

# **EXHIBIT A**

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION  
4

5 CLRB HANSON INDUSTRIES, ) C-05-3649-JW  
6 ET AL., )  
7 ) JUNE 21, 2007  
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PLAINTIFFS,

V.

GOOGLE, INC.,

DEFENDANT.

PAGES 1-53

**COPY**

11  
12 THE PROCEEDINGS WERE HELD BEFORE  
13 THE HONORABLE UNITED STATES DISTRICT  
14 JUDGE JAMES WARE

15 A P P E A R A N C E S :

16  
17 FOR THE PLAINTIFFS: WOLF POPPER  
18 BY: LESTER L. LEVY  
19 MICHELE FRIED RAPHAEL  
20 845 THIRD AVENUE  
21 NEW YORK, NEW YORK 10022  
22  
23 AUDET & PARTNERS, LLP  
24 BY: MICHAEL MCSHANE  
25 221 MAIN STREET  
SUITE 1450  
SAN FRANCISCO, CALIFORNIA 94105

(APPEARANCES CONTINUED ON THE NEXT PAGE.)

OFFICIAL COURT REPORTER: IRENE RODRIGUEZ, CSR, CRR  
CERTIFICATE NUMBER 8074

A P P E A R A N C E S: (CONT'D)

FOR THE DEFENDANT: PERKINS COIE  
BY: DAVID T. BIDERMAN  
M. CHRISTOPHER JHANG  
FOUR EMBARCADERO CENTER  
SUITE 2400  
SAN FRANCISCO, CALIFORNIA 94111

19:53:40 1 MR. LEVY: WELL, AS YOU SAID, IT'S A  
19:53:42 2 WHOLE SIGN-UP PROCESS. YOU SIGN UP FOR A CAMPAIGN.  
19:53:45 3 YOU GIVE THE KEY WORDS AND THE NUMBER OF CLICKS AND  
19:53:47 4 HOW MUCH YOU WANT TO CHARGE. BY PAUSING YOU MEAN  
19:53:49 5 YOU STOP. LIKE YOU PAUSE YOUR T.V., YOU PUT IT ON  
19:53:52 6 PAUSE.

19:53:53 7 TERMINATED MEANS YOUR CAMPAIGN IS OVER.  
19:53:55 8 YOU HAVE TO RE-SIGN UP AND, AND IF YOU WANT TO HAVE  
19:53:59 9 NEW WORDS OR NEW CLICK THROUGH OR YOU WANT TO HAVE  
19:54:01 10 A NEW BUDGET, YOU HAVE TO GO THROUGH THE WHOLE  
19:54:04 11 PROCESS OF SIGNING UP. IT'S NOT A PAUSE.

19:54:06 12 THE COURT: LET'S SEE HOW PAUSING WORKS  
19:54:08 13 IN YOUR ALLEGATION. SO PAUSING WORKS SO THAT ON  
19:54:11 14 THE FIRST AND SECOND WEEKS OF THE MONTH, YOU WOULD  
19:54:18 15 HAVE IT AT THE CAMPAIGN THE BILLING PROCESS WOULD  
19:54:20 16 ALLOW YOU TO START IT FOR THE FIRST WEEK AND STOP  
19:54:22 17 IT FOR THE SECOND, START IT FOR THE THIRD AND STOP  
19:54:25 18 IT FOR THE FOURTH AND YOU WOULD ONLY EXPECT THAT  
19:54:27 19 THE BILL WOULD BE FOR, FOR THE ACTUAL DAYS USED  
19:54:31 20 TIMES YOUR DAILY BUDGET.

19:54:33 21 MR. LEVY: CORRECT.

19:54:41 22 THE COURT: WHAT DO YOU MAKE OF THE  
19:54:43 23 20 PERCENT OVERAGE AT ALL? WHAT, WHAT ACCOUNTING  
19:54:45 24 DO YOU THINK THAT, THAT SHOULD HAVE IN, IN THE, IN  
19:54:48 25 THE BILLING?

09:54:49 1 MR. LEVY: IT WORKS IF YOU DON'T PAUSE  
09:54:51 2 YOUR AD. IF YOU RUN YOUR AD FOR THE 30 DAYS. AND,  
09:54:54 3 AND THEY CHARGE YOU, CHARGE YOU 20 PERCENT MORE IN  
09:54:59 4 ANY GIVEN DAY.

09:55:00 5 AT THE END OF THAT MONTH YOU'RE NOT HURT  
09:55:02 6 BECAUSE THE MOST THEY'LL CHARGE YOU IS THE 30 DAYS  
09:55:04 7 TIMES YOUR DAILY BUDGET. SO YOU HAVEN'T BEEN  
09:55:08 8 CHARGED FOR THAT EXTRA 20 PERCENT. THE WAY PEOPLE  
09:55:11 9 GET HURT IS THEY PAUSE THEIR ADS, THEN THAT AVERAGE  
09:55:15 10 IS USED ON THE PAUSED DAYS AND INSTEAD OF THEM  
09:55:18 11 BEING TOLD THAT YOU WON'T ACCRUE CHARGES IN THE  
09:55:21 12 PAUSE DAYS, AND, IN FACT, THEY ARE ACCRUING CHARGES  
09:55:24 13 BECAUSE THE OVERAGE IT WENT INTO EFFECT IF THEY DID  
09:55:28 14 NOT HAVE A PAUSE DATE, HIT THEM ON THE DAY THEY  
09:55:31 15 PURPOSEFULLY PAUSE THEIR DAY AND THEY DON'T WANT  
09:55:34 16 THEIR ADS TO BE ACTIVE THAT DAY.

09:55:37 17 THE COURT: YOUR OPPONENT SAYS SHOW ME IN  
09:55:39 18 THE DOCUMENT WHERE IT SAYS YOU CAN USE PAUSING TO  
09:55:41 19 CONTROL YOUR, CONTROL YOUR DAILY BUDGET AND I, I  
09:55:44 20 QUOTED THE LANGUAGE THAT I THOUGHT, I THOUGHT WAS  
09:55:47 21 AS CLOSE AS I COULD GET TO IT.

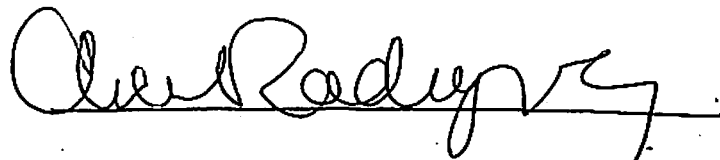
09:55:49 22 DO YOU HAVE ANY BETTER LANGUAGE THAN YOU  
09:55:51 23 WON'T ACCRUE CHARGES WHILE YOUR ADS ARE PAUSED?

09:55:58 24 MS. RAPHAEL: THE POINT I WANT TO POINT  
09:55:59 25 OUT IS THE FAQ'S WHEN HANSON SIGNS UP ONE OF THE

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4 CERTIFICATE OF REPORTER  
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8 I, THE UNDERSIGNED OFFICIAL COURT  
9 REPORTER OF THE UNITED STATES DISTRICT COURT FOR  
10 THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH  
11 FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY  
12 CERTIFY:

13 THAT THE FOREGOING TRANSCRIPT,  
14 CERTIFICATE, INCLUSIVE, CONSTITUTED A TRUE, FULL  
15 AND CORRECT TRANSCRIPT OF MY SHORTHAND NOTES TAKEN  
16 AS SUCH OFFICIAL COURT REPORTER OF THE PROCEEDINGS  
17 HEREINBEFORE ENTITLED AND REDUCED BY COMPUTER-AIDED  
18 TRANSCRIPTION TO THE BEST OF MY ABILITY.  
19  
20

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23 IRENE RODRIGUEZ, CSR, CRE  
24 CERTIFICATE NUMBER CSR 8074  
25