

CONFIDENTIAL
PURSUANT TO PROTECTIVE ORDER

3168

1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

---o0o---

CONFIDENTIAL

CLRB HANSON INDUSTRIES, LLC)

d/b/a INDUSTRIAL PRINTING, et)

al.,)

Plaintiffs,)

vs.)

No. C 05-03649 JW

GOOGLE, INC.,)

Defendant.)

CONFIDENTIAL TESTIMONY - PURSUANT TO PROTECTIVE ORDER

DEPOSITION OF HEATHER WILBURN

TUESDAY, MARCH 6, 2007

PAGES 1 - 82

CONFIDENTIAL
PURSUANT TO PROTECTIVE ORDER

67

1 THE WITNESS: Due to web fluctuations, it is
2 possible to accrue clicks, charges beyond 20 -- up to
3 20 percent beyond that daily budget limit.

4 But at the end of the month, when we charge,
5 we see if there is anything beyond. Anything being
6 charges beyond daily budget times the number of days in
7 the month will be given back as an overdelivery credit.

8 BY MS. RAPHAEL:

9 Q Does that accrual apply to any given day in
10 the billing cycle?

11 MR. BIDERMAN: Objection; vague.

12 THE WITNESS: Accrual being any time the ad is
13 active.

14 BY MS. RAPHAEL:

15 Q Okay.

16 How does the Google AdWords system account for
17 days that an ad is paused when you look back at the end
18 of the month?

19 A How do we account for it?

20 Q Correct.

21 MR. BIDERMAN: Objection; vague.

22 THE WITNESS: Whatever the number of days are
23 in that month, multiplied by whatever the daily budget
24 was during that time frame, is the amount that we're
25 assuming the advertiser wanted to spend during that time

CONFIDENTIAL
PURSUANT TO PROTECTIVE ORDER

68

1 frame.

2 So if it's a \$10 daily budget in a 30-day
3 month, that advertiser is telling us they want to spend
4 \$300 in that month.

5 If they ran out of product and they had to
6 pause their ads, if their web server went down and they
7 had to pause their ad, if they went on vacation for the
8 weekend and they are a small mom and pop and they can't
9 deliver their product while they are on vacation, they
10 pause during those days.

11 But what that daily budget is telling us is
12 they want to spend up to \$10 in a day, and if we see we
13 were unable to do that during that time frame, that's a
14 shortfall. So those are days of unused daily budget.
15 We couldn't deliver their ad as they requested us to do.

16 We'll push up to 20 percent forward to make up
17 for that time frame when the ad wasn't being shown,
18 because we assume they want it to be shown during that
19 time frame. They want to spend \$300 that month. That's
20 what they indicate to us by the daily budget.

21 BY MS. RAPHAEL:

22 Q Would that \$300 figure that you just keep
23 talking about change if the ad was paused for ten days
24 in a month? Would you still use the \$300 figure?

25 A It's the number of days in the month. If this