

EXHIBIT A

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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 THE MISAPPROPRIATION OF BUSINESS IDEAS, I TEND TO
2 THINK THAT THE DEFENDANTS ARE RIGHT ABOUT THAT CLAIM. I DON'T
3 THINK THAT THERE IS A VIABLE CLAIM THERE. THE TWO CASES THAT
4 SEEM TO BE CITED, THE DESNY CASE, WHICH IS A CONTRACT, IMPLIED
5 CONTRACT CONCEPT, AND THE HOLLYWOOD CASE, WHICH GOES MORE ALONG
6 TORT LINES, I DON'T THINK EITHER OF THOSE CLAIMS SUPPORT THE
7 NOTION THAT IN THIS INSTANCE THERE IS SUCH A THING AS AN
8 AVAILABLE CLAIM FOR MISAPPROPRIATION OF BUSINESS IDEAS.

9 I KNOW THAT PLAINTIFF SAYS:

10 "WE'RE NOT TALKING ABOUT TRADE SECRETS. WE'RE
11 TALKING ABOUT SOMETHING VERY DIFFERENT. IF THEY WERE
12 TALKING ABOUT TRADE SECRETS, THEY WOULD HAVE THE
13 POTENTIAL PREEMPTION PROBLEM."

14 BUT THE BOTTOM LINE IS I JUST DON'T THINK THERE'S A
15 CLAIM THERE, AND I'M INCLINED TO DISMISS THAT WITHOUT LEAVE TO
16 AMEND.

17 THE FRAUD CLAIM, I THINK THE FRAUD CLAIM MAY WELL BE
18 A VIABLE CLAIM. I AM NOT, HOWEVER, SATISFIED THAT NINE -- I
19 THINK 9 (B) APPLIES, AND I'M NOT COMFORTABLE THAT THERE'S BEEN A
20 SUFFICIENT AMOUNT OF SPECIFICITY, PARTICULARITY ON THE FOURTH
21 CLAIM, FROM ALL THE MATERIALS THAT HAVE BEEN FLYING BY ME WITH
22 RESPECT TO THE PAPERS THAT HAVE BEEN SUBMITTED. I SUSPECT THAT
23 THAT THAT -- THERE MAY BE MATERIAL THERE THAT WILL PROVIDE THE
24 PLAINTIFF WITH A SUFFICIENT BASIS TO PROCEED WITH A 9 (B)
25 OBLIGATION, SO I'M INCLINED TO DISMISS THAT WITH LEAVE TO AMEND.