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

FPX, LLC d/b/a FIREPOND, Civil Action No.  
2:09-cv-00142-TJW-CE

Individually and/or on  
Behalf of All Others  
Similarly Situated,  
Plaintiff,

**Certified  
Transcript**

vs.

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

**REVISED**

THE RODNEY A. HAMILTON  
LIVING TRUST and JOHN BECK  
AMAZING PROFITS, LLC, Civil Action No.  
Individually and on Behalf 2:09-cv-00151-TJW-CE  
of All Others Similarly  
Situated,  
Plaintiffs,

vs.

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

- - - - -  
VIDEOTAPED DEPOSITION OF  
THOMAS J. MARONICK, DBA, JD  
WASHINGTON, D.C.  
June 22, 2010

The videotaped deposition of THOMAS J. MARONICK,  
DBA, JD was convened on Wednesday, June 22,  
2010, commencing at 9:18 a.m., at the offices of

1 Katten Muchin Rosenman LLP, 2900 K Street, NW,  
2 North Tower, Suite 200, Washington, DC 20007,  
3 before Paula G. Satkin, Registered Professional  
4 Reporter and Notary Public.  
5 Job No. 266375

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A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFFS:

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DAVID PRIDHAM, ATTORNEY AT LAW  
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(PRESENT VIA TELEPHONE)

ON BEHALF OF THE DEFENDANTS:

DAVID T. MORAN, ATTORNEY AT LAW  
CARL C. BUTZER, ATTORNEY AT LAW  
JACKSON WALKER LLP  
901 Main Street, Suite 6000  
Dallas, Texas 75202  
214.953.6051

ALSO PRESENT:

MIA MARBURY, VIDEOGRAPHER

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## 1 P R O C E E D I N G S

2

3 THE VIDEOGRAPHER: Good morning.  
4 My name is Mia Marbury of Veritext. The date  
5 today is June 22nd, 2010. The time on the video  
6 screen is 9:18:05.

7 This deposition is being held in  
8 the office of Katten Muchin Rosenman LLP,  
9 located at 2900 K Street, Northwest, North  
10 Tower, Washington, D.C. 20007.

11 The caption of this case is FPX  
12 LLC doing business as Firepond, Individually and  
13 on Behalf of All the Others Similarly Situated  
14 versus Google, Incorporated, YouTube, LLC, AOL,  
15 LLC, Turner Broadcasting System, Incorporated,  
16 MySpace, Incorporated and IAC,  
17 IAC/Interactivecorp, Civil Action Number  
18 209-cv-00142-TJW-CE.

19 Also taken in the matter of the  
20 Rodney A. Hamilton Living Trust and John Beck  
21 Amazing Profits LLC, Individually and on Behalf  
22 of All Others Similarly Situated versus Google  
23 and AOL, LLC, In the United States District  
24 Court for the Eastern District of Texas,  
25 Marshall Division. The name of the witness is

1 Thomas J. Maronick.

2 At this time will the attorneys  
3 please identify themselves and the parties they  
4 represent, after which our court reporter, Paula  
5 Satkin of Veritext, will swear in the witness  
6 and we can proceed.

7 MR. FENSTER: Marc Fenster with  
8 Russ August & Kabat on behalf of the Plaintiffs.

9 MR. MORAN: David Moran of Jackson  
10 Walker on behalf of the Defendants, along with  
11 Carl Butzer, my partner, also representing the  
12 Defendants.

13 MR. FENSTER: And David Pridham  
14 may be joining telephonically, although he's not  
15 currently on the line.

16 Whereupon--

17

18 THOMAS JOSEPH MARONICK

19 a witness, called for examination, having been  
20 first duly sworn, was examined and testified as  
21 follows:

22

23 EXAMINATION BY COUNSEL FOR DEFENDANTS

24

25 BY MR. MORAN:

1 Q. Tell us your name, sir?

2 A. Thomas Joseph Maronick, that's  
3 M-A-R-O-N-I-C-K.

4 Q. And where did do you live Mr.  
5 Maronick?

6 A. 5911 Charlesmead Road, Baltimore,  
7 Maryland.

8 Q. How long have you lived there?

9 A. 25 years.

10 Q. Are you married?

11 A. Yes.

12 Q. Do you have any children?

13 A. Yes, I have two. A 33 year old  
14 son and a 30 year old son.

15 Q. Is your wife employed outside the  
16 home?

17 A. No, she is not.

18 Q. You understand you're under oath?

19 A. Yes.

20 Q. And you've been retained in this  
21 case by the Plaintiffs as a testifying expert;  
22 is that correct?

23 A. That's correct.

24 Q. Could you briefly tell us what  
25 your expertise is with respect to this case?