
**STUDY TO DETERMINE WHETHER THERE IS A LIKELIHOOD OF
CONFUSION BETWEEN HULU AND LULU**

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BACKGROUND AND PURPOSE

Lulu Enterprises, Inc. ("Lulu") operates a web-based digital publishing and media distribution service under the name LULU. Lulu's services allow creators to publish books, music files, audio files, videos and images digitally. Lulu operates a website LULU.COM which provides an online store for creators to sell their works to the public and a website LULU.TV which enables users to view video, audio, images, and podcast content.

N-F NewSite, LLC ("NF") has recently announced that it has selected the name HULU for an online digital media service it plans to launch in October, 2007. Internet research indicates that NF's HULU service will make digital media available to users, including, among other things, allowing users to watch tv episodes and download tv shows and movies.

Ellis & Winters, attorneys for Lulu, commissioned Guideline to design and conduct a study to determine whether NF's use of the name Hulu creates a likelihood of confusion with Lulu.

STUDY AUTHORSHIP AND RESPONSIBILITY

This study was designed, supervised, and implemented by Guideline under the supervision of Hal L. Poret, Vice President and Robert N. Reitter, Senior Vice President.

Biographical material on Mr. Poret and Mr. Reitter is provided in Appendix A.

Mr. Poret and Mr. Reitter have been accepted as experts in the field of survey research and have been personally involved in numerous studies that have been admitted in evidence in legal proceedings.

DATED: Oct 11, 2007 BY: Hal Poret
Hal L. Poret

DATED: Oct 11, 2007 BY: Robert N. Reitter
Robert N. Reitter

STUDY DESIGN

442 qualified respondents participated in this mall-intercept study conducted in 16 metropolitan areas around the country.

The general study design involved initially exposing respondents to the lulu.com website (along with other digital media-related websites) and then simulating an exposure to Hulu. Following these exposures, the interview consisted of asking questions to determine whether respondents perceive Hulu to be the same as or affiliated with any of the websites shown to them, with the particular concern being whether respondents confuse Hulu with Lulu.

Exposure to LULU and other websites

In the first phase of the experiment, all respondents were seated at a computer with a high speed internet connection and were instructed that they were going to be shown some websites and that they should look at each website as they would if exploring a website at home or elsewhere. One at a time, respondents were then taken to the following websites:

Lulu.com¹

Createspace.com

Veoh.com

For each website, respondents were handed the mouse and told that they could use it to scroll up and down and click around to explore any part of the website. The order in which the three websites were shown was rotated so that each website was shown 1st, 2nd, and 3rd to roughly 1/3 of respondents:

¹ To be conservative in the study's measurement of confusion, respondents were shown the website for Lulu.com rather than Lulu.tv. Exposing respondents to Lulu.tv would have likely resulted in more respondents confusing Hulu with Lulu because of emphasis on tv.

<u>Rotation 1</u>	<u>Rotation 2</u>	<u>Rotation 3</u>
lulu	veoh	Createspace
Createspace	lulu	veoh
veoh	Createspace	lulu

The purpose of showing respondents the lulu.com website was to expose them to the Lulu name and services in a realistic context in which respondent could experience Lulu the way it actually portrays itself.

The purpose of also showing two other websites was to create an environment of clutter and distraction more representative of a true experience of browsing the web. Having respondents view several websites assured that respondents would not know that Lulu is the focus of the study and that they would not pay undue attention to the name Lulu. Therefore, when respondents were ultimately exposed to Hulu and asked whether it is the same or affiliated with any of the initial three websites, respondents who are prone to guessing would not be led to look for a connection between Hulu and the Lulu website in particular.

The websites createspace.com and veoh.com were selected to be shown to respondents along with lulu.com because they also offer services relating to distribution of digital media and could plausibly be thought to be related to Hulu. Createspace.com is a competitor of Lulu which offers services allowing customers to create and sell books, music, videos and other digital content. Veoh.com is a website that allows users to publish or view videos and internet television content. Respondents who are prone to guessing would have any number of reasons to think that Hulu could be related to createspace.com or veoh.com, including reasons that have nothing to do with name similarity, such as similar content, services, or website appearance.

Veoh, in particular, was chosen to be shown to respondents because its focus on video and tv is similar to the focus of Hulu as portrayed to respondents in the study. (See

below.) Accordingly, the Veoh website was a very plausible and attractive choice for respondents who are asked whether Hulu is connected to any of the three websites initially shown to them. Veoh's and Hulu's common focus on tv and video would be noted by many respondents and would serve to distract attention away from lulu.com and any name-related similarity between Lulu and Hulu.

See Appendices F, G, and H, for the home pages of the Lulu, Createspace, and Veoh websites, respectively.

Exposure to HULU

After respondents viewed (in rotated order) the websites for Lulu, Createspace, and Veoh, respondents were then exposed to Hulu.

Because Hulu has yet to launch and there are no existing Hulu materials to show to respondents,² it was necessary to create a stimulus with which to expose respondents to the Hulu name. In creating a stimulus, the goal was to be able to expose respondents to Hulu in a way that is reasonably similar to the way in which Hulu will portray itself when it launches, at least in terms of how the name will appear and in terms of the depiction of services offered in connection with the name. Research into all publicly available materials on the planned launch of Hulu suggested that Hulu will be accessible directly through the sites of Hulu's partners, such as Yahoo, MSN, and AOL, and that the vast majority of traffic to Hulu is expected to come through these major sites. Accordingly, it was decided to expose respondents to Hulu by showing them a web advertisement for Hulu on a Yahoo home page.

² At the time of this study, the only available use of Hulu was a Hulu.com website which was not appropriate for use as a stimulus because the text of the site made clear that it was only a temporary beta site with no actual content. See Appendix I for the Hulu.com site as of the time of the study.

Creation of a Hulu Ad

To accomplish this, a web ad for Hulu had to be created. In order to create a fair and realistic visual portrayal of Hulu, images were taken from the Hulu.com website. These images consisted of views of tv screens showing popular network tv episodes that can presumably be viewed on Hulu. These images would help convey the nature of Hulu's services to respondents viewing the ad. For the name Hulu itself, the color and font that "Hulu" appears in on its own website was replicated as best as possible.

Public materials concerning the Hulu launch indicated that Hulu will allow users to view live tv shows for free and to download tv episodes and movies. Accordingly, text for the ad stimulus was written to convey these services. Two versions of the ad were created. One version mentioned being able to watch live tv on Hulu:



The other version focused on downloading movies and tv shows:



Visually, these Hulu ads portray Hulu very similarly to the way in which Hulu portrays itself on its own website. To be conservative in the study's estimate of the likelihood of confusion, the ads were also designed to depict Hulu's services in a way that de-emphasizes any overlap between Lulu's and Hulu's services in that the images heavily emphasize major television shows and the texts focus on tv and movies.

Creation of websites

A web programmer was commissioned to create and host two websites, each consisting of a Yahoo home page with one of these ads prominently posted. Respondents could then be shown one of these websites on the internet as if it was an actual Yahoo page with a real ad.

See Appendices J and K for the mock Yahoo websites containing the two Hulu ads.

Test Cells

Of the 442 total respondents, 110 were randomly assigned to a group that was shown the Yahoo page with the YahooHulu ad reading "watch live episodes of your favorite tv

shows for free..." (the "Hulu Live TV Cell.") Appendix J shows a screen shot of the webpage shown to respondents in this cell.

Another 108 respondents were randomly assigned to a group that was shown the Yahoo page with the Hulu ad reading "download tv episodes and movies on demand..." (the "Hulu Downloads Cell.") Appendix K shows the webpage shown to respondents in this Cell.

Respondents in these Cells comprised the Test or experimental group for this study.

Test Group Main interview

After having viewed the Lulu, Createspace, and Veoh pages, respondents in the 2 Test Cells were shown the Yahoo homepage containing the relevant Hulu ad and were asked to look at the page. When they indicated being finished, the interviewer pointed to the Hulu ad, without mentioning the name Hulu or discussing the ad in any way. Respondents were asked to look at the ad as if they were seeing it on Yahoo and were considering whether or not to click on it. When respondents indicated being finished looking at the ad, the monitor was turned off so the webpage and ad could no longer be seen.

Respondents in the Test Cells were then asked whether the ad was for any of the websites initially shown to them. Respondents who answered "yes" were next asked why they thought so and then were asked which of the three websites the ad was for. Respondents who did not clearly identify which of the three websites they thought the ad was for were shown printouts of the homepages of Lulu, Createspace and Veoh and were asked to point out which of these websites they had in mind. The interview then concluded for these respondents.

Respondents who answered “no” or “don’t know” to the initial question were next asked whether they thought the ad was for a website that is affiliated with one of the websites shown earlier. Respondents who answered “yes” were asked why they thought so and then were asked which of the three websites was affiliated with the website the ad was for. If respondents did not clearly identify one of the three websites, they were shown printouts of the homepages and asked to point out which one they had in mind.

See Appendix B for the complete text of the questionnaires.

The purpose of these questions was to determine the extent to which respondents who have encountered Lulu and are then exposed to Hulu (or vice versa) are likely to be confused into believing that Lulu and Hulu are the same or affiliated services.

Control Cells

The study also incorporated two “control cells” to measure survey noise – i.e., the tendency for respondents to answer that an ad like the one shown is an ad for Lulu or a website related to Lulu, even in the absence of a confusingly similar name. Two control ads were created to show to respondents in the two control cells. The control ads are identical to the ads shown to the test cells other than the name “Hulu” being changed to “Hala” in the ads:



These ads were then used to create two more Yahoo websites to show to two control cells.

The remaining 224 respondents who had not been assigned to one of the test cells (Hulu Live TV and Hulu Downloads Cells) were randomly assigned to one of two “control” cells. 114 respondents were assigned to a control cell that was shown the Yahoo page with the control “Hala” ad reading “watch live episodes of your favorite tv shows for free...” (the “Hala Live TV Cell.”) Appendix L shows a screen shot of the webpage shown to respondents in this cell.

The other 110 respondents were randomly assigned to a group that was shown a Yahoo page with the Hala ad reading “download tv episodes and movies on demand...” (the “Hala Downloads Cell.”) Appendix M shows the webpage shown to respondents in this Cell.

After having viewed the Lulu, Createspace, and Veoh pages, respondents in the two Control Cells were shown the Yahoo homepage containing the relevant Hala ad and were asked to look at the page. When they indicated being finished, the interviewer pointed to the Hala ad, without mentioning the name Hala or discussing the ad in any way. Respondents were asked to look at the ad as if they were seeing it on Yahoo and were considering whether or not to click on it. When respondents indicated being finished looking at the ad, the monitor was turned off so the webpage and ad could no longer be seen.

Respondents in the Control Cells were then questioned identically to those in the Test Cells. The purpose of questioning Control Cell respondents about the Hala ads was to determine the tendency of respondents to answer that the ads were for Lulu or a website affiliated with Lulu even when the name Hulu had been changed to Hala.

Because the only difference between the Test Cells and the Control Cells was the change of “Hulu” to “Hala” in the ads shown, the impact of the Hulu name can be isolated by looking at the difference between test and control results. Subtracting the control result (or noise) from the gross percentage of respondents making a connection between the Hulu ad and Lulu in the test cells yields the level of genuine confusion attributable to the similarity of the Hulu name to Lulu.

SUMMARY OF FINDINGS

A total of 54 out of the 218 respondents in the two Test Cells (24.7%) answered that the ad shown to them (“Hulu”) was an ad for Lulu or for a website that is affiliated with Lulu.

A total of 12 out of the 224 respondents in the two Control Cells (5.3%) answered that the ad shown to them (“Hala”) was an ad for Lulu or for a website that is affiliated with Lulu. This figure is this study’s estimate of the noise level inherent to the survey design.

Subtracting the 5.3% noise level from the gross 24.7% Test Cell result yields a level of confusion net of noise of 19.4%. This 19.4% figure represents the percentage of respondents in the Test Cell who perceived that Hulu and Lulu were the same or affiliated because of the similarity in name. Accordingly, it is this study’s conclusion that the likelihood that consumers who are exposed to Lulu and Hulu will be confused is in the range of 19.4%.

See DETAILED FINDINGS section below for further detail on respondents’ answers.

METHOD

OVERVIEW

In designing and conducting studies intended to measure consumer perceptions and beliefs, we follow the guidelines and standards generally employed in the field of survey research, as well as the criteria set forth in the Reference Guide on Survey Research published by the Federal Judicial Center (2000).

These standards and criteria require that:

1. Those responsible for the design, conduct and analysis of the survey be experts in the field of survey research.
2. The survey design properly address its objectives.
3. The relevant universe be defined appropriately.
4. A representative sample be drawn from the relevant universe.
5. The measures collected include data for control groups and/or control questions when appropriate.
6. The survey questions be framed clearly, precisely, and so as to avoid bias; and, as far as possible, so as to avoid order or context effects.
7. The interviewers be well-trained and be without knowledge of the purposes for which the data will be used.
8. The interviews be conducted in a correct and unbiased manner and in accordance with generally accepted standards of procedure in the field.
9. Once gathered, the data be accurately analyzed and reported.

These criteria are discussed in greater detail on the following pages.

THE RELEVANT UNIVERSE OF INTEREST

The relevant universe of interest for the study was defined to be males and females age 13 and older who have internet access and have used the internet in the past 3 months or are likely to use the internet in the next 3 months to:

Watch or download tv shows

Watch or download video clips; and/or

Watch or download movies

As part of standard procedure, the survey excluded persons employed in fields that would give them special knowledge or insight about this subject, namely those working in advertising or market research, or for an internet or media company. Similarly, persons who had an immediate household member so employed were excluded from participation. Screening out people with special knowledge is a generally accepted procedure.

Additionally, as part of standard procedure, those who had participated in a survey in a mall research facility within the past three months were excluded.

The actual wording of the screening questions used is shown in Appendix B.

SAMPLING PLAN

The sampling procedure employed, which utilized shopping malls as a means of identifying relevant consumers, has been widely used and relied upon by market researchers, and many business decisions of consequence are made based on studies that employ such plans. Properly designed and executed studies of this type have been accepted in numerous court decisions.

A multi-stage sampling plan was executed in interviewing facilities located in shopping malls in each of the four principal U.S. Census regions. The four stages of the sampling plan for this study were:

SAMPLING UNIT

1. Census regions
2. Metropolitan Areas within regions
3. Shopping malls within Metropolitan Areas
4. Respondents within shopping malls

1. Census Region Selection

In accordance with generally accepted standards, the study was conducted in each census region -- Northeast, South, Midwest and West -- thus obtaining a cross section of residents from all parts of the country.

2. Metropolitan Area Selection

The selection of markets for this study was carried out using a sample design developed by Professor Martin R. Frankel³. Professor Frankel developed a computer program for Metropolitan Area selection specifically for use by Guideline Research Corporation.

The population frame for the first stage of sample selection consists of the 112 Metropolitan Areas⁴ in the United States that have one or more permanent mall interviewing facilities.

³ Martin R. Frankel, Ph.D. is Professor of Statistics and Computer Information Systems at the Bernard M. Baruch College, City University of New York. Professor Frankel is the Chairman of the Research Quality Council of the Advertising Research Foundation. He has served as the Chairman of the Survey Research Section of the American Statistical Association and as Standards Chair of the American Association for Public Opinion Research. Dr. Frankel is the author of several publications on the methods and theory of survey sampling.

⁴ The term "Metropolitan Areas" is used in accordance with the definitions of the U.S. Bureau of the Census. In New England, Metropolitan Areas follow the definitions of NECMAS (New England County Metropolitan Areas) as defined by the U.S. Bureau of the Census.

Prior to sample selection, the sampling frame was stratified on the basis of census region and Metropolitan Area size within region. Within a region, the allocation of sampling points was in proportion to the population of Metropolitan Areas that have one or more permanent mall interviewing facilities.

This procedure yielded the following markets:

Albany, NY	Indianapolis
Boston	Massapequa, NY
Brooklyn, NY	Memphis
Chicago	Miami
Dallas	Phoenix
Denver	Portland
Detroit	Santa Ana, CA
Houston	St. Louis

3. Shopping Mall Selection

The criteria for selecting a specific shopping mall testing facility within each of the Metropolitan Areas selected included: 1) that an experienced interviewing organization existed within the mall; 2) that this organization had a permanent office within the shopping center created specifically to conduct interviews with consumers; and 3) that their workload was such that they could complete their portion of the assignment within the desired schedule. Using these criteria, the following malls were selected as interviewing sites:

Market	Mall
Albany, NY	Crossgates Mall
Boston	Watertown Mall
Brooklyn, NY	Kings Plaza Mall
Chicago	Spring Hill Mall
Dallas	Northeast Mall
Denver	Twin Peaks Mall
Detroit	Southland Center Mall
Houston	West Oaks Mall
Indianapolis	Fair Oaks Mall
Massapequa, NY	Sunrise Mall

Memphis	Hickory Ridge Mall
Miami	Miami International Mall
Phoenix	Paradise Valley Mall
Portland	Gateway Mall
Santa Ana, CA	Main Place
St. Louis	Mid Rivers Mall

4. Respondent Selection

It is often found by market researchers that people who frequent shopping malls tend to be younger than the population as a whole.

To safeguard against the skewing toward any particular age or gender group, a "quota screening" procedure was employed in which males and females aged 13 years and older were approached in three age groupings proportionate to their presence in the population. In this manner, these age groups were correctly represented for the purpose of determining eligibility according to census demographics.

Based on available data⁵, the following percentages were used for the purpose of assigning screenings:

<u>Ages</u>	<u>Male</u>	<u>Female</u>
13 - 17	4.4%	4.2%
18 - 34	14.4%	13.9%
35 - 49	13.5%	13.7%
50/+	16.3%	19.5%

While screening was in proportion to population, actual inclusion in the sample was not necessarily, and need not be, proportional to census demographics. Once a respondent

⁵ Source: Resident Population Projections for 2005, published by the U.S. Census Bureau.

met age and gender screening needs, inclusion in the study was based on the fact that he met all the stated prerequisites.

Thus, by setting quotas for screening the number of males and females by age group, a representative number of qualifiers within each age and gender group was obtained on an "as they fall" basis, thereby providing a directly proportionate sample of relevant consumers.

DOUBLE-BLIND INTERVIEWING

It is important to point out that the study was administered under "double-blind" conditions. That is, not only were the respondents kept uninformed as to the purpose and sponsorship of the study, but the interviewers were similarly "blind" with respect to the study's purpose and sponsorship. Without such knowledge, there is little likelihood that some interviewer(s) might ascertain what responses would be desirable from the sponsor's perspective, and thereby be in a position either to exert an influence on the respondents in this regard, or to modify their recording of a respondent's answers so as to be "helpful".

INTERVIEWING PROCEDURES

Screenings for eligibility were conducted on the mall premises in each designated shopping mall. Once qualified, respondents were escorted into the interviewing facility that was operated by the interviewing organization. Throughout the assignment, tight control and supervision was maintained over all aspects of the interviewing.

Guideline prepared customized, detailed interviewer and supervisor instructions for this assignment. Copies of these instructions are found in Appendix C of this report.

Before beginning work on this study each interviewer was required to:

- Read the interviewer instructions.

- Attend a personal briefing. At this briefing, interviewing procedures were outlined and discussed in detail, question by question.
- Complete one or more practice interviews.

Additionally, a representative from each interviewing facility was required to contact a Guideline representative with periodic detailed progress reports. This allowed Guideline to closely monitor and supervise the progress of the study.

RESPONDENT VERIFICATION

In addition to on-spot verification where both respondent and interviewer signed their respective names onto a “certification” page, telephone follow-up validation calls were attempted by an independent company who specializes in this type of work to verify that the interview did in fact take place and that only qualified respondents were interviewed.

A listing of each respondent's name and phone number was sent to Outfielders of Eastchester, NY, an independent telephone interviewing service, for verification.

This independent validating service was given the responsibility of attempting to recontact respondents by phone to confirm that:

- Such a person actually existed.
- He/she met the universe requirements for this study.
- He/she was actually interviewed for this study.

Validation is currently ongoing. Validation results will be provided as soon as they are available.

CHECK-IN PROCEDURES

When completed questionnaires had been numbered in, they were checked to ensure that respondents' answers to screening questions indicated that they met all eligibility requirements and that the interviews themselves were complete.

INTERVIEWING PERIOD

Interviewing was conducted between September 28th, and October 8th, 2007.

FEES CHARGED

The fee charged for this study was \$59,000.

DETAILED FINDINGS

I. TEST GROUP FINDINGS

A. HULU LIVE TV CELL

When asked in question 1a whether the ad shown to them was an ad for any of the three websites initially shown to them, 19.0% of respondents who viewed the Hulu “live tv” ad (21 out of 110) said “yes” and gave further answers indicating a belief that the ad was for the Lulu website.⁶

An additional 7.3% of respondents in this cell (8 out of 110) answered “no” to question 1a but answered in response to questions 2a through 2d that the ad shown to them was for a website that is affiliated with Lulu. This brings the gross confusion level in this cell to 26.3% (29 out of 110 respondents.)

B. HULU DOWNLOADS CELL

When asked in question 1a whether the ad shown to them was an ad for any of the three websites initially shown to them, 14.8% of respondents who viewed the Hulu “downloads” ad (16 out of 108) said “yes” and gave further answers indicating a belief that the ad was for the Lulu website.

An additional 8.3% of respondents in this cell (9 out of 108) answered “no” to question 1a but answered in response to questions 2a through 2d that the ad shown to them was for a website that is affiliated with Lulu. This brings the gross confusion level in this cell to 23.1% (25 out of 108 respondents.)

C. TEST CELLS COMBINED

As indicated above, a total of 54 out of the 218 respondents in the two Test Cells (24.7%) answered that the Hulu ad shown to them was an ad for Lulu or for a website that is

⁶ See Appendix E for a list of ID numbers of all respondents who were counted as confused.

affiliated with Lulu. This 24.7% figure represents the gross estimate of confusion between Hulu and Lulu.

Some who indicated that the Hulu ad was for the Lulu website did not actually name Lulu, but believed that “Hulu” was the name of the website they had initially viewed. For example, the following are the answers of some such respondents to the question of why they thought the Hulu ad was for one of the first websites shown to them website:

Resp ID	Answers
1019	Q.1b: What makes you think so? A: It's the same name. Q. 1c: Which website? A: The very first one (Lulu)
1077	Q.1b: What makes you think so? A: The ad mentioned the second website I looked at. Q. 1c: Which website? A: The second one with the publishing (Lulu)
1082	Q.1b: What makes you think so? A: I've seen that site before and you can watch videos and lots of stuff too. Q.1c: Which website? A: I Think it was the second one. (Lulu identified in question 1d.)
2002	Q. 1b: What makes you think so? A: Because it was advertising Hulu for live episode. Q. 1c: Which website? A: Hulu (Lulu identified in question 1d.)
2068	Q: 1b: What makes you think so? A: Because they are showing quite a few different web shows for that website. Q. 1c: Which website? A: Hulu. Because it says it. (Lulu identified in question 1d.)
2093	Q. 1b: What makes you think so? A: The name and the way it is displayed Q. 1c: Which website? A: Hulu.com
2103	Q. 1b: What makes you think so? A: You just showed me the website before Q. 1c: Which website? A: I think it was number two. It said hulu.com

Other respondents perceived that “Hulu” is not identical to “Lulu” but believed they were the same or affiliated because of the similarity of names and services. For example:

Resp ID	Answers
1018	Q.1b: What makes you think so? A: It has almost the same name as the first website. If they aren't directly related, they still must be affiliated somehow. Q. 1c: Which website? A: Lulu.com
1023	Q.2b: What makes you think so? A: The first one was more about books but it had movies and music too so its gotta be related. Q. 2c: Which website? A: The first one (Lulu)
1066	Q.1b: What makes you think so? A: Because you can see tv shows on the website the ad is for and the lulu website.
1092	Q. 2b: What makes you think so? A: Because of the name - its similar. Also because of the advertisement for downloading tvs and movies on demand. Q. 1c: Which website? A: lulu.com
2010	Q: 2b: What makes you think so? A: I don't think a big website that would advertise on Yahoo would use such a similar name to lulu if it wasn't part of the same operation.
2026	Q. 2b: What makes you think so? A: The name is almost the same as Lulu. Hulu might be the video related branch of the larger Lulu website.
2079	Q. 1b: What makes you think so? A: Because it's a related kind of website and the names are almost the same.

See Appendix E for the ID numbers of all respondents who confused Hulu and Lulu.⁷

⁷ Copies of complete questionnaires containing all respondents' answers will be made available for inspection.

II. CONTROL GROUP FINDINGS

A. HALA LIVE TV CELL

When asked in question 1a whether the control ad shown to them was an ad for any of the three websites initially shown to them, 4.5% of respondents who viewed the Hala “live tv” ad (5 out of 110) said “yes” and gave further answers indicating a belief that the ad was for the Lulu website.

An additional 1.8% of respondents in this cell (2 out of 110) answered “no” to question 1a but answered in response to questions 2a through 2d that the ad shown to them was for a website that is affiliated with Lulu, bringing the noise level in this cell to 6.3% (7 out of 110 respondents.)

C. HALA DOWNLOADS CELL

When asked in question 1a whether the control ad shown to them was an ad for any of the three websites initially shown to them, 3.5% of respondents who viewed the Hala “downloads” ad (4 out of 114) said “yes” and gave further answers indicating a belief that the ad was for the Lulu website.

An additional 0.8% of respondents in this cell (1 out of 114) answered “no” to question 1a but answered in response to questions 2a through 2d that the ad shown to them was for a website that is affiliated with Lulu. This brings the noise level in this cell to 4.3% (5 out of 114 respondents.)

C. CONTROL CELLS COMBINED

As indicated above, a total of 12 out of the 224 respondents in the two Control Cells (5.3%) answered that the ad shown to them was an ad for Lulu or for a website that is affiliated with Lulu, even though the name Hulu had been changed to one that is not confusingly similar. This 5.3% figure represents the level of noise inherent to the survey

- i.e., the tendency of respondents to answer that the ad shown is for Lulu or a website affiliated with Lulu for reasons unrelated to name similarity.

III. NET CONFUSION ATTRIBUTABLE TO THE HULU NAME

Subtracting the noise level of 5.3% from the gross confusion level of 24.7% found in the test group yields a confusion level net of noise of 19.4%.

	<u>TEST</u>	<u>CONTROL</u>	<u>NET CONFUSION</u>
TOTAL	24.7%	5.3%	19.4%
Live TV Ad	26.3%	6.3%	20.0%
Downloads Ad	23.1%	4.3%	18.8%

This 19.4% difference between the test and control results represents the level of confusion between Lulu and Hulu that can be attributed to the similarity of names. Accordingly, it is this study's conclusion that the likelihood of confusion among respondents who encounter Lulu and Hulu is in the vicinity of 19.4%.

IV. RESULTS REGARDING CREATESPACE AND VEOH WEBSITES

Of the 218 respondents in the two Test Cells, 6.8% (15 respondents) answered that the Hulu ad shown was an ad for createspace.com or for a website affiliated with createspace.com. Similarly, 8.0% of respondents in the two Control Cells (18 out of 224) connected the Hala ads with createspace.com.

Of the 218 respondents in the two Test Cells, 24.3% (53 respondents) answered that the Hulu ad shown was an ad for Veoh.com or for a website affiliated with Veoh. Similarly, 25.0% of respondents in the two Control Cells (56 out of 224) connected the Hala ads with Veoh. Most of these respondents based their answers on Hulu's and

Veoh's common focus on tv and video. These results suggest that these websites - Veoh in particular - effectively distracted respondents from unduly focusing on the Lulu website and gave respondents who were prone to look for a connection between the ad shown and one of the websites plausible non-name-related reasons to connect the ad to a website other than Lulu.

APPENDIX A

CURRICULUM VITAE OF STUDY'S AUTHORS

Hal L. Poret

(hporet@guideline.com; 212-329-1018)

Education

- 1998 Harvard Law School, J.D., *cum laude*
- Editor/Writer – Harvard Law Record
 - Research Assistant to Professor Martha Minow
- 1995 S.U.N.Y. Albany, M.A. in Mathematics, *summa cum laude*
- 1993 Union College, B.S. in Mathematics with honors, *magna cum laude*
- Phi Beta Kappa
 - Concentration in cognitive psychology
 - Resch Award for Achievement in Mathematical Research

Employment

- 2004 - Vice President, Guideline
- Design, supervise, and analyze surveys intended to withstand adversarial and judicial scrutiny, including Trademark, Trade Dress, Advertising Perception, Fraud/Consumer Deception, and Claims Substantiation studies
 - Give expert testimony at deposition and trial
 - Review and critique third party surveys
- 2003 – 2004 Counsel/Product Development Dir., Internet Sports Advantage
- Developed and marketed proprietary internet sports product, and licensed trademark and intellectual property rights.
- 1997 – 2003 Attorney, Foley Hoag & Eliot, Boston, MA
- Represented corporations and individuals in trademark, trade dress, advertising, product, and related legal disputes.
 - Worked with survey experts in developing and using surveys as evidence in trademark, trade dress and advertising disputes; deposed and defended depositions of survey experts.
 - Advised clients in the selection, adoption, use, licensing, and protection of trademarks/trade dress; represented clients in trademark/trade dress litigations, administrative proceedings before the Trademark Trial and Appeal Board and United States Patent and Trademark Office, and domain name proceedings under the Uniform Domain-Name Dispute-Resolution Policy.

Recent Testimony at Trial or by Deposition

2007	Johnson & Johnson v. Actavis Group	USDC Southern District of NY
2007	Electrolux Home Care v. IMIG (trial)	USDC Eastern District of NY
2007	S.C. Johnson v. BOIS (trial)	USDC Middle District of NC
2007	M.D. Skincare v. Bare Escentuals	USDC Southern District of NY
2007	Doctor's Associates v. QIP Holders	USDC District of CT
2006	S.C. Johnson v. BuzzOff Insect Shield	USDC Middle District of NC
2006	Wenger Corp. v. Stadium Chair (trial)	USDC Western District of TX
2006	Wenger Corp. v. Melhart Music	USDC Eastern District of TX
2006	Wenger Corp. v. Stadium Chair (depo)	USDC Western District of TX
2006	Electrolux Home Care v. IMIG, Inc.	USDC Eastern District of NY

Publications and Presentations

Trademark and Advertising Survey Report (Summer 2007)

Measuring Consumer Perception in False Advertising and Trademark Cases, (multiple presentations) (2007)

Avoiding Pitfalls in Dilution Surveys under TDRA (AIPLA Spring Conference, Boston, May 2007)

Potential Errors to Avoid In Designing a Trademark Dilution Survey (American Intellectual Property Association paper, April 2007)

Consumer Surveys in Trademark and Advertising Cases (presentation at Promotions Marketing Association Annual Law Conference) (December 2006)

Use of Survey Research and Expert Testimony in Trademark Litigation, (International Trademark Association Annual Conference, May 2006)

Survey Research as Evidence in Trademark/Trade Dress Disputes (multiple presentations) (2006)

Using Surveys to Measure Secondary Meaning of Trade Dress, Legal Education Seminar, Boston, April 2006

Traffix: Functionality and Trade Dress Rights, Presentation at Intellectual Property Round Table, Boston, April 2001

Use of Scientific Evidence In Court After Daubert, Presentation at Harvard Law School Advanced Evidence Seminar, Spring 1998

Professional Memberships

Council of American Survey Research Organizations

International Trademark Association

Promotions Marketing Association

Robert N. Reitter

Employment

- 1990 - Senior Vice-President, Guideline
- Designed and supervised more than five hundred surveys intended to withstand adversarial scrutiny, including Trademark, Trade Dress, Advertising Perception, and Claims Substantiation studies.
 - Accepted as expert witness and surveys credited by numerous federal and state courts, U.S.P.T.O., Federal Trade Commission, and National Advertising Division of the Better Business Bureau.
 - Testified at deposition and/or trial in many federal and state court litigations and hearings at the N.A.D. and F.T.C.
- 1968 - 1990 President, Reitter, Wilkins & Associates, Inc.
- Planned and interpreted market research for companies in the food, beverage, fashion, and travel industries
- 1967 - 1968 Associate, Land-Reitter Associates
- 1966 - 1967 Assistant Director of Research, PKL Advertising
- 1963 - 1966 Product Research Assistant, General Foods Corporation

Education

- 1962 Master of Industrial Administration, Yale University
- 1960 French National Scholar, University of Paris
- 1959 Bachelor of Arts *cum laude*, Yale College

Testimony at Trial or by Deposition since 2003

2003	Citizens Financial Group v. CNB	USDC Western District of PA
2003	V&S Aktiebolag v. Cracovia Brands	USDC Northern District of IL
2004	State of California v. Altaire	Superior Court of CA, Alameda
2004	Diarama Trading Co. v. J. W. Thompson	USDC Southern District of NY
2004	Louis Vuitton v. Dooney & Bourke	USDC Southern District of NY
2004	Pilot Corp. v. Fisher-Price and Mattell	USDC District of Connecticut
2004	Starbucks Opposition to Lessbucks	U.S.P.T.O.
2005	Whirlpool Properties v. LG	USDC Western District of MI
2005	Schick v. The Gillette Company	USDC District of Connecticut
2005	Middleton v. Swisher	USDC Eastern District of PA
2006	IMIG, Inc. v. Electrolux	USDC Eastern District of NY
2006	Enterprise Rent-a-Car v. U-Haul	USDC Eastern District of MO
2006	Life is Good v. LG Electronics	USDC District of MA
2006	Monaco Coach v. Mitsubishi	U.S.P.T.O.
2006	Unique Sports v. Babolat	USDC Southern District of NY
2006	Kettle Foods v. Classic Foods	USDC Southern District of CA
2007	Louis Vuitton v. Dooney & Bourke	USDC Southern District of NY
2007	Sunscreen Cases (Rule 1550B)	Superior Court of California LA

Publications and Speeches since 1996

Implementation Issues in Claims Substantiation Seminar at a meeting of the Advertising Research Foundation, New York, 1996

What You Need to Know to Be Successful before the NAD The 8th National Advanced Forum for Advertising Law, New York, 2001

ASTM Standards for Claim Substantiation from a Research Practitioner's Perspective Presentation to an ASTM Committee, Salt Lake City, 2004

Survey Research and Dilution Presentation to the Practicing Law Institute, New York, 2004

APPENDIX B

QUESTIONNAIRES

GUIDELINE
 625 Avenue of the Americas
 New York, NY 10011

JOB #E27-0107
 September, 2007

WEBSITE STUDY
- S C R E E N E R -

5 - 1

<u>MARKET:</u> (6)		<u>AGE:</u> (8)	<u>CELL COLOR:</u> (10)
Albany 1	Indianapolis 1	13 - 17 1	Blue 1
Boston 2	Massapequa, NY 2	18 - 34 2	White..... 2
Brooklyn, NY 3	Memphis 3	35 - 49 3	Pink..... 3
Chicago 4	Miami 4	50+ 4	Green..... 4
Dallas 5	Phoenix 5		
Denver..... 6	Portland 6	<u>SEX:</u> (9)	
Detroit..... 7	Santa Ana, CA..... 7	Male..... 1	
Houston..... 8	St. Louis 8	Female..... 2	

Sight screen for males and females 13 and older

Hello, I'm _____ of Guideline, a nationwide market research organization. We're conducting a survey and I'd like to ask you a few brief questions.

A. But first, do you or does any member of your immediate household work in ... ***(read list and record "yes" or "no" for each)?***

	<u>Yes</u>		<u>No</u>
Market research	1	1
Advertising	2	2
For an internet or media company.....	3	3

Terminate if "yes" to any of above. Circle in box below. Erase and re-use screener.

Terminate Q. A: Related Occupation

01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20 (11,12)

Terminates at Q. A do not count towards screening quota.

B. Which of the following groups includes your age? Are you ... **(Read Choices)?**

- (13)
- A. 12 years old or younger..... 1 → **Terminate. Circle in box below. Erase and re-use screener.**
 - B. 13 – 17 years old..... 2
 - C. 18 - 34 years old 3 → **Check screening quotas. If needed continue. If over quota terminate. Circle in box below. Erase and re-use screener.**
 - D. 35 - 49 years old 4
 - E. 50+ 5

(Do Not Read)-> Refused X → **Terminate. Circle in box below. Erase and re-use screener.**

Terminate Q. B: Under age/over quota/refused

01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20	(14,15)
---	---------

Terminates at Q. B do not count towards screening quota.

C. Do you have internet access either at home, work, or someplace else?

- (16)
- Yes..... 1
 - No 2
 - Don't know 3

Terminate Q. C: No internet access

<u>MALES</u>	<u>FEMALES</u>
13 - 17	13 - 17
01 02 03 04 05 06 07 08 09 10 (17, 11 12 13 14 15 16 17 18 19 20 18)	01 02 03 04 05 06 07 08 09 10 (25, 11 12 13 14 15 16 17 18 19 20 26)
18 - 34	18 - 34
01 02 03 04 05 06 07 08 09 10 (19, 11 12 13 14 15 16 17 18 19 20 20)	01 02 03 04 05 06 07 08 09 10 (27, 11 12 13 14 15 16 17 18 19 20 28)
35 - 49	35 - 49
01 02 03 04 05 06 07 08 09 10 (21, 11 12 13 14 15 16 17 18 19 20 22)	01 02 03 04 05 06 07 08 09 10 (29, 11 12 13 14 15 16 17 18 19 20 30)
50 +	50 +
01 02 03 04 05 06 07 08 09 10 (23, 11 12 13 14 15 16 17 18 19 20 24)	01 02 03 04 05 06 07 08 09 10 (31, 11 12 13 14 15 16 17 18 19 20 32)

Terminates at Q. C do count toward screening quota.

D1. Within the past three months, which of the following, if any, have you used the internet for? **(Read choices)**

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>	
Email	1.....	2.....	3.....	(33)
Listen to radio or music.....	1.....	2.....	3.....	(34)
Watch or download tv shows	<input type="text" value="1"/>	2.....	3.....	(35)
Watch or download video clips	<input type="text" value="1"/>	2.....	3.....	(36)
Watch or download movies.....	<input type="text" value="1"/>	2.....	3.....	(37)
Sell or display written or audio-visual content	1.....	2.....	3.....	(38)
Purchase or view written or audio-visual content submitted by other internet users	1.....	2.....	3.....	(39)

D2. Within the next three months, which of the following, if any, are you likely to use the internet for? **(Read choices)**

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>	
Email	1.....	2.....	3.....	(40)
Listen to radio or music.....	1.....	2.....	3.....	(41)
Watch or download tv shows	<input type="text" value="1"/>	2.....	3.....	(42)
Watch or download video clips	<input type="text" value="1"/>	2.....	3.....	(43)
Watch or download movies.....	<input type="text" value="1"/>	2.....	3.....	(44)
Sell or display written or audio-visual content	1.....	2.....	3.....	(45)
Purchase or view written or audio-visual content submitted by other internet users	1.....	2.....	3.....	(46)

Respondent must answer "yes" to one of boxed choices in EITHER Q. D1 OR Q. D2 to continue. If "no" or "don't know" to all of boxed choices in both Q. D1 and Q. D2, terminate and record in appropriate box below. Erase and re-use screener.

Terminate Q. D1/D2: "No"/"Don't Know" to all of boxed choices in D1 and D2:

<u>MALES</u> 13 - 17	<u>FEMALES</u> 13 - 17
01 02 03 04 05 06 07 08 09 10 (47, 11 12 13 14 15 16 17 18 19 20 48)	01 02 03 04 05 06 07 08 09 10 (55, 11 12 13 14 15 16 17 18 19 20 56)
18 - 34	18 - 34
01 02 03 04 05 06 07 08 09 10 (49, 11 12 13 14 15 16 17 18 19 20 50)	01 02 03 04 05 06 07 08 09 10 (57, 11 12 13 14 15 16 17 18 19 20 58)
35 - 49	35 - 49
01 02 03 04 05 06 07 08 09 10 (51, 11 12 13 14 15 16 17 18 19 20 52)	01 02 03 04 05 06 07 08 09 10 (59, 11 12 13 14 15 16 17 18 19 20 60)
50 +	50 +
01 02 03 04 05 06 07 08 09 10 (53, 11 12 13 14 15 16 17 18 19 20 54)	01 02 03 04 05 06 07 08 09 10 (61, 11 12 13 14 15 16 17 18 19 20 62)

Terminates at Q. D1/D2 do count toward screening quota.

E. Do you usually wear eyeglasses or contact lenses either when reading or when looking at the internet?

(63)

Yes..... 1 → **(Ask Q. F)**

No 2 → **(Skip to Q. G)**

F. Do you have them with you?

(64)

Yes..... 1 → **(Ask Q. G)**

No 2 → **(Terminate, circle in appropriate box below. Erase and re-use screener.)**

Terminate Q. F: No Eyeglasses

01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20

(65,66)

Terminates at Q. F do not count towards screening quota.

G. Have you been interviewed for a consumer survey in a research facility in a mall within the past three months?

(67)

Yes..... 1 → **(Terminate, circle in box below. Erase and re-use screener.)**

No 2 → **(Ask Q. H)**

Terminate Q. G: Recently interviewed

01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20

(68,69)

H. **Invite qualified respondent to interviewing facility. Go to main questionnaire same color as this screener. If qualified but refused, terminate. Circle in box below. Erase and re-use screener. Terminates at Q. H do not count towards your screening quota.**

Terminate Q. HI: Qualified/Refused:

01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20

(70,71)

GUIDELINE
625 Avenue of the Americas
New York, NY 10011

JOB #E27-0107
September 2007

5 - 2

WEBSITE STUDY

- MAIN QUESTIONNAIRE ROTATION 1 -

BLUE
6 - 1
7 - 1

Before beginning, please be sure you have the email containing the links to be used for the BLUE CELL and note that you will be showing the websites listed in the order corresponding to ROTATION 1. Each time you open a website, maximize the browser so that the website covers the full screen. Please also make sure the sound is turned off on the computer/speakers. When respondent is seated in front of computer, say:

I'm going to show you some websites. I'd like you to browse through these websites, giving each one the same attention you normally would if viewing a website at home or elsewhere. For each website, you can use the mouse to scroll up and down and to click around to view any part of the website. If you normally wear glasses when you use the internet, please put them on.

Turn on the computer monitor and make sure you are looking at the email with the links for the BLUE CELL and that you are using ROTATION 1. Click on the link for lulu.com. The lulu.com home page should appear in your internet browser. When the lulu.com home page appears, hand the mouse to respondent and say:)

Please look at this website, using the mouse to click and scroll around the site. Take as much time as you ordinarily would when exploring a website, and let me know when you are finished.

Allow respondent time to examine the website. When respondent indicates being finished, take back the mouse and close the internet browser. Then go back to the email with the links and click on the link for createspace.com. The createspace.com home page should appear in your internet browser. When the createspace.com home page appears, hand the mouse to respondent and say:

Now please look at this website, as you did the last one. Take as much time as you ordinarily would, and let me know when you are finished.

Allow respondent time to examine the website. When respondent indicates being finished, take back the mouse and close the internet browser. Then go back to the email with the links and click on the link for veoh.com. The veoh.com home page should appear in your internet browser. When the veoh.com home page appears, hand the mouse to respondent and say:

Now please look at this website. Take as much time as you ordinarily would, and let me know when you are finished.

When respondent is finished, take back the mouse and close the internet browser, and say to respondent:

Thank you. I'm now going to ask you to look at another website and then I'm going to ask you some questions. If for any question I ask, you have no opinion, please feel free to tell me so. Please do not guess.

Now find the email again with the links for the BLUE website and click on the link for the Yahoo page for the blue website. (Make sure the link says YAHOO/BLUE). Do not give the mouse to the respondent this time. When a Yahoo home page opens, say to respondent:

I'm now showing you the homepage for the website YAHOO.COM. Please take a look at this page as you normally would and let me know when you are done.

When respondent indicates being finished, say:

I'm now going to point your attention to an advertisement on this page.

Point to the rectangular advertisement on the right hand side of the page that reads: "DOWNLOAD TV EPISODES AND MOVIES ON DEMAND AT HULU.COM" but do not read any of the content of the advertisement or describe it in any way. When you are certain you are pointing to the correct advertisement, say:

Please take a look at this advertisement as if you were seeing it on the Yahoo home page and were considering whether or not to click on it. Please let me know when you are finished.

When respondent indicates being finished, continue pointing to the advertisement and ask:

1a. Do you think this advertisement is for one of the websites that I showed you earlier, or do you think not, or don't you know?

	(8)	
Yes, ad for one of websites shown.....	1	→ (Ask Q. 1b)
No, not an ad for one of websites.....	2	→ (Skip to Q. 2a)
Don't know/no opinion.....	X	

2a. Do you think this advertisement is for a website that is affiliated with one of the websites I showed you earlier, or do you think not, or don't you know?

(28)
Yes, ad for affiliated website 1 → **(Ask Q. 2b)**
No, not an ad for affiliated website 2
Don't know/no opinion..... X → **(Thank respondent and skip to certification page)**

2b. What makes you think so? **(Record verbatim)**

29-
30-
31-
32-
33-
34-
35-
36-
37- 39-
38- 40-

2c. You may have mentioned this already, but which of the websites I showed you earlier do you think is affiliated with the website that this advertisement is for? (*record verbatim*)

41-
42-
43-
44-
45-
46-

IF RESPONDENT IDENTIFIES A WEBSITE, SKIP TO CERTIFICATION AND DO NOT ASK ANY MORE QUESTIONS. IF RESPONDENT DOES NOT IDENTIFY A WEBSITE, HAND RESPONDENT THE 3 WEB PAGE PRINTOUTS LABELED 391, 548, and 706, AND ASK QUESTION 2D:

2d. Which of these websites that you saw earlier do you think is affiliated with the website that this advertisement is for? (*record below which of the 3 websites respondent identifies, if any*)

- (47)
- #391..... 1
 - #548 2
 - #706..... 3
 - Don't know Y

48 - 80 R

THANK RESPONDENT, AND CONTINUE TO CERTIFICATION PAGE.

CERTIFICATION PAGE

[PRINT]		
RESPONDENT'S FULL NAME: _____		
ADDRESS: _____		
CITY: _____	ZIP: _____	
AREA CODE: _____	TELEPHONE NUMBER: _____	
TIME STARTED: _____	TIME ENDED: _____	DATE: _____

RESPONDENT

I certify that I was interviewed on the date shown below, and that I was shown some websites and a web advertisement, and was asked some questions about them.

RESPONDENT'S
SIGNATURE: _____

DATE: _____

INTERVIEWER

I certify that this interview was conducted in accordance with my briefing instructions.

INTERVIEWER'S
SIGNATURE: _____

SUPERVISOR

I certify that I observed this interview and that it was conducted in accordance with the briefing instructions.

SUPERVISOR'S
SIGNATURE: _____

GUIDELINE
625 Avenue of the Americas
New York, NY 10011

JOB #E27-0107
September 2007

5 - 2

WEBSITE STUDY

- MAIN QUESTIONNAIRE ROTATION 1 -

GREEN
6 - 4
7 - 1

Before beginning, please be sure you have the email containing the links to be used for the GREEN CELL and note that you will be showing the websites listed in the order corresponding to ROTATION 1. Each time you open a website, maximize the browser so that the website covers the full screen. Please also make sure the sound is turned off on the computer/speakers. When respondent is seated in front of computer, say:

I'm going to show you some websites. I'd like you to browse through these websites, giving each one the same attention you normally would if viewing a website at home or elsewhere. For each website, you can use the mouse to scroll up and down and to click around to view any part of the website. If you normally wear glasses when you use the internet, please put them on.

Turn on the computer monitor and make sure you are looking at the email with the links for the GREEN CELL and that you are using ROTATION 1. Click on the link for lulu.com. The lulu.com home page should appear in your internet browser. When the lulu.com home page appears, hand the mouse to respondent and say:)

Please look at this website, using the mouse to click and scroll around the site. Take as much time as you ordinarily would when exploring a website, and let me know when you are finished.

Allow respondent time to examine the website. When respondent indicates being finished, take back the mouse and close the internet browser. Then go back to the email with the links and click on the link for createspace.com. The createspace.com home page should appear in your internet browser. When the createspace.com home page appears, hand the mouse to respondent and say:

Now please look at this website, as you did the last one. Take as much time as you ordinarily would, and let me know when you are finished.

Allow respondent time to examine the website. When respondent indicates being finished, take back the mouse and close the internet browser. Then go back to the email with the links and click on the link for veoh.com. The veoh.com home page should appear in your internet browser. When the veoh.com home page appears, hand the mouse to respondent and say:

Now please look at this website. Take as much time as you ordinarily would, and let me know when you are finished.

When respondent is finished, take back the mouse and close the internet browser, and say to respondent:

Thank you. I'm now going to ask you to look at another website and then I'm going to ask you some questions. If for any question I ask, you have no opinion, please feel free to tell me so. Please do not guess.

Now find the email again with the links for the GREEN website and click on the link for the Yahoo page for the GREEN website. (Make sure the link says YAHOO/GREEN). Do not give the mouse to the respondent this time. When a Yahoo home page opens, say to respondent:

I'm now showing you the homepage for the website YAHOO.COM. Please take a look at this page as you normally would and let me know when you are done.

When respondent indicates being finished, say:

I'm now going to point your attention to an advertisement on this page.

Point to the rectangular advertisement on the right hand side of the page that reads: "WATCH LIVE EPISODES OF YOUR FAVORITE TV SHOWS FOR FREE ON HALA.COM" but do not read any of the content of the advertisement or describe it in any way. When you are certain you are pointing to the correct advertisement, say:

Please take a look at this advertisement as if you were seeing it on the Yahoo home page and were considering whether or not to click on it. Please let me know when you are finished.

When respondent indicates being finished, continue pointing to the advertisement and ask:

1a. Do you think this advertisement is for one of the websites that I showed you earlier, or do you think not, or don't you know?

	(8)	
Yes, ad for one of websites shown.....	1	→ (Ask Q. 1b)
No, not an ad for one of websites.....	2	→ (Skip to Q. 2a)
Don't know/no opinion.....	X	

1b. What makes you think so? *(Record verbatim)*

	9-
	10-
	11-
	12-
	13-
	14-
	15-
	16-
17-	19-
18-	20-

1c. You may have mentioned this already, but which of the websites I showed you earlier is this advertisement for? *(Record verbatim)*

	21-
	22-
	23-
	24-
	25-
	26-

IF RESPONDENT IDENTIFIES A WEBSITE, SKIP TO CERTIFICATION AND DO NOT ASK ANY MORE QUESTIONS. IF RESPONDENT DOES NOT IDENTIFY A WEBSITE, HAND RESPONDENT THE 3 WEB PAGE PRINTOUTS LABELED 391, 548, and 706, AND ASK QUESTION 1D:

1d. Which of these websites that you saw earlier was the advertisement for? *(record below which of the 3 websites respondent identifies, if any)*

(27)	
#391.....	1
#548	2
#706.....	3
Don't know	Y

(NOW SKIP TO CERTIFICATION. DO NOT ASK QUESTION 2 SERIES.)

2a. Do you think this advertisement is for a website that is affiliated with one of the websites I showed you earlier, or do you think not, or don't you know?

(28)
Yes, ad for affiliated website 1 → **(Ask Q. 2b)**
No, not an ad for affiliated website 2
Don't know/no opinion..... X → **(Thank respondent and skip to certification page)**

2b. What makes you think so? **(Record verbatim)**

29-
30-
31-
32-
33-
34-
35-
36-
37- 39-
38- 40-

2c. You may have mentioned this already, but which of the websites I showed you earlier do you think is affiliated with the website that this advertisement is for? (*record verbatim*)

41-
42-
43-
44-
45-
46-

IF RESPONDENT IDENTIFIES A WEBSITE, SKIP TO CERTIFICATION AND DO NOT ASK ANY MORE QUESTIONS. IF RESPONDENT DOES NOT IDENTIFY A WEBSITE, HAND RESPONDENT THE 3 WEB PAGE PRINTOUTS LABELED 391, 548, and 706, AND ASK QUESTION 2D:

2d. Which of these websites that you saw earlier do you think is affiliated with the website that this advertisement is for? (*record below which of the 3 websites respondent identifies, if any*)

- (47)
- #391..... 1
 - #548 2
 - #706..... 3
 - Don't know Y

48 - 80 R

THANK RESPONDENT, AND CONTINUE TO CERTIFICATION PAGE.

CERTIFICATION PAGE

[PRINT]		
RESPONDENT'S FULL NAME: _____		
ADDRESS: _____		
CITY: _____	ZIP: _____	
AREA CODE: _____	TELEPHONE NUMBER: _____	
TIME STARTED: _____	TIME ENDED: _____	DATE: _____

RESPONDENT

I certify that I was interviewed on the date shown below, and that I was shown some websites and a web advertisement, and was asked some questions about them.

RESPONDENT'S
SIGNATURE: _____

DATE: _____

INTERVIEWER

I certify that this interview was conducted in accordance with my briefing instructions.

INTERVIEWER'S
SIGNATURE: _____

SUPERVISOR

I certify that I observed this interview and that it was conducted in accordance with the briefing instructions.

SUPERVISOR'S
SIGNATURE: _____

GUIDELINE
625 Avenue of the Americas
New York, NY 10011

JOB #E27-0107
September 2007

5 - 2

WEBSITE STUDY

- MAIN QUESTIONNAIRE ROTATION 1 -

PINK
6 - 3
7 - 1

Before beginning, please be sure you have the email containing the links to be used for the PINK CELL and note that you will be showing the websites listed in the order corresponding to ROTATION 1. Each time you open a website, maximize the browser so that the website covers the full screen. Please also make sure the sound is turned off on the computer/speakers. When respondent is seated in front of computer, say:

I'm going to show you some websites. I'd like you to browse through these websites, giving each one the same attention you normally would if viewing a website at home or elsewhere. For each website, you can use the mouse to scroll up and down and to click around to view any part of the website. If you normally wear glasses when you use the internet, please put them on.

Turn on the computer monitor and make sure you are looking at the email with the links for the PINK CELL and that you are using ROTATION 1. Click on the link for lulu.com. The lulu.com home page should appear in your internet browser. When the lulu.com home page appears, hand the mouse to respondent and say:)

Please look at this website, using the mouse to click and scroll around the site. Take as much time as you ordinarily would when exploring a website, and let me know when you are finished.

Allow respondent time to examine the website. When respondent indicates being finished, take back the mouse and close the internet browser. Then go back to the email with the links and click on the link for createspace.com. The createspace.com home page should appear in your internet browser. When the createspace.com home page appears, hand the mouse to respondent and say:

Now please look at this website, as you did the last one. Take as much time as you ordinarily would, and let me know when you are finished.

Allow respondent time to examine the website. When respondent indicates being finished, take back the mouse and close the internet browser. Then go back to the email with the links and click on the link for veoh.com. The veoh.com home page should appear in your internet browser. When the veoh.com home page appears, hand the mouse to respondent and say:

Now please look at this website. Take as much time as you ordinarily would, and let me know when you are finished.

When respondent is finished, take back the mouse and close the internet browser, and say to respondent:

Thank you. I'm now going to ask you to look at another website and then I'm going to ask you some questions. If for any question I ask, you have no opinion, please feel free to tell me so. Please do not guess.

Now find the email again with the links for the PINK website and click on the link for the Yahoo page for the PINK website. (Make sure the link says YAHOO/PINK). Do not give the mouse to the respondent this time. When a Yahoo home page opens, say to respondent:

I'm now showing you the homepage for the website YAHOO.COM. Please take a look at this page as you normally would and let me know when you are done.

When respondent indicates being finished, say:

I'm now going to point your attention to an advertisement on this page.

Point to the rectangular advertisement on the right hand side of the page that reads: "DOWNLOAD TV EPISODES AND MOVIES ON DEMAND AT HALA.COM" but do not read any of the content of the advertisement or describe it in any way. When you are certain you are pointing to the correct advertisement, say:

Please take a look at this advertisement as if you were seeing it on the Yahoo home page and were considering whether or not to click on it. Please let me know when you are finished.

When respondent indicates being finished, continue pointing to the advertisement and ask:

1a. Do you think this advertisement is for one of the websites that I showed you earlier, or do you think not, or don't you know?

	(8)	
Yes, ad for one of websites shown.....	1	→ (Ask Q. 1b)
No, not an ad for one of websites.....	2	→ (Skip to Q. 2a)
Don't know/no opinion.....	X	

1b. What makes you think so? *(Record verbatim)*

_____	9-
_____	10-
_____	11-
_____	12-
_____	13-
_____	14-
_____	15-
_____	16-
17-	19-
18-	20-

1c. You may have mentioned this already, but which of the websites I showed you earlier is this advertisement for? *(Record verbatim)*

_____	21-
_____	22-
_____	23-
_____	24-
_____	25-
_____	26-

IF RESPONDENT IDENTIFIES A WEBSITE, SKIP TO CERTIFICATION AND DO NOT ASK ANY MORE QUESTIONS. IF RESPONDENT DOES NOT IDENTIFY A WEBSITE, HAND RESPONDENT THE 3 WEB PAGE PRINTOUTS LABELED 391, 548, and 706, AND ASK QUESTION 1D:

1d. Which of these websites that you saw earlier was the advertisement for? *(record below which of the 3 websites respondent identifies, if any)*

- (27)
- #391..... 1
 - #548 2
 - #706..... 3
 - Don't know Y

(NOW SKIP TO CERTIFICATION. DO NOT ASK QUESTION 2 SERIES.)

2a. Do you think this advertisement is for a website that is affiliated with one of the websites I showed you earlier, or do you think not, or don't you know?

(28)
Yes, ad for affiliated website 1 → **(Ask Q. 2b)**
No, not an ad for affiliated website 2
Don't know/no opinion..... X → **(Thank respondent and skip to certification page)**

2b. What makes you think so? **(Record verbatim)**

29-
30-
31-
32-
33-
34-
35-
36-
37- 39-
38- 40-

2c. You may have mentioned this already, but which of the websites I showed you earlier do you think is affiliated with the website that this advertisement is for? (*record verbatim*)

41-
42-
43-
44-
45-
46-

IF RESPONDENT IDENTIFIES A WEBSITE, SKIP TO CERTIFICATION AND DO NOT ASK ANY MORE QUESTIONS. IF RESPONDENT DOES NOT IDENTIFY A WEBSITE, HAND RESPONDENT THE 3 WEB PAGE PRINTOUTS LABELED 391, 548, and 706, AND ASK QUESTION 2D:

2d. Which of these websites that you saw earlier do you think is affiliated with the website that this advertisement is for? (*record below which of the 3 websites respondent identifies, if any*)

- (47)
- #391..... 1
 - #548 2
 - #706..... 3
 - Don't know Y

48 - 80 R

THANK RESPONDENT, AND CONTINUE TO CERTIFICATION PAGE.

CERTIFICATION PAGE

[PRINT]

RESPONDENT'S FULL NAME: _____

ADDRESS: _____

CITY: _____ ZIP: _____

AREA CODE: _____ TELEPHONE NUMBER: _____

TIME STARTED: _____ TIME ENDED: _____ DATE: _____

RESPONDENT

I certify that I was interviewed on the date shown below, and that I was shown some websites and a web advertisement, and was asked some questions about them.

RESPONDENT'S
SIGNATURE: _____

DATE: _____

INTERVIEWER

I certify that this interview was conducted in accordance with my briefing instructions.

INTERVIEWER'S
SIGNATURE: _____

SUPERVISOR

I certify that I observed this interview and that it was conducted in accordance with the briefing instructions.

SUPERVISOR'S
SIGNATURE: _____

GUIDELINE
625 Avenue of the Americas
New York, NY 10011

JOB #E27-0107
September 2007

5 - 2

WEBSITE STUDY

- MAIN QUESTIONNAIRE ROTATION 1 -

WHITE
6 - 2
7 - 1

Before beginning, please be sure you have the email containing the links to be used for the WHITE CELL and note that you will be showing the websites listed in the order corresponding to ROTATION 1. Each time you open a website, maximize the browser so that the website covers the full screen. Please also make sure the sound is turned off on the computer/speakers. When respondent is seated in front of computer, say:

I'm going to show you some websites. I'd like you to browse through these websites, giving each one the same attention you normally would if viewing a website at home or elsewhere. For each website, you can use the mouse to scroll up and down and to click around to view any part of the website. If you normally wear glasses when you use the internet, please put them on.

Turn on the computer monitor and make sure you are looking at the email with the links for the WHITE CELL and that you are using ROTATION 1. Click on the link for lulu.com. The lulu.com home page should appear in your internet browser. When the lulu.com home page appears, hand the mouse to respondent and say:)

Please look at this website, using the mouse to click and scroll around the site. Take as much time as you ordinarily would when exploring a website, and let me know when you are finished.

Allow respondent time to examine the website. When respondent indicates being finished, take back the mouse and close the internet browser. Then go back to the email with the links and click on the link for createspace.com. The createspace.com home page should appear in your internet browser. When the createspace.com home page appears, hand the mouse to respondent and say:

Now please look at this website, as you did the last one. Take as much time as you ordinarily would, and let me know when you are finished.

Allow respondent time to examine the website. When respondent indicates being finished, take back the mouse and close the internet browser. Then go back to the email with the links and click on the link for veoh.com. The veoh.com home page should appear in your internet browser. When the veoh.com home page appears, hand the mouse to respondent and say:

Now please look at this website. Take as much time as you ordinarily would, and let me know when you are finished.

When respondent is finished, take back the mouse and close the internet browser, and say to respondent:

Thank you. I'm now going to ask you to look at another website and then I'm going to ask you some questions. If for any question I ask, you have no opinion, please feel free to tell me so. Please do not guess.

Now find the email again with the links for the WHITE website and click on the link for the Yahoo page for the WHITE website. (Make sure the link says YAHOO/WHITE). Do not give the mouse to the respondent this time. When a Yahoo home page opens, say to respondent:

I'm now showing you the homepage for the website YAHOO.COM. Please take a look at this page as you normally would and let me know when you are done.

When respondent indicates being finished, say:

I'm now going to point your attention to an advertisement on this page.

Point to the rectangular advertisement on the right hand side of the page that reads: "WATCH LIVE EPISODES OF YOUR FAVORITE TV SHOWS FOR FREE ON HULU.COM" but do not read any of the content of the advertisement or describe it in any way. When you are certain you are pointing to the correct advertisement, say:

Please take a look at this advertisement as if you were seeing it on the Yahoo home page and were considering whether or not to click on it. Please let me know when you are finished.

When respondent indicates being finished, continue pointing to the advertisement and ask:

1a. Do you think this advertisement is for one of the websites that I showed you earlier, or do you think not, or don't you know?

	(8)	
Yes, ad for one of websites shown.....	1	→ (Ask Q. 1b)
No, not an ad for one of websites.....	2	→ (Skip to Q. 2a)
Don't know/no opinion.....	X	

2a. Do you think this advertisement is for a website that is affiliated with one of the websites I showed you earlier, or do you think not, or don't you know?

(28)
Yes, ad for affiliated website 1 → **(Ask Q. 2b)**
No, not an ad for affiliated website 2
Don't know/no opinion..... X → **(Thank respondent and skip to certification page)**

2b. What makes you think so? **(Record verbatim)**

_____ 29-
_____ 30-
_____ 31-
_____ 32-
_____ 33-
_____ 34-
_____ 35-
_____ 36-
37- 39-
38- 40-

2c. You may have mentioned this already, but which of the websites I showed you earlier do you think is affiliated with the website that this advertisement is for? (*record verbatim*)

41-
42-
43-
44-
45-
46-

IF RESPONDENT IDENTIFIES A WEBSITE, SKIP TO CERTIFICATION AND DO NOT ASK ANY MORE QUESTIONS. IF RESPONDENT DOES NOT IDENTIFY A WEBSITE, HAND RESPONDENT THE 3 WEB PAGE PRINTOUTS LABELED 391, 548, and 706, AND ASK QUESTION 2D:

2d. Which of these websites that you saw earlier do you think is affiliated with the website that this advertisement is for? (*record below which of the 3 websites respondent identifies, if any*)

- (47)
- #391..... 1
 - #548 2
 - #706..... 3
 - Don't know Y

48 - 80 R

THANK RESPONDENT, AND CONTINUE TO CERTIFICATION PAGE.

CERTIFICATION PAGE

[PRINT]

RESPONDENT'S FULL NAME: _____

ADDRESS: _____

CITY: _____ ZIP: _____

AREA CODE: _____ TELEPHONE NUMBER: _____

TIME STARTED: _____ TIME ENDED: _____ DATE: _____

RESPONDENT

I certify that I was interviewed on the date shown below, and that I was shown some websites and a web advertisement, and was asked some questions about them.

RESPONDENT'S
SIGNATURE: _____

DATE: _____

INTERVIEWER

I certify that this interview was conducted in accordance with my briefing instructions.

INTERVIEWER'S
SIGNATURE: _____

SUPERVISOR

I certify that I observed this interview and that it was conducted in accordance with the briefing instructions.

SUPERVISOR'S
SIGNATURE: _____

APPENDIX C

FIELD INSTRUCTIONS

Guideline

Job #E27-0107
Website Study
September, 2007

Dear Supervisor:

Enclosed are the following materials for the "Website Study":

- Screeners (Blue, White, Pink, Green)
- Main Questionnaires (Blue, White, Pink, Green)
- 16 Website Links (4 Links for each cell) (sent via email)
- 3 Web Page Printouts Labeled 391, 548, and 706
- Interviewer's Instructions
- Screening Quota Control Sheets (Blue, White, Pink, Green)
- Progress Report Sheets (Blue, White, Pink, Green)
- Practice Interview (Tan)
- Validation Listing Sheet

OVERVIEW

This is a four cell test to be conducted in a permanent enclosed mall facility.

You will be sight screening in the mall for males and females *13 years of age and older*. Qualified respondents will then be escorted back to the interviewing facility to be shown some websites on a computer and a web advertisement and asked some questions about them.

STAFF

All interviewers while screening and interviewing on this study are not to be screening or interviewing on any other study.

BRIEFING

Field supervisors must have read and examined all materials to be completely prepared for the study. The field supervisor must be present at the briefing and be present for all days of interviewing on the study. In addition, the supervisor must observe at least 15% or 1 or 2 interviews, whichever is greater per interviewer. The supervisor is to sign the Certification Page for every interview they have observed. A field kit of all paper materials must be supplied for each participant at the briefing.

Each interviewer is to read his/her Interviewer Instructions and sign them. Also, a personal briefing is required. If possible, one briefing should be conducted. All interviewers must do at least two, (one of each version type) Practice Interview.

PLEASE STRESS THE FOLLOWING:

- 1) In addition to conducting practice interviews, each interviewer must go onto each of the 3 initial websites and each of the 4 versions of the YAHOO website (Blue, White, Green, and Pink) to familiarize themselves with what the different website pages looks like. Each interviewer should also look at Page 2 of each main questionnaire to familiarize themselves with the website listing to which they will be pointing respondents for that questionnaire.
- 2) The links to the 7 different websites are contained in an email. Please be sure you are clicking on the link indicated at the beginning of the questionnaire you are working with. The correct link to click on will be identified in each questionnaire by both a Cell color and Rotation #.
- 3) Please click on the appropriate link to open the appropriate website while the computer screen is not in respondent's sight. Only show the monitor to respondent once the appropriate website is on the screen.
- 4) When pointing to a website listing as indicated by the questionnaire, please do not read any of the content of the advertisement or describe it in any way. Simply point to the listing with your finger and ask the questions.
- 5) The 3 web page printouts are only shown at Q.1d/2d only if a respondent does not identify a website in Q1b/1c or 2b/2c. If a respondent identifies/mentions a website these web page printouts are not to be shown at all.

All practice interviews must be looked over by you-- and any questions cleared up -- before any actual interviewing is begun. (Each interviewer's signed Instructions are to be stapled to the Practice interview and returned to Guideline Inc at the end of the study.).

QUALITY CONTROL PROCEDURES

<p>ANY WORK RECEIVED BY OUR OFFICE, WHICH HAS NOT BEEN SUBJECT TO THE FOLLOWING PROCEDURES, WILL BE SUBJECT TO A PAYMENT ADJUSTMENT.</p>

Strict quality control is a primary Supervisor responsibility. Guideline Inc. requires that the following quality controls be strictly followed:

- This study must be screened by itself, not along with any other projects.
- No more than one respondent per shopping group should be screened.
- Friends, relatives or acquaintances must NOT be interviewed.
- Except for the interviewer no one else is to be in the interviewing room with the respondent.
- Anyone accompanying the respondent must wait for the respondent in the waiting room.
- Be sure the respondent does not see the website before it is indicated to be shown.
- Interviewing should not be conducted with anyone who has a hearing, visual or English language problem.

SECURITY INSTRUCTIONS

- All materials related to this study are the property of Guideline Inc. and our client.
- You are responsible for all materials being used on this study; all materials are to be kept out of sight of anyone not directly involved in the study.
- No one representing Guideline Inc. or our client is to be admitted to the facility or have access to the materials without your first calling Guideline to confirm. Further, no one is to be permitted access to the facility or materials without showing satisfactory identification.

EDITING

All work should be edited soon after completion in order to spot errors and quickly bring them to an interviewer's attention.

In editing check for:

- Completeness including market on the front of each screener of each completed questionnaire
- Following proper skip patterns exactly.
- Verbatim capture of comments. (See "Open-Ended Responses" on Interviewers Instructions.)
- Legible handwriting
- Certification page filled out by interviewer and respondent.

If an interviewer appears not to be following instructions exactly, please alert him/her to that as soon as possible and take remedial action if needed.

VALIDATION

- List only ONE interviewer's work on a validation sheet.
- Fill out all required respondent information, interviewer name, city and quota group.
- Be sure about indicating correct area code for every respondent.
- Write listings in black ink ONLY.
- You are not to phone validate, since we will be independently validating 100% of every interviewer's work, as well as doing a duplicate number search.
- You must, however, monitor or do in-site validation for at least 10% of each interviewer's work and note validated work on Validation Listing Form.

Handling "No Phone" or "Refused Phone"

The Supervisor must attempt to do a telephone lookup for all respondents who do not give a phone number. If a number is not found, indicate that you have attempted a look-up by writing "L.U.".

PROGRESS REPORTS

Enclosed are Progress Report Sheets for your convenience. Accurate cumulative reports are to be received by us each day the study continues. We are to RECEIVE them by 10:00 AM OUR TIME.

- **FAX # 212-947-6294 (Preferred). Do not use a cover sheet, just fill in all the required information on the Progress Report Sheet. Be sure to write your city and contact name on each sheet of the report.**

RETURNING WORK

- Completed interviews are to be bundled together by interviewer with that interviewer's Validation Sheet on the top of the pile.
- Completed interviews are to be stapled together in the following order:
 - 1) SCREENER
 - 2) MAIN QUESTIONNAIRE
- Bundle together all Screeners that contain a record of termination. Mark each screener "For Tallies Only". Label this bundle "Screener -- Tallies Only".
- Return all PRACTICE interviews.
- Enclose Master/Final Progress Report Forms.

SHIPMENT/CHARGES

- Use the blank waybills provided as they contain our account # and address
- All shipments are to be send Federal Express Priority Overnight to Guideline, Inc. and charged to our Federal Express Account #0100-0112-9 unless otherwise specified
- Insure packages for \$500.00
- Indicate Job #E27-0107 on airbill for all shipments

- | |
|---|
| <ul style="list-style-type: none">• <u>Important</u>
Since Guideline does not want to incur additional shipping charges, make sure that all items specified above are included with your completed questionnaires, unless otherwise specified. If you "forget" we will have to deduct the additional shipping charges from your bill. |
|---|

BILLING

Submit all bills under separate cover to the attention of our Accounting Department.

Thank you for your help with this survey.

Sincerely,

Nelly Valentin
Field Director

Guideline, Inc.
625 Avenue of the Americas
New York, New York 10011

Job #E27-0107
Website Study
September, 2007

INTERVIEWER INSTRUCTIONS

INTERVIEWER'S NAME: _____ DATE: _____

BRIEFING SUPERVISOR: _____

MATERIALS

- Screeners (Blue, White, Pink, Green)
- Main Questionnaires (Blue, White, Pink, Green)
- 16 Website Links (4 links for each cell) (sent via email)
- 3 Web Page Printouts Labeled 391, 548, and 706
- Practice Interviews (Tan)
- Validation Listing Sheet

OVERVIEW AND DESCRIPTION OF CELLS

This is a four cell test to be conducted in a permanent enclosed mall facility.

You will be sight screening in the mall for males and females *13 years of age and older*.

Qualified respondents will then be escorted back to the interviewing facility to be shown some websites on a computer and a web advertisement and asked some questions about them.

QUOTA ASSIGNMENT

Your supervisor will give you a quota assignment by gender and age. Refer to the enclosed Master Quota Control Sheet to determine your exact quota assignment.

DO YOU HAVE A QUOTA FOR COMPLETED MAIN QUESTIONNAIRES?

No, you do not. You have a quota for screenings; we take completes "as they fall".

However, we always have a "target" number of completes which we hope will fall in. If we fall significantly short of this number, we may ask you to do additional screenings.

You are to do exactly the number of screenings assigned by gender and age: NO MORE, NO LESS.

WHAT COUNTS TOWARD YOUR SCREENING QUOTA

The questions on the Screener clearly state whether or not they count toward your screening quota.

IMPORTANT:

Because you have a screening quota by gender and age, all terminated questions that count toward your quota have termination boxes that are also broken down by gender and age. It is imperative that when terminating a respondent you circle the next available number in the appropriate gender and age group for that terminated respondent. This is the only way you will be able to accurately keep track of your screening quotas by gender and age.

IN USING THIS PROCEDURE AVOID!

- Conducting too many screenings (by gender and age).
- Using a separate tally sheet to record terminations and not recording terminations directly on the screener in the boxed area.
- Counting terminated screenings (ineligible respondents) for completed interviews.
- Counting total screening assignment for total quota of interviews to be completed.

ELIGIBILITY

An eligible respondent are males and females who meets the following requirements:

- Respondent must pass occupational security (Q. A).
- Respondent must be 13+ years of age and needed for your screening quota (Q. B).
- Respondent must internet access either at home, work, or someplace else (Q.C)
- Respondent must use the internet to either watch or download TV shows, watch or download videos or watch or download movies in the past three months (Q.D1) or is likely to do so in the next three months (Q.D2)
- Respondent must have glasses/contact lenses with them if worn when reading on a computer screen (Q.E/F).
- Respondent have not participated in a consumer survey in a research facility in the past 3 months (Q.G)
- Respondent must be willing to participate (Q.H).

QUALITY ASSURANCE IN SCREENING

- Do not interview friends, relatives or acquaintances.
- When screening for this study you must not screen for any other study at the same time.
- Only one potential respondent in a group of people may be screened.
- Only one potential respondent is to be in the interviewing room at the time of the interview.
- Anyone accompanying the respondent must wait for the respondent in the waiting room.
- Be sure the respondent does not see the website before it is indicated to be shown.
- Do not proceed to interview anyone who has a hearing, visual or English language problem.

MAIN QUESTIONNAIRE

GENERAL GUIDELINES

- Read introductions and all questions exactly as written.
- Always give respondents enough time to answer.
- Mark answers clearly and write clearly
- When questionnaire calls for you to show the website under no circumstances are you to discuss the website with the respondent. Read the questions referring to the package verbatim as written, always referring to the package AND SAYING WHAT THE QUESTIONNAIRE STATES.

OPEN ENDED RESPONSES

- Read open-ended questions slowly and ask respondent to slow down if you cannot write quickly enough. **WE NEED EXACT VERBATIM RESPONSES.** Capture comments exactly as respondent states them -- **never summarize or paraphrase.**
- Capture comments in the words of the respondent. Do not say “she said...” or “she felt...” rather; just write down exactly what the respondent says.
- If respondent says, “I have already answered the question”, or “same”, do not write this –instead, ask them to repeat their answer and write it verbatim.
- Give respondent sufficient time to think and answer a question before continuing.
- Never reword the questions. Simply repeat the question if the respondent indicates that she does not understand. **DO NOT** attempt to explain any questions.

SCREENER QUESTION BY QUESTION INSTRUCTIONS

SCREENER:

Be sure you are familiar with the circle screener method of termination. If you are not, ask your supervisor to explain it to you. For any answers which disqualify the respondent, you are to circle the next available number in the termination box, erase and re-use screener. Do **NOT** erase any of the circles around the numbers in the termination boxes. If all the numbers in a termination box have been circled before you contact a qualified, willing respondent, you are to return the screener to your supervisor. Write in your name, circle your city and mark clearly on the top of the screener "FOR TALLIES ONLY".

Using the screener sight screen for appropriate age groups as needed. Randomly approach males/females 13 years of age or older and ask questions on screener exactly as indicated.

SCREENER:

Q. A: If "yes" to any listed occupation terminate. Otherwise continue. **These terminates do not count toward your screening quota.**

Q. B: If 13 years of age or older, check open age quotas. If needed, continue. Otherwise, terminate. If under 13 or refused age, terminate. **These terminates do not count toward your screening quota.**

Q. C: Read verbatim. If “yes” continue. If “no/don’t know” terminate. **These terminates do count toward your screening quota.**

Q.D1/2: Read verbatim. Record response.

Respondent must answer “yes” to ONE OF THE BOXED CHOICES IN EITHER Q.D1 OR Q.D2 to continue. If “no” or “don’t know” TO ALL OF BOXED CHOICES IN BOTH Q.D1 and Q.D2, terminate. **These terminates do count toward your screening quota.**

Q.E: If “no” skip to Q.G. If “yes” continue with Q.F.

Q.F: If “yes” continue. If “no” terminate. **These terminates do not count toward your screening quota.**

Q.G: If “no”, continue. If “yes” terminate. **These terminates do not count toward your screening quota.**

Q.H: Invite the respondent to participate, continue with the main questionnaire of the same color as the screener. If the respondent refuses, terminate. **These terminations do not count toward your screening quota.**

MAIN QUESTIONNAIRE QUESTION BY QUESTION INSTRUCTIONS

The questionnaire must be administered exactly as written.

If respondent wears glasses or contact lenses, that is they said “yes” to Q.E in the screener, make sure that he/she is wearing them before continuing.

Have the respondent sit in front of the computer.

Read introduction verbatim.

Out of respondent’s sight, turn on the computer monitor.

Maximize the browser so that it fills the entire screen.

Make sure the sound is turned off on the computer/speakers.

Click on the link for the appropriate cell – each cell have 3 different rotations

- **Cell 1 = Blue – Rotation 1, Rotation 2, Rotation 3**
- **Cell 2 = White – Rotation 1, Rotation 2, Rotation 3**
- **Cell 3 = Pink – Rotation 1, Rotation 2, Rotation 3**
- **Cell 4 = Green– Rotation 1, Rotation 2, Rotation 3**

Cell 1 = Blue – Rotation 1, Rotation 2, Rotation 3 contains the following websites (the difference in the rotation is the order which the sites are shown:

- Lulu.com
- Createspace.com
- Veoh.com
- Yahoo-Blue (“*DOWNLOAD TV EPISODES AND MOVIES ON DEMAND AT HULU.COM*”)

When the site appears, allow respondent to see the monitor.

Cell 2 = White – Rotation 1, Rotation 2, Rotation 3 contains the following websites (the difference in the rotation is the order which the sites are shown:

- Lulu.com
- Createspace.com
- Veoh.com
- Yahoo-White (“*WATCH LIVE EPISODES OF YOUR FAVORITE TV SHOWS FOR FREE ON HULU.COM*”)

When the site appears, allow respondent to see the monitor.

Cell 3 = Pink – Rotation 1, Rotation 2, Rotation 3 contains the following websites (the difference in the rotation is the order which the sites are shown:

- Lulu.com
- Createspace.com
- Veoh.com
- Yahoo-Pink (“*DOWNLOAD TV EPISODES AND MOVIES ON DEMAND AT HALA.COM*”)

When the site appears, allow respondent to see the monitor.

Cell 4 = Green – Rotation 1, Rotation 2, Rotation 3 contains the following websites (the difference in the rotation is the order which the sites are shown:

- Lulu.com
- Createspace.com
- Veoh.com
- Yahoo-Green (“*WATCH LIVE EPISODES OF YOUR FAVORITE TV SHOWS FOR FREE ON HALA.COM*”)

When the site appears, allow respondent to see the monitor.

Allow the respondents as much time as they would like to look at each of the three websites. Allow them to use the keyboard and the mouse to scroll and click around each site.

After the respondent has been seen all three websites as indicated for the specific questionnaire version take back the mouse. Now locate the appropriate Yahoo website for the questionnaire version being administered point to the rectangular advertisement as indicated on the questionnaire. When you are certain that you are pointing to the correct advertisement ask Q.1a.

Allow the respondent time to examine the advertisement you pointed to. When the respondent indicates being finished, stop pointing at the advertisement continue with Q.1a.

Q.1a: Read as written. If “yes” continue with Q.1b, otherwise skip to Q.2a.

Q.1b-1c: Ask only if the respondent said “yes” in Q.1a. Record response verbatim. If the respondent identifies a website conclude the interview and go to the certification page.

Before continuing, refer back to Q.1b and Q.1c

If the respondent identifies/mentions/names a website, skip to the certification page and conclude the interview.

If the respondent does not identifies/mentions/names a website, hand the respondent the three web page printouts labeled 391, 548, and 706 and ask Q.1d.

Q.1d: Show the three web page printouts. Read verbatim. Record which of the 3 websites the respondent identifies, if any. Then conclude the interview and go to the certification page. Do not ask Question 2 series.

Q.2a: Ask only if “no/don’t know” in Q1a. Read verbatim. If “yes” ask Q.2b, otherwise thank the respondent and skip to the certification page.

Q.2b-2c: Ask only if “yes” in Q.2a. Record response verbatim.

Before continuing, refer back to Q.2b and Q.2c

If the respondent identifies/mentions/names a website, skip to the certification page and conclude the interview.

If the respondent does not identifies/mentions/names a website, hand the respondent the three web page printouts labeled 391, 548, and 706 and ask Q.2d.

Q.2d: Show the three web page printouts. Read verbatim. Record which of the 3 websites the respondent identifies, if any. Then conclude the interview and go to the certification page.

SECURITY:

- You are responsible for all materials being used on this study.
- All materials are to be kept out of sight of anyone not directly involved in the study
- All materials related to this study are the property of Guideline, Inc and our client.
- No one representing Guideline, Inc. or our client is to be admitted to the facility or have access to the materials without your first calling Guideline, Inc. to confirm. Further, no one is to be permitted access to the facility or materials without showing satisfactory identification.

UPON COMPLETION OF INTERVIEW:

1. Fill out all respondent information on the front page of the screener.
2. Fill out all respondent information on certification page. You and the respondent must read, sign and date certification page.
3. Thank respondent.
4. Staple the screener to the main questionnaire and give it to your supervisor.
5. Only if a supervisor observed the interview, he/she must also sign the certification page.

APPENDIX D

VALIDATION QUESTIONNAIRE

GUIDELINE INC
625 Avenue of the Americas
New York, NY 10011

Job #E27-0107
Website Study
September, 2007

VALIDATION QUESTIONNAIRE

- ASK TO SPEAK TO THE PERSON WHOSE NAME IS LISTED ON VALIDATION SHEET
- CORRECT ANSWERS ARE CIRCLED
- PROBE WHERE INDICATED

Hello (Mr./Miss/Mrs./Ms.) _____, I'm from Guideline in New York. Recently a study was done in your area and we're calling to thank you for your participation and to confirm a few points.

1. Recently, did you take part in a survey at the mall where you were shown some websites and a web advertisement, and asked some questions about them?

YES 1

NO 2 -> **(Before terminating, be sure no one else in household was interviewed)**

2. Which of the following includes your age?

- Under 12 years 1
- 13 - 17 2
- 18 - 34 3
- 35 - 49 4
- 50+ 5

(Check against validation listing)

3. Do you have internet access either at home, work, or someplace else?

YES 1

NO 2

4. Within the past three months or the next three months which of the following are you likely to use the internet for? (Read choices)

- Email..... 1
- Watch or download TV shows 2
- Watch or download video clips 3
- Watch or download movies..... 4
- Sell or display written or audio-visual content. 5
- Purchase or view written or audio-visual content submitted by other internet users..... 6

(Must mentioned at least one to qualify.)

Thank respondent.

APPENDIX E

TABLES

ID# OF RESPONDENTS NAMING VARIOUS WEBSITES

CELL	LULU	CREATESPACE	VEOH	OTHER
HULU DOWNLOADS (TEST)	1004, 1005, 1007, 1013, 1018, 1019, 1023, 1024, 1030, 1040, 1051, 1053, 1066, 1074, 1077, 1078, 1082, 1085, 1089, 1092, 1093, 1094, 1095, 1096, 1105	1003, 1009, 1028, 1042, 1083, 1086, 1090, 1099, 1108	1011, 1014, 1017, 1020, 1025, 1031, 1032, 1048, 1049, 1050, 1054, 1058, 1063, 1064, 1065, 1067, 1068, 1069, 1070, 1072, 1073, 1075, 1076, 1084, 1098, 1100	
HULU LIVE TV (TEST)	2002, 2003, 2009, 2010, 2013, 2016, 1024, 2026, 2033, 2034, 2035, 2038, 2044, 2047, 2048, 2058, 2059, 2063, 2064, 2068, 2079, 2080, 2086, 2087, 2093, 2095, 2097, 2099, 2108	2006, 2007, 2017, 2020, 2056, 2101	2001, 2014, 2021, 2022, 2023, 2027, 2045, 2051, 2053, 2054, 2055, 2062, 2065, 2066, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2105, 2106, 2107	2050, 2060, 2101
HALA DOWNLOADS (CONTROL)	3007, 3016, 3037, 3062, 3090	3002, 3003, 3006, 3019, 3020, 3028, 3076, 3077, 3106, 3107, 3112	3001, 3003, 3011, 3014, 3018, 3022, 3024, 3029, 3038, 3041, 3049, 3054, 3058, 3059, 3060, 3061, 3063, 3064, 3070, 3071, 3072, 3078, 3087, 3097, 3099, 3100, 3102, 3110	3026, 3055, 3068, 3086, 3108
HULU LIVE TV (CONTROL)	4006, 4051, 4085, 4088, 4092, 4109, 4110	4004, 4018, 4024, 4061, 4093, 4097, 4105	4005, 4009, 4010, 4026, 4035, 4036, 4037, 4040, 4045, 4052, 4056, 4057, 4058, 4059, 4066, 4067, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4078, 4079, 4084, 4087, 4091	4027, 4044, 4082, 4107

RESPONDENT AGE/GENDER

<u>AGE/GENDER</u>	<u>NUMBER OF RESPONDENTS</u> BASE = 442
<u>TOTAL MALE</u>	230 (52.0%)
Male 13-17	46
Male 18-34	92
Male 35-49	57
Male 50+	35
<u>TOTAL FEMALE</u>	212 (48.0%)
Female 13-17	47
Female 18-34	72
Female 35-49	47
Female 50+	46

APPENDIX F

HOME PAGE OF LULU.COM WEBSITE



Search: in All Products

[Log In](#) | [Sign Up](#) | [Shopping Cart](#)

[Publish](#)

[Buy](#)

[Sell](#)

[Community](#)

[My Lulu](#)

[Help](#)

[First time visitor >](#)

Publish

your words, your art.
For fun or for profit.



[Get your creative juices flowing >](#)

Sell

your creations to buyers in more
than 80 countries.



[Turn your ideas into cash >](#)

Connect

to the largest online writing
community.



[What people are talking about >](#)

Buy in the Global Marketplace

Products from a million creators

Join 900,000 others who visit each
week

Books, artwork, CDs and
all sorts of goodies

Distribute through 60,000 retailers,
schools and libraries

#1 Self Publishing Website
(Alexa.com)

[Start shopping >](#)

Recently published items from
around the world



You Should Write A Book!

Wallace R. Curiel

[BUY NOW](#)

All new Photo Books

Improved print quality / Beautiful themes



[Visit the Lulu Studio™
and create yours today](#)

**Live
Help**

We're here to help
[Click for a live chat](#)

APPENDIX G

HOMEPAGE OF CREATSPACE.COM WEBSITE

createspace™ Home Products Get Started Shop Showcase Help My Account
 Welcome to CreateSpace. [Pricing by ID](#), or if you're a new user, [create a new account](#)

Create:
 Book
 DVD
 Audio CD
 Video Download
 HD DVD
 See all Products
 See Pricing Sheets

Create and Sell Books, Music and Video
 Make your media available to millions of customers on Amazon.com, CreateSpace, and your own site with our inventory-free self-publishing platform.

No set-up fees.
No minimum orders.
You keep the rights.

Learn how you can do it ▶

"with CreateSpace I can sell my CDs, DVDs, and books on Amazon.com without inventory. They are the ideal indie distributor."
 Mikhail Tark
 Book of Shadows

HD DVD PROJECT INDIES
 Free HD DVD authoring and help for up to 1000 qualifying titles.
 Make your titles available without inventory costs, risk, or hassle.
 Submit your Title
 Approved by Amazon.com and Microsoft

Latest News More News

Sep. 24, 07
 EDC Motion Gallery teams up with CreateSpace

Aug. 1, 07
 CreateSpace launches Books on Demand self-publishing service for authors

Aug. 1, 07
 CustomFit Labs changes its name to CreateSpace

Internet

APPENDIX H

HOMEPAGE OF VEOH.COM WEBSITE



Pop-up blocked. To see this pop-up or additional options click here...

veoh Videos Series Channels People Search Videos Publish

Log in | Register | Support | Family Filter: On

Big Ten Highlights

132 Videos in Highlight Reel

Sort by Most Recent

Category: Conferences, Teams, Plays, Player Names, Positions, Schedule, My Highlights

Conference: Atlantic Coast, Big 12, Big East, Big Ten, Conference USA, Independent (I-A), Mid-American, Mountain West

Team: Akron, Indiana, Iowa, Michigan, Michigan State, Minnesota, Northwestern, Ohio State

Offense Plays, All Division Plays, Power/Renegades, Soft, All Nation (not in Play), None, Top Plays, Top Overall Team Connections

CREATE YOUR REEL START WITH SOMETHING RIGHT AWAY

NCAA Football on Veoh (Preview)

options 00:24 / 01:03

SEEKADOO! Test Your Word Search Skills!

Planets

H	C	E	E	R	S	H
T	M	A	R	S	N	O
R	O	T	U	L	P	A
A	H	R	M	O	N	Y
E	S	A	T	U	R	N

Word List

- SATURN
- PLUTO

Live Search Play Now - FREE!

The Big Bang Theory

Meet two brainiacs with a lot to learn. Leonard and Sheldon can tell their quarks from their quantum physics, but have no clue how women add up. Watch the new CBS show now!

Featured Videos [more >>](#)

TV Fall Preview-Dramas

TV Guide Network gives the lowdown on the new fall TV season! See what you can expect from favorite dramas like HOUSE, CSI an...

Browse By:

Categories

- Animation
- Arts
- Comedy
- Education
- Entertainment
- Family
- Living
- Movies & TV
- Music
- News
- Religion
- Sports
- Technology
- Travel
- Vehicles

APPENDIX I

HOME PAGE OF HULU.COM SITE



APPENDIX J

YAHOO PAGE SHOWN TO HULU FREE TV CELL (TEST CELL 1)

Set Y! Toolbar Make Y! your home page Yahoo! Search Marketing! Drive customers to your site. Learn how...

YAHOO!

Web | Images | Video | Local | Shopping | more

Search: **Web Search**

My Yahoo! My Mail Page Options

Answers

Autos

Finance

Games

Groups

HotJobs

Maps

Mobile Web

Movies

Music

Personals

Real Estate

Shopping

Sports

Tech

Travel

TV

Yellow Pages

Bin

More Yahoo! Services

Small Business

Featured | Entertainment | Sports | Video

Shop smart for supplements

Before you start shopping, make sure you know how to choose the right ones.

» What to look for

- Supplement for younger skin?
- Using dietary supplements wisely

Smart tips for buying dietary supplements

The most expensive dessert in the world

What to do when you hate your job

Tragedy hits set of new Batman movie

[» More Featured](#)

Check your mail status: [Sign In](#) Free mail: [Sign Up](#)

[Mail](#) [Messenger](#) [Radio](#)

[Weather](#) [Local](#) [Horoscopes](#)

hulu

watch live episodes of your favorite tv shows for free on hulu.com

Ad Feedback

Be a Better Work Fashionista

Win a \$1,000 wardrobe

• Style gets a promotion • Fall Fashion
• Dress for an interview • Find a job

APPENDIX K

YAHOO PAGE SHOWN TO HULU DOWNLOADS CELL (TEST 2)

Set Y! Toolbar Make Y! your home page Yahoo! Search Marketing! Drive customers to your site. Learn how

YAHOO!

Web | Images | Video | Local | Shopping | more

Search: **Web Search**

My Yahoo! My Mail Page Options

Answers Autos Finance Games Groups HotJobs Maps Mobile Web Movies Music Personals Real Estate Shopping Sports Tech Travel TV Yellow Pages **More Yahoo! Services** Small Business

Featured Entertainment Sports Video

Shop smart for supplements
 Before you start shopping, make sure you know how to choose the right ones.
 >> What to look for
 • Supplement for younger skin?
 • Using dietary supplements wisely

Smart tips for buying dietary supplements The most expensive dessert in the world
 What to do when you hate your job Tragedy hits set of new Batman movie

In the News World Local Finance

- Myanmar bans gatherings, imposes curfew
- Israel seeks exemption to strict rules on importing nuclear fuel
- Lebanon's opposition boycotts session to block presidential vote
- Gangrich says skipping black forum a mistake for GOP
- Iraq's mostly-peaceful Kurdish zone works to rebuild economy
- Mountains of rubbish threaten ecology of Himalayan resort
- Virgins indict Viki, co-defendants on animal cruelty charges

TV evening

Check your mail status: [Sign In](#) Free mail: [Sign Up](#)

Mail Messenger Radio Weather Local Horoscopes

download tv episodes and movies on-demand from hulu.com

KVILLE **DRIVE** **CRIMINAL MINDS**

Ad Feedback

Be a Better Work Fashionista

Win a \$1,000 wardrobe
 • Style gets a promotion • Fall Fashion
 • Dress for an interview • Find a job

Done Internet

APPENDIX L

YAHOO PAGE SHOWN TO HALA FREE TV CELL (CONTROL 1)

Set Y! Toolbar Make Y! your home page Yahoo! Search Marketing! Drive customers to your site. Learn how

YAHOO!

Web | Images | Video | Local | Shopping | more

Search: **Web Search**

My Yahoo! My Mail Page Options

Answers Autos Finance Games Groups HotJobs Maps Mobile Web Movies Music Personals Real Estate Shopping Sports Tech Travel TV Yellow Pages **More Yahoo! Services** Small Business

Featured Entertainment Sports Video

Shop smart for supplements
Before you start shopping, make sure you know how to choose the right ones.
» What to look for
• Supplement for younger skin?
• Using dietary supplements wisely

Smart tips for buying dietary supplements The most expensive dessert in the world
What to do when you hate your job Tragedy hits set of new Batman movie

» More Featured

In the News World Local Finance

- Myanmar bans gatherings, imposes curfew
- Israel seeks exemption to strict rules on importing nuclear fuel
- Lebanon's opposition boycotts session to block presidential vote
- Gangrich says skipping black forum a mistake for GOP
- Iraq's mostly-peaceful Kurdish zone works to rebuild economy
- Mountains of rubbish threaten ecology of Himalayan resort
- Virginia indicts Vicks, co-defendants on animal cruelty charges

TV evening

hala watch live episodes of your favorite tv shows for free on hala.com

KVILLE DRIVE

Ad Feedback

Be a Better Work Fashionista

Win a \$1,000 wardrobe
• Style gets a promotion • Fall Fashion
• Dress for an interview • Find a job

Check your mail status: Sign In Free mail: Sign Up
Mail Messenger Radio Weather Local Horoscopes

Done Internet

APPENDIX M

YAHOO PAGE SHOWN TO HALA DOWNLOADS CELL (CONTROL 2)

The image shows a screenshot of the Yahoo! homepage as it appeared in a web browser. The browser's address bar shows the URL "http://www.yahoo.com/". The page features the classic Yahoo! logo at the top left. Below the logo is a search bar with the text "Search:" and a "Web Search" button. To the right of the search bar are links for "Web", "Images", "Video", "Local", "Shopping", and "more".

The main content area is divided into several sections:

- Left Sidebar:** A vertical list of navigation links including "Answers", "Autos", "Finance", "Games", "Groups", "HotJobs", "Maps", "Mobile Web", "Movies", "Music", "Personals", "Real Estate", "Shopping", "Sports", "Tech", "Travel", "TV", "Yellow Pages", "Bin", "More Yahoo! Services", and "Small Business".
- Featured Section:** A section titled "Featured" with sub-tabs for "Entertainment", "Sports", and "Video". The main article is "Shop smart for supplements" with a sub-headline "Before you start shopping, make sure you know how to choose the right ones." It includes a small image of a woman in a grocery store and several bullet points: "What to look for", "Supplement for younger skin?", and "Using dietary supplements wisely". Below this are smaller articles: "Smart tips for buying dietary supplements", "The most expensive dessert in the world", "What to do when you hate your job", and "Tragedy hits set of new Babylon movies".
- Right Sidebar:** A section titled "Check your mail status: Sign In" and "Free mail: Sign Up". It contains icons for "Mail", "Messenger", "Radio", "Weather", "Local", and "Horoscopes". Below this is a "hala" advertisement for downloading TV episodes and movies on-demand from hala.com. Further down is another advertisement for "K-VILLE" and "DRIVE" with a "Feedback" link.
- Bottom Section:** A section titled "Be a Better Work Fashionista" with a sub-headline "Win a \$1,000 wardrobe". It includes a small image of a woman and several bullet points: "Style gets a promotion", "Fall Fashion", "Dress for an interview", and "Find a job".

The browser's status bar at the bottom shows "Internet".