

Deposition of Martin Fleischmann

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

NETQUOTE, INC., A)
COLORADO CORPORATION,)
)
Plaintiff,)
) CIVIL ACTION FILE
vs.)
) NO. 07-CV-00630-DME-MEH
BRANDON BYRD, AN INTERNET)
USER MAKING USE OF THE IP) VOLUME I
ADDRESSES 64.136.27.226)
AND 64.136.26.227 AND)
MOSTCHOICE.COM, INC., A)
GEORGIA CORPORATION,)
)
Defendants.)

CONFIDENTIAL: MAY BE SUBJECT TO PROTECTIVE ORDER

VIDEOTAPE DEPOSITION OF
MARTIN FLEISCHMANN
ATLANTA, GEORGIA
THURSDAY, OCTOBER 11, 2007

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 not something we generally --

2 MR. WILLIAMS: You don't need to
3 argue about it. He made his designation.

4 MR. ISENBERG: You can answer.

5 THE WITNESS: So I'm sorry.

6 Rephrase again or please re-ask the
7 question.

8 BY MR. WILLIAMS:

9 Q Yes. Here is my question: What fraction
10 of people who click through Yahoo or Google looking
11 for MostChoice through paid advertisements MostChoice
12 has taken out on Yahoo or Google actually complete an
13 application on MostChoice's website?

14 A I was going to say it varies widely by
15 the type of insurance or product they are looking for
16 whether it is a paid source or a free listing.

17 Q Well, I'm just talking about paid sources
18 now.

19 A I understand. And within paid, it varies
20 widely between different sources.

21 Q What range -- what's the range that it
22 varies?

23 A You know, it can be anywhere from -- it
24 can be anywhere from 5 or 10 percent to 25 percent or
25 maybe, in some cases, some sources may be even better

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