

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

NO. 05-80387-CIV (Ryskamp/Vitunac)

STELOR PRODUCTIONS, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

DECLARATION OF ROSE HAGAN

I, Rose Hagan, hereby declare as follows:

1. I am the Managing Counsel, Trademarks for Google Inc. (“Google”) and am submitting this declaration in support of Google’s motion for a protective order in connection with the requested depositions of Google’s founders, Sergey Brin and Larry Page. I make this declaration of my personal knowledge unless otherwise indicated.
2. I began my employment at Google on September 3, 2002. Since the time of my employment, I have had responsibility for overseeing Google’s trademark matters, including the filing and prosecution of trademark applications on Google’s behalf. Because of the nature of my responsibilities, I am also familiar with the facts and documents relating to Google’s filing of trademark applications before my tenure. This includes Google’s original trademark application for “GOOGLE.”
3. I also am familiar with testimony that Sergey Brin and Larry Page have provided concerning the early use of “Google” as a trademark, including their deposition testimony in a trademark case brought by XtraPlus Corporation in the United States District Court for the Northern District of California. I understand that transcripts of that testimony have been produced to Plaintiff’s counsel in this case.

4. Based upon their testimony, my focus on trademark issues, and my experience in trademark law, I believe that I know more than either Sergey Brin or Larry Page about issues relating to the filing and prosecution of Google's original trademark application. Although Messrs. Brin and Page authorized the filing of that application, and Mr. Page submitted a supporting declaration, the application was filed and prosecuted by Google's outside counsel. Messrs. Brin and Page have no specific background in trademark law or with trademark applications, and I have no reason to think they could provide any information concerning the early use of "Google" that is not reflected in the XtraPlus deposition testimony previously provided. I am confident that I could provide more specific testimony concerning the application process, based upon my review and knowledge of the records.

5. I have agreed to testify for Google in response to the 30(b)(6) deposition notice served by Plaintiff, including topics relating to the early use of "GOOGLE." My understanding is that the parties have tentatively agreed to my deposition proceeding on September 10, 2008.

6. Plaintiff also appears to be confused about Google's corporate history. Google incorporated as a California corporation named "Google Inc." on September 4, 1998. It later changed its name Google Technology Inc. and then became Google Inc. (a Delaware corporation).

I swear under penalty of perjury the forgoing is true and correct.

Executed this 30th day of July, 2008 in Mountain View, California.

By: Rose Hagan
Rose Hagan