

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP
 2 Margret M. Caruso (Bar No. 243473)
 3 Cheryl A. Galvin (Bar No. 252262)
 4 555 Twin Dolphin Drive, 5th Floor
 5 Redwood Shores, California 94065-2139
 6 Telephone: (650) 801-5000
 7 Facsimile: (650) 801-5100
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 9 Attorneys for Defendant Google Inc.

10 UNITED STATES DISTRICT COURT
 11 SOUTHERN DISTRICT OF CALIFORNIA

13 HANGINOUT, INC,
 14 Plaintiff,
 15 vs.
 16 GOOGLE INC.,
 17 Defendant.

CASE NO. 13-CV-2811 AJB NLS
DECLARATION OF MARGRET M. CARUSO IN SUPPORT OF GOOGLE'S REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF GOOGLE'S MOTION TO DISMISS HANGINOUT'S FIRST AMENDED COMPLAINT

ORAL ARGUMENT REQUESTED

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

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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. Attached as Exhibit 1 is a true and correct copy of a printout from the
7 webpage [http://googleblog.blogspot.com/2011/06/introducing-google-project-real-](http://googleblog.blogspot.com/2011/06/introducing-google-project-real-life.html)
8 [life.html](http://googleblog.blogspot.com/2011/06/introducing-google-project-real-life.html), reflecting Google's June 28, 2011 announcement of Google+ and
9 Hangouts. This document was attached as Exhibit 1 to the Declaration of Matthew
10 Leske In Support of Google's Opposition to Hanginout's Motion for Preliminary
11 Injunction ("Leske Declaration"), found at Dkt. 30-19. This is a full-color version
12 of the document attached as Exhibit 22 to the Declaration of Justin Malone In
13 Support of Plaintiff Hanginout, Inc.'s Motion for Preliminary Injunction, found at
14 Dkt. 12-26.

15 3. Google's June 28, 2011 announcement also had an embedded video
16 demonstrating how Hangouts works. Like the videos for other products announced
17 in connection with Google + that day, the video was labeled "Google+" followed by
18 a colon, and then the name of the product it was demonstrating. Attached as
19 Exhibit 2 is a true and correct copy of the Hangouts video embedded in Google's
20 June 28, 2011 announcement. This video was also attached as Exhibit 2 to the
21 Leske Declaration, found at Dkt. 30-20 and lodged as a non-electronic exhibit.

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

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Executed on April 4, 2014, at Redwood Shores, California.

By /s/ Margret M. Caruso
Margret M. Caruso