

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**ALOFT MEDIA, LLC,**

**Plaintiff,**

**v.**

**YAHOO!, INC., et al.,**

**Defendants.**

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**Civil Action No. 6:08-cv-509**

**JURY TRIAL DEMANDED**

**EXHIBIT 5**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

CREATIVE INTERNET ADVERTISING :  
CORPORATION, :  
Plaintiff, :  
 : C.A. NO.  
 : 6:07-cv-00354-JDL  
VS. :  
 : TYLER, TEXAS  
 : MAY 13, 2009  
YAHOO, INC. :  
Defendant. :

TRANSCRIPT OF TRIAL  
BEFORE THE HONORABLE JOHN D. LOVE  
UNITED STATES MAGISTRATE, AND A JURY

APPEARANCES:

FOR THE PLAINTIFF:

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FOR THE DEFENDANT:

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TRANSCRIPT PRODUCED BY COMPUTER-AIDED TRANSCRIPTION.

1 charging our users for the ability to find information  
2 that they want. So it's primarily advertising-based.

3 Q And today, how many folks draw a paycheck from  
4 Yahoo?

5 A Today, unfortunately, we've had to go through  
6 several rounds of layoffs. We're being hit hard in this  
7 downturn, as are other companies. And I think at this  
8 point, we're down to about 12,000.

9 Q Are most of those folks on the west coast?

10 A You know, we have our primary operations in  
11 northern California, is where our headquarters are. We  
12 have other operations around the county and also around  
13 the world, including here in Texas.

14 Q And you do have a facility -- I think I  
15 mentioned to the jury the other day, you have a facility  
16 in Richardson, north of Dallas?

17 A That's correct.

18 Q How many folks do you employ up there, if you  
19 remember?

20 MR. GROCHOCINSKI: I'm just going to  
21 object on relevance, Your Honor. We've gone on for a  
22 while now --

23 THE COURT: Was the relevance?

24 MR. CARROLL: This is -- she is our  
25 corporate representative. We've been sued.

1 THE COURT: All right. The objection is  
2 overruled. Let's kind of wrap up and move to the  
3 substance of the case.

4 Q (By Mr. Carroll) How many folks do you employ?

5 A We have just over a hundred in our Richardson  
6 facility.

7 Q Okay. Now, Ms. McFall, the purpose, I guess,  
8 of the deposition the other day was to talk about a  
9 series of letters that you got and you sent between a  
10 lawyer named Eric -- is it Haugen or Hagan  
11 (pronouncing)?

12 A I pronouce it Haugen.

13 Q Haugen?

14 A Yes.

15 Q -- and you related to this lawsuit, right?

16 A Well, actually the letters related to one of  
17 the patents that's in this lawsuit.

18 Q Okay. Well, actually it related to both, did  
19 they not?

20 A I'm sorry. The letters related to two  
21 separate patents.

22 Q Yeah.

23 A One of which is in this lawsuit.

24 Q Let me have my pad over there.

25 MR. CARROLL: Your Honor, may I bring up