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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

HANGINOUT, INC.,
 Plaintiff,
 vs.
 GOOGLE INC.,
 Defendant.

CASE NO. 13-CV-2811 AJB NLS
**DECLARATION OF ELLERY
 LONG IN SUPPORT OF
 GOOGLE'S OPPOSITION TO
 HANGINOUT'S MOTION FOR
 PRELIMINARY INJUNCTION**
 Date: April 25, 2014
 Time: 2:00 p.m.
 Courtroom 3B
 Judge: Hon. Anthony J. Battaglia

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DECLARATION OF ELLERY LONG

I, Ellery Long, hereby declare:

1. I am currently employed by Google Inc. (“Google”) as the product marketing manager of Hangouts, Google’s video conferencing and messaging product. 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 stated herein of my own personal knowledge. If called to testify as a witness about them, I could and would do so competently and under oath.

2. As part of my duties as product marketing manager, I am familiar with, and have access to records regarding, Google’s marketing and advertising of Hangouts and the press attention it has received. I have reviewed those records in connection with preparing this declaration.

Third Party Press Concerning The Launch of Hangouts in June 2011

3. According to records that Google maintains in the normal course of its business, within a day of Google’s announcement of Hangouts on June 28, 2011, numerous articles about Hangouts appeared in major U.S. news, business, and technology outlets, including *The New York Times*, NBC News, CNN, Fox News, *Bloomberg Businessweek*, *Computer World*, *Rolling Stone*, and *PC Magazine*, as well as on top technology websites such as Search Engine Land, CNet, TechCrunch, Mashable, DVICE, The Next Web, AllThingsD, Gizmodo, The Wire, and Engadget. Attached as Exhibit 1 are true and correct printouts of these articles. Attached as Exhibit 2 is a copy of the video “Explore Hangouts” that is embedded in some of these articles.

Selected Prominent Uses of Hangouts and Hangouts On Air

4. On October 8, 2011, the Dalai Lama and Bishop Desmond Tutu participated in a Hangout On Air, a recording of which can be found at https://www.youtube.com/watch?v=1_HqVFEzY2U&noredirect=1. According to records Google maintains in the normal course of its business, that recording has

1 received more than 80,500 views. Attached as Exhibit 3 is a recording of the
2 Hangout On Air found at that URL. Attached as Exhibit 4 is a true and correct copy
3 of a printout of the screen showing the recording of the Hangout On Air on
4 YouTube.

5 5. According to records Google maintains in the ordinary course of
6 business, more than ■ million Hangouts On Air have been initiated by users since it
7 launched.

8 6. Good Morning America recently began using Hangouts as part of its
9 #socialsquare studio to allow viewers to more directly participate in its live
10 broadcast. The Huffington Post has also developed dedicated studio space for
11 Hangouts as part of its HuffPost Live site.

12 7. On November 23, 2013, the popular music group One Direction
13 promoted #1Dday, during which it asked fans to celebrate their love of One
14 Direction. Part of #1Dday included One Direction meeting fans via Hangouts.
15 According to records Google maintains in the ordinary course of business, there
16 were more than 700,000 live viewers of the event and more than 10 million views of
17 the event recording, which together amounted to more than 400 years of watch time.

18 **Google's Advertising of Hangouts**

19 8. Hangouts has been featured in advertising for Google since the product
20 launched in June 2011. According to records that Google maintains in the normal
21 course of its business, Google has spent over \$ ■ million on advertising that has
22 featured Hangouts.

23 9. From 2011, when Hangouts launched, to mid-2012, Google spent more
24 than \$ ■ million on digital and television advertising for Hangouts, according to
25 Google's records.

26 10. In late 2012, Google ran a Hangouts advertisement called "Jess Time"
27 on television and in digital media. The Jess Time advertisement features a father
28 and his daughter, a college freshman, using Hangouts to stay close while she's away

1 at school. Attached as Exhibit 5 is a true and correct copy of that advertisement,
2 which can be found at <https://www.youtube.com/watch?v=w1sT7QV8nfU>. Records
3 that Google maintains in the normal course of its business show that that the Jess
4 Time advertisement ran more than 400 times nationwide on all major broadcast and
5 cable networks from September to December 2012. Running those ads cost over
6 \$■ million. That ad also ran on other, non-Google websites, which cost Google
7 over \$■ million.

8 11. For the second quarter of 2014 alone, Google has budgeted more than
9 \$■ million to spend on advertising specific to Hangouts. This budget does not
10 include other Google advertising that may feature Hangouts as part of multiple
11 Google product offerings

12 12. As product marketing manager for Hangouts, I strongly believe that
13 Google will be irreparably harmed if it is ordered to rebrand Hangouts, or any
14 features of Hangouts. Google is competing with other real time communications
15 products in the market right now. Google currently benefits from almost three years
16 of goodwill that has accrued in the Hangouts name due to Google's extensive
17 marketing and advertising efforts and its high-profile public Hangouts. Rebranding
18 the Hangouts product would severely diminish, if not eliminate, that goodwill. It
19 would also affect all of our partners that use and rely on Hangouts. This includes
20 Coursera, a provider of online education that uses Hangouts to provide courses from
21 professors from institutions including Stanford University, University of Virginia,
22 and Johns Hopkins University.

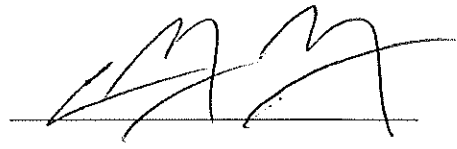
23 13. Until I became aware of this lawsuit, I had never heard of Plaintiff
24 Hanginout or its app.

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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.



Ellery Long