

1 A. Yes, I do know that.

2 Q. Okay. Have you ever clicked on a  
3 sponsored link before?

4 A. Yes, I have.

5 Q. Okay. Say in a given week of  
6 searching how frequently would you on average  
7 click on a sponsored link?

8 A. Probably not once a week. Less  
9 than that. I'm usually focusing on a  
10 particular -- I'm focusing on a particular  
11 company or trademark. I'm simply looking for  
12 that one and go to that. I wouldn't go to the  
13 sponsored links.

14 Q. The sponsored links are usually  
15 typically either at the top of the search  
16 results or on the right side of the search  
17 results; correct?

18 A. Yes.

19 Q. So when you're talking about going  
20 directly to what you're searching for, are you  
21 referring to the so-called natural or organic  
22 results?

23 A. That's correct, yes.

24 Q. All right, sir.

25 But you have from time to time

1 Complaint did you read the Complaint?

2 A. Yes, I did.

3 Q. It makes reference in Exhibit 9 to  
4 the Plaintiffs' screen shot. Do you know who  
5 that is?

6 A. I don't recall.

7 Q. Do you know how many Plaintiffs  
8 there are in these cases?

9 A. I don't recall.

10 Q. Sure. But regardless of how many  
11 Plaintiffs there are in these cases, it is true  
12 that you did not survey with respect to any  
13 trademarks of the named Plaintiffs in the case;  
14 true?

15 A. That's correct.

16 Q. Why was that?

17 A. I just wasn't asked to do that.

18 (Maronick Exhibit Number 10 was  
19 marked for identification.)

20 BY MR. MORAN:

21 Q. Professor, I'm handing you  
22 Maronick Exhibit 10, which I will represent to  
23 you is a document produced by counsel for the  
24 Plaintiffs to us yesterday. Does that appear to  
25 be the Class Action Complaint you were forwarded

1 time I was designing the survey and looking for  
2 search results pages to put into the survey.

3 Q. Back to Exhibit 14, which is the  
4 search results page for Southwest that Mr. Meyer  
5 sent to you, you see the top sponsored link we  
6 established it says Southwest official site;  
7 right?

8 A. Yes.

9 Q. And if we were dealing with an  
10 actual website a user could click on the  
11 Southwest official site; could they not?

12 A. Yes.

13 Q. And if you click through that link  
14 it would take you to, in fact, the official  
15 Southwest site; true?

16 A. I don't know. I don't know that  
17 it would. I presume that it would, but I don't  
18 know that.

19 Q. All right. Well, if it did click  
20 through and take you to or user to the official  
21 Southwest site, a person can, in fact, buy a  
22 ticket on Southwest Airlines at that official  
23 site; true?

24 A. That's my understanding. If it's  
25 a Southwest official site, yes, you could.

1 Q. Because, in fact, you've done  
2 that; right?

3 A. Not through the sponsored link,  
4 but through the Southwest site.

5 Q. That's a good point you make. You  
6 say you've gone through the official site. That  
7 would be on Exhibit 14, the second entry; right,  
8 that says Southwest Airlines, book flights  
9 airline tickets, air fair; correct?

10 A. Yes.

11 Q. That entry that I just mentioned,  
12 Southwest Airlines, book flights, airline  
13 tickets, air fare is part of the natural organic  
14 results; is that true?

15 A. Yes.

16 Q. So when you made your reservations  
17 on Southwest you went to that website and  
18 clicked there?

19 A. That's what I would do, yes.

20 Q. And when you've gone there you've  
21 been able to purchase a Southwest Airlines  
22 ticket; is that true?

23 A. That's true.

24 Q. Wouldn't others be able to do  
25 that?

1 A. Yes.

2 Q. In this case you did not test the  
3 Southwest official site as one of the sponsored  
4 links in this case; true?

5 A. No, I did not.

6 Q. Now, if, in fact, you had tested  
7 the Southwest official site in this case, would  
8 you have expected survey respondents to believe  
9 that that sponsored link was sponsored by  
10 Southwest Airlines?

11 MR. FENSTER: Object to form.

12 THE WITNESS: Can you repeat the  
13 question?

14 BY MR. MORAN:

15 Q. Sure. If, in fact, you had tested  
16 the Southwest official site in this case as a  
17 sponsored link, would you have expected the  
18 survey respondents to believe that that  
19 particular sponsored link was sponsored by  
20 Southwest Airlines?

21 A. Yes, I would expect it to be.

22 Q. Why?

23 A. Because it says it's Southwest's  
24 official site.

25 Q. Same question with respect to

1 whether or not you would have expected the  
2 survey respondents to believe that that  
3 Southwest official site was related to Southwest  
4 Airlines?

5 MR. FENSTER: Object to form.

6 THE WITNESS: Yes.

7 BY MR. MORAN:

8 Q. Would you have expected the survey  
9 respondents to say that that sponsored link was  
10 affiliated with Southwest Airlines?

11 A. As I think about it, yes, I would  
12 expect that they would have.

13 Q. And would you also have expected  
14 survey respondents to say that that sponsored  
15 link, Southwest official site, would also be  
16 associated with Southwest Airlines?

17 A. Yes.

18 MR. FENSTER: Same objections.

19 BY MR. MORAN:

20 Q. And would you also expect the  
21 survey respondents to have said that they  
22 believe you could purchase goods or services  
23 from Southwest Airlines from that Southwest  
24 official site sponsored link?

25 A. I would expect that they would