

Exhibit A

1 UNITED STATES DISTRICT COURT FOR THE

2 DISTRICT OF UTAH

3 -oOo-

4 TIMELINES, INC.,

:

Civil Action No. 11-6867

5 Plaintiff,

:

6 -vs-

:

7 FACEBOOK, INC.,

:

8 Defendant.

:

9
10 -oOo-

11
12 TELEPHONIC DEPOSITION OF RANDY CASSIDY

13
14 Location: 175 South Main Street, Suite 710
15 Salt Lake City, Utah

16
17
18 Date: September 18, 2012
19 9:41 a.m.

20
21 Reporter: Denise Kirk, CSR/RPR

22
23
24 Job No. 53166

1 Q. And the year?

2 A. 2012. So I'm off by a year what I'm
3 saying, I guess.

4 Q. No problem, I just wanted to clear it up.
5 So around January 24, 2012 is when you
6 first learned of Facebook's use of the term
7 "Timeline"?

8 A. Yeah, that or maybe even December when
9 they were launching it or whatever.

10 Q. Okay. Who is Brian Hand?

11 A. Brian is a very good friend of mine.

12 Q. Does this appear to be a true and correct
13 copy of the e-mail that you sent back in January 2012?

14 A. Yes, it does.

15 MS. MAYALL: Ms. Kirk, I'd like to enter
16 this in as Exhibit 5.

17 (Exhibit 5 marked for identification.)

18 Q. Mr. Cassidy, how did you learn about
19 Facebook's use of the term "Timeline"?

20 A. I must have read it somewhere or saw it on
21 the Internet or somewhere.

22 Q. Okay.

23 A. I don't recall exactly, but I heard it
24 somewhere.

25 Q. Did you get a response from Brian to this

1 Q. Well, "before this" meaning January of
2 2011?

3 A. Yeah. Yeah, I knew Brian was working on
4 this and he had shared the site with me.

5 Q. How often do you visit the Timelines web
6 site?

7 A. Not very.

8 Q. Once a month?

9 A. No.

10 Q. Less than?

11 A. Yes.

12 Q. Okay. And you don't know if you are a
13 registered user?

14 A. Well, if you need to be a registered user
15 to get the information that I got, then I'm probably a
16 registered user, by the theory of deduction.

17 Q. But you are not sure?

18 A. No.

19 Q. Do you know if Timelines, Inc. offers any
20 of its services for sale?

21 A. I don't.

22 Q. Okay. So we talked about Brian Hand. Do
23 you know what his role is with Timelines, Inc.?

24 A. Well, I would assume from his -- from this
25 e-mail here that he's the co-founder and chairman.

1 this is the e-mail that you sent to Brian in January
2 of 2012; is that correct?

3 A. That is correct.

4 Q. And is this around the time that you first
5 learned about Facebook's use of the term "Timeline"?

6 A. It was say probably just after -- I would
7 say within a week or two.

8 Q. So after you first learned of Facebook's
9 use of the term "Timeline", did you visit the
10 Timelines web site?

11 A. I don't know. I don't remember.

12 Q. You don't remember?

13 A. No.

14 Q. You don't remember mistakenly visiting the
15 Timelines web site thinking it was offered by
16 Facebook?

17 MR. WELTMAN: Object to form.

18 A. I don't even know what you are asking.

19 Q. Did you ever mistakenly go to
20 www.Timelines.com thinking it was offered by Facebook?

21 MR. WELTMAN: Object to form.

22 A. Why would I do that? I thought Brian had
23 sold Timelines to Facebook. That's why I called him,
24 to congratulate him.

25 Q. When did you call him?

1 And so when I saw it -- I mean, it's not
2 like we talk every day or every month or every six
3 months, frankly.

4 It's one of those things that we pick up
5 wherever we happened to leave off in life. And I saw
6 that and I was excited for Brian.

7 And, you know, it's certainly not the
8 first successful thing he's done in his life and it's
9 not the last, but it's another success and I picked
10 the phone up to congratulate him.

11 Q. Congratulate him on what?

12 A. On the fact that Facebook had picked up
13 his Timelines software -- or whatever you call it.

14 Q. Okay, thank you.

15 After you learned of Facebook's use of the
16 term "Timeline", did you log into your Facebook
17 account more frequently than you did before?

18 A. No.

19 Q. Now, if we refer back to deposition
20 Exhibit 5, this is the e-mail that you wrote to Brian
21 Hand January 2012; correct?

22 A. That's correct.

23 Q. When you wrote the second sentence which
24 says: "I truly believed that they were using your
25 Timelines software"?

1 A. Yes.

2 Q. Is there a reason why that was in past
3 tense?

4 A. Is there a reason that it shouldn't have
5 been in past tense?

6 Q. I'm just asking you a question, Mr.
7 Cassidy.

8 A. Well, I'm just trying to think. That's
9 why I asked you a question. Um --

10 Q. As long as it's rhetorical, I'm fine with
11 it.

12 A. So I wrote the e-mail in response to a
13 conversation and then a followup conversation that I
14 had with Brian. The --

15 Q. And -- I'm sorry, go ahead.

16 A. The first one being the conversation where
17 I thought I was congratulating him, and then the
18 second Brian called me back a couple of days later --
19 you know, it may have been a week, maybe an hour, I
20 don't know -- and said, you know, listen, based upon
21 our conversation, you know, you were clearly confused
22 as to what Facebook is doing. Would you mind putting
23 that in an e-mail to me? And I said: No, not at all.

24 So that's what I did.

25 Q. When you wrote: "I truly believed that

Exhibit B

K. KOENEMAN
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TIMELINES, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action
)	No. 11-cv-06867
FACEBOOK, INC.,)	
)	
Defendant.)	
-----)	

DEPOSITION OF KEITH KOENEMAN

Chicago, Illinois

September 19, 2012

Reported by:
JANICE M. KOCEK, CSR, CLR
JOB NO. 53903

1 K. KOENEMAN

2 do you want it. And I thought I always said
3 no, but my page still changed.

4 Q. And when I say the word timeline
5 feature of the Facebook page, what, what does
6 that mean to you?

7 A. Well, so here -- here is -- I
8 immediately think of Brian's company,
9 Timelines, Inc., and, and LifeSnapz --

10 MS. REPORTER: And Life --

11 THE WITNESS: So there's, there's
12 Timelines, Inc., and then there's a Web
13 site LifeSnapz and there's a Web site
14 timelines.com.

15 So I coached basketball with Brian,
16 fourth grade basketball three years ago.
17 Basketball is a fall and winter sport. So
18 it was -- you know, we started in the fall
19 of 2009, went through the winter of 2010.
20 So, so roughly from, like, October of 2009
21 to -- I'm not sure when exactly the season
22 ended, like, April, May 2010.

23 So Brian coached basketball. It was
24 a pretty big commitment actually. We'd
25 have practices two days a week and then

1 K. KOENEMAN

2 we'd have a game on Saturday. And then
3 plus we'd talk on the phone and, like,
4 e-mail and stuff. So it was a pretty big
5 commitment.

6 So I saw Brian at a minimum of three
7 days a week and in some weeks, you know,
8 four times or five times.

9 Q. And how long ago was this?

10 A. It was in -- it was about three
11 years ago. So it's September of 2012 now. It
12 was, like, September, October 2009. So it was
13 almost three years ago right now.

14 Q. Was it for only one season?

15 A. Yes, fourth grade basketball. But
16 from October through April, let's say, April.
17 November, December to April, so seven months.
18 And it was -- you know, it was sixteen fourth
19 grade kids. It was the first time they ever
20 played basketball, so they were really excited
21 about it. It was a really big deal for them as
22 kids, and sort of as parents/coaches it was a
23 pretty big deal for us. So we enjoyed doing
24 it. It was a lot of work.

25 Anyway, so in the course of doing

1 K. KOENEMAN

2 you know, sort of fun for me, but it was sort
3 of important for me because I was dealing with
4 my kid. So I paid attention to the photos.

5 And then, you know, I know Brian
6 socially as well. We've taken vacations
7 together and, like, we -- there's a group of
8 friends that have, like, parties and stuff, so,
9 you know, I'm pretty friendly with him.

10 And so I would look at his photos
11 and I'd look at my account from LifeSnapz. And
12 then also I would talk to Brian about, you
13 know, when we were coaching, you know, how's
14 your work week, did you have a rough week, was
15 it good, was it bad, whatever. And, you know,
16 he'd give me updates; oh, it's really going
17 well. We have a new client, you know,
18 whatever.

19 So I definitely had, like, a little
20 bit of knowledge that he had this company, not
21 just because I saw the photos and used the
22 site, but just because sort of like how's it
23 going, how did your week go. He'd give me
24 little updates at basketball or whatever.

25 Anyway, so that's by background to

1 K. KOENEMAN

2 answer your question, which was what do you
3 think of timeline. So when I heard timeline, I
4 immediately thought of Brian and his companies.

5 So when I logged on to Facebook
6 whenever it was, roughly a year ago, and
7 Facebook offered me, like, hey, we have this
8 new timeline feature, I immediately thought of
9 Brian and his companies, Timelines and
10 Facebook. It was my first thought. In fact,
11 my first thought was this is awesome, Brian
12 sold his company to Facebook, like, it's
13 awesome.

14 And so I was thinking I should,
15 like, send him flowers or, like, send him a
16 basket or, like, do something celebratory for
17 Brian. But I didn't, because I was thinking --
18 this was, like, a weekday, so it was like a
19 Tuesday or a Wednesday or whatever. And I was
20 thinking I'm going to see Brian on Friday. So
21 first I'll just ask him about it and then I'll
22 send him something.

23 So I saw him on whatever. I can't
24 remember whether it Friday or Saturday, but I
25 saw him on a weekend evening at some sort of

1 K. KOENEMAN

2 into my own house with my own key and thought I
3 was in my neighbor's house. Why would I?

4 Q. Right. Because of your prior
5 knowledge of Timelines, Inc., and --

6 A. Prior knowledge that I own this
7 house and I have this key in my pocket. I
8 haven't forgot that I live at 606 Arlington and
9 that my key opens the door. You know, I
10 haven't forgot that I have a password on
11 LifeSnapz and when I log in to LifeSnapz, it
12 takes me to LifeSnapz. Why would I?

13 Q. Okay. Just to round this out here,
14 for the rest of the deposition, I just want to
15 revisit real quickly Timelines, Inc.'s, other
16 services.

17 A. Okay.

18 Q. Have you -- have you ever registered
19 to use timelines.com?

20 A. No. But I thought about it and I,
21 I, I told you that story, which is Brian told
22 me about how excited he was about timelines.com
23 and that it had timelines, which they had been
24 developing for some time for LifeSnapz, but he
25 thought it had a much bigger potential.

1 K. KOENEMAN

2 So I actually went to the site and I
3 sort of checked it out and looked at the
4 subjects and so forth and thought this is
5 really cool, maybe my son would like this,
6 maybe my son's teacher would like it. Maybe
7 it's a good pedagogical or educational tool.

8 But, you know, at the time -- it was
9 three years ago. So at the time I was
10 probably, like, 41 years old. Those sort of
11 historical timelines for me as a 41-year-old
12 were sort of less relevant, but I could see how
13 they'd be very relevant for, like, my son or my
14 son's friends.

15 Q. Have you used any other services
16 offered by Timelines, Inc.?

17 A. I never registered for the
18 timelines.com site. I did register for
19 LifeSnapz.

20 Q. Other than LifeSnapz. Right now I'd
21 like to just focus a little bit about any other
22 services offered by Timelines, Inc. So we
23 covered LifeSnapz.

24 So with respect to timelines.com and
25 just getting this straight.

Exhibit C

ESTHER BARRON
IN THE U.S. DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TIMELINES, INC.,)
)
)
Plaintiff,)Civil Action
)No.
)
)11-CV-06867
vs.)
)
FACEBOOK, INC.,)
)
Defendant.)

DEPOSITION OF ESTHER BARRON
Friday, September 21, 2012
Chicago, Illinois

Reported By:
TRICIA J. FLASKA, CSR, RPR
JOB NO. 53625

ESTHER BARRON

A Certainly.

Q So currently, where do you work?

A Northwestern University School of Law.

Q Are you a professor at Northwestern?

A I am a clinical associate professor.

Q And what are your responsibilities as a clinical associate professor?

A Well, I'm also the director of the Entrepreneurship Law Program at Northwestern Law School, so I run our Entrepreneurship Law Center and I -- which includes a clinic, and I teach entrepreneurship law -- and I co-teach -- I co-teach entrepreneurship law, sorry, and I co-teach venture capital.

Q And how long have you been working at Northwestern University?

A I believe eight years.

Q And prior to working at Northwestern, where were you employed?

A Goldberg Kohn.

Q What was your position at Goldberg Kohn?

A I was an associate.

Q And how long were you an associate at Goldberg Kohn?

ESTHER BARRON

A I don't recall.

Q Do you think it was in the 2011 school year?

A I think so.

Q Okay. Do you think he spoke in the 2010 school year?

A I think he did.

Q Has he spoken to your class during this year?

A He has not.

Q Okay. Does he have plans to -- or do you have plans to have Mr. Hand speak to your class this year?

A I do not have any plans for that.

Q So he spoke to your class in 2011 and 2010. Do you recall whether he spoke to your class in 2009?

A I don't recall.

Q And just to save time, anything before 2009, do you recall any specific dates in which he would have spoken to your class?

A I don't recall any specific dates.

Q Even years?

A I don't.

1 ESTHER BARRON

2 A It was an entrepreneurship conference
3 co-sponsored by different departments at
4 Northwestern University.

5 Q And you said he spoke on a panel; is that
6 correct?

7 A At that conference I believe he spoke on a
8 panel.

9 Q Do you recall seeing Mr. Hand speak at any
10 other conferences hosted by Northwestern?

11 A I don't recall. I don't recall seeing him
12 speak at other conferences.

13 Q Any conferences at all?

14 A Not that I recall.

15 Q Other than speaking to your class or
16 speaking with Mr. Hand at the conference, have you
17 had any other interactions with Mr. Hand?

18 A I have seen him at events in Chicago.

19 Q What types of events?

20 A Events focused on entrepreneurship.

21 Q Are you friends with Mr. Hand, you know,
22 socially, or is it typically in that context, in
23 conferences and lectures and things like that?

24 A In the context of conferences and lectures,
25 although -- yeah. It's a professional relationship.

1 ESTHER BARRON

2 Q Okay. You haven't gone on any vacations
3 with his family or anything?

4 A Correct.

5 Q So just to confirm, are you familiar with
6 any of the types of services that Timelines, Inc.
7 offers?

8 A I did not go back and review what -- it
9 under the umbrella of Timelines.

10 Q Okay. But as of right now, what services
11 do you believe Timelines, Inc. offers?

12 A I believe Photogram is part of Timelines.

13 Q Any other services?

14 A Just my understanding is it organizes
15 photographs in chronological order for various
16 events in a person's life.

17 Q And when you said "it," you were referring
18 to Photogram; is that correct?

19 A No. I'm referring to Timelines.

20 Q The website at Timelines.com or --

21 A I can't be any more specific. My
22 understanding is that Timelines is a service that
23 you use online to organize photographs of various
24 events in your life in a chronological order.

25 Q And what are you basing that understanding

ESTHER BARRON

on? Mr. Hand's lectures?

A Correct.

Q Anything else?

A No.

Q Are you -- or have you ever visited the website Timelines.com?

A I may have. I don't have a specific recollection. I would say I probably have.

Q And when do you think you last went to Timelines.com?

A Probably close to a visit by Brian to my class. Mr. Hand.

Q So most likely -- he didn't visit your class in 2012, right?

A He did not. So it would likely have been in 2011.

Q So to confirm, you believe that the last time you went and visited Timelines.com would have been in 2011?

A Again, I don't have a specific recollection, but that's my best guess.

Q Okay. Are you a registered user of Timelines.com?

A I don't believe so.

ESTHER BARRON

2010 or 2011?

A I don't recall the date of the conversation.

Q And what was the nature of the conversation?

A The general nature was that I mentioned to Brian Hand that when I learned of Facebook's Timeline update or application, that I wondered whether it was connected to his company in some way.

Q And what did Mr. -- how did Mr. Hand respond?

A He responded -- actually, I don't remember his response. I remember coming away from the conversation with the understanding that it was not part of his company.

Q And now that we've discussed this conversation, is your memory refreshed at all as to when this conversation with Mr. Hand would have occurred?

A No.

Q Do you recall ever seeing Facebook use the term "Timeline"?

A A specific occurrence or just generally?

Q Just generally.

Exhibit D

DON JENKINS
IN THE U.S. DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TIMELINES, INC.,)
)
)
Plaintiff,) Civil Action
) No.
)
) 11-CV-06867
vs.)
)
FACEBOOK, INC.,)
)
Defendant.)

DEPOSITION OF DON JENKINS
Friday, September 21, 2012
Chicago, Illinois

Reported By:
TRICIA J. FLASKA, CSR, RPR
JOB NO. 53625

DON JENKINS

(Exhibit 3 marked for identification.)

BY MR. HUGHES:

Q Mr. Jenkins, I'd just like to walk through this with you real quickly. So Request For Production No. 1 states, you know, "Please provide a representative printed screenshots of your Facebook profile, to the extent one exists, that displays your post as a 'Timeline' or in chronological order, including but not limited to any screenshots that bear the term 'Timeline.'"

In response to that document request, Mr. Jenkins, what did you state?

A "None."

Q Why did you state that?

A I do not have a Facebook profile.

Q Okay. Have you ever had a Facebook profile?

A No.

Q Do you intend to have a Facebook profile in the future?

A Not in my plans.

Q And why is that?

A Not interested.

Q And in response to Document Request No. 2,

DON JENKINS

Timelines, Inc., are you referring to both
Timelines.com and LifeSnapz.com?

A Yes.

Q So to confirm, you are not a registered
user of Timelines.com; is that correct?

A No.

Q And you were not a registered user of
LifeSnapz.com; is that correct?

A That's correct.

Q Great. Mr. Jenkins, with respect to
Request for Production No. 3, called for "Documents
sufficient to identify the date you first used
Timeline, Inc. services."

And in response to that, what did you say,
Mr. Jenkins?

A What number are we on?

Q 3.

A I said "None." Although, I have visited
the website just obviously to familiarize myself
with it after being produced to the concept by Brian
on numerous occasions.

Q And when you say "the website" --

A Timelines.

Q Timelines.com?

DON JENKINS

A Right.

Q Okay. And when do you recall first visiting the domain name Timelines.com -- or rather the web page at the domain name Timelines --

A Probably spring of 2009.

Q And roughly how many times have you visited Timelines.com since spring of 2009?

A I don't know. 10, 15 times.

Q And when was the last time that you visited Timelines.com?

A Probably several weeks ago.

Q And why did you visit that website at that time?

A Just to familiarize myself with the latest content.

Q And prior to that do you recall visiting Timelines.com -- or when was the last time before that that you recall visiting Timelines.com?

A Probably -- I don't remember the exact timing, but it was in reference to someone had told me they went on a trip and had posted some information.

Q You think it was in 2011 or 2010?

A Probably 2011.

DON JENKINS

2009?

A Yes.

Q And when was that?

A Regularly. Socially and business wise, we're in related businesses and we always try to, you know, share with each other what each other is doing. And there's no regular pattern. It's just random.

Q Okay.

A Families know each other.

Q Have you gone on any vacations with Mr. Hand?

A No.

Q How do your families know each other?

A Kids participate in mutual sports and Brian and I obviously have overlapping professional areas of expertise.

Q And if I recall correctly, do you have a son; is that correct?

A Yes.

Q And does your son play basketball on Mr. Hand's son's basketball --

A Yeah. I think it was basketball and baseball.

DON JENKINS

Q Do you have any other children?

A Yeah. A daughter.

Q Does she play any sports with Mr. Hand's children?

A No.

Q How did you first meet Mr. Hand?

A That's a good question. Would have to just say in the venture circles, and then when our kids became involved in the same sport, you know, the connection and "Don't I know you from somewhere?" And kind of just started becoming professional acquaintances. After that, given common interests in background.

Q When did you first meet him? Is that what you're referencing here in fall of 2008?

A No. I would have to say probably six or seven years ago. Actually maybe even longer ago than that. Probably maybe like eight or nine years ago.

Q Is that in connection with any other business ventures started by Mr. Hand?

A No. No.

Q So your first meeting with Mr. Hand, do you recall what the nature of that was?

DON JENKINS

website?

A Yeah. I already stated that I've been on there in the past several weeks.

Q Did you ever visit the Timelines.com website believing that it was offered by Facebook?

A Only after the discovery of the report in the media that they had offered something similar. I was assuming that it was purchased by Facebook.

Q And when you visited the Timelines website did you believe that it was offered by Facebook at that time? When you visited the website.

A No. What happened was I saw information that led me to believe that the company had been purchased by Facebook. At least that was my assumption. And then looked on the website to find a press release that would say, hey, we've just purchased this company for so many X of millions of dollars or what have you and none of that information was available, which wouldn't be necessarily uncommon, and was just under the impression that, you know, Brian had, once again, successfully built a company and had sold it off to a very large company, which he's got a track record of doing.

Exhibit E

PAM COLE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

- - -

Timelines, Inc., :
:
Plaintiff, :
:
vs. : Case No.
: 11-CV-06867
Facebook, Inc., :
:
Defendant. :

- - -

DEPOSITION OF PAM COLE

- - -

Tuesday, September 18, 2012
9:40 a.m.
3242 West Henderson Road, Suite A
Columbus, Ohio 43220

- - -

SHAYNA M. GRIFFIN
REGISTERED PROFESSIONAL REPORTER
CERTIFIED REALTIME REPORTER

- - -

Job No: 53167

1 PAM COLE

2 Inc.?

3 A. Yes.

4 Q. And what is Timelines, Inc.?

5 A. Timelines, Inc., is a company that
6 provides services based around the idea of a
7 timeline. The one that I have used most is
8 LifeSnapz, which is a photo -- a photo organization
9 site where you can selectively share photos with
10 others.

11 Q. You said that Timelines provides services
12 around a timeline. What's your understanding of
13 what a timeline is?

14 MR. WELTMAN: Object to form and
15 foundation.

16 A. A timeline is an organization of
17 information in a chronological way.

18 Q. Okay. Do you remember when you first
19 learned about Timelines, Inc.?

20 A. Well, it was around the time my first
21 daughter was born, so I think 2008.

22 Q. Okay. How did you learn about Timelines,
23 Inc.?

24 A. My brother works for the company. He's a
25 software developer, I believe. And he told us about

1 PAM COLE

2 it.

3 Q. What's your brother's name?

4 A. His name is Geoffrey Buesing.

5 Q. Do you know how long he has been with
6 Timelines, Inc.?

7 A. I do not know exactly how long he's been
8 with Timelines, Inc., but I do know that he's been
9 there at least as long as I've heard of it, so at
10 least since 2008. But I believe he's been working
11 with some of these people for quite a while.

12 Q. And you said he's a software developer?

13 A. I think that's what he is, yes.

14 Q. Okay. Are you familiar with the
15 Timelines, Inc., website?

16 A. Yes.

17 Q. Do you visit the website?

18 A. I do.

19 Q. Are you a registered user of the website?

20 A. I am a registered user of LifeSnapz, which
21 is a product of theirs. But I do not know if I'm a
22 register of the Timelines website.

23 Q. Okay. And is there a difference between
24 LifeSnapz and Timelines, Inc., in terms of the
25 services that they respectively provide?

1 PAM COLE

2 and I think it's the same people, but I'm not sure
3 if it's actually a Timelines product or a separate
4 product.

5 Q. Okay. Do you remember the first time that
6 you visited the Timelines, Inc., website?

7 A. Do I remember the date or what?

8 Q. Yes, the date.

9 A. It was probably 2008 sometime.

10 Q. Okay.

11 A. Probably shortly before or after the birth
12 of my oldest daughter, so maybe sometime in the
13 summer of 2008.

14 Q. Did you register at or around the time of
15 your first visit to the website?

16 A. I did.

17 Q. What do you do on the Timelines website as
18 a registered user?

19 A. I haven't really done anything on the
20 Timelines website itself that I'm aware of. I know
21 that you can share pictures that you have of events
22 such as if you go to some kind of event where
23 there's a crowd of people, you can put your pictures
24 up there, and I think other people can put their
25 pictures up there and organize them together. But I

PAM COLE

haven't actually done that.

Q. How often have you logged into the Timelines website?

A. And we're talking about Timelines' website separate from LifeSnapz's website?

Q. Yes. Right now we are, yes.

A. Okay. Not very frequently.

Q. Like over the past six months, have you logged into the website?

A. I have not.

Q. The past year?

A. I do not think I have. I've only looked at it really briefly before.

Q. Do you have any plans or do you intend to start using the Timelines, Inc., website more frequently?

A. I don't currently have any plans to.

Q. Okay. So it sounds like it's a service you're not currently using or interested in particularly right now; correct?

A. That's correct.

MR. WELTMAN: Object to the form.

BY MR. BADOLATO:

Q. Do you know if Timelines, Inc., offers any

1 PAM COLE

2 that they were trying to -- he told me they were
3 trying to find ways to use it, trying to find ways
4 to monetize it, the product they had made.

5 Q. So that being the case, did you think that
6 Timelines -- were you thinking Timelines, Inc., had
7 sold a timeline to Facebook?

8 A. Well, I didn't know. That's why I asked
9 him. I didn't know if he had sold it to Facebook or
10 if they had some sort of software that you could use
11 on Facebook or what it was. And this is before the
12 Facebook timeline was actually out there and in use.
13 So I couldn't -- you know, I couldn't look at it.

14 Q. Right.

15 Did your brother respond to your question
16 in this e-mail?

17 A. He did not.

18 Q. Did you ever follow up with him about the
19 question?

20 A. I think that I talked to him on the phone
21 as opposed to e-mail.

22 Q. Do you remember what he said?

23 A. I don't remember what he said, but he did
24 say that it was not their Timelines product that
25 Facebook was doing.

Exhibit F

1 THOMAS R. FALLON

2 IN THE UNITED STATES DISTRICT COURT

3 FOR THE NORTHERN DISTRICT OF ILLINOIS

4 EASTERN DIVISION

5 -----
6 TIMELINES, INC.,

7 Plaintiff,

8 -vs-

Case No. 11-CV-06867

9 FACEBOOK, INC.,

10 Defendant.
11 -----

12
13
14 Examination of THOMAS R. FALLON, taken at
15 the instance of the Defendant, under and pursuant to the
16 Federal Rules of Civil Procedure, before
17 JESSICA R. WAACK, Certified Realtime Reporter, Registered
18 Diplomate Reporter, Certified Shorthand Reporter and
19 Notary Public in and for the State of Wisconsin, at
20 735 North Water Street, Milwaukee, Wisconsin, on Tuesday,
21 September 25, 2012, commencing at 1:29 p.m. and concluding
22 at 2:07 p.m.

23
24 Job No. 53573
25

1 THOMAS R. FALLON

2 Q Do you have any questions about the process or the
3 procedure we'll be following today?

4 A No.

5 Q In order to prepare for today's deposition, did
6 you speak with anybody at Timelines, Inc.?

7 A I believe I mentioned I was going to be deposed to
8 Bob Armour.

9 Q And when did you mention that?

10 A Probably the day or two after I got the initial
11 phone call from whoever I got the phone call from.

12 Q You don't recall who called you?

13 A I do not. There's been three or four different
14 people saying I'm with so and so, I'm with so and
15 so. I don't know who everybody is, no.

16 Q Okay. And when you say you mentioned it to Bob
17 Armour, was that over a telephone conversation?

18 A I believe it was in person.

19 Q How do you know Bob Armour?

20 A He is my brother-in-law.

21 Q When was the first time that you met Mr. Armour?

22 A Seventeen, eighteen years ago.

23 Q And what was the nature of the conversation that
24 you had with him?

25 A Just told him that I was contacted by someone to

1 THOMAS R. FALLON

2 appears to be a true and correct copy of the
3 subpoena that was served upon you.

4 A It appears to be, yes.

5 Q Thank you. If you can please turn to what's
6 identified at the bottom. It's page No. 4.

7 A Okay.

8 Q Okay. And at the top of that document, it says,
9 "Request For Documents and Things."

10 A Yes.

11 Q Great. I'm just going to review each one of these
12 and ask you some questions. So for request for
13 production No. 1, we had asked for,
14 "Representative print screenshots of your Facebook
15 profile, to the extent one exists, that displays
16 your posts as a 'timeline' or in chronological
17 order, including but not limited to any
18 screenshots that bear the term 'timeline.'" Did I
19 read that correctly?

20 A Yes.

21 Q Okay. And you don't have any documents in
22 response to this request?

23 A No.

24 Q So you do not use Facebook?

25 A No. I do not have a Facebook profile, no.

THOMAS R. FALLON

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Q Okay. Have you ever visited the Facebook website?

A I don't think so.

Q So just to be -- to confirm, have you ever had a Facebook profile?

A I have never had a Facebook profile.

Q Okay. Thank you. Are you familiar with what Facebook is?

A Yes.

Q What is it?

A A social network.

Q Do you recall when you first learned about Facebook?

A I do not.

Q More than five years ago?

A I would think so, yes.

Q Okay. Are you familiar with any other social networks that are provided on the Internet?

A Yes.

Q Which ones?

A Twitter, Pinterest, LinkedIn, all of those.

Q Do you use Twitter?

A I do not.

Q Do you use Pinterest?

A I do not.

1 THOMAS R. FALLON

2 Q Do you use LinkedIn?

3 A I do not, but apparently -- my company has me set
4 up on LinkedIn. I have never used it.

5 Q Okay. So is it fair to say that you don't use any
6 of those social networks that are available
7 online?

8 A Yes.

9 Q Okay.

10 MS. MAYALL: I'd like to go back to --
11 let me take a step back. If we can please
12 designate the subpoena for document requests as
13 Deposition Exhibit 2, so I can refer to it going
14 forward.

15 BY MS. MAYALL:

16 Q So going back to Deposition Exhibit 2 on page 4
17 here of the requests for production, I'd like to
18 move on to request for production No. 2,
19 "Documents sufficient to show your use of
20 Timelines, Inc.'s services."

21 And you didn't produce any documents in
22 response to this request, is that correct?

23 A Yes.

24 Q So you do not use Timelines, Inc.'s services?

25 A No.

1 THOMAS R. FALLON

2 Q Okay. And Timelines, Inc. at
3 www.timelinesinc.com, do you have an idea of what
4 services are offered at that website?

5 A Similar situation. I believe you can put in a
6 time, and it says all the things -- all the things
7 that happened around that time. I really don't
8 have that much of a recollection of what it --
9 what all was involved.

10 Q Okay. Fair enough. So other than Mr. Armour
11 possibly signing you up for the Timelines, Inc.
12 at www.timelinesinc.com website, you've never
13 visited the website or registered or logged in
14 yourself?

15 A No.

16 Q Okay. And same question for LifeSnapz. Other
17 than Mr. Armour possibly registering you for
18 LifeSnapz, you've never independently visited
19 their website or logged in yourself?

20 A No.

21 Q Okay. I'd like to go back to Deposition Exhibit
22 No. 2 and just move on to request for production
23 No. 3, "Documents sufficient to identify the date
24 you first learned of Timelines, Inc.'s services."

25 You don't have any documents responsive

1 THOMAS R. FALLON

2 said, is that you guys? And he said, no, it's
3 not.

4 Q But you hadn't -- okay. Sorry. Strike that.

5 What do you mean by, "Is that you guys?"
6 You just asked him, "Is that you guys?"

7 A Yeah, he had talked to me previously about this
8 new thing that he had called Timelines. Sometime
9 after six months, three months, whatever it was,
10 Facebook coming out with something called
11 Timelines. And I said, hey, they're using your
12 thing. Did you guys hook up with Facebook? And
13 he said no.

14 Q And what do you mean by, "Did you guys hook up
15 with Facebook?"

16 A I thought maybe they sold their service to
17 Facebook.

18 Q And then other than Mr. Armour saying no, did he
19 have any response?

20 A I'm sure he did, yes. I don't recall what it was.
21 But he was very emphatic saying it wasn't him, and
22 he wasn't happy about it.

23 Q Did he express to you why he wasn't happy about
24 it?

25 A No. I had assumptions on my part, but, no, he