

1 Q. Well, actually, that is not quite
2 true, is it, because this isn't one single
3 complete page from the search page results for
4 Southwest Airlines, it is just an excerpt of
5 some of page 1; is it not?

6 MR. FENSTER: Object to form.

7 THE WITNESS: That's correct but,
8 again, I wasn't concerned about that because it
9 clearly shows the sponsored links, which is the
10 subject of this survey.

11 BY MR. MORAN:

12 Q. Fair enough, but it's also the
13 case that what a respondent sees here on page 65
14 is not the complete page 1 of the search page
15 results; true?

16 A. That's correct.

17 Q. It's a portion of them; true?

18 A. Yes.

19 Q. Okay. And it consists of three
20 sponsored links; correct?

21 A. Yes.

22 Q. As we've seen from earlier
23 exhibits some other screen shots that you all
24 looked at had additional sponsored links. We've
25 seen one that has five. You chose one here for

1 the survey of three; right?

2 A. Yes.

3 Q. The sponsored link at the top,
4 which is the Southwest official site; correct?

5 A. Yes.

6 Q. And that's a sponsored link;
7 right?

8 A. Yes.

9 Q. You did not test for that one; did
10 you?

11 A. I did not test for that. No, I
12 did not.

13 Q. And, obviously, on page 65 when a
14 respondent is doing a survey they have no
15 ability to scroll; true?

16 A. They can't scroll beyond this, no.

17 Q. They can't scroll at all; can
18 they?

19 A. That is correct, they cannot.

20 Q. It's a static piece of paper or a
21 static image before question number 6; correct?

22 A. Yes.

23 Q. And that's not how people actually
24 see and deal with either organic or sponsored
25 links in real life; is it?

1 A. I believe it is. Again, the focus
2 here was on if they are searching for Southwest
3 Airlines. There's really no reason why they
4 would need to scroll down, because the official
5 website is there to book flights, airline
6 tickets and whatever, plus they have a Southwest
7 Airlines sponsored link. So could they have
8 scrolled down? Yes.

9 My focus was on not all the
10 organic or natural links, but rather on the
11 sponsored links, and those are clearly
12 delineated on that page.

13 Q. Of the three sponsored links that
14 are shown on page 65, why did you choose the one
15 that says smartfares.com/southwest, as opposed
16 to the other two sponsored links, the one that's
17 the Southwest official site or the Southwestern
18 Airline, the one above it?

19 A. Again, the official one has the
20 brand name in it and I wanted the one that
21 didn't. And then the question of the two, it
22 just seemed like that one was as easy to use as
23 not. Again, the questions have -- they see them
24 in front of them, so it really didn't matter to
25 me which one I used, and

1 smartfares.com/southwest seemed like one that is
2 more realistically something where they think
3 they could buy it.

4 Q. And that's why you didn't test
5 that one?

6 A. I'm sorry?

7 Q. That's why you did not test that
8 the one?

9 MR. FENSTER: Object to form.

10 THE WITNESS: Again, the
11 smartfares.com/southwest was the one that was.

12 BY MR. MORAN:

13 Q. Was tested?

14 A. Yes. If you look at question 7 it
15 says, do you see that link.

16 Q. Yeah, thank you. Let's go on.
17 So you're displaying the stimuli
18 here; right? The Google search results, right,
19 on page 65?

20 A. Yes.

21 Q. And then you ask two questions of
22 the respondents and then they hit the submit
23 button; correct?

24 A. That's correct.

25 Q. So this is the exception, really,

1 about the organic or natural results; right?

2 A. That's correct.

3 Q. So after they hit click and answer
4 question number 7 and go on to the remaining
5 questions of FPX-1, the respondents could no
6 longer view the Southwest Airlines search page
7 results that we see on page 65; true?

8 A. That is correct.

9 Q. Can't go back to that screen shot
10 for questions 8, 9, 10 and 11; right?

11 A. That's correct, because after the
12 question 7 there's the word submit and they
13 cannot go back.

14 Q. Did you in the survey that you did
15 here, did you rotate any of the questions 8, 9,
16 10 or 11 in any of the surveys that you did?

17 A. No, I didn't see a need to. And,
18 as I said, that's really not an algorithm that's
19 permitted within Zoomerang, or to the best of my
20 knowledge any of the other search engines -- I
21 mean, survey research platforms.

22 Q. In this, on page 66 you introduce
23 a question or a term, rather, in question number
24 9. Do you see that? Whether or not there's an
25 association between the sponsored link and

1 any time during your work?

2 A. I don't recall.

3 Q. Do you know if you were to click
4 on that website whether or not you could
5 purchase a ticket on Southwest Airline?

6 A. I don't know.

7 Q. Do you know if you could -- if you
8 clicked on that same website whether or not you
9 could buy an airline ticket on any other
10 airlines?

11 A. I don't know. I didn't look at
12 it.

13 Q. I'm sure -- strike that.

14 To state the obvious, when anyone
15 who was answering these surveys, they weren't
16 able to click on any of these depictions on page
17 65; right?

18 A. That's correct.

19 Q. Now, let's go to page 68,
20 Professor, which is the questionnaire for Trek.
21 Do you see that?

22 A. Page 68, yes.

23 Q. 68. My question for you, sir,
24 question 1, do you own a bicycle? And they had
25 a question, yes or no was the possible answer;