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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 MARGRET M. CARUSO IN SUPPORT OF GOOGLE'S OPPOSITION TO PLAINTIFF HANGINOUT, INC.'S MOTION FOR PRELIMINARY INJUNCTION

ORAL ARGUMENT REQUESTED
 Date: April 25, 2014
 Time: 2:00 p.m.
 Courtroom 3B
 Judge: Hon. Anthony J. Battaglia

1 I, Margret M. Caruso, declare as follows:

2 1. I am a member of the bar of the State of California and of this Court,
3 and a partner at Quinn Emanuel Urquhart & Sullivan LLP, attorneys for Google Inc.
4 in this action. I make this declaration of personal, firsthand knowledge, and if
5 called and sworn as a witness, I could and would testify competently thereto.

6 2. I have accessed the Trademark Status and Document Retrieval System
7 (TSDR) found on the USPTO website for the HANGINOUT marks. On the list of
8 documents submitted by Hanginout, Inc. (“Hanginout”) in connection with serial
9 numbers 85674801 and 85674799, I saw no documents for either pending trademark
10 application reflecting that Hanginout has amended the first use dates on its
11 trademark applications.

12 3. Attached as Exhibit 1 is a true and correct copy of a printout from the
13 webpage <https://www.hanginout.com/features>.

14 4. Attached as Exhibit 2 is a true and correct copy of a printout from the
15 webpage http://www.youtube.com/watch?v=BWo_x5YviAM. The webpage
16 contains the Hanginout YouTube video attached to Dkt 12-2 as Exhibit 5.
17 Attached as Exhibit 3 are printouts from that webpage after the “statistics” icon was
18 clicked showing graphs of the “cumulative” views of the video and the “daily”
19 views of the video. The statistics reflect that this video was not viewed at all until
20 the end of June and beginning of July 2011, when it was viewed only 300 times. It
21 has been viewed a total of 346 times since it was posted, with most of the additional
22 activity occurring in and around January 2014, when Hanginout filed its motion for
23 a preliminary injunction, citing this video as evidence.

24 5. Attached as Exhibit 4 is a true and correct copy of a printout from the
25 webpage <http://www.youtube.com/watch?v=18sSmlp9IJY>. The webpage contains
26 the Hanginout YouTube video attached to Dkt. 12-2 as Exhibit 8. Attached as
27 Exhibit 5 are printouts from that webpage after the “statistics” icon was clicked
28 showing graphs of the “cumulative” views of the video and the “daily” views of the

1 video. The statistics reflect that this video was viewed fewer than 20 times in July
2 2011, and that it has only been viewed a total of 63 times since it was posted, with
3 most of the additional activity occurring in and around January 2014, when
4 Hanginout filed its motion for a preliminary injunction, citing this video as evidence.

5 7. Attached as Exhibit 6 is a true and correct copy of the LinkedIn profile
6 for Chris Dunn, as printed from <http://www.linkedin.com/in/chrisadunn>. This
7 profile lists Chris Dunn as the COO/CFO/Advisor of Hanginout from August 2010
8 to February 2012.

9 8. Attached as Exhibit 7 is a true and correct copy of a printout from an
10 article on CNN.com commenting on the twenty-fifth anniversary of the commercial
11 Internet. Attached as Exhibit 8 is a true and correct printout from the Apple.com
12 reflecting the introduction of Apple's iTunes store in 2003 and the introduction of
13 Apple's App Store in 2008.

14 9. Attached as Exhibit 9 is a true and correct copy of an Apple press
15 release dated January 7, 2014 as printed from
16 [http://www.apple.com/pr/library/2014/01/07App-Store-Sales-Top-10-Billion-in-](http://www.apple.com/pr/library/2014/01/07App-Store-Sales-Top-10-Billion-in-2013.html)
17 [2013.html](http://www.apple.com/pr/library/2014/01/07App-Store-Sales-Top-10-Billion-in-2013.html), which states that Apple's App Store currently offers over one million
18 apps.

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20 I declare under penalty of perjury under the laws of the United States of
21 America that the foregoing is true and correct.

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23 Executed on March 21, 2014, at Chicago, Illinois.

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25 By /s/ Margret M. Caruso
26 Margret M. Caruso
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