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10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 HANGINOUT, INC.,

13 Plaintiff,

14 vs.

15 GOOGLE INC.,

16 Defendant.

CASE NO. 13-CV-2811 AJB NLS

**DECLARATION OF ANDREW
ABRAMS IN SUPPORT OF
GOOGLE'S OPPOSITION TO
HANGINOUT'S MOTION FOR
PRELIMINARY INJUNCTION**

17 Date: April 25, 2014

18 Time: 2:00 p.m.

Courtroom 3B

19 Judge: Hon. Anthony J. Battaglia

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Hanginout, Inc.

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DECLARATION OF ANDREW ABRAMS

I, Andrew Abrams, hereby declare:

1. I am currently employed by Google Inc. (“Google”) as Senior Trademark Counsel. I make this declaration in support of Google’s Opposition to Hanginout’s Motion For Preliminary Injunction. I am over the age of eighteen. I know the facts below based on my own personal knowledge. If called to testify as a witness, I could testify about them and would do so competently and under oath.

2. As part of my duties as trademark counsel, I am familiar with, and assist in Google’s branding concerning the Hangouts product. I also have access to records relating to that branding.

3. The design marks Google uses in connection with Hangouts consist of the following:



4. A search on Google’s search engine for “Hangouts” leads to a link to a Google+ page, <http://www.google.com/+learnmore/hangouts/>. That page shows the primary-colored Google logo in the distinctive Google font at the top. A true and correct copy of a printout of that page is attached as Exhibit 1.

5. A search on the Bing search engine for “Hangouts” shows search results for Hangouts that all include Google in the link. A true and correct image of the top results for a search for “Hangouts” on Bing is shown on the following page.



8,010,000 RESULTS Any time ▾

Google Hangouts - Official Site

www.google.com/hangout ▾

Hangouts bring conversations to life with photos, emoji, and even group video calls for free. Connect with friends across computers, Android and Apple devices.

Google+ Hangouts - Google

www.google.com/+learnmore/hangouts ▾

Hangouts bring conversations to life with photos, emoji, and even group video calls for free. Connect with friends across computers, Android and Apple devices.

[Getting Started](#) · [On Air](#) · [Mobile](#) · [Start a Hangout](#)

Hangouts - Google

<https://tools.google.com/dlpage/hangoutplugin> ▾

Have voice and video conversations from your computer. The plugin is free and installs in seconds.

News about Hangouts

bing.com/news

Google Hangouts Free Download – Android's Reply to Facetime
Society and Religion · 7 hours ago
If you are a loyal Android user and are covetous of the FaceTime video chat feature of the iPhone, there is actually no reason to grieve green at all. In fact,...

[First Google Hangouts. Selfie from 'GMA's' Social Square](#)

6. A search on Yahoo!'s search engine for "Hangouts" shows search results for Hangouts that all include Google in the link. A true and correct image of the top results for a search for "Hangouts" on Yahoo! is shown below:

YAHOO!

Web Ad related to hangouts

Images [Hangouts For PC - Download Hangouts for your PC computer.](#)

Video DownloadApper.com/Hangouts
100% Free Download.

Shopping See more ads for: [google hangouts](#), [hangouts app](#), [hangouts google](#), [skype vs hangouts](#)

Maps

Blogs [Google+ Hangouts – Google Hangouts](#)

Local www.google.com/hangout Cached
Hangouts bring conversations to life with photos, emoji, and even group video calls for free. Connect with friends across computers, Android and Apple devices.

More

Anytime [Google+ Hangouts - Google](#)

Past day www.google.com/+learnmore/hangouts Cached
Hangouts bring conversations to life with photos, emoji, and even group video calls for free. Connect with friends across computers, Android and Apple devices.

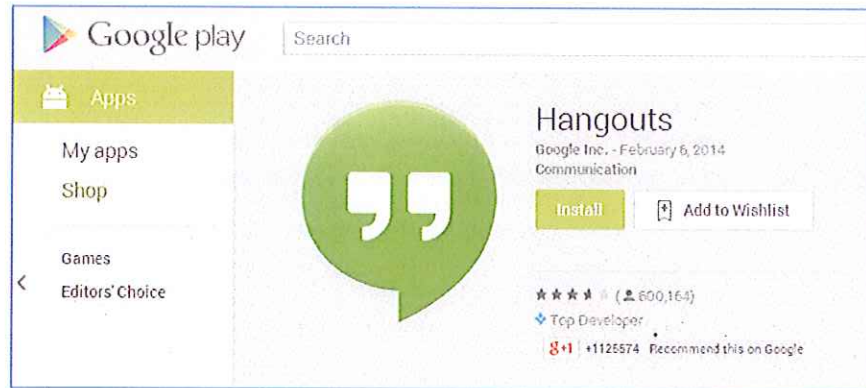
Past week

Past month [Hangouts - Google](#)

tools.google.com/dlpage/hangoutplugin Cached
Have voice and video conversations from your computer. The plugin is free and installs in seconds.

1 7. Accessing Hangouts through Google+ also occurs through a page that
2 shows the primary-colored Google logo in the distinctive Google font at the top.

3 8. When installing Hangouts from Apple's iTunes or Google Play,
4 "Google Inc." appears below "Hangouts" on the "install" screen. The images shown
5 below reflect this:



19 9. Before Google began publicly using "Hangouts" as the name for its
20 product, it commissioned a trademark clearance search, which it received a report of
21 in April 2011. I have carefully reviewed that search report. It did not mention
22 Plaintiff Hanginout or its app in any way

23 10. I had never heard of a company or app called "Hanginout" when
24 Google launched our commercial product "Hangouts" or when Google launched the
25 mobile device app version in May 2013.
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I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 21, 2014 at Mountain View, California.



Andrew Abrams