1 criteria, do you own a bicycle, so only people 2 who owned a bicycle.

Secondly, how often do you ride your bicycle, excluding people who said never.

The third one, do you use search engines, which of the following search engines do you use.

- O. So on and so forth?
- Α. The screening criteria, have you 8 ever used Internet searching to find information 9 about a bicycle -- about bicycles you might 10 consider buying, which is question five. So I 11 didn't make any assumptions about what they do. 12 I really went the other way, tried to screen 13 people who would, in fact, use search engines 14 15 and would use search engines to find information about bicycles. 16
 - Q. You mentioned the first question on Trek, do you own a bicycle. On page 79 we had yeses for 200 people; right?
 - A. Yes.
- Q. So everyone who answered the survey for Trek was a current owner of a bicycle; right?
 - A. That's correct.
 - Q. Why did you specify that?

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- seemed to me it makes more sense people who
 already own a bicycle would be interested in
 something like a Trek bicycle. Clearly if the
 people don't have a bicycle I would not expect
 their opinions or approaches to be different
 than the person who does have a bicycle. It
 just made more sense to focus on that subgroup.
 - Q. Would you agree that perspective buyers may well likely include folks who don't own a bicycle?
 - A. Clearly the people who don't own a bicycle are -- could be in the market, as well.
 - Q. And as to which group of persons are more likely to be in the market for a bike, do you have any information as to whether or not it turns on ownership of the bike, one way or another?
 - A. No, I do not.
 - Q. We'll talk about those in greater detail later.
 - Let me ask you some additional questions, Professor, about surveys in general.
- Do you believe it's important in surveys for them to replicate as clearly as possible actual market conditions?

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- a Google search for Southwest Airlines, what
 they saw is exactly what they would have seen if
 they had done tonight their own home.
 - Q. So you're referring to the stimuli, that is the search results page is what you believe to replicate the market conditions; right?
 - A. Yes.

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- Q. Same thing with respect to Trek, the stimuli was the search results page that was shown to each respondent in the questionnaire; correct?
 - A. Yes.
- Q. Now, those were static views of each respective website; true?
- 16 A. Yes.
- Q. So in that sense -- of course, if
 I was on-line looking at Southwest Airlines it
 would not be static. Of course, I could scroll
 up and down and I could click through or not
 click through; true?
 - A. That's correct. It would only show the first page of what it may have been multiple pages, but those were the pages where the sponsored links were.

And, secondly, it was high across
the three hypothetical sponsored links for an
iPAD.

And then it was consistently high across the two actual links.

- Q. Do your results suggest that all sponsored links, regardless of the search name or the sponsored links, cause initial interest confusion?
- MR. FENSTER: Object to form.
- 11 THE WITNESS: No.
- 12 BY MR. MORAN:

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- Q. How do we determine which
 sponsored links cause initial interest confusion
 and those that don't?
 - A. Well, the -- those sponsored links where the consumer can't buy the product or service of the searched for -- the searched for product or service would be the ones where there would be initial interest confusion.
- Q. All right, sir.
- A. And also where they see that there
 is an association, affiliation, relationship
 between the sponsored link and the searched for
 link, when it isn't there.

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Q. Okay. And how can we go about
 1
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    identifying all of those sponsored links that in
   your view are initially interest confusing and
 3
 4
   those for which no consumer would be confused?
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                 MR. FENSTER: Object to form.
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                 THE WITNESS: I really haven't
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   thought about how to go about it. That seems to
 8
   me that's Google's task, I mean, to identify
 9
   that or figure out how to do that. I really
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   didn't look at that, wasn't asked to consider
11
   that.
   BY MR. MORAN:
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           Q. Okay. So you haven't been asked
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   to undertake how to answer that question of
14
   identifying those sponsored links that may cause
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   initial interest confusion from those that cause
   no confusion; true?
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                 That's correct, I have not.
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                 And so your report says nothing
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   about the answer to that question; true?
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                 About how to go about identifying
21
22
   them?
                 Right.
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           Q.
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                 No, it does not.
           A.
                 And, in fact, you have not gone
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