EXHIBIT B
TO THE
DECLARATION OF
ROBERT D. KAPLAN

(MIRZA DEPOSITION TRANSCRIPT EXCERPTS)

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

_____

SELLIFY LLC,   ) No. 09CV 10268 (JSR)

      Plaintiff,   )

   vs.   ) CONFIDENTIAL

AMAZON.COM INC.,   )

      Defendant.   )

_____

DEPOSITION UPON ORAL EXAMINATION OF

MUNEER MIRZA

_____

9:37 a.m. to 11:16 a.m.

May 26, 2010

925 Fourth Avenue, Suite 2900

Seattle, Washington

Barbara L. Nelson, CCR

Court Reporter

Page 2

1   A P P E A R A N C E S
2
3   FOR THE PLAINTIFF: FRANCIS X. DEHN
4   Attorney at Law
5   Smith Dehn, LLP
6   381 Park Avenue South
7   Suite 713
8   New York, New York 10016
9
10 FOR THE DEFENDANT: JEFFREY WANG
11   Attorney at Law
12   Friedman Kaplan Seiler &
13   Adelman
14   1633 Broadway
15   New York, New York 10019
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Page 4

1   Whereupon,
2   MUNEER MIRZA,
3   having been first duly sworn, was called as a witness
4   herein and was examined and testified as follows:
5
6   E X A M I N A T I O N
7   BY MR. DEHN:
8   Q   Sir, will you state your -- I'll ask you to
9   state your name for the record.
10   A   Sure. It's Muneer Mirza.
11   Q   Okay. And spell your last name, please.
12   A   It's M-i-r-z-a.
13   Q   Okay. Have you ever had your deposition
14 taken before, sir?
15   A   No, sir.
16   Q   Okay. Just so you know, I'm going to be
17 asking you a series of questions relating to the case
18 that we're involved in, which is Sellify versus
19 Amazon.com.
20   A   Okay.
21   Q   If at any time you don't understand one of
22 my questions and need me to rephrase it or make it
23 more clear, please say so.
24   A   Okay.
25   Q   And the other thing I'll ask you to do is if

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1   you would, in all events, wait until I've completed a
2   question before you give your answer and allow the
3   reporter the chance to get that down.
4   A   Of course.
5   Q   Okay. Well, you'd be surprised. Sometimes
6   witnesses are champing at the bit and want to get that
7   answer out before the question's done. If for any
8   reason you need to stop, take a break, please let us
9   know, okay? We'll do that.
10   A   Okay.
11   Q   Sir, let me ask you what you do for a
12 living?
13   A   I'm a software development manager with
14 Amazon.com.
15   Q   And how long have you been in that position,
16 sir?
17   A   I have been with Amazon in this position
18 since July 2009.
19   Q   Were you employed by Amazon before July of
20 2009?
21   A   No.
22   Q   Where did you come from? What did you do
23 before that?
24   A   Before that, I was with Microsoft.
25   Q   Okay. And how long were you there, sir?

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1 what categories of information are embedded in
2 Amazon's URLs, various URLs?
3   MR. WANG: Objection to the form. You can
4 answer.
5   THE WITNESS: Sure. The information is
6 always -- it starts with www.Amazon.com. After that,
7 it's possible that there's what we call descriptive
8 text, so something to describe what the person is
9 looking at, and then some more information that
10 actually is about the -- if it's a product, the
11 product that's there.
12   Q In some of Amazon's URLs, do you -- sorry.
13 Rephrase the question. In some of Amazon's URLs, do
14 they contain information that identify particular
15 people?
16   A Yes, yes.
17   Q Okay. What sort of information is contained
18 in a URL to identify particular people?
19   A There are potentially a descriptor, an
20 identifier, for example, for the Associates Program.
21   Q Okay. And when you say an identifier for
22 the Associates Program, would an individual associate
23 get a particular identifier, or one identifier for the
24 entire program?
25   A I believe -- I don't know the complete

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1 answer to that. I believe the answer is each
2 individual gets their own.
3   Q So other than putting in an Amazon URL
4 directly into your browser and inputting certain
5 information into a search engine that would yield
6 certain links, any other ways that people access the
7 Amazon site?
8   A Yeah, through the associates' links. So
9 someone can click on an associate's link on one of
10 their web pages and go to Amazon.
11   Q Okay. And when you say an associate's link,
12 could you briefly tell us what that is? What is an
13 associate's link?
14   A The link is some associate, I don't know the
15 legal definition of that term, but some associate of
16 Amazon who then directs traffic to Amazon.
17   Q Mm-hmm. And how do they direct traffic to
18 Amazon? How does that work?
19   A They use the link.
20   Q Well, yeah, could you just be a little more
21 descriptive about that? When you say they use a link,
22 I mean, how -- let's say I'm an associate and, for
23 whatever reason, I want to direct traffic to Amazon.
24 How do I do that?
25   A You would have a web page of your own, and

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1 on your web page you would choose to put a link to
2 Amazon that people can then click.
3   Q And I take it there's something in it for
4 the associates to do that?
5   MR. WANG: Objection to the form.
6   THE WITNESS: I think so. I don't know.
7   Q They get -- do they get some form of
8 commissions if they direct traffic to Amazon and
9 people actually -- the user buys something from
10 Amazon?
11   A I think they do get a commission, yes.
12   MR. WANG: You know, Frank, I'm happy to let
13 you ask him some general questions, but Mr. Muneer's
14 here to answer technical questions.
15   MR. DEHN: No, no, no, I understand that. I
16 really do. I just wanted to get that point. And I
17 know the associates people are coming.
18   Q Okay. So back to the ways in which someone
19 can access the Amazon site. So a third party in this
20 case, I guess the associates, would be able to set up
21 a link on their web page and get to the Amazon site
22 that way, okay. Is there any other way that people
23 could access the Amazon.com pages, to your knowledge?
24   A I don't know.
25   Q Okay. Do you know whether Amazon -- Amazon

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1 engages in business with Google or Yahoo or other
2 search engines to cause sponsored links to come up on
3 web pages when people do searches?
4   MR. WANG: Objection to the form.
5   THE WITNESS: I don't know.
6   Q Does Amazon do advertising of any kind that
7 contains links to the Amazon web page?
8   A I don't know.
9   Q Okay. Now, we talked before about the links
10 that come up in Google search results or other search
11 engines' search results. If a third party, such as an
12 associate, wanted to create a link on its own page,
13 would Amazon have the capacity to redirect that
14 traffic as it might see fit?
15   A Yes.
16   Q And how would it do that?
17   A We do it today -- my team does it today for
18 one exclusive reason, and that's to protect the
19 availability of the Web site. We do it in cases where
20 the traffic is so enormous, it's typically from people
21 like Internet hackers, who are trying to take down or
22 cause so much load to Amazon's Web sites that it would
23 effectively take it down. We don't do that on a sort
24 of case-by-case basis unless there is something that
25 is very clearly posing a problem for the availability

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1 of Amazon's Web site. The reasons we don't do it for
2 a case-by-case basis is sort of load-related.
3   So you know, we would -- for example, there
4 could be tons of links, tons, tens, hundreds,
5 thousands, millions, that we would have to look at and
6 identify does this match this link? If so, we would
7 reject it. We do it -- we don't do it because of
8 latency reasons. So latency is just the time taken to
9 actually serve the page back to the customer. And so
10 for each link that would be examining, it would add
11 tremendous latency.
12   Q   Mm-hmm.
13   A   We also do it, like I said, you know,
14 exclusively to protect the availability of the Web
15 site. And so if, you know, there's something going
16 on, we try and make sure that we focus on just
17 protecting the availability of the Web site and not,
18 you know, some smaller subset of a problem.
19   Q   Have you had to do that, in fact? Have you
20 had to make some alterations because of hackers that
21 are burdening the Web site?
22   A   We have.
23   MR. DEHN: Could you mark that as Mirza 1,
24 please?
25   (Marked Deposition Exhibit Number 1.)

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1   Q   Mr. Mirza, if you would just take a look at
2 that, I have a couple questions regarding that subject
3 matter.
4   All right, sir. I'll represent this is a
5 document I've received from Amazon's attorneys. The
6 control number is AMZ 000132. Focusing on the first
7 sentence for a second, it says, Customers cite speedy
8 performance as the biggest determinant of their
9 satisfaction with a Web site.
10   Is that statement consistent with your
11 experience at Amazon, sir?
12   A   That's correct.
13   Q   Okay. Is that what you were referring to
14 when you were talking about the latency?
15   A   That's correct.
16   Q   Okay. And then the third sentence says,
17 Conventional wisdom is that it should take less than
18 10 seconds for your site to load.
19   Do you see that sentence? Is that something
20 that, in fact, is, in your experience, is sort of
21 conventional wisdom? If it takes more than ten
22 seconds, the customer is probably out of there?
23   A   Yes, sir.
24   MR. WANG: Objection to the form. In ten
25 seconds -- I just think, if you're going to read that,

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1 you might want to read the sentence before it.
2   MR. DEHN: Sure, sure.
3   Q   It says, We recommend that you visit your
4 own Web site using a 56k modem and evaluate its
5 performance.
6   So 56k is pretty small stuff these days,
7 isn't it?
8   A   It's not the latest.
9   Q   Okay, okay. Is there -- in your experience,
10 is there a new conventional wisdom that superseded the
11 ten-second time?
12   A   Yes, at Amazon, absolutely.
13   Q   Okay. What is the new conventional wisdom
14 with respect to latency, if I'm using the correct
15 term?
16   A   It varies across different parts of the
17 site. The goal is somewhere around three seconds.
18   Q   Okay. I was -- I had been asking you about
19 the capacity of Amazon to redirect traffic that comes
20 from third party links?
21   A   Right.
22   Q   And I think you just said that this is
23 something you didn't do on a case-by-case basis,
24 although you would do if you perceived or your team
25 perceived a threat to the site from hackers from

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1 overburdening and so forth?
2   A   That's correct.
3   Q   Okay. Well, let me give you a hypothetical
4 situation. Supposing that -- supposing that Company X
5 is a company that has a link on its Web site to an
6 Amazon page, and it created a -- well, and I assume in
7 that case, Company X would have to create the link
8 itself; correct?
9   A   Yeah, and put it on their web page.
10   Q   Okay. And supposing that Amazon had, for
11 whatever reason, information at its disposal that said
12 the people that access -- the people that access our
13 web pages through the Company X Web site appear to be
14 disproportionately stay-at-home moms. So we want to
15 serve them a web page that offers a lot of products
16 that stay-at-home moms seem to be buying up these
17 days. Is that something that would be possible for
18 Amazon to do?
19   MR. WANG: Objection to the form.
20   THE WITNESS: Possible? We would have to
21 have some knowledge that they were stay-at-home moms.
22   Q   Presumably, you wouldn't do it for
23 irrational reasons, but assuming that this information
24 was available to Amazon, and I'm not at all -- I have
25 no idea how it would get there, but assuming it had

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1   Q   I'm sorry, I misspoke. I'm sorry about
2 that. Let me rephrase the question. This associate
3 bought certain keywords from Google, it appears, that
4 caused certain sponsored links to appear. And a user
5 could access the Amazon.com Web site by clicking on
6 the links that appeared in that series of ads.
7   I'll ask you to assume that all that's true.
8 You don't have to accept my version of the facts, but
9 assuming all that is true.
10   A   Sure.
11   Q   Okay. In your experience, is there anything
12 that Amazon could have done to interrupt the link
13 between -- from the time that the user clicks on the
14 -- you know, clicked on that sponsored link, between
15 that time and the time it came to one of Amazon.com's
16 web pages?
17   A   It is possible to do it. As I mentioned
18 earlier, we have a system where we will prevent
19 hackers from trying to overload Amazon's Web site. We
20 don't typically do that sort of work on a case-by-case
21 basis, on a link-by-link basis for the latency, the
22 load reasons and, you know, kind of the scope of the
23 problem, if you will.
24   Q   Okay. Let us assume that this particular
25 Amazon associate had a five or six-digit identifying

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1 code.
2   A   Okay.
3   Q   Would I be correct in assuming that that
4 five or six-digit code would have to appear in the URL
5 of the link so that, at some point in the process,
6 Amazon could figure out who to pay in case the user
7 made a purchase?
8   A   I believe so.
9   Q   Okay. Would it have been possible for
10 Amazon to create an alternative page or message so
11 that the user, when they clicked on that particular
12 link, Amazon could have identified the source through
13 the identifying number we just talked about and cause
14 this alternative page to show up?
15   MR. WANG: Objection to the form.
16   THE WITNESS: Possible, absolutely.
17   Q   Okay.
18   A   But again, we reserve it only for extreme
19 cases.
20   Q   I understand that that's your current
21 practice.
22   A   Sure, sure, sure, sure.
23   Q   If you would, please describe for me the --
24 well, please describe for me the process that would
25 have to occur technologically in order to -- we'll get

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1 in a second to whatever difficulties you see from your
2 point of view.
3   A   Sure, sure, sure.
4   Q   But what would be the technological process
5 if Amazon had wanted to identify a particular
6 associate as the source of a sponsored link and then
7 say we're going to do something different with that
8 than we usually do with other associates?
9   A   My team would create what we call the rule,
10 and that rule would then direct the traffic or direct
11 the link to, if you want, somewhere else.
12   Q   Are there -- in the context of Amazon's
13 computing system, are there inherent difficulties in
14 achieving that goal?
15   A   Absolutely.
16   Q   Okay. And what are they?
17   A   Those are the things I mentioned, like -- so
18 latency.
19   Q   Let's see if we can just kind of slow down
20 and take them one at a time, so I can ask you about
21 those things in particular.
22   A   Sure.
23   Q   Latency would be the first issue?
24   A   Latency is the biggest one.
25   Q   Okay. Please tell me how latency would be

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1 affected by a hypothetical effort on Amazon's part to
2 redirect traffic in this way?
3   A   So as I mentioned, we would add a rule to
4 our system to direct the traffic. Each rule is extra
5 computation that the system would have to do, and
6 extra computation means it's -- it takes longer to
7 actually serve the page back to the customer.
8   Q   Okay. Do you have evidence as far as how --
9 by how much the latency period would be increased if
10 you did something like this?
11   A   With one rule, it would be about one
12 millisecond.
13   Q   Is one millisecond significant in terms of
14 latency?
15   A   One --
16   MR. WANG: Objection to the form.
17   THE WITNESS: Sorry.
18   MR. WANG: No, that's okay.
19   THE WITNESS: One millisecond is not
20 significant.
21   Q   So I take it that when you have expressed
22 concerns regarding the latency period, there are --
23 there's something motivating your concern for reasons
24 other than this one millisecond?
25   A   That's correct.

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1   Q   Okay. And where do those concerns derive
2 from?
3   A   The concern is from the fact that one rule
4 is typically never it. It always -- by building this
5 capability, what we end up with are many, many rules.
6 And so you can see that 1,000 rules would add one
7 second, and one second is a very, very, very big deal
8 to the customer impact. Even 500 rules and half a
9 second is a very, very big deal. Actually, to be
10 honest with you, 50 rules and 50 milliseconds back to
11 the customer is a really, really big deal.
12   Q   What's the basis for your view that it's
13 never just one rule?
14   A   The experience, basically. So whenever, for
15 example, we build the system, we build it for hackers.
16 Hackers come to us from a bunch of different things.
17 Pardon me. Things isn't a good qualifier. A bunch of
18 different URLs that they send to us.
19   Q   Uh-huh.
20   A   And then internally, you know, we build a
21 generic solution that people can use. So in the case
22 you gave, you know, they -- I think you mentioned a
23 five-digit associate ID or associate name. With that,
24 you know, there are many, I don't know how many, but
25 many associate IDs. And so if we had to block more

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1 than 50, that would be problematic for our customers,
2 all of our customers, not just the people visiting
3 from that link. It would be everybody who visited
4 Amazon.com would experience this penalty.
5   Q   How many -- how many, if you know, how many
6 hackers, approximately, do you have to block?
7   A   I don't know. I can't say that I've met
8 them all.
9   Q   No, I'm not assuming you've met them.
10   A   Sorry.
11   Q   But, I mean, are we talking about more than
12 50?
13   A   In the most severe cases, yes, it has been
14 more than 50.
15   Q   And I think you said you -- internally, you
16 have a more general system to block hackers? Is that
17 what you testified?
18   A   It's the same system.
19   Q   Okay. Describe, for instance, if you will,
20 how the system to block hackers would be different
21 from blocking a particular, you know, third party or
22 associate who likes to create wacky sponsor links?
23   MR. WANG: Objection to the form.
24   THE WITNESS: It would be the same system.
25 So there wouldn't be any differences between it.

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1 There is just the one system, and it's mine.
2   Q   Okay.
3   A   Or my team's.
4   Q   Okay. So that we're clear on this, so the
5 type of rule you would have to create to block a
6 particular associate or renegade associate, if you
7 would, is the same rule or same sort of rule you'd
8 have to create to block a hacker; correct?
9   A   That's correct.
10   Q   Okay. And do you have an individual rule
11 for each one of those hackers?
12   A   At present, no, we don't.
13   Q   Okay. Do you have one rule that prevents
14 all those hackers?
15   A   No.
16   Q   Okay. How does it work, then? How do you
17 -- what, in terms of blocking hackers -- and again,
18 this is all confidential.
19   A   Sure, sure, sure.
20   Q   How do you determine whether it's going to
21 be a unique rule or not a unique rule?
22   A   We identify, you know, if there's something
23 in the link, for example, something in the URL that
24 was requested, and then we would create one or more
25 rules.

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1   Q   Okay. Do you have an idea as to
2 approximately how many rules you've created to defeat
3 hackers?
4   A   It's in the hundreds. We don't currently
5 keep all of these rules active. So we employ them
6 only when there is the availability impact to the Web
7 site. And then, when there is no such threat, we turn
8 those rules off, so as to improve the customer
9 experience.
10   Q   Sure. How do you determine whether this
11 threat exists at a particular time?
12   A   There's a lot of traffic that comes to the
13 Web site. So lots of requests.
14   Q   So it would be fair to say, so you see the
15 traffic jump, and when you see traffic jump, someone
16 says uh-oh, and you then activate these rules?
17   A   That's correct.
18   Q   So at the time I was ordering Christmas
19 gifts and things were a little slow, it might have
20 been you had a hacker problem?
21   A   It's possible.
22   Q   In your experience, has anyone looked into
23 the possibility of redirecting traffic that originates
24 from one or more associates for one reason or another?
25   MR. WANG: Objection to the form.

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1   THE WITNESS: Sorry. Do you mean apart from
2 my team?
3   Q   No. I mean has anyone, to your knowledge,
4 ever assessed the circumstances under which you might
5 block traffic or redirect traffic that originated from
6 one or more associates?
7   A   I honestly don't know.
8   Q   Okay. How is it that you came to make an
9 assessment of the impact of redirecting traffic that
10 originated from a particular associate?
11   A   Sorry.
12   Q   Sorry, that was convoluted. I don't even
13 want to ask that question.
14   A   I'm not sure what you mean.
15   Q   Fine. You clearly have an opinion as to the
16 difficulties inherent in creating rules to block a
17 particular associate in the circumstances we've been
18 discussing today; right?
19   A   Correct. One particular associate.
20   Q   Okay. How did you come to consider this
21 issue?
22   MR. WANG: He's not asking you about
23 conversations with Counsel. I think he's just -- I
24 think you're just asking why he believes that's the
25 case? If not, maybe you could re-ask the question,

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1 because it sounds like you're just asking him --
2   Q   Well, let's ask that question first and see
3 where -- yeah. Why do you believe it's the case?
4   A   So for me, it's not about associates or
5 anything like that; it's about any one rule. Any one
6 rule is expensive. As I mentioned, you know, the
7 latency, the extra computation, or what we refer to as
8 a load. Also the, you know, scope of the problem. I
9 think there are teams at Amazon who are, you know,
10 supposed to deal with any one problem. You know,
11 those teams should deal with that problem.
12   My team is exclusively about, you know,
13 ensuring the availability of our Web sites. And so
14 when something, you know, is not -- when the scope
15 isn't, you know, the availability of our Web site,
16 then we, you know, we politely decline to help out.
17 We push back on a lot of other teams.
18   Q   When you say you push back, are you saying
19 when other teams would like to have certain rules
20 created, you tend to say no?
21   A   For any one individual problem, yeah, unless
22 they can demonstrate that there's an availability
23 impact to our Web sites.
24   Q   Okay. When you say for any one particular
25 problem, I take it that it has not come to your

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1 attention that any other associate caused
2 inappropriate links to appear and should therefore be
3 blocked?
4   MR. WANG: Objection to the form.
5   THE WITNESS: That's correct.
6   Q   Okay. From the standpoint of someone who's
7 worked in the IT business now for a while, assume that
8 someone at Amazon were to come to you and said the
9 following: We have an associate who buys up keywords
10 on Google and causes certain sponsor links to appear
11 that are not only inappropriate, but with which we
12 don't want to be identified. We can cut off his
13 payments, but the ads still appear. What can we do to
14 see that we're not associated with this guy anymore,
15 because he puts the URL Amazon.com there and, frankly,
16 we don't like the association.
17   Would you have -- are you aware of any way
18 in which that association could be broken?
19   MR. WANG: Objection to the form. You're
20 asking him based on his experience in IT, so not on
21 behalf of the company? Just in his personal
22 experience?
23   MR. DEHN: Yeah.
24   MR. WANG: I'm going to object to this as
25 beyond the scope of this deposition, as well, and

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1 object just in general to the form.
2   Q   Okay. You can answer, if you know. If you
3 have an opinion.
4   A   Sorry. Was the question that this was
5 appearing -- a link appearing on someone else's Web
6 site?
7   Q   In other words, someone has caused sponsored
8 links to appear on Google.
9   A   On Google.
10   Q   And let me see if I can streamline this a
11 little bit. Some third party is causing sponsored
12 links to appear on Google that create an association
13 or seem to create an association between them and
14 Amazon, which we really don't like, okay?
15   A   Sure.
16   Q   If one of your colleagues at Amazon came to
17 you and said, Is there something we can do so these
18 ads won't appear anymore or we could somehow make
19 people understand that this is not us, okay, would you
20 have any ideas as to how that could be achieved?
21   MR. WANG: Note my objections.
22   THE WITNESS: No, I don't know that anything
23 can be done.
24   Q   Supposing that such a sponsored link were
25 directly disparaging to Amazon. Is there anything

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1 that could be done to disassociate Amazon from that
2 particular link?
3   MR. WANG: Objection to the form.
4   THE WITNESS: To clarify, you mean
5 technically? Like is there a technical solution?
6   Q Yes, I confine that to your experience, yes.
7   A Yeah. If the link does not appear on Amazon
8 or was created by Amazon, then there's nothing that we
9 can do.
10   Q Nothing you could do short of creating a
11 special rule?
12   A Assuming the traffic, when someone clicked
13 on it, it came to Amazon.
14   Q Yes, yes.
15   A Yeah, if it came to Amazon, we could create
16 a rule.
17   MR. DEHN: I think I'm done. I just want to
18 take a two-minute break.
19   (Recess taken from 11:08 to 11:14 a.m.)
20   MR. DEHN: Okay. That's it. Nothing
21 further.
22   MR. WANG: I have one -- I think one
23 question.
24
25   E X A M I N A T I O N

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1 BY MR. WANG:
2   Q Mr. Mirza, Mr. Dehn has asked you a number
3 of questions today where he's asked you if something
4 is possible. And to some of those, you've answered
5 that -- answered that it is. What do you mean by
6 that?
7   A For the best of my recollection, the
8 questions about whether something was possible was,
9 you know, not in terms of Amazon, but in terms of
10 computer science. Someone could write a program.
11 Someone at Amazon could write a program that addressed
12 whatever it was that be the case.
13   Q And when you answered those questions, was
14 it -- were you making a judgment about whether -- the
15 expense of doing such an option?
16   A No, sir.
17   Q Or what about the effort that would go into
18 it?
19   A No, sir.
20   MR. WANG: Okay. No questions.
21   MR. DEHN: Okay.
22   (Signature reserved.)
23   (Deposition concluded at 11:16 a.m.)
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1 _____
2   Muneer Mirza
3
4
5
6
7 STATE OF WASHINGTON   )
8   )
9 COUNTY OF KING   )
10
11   SUBSCRIBED AND SWORN to before me this _____
12 day of _____, 2010.
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19
20   _____
21   Notary Public in and for the State
22   of Washington, residing at _____
23
24
25

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1   C E R T I F I C A T E
2 STATE OF WASHINGTON   )
3   )
4 COUNTY OF KING   )
5   I, the undersigned Notary Public in and
6 for the State of Washington, do hereby certify:
7   That the annexed and foregoing deposition
8 of each witness named herein was taken
9 stenographically before me and reduced to typewriting
10 under my direction;
11   I further certify that the deposition was
12 submitted to each said witness for examination,
13 reading and signature after the same was transcribed,
14 unless indicated in the record that the parties and
15 each witness waive the signing;
16   I further certify that all objections
17 made at the time of said examination to my
18 qualifications or the manner of taking the deposition,
19 or to the conduct of any party, have been noted by me
20 upon said deposition;
21   I further certify that I am not a
22 relative, employee, attorney or counsel of any of the
23 parties to said action, or a relative or employee of
24 any such attorney or counsel;
25   I further testify that I am not in any way