

EXHIBIT 2

Deposition of Martin Fleischmann

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

NETQUOTE, INC., A)
COLORADO CORPORATION,)

Plaintiff,)

vs.)

BRANDON BYRD, AN INTERNET)
USER MAKING USE OF THE IP)
ADDRESSES 64.136.27.226)
AND 64.136.26.227 AND)
MOSTCHOICE.COM, INC., A)
GEORGIA CORPORATION,)

Defendants.)

CIVIL ACTION FILE

NO. 07-CV-00630-DME-MEH

VOLUME I

CONFIDENTIAL

CONFIDENTIAL: MAY BE SUBJECT TO PROTECTIVE ORDER

VIDEOTAPE DEPOSITION OF

MARTIN FLEISCHMANN

ATLANTA, GEORGIA

THURSDAY, OCTOBER 11, 2007

COPY

REPORTED BY: TANYA L. VERHOVEN-PAGE,
CCR-B-1790

FILE NO. 425100

1 indicates something funny is going on in your
2 affiliate system.

3 Q So you can determine that you suspect
4 click fraud activity by the number of people who
5 click through to your website and don't fill out an
6 application but you can't actually confirm it through
7 that method; is that your testimony?

8 A Well, that's looking at the kind of
9 circumstantial and results evidence. If you really
10 wanted to dig into it, which is a little bit of what
11 we did for the Business Week article and they asked
12 us to and they also gave -- took some of our data and
13 sent it out to a third-party firm, you can try and
14 really analyze where did those clicks come from, what
15 were the referring URLs, what were the IP addresses,
16 and, in fact, Business Week did confirm that a bunch
17 of traffic we had gotten from some of these places
18 were coming from international sources and coming
19 from places that were well outside of the agreement
20 we had with Yahoo.

21 Q So it's not the case that everyone who
22 visits the MostChoice website and does not fill out
23 an application is committing click fraud?

24 A Of course not.

25 Q Okay. What are the reasons that someone

1 would click through Yahoo or Google to the MostChoice
2 website and would not fill out an application that
3 are not fraudulent reasons?

4 A Well, you know, this is the whole crux of
5 what Yahoo and Google had to deal with and what --
6 and what people are talking to them about.

7 In any population of consumers or -- in
8 this case, clicks represent potential consumers or
9 potential fillers of a lead form, there's a -- what I
10 call the bell curve of seriousness. You know,
11 some -- some are very serious about talking to an
12 agent and seeing what's around. Some people maybe
13 are just looking for information, and some people are
14 just kind of clicking through to see what was there,
15 you know, and click away.

16 Q And those are legitimate uses of the
17 MostChoice website in your view?

18 A Yes. At the end of the day, we're trying
19 to get people to come to our website, and if they
20 are -- to either find out information, or if they
21 want to get help, they can fill out a request form.

22 Q I guess my question is a little
23 different. Are all of those uses legitimate uses of
24 using the MostChoice website whether it's to just see
25 what the content is on MostChoice's website or

1 whether it's to fill out an application or whether
2 it's someone who is thinking about filling out an
3 application but not yet ready to do so?

4 A I would say those are all legitimate
5 reasons to come to our site, and, frankly, it doesn't
6 really matter to me. I mean, anybody can visit our
7 site at any time. It's a free and open site.

8 Q Through -- can anyone visit your website
9 any time through Yahoo or Google?

10 A Well, obviously, they can type us in
11 directly, or they can see us as a listing.

12 Generally people come to any site because
13 they have done some sort of search. Unless your --
14 do a large enough off-line branding that people come
15 to you directly, like, maybe Lending Tree or somebody
16 who does a lot of off-line advertising, generally
17 people come to any site through a search engine.

18 Q Yes. So it's not a click fraud for
19 someone to run a search for MostChoice on Yahoo or
20 Google and then click on your paid advertisement even
21 if they have a purpose other than filling out an
22 insurance quotation request form?

23 A Interesting point. No, if --

24 Q Let me -- let me be less abstract. Let
25 me strike the question. I don't like that question.

1 than that.

2 Q So roughly 5 to 25 percent of the persons
3 who click through Yahoo or Google on paid search
4 looking for MostChoice actually fill out an
5 application?

6 A Yes.

7 Q Now you're aware that MostChoice
8 employees have visited NetQuote's website on occasion
9 without submitting applications to NetQuote?

10 A I'm not aware specifically, but I don't
11 know. Is it -- is there something I'm --

12 MR. ISENBERG: Well, his question
13 was are -- I guess --

14 THE WITNESS: Am I aware that
15 anybody's -- I mean, yes, I've seen the
16 NetQuote website. I mean, I generally
17 type in netquote.com if I want to go see
18 it and take a look at the NetQuote
19 website, but -- is the question am I
20 aware specifically of people who have
21 gone to see the NetQuote website?

22 BY MR. WILLIAMS:

23 Q My question is: Are you aware that
24 MostChoice personnel have visited the NetQuote
25 website without filling out an application on