

# EXHIBIT H

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

INTERSERVE, INC., dba TECHCRUNCH,  
a Delaware corporation, and  
CRUNCHPAD, INC., a Delaware  
Corporation,

Plaintiffs,

vs.

No. CV-09-5812 RS (PVT)

FUSION GARAGE PTE, LTD., a  
Singapore company,

Defendant.

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Highly Confidential, Videotaped Deposition of  
HEATHER A. HARDE, taken on behalf of Defendant Fusion  
Garage PTE, LTD, at 555 Twin Dolphin Drive, 5th  
Floor, Redwood Shores, California, beginning at 9:22  
a.m. and ending at 6:12 p.m., on Wednesday, August  
11, 2010, before SUZANNE F. BOSCHETTI, Certified  
Shorthand Reporter No. 5111.

1 it?

2 A. Not well.

3 Q. Okay. Were you in a position to be able to  
4 compare any features that were in the JooJoo that  
5 were in any other previous prototypes?

6 A. Yes.

7 Q. Okay. Why don't you tell me from your --  
8 from your operation of JooJoo and the previous  
9 prototypes, what features of the JooJoo were  
10 contained in the previous prototypes?

11 MR. BRIDGES: Objection. Lacks foundation  
12 and argumentative. And vague and ambiguous.

13 THE WITNESS: You haven't asked me about  
14 what I know about the previous prototypes.

15 BY MR. STERN:

16 Q. I haven't.

17 A. You just want me to --

18 Q. Jump in right to the end.

19 A. Okay.

20 Q. So you've -- you've testified that you've  
21 held and operated the JooJoo, correct?

22 A. Yes.

23 Q. And when did you do that for the first time?

24 A. On Monday.

25 Q. Okay. And prior to that you had familiarity

1 with Prototypes A, B and C, correct?

2 A. Yes, but it was limited.

3 Q. That's fine. I'm -- I'm not suggesting  
4 otherwise.

5 A. Mm-hmm.

6 Q. In all events, can you tell me from your  
7 having operated the JooJoo and having familiarity  
8 with prototypes A B and C, what features of the  
9 prototypes you found in the JooJoo?

10 A. Mm-hmm.

11 MR. BRIDGES: Again, I want to make an  
12 objection of argumentative, lacks foundation, vague  
13 and ambiguous.

14 THE WITNESS: There was a resistive screen.  
15 There was a single button. There -- you booted  
16 directly to the web. The featured sites, which were  
17 displayed as icons, were substantially similar to the  
18 companies we had been highlighting in previous  
19 prototypes. The -- the chrome, meaning the  
20 navigation for the web browser, was very minimalist  
21 in its design, and it disappeared once you navigated  
22 to a specific web page. There was an accelerometer.  
23 There were four major gestures, other minor gestures.  
24 BY MR. STERN:

25 Q. You said other minor gestures?

1 BY MR. STERN:

2 Q. First let me tell you -- let me ask you,  
3 can you please tell the jury exactly what familiarity  
4 you have with any source code or other code written  
5 by my client, Fusion Garage?

6 MR. BRIDGES: Objection. I move to strike  
7 the question to the extent it's having the witness  
8 tell the jury. There is no jury here. She can --  
9 she can tell -- she can testify at a deposition and  
10 that's what's happening right now. What happens to  
11 this deposition later is something else. But it's  
12 overbearing to ask the witness to be talking to the  
13 jury.

14 BY MR. STERN:

15 Q. You can answer the question.

16 MR. BRIDGES: And I also object on the basis  
17 of foundation. Vague and ambiguous and competence.

18 THE WITNESS: Yeah, I'm not in a position to  
19 talk at a source code level about any of the  
20 prototypes.

21 BY MR. STERN:

22 Q. I wasn't asking about the prototypes. I  
23 asked about -- can you tell the jury exactly what  
24 your familiarity is with any code that was written by  
25 my client?