

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

\_\_\_\_\_  
)  
CNG FINANCIAL CORPORATION, )

Case No. 1:06cv040

)  
)  
Plaintiff/ )

)  
Counterclaim-Defendant, )

)  
)  
vs. )

CERTIFIED COPY

)  
)  
GOOGLE, INC., )

)  
)  
Defendant/ )

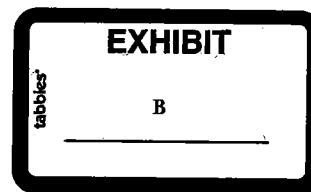
)  
Counterclaim-Plaintiff. )  
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VIDEOTAPED DEPOSITION OF  
MICHAEL B. MAZIS, Ph.D.  
Washington, D.C.  
Thursday, February 1, 2007

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Pages 1 through 110

Reported by: John L. Harmonson, RPR



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10:00:50 1 "Check to Go."

10:00:52 2 And based on the court ruling, it's  
10:00:55 3 possible that it could be a violation of trademark  
10:00:58 4 law. But that's obviously not for me to say.

10:01:00 5 Q. I see.

10:01:03 6 The purpose of the study was to try to  
10:01:05 7 measure the effect of "Check 'n Go" as a search  
10:01:09 8 term, correct? As opposed to in the text of ads?  
10:01:15 9 Isn't that what you said earlier?

10:01:16 10 A. Yes, in part. Right.

10:01:18 11 Q. Well, then, what's the other part?

10:01:20 12 A. Well, the other part has to do with --  
10:01:24 13 It's when you -- when "Check 'n Go" is placed in  
10:01:26 14 the search window, when the sponsored link -- when  
10:01:31 15 the results page come up and there's competitive  
10:01:35 16 sponsored links on there, the question is to what  
10:01:40 17 extent are people confused as to the source of  
10:01:44 18 those sponsored links.

10:01:46 19 So, I mean, there's two elements. One  
10:01:49 20 is entering "Check 'n Go" in the search window or  
10:01:52 21 search box, and the second is the sponsored links,  
10:01:54 22 the competitive sponsored links.

10:01:56 23 Q. I see.

10:01:56 24 And how do you go about determining  
10:01:58 25 which of those two -- those two elements -- Strike

11:00:18 1 designing the survey in this case?

11:00:20 2 A. No.

11:00:37 3 Q. So is it your testimony you didn't

11:00:39 4 understand what the judge meant by criticizing the

11:00:45 5 survey because it didn't use a control of a

11:00:49 6 generic search term? Or is it your testimony that

11:00:51 7 you understood it but you simply disagreed with

11:00:55 8 her?

11:00:56 9 MR. HUNTER: Or both.

11:00:58 10 BY MR. PAGE:

11:00:59 11 Q. Or both.

11:01:00 12 A. Well, yeah, I understood it, but I

11:01:03 13 didn't think the criticism made sense, especially

11:01:06 14 as applied to my survey.

11:01:21 15 Q. You did a pretest in this case,

11:01:23 16 correct?

11:01:24 17 A. Yes.

11:01:24 18 Q. Okay. Is there a reason why you didn't

11:01:26 19 mention that in your report?

11:01:30 20 A. No.

11:01:33 21 MR. HUNTER: I mean, we gave it to you

11:01:35 22 like a day later.

11:01:38 23 BY MR. PAGE:

11:01:38 24 Q. Why did you do a pretest?

11:01:42 25 A. Well, two reasons. One is to make sure