

~~CONFIDENTIAL~~  
ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

FILED  
U.S. DISTRICT COURT  
NORTHERN DIST. OF TX.  
FT. WORTH DIVISION

2009 NOV 25 PM 1:49

CLERK OF COURT

AMERICAN AIRLINES, INC.,

Plaintiff,

-v.-

Case No. 4:08-CV-626-A

YAHOO! INC. and OVERTURE SERVICES,  
INC. d/b/a YAHOO! SEARCH  
MARKETING,

Defendants.

**DEFENDANTS' WITNESS LIST FOR  
NOVEMBER 30, 2009 HEARING**

In accordance with the Court's November 19, 2009 Order, Defendants Yahoo! Inc. and Overture Services, Inc. d/b/a Yahoo! Search Marketing (collectively, "Yahoo!") provide this Witness List for the November 30, 2009 hearing in this case. In addition, members of Yahoo!'s outside counsel team most involved in document production issues will also be present.

<u>Witness</u>	<u>Subject Matter of Testimony</u>	<u>Sworn</u>	<u>Testified</u>
Carmen Arenal	Yahoo!'s overall document collection efforts in this case, including the persons involved, the number of hours devoted to collection, and the expenses of collection. The number of custodians from whom Yahoo! sought documents, their subject areas, and the addition of custodians to the collection list as the case proceeded. Yahoo!'s efforts to collect documents for 18 employees listed in American's motion for sanctions. Yahoo!'s efforts to collect data and documents underlying various Yahoo! studies listed in American's motion for sanctions. Yahoo!'s efforts to collect documents related to consumer complaints related to the particular "Frequently Asked Questions" cited in American's motion for sanctions. Ms. Arenal provided an October 12, 2009		

<u>Witness</u>	<u>Subject Matter of Testimony</u>	<u>Sworn</u>	<u>Testified</u>
	Declaration (Exhibit D14) in opposition to American's motion for sanctions. Ms. Arenal was twice deposed in this litigation.		
Catherine Cameron	Yahoo!'s production of (1) data regarding clicked Sponsor Results from December 2002 to October 2009 triggered by American Airlines trademarks and purportedly related terms; (2) data from the "Offers" table of Yahoo!'s Sage database regarding clicked and non-clicked impressions; and (3) data from the Advertiser Traffic Daily table of the Sage database showing the numbers of clicked and non-clicked impressions. The data fields within the data files provided by Yahoo!. The time and effort expended by Yahoo! on the collection of data for this case and the Yahoo! personnel involved in the collection. The fact that Yahoo!'s systems do not capture and are not designed to capture images of search results pages. Ms. Cameron provided an October 12, 2009 Declaration (Exhibit D15) and a November 2, 2009 declaration (Exhibit D35) in opposition to American's motion for sanctions. Ms. Cameron was twice deposed in this litigation.		
Huiming Li	Yahoo!'s efforts to query the relevant databases and gather responsive data for production in this case. The data fields within the various data files provided by Yahoo!. Mr. Li was deposed in this litigation.		
Nam Nguyen	The fact that Yahoo!'s systems do not capture and are not designed to capture images of or computer code underlying the Yahoo! search results pages. Mr. Nguyen was deposed in this litigation.		
Cheryl Dartt	Yahoo!'s use of "bucket testing" to test modifications to its search results page. Ms. Dartt was deposed in this litigation.		
Shawn Sieck	Efforts undertaken by Yahoo!'s outside document vendor, Teris, to assist in the collection, review, and production of data and documents in this litigation.		

<u>Witness</u>	<u>Subject Matter of Testimony</u>	<u>Sworn</u>	<u>Testified</u>
Daniel Slottje	Analysis of data files from Yahoo! regarding clicked Sponsor Results from December 2002 to October 2009 and data from the "Offers" table of Yahoo!'s Sage database (regarding clicked and non-clicked impressions), including comparisons of text of advertisements. The existence of a field in data produced by Yahoo! that shows keyword entered by an internet user. Dr. Slottje provided an October 12, 2009 Declaration (Exhibit D33) and a November 2, 2009 declaration (Exhibit D34) in opposition to American's motion for sanctions.		
John Zent	Efforts undertaken by Yahoo! to locate and image the hard drives of various current and former Yahoo! employees.		

Respectfully submitted,



---

David F. Chappell  
Texas State Bar No. 04141000  
Scott A. Fredricks  
Texas State Bar No. 24012657  
CANTEY HANGER LLP  
Cantey Hanger Plaza  
600 West Sixth Street, Suite 300  
Fort Worth, Texas 76102  
Telephone: (817) 877-2800  
Fax: (817) 877-2807

Michael A. Jacobs (*pro hac vice*)  
D. Anthony Rodriguez (*pro hac vice*)  
Alison M. Tucher (*pro hac vice*)  
Brooks M. Beard (*pro hac vice*)  
Lynn M. Humphreys (*pro hac vice*)  
Daniel P. Muino (*pro hac vice*)  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, CA 94105-2482  
Telephone: (415) 268-7000  
Fax: (415) 268-7522

Attorneys for Defendants  
YAHOO! INC. and OVERTURE  
SERVICES, INC. d/b/a YAHOO!  
SEARCH MARKETING

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was served on Plaintiff's counsel on the 25th day of November 2009 as follows:

Dee J. Kelly  
Dee J. Kelly, Jr.  
Lars L. Berg  
KELLY HART & HALLMAN, LLP  
201 Main Street, Suite 2500  
Fort Worth, TX 76102

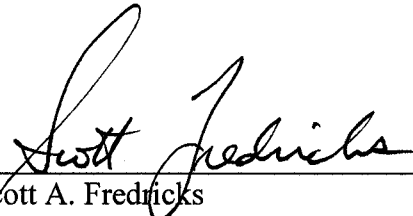
*Via Hand Delivery*

Frederick Brown  
George A. Nicoud III  
Jason Stavers  
GIBSON, DUNN & CRUTCHER LLP  
555 Mission Street, Suite 3000  
San Francisco, CA 94105

*Via Federal Express*

Howard S. Hogan  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036

*Via Federal Express*

  
\_\_\_\_\_  
Scott A. Fredricks