Exhibit 44

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

TIMELINES, INC.	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.: 11 CV 6867
	)	
FACEBOOK, INC.	)	
	)	
Defendant.	)	

AFFIDAVIT OF ALEX KEARNS

I, Alex Kearns, 148 Dawlish Road, London, E10 6QN, MAKE OATH AND SAY AS

FOLLOWS:

1.   I, Alex Kearns, am founder and owner of Tiki-Toki Timeline Software ("Tiki-

Toki") through my company, Webalon Ltd., doing business at 148 Dawlish Road, London, E10

6QN. This affidavit is based on my own personal knowledge and on the basis of information

derived from Tiki-Toki's records to which I have full access and, if called and sworn as a

witness, I could and would testify as to the matters set forth herein.

2.   Tiki-Toki offers web-based timeline creation software.

3.   In March 2011, we began offering our timeline creation software.

4.   Attached hereto as Exhibit A is a true and correct copy of our home page for our

Tiki-Toki web-based timeline software, located at www.tiki-toki.com.

5.   The term "timeline" identifies our software in that the software enables users to

create timelines. We identify our software as "timeline software" because the term "timeline" is

the generic name for the output of our software product, and therefore directly describes the

purpose and function of our software.

6.   Attached hereto as Exhibit B is a true and correct copy of our Frequently Asked Questions page, located at www. http://www.tiki-toki.com/faqs/.

7.   Since we began offering our timeline software in March 2011, we have used the generic term "timeline(s)" continuously without interruption.

8.   If Tiki-Toki was not allowed to use the term "timeline" to identify our timeline software, my company would be at a competitive disadvantage in the marketplace.

9.   To date, more than 60,000 users have used our timeline software.

10.   To date, we are not aware of any instances of confusion arising from our use of the term "timeline(s)" in connection with our software.

11.   To date, we have never been asked by Timelines, Inc. or any third party to cease using the term "timeline(s)" in connection with our software.

I make this affidavit solemnly believing the facts stated to be true and declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this declaration was executed in London, England on August 31, 2012.

Date: August 31, 2012 _____

Alex Kearns, Owner and Founder of Tiki-Toki Timeline Software

SWORN by the above-named   )

Alex Kearns   )

this 31 day of August 2012   )

at 148 DAWLISH ROAD, LONDON E10 6QN, ENGLAND

before me,

JONATHAN P. COUTTS
Notary Public
London, England

...n Venn & Sons
...vener Notaries
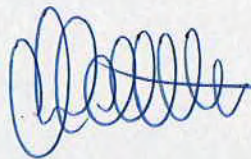95 Aldwych
London WC2B 4JF
England
+44 (0)20 7395 4300

EXHIBIT A

This is the Exhibit marked "A" referred to in the affidavit of **Alex Kearns** sworn this 31st day of August 2012

Before me

Jonathan P. Coutts

Notary Public (England and Wales)

My commission is for life

i-Toki   Beautiful web-based timeline software

4th August 2010

Photo credit: G Schouten de Jel

TECHNICAL

FLASH OR JAVASCRIPT?
8th August 2010

When you start out on a new software project, one of the first decisions you have to make is what technologies to use.

More →

ABOUT

WHAT IS THIS?
1st August 2010

This is an interactive timeline created using TikiToki timeline software. The timeline tells the story of how TikiToki was created, from the initial...

More →

ABOUT

WE HAD AN IDEA
6th August 2010

Wouldn't it be great, we thought, if there was some software available that was so easy to use that anyone could quickly create their own interactive...

More →

| 7th | 28th | 29th | 30th | 31st | Aug '10 | 2nd | 3rd | 4th | 5th | 6th | 7th | 8th | 9th | 10th | 11th |

Sep   Oct   Nov   Dec   Jan 2011

View full screen

〉

Create beautiful timelines!

Tiki-Toki is the best and easiest way to create beautiful
interactive timelines that you can share on the web

Simple to use
You'll be creating timelines in minutes

Nothing to download
Tiki-Toki works in your browser. Sign up for our free
account and you can start creating a timeline now

Include images and videos
Tiki-Toki provides integration with YouTube and Vimeo for videos

Share timelines with anyone
Each timeline you create has its own unique url
that you can send to friends or colleagues

Colours and categories
Tiki-Toki allows you to create different categories
for stories (events) and colour code them

Group edit*
Get your friends or colleagues
to contribute to your timelines

Embed timelines on your site*
Timelines created using Tiki-Toki can be
embedded on your own website or blog

Premium accounts only

What can I do with Tiki-Toki?

The only limit is your imagination but the following may provide some inspiration

The life of a famous artist or musician
Is there an artist or musician whose work you
love. Why not create a timeline of their life

A history of your family
You can even include your photo
albums and videos in the timeline

A personal diary
Keep track of your thoughts over
a period of time using Tiki-Toki

School projects
Tiki-Toki is perfect for teachers and
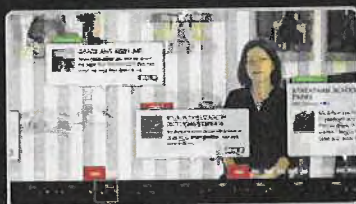their pupils to explore key events in history

Legal cases
Timelines could be used in court
cases as a presentation tool

Can I see some timelines?

Take a look at these great timelines that have been created using Tiki-Toki

How can I sign up?

Enter your username, email and password, agree to our terms and conditions and click the sign-up button. That's it. You'll be creating your first timeline in no time.

Username:

Password:

Email:

Class code
If you have been given a class code, enter it here

☒ I agree to the terms and conditions

Sign up for free account

What accounts do you have?

We offer several types of account. Pick the one that best meets your needs.

Free account
Basic account that allows you to create a fully-functional timeline

- Limited to one timeline
- Multiple timeline views

Teacher
Custom account for a teacher and his/her pupils

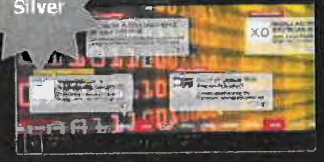- One silver account for teacher
- 50 Bronze accounts for pupils

Bronze account
For individuals and small community groups only

- Up to five timelines
- Group editing of timelines

Silver account
Aimed at small businesses and professional bloggers

- Up to 25 timelines
- Group editing of timelines

- Embed youtube and vimeo vids
- Share timeline with others
- Colour-code stories
- Choose background image

Price: **Free**

- Embed timelines on your site
- Share timelines with others
- No advertisements
- Access to new features

Price: **$100 a year**

- Embed timelines on your site
- 5,000 monthly embeddable views
- No advertisements
- Access to new features

Price: **$5.00 a month**

- Embed timelines on your site
- 20,000/month embeddable views
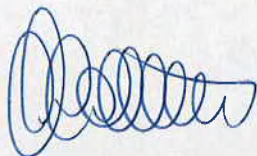- No advertisements
- Access to new features

Price: **$20.00 a month**

buy one of our premium accounts, firstly sign up for our free account using the form above. Please note that our accounts cannot be and commercially to create timelines for other companies. Digital/communications agencies wanting to create timelines for their clients ould contact us at hello@tiki-toki.com

EXHIBIT B

This is the Exhibit marked "B" referred to in the affidavit of **Alex Kearns** sworn this 31st day of August 2012

Before me

Jonathan P. Coutts

Notary Public (England and Wales)

My commission is for life

FREQUENTLY ASKED QUESTIONS

Everything you need to know about creating brilliant, interactive timelines using TikiToki.

GENERAL

What is TikiToki?

TikiToki is a web app that makes it dead easy for people to create interactive multimedia timelines in their browsers. Images, text and even videos (YouTube, Vimeo and AVIs) can be embedded in TikiToki timelines.

The timelines created by TikiToki can be shared with families, friends and business contacts, and if you haved signed up with one of our paid-for accounts, you can also embed your timelines on your own blog or website.

To get an idea of what people are doing with TikiToki, we recommend that you take a look at these timelines that have been created by our users: The Live of Mary Kearns, The Fight for Democracy in the Middle East and Category Band Timeline.

Who can use TikiToki?

The short answer is anyone. Whether you are journalist wanting a new way to present a series of events, a teacher keen to explore the life of a historical figure with your pupils, or you are simply looking to keep an online diary of your life, or create a multimedia presentation for your business colleagues, TikiToki should be the perfect tool for you.

Age-wise, we would recommend that younger children (<10) were supervised when using TikiToki.

Do I have to pay for TikiToki?

No, you don't have to pay for TikiToki. We offer a free account that provides full functionality, with the following limitations. You can only create one timeline. You cannot embed timelines on your own website. You can't activate Group Edit that allows your friends and colleages to add to your timeline. You can't upload images for hosting by us.

Our free account is aimed primarily at giving people a chance to try out our software and its features, with the hope that they will be so thrilled by it that they will want to upgrade to one of our premium accounts.

SIGNING UP/LOGGING IN

How do I sign up with TikiToki?

To sign up with TikiToki, navigate to our home page - www.tiki-toki.com - click on 'Free sign-up' in the menu at the top and enter your username, email address and password in the panel that drops down (if you are a school pupil and your teacher has given you a class code, you can also enter that, automatically upgrading your account).

Next agree to our terms and conditions by clicking the checkbox to the left of the 'I agree to terms and conditions' text. Finally, click on the 'Sign up' button.

You can now start creating your first timeline by following the instructions on the page.

How do I log in to TikiToki?

You log in to TikiToki by clicking the 'Login' menu option at the top right of the screen. You should then enter your username and password in the pop down panel that appears and click the login button. Assuming, you have entered all the details correctly, you now be logged in and able to start editing and creating timelines.

If you do not have one of our premium accounts, you will be presented with a panel outlining our premium account options. Simply close this or select the free account option, if you do not want to upgrade now.

You should now see a gray panel at the top right of the screen. Here, you can edit existing timelines or create new ones.

I've forgotten my login details. What should I do?

Firstly, you should select the 'Forgotten login details' link at the bottom of the login panel (which you can open by clicking on the 'Login' menu option at the top right of the screen). You will then be asked to enter the email that you used to sign up to TikiToki. Enter your email and click the 'Submit' button.

We'll then send you an email with your username and a new password. You can then login with this password and then change the password by going to the 'Account' tab in the gray admin panel.

If you don't receive an email from us or can't remember the email address you used to sign up with, then drop us an email at help@tiki-toki.com and we'll do our best to recover your details for you.

I can't seem to login. Please help.

Firstly, you should follow the instructions in the above two FAQs (How do I log in to TikiToki? and I've forgotten my login details. What should I do?). If you still can't login then drop us an email at help@tiki-toki.com and we'll do our best to help you

PAID ACCOUNTS

Why should I upgrade to a paid account?

Our free account is great. It allows you to create a fully-functional and customisable timeline with unlimited stories, images and vidoes. But it does come with some limits. You can't create more than one timeline. You can't embed a timeline on your blog or website. You can't group edit a timeline. And you can't upload images for hosting on our servers.

To take advantage of these great features, you will need to upgrade to our Bronze, Silver or Education (only available to teachers) accounts.

Please note that our hosted accounts cannot be used commercially to create timelines for other companies. Digital, communication and advertising agencies who want to create timelines for their clients should contact us at hello@tiki-toki.com

How do I buy/upgrade to a paid account?

1. Firstly - if you haven't already done so - you will need to sign up for a free account with TikiToki. Click here for instructions on how to sign up

2. Now ensure that you are logged in to your account. You should now be on a page that lists your timelines and has a form to create a new timeline. Scroll down to the bottom of this page and you will find a list of account options.

3. Click the 'Buy now' button against the account you are interested in and you will be taken to the PayPal site where you will be asked to sign in to your PayPal account or enter your credit card

details.

4. Once you have finished the payment process, make sure you click the link to bring you back to Tiki-Toki.com where a 'Thanks for signing up' message should be shown to you. Your account is now upgraded and you can immediately take advantage of your new premium features.

If you are not taken back to TikiToki, get an error message or can't access the premium features, please drop us an email at help@tiki-toki.com and we'll upgrade your account manually as soon as possible.

Please note that our hosted accounts cannot be used commercially to create timelines for other companies. Digital, communication and advertising agencies who want to create timelines for their clients should contact us at hello@tiki-toki.com

What paid accounts do you offer?

We currently offer three paid accounts: Bronze ($5 a month - for individuals and small community groups only), Silver ($20 a month) and Education ($100 a year - for teachers only), all of which allow you to create multiple timelines, group edit timelines and embed timelines on your blog or website.

You can also buy a license to install a timeline on your own web server. See below for further information about these options.

Please note that our hosted accounts cannot be used commercially to create timelines for other companies. Digital, communication and advertising agencies who want to create timelines for their clients should contact us at hello@tiki-toki.com

Tell me more about the Bronze Account

Our Bronze account ($5 a month) allows you to create up to five timelines, embed timelines on your blog or website (up to 5,000 monthly views) and use group edit to allow your friends or colleagues to contribute to your timeline. The Bronze account is only available to individuals or small community groups. If you are buying an account on behalf of a company, you should purchase our Silver account.

The Bronze account offers the following features

1. Create up to five fully functional timelines featuring images and videos .

2. Loads of customization, from choosing a background image for your timelines to color coding your stories into different categories.

3. Integration with YouTube and Vimeo, allowing you easily to add your photos and videos to your timeline.

4. Embed timelines on your blog or website. You get 5,000 monthly embeddable views.

5. Group editing of your timelines, allowing your friends and colleagues to contribute to your timelines.

6. Access to the new features we are regularly rolling out for the software.

7. Upload up to 30 images per timeline to our severs (unlimited linking to images hosted elsewhere).

Please note that our hosted accounts cannot be used commercially to create timelines for other companies. Digital, communication and advertising agencies who want to create timelines for their clients should contact us at hello@tiki-toki.com

Tell me more about the Silver Account

Our Silver account ($20 a month) allows you to create up to 25 timelines, embed timelines on your blog or website (up to 20,000 monthly views) and use group edit to allow your friends or colleagues to contribute to your timeline. The Silver account is aimed at businesses and professional bloggers.

The Silver account offers the following features:

1. Create up to 25 fully functional timelines featuring images and videos .

2. Loads of customization, from choosing a background image for your timelines to color coding your stories into different categories.

3. Integration with YouTube and Vimeo, allowing you easily to add your photos and videos to your timeline.

4. Embed timelines on your blog or website. You get 20,000 monthly embeddable views.

5. Group editing of your timelines, allowing your friends and colleagues to contribute to your timelines.

6. Access to the new features we are regularly rolling out for the software.

7. Upload up to 60 images per timeline to our severs (unlimited linking to images hosted elsewhere).

Please note that our hosted accounts cannot be used commercially to create timelines for other companies. Digital, communication and advertising agencies who want to create timelines for their clients should contact us at hello@tiki-toki.com

Tell me more about the Education Account

Our Education account ($100 a year) is aimed squarely at helping teachers create timelines with their pupils. At a massively reduced price, the account provides the teacher with a Silver account and up to 50 of their pupils with free Bronze accounts. The education account is only available to individual school teachers. The Bronze free pupil accounts are only available to current pupils. For site wide educational licenses, please contact us.

The education account is only to be used for educational purposes. It is strictly not to be used by colleges, universities or schools for marketing or other non-educational purposes.

The Education account offers the following features:

1. Perfect for a teacher creating timelines with their pupils. The class can either create a single timeline together using the group edit functionality or each pupil can create his or her own timelines using their free Bronze account.

2. Loads of customization, from choosing a background image for your timelines to color coding your stories into different categories.

3. Integration with YouTube and Vimeo, allowing you easily to add your photos and videos to your timeline.

4. Embed timelines on your blog or website.

5. Group editing of your timelines, allowing classes to work together on creating timelines.

6. Access to the new features we are regularly rolling out for the software.

Please note that our hosted accounts cannot be used commercially to create timelines for other companies. Digital, communication and advertising agencies who want to create timelines for their clients should contact us at hello@tiki-toki.com

License to install our timeline software on your server

TikiToki's hosted timeline solutions are not suitable for high volume websites (+20,000 monthly views). To include TikiToki timelines on such sites, you will need to purchase a license to install our timeline software on your own servers.

Prices start at US$2,000 for a single timeline license. Please email us at hello@tiki-toki.com for further information.

I upgraded but I don't have access to the new features

Sorry. Something must have gone wrong with the upgrade process. Please drop us an email at help@tiki-toki.com and we'll manually upgrade your account.

How can I cancel my subscription to Tiki-Toki?

There are two ways you can do this. You can either cancel your subscription via your PayPal account. Or you can email us and we'll cancel your subscription ourselves. Either way, we do not give refunds for periods already paid. New charges will however stop immediately. You can also upgrade and downgrade to and from the premium options whenever you want to, with the above proviso that we won't refund you for periods you have already paid for.

EDUCATION ACCOUNT

What is the Education Account?

Our Education account ($100 a year) is aimed squarely at helping teachers create timelines with their pupils. At a massively reduced price, the account provides the teacher with a Silver account and up to 50 of their pupils with free Bronze accounts. The education account is only available to individual school teachers. The Bronze free pupil accounts are only available to current pupils. For site wide educational licenses, please contact us.

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5. Group editing of your timelines, allowing classes to work together on creating timelines.

6. Access to the new features we are regularly rolling out for the software.

Please note that our hosted accounts cannot be used commercially to create timelines for other companies. Digital, communication and advertising agencies who want to create timelines for their clients should contact us at hello@tiki-toki.com.

How do I upgrade to the Education Account?

1. Firstly - if you haven't already done so - you will need to sign up for a free account with TikiToki. Click here for instructions on how to sign up.

2. Now ensure that you are logged in to your account. You should now be on a page that lists your timelines and has a form to create a new timeline. Scroll down to the bottom of this page and you will find a list of account options.

3. Click the 'Buy now' button against the account you are interested in and you will be taken to the PayPal site where you will be asked to sign in to your PayPal account or enter your credit card details.

4. Once you have finished the payment process, make sure you click the link to bring you back to Tiki-Toki.com where a 'Thanks for signing up' message should be shown to you. Your account is now upgraded and you can immediately take advantage of your new premium features.

If you are not taken back to TikiToki, get an error message or can't access the premium features, please drop us an email at help@tiki-toki.com and we'll upgrade your account manually as soon as possible.

Please note that our hosted accounts cannot be used commercially to create timelines for other

companies. Digital, communication and advertising agencies who want to create timelines for their clients should contact us at hello@tiki-toki.com.

How do I get my pupils to activate their free Bronze accounts?

Once you have signed up with an Education account, you should receive an email containing your special 'class code'. You can also find the class code under the 'My account' tab in the grey TikiToki admin panel when you're logged in and on a timeline page.

You need to provide your pupils with the special class code for them to get their free Bronze account. If the pupil does not already have a TikiToki account, when they sign up (see here for instructions on signing up), he/she will need to enter their class code in the 'Enter class code' field of the sign-up panel. Once they have completed the sign up process, their Bronze account will be activated.

If a pupil has already got an account with TikiToki and wants to continue using that account, then he/she needs to open the 'My account' tab in the grey TikiToki admin panel. The admin panel is found on timeline pages, so if the pupil is not already on a timeline page, they will need to select or create a timeline. Then he/she should click on the 'Activate free pupil account' in the 'My account' tab and then enter the special class code that you have given him/her. Their Bronze account will then be activated.

I can't remember what my class code is?

You can find the class code under the 'My account' tab in the grey TikiToki admin panel when you're logged in. The grey admin panel appears on your timeline pages. So if you are not on a timeline page, click a timeline to go to the timeline page.

CREATING A TIMELINE

How do I create my first timeline?

If you haven't yet created an account with Tiki-Toki, do so now - see here for how. If you have, then please ensure you are logged in.

1. Now navigate to the Tiki-Toki home page (www.tiki-toki.com). Here you will find a list of timelines you have already created and also a form for creating a new timeline.

2. Enter the required information. The timeline's title, start and end dates and introduction text must be provided. All other fields are optional. If you are not sure what to enter into any of the fields then roll over them with you mouse and a popup help panel will appear with instructions.

3. Once you have filled in all the information, click the "Create new timeline" button at the bottom. Your timeline will now be created and you will be taken to the timeline's unique page on the web. You can share the url of this page with your friends and colleagues. You will now want to create a story for your timeline - see 'Creating a story' below.

How do I edit my timelines?

1. Navigate to the Tiki-Toki home page (www.tiki-toki.com). Here (if you are logged in) you will find a list of timelines you have already created and also a form for creating a new timeline.

2. Click on the 'edit' button and you will be taken to your timeline's unique page on the web. On this page, you add new stories to your timeline. You can also change all the timeline's settings, such as background image, introduction text, zoom and so on from the 'Settings' tab. Further options including date formatting can be accessed by clicking on the 'Advanced settings' button in this tab.

How do I change the span of my timeline?

You can change the start and end dates for your timeline from the 'Settings' tab in the gray admin panel at the top right of the screen. You may need to ensure your timeline is selected first. Remember

to click the 'Save' button when you are finished.

How do I zoom in and out of my timeline?

Go to the 'Settings' tab for your timeline. You can find this in the gray admin panel at the top right of the screen (you may need to select your timeline first). Towards the bottom of the 'Settings tab' is the zoom setting. Click on a zoom setting to zoom in and out of the timeline.

Zooming is particularly useful if your stories (events) are clustered close together. An alternative to zooming is the 'Spacing' option which can be used to force equal spacing between stories (regardless of their date) and thus prevent overlapping and clustering.

How do I choose a background image for my timeline?

There are two ways that you can do this: when you first create the timeline; and after you have already created it.

1. When you first create a timeline (see here for how to create a timeline), you are given the option of selecting a background image for your timeline. You can either enter the url of the image you want to use. Or you can click on the magnifying glass button for other options.

2. If you have already created the timeline, then you will need to initially go to the timeline's page (see 'editing a timeline' above). Then, click on the 'Settings' tab for your timeline. Here, you are given the option of selecting a background image for your timeline. You can either enter the url of the image you want to use. Or you can click on the magnifying glass button for other options.

I can't find a background image that works well. Any advice?

It can be quite tricky to find an image that works well with the timeline. You should avoid images which are very busy or have a lot of contrast (very dark and very light areas). An alternative to using an image is to simply set the background of your timeline to a particular color - this can be done in the 'Settings' tab for your timeline or when creating the timeline. Click on the coloured block and choose the color you want to use

CREATING A STORY

How do I create my first story?

Once you have created your first timeline (see here for instructions on creating a timeline), you will probably want to create your first story.

1. Firstly, ensure that you are on your timeline's unique page (see 'How do I edit my timelines' above). There should be a gray admin panel at the top right of the screen. Also make sure you have the 'Story' tab selected in the admin panel. Now click on the 'Create new story' button at the bottom. The new story form and a story of your timeline should then appear

2. Enter all the required information into the form. The date field is initially set to timeline's currently-selected date - you will probably want to change this. The title and date fields are mandatory. The rest are optional. To put your timeline into a category, you will firstly need to have created some 'Categories' - you can do this from the 'Categories' tab.

- Once you have finished entering information for your story, click the 'Save' button.

- You may now want to add images or vidoes to your story, or provide some accompanying formatted text. See below for instructions on how to do that.

- If you would like to create another story, make sure you click the 'Create new story' button again, else you may end up inadvertently editing an existing story.

How do I edit my stories?

When you create stories for your timeline, they appear in a list in the 'Stories' tab for your timeline. Simply click the 'Edit' button for the story you want to edit, and update the details in the form. Click the 'Save' button when finished.

How do I add an image to my stories?

1. Initially, select the story to which you want to add images. You do this by clicking on the 'edit' button for the story in the list of stories (under the 'Stories' tab for your timeline).

2. Now open the 'Story media' tab and click on the 'Add new media' button. A form will now appear.

3. Fill in the form with the relevant details. Make sure the type menu is set to 'Image'. In the source field, you can either enter the url to an image (for instance if you have the image saved on your own server) or click on the magnifying glass to open up other options. The index field is used to determine the order in which images appear for a story. If you want the image to be the story's main image, set it to the lowest value.

4. Once you have filled in the form, click the 'Save' button and the image will be added to your story.

How do I add a video to my stories?

1. Initially, select the story to which you want to add videos. You do this by clicking on the 'edit' button for the story in the list of stories (under the 'Stories' tab for your timeline).

2. Now open the 'Story media' tab and click on the 'Add new media' button. A form will now appear.

3. You should now find the video on either Youtube or Vimeo and then paste the url of that page into the source field in the form. The url for a youtube video will look like http://www.youtube.com/watch?v=9xdKW75J49s - a Vimeo one will look like: http://vimeo.com/18008261. You can also paste in a link to an flv file of your own.

4. Make sure the 'type' menu in the form is set to 'Video'. The index field is used to determine the order in which videos appear for a story. If you want the video to be the story's main video, set it to the lowest value.

5. Once you have filled in the form, click the 'Save' button and the video will be added to your story.

How do I add categories for my stories?

You create categories in the 'Categories tab' for your timeline. Simply enter a name and choose a colour to create a category. You can then set a story's category by following the 'How do I edit my stories?' instructions above.

I can't seem to add new stories to my timeline. Please help.

You need to click the 'Create new story' button each time you want to make a new story. Otherwise, you may end up endlessly editing the same story.

IMAGES

Recommended image sizes.

There is no fixed size specified for a story image but generally squarish images of around 280 x 280px (at 72dpi) work best. The software auto crops images to display the images in their various contexts. The size at which these images are displayed depends on a variety of factors, including the dimensions of the timeline, the closeness of timeline stories, etc. You can see how images appear - and adjust how they appear - in the different contexts by clicking on the Magnifying glass icon to the right of the source field for an image, and then clicking on image positioning.

For the background, you will will likely need a larger image. The best size of this image will depend on what size you aim to embed or display the timeline. We have found that a 1,200px by 800px image works well.

My images are taking a long time to load.

If your images are taking a long time to load, it is likely that you have not optimised them for the web. Your story images should be no more than around 50k each. The background image shouldn't be much more than 350-500k. If you images are larger than this, then we advise that you resize them smaller.

The heads of people are cropped off. What can I do?

Our software automatically crops images to fit a number of set dimensions. You cannot turn off cropping. However, you can reposition the image - click on the Magnifying glass to the right of the image source field, then click on the "Image positioning" button at the bottom. Here, you will see the image in its different contexts. Drag the image in the middle to the position you would like. Bear in mind that our software displays images as big as possible within the set dimensions, so a landscape image will only be positionable horizontally and a portrait image only vertically. Once you have positioned the image, close the lightboxes and click the 'save' button for the image.

DATE FORMATTING

How do I format dates on the timeline?

Tiki-Toki provides lots of customisation options for dates - see the Advanced Settings panel (accessible from the Settings tab for your timeline).

How do I just show the year for stories?

You can do this using the date formatting options in the Advanced Settings panel (accessible from the Settings tab for your timeline).

TIMELINE LAYOUT

How can I avoid clutter on my timeline?

When you have a lot of stories on a timeline, the timeline often becomes quite cluttered, with stories overlapping each other. This is especially the case with a timeline covering a wide span of time but which has a high concentration of events in a small space of time. Here, we outline several methods of preventing clutter in your timeline.

1. You can zoom out of the timeline using the Zoom functionality (see Settings->zoom), creating more space between stories

2. You can use our Equal Spacing modes (see Settings->spacing) to space out your stories equally, regardless of when they took place in time.

3. You can use our Top to Bottom spacing modes (see Settings->spacing). These arrange stories in rows, from top to bottom, and allow more stories to fit in the timeline stage without overlapping.

4. You may also want to check out our Duration and Category Band timeline view types (see Settings->View types). These use smaller story markers and therefore help prevent story overlap.

GROUP EDIT

How do I activate Group Edit for my timelines?

You can now get others to contribute to your timelines via Tiki-Toki's group edit functionality (available to Bronze, Silver, Teacher and Pupil members). To activate group edit for a timeline, follow these instructions:

1. Your first task is to choose a secret word for your timeline. Others will use this secret word to login and contribute to your timeline.

2. Once you have chosen a secret word, go to the 'Settings' tab for your timeline. Now click on 'Advanced settings', scroll down to 'Group edit options' and enter the secret word in the 'Secret word' field. Finally, click the 'Save' button.

3. A panel entitled 'Edit this timeline' will now appear on your timeline. This is where people will enter their name and the secret word that you have given them and start editing your timeline.

What can people using Group Edit do to my timeline?

Contributors can only create and edit their own stories. They cannot delete other people's stories or change the settings for a timeline.

I've activated Group Edit but it keeps asking people to log out?

People need to log out of their existing TikiToki account before they can group edit someone else's timeline. They can log out by clicking the 'Logout' option at the top right of the screen. Once logged out, they will be able enter their name and secret word given to them by you and start contributing to your timeline.

SHARING

How do I share my timeline with others?

Each timeline has its own unique url (web address) that you can send to anyone so they can view your timeline. The url can be found in the address bar of your browser - it will look something like: http://www.tiki-toki.com/timeline/entry/43/Beautiful-web-based-timeline-software/

Please note that if you have the 'Public' setting for your timeline set to 'no', then others will not be able to view it. Only people logged into your account will be able to view it. You can change this setting in the 'Advanced settings' panel, accessible from the 'Settings' tab for your timeline.

How can I prevent my timeline being viewed by others?

To prevent others from viewing your timeline, set the 'Public' setting for your timeline set to 'no'. You do this in the 'Advanced settings' panel, accessible from the 'Settings' tab for your timeline.

EMBEDDING

How can I embed my timeline on my website?

Embedding is only available with our Bronze, Silver and Education accounts. See above for instructions on how to sign up for a premium account. If you already have a premium account, follow these instructions:

1. Open the 'Embed' panel for your timeline by clicking on the 'embed' option. This can be found just below the title of your timeline.

2. In the panel that pops up, enter the width and height that you want for the embedded timeline. You

may want to click the 'Preview' button to check that the timeline works at the size you have chosen.

3. You should now copy the code in the 'Embed' box and paste it into your website or blog. Please note that the 'Public' setting for your timeline must be set to 'Yes' for your embedded timeline to work (see 'Settings' -> 'Advanced settings').

How many embeddable views am I allowed?

This will depend on what type of account you have. The Bronze account offers 5,000 monthly views. Our Silver account gives you 20,000 monthly views.

What happens when I go over my limit of embeddable views?

If you go over your monthly embeddable views, the timeline will not appear. In its place will be a message and link to the timeline on TikiToki.

I need loads more embeddable views than you offer.

Contact us at hello@tiki-toki.com and we'll outline the different options available, from our single timeline licenses (which allow you to host a single timeline on your servers from $2,000) to more advanced options.

SOMETHING'S GONE WRONG - HELP!

All my stories have disappeared

This is probably a caching issue with your browser. Simply refresh your timeline in the browser and all your stories should reappear again.

PRODUCT ROADMAP

New features we're planning or working on.

Here's a list of things we're aiming to add in the near future.

Image expander to show images at full dimensions (not cropped)

Category legend

User controls for zooming, filtering and searching timelines

Hot linking to stories and dates

Open nearest story by pressing a key

Support for zooming into seconds

Automatic refreshing of feeds

Forum

Regular newsletter

Better printing

Integration with more image and video services

Import data via CSV

Downloadble version of the software for creating timelines on your PC

Custom units

Wide date span

CSV Export and Import

Allow events to be attached to duration events

Password protection of timeline

Option for whether story popup should show the intro/background image if it does not have its own image

Allowing user to specify a value between 0 and 100 for each story that would position it vertically as a percent from the bottom.

New features we've already added.

Here's some new features we've recently added to the software.

Timeline range expanded massively to cover billions of years BC and AD

Short youtu.be links now work for youtube videos

Duplication of timelines

When teacher clicks on pupil, show popup showing a clickable list of pupil's timelines

Export data to csv

Improved printing, including images, correct sorting of BC dates, date formatting and translated dates

Option for whether group edit user's names should be included

Date picker widget

Translation support

Option to hide the translucent date stripes

Improvements to the Flickr image selector

Audio support

New Gantt chart view type showing duration of events

Create timelines from RSS, YouTube and Twitter feeds.

JSON export improvements

New timeline view - Category Bands - that allows you to split the timeline into horizontal bands.

Equal Spacing modes - prettify your timeline with a new mode that eliminates clutter and story overlap.

Date formatting - far more options for customizing how dates appear on your timeline.

Keyboard control - use the left and right arrow keys to navigate through a timeline's stories.

Education account, providing a cheap option for teachers and their pupils to create timelines together.

Group edit functionality, allowing groups of people to edit a single timeline

I have a feature request. What should I do?

Email us at hello@tiki-toki.com and we'll consider adding the suggested feature to our roadmap.

Known bugs

Custom units

Wide date span

CSV Export and Import

Allow events to be attached to duration events

Password protection of timeline

Option for whether story popup should show the intro/background image if it does not have its own image

Allowing user to specify a value between 0 and 100 for each story that would position it vertically as a percent from the bottom.

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I have a feature request. What should I do?

Email us at hello@tiki-toki.com and we'll consider adding the suggested feature to our roadmap.

Known bugs

Known bugs.

A list of known bugs.

No known bugs at the moment

I have found a bug. What should I do?

Please email us the details at helio@tiki-toki.com and we'll try to get it fixed as soon as possible

Exhibit   45

Mnemograph remember, plan, learn

**free, web-based timeline software
for creating and sharing
history and project planning**

sign up

log in

Click here to
see a sample
Wright Brothers
timeline

Mnemograph
remember, plan, learn

**a web-based timeline software application
for creating, collaborating on, and sharing
history and planning diagrams**

public beta version coming this winter

Mnemograph LLC, Boise, Idaho

Mnemograph is now

timeglider

web-based timeline software
for creating and sharing
history and project planning

free

how it works

There is a time traveler in each of us. Whether you are a litigator or an 8th grader, TimeGlider can quickly enhance your experience of the past, present, and future. Once you've explored a TimeGlider timeline, you'll wonder why you've never seen information organized like this before. Sign up and give it a try. or Click here to learn more.

educator   student   lawyer   genealogist   project manager   historian

featured timelines
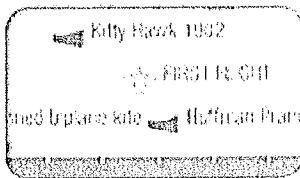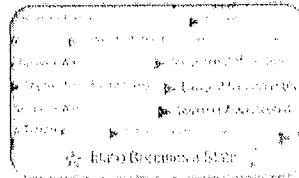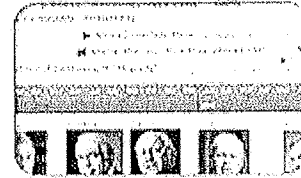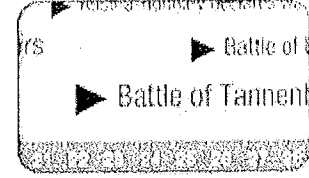
The Wright Brothers   A History of Idaho   The CIA Leak Case   World War I

about us | read our blog | send us your feedback   ShareThis

you'll wonder why you've never seen information organized like this before.

SIGN UP   LEARN MORE

a new language. The application here will continue with the same rich experience and we'll offer a plug-in timeline viewer . . . Read more >

Who Are You?   educator   student   genealogist   project manager   historian

Timeglider NYT Explorer

Have you ever wanted to see all the articles in a newspaper that mention "health care reform" or "Tesla Motors"? We've created a tool for exploring *The New York Times* (using their Data API) to generate truly fascinating timelines. Click here to give it a whirl.
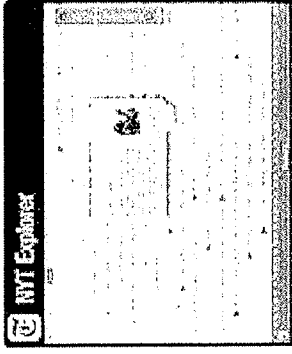
about   blog   twitter   feedback   contact
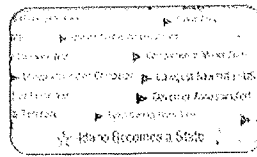
timeglider

web-based timeline software for creating and sharing history and project planning
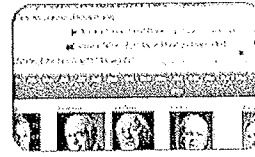
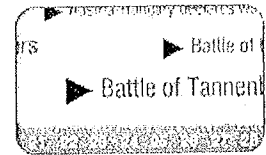## some timelines made with timeglider
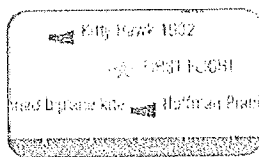
The Wright Brothers   A History of Idaho   The CIA Leak Case   World War I

There is a time traveler in each of us. Whether you are a freshman history student or a project planner, Timeglider can quickly enhance your experience of the past, present, and future. Once you've explored a Timeglider

*We're moving to Javascript!* Timeglider is being re-written as a jQuery plug-in. Development in Flash has ceased, and all other projects are on hold as we get up to speed with

⊛jQuery

TG_00000016

TimeGlider allows you to show the time span of events, indicated by a band of color. Simply enter the start date and an end date!

Size and Importance

Timelines that zoom are tricky: If they are dense with events, they stack up and get cluttered. But with TimeGlider, this can be easily managed by assigning an importance level (from 1 to 100) to each event. As one zooms in, certain things can emerge that weren't visible at a wider scope.
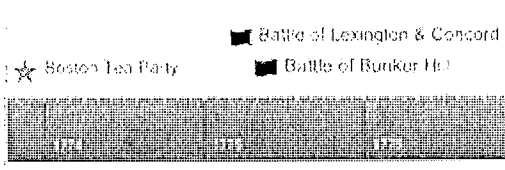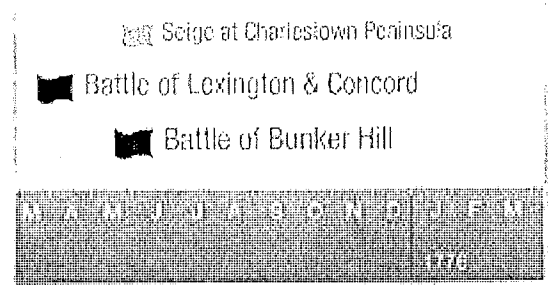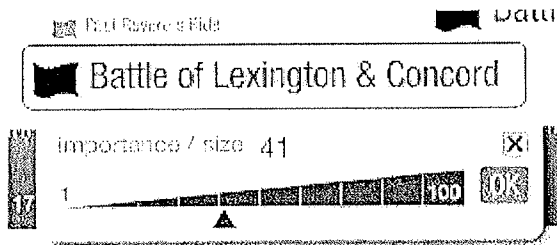
Zoomed out, some events are in the background
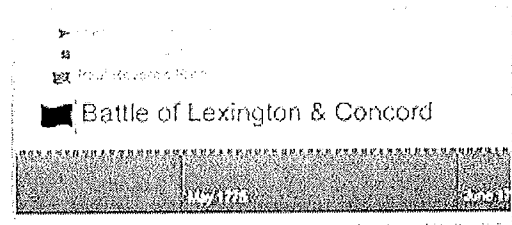
Zoomed in, Paul Revere's Ride emerges

Changing the importance/size of an event is easy: Click on the icon, and a slider appears that lets you enlarge or shrink the event. Here we can see that, even though Paul Revere's Ride was important, it's better to have it take up less room as one zooms out.

Selecting size-importance for "Battle of Lexington..."
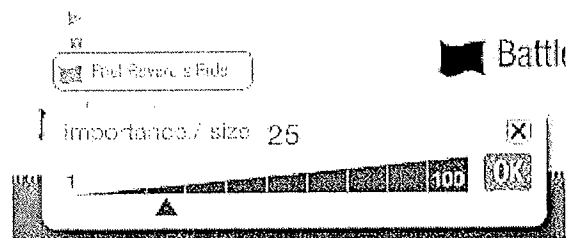
Size-importance slider for "Paul Revere's Ride"

Sharing and Embedding
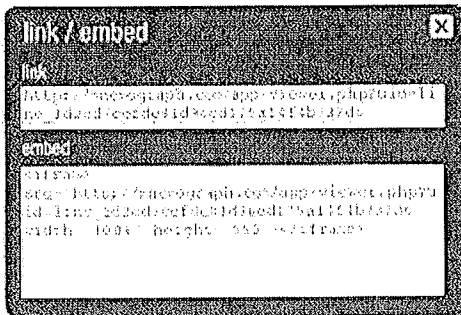
Once you build a timeline, you might want to share it. Once you choose to make a timeline accessible to the public, a URL and a piece of HTML will be available at which to share your timeline. The public cannot simply browse to your timeline: Having a highly unique URL, your timeline can be shared with only the people you want to.

How visitors see your timeline

When your friends or family or the public views a timeline you've created, of course, they can't edit it. They'll first be met with an introduction you've written, and placed at a date (called the "focus date") that you've chosen

timeglider

How it Works

Introduction

TimeGlider is a data-driven interactive timeline application built on the (Adobe) Flash platform. You can "grab" the timeline and drag it left and right, and zoom in and out to view centuries at a time or just hours. TimeGlider allows you to create event-spans so that you can see durations and how they overlap. Being web-based, TimeGlider lets you collaborate and share easily.

You can create timelines about the last year of your family, the last century of world events, or about pre-historical (bce/bc) times. Currently, one can zoom out to a scope of millenia: In 2009, we plan to improve the breadth of our zooming capability to include the Big Bang.

You can try the application here without needing to sign up.

Getting Started

Within a minute of signing up, you can be well into your first timeline. Our interface is draggable and zoomable: navigating TimeGlider is a lot like using familiar applications like Google or Yahoo maps.

◼ Battle of Bunker Hill

◼ Battle of Lexington & Concord
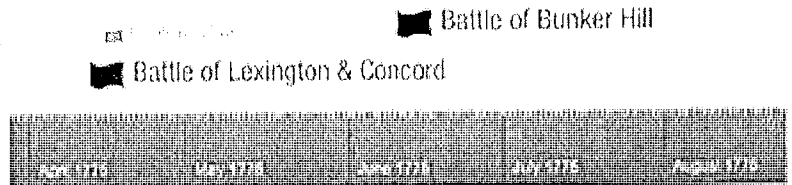
Creating Events

Click on "new event"— or double-click anywhere on the timeline "stage" and the date at which the cursor is horizontally aligned is chosen. You can fine-tune the date using an intuitive date chooser. Then type a title and description, choose an icon, and enter a link to a web page/resource if you want.

add a new event

event title

description
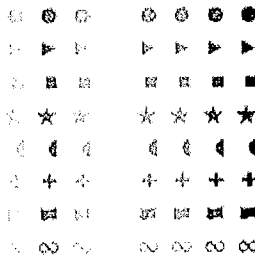
title & description   icons   date chooser

TG_00000018
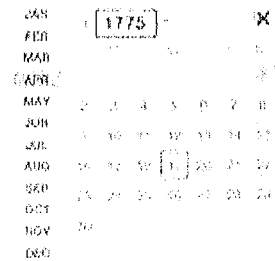
Exhibit   46

1   IN THE U.S. DISTRICT COURT

2   FOR THE NORTHERN DISTRICT OF ILLINOIS

3   EASTERN DIVISION

4

5 TIMELINES, INC.,   )

6   Plaintiff,)

7   vs.   ) Civil Action No. 11-CV-06867

8 FACEBOOK, INC.,   )

9   Defendant.)

10 _____)

11

12   DEPOSITION OF MICHAEL RICHARDSON

13

14   September 6, 2012

15   Boise, ID

16

17 REPORTED BY: CHRISTINE E. RHODES, CA CSR NO. 9887,

18   ID CSR NO. 991

19 TSG Job # 53015

20

21

22

23

24

25

1   MICHAEL RICHARDSON

2   remember, plan, learn." And "remember, plan, learn" is in

3   slightly darker type, being our tag line at the time.

4   Q. And underneath that, what is written?

5   A. Under that, in smaller type, it says "free,

6   web-based timeline software for creating and sharing

7   history and project planning."

8   Q. Is "web-based timeline software" an accurate term

9   for the type of software that you offer?

10   A. Yes, it is.

11   Q. And previously, you stated that this web page was

12   live in February of 2008; is that correct?

13   A. That is correct.

14   Q. And that's when you first began offering services

15   and your products to customers; is that right?

16   A. Yes.

17   Q. So, is it accurate to say that in February of

18   2008, you began using the term timeline in connection with

19   the software that you offer to customers?

20   A. Yes. Publicly, that's correct.

21   Q. Internally, you have used the term timeline?

22   A. Well, I mean -- Yeah. I mean, ever since I had

23   been conceiving of this software product, you know, the

24   concept of a timeline had been kind of central to the

25   entire idea. So, yes, it's a word I had been using all

1   MICHAEL RICHARDSON

2   along.

3   Q. And since February of 2008, have you continued to

4   use the term timeline to refer to your web-based software

5   product?

6   A. Yes.

7   Q. And why have you chosen to use that term?

8   A. The word timeline is probably just the most

9   accurate word that people in the general public would have

10   in their vocabulary to understand what it is that we have

11   as a product. It's a common word that's used to refer to

12   a visual display of historical information on a horizontal

13   axis.

14   Q. And would you say that it's a common name for the

15   type of web-based software that you offer?

16   MS. MOORE: Objection: Form, foundation.

17   You can answer the question, Mr. Richardson.

18   Excuse me.

19   THE WITNESS: It is a common term used with

20   similar types of software.

21   BY MR. HUGHES:

22   Q. I would appreciate it if you could please look at

23   what was previously marked --

24   Actually, Ms. Rhodes, to confirm, could we please

25   mark what was previously marked as Facebook Exhibit 3,

1   MICHAEL RICHARDSON

2   correct?

3   A. That is correct.

4   And to be clear, these don't represent every one

5   of our blog entries. They are blog entries in which the

6   word timeline was used in a way that I thought was

7   relevant to the subpoena.

8   Q. Thank you.

9   I know that there are blog postings from

10   March 5th, 2008 until June 6th, 2012; is that correct?

11   A. Yes, that's correct.

12   Q. Would it be accurate to say that since

13   February 2008, when TimeGlider first offered its products

14   and services to customers, that you've used the term

15   timeline to describe your software product?

16   A. Yes.

17   Q. Have you ever ceased using the term timeline for

18   any reason?

19   A. No.

20   MS. MOORE: Objection: Form.

21   BY MR. HUGHES:

22   Q. Has Mnemograph or TimeGlider ever received any

23   letters demanding that it cease its use of the term

24   timeline?

25   A. No.

1   MICHAEL RICHARDSON

2   MS. MOORE: Objection: Form.

3   Sorry, Mr. Richardson. Go ahead.

4   THE WITNESS: No.

5   BY MR. HUGHES:

6   Q. Have you received any emails or phone calls or

7   any other communications whatsoever requesting that you

8   cease use of the term timeline or timelines?

9   MS. MOORE: Objection: Form.

10   Go ahead, sir.

11   THE WITNESS: No.

12   BY MR. HUGHES:

13   Q. Is Mnemograph aware of any instances of consumer

14   confusion arising from your use of the term timeline or

15   timelines in connection with your software?

16   MS. MOORE: Objection: Form and foundation.

17   Go ahead, sir.

18   THE WITNESS: No.

19   BY MR. HUGHES:

20   Q. Has Timelines, Inc. ever asked Mnemograph to

21   cease using the term timeline in connection with your

22   software?

23   A. No.

24   Q. Has any third party asked Mnemograph to cease

25   using the term timeline or timelines in connection with

1   MICHAEL RICHARDSON

2   its software?

3   A.   No.

4   MS. MOORE: Objection: Form.

5   Go ahead. Sorry, sir.

6   THE WITNESS: No.

7   BY MR. HUGHES:

8   Q.   Before Timelines, Inc. sued Facebook, was

9   Mnemograph aware of Timelines, Inc.?

10   A.   Yes.

11   Q.   When did you first become aware of

12   Timelines, Inc.?

13   A.   I think -- I don't know. Maybe in 2009 or -- You

14   know, every so often, I'd survey the landscape of other

15   companies who are producing timeline-related materials or

16   services or products. And so, I've been aware of

17   Timelines, Inc. and the Timelines.com domain. Even just

18   by the domain name, I think I might have learned about

19   Timelines, Inc.

20   Q.   Have you ever communicated with Timelines, Inc.?

21   A.   Only pertaining to this subpoena. I had a brief

22   phone call with Raven a couple weeks ago. That's the only

23   time I've spoken to anyone sort of related to

24   Timelines, Inc.

25   Q.   Has Mnemograph -- I apologize. Has Mnemograph

1   MICHAEL RICHARDSON

2 products. So, yes. But this is, indeed, the same story.

3   Q. If TimeGlider was prevented from using the term

4 timeline to refer to your software product, would it make

5 it difficult for you to communicate to customers the type

6 of software product that you offer?

7   MS. MOORE: Objection: Form, foundation.

8   Please go ahead, sir.

9   THE WITNESS: Yes.

10 BY MR. HUGHES:

11   Q. How would it make it difficult?

12   MS. MOORE: Same objection.

13   Go ahead, sir.

14   THE WITNESS: The term timeline or plural

15 timelines is the best descriptive word for what our

16 product provides. And there aren't very many terms in the

17 language that would, with a word, describe what you would

18 be looking for.

19   So, absent the word timeline, yes, it would be

20 difficult.

21 BY MR. HUGHES:

22   Q. Would it be accurate to say that you would be put

23 at a competitive disadvantage if you were not able to use

24 that term timeline?

25   MS. MOORE: Objection: Form, foundation.

1   MICHAEL RICHARDSON

2   Go ahead, sir.

3   THE WITNESS: Yes.

4   MR. HUGHES: Mr. Richardson, I do not have any

5   further questions for you now.

6   So, I'll turn it over to counsel for

7   Timelines, Inc., Ms. Moore.

8   (Whereupon, Defendant's Exhibits Number 6 through

9   Number 13 were marked for identification.)

10 EXAMINATION

11 BY MS. MOORE:

12   Q. Thank you, Mr. Richardson.

13   Forgive me for the objections that I lodged.

14 That's a way in which a deposition occurs. So, I

15 certainly wasn't ever intending to speak over you or to

16 interrupt you.

17   A. Yeah.

18   Q. And I will echo Mr. Hughes' thanks to you for

19 being here today.

20   I have some questions for you. Hopefully, we

21 won't take too much longer, but I, again, appreciate your

22 time and effort today.

23   A. It's no problem.

24   Q. Sir, if you would, walk through with us the

25 process of how a TimeGlider user creates a timeline using

Facebook Exhibit   6
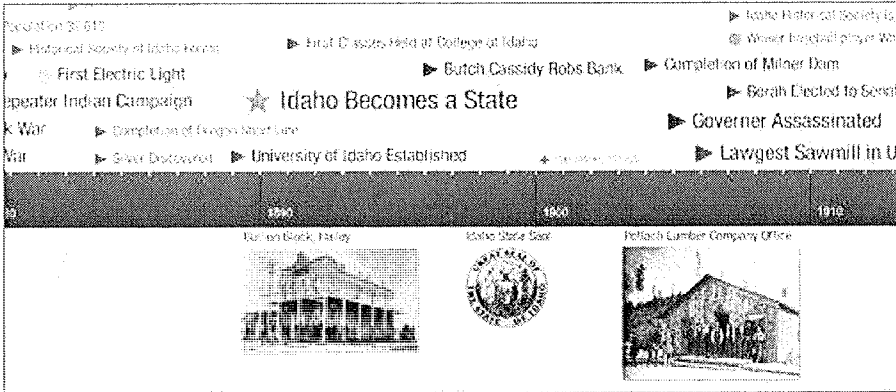
timeglider

web-based timeline software for creating and sharing history and project planning

Create, collaborate on, and publish zooming/panning interactive timelines — for free. Timeglider is great for history classes, project planning, genealogy, and more. It's like Google Maps, but for time.
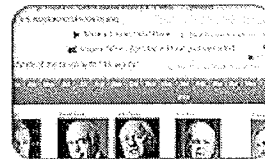
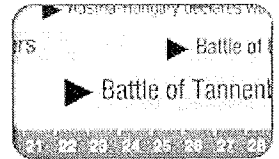## some timelines made with timeglider
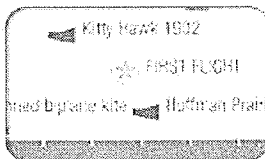
The Wright Brothers   A History of Idaho   The CIA Leak Case   World War I

There is a time traveler in each of us. Whether you are a freshman history student or a project planner, Timeglider can quickly enhance your experience of the past, present, and future. Once you've explored a Timeglider

We're moving to Javascript! Timeglider is being re-written as a jQuery plug-in. Development in Flash has ceased, and all other projects are on hold as we get up to speed with

you'll wonder why you've never seen information organized like this before.
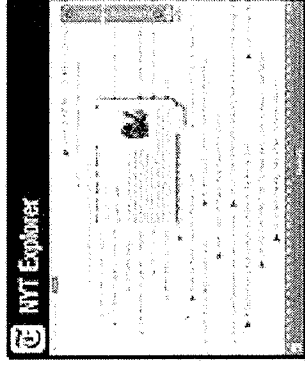
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a new language. The application here will continue with the same rich experience and we'll offer a plug-in timeline viewer . . . Read more >

Who Are You?   educator   student   genealogist   project manager   historian

Timeglider NYT Explorer

Have you every wanted to see all the articles in a newspaper that mention "health care reform" or "Tesla Motors"? We've created a tool for exploring *The New York Times* (using their Data API) to generate truly fascinating timelines. Click here to give it a whirl.

99