

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE RICHARD SEEBORG, JUDGE

INTERSERVE, INC. DBA TECHCRUNCH,
A DELAWARE CORPORATION, AND CRUNCHPAD,
INC., A DELAWARE CORPORATION,

PLAINTIFFS,

VS.

NO. C 09-5812 RS

FUSION GARAGE PTE LTD., A SINGAPORE
COMPANY,

DEFENDANT.

SAN FRANCISCO, CALIFORNIA
THURSDAY
MAY 13, 2010
2:00 O'CLOCK P.M.

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

FOR PLAINTIFFS:

WINSTON & STRAWN
101 CALIFORNIA STREET
39TH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-5802

BY: **ANDREW P. BRIDGES, ESQUIRE**
MATTHEW A. SCHERB, ESQUIRE

FOR DEFENDANT:

QUINN EMANUEL URQUHART OLIVER & HEDGES
LLP
555 TWIN DOLPHIN DRIVE, 5TH FLOOR
REDWOOD SHORES, CALIFORNIA 94065

BY: **CLAUDE M. STERN, ESQUIRE**
EVETTE D. PENNYPACKER, ATTORNEY AT LAW

REPORTED BY: KATHERINE WYATT, CSR 9866, RMR, RPR

OFFICIAL REPORTER - US DISTRICT COURT
COMPUTERIZED TRANSCRIPTION BY ECLIPSE

1 OTHER REASONS. BUT THAT CASE UPHELD -- IN THE NINTH CIRCUIT
2 UPHELD THE EXACT KIND OF MISAPPROPRIATION TORT THAT WE ARE
3 TALKING ABOUT. AND LET ME SEE IF I CAN GET THE --

4 **THE COURT:** WHAT ARE THE IDEAS THAT WERE
5 MISAPPROPRIATED?

6 **MR. BRIDGES:** WELL, IN THE CITY SOLUTIONS CASE --

7 **THE COURT:** I'M ASKING IN THIS CASE.

8 **MR. BRIDGES:** RIGHT. IF I COULD JUST GIVE THAT CASE
9 BY WAY OF --

10 **THE COURT:** ALL RIGHT.

11 **MR. BRIDGES:** WHAT HAPPENED WAS THAT WAS A CASE
12 WHERE SOME PARTIES GOT TOGETHER TO MAKE INITIAL EFFORTS TO
13 PREPARE A BID TO PLACE NEWS RACKS IN THE CITY OF SAN FRANCISCO.

14 THE NEWS RACKS WOULD BE FOR FREE. THE CITY WOULD GIVE
15 THEM PLACES TO PUT THEM. THEY COULD BEAR ADVERTISING AND THE
16 LIKE. AND THEY ENDED UP NOT DOING THE DEAL. ONE CUT THE OTHER
17 OUT RIGHT AT THE END.

18 AND THAT CASE ENDED UP GOING FOR THE DEFENDANT ON THE
19 GROUNDS THAT IT WAS NOT A JOINT VENTURE BECAUSE IT WAS REALLY
20 JUST PROPOSING A TRANSACTION. IT WAS NOT AN ONGOING OPERATION OF
21 A BUSINESS. THEY WERE COMING TOGETHER TO TRY TO PROPOSE A BID,
22 AND THEN THEY ENDED UP NOT BIDDING TOGETHER.

23 THE COURT OF APPEALS FOUND THERE THAT A COUPLE OF
24 INGREDIENTS OF THE BID WERE THE IDEAS THAT WERE MISAPPROPRIATED.
25 IN OTHER WORDS, TWO OR THREE ELEMENTS LIKE MAYBE THERE WOULD BE

1 **MR. BRIDGES:** THANK YOU, YOUR HONOR.

2 **THE CLERK:** COURT'S ADJOURNED.

3 (THEREUPON, THIS HEARING WAS CONCLUDED.)

4 CERTIFICATE OF REPORTER

5 I, KATHERINE WYATT, THE UNDERSIGNED, HEREBY CERTIFY
6 THAT THE FOREGOING PROCEEDINGS WERE REPORTED BY ME, A CERTIFIED
7 SHORTHAND REPORTER, AND WERE THEREAFTER TRANSCRIBED BY ME INTO
8 TYPEWRITING; THAT THE FOREGOING IS A FULL, COMPLETE AND TRUE
9 RECORD OF SAID PROCEEDINGS.

10 I FURTHER CERTIFY THAT I AM NOT OF COUNSEL OR
11 ATTORNEY FOR EITHER OR ANY OF THE PARTIES IN THE FOREGOING
12 PROCEEDINGS AND CAPTION NAMED, OR IN ANY WAY INTERESTED IN THE
13 OUTCOME OF THE CAUSE NAMED IN SAID CAPTION.

14 THE FEE CHARGED AND THE PAGE FORMAT FOR THE
15 TRANSCRIPT CONFORM TO THE REGULATIONS OF THE JUDICIAL
16 CONFERENCE.

17 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS
18 17TH DAY OF MAY, 2010.

19
20
21
22
23 _____
24 /S/ KATHERINE WYATT
25