

# Exhibit C

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

TIMELINES, INC., )  
)  
Plaintiff, )  
)  
vs. ) No. 11-CV-06867  
)  
FACEBOOK, INC., )  
) Judge John W. Darrah  
Defendant. )  
\_\_\_\_\_)

HIGHLY CONFIDENTIAL - OUTSIDE COUNSEL ONLY

VIDEOTAPED DEPOSITION OF BRIAN HAND  
Chicago, Illinois  
Thursday, September 20, 2012

Reported by:  
PAULA CAMPBELL, CSR, RDR, CRR, CCP  
JOB NO. 53018

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2 A. Yes.

3 Q. And how did go about preparing it?

4 A. I used our -- the existing Timelines  
5 description of services, and then I looked up the  
6 Facebook description of services to see if there was  
7 overlap with what we were doing but had not  
8 described in our identification in the past, and  
9 what Facebook was doing and had described in their  
10 identification. And I thought to incorporate that  
11 in this application to make our description and our  
12 identification more complete.

13 Q. So portions of this description that you  
14 prepared were based upon descriptions of services  
15 covered by Facebook trademark filings?

16 A. Yeah, I used -- I read through the way they  
17 described it, which more fully described the  
18 services we were providing, and used that to add to  
19 our identification.

20 Q. And were the Facebook filings that you  
21 looked at for the mark Facebook?

22 A. Yes.

23 Q. And there weren't -- you didn't find any  
24 Facebook applications for the term timeline?

25 A. No.

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2 Q. If you'll turn to the fifth page of the  
3 document with Bates number 2584 at the bottom?

4 A. Yep.

5 Q. In the middle -- starting in the middle of  
6 the page, there is, again, a recitation of the  
7 services covered by this application.

8 Does that look accurate?

9 A. When you say accurate, is that -- it's the  
10 same as this one just prior, I believe.

11 Q. Yes?

12 A. Is that -- yes.

13 Q. So is that the description you prepared?

14 A. Yeah. It's the same one, yes.

15 Q. And on the following page with Bates number  
16 2585 at the bottom --

17 A. Yes.

18 Q. -- there is a declaration on this page, and  
19 do you see there is a portion of the page that says  
20 signature, Brian Hand?

21 A. Yes.

22 Q. Did you electronically sign this --

23 A. Yes.

24 Q. -- application?

25 MR. ALBRITTON: Say yes again.

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2 date of this, but yes. Let me look.

3 Q. Look at the top.

4 A. Yes.

5 Q. So that's approximately two months after  
6 the lawsuit was filed?

7 A. Yes.

8 Q. Without going through -- I mean, you can  
9 take as much time reading this, but what's your  
10 recollection of what the Patent and Trademark Office  
11 communicated in this office action?

12 A. My understanding is that they denied the  
13 request for -- for the trademark.

14 Q. And for what reason?

15 A. I, quite frankly, didn't spent an awful  
16 loft time on this. I referred it to our counsel.

17 Q. And I'm definitely not asking you to  
18 disclose any attorney-client privileged  
19 communications, any legal advice that he provided.

20 If you turn to the page that has 2591 at  
21 the bottom.

22 A. Okay.

23 Q. If you look about a third of the way down,  
24 there is a heading with the number one, and it says  
25 Section 2E1 Refusal - Merely Descriptive.

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2 A. Yes.

3 Q. Does that refresh your recollection as to  
4 why the Patent and Trademark Office refused  
5 registration of -- or refused this application?

6 A. In reading this, yes.

7 Q. And was it because the PTO took the  
8 position that the mark was merely descriptive?

9 A. I presume so. I'm -- I just read what it  
10 says here, yes.

11 Q. Without disclosing any legal advice that  
12 you got, what did the company do in response to this  
13 office action?

14 A. I referred it to our counsel, and then that  
15 was it.

16 Q. Did the company ever respond to it?

17 A. I --

18 MR. ALBRITTON: So you can -- so this is  
19 one where the client consulted with us about  
20 it. So you can answer yes or no. Did the  
21 company respond to the office action?

22 A. Yes. No, we did not.

23 Q. Why did the company not respond to this  
24 office action?

25 MR. ALBRITTON: So that one is privileged.

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2 So I object. It calls for an answer that's  
3 covered by the attorney-client privilege, and I  
4 instruct the witness not to answer that  
5 question.

6 Q. And are you not answering based on your --

7 A. I'm not answering, yes. Correct.

8 Q. Is there any reason the company had for not  
9 responding to this office action that does not  
10 relate to anything that legal counsel told you?

11 A. No.

12 Q. Has the company filed any applications for  
13 the term timelines covering a similar description of  
14 services since this application?

15 A. I don't think so, no.

16 Q. If you'll look at the pages starting with  
17 2596 on the bottom.

18 A. Okay.

19 Q. And from 2596 through, let's see how far it  
20 goes, all the way to 2640, have you seen those  
21 pages?

22 A. Only when they first came in, before I  
23 forwarded everything on to our counsel.

24 Q. And what's your understanding of what these  
25 pages are?

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2 A. These are other services cited by the  
3 trademark examiner.

4 Q. And are they uses of the term timeline?

5 A. I, quite honestly, didn't spend any time at  
6 all, other than just breezing through it, and then  
7 forwarded it on.

8 Q. Did you investigate any of the entities  
9 that are referenced in this string of pages?

10 A. No.

11 Q. Were you concerned at all that any of them  
12 might be infringing your trademark?

13 A. I didn't spend any time looking at those,  
14 because at that point in time I had counsel that was  
15 handling things related to this.

16 Q. Did the company as a whole conduct any  
17 investigation into what these entities were doing  
18 with respect to the term timeline or timelines?

19 A. No.

20 Q. Do you have any reason to believe that the  
21 entities that are referenced in this string of pages  
22 from 2596 through 2640 are no longer using the term  
23 timeline?

24 A. I don't know.

25 Q. And if you look at the final page of the