

# EXHIBIT

# A

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF UTAH

**CERTIFIED COPY**

-oOo-

TIMELINES, INC.,

:

Civil Action No. 11-6867

Plaintiff,

:

-vs-

:

FACEBOOK, INC.,

:

Defendant.

:

-oOo-

TELEPHONIC DEPOSITION OF RANDY CASSIDY

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

Date: September 18, 2012  
9:41 a.m.

Reporter: Denise Kirk, CSR/RPR

Job No. 53166

1 A. I am.

2 Q. What is it?

3 A. Social media.

4 Q. Okay. When did you first learn about  
5 Facebook?

6 A. I've got no idea.

7 Q. No idea? Can we narrow to down to a  
8 particular year?

9 A. Probably not. It's been many years since  
10 I've known of Facebook. And I've got three children.  
11 So some somewhere along the line -- what's the other  
12 one that's out there?

13 Q. My Space?

14 A. My Space. So I'm sure between those two,  
15 whenever they were invented, it didn't take too long  
16 before I heard about them.

17 Q. So more than five years?

18 A. I don't know. How long ago was Facebook  
19 -- did it come on the scene?

20 Q. Well, I think it became -- that's fine.  
21 We'll just move on. It started in '04, but it became  
22 public at a different time --

23 A. Okay.

24 Q. -- open for all users.

25 Do you have a Facebook account?

1 A. I do.

2 Q. And do you know when you first signed up  
3 for Facebook?

4 A. I don't. Probably when everyone else did  
5 or when my children asked me to.

6 Q. Okay.

7 A. It's been a while.

8 Q. More than five years?

9 A. I don't know about that but...

10 Q. More than three years?

11 A. Oh, yeah. I mean, probably more than five  
12 years too.

13 Q. Okay.

14 A. I don't know. Somewhere in there.

15 Q. How often do you sign into Facebook?

16 A. Maybe a couple of times a week.

17 Q. Okay.

18 A. Sometimes more often and sometimes less  
19 often.

20 MS. MAYALL: If you could please hand Mr.  
21 Cassidy what's been previously marked as Facebook  
22 Exhibit 5.

23 (Exhibit 5 offered to the Witness.)

24 MS. MAYALL: Thank you.

25 Q. Mr. Cassidy, what's this document?

1 I can't even picture in my mind what it looked like.

2 Q. So you don't remember if it was organized  
3 chronologically?

4 A. Well, I'm sure it probably was. I mean,  
5 the newer posting was up top and the older one below  
6 it, is what I would assume. But if you are asking me  
7 specifically, I don't remember.

8 Q. Okay.

9 Are you familiar with Timelines Inc.'s web  
10 site [www.Timelines.com](http://www.Timelines.com)?

11 A. I am.

12 Q. What's that web site?

13 A. It's what -- you mean what is it?

14 Q. What type of services are offered by  
15 Timelines, Inc. at that web site?

16 A. Oh, I don't know what type of services are  
17 offered. I've only seen what, you know, Brian has  
18 posted to it and others in it.

19 You know, it takes life events, you know,  
20 world events, local events, and enters them into a  
21 timeline chronologically, and I think you can enter in  
22 any date you want and you can look and see what's  
23 maybe happened on that date.

24 You can enter stuff, I think, yourself.  
25 As a matter of fact, I know that's how the first time



1 I saw something of any interest was when Brian put  
2 something on there about him and me.

3 So, yeah, I think I explained to you in  
4 another question, you know, that's my look at what it  
5 does.

6 Q. Are you a registered user of the Timelines  
7 web site?

8 A. I don't know that I am or not. Do you  
9 have to be?

10 Q. Are you able to visit the web site and  
11 view its contents?

12 A. Yes, but I think you have to log in. Do  
13 you?

14 Q. The question is: Are you able to enter  
15 the web site?

16 A. Yes, because I think there's another  
17 exhibit that shows something from there. So I don't  
18 remember that I had to log in or not. But I was able,  
19 obviously, to get into the web site.

20 So if you've got to log in, obviously I'm  
21 a registered user. And in this day and age, I don't  
22 remember what I've registered for and what I haven't.

23 Q. Understood.

24 Mr. Cassidy, looking back at what's been  
25 previously marked as Facebook Exhibit 6, does this

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](http://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"?



Reporter's Certificate

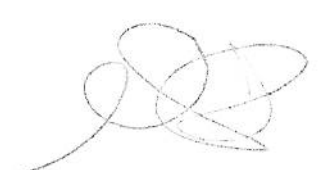
State of Utah )  
County of Salt Lake )

I, Denise Kirk, Certified  
Shorthand Reporter and Registered Professional  
Reporter for the State of Utah, do hereby certify:

THAT the foregoing proceedings were taken  
before me at the time and place set forth herein; that  
the witness was duly sworn to tell the truth, the  
whole truth, and nothing but the truth; and that the  
proceedings were taken down by me in shorthand and  
thereafter transcribed into typewriting under my  
direction and supervision;

THAT the foregoing pages contain a true  
and correct transcription of my said shorthand notes  
so taken.

IN WITNESS WHEREOF, I have subscribed my  
name this 19th day of September, 2012.



---

Denise Kirk, CSR/RPR