

LANSKY DECLARATION EXHIBIT C

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION

4 DIGITAL ENVOY, INC.,)

COPY

5 Case 5:04-cv-01497-RS Document 368-4 Filed 11/14/2005 Page 2 of 5

Counterdefendant,)

6 vs.) No. C 04 014997

7 GOOGLE INC.,)

8 Defendant/)

9 Counterclaimant.)

10 _____)
11
12
13 HIGHLY CONFIDENTIAL
14 ATTORNEYS' EYES ONLY
15 DEPOSITION OF
16 MARISSA MAYER

17
18 PALO ALTO, CALIFORNIA
19 AUGUST 5, 2005

20
21
22
23
24 REPORTED BY: JANE H. STULLER, CSR NO. 7223, RPR
25 (370450)

1 THE WITNESS: I don't know exactly what
2 it's saying.

3 BY MR. WADDELL:

4 Q. Do you know generally what it's saying?

5 MR. KRAMER: Calls for speculation, the
6 document speaks for itself. Lacks foundation
7 because she didn't write it or even see it.

8 THE WITNESS: It seems that they ran a test
9 with a company named Table for Six. They previously
10 had run ads including a location key word, ala
11 San Francisco, California. They removed that key
12 word from their campaign and used regional targeting
13 instead.

14 And overall, the balance between where the
15 clicks came from shifted. They received fewer
16 clicks from the nationally -- from around the
17 nation, and more from the regional, and also that
18 didn't increase.

19 BY MR. WADDELL:

20 Q. How much increase does this letter appear
21 to suggest --

22 MR. KRAMER: Come on, Robert. You know
23 what, she didn't write it, she didn't read it. She
24 -- you are asking her questions about a document
25 that's sitting right in front of you. You guys can

1 interpret this document as well as she can. And it
2 is not fair to ask the witness questions about a
3 document that she has never seen before and
4 interpret -- asking her to interpret it on the fly.

5 BY MR. WADDELL:

6 **Q. You can answer the question.** Case 5:04-cv-01497-RS Document 368-4 Filed 11/14/2005 Page 4 of 5

7 A. 117 percent.

8 **Q. Okay.**

9 MR. KRAMER: Let the record reflect that
10 the witness is reading from the document and has no
11 insight into this document, other than what it says
12 on its face.

13 BY MR. WADDELL:

14 **Q. Is that true, that you have no insight into**
15 **this document, other than what it says on its face?**

16 A. I have never seen this case study before.

17 **Q. Okay. Are you familiar with case studies**
18 **such as this one being conducted by Google?**

19 A. Only very peripherally.

20 **Q. What do you mean by that?**

21 A. It is operated by another department, and
22 products I don't generally work on or work in close
23 proximity to.

24 **Q. And I should be clear. When I said case**
25 **studies such as this one, case studies that study**

1 CERTIFICATE OF REPORTER

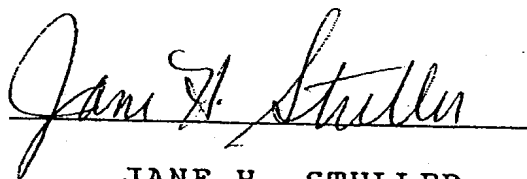
2
3 I, JANE H. STULLER, HEREBY CERTIFY:

4 That I am a Certified Shorthand
5 Reporter, License No. 7223, in and for the State
6 of California;

7 That said proceeding was taken by me
8 at the time and place therein set forth and was
9 taken down by me in stenotype and thereafter
10 transcribed into typewriting under my direction
11 and supervision.

12 I FURTHER CERTIFY that I am neither
13 of counsel nor related in any way to any party to
14 said action or otherwise interested in the result
15 or outcome thereof.

16
17 Date: August 8, 2005

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21 

22 JANE H. STULLER

23 Certified Shorthand Reporter
24
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