

EXHIBIT G

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

XTRAPLUS CORPORATION,

Plaintiff,

vs.

GOOGLE, INC.,

Defendant,

No. C01-20425 JF (PVT)

DEPOSITION OF ROSE HAGAN
VOLUME II (Pages 148-220)

DATE: June 20, 2003
1:00 p.m.

PLACE: Google, Inc.
1505 Salada
Mountain View, CA

REPORTED BY: Linda J. Pugliese, C.S.R.
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1	because I do my own objections.	
2	THE WITNESS: It's very helpful.	13:19:22
3	MR. PAGE: Join.	13:19:24
4	BY MR. CHAIKIN:	13:19:25
5	Q. Would it be fair to say that Google as a	13:19:25
6	company, prior to the filing of the Google trademark	
7	application, knew that there were other uses of the word	
8	Google and Google derivatives?	
9	A. I believe that would be fair to say, yes.	13:19:49
10	Q. So it would also be fair to say that Google	13:19:53
11	was not the first -- the Google search engine was not	
12	the first commercial use of the word Google.	
13	A. At all?	13:20:08
14	Q. At all?	13:20:12
15	A. Correct.	13:20:12
16	Q. It was the first use of the term Google with	13:20:13
17	L-E for certain things; is that correct?	
18	A. That is correct.	13:20:25
19	Q. And what would those things be?	13:20:25
20	A. That would be Internet search services and the	13:20:27
21	other services that we have since launched. I guess at	
22	what point in time? At the time they adopted or ever?	
23	Q. That's a fair question. It was ever. My	13:20:42
24	question is ever. So at some point in time, it was	
25	certainly the first for Internet search engines; is that	

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1	Q.	Did someone at Google review the search	13:27:05
2		report?	
3	A.	Yes.	13:27:09
4	Q.	And who was that?	13:27:10
5		MR. PAGE: Object as asked and answered.	13:27:12
6		THE WITNESS: Larry Page and Serge Brin	13:27:16
7		and myself.	
8		BY MR. CHAIKIN:	13:27:20
9	Q.	And who?	13:27:20
10	A.	Myself.	13:27:21
11	Q.	And yourself. Prior to the filing of the	13:27:21
12		application for the trademark, did you review the	
13		trademark search report?	
14	A.	No, I did not.	13:27:37
15	Q.	Who prior to filing the application reviewed	13:27:39
16		the trademark search report?	
17		MR. PAGE: Objection, vague and ambiguous.	13:27:44
18		Do you mean at Google?	
19		BY MR. CHAIKIN:	13:27:48
20	Q.	Yeah, the same framework in that question.	13:27:48
21	A.	At Google, Larry Page and Serge Brin reviewed	13:27:50
22		the search result, the search report.	
23	Q.	And who made the decision to go ahead and file	13:28:09
24		a trademark application?	
25	A.	That would be Larry Page in conjunction with	13:28:18

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1	counsel at Wilson Sonsini.	
2	Q. So Serge Brin wasn't part of that	13:28:23
3	decision-making process?	
4	A. They talked about it. But Larry was the one	13:28:28
5	who interfaced with Wilson Sonsini.	
6	Q. Do you know if there was some concern raised	13:28:47
7	by the trademark search report, given that Google wasn't	
8	the first user commercially of the mark?	
9	MR. PAGE: Objection, vague as to subject,	13:29:01
10	given the passive voice of that question.	
11	BY MR. CHAIKIN:	13:29:09
12	Q. If you can understand the question. If not, I	13:29:09
13	can try to rephrase for you.	
14	A. If you could rephrase, it might be better.	13:29:13
15	Q. As we noted earlier, in the trademark search	13:29:16
16	report there were other people who were using either	
17	Google or a Google derivative prior to your client; is	
18	that correct?	
19	A. That is correct.	13:29:33
20	Q. And do you know if that gave some concern to	13:29:35
21	Mr. Page before he -- not this Mr. Page, but Larry Page,	
22	prior to the filing of the trademark application?	
23	A. No, it did not.	13:29:49
24	Q. And do you know why it did not?	13:29:51
25	A. After reviewing the search and discussing it	13:29:56

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1 with counsel, Larry felt that it was pretty clean and
2 that none of the uses or purported uses that showed up
3 in the search would be conflicting.

4 Q. So despite the fact there were other people 13:30:11
5 using a Google or Google derivative, you're saying that
6 they wouldn't be conflicting. I guess my question is
7 why wouldn't they be conflicting?

8 A. They were in different areas and/or were not 13:30:22
9 the same trademark. So for example, Barney Google is a
10 composite mark composed of the two words, Barney and
11 Google, and it was a cartoon character and used for
12 various goods in connection with the cartoon character.
13 So they were not concerned with that, since it was not
14 the same mark and in different fields of use.

15 Q. Might I also say a different stream of 13:30:49
16 commerce? Is that also the way it's sometimes phrased?

17 MR. PAGE: Objection, calls for a legal 13:30:55
18 conclusion and is argumentative.

19 THE WITNESS: It could be construed that 13:30:59
20 way.

21 BY MR. CHAIKIN: 13:31:02

22 Q. I think Professor McCarthy uses that 13:31:02
23 terminology; is that correct? You're familiar with
24 Professor McCarthy?

25 A. Yes, I have met Professor McCarthy. 13:31:10