

# EXHIBIT

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

CERTIFIED COPY

TIMELINES, INC.,

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)

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

1  
2 deposition, did you speak with anyone at Timelines,  
3 Inc.?

4 A No.

5 Q In order to prepare for today's deposition,  
6 did you speak with anyone who's counsel for  
7 Timelines, Inc.?

8 A No. Other than the scheduling.

9 Q Nothing substantive?

10 A No.

11 Q In order to prepare for today's deposition,  
12 did you speak to anyone else?

13 A I don't understand.

14 Q To prepare for your responses to --

15 A No. No. Just myself.

16 Q Okay. Let's see here. Did you review any  
17 documents in order to prepare for today's  
18 deposition?

19 A Yes.

20 Q And what documents did you review?

21 A The ones I submitted.

22 Q Great. The ones you produced in response  
23 to the document request?

24 A Yes.

25 Q Great. And we'll get to those in a little

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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

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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

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2 Q When did you first learn about the  
3 LifeSnapz website?

4 A Probably in the middle to the end of 2008  
5 during discussions with Brian Hand.

6 Q Have you ever used any services associated  
7 with the LifeSnapz website?

8 A I have not.

9 Q And we already discussed your relationship  
10 with Mr. Hand. Do you know anyone else that has  
11 worked at Timelines, Inc.?

12 A I do not.

13 Q Just to make sure my tense is right. I  
14 meant to say do you know anyone that currently works  
15 or that used to work at Timelines, Inc.?

16 A No. Just Mr. Hand.

17 Q After learning about Facebook's use of the  
18 term "Timeline," did you visit the Timelines.com  
19 website?

20 A No. I visited the Facebook website.

21 Q And what did you see?

22 A Very similar functionality and use of the  
23 name.

24 Q Since learning about Facebook's use of the  
25 term "Timeline," have you visited the Timelines'

DON JENKINS

1  
2 website?

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

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

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

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

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

1 DON JENKINS

2 of the term "Timeline," have you had any difficulty  
3 locating or using or visiting the Timelines.com  
4 website?

5 A There was a brief period of time where the  
6 URL was redirected to Facebook, which obviously  
7 continued to lead me to believe that the company had  
8 been sold.

9 Q And when you state "the URL," are you  
10 referring to Timelines.com or are you referring to  
11 Timelines, Inc.'s page on Facebook?

12 A I'm referring to when you typed in the  
13 Timelines address to go to the Timelines' website,  
14 you were redirected to Facebook.

15 Q And when do you recall that occurred?

16 A I'm guessing. Probably very close to the  
17 time when I sent the e-mail. Don't have an exact  
18 date.

19 Q And how long did you experience that issue?

20 A Just once or twice when I was in the  
21 process of doing it. It didn't really register as  
22 unusual, given my impression.

23 Q Now, are you sure it was the -- if you are,  
24 then you are, but are you sure it was the  
25 www.Timelines.com website that was redirected, or



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Date: 9/25/12

*Tricia Flaska*

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TRICIA J. FLASKA, CSR, RPR

My Commission Expires

August 11, 2015