Advertising.com, a publisher -- 11:31:51

14 A Publisher, okay. 11:31:54

15 Q -- that publisher would take a license 11:31:55
16 directly from Digital Envoy so that they could run 11:31:56
17 geo-targeted advertisements on their site? 11:32:01

18 A No, I don't believe so. Most of our 11:32:03
19 publishers have an ad serving system that has 11:32:05
20 geo-targeting as part of it. 11:32:12

21 Q So they could get their geo-targeting 11:32:14
22 information elsewhere, they wouldn't license the data 11:32:16

CONFIDENTIAL VIDEOTAPED DEPOSITION OF MICHAEL WILLIAM POLK
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1 directly, in your view? 11:32:19

2 A It depends. In most cases, no. 11:32:22

3 Q Because they'd have to have their own 11:32:26

4 software and hardware to run an advertising system -- 11:32:28

5 A Correct. 11:32:31

6 Q -- in order to take advantage of -- 11:32:32

7 A Or license it -- 11:32:33

8 Q -- Digital Envoy data? 11:32:33

9 A -- from somebody else, and that somebody 11:32:34

10 else may have the -- have geo-targeting data, they may 11:32:37

11 buy it from Digital Envoy or one of their competitors 11:32:42

12 to use in the ad serving that the publisher would, 11:32:45

13 would license. 11:32:48

14 MR. KRAMER: Sorry. Let's go off the record 11:32:52

15 for a second. 11:32:55

16 THE VIDEOGRAPHER: We are going off the 11:32:56

17 record. The time is 11:33 a.m. 11:32:57

18 (A short recess was taken.) 11:33:23

19 THE VIDEOGRAPHER: We are back on the 11:38:02

20 record. The time is 11:38 a.m. 11:38:03

21 BY MR. KRAMER: 11:38:06

22 Q Mr. Polk, looking back at Exhibit 60 -- 11:38:06