

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

FPX, LLC d/b/a FIREPOND,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiff,

v.

GOOGLE, INC., YOUTUBE, LLC, AOL,
LLC, TURNER BROADCASTING
SYSTEM, INC., MYSPACE, INC. AND
IAC/INTERACTIVECORP,

Defendants.

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§ Civil Action No. 2:09-cv-00142-TJW
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§ CLASS ACTION COMPLAINT
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§ JURY TRIAL REQUESTED
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THE RODNEY A. HAMILTON LIVING
TRUST and JOHN BECK AMAZING
PROFITS, LLC, Individually and on Behalf
of All Others Similarly Situated,

Plaintiffs,

v.

(1) GOOGLE INC.; AND
(2) AOL LLC,

Defendants.

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§ Civil Action No. 2:09-cv-00151-TJW-CE
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§ CLASS ACTION COMPLAINT
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§ JURY TRIAL REQUESTED
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DECLARATION OF CARL C. BUTZER

I, Carl C. Butzer, hereby declare and state as follows:

1. My name is Carl C. Butzer, I am over the age of 21, of sound mind, have never been convicted of a felony, am competent to make this Declaration, and every statement herein is within my personal knowledge and is true and correct.

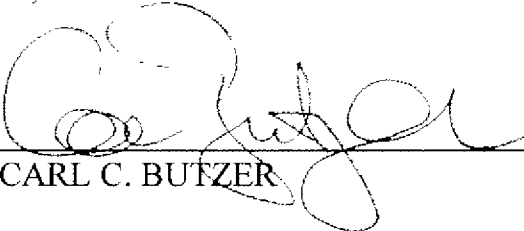
2. I am an attorney of record for Defendants in this matter. In that capacity, I have gained personal knowledge of the facts contained herein, each of which is true and correct.

3. Attached to this declaration are true and correct copies of the following documents:

- A. The documents in Tab A are true and correct excerpts of the deposition of Thomas J. Maronick, taken on or about June 22, 2010. These documents are referred to in Defendants' Consolidated Motion to Exclude as "Mar. Dep., ____."
- B. The document in Tab B is a true and correct copy of Thomas J. Maronick's Report entitled "An Empirical Analysis of Consumers' Understanding of the Relationship between Sponsored Links and "Searched For" Links on Internet Search Engines" dated June 2, 2010 and all exhibits attached thereto. These documents are referred to in Defendants' Consolidated Motion to Exclude as "Mar. Dep. Ex. 2, p. ____."

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 17th day of September, 2010.



CARL C. BUTZER