

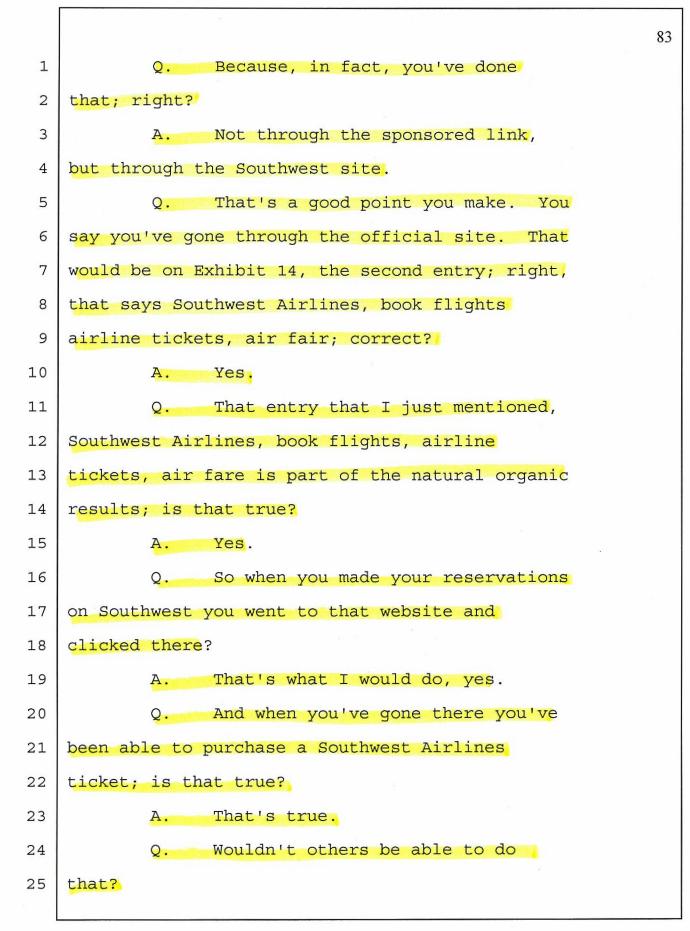
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Complaint did you read the Complaint? 1 2 Yes, I did. Α. It makes reference in Exhibit 9 to 3 0. the Plaintiffs' screen shot. Do you know who 4 that is? 5 I don't recall. 6 Α. 7 Do you know how many Plaintiffs 0. there are in these cases? 8 I don't recall. 9 A. 10 Sure. But regardless of how many 0. Plaintiffs there are in these cases, it is true 11 that you did not survey with respect to any 12 trademarks of the named Plaintiffs in the case; 13 14 true? 15 A. That's correct. 16 Q. Why was that? I just wasn't asked to do that. 17 Α. (Maronick Exhibit Number 10 was 18 marked for identification.) 19 20 BY MR. MORAN: Professor, I'm handing you 21 0. Maronick Exhibit 10, which I will represent to 22 you is a document produced by counsel for the 23 Plaintiffs to us yesterday. Does that appear to 24 be the Class Action Complaint you were forwarded 25

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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.

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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	

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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

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