

1 with the iPad; right?

2 A. Yes.

3 Q. And then they were asked question
4 number 11, who makes the iPad, but we don't see
5 the results from your survey on page 50; right?

6 A. That's correct.

7 Q. But regardless how they answered
8 that question 11, they continued on and answered
9 questions 12, 13 and 14; is that your testimony?

10 A. Yes.

11 Q. Well, given that 90 of them had
12 answered that they were familiar with the iPad
13 why did you ask them question 11 about who made
14 it?

15 A. Just to confirm it.

16 Q. Now, let's go to question number
17 13. Let's go back to page 33 of Exhibit 2. Do
18 you have that?

19 A. Question number?

20 Q. 13.

21 A. Yes.

22 Q. It's on page 14 of the survey;
23 right?

24 A. That's correct, yes.

25 Q. When you were writing this

1 question and submitting this question to the
2 respondents did you assume that a consumer could
3 or could not buy an iPad on Bob's Electronic
4 Mart if that person clicked through that link?

5 A. I didn't assume anything. I mean
6 I just asked them the question. The question
7 isn't what I think they can or can't -- again,
8 this is a hypothetical. And so my question was
9 really what did they think, whether they could.
10 So it's not a question of what I assumed or
11 didn't assume.

12 Q. And the company, Bob's Electronic
13 Mart, is entirely hypothetical, it's fictional,
14 it doesn't really exist; right?

15 A. That's correct, yes.

16 Q. Now, up in question 12 that's also
17 hypothetical, right? For purposes of question
18 12, apple.com is supposed to be hypothetical or
19 fictional as well; true?

20 A. Again, but it's realistic. I
21 mean, it's hypothetical but, yes, I expect there
22 is an apple.com website. Realistically I'm
23 familiar with the Apple, with the iPad. It's
24 made by Apple, here's the apple.com as a link, a
25 sponsored link.

1 Q. And when they answered question
2 number 3 though, they weren't asked the
3 question, do you ever use an Internet search
4 engine when making airline reservations? And
5 specifically making the respondent choose which
6 of those three in my example they would have
7 used; true?

8 A. That's correct.

9 Q. All we know is that to answer
10 question number 3 you had to have at least 200
11 people say they had used Google; right?

12 A. That's correct.

13 Q. And question number 3 does not ask
14 whether or not the respondents used the Internet
15 to purchase Southwest Airlines tickets; does it?

16 A. No. Question 3 asked, do you ever
17 use Internet search engines when making airline
18 reservations.

19 Question 4 asks about have you
20 ever flown on Southwest Airlines.

21 So this is really using Internet
22 search engines when making reservations.

23 Q. Right. So back to question 3,
24 we'll get to 4 and 5 in a second.

25 I just want to be clear that

1 question 3 does not ask the respondents whether
2 they used an Internet search engine to purchase
3 or make reservations on Southwest Airlines;
4 true?

5 A. That's correct.

6 Q. And, furthermore, that same
7 question, you do not ask in question number 3
8 whether or not the user used Google to purchase
9 or make Southwest Airlines reservations in
10 question 3; true?

11 A. That's correct. I know that they
12 do use Google as a search engine.

13 Q. You know that because of question
14 number 2?

15 A. Yes.

16 Q. But you don't know for a fact
17 whether or not any of those people who answered
18 question number 3, yes, were in fact using
19 Google to make airline reservations; true?

20 A. That's correct.

21 Q. Nor do you know for a fact whether
22 or not those same persons use Google to make an
23 airline reservation on Southwest or to purchase
24 a Southwest ticket; true?

25 A. That's correct.

1 Q. Okay. And so that we have a clean
2 record, on page 65 of Exhibit 2 you have the
3 language that says, "Google search page --
4 Southwest Airlines;" do you see that?

5 A. Yes.

6 Q. You added that language; true?

7 A. That is correct, yes.

8 Q. So would an actual person who was
9 searching, would they see this language come up
10 in response to a search?

11 A. No, they would not.

12 Q. Why did you add that?

13 A. So that they, again, to make it
14 clear to them that this is what they would see
15 if they had done a search for Southwest Airlines
16 on Google. Simply to say these are the search
17 results, the search results page.

18 Q. And these are the search results
19 that you came up with or Mr. Meyer came up with
20 that we see on page 65?

21 A. These were the -- I don't recall
22 whether these are the ones that Mr. Meyer sent
23 me or I had sent, but this is clearly capturing
24 exactly what was on the search results page for
25 Southwest Airlines.