

# EXHIBIT A

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

**In the matter of  
*Rosetta Stone, Ltd. v. Google Inc.*  
Civil Action No. 1:09cv736(GBL/TCB)**

**EXPERT REPORT OF EDWARD A. BLAIR, Ph.D.**

## SUMMARY OF ASSIGNMENT AND OPINIONS

I was retained by Quinn, Emanuel, Urquhart, Oliver & Hedges, LLP, attorneys for Google Inc. to evaluate the survey and report provided in this matter by Dr. Kent Van Liere and provide my opinion as to the likelihood of confusion in this matter.

In my opinion, Dr. Van Liere's survey does not show a likelihood of confusion regarding the source of goods. It simply shows that respondents tend to believe that Rosetta Stone endorses those who sell its products or offer related promotions such as coupons or rebates.

Furthermore, the survey shows that confusion is not inherent in paid (or sponsored) search results. Rather, to the extent it exists, it is dependent upon the content and appearance of specific ad listings.

There also are other issues with the survey that affect its probative value. These include: a) the test stimulus is not an actual market offering; b) respondents spent more time on the search page than they would under normal market conditions; and c) the actual respondent population does not match the relevant population.

## EXPERT'S QUALIFICATIONS AND COMPENSATION

My name is Edward A. Blair. I am the Michael J. Cemo Professor of Marketing & Entrepreneurship and Chairman of the Department of Marketing and Entrepreneurship in the C.T. Bauer College of Business at the University of Houston in Houston, Texas. I also chair the American Statistical Association Committee on Energy Statistics, which advises the U.S. Energy Information Administration on statistical matters. I previously served on the U.S. Census Bureau Advisory Committee and have served as a panelist for the National Science Foundation and as national conference chair for the American Marketing Association (AMA). I am the author of various publications on marketing and survey research procedures and have served on the editorial boards of the *Journal of Marketing Research*, *Journal of the Academy of Marketing Science*, and *Journal of Business Research*. I have taught graduate-level university courses on Marketing, Marketing Research, Survey Research Methods, Sampling, Statistics, and Multivariate Analysis. I also taught Sampling and Survey Research Methods at the AMA's School of Marketing Research from its inception in 1980 through 1999. I have testified in lawsuits and have been accepted as an expert regarding both economic damages and survey research in state and federal courts. A professional resume showing further information including a list of publications is shown as Appendix A to this report, and a list of lawsuits in which I have testified in the past four years is shown as Appendix B. My hourly consulting rate is \$400 per hour. My compensation is not contingent upon the outcome of this case.

## MATERIALS REVIEWED

Materials that I have reviewed in connection with this case include the following:

- Complaint
- Answer to Complaint and Affirmative Defenses
- Expert Report of Kent Van Liere
- Appendices to Van Liere report including questionnaire, interviewing instructions, test stimulus, control stimulus, and data
- Excel file of Van Liere survey data
- Internet search results

## STATEMENT OF EXPERT OPINIONS

### Background

The survey reported by Dr. Van Liere was done as follows.<sup>1</sup> Respondents were recruited in shopping malls. Along with factors such as meeting age and gender quotas, respondents qualified for the survey if they answered affirmatively when asked if they a) were interested in learning a language, b) thought they would search for information about learning a language on the Internet in the next 12 months, c) had heard of Rosetta Stone among other companies that have foreign language products, and d) had used the Google search engine in the past 12 months and thought they would use it in the next 12 months. Respondents were paid \$5 to participate.

Once qualified, respondents were asked to enter the words “Rosetta Stone” into a mockup of the Google search engine and click on the “search” button. This “search” returned either a “test” page or a “control” page. The test page contained both paid and unpaid search result listings. The control page contained only the unpaid listings.

The paid listings, with excerpts of the text of each listing, were for:

- Amazon.com/RosettaStone (“Rosetta language sale... ships free... no tax”)
- CouponCactus.com/RosettaStone (“12% Rosetta Stone rebate... free 2 day shipping + 12% cash back”)
- googlepages.com (“Rosetta Spanish only \$99”)
- about.com/RosettaStone (“How about Rosetta Stone... don’t buy Rosetta Stone before read this review”)
- BandNCoupons.com/rosetta (“Rosetta Stone v3 35% off... learn a foreign language easily”)
- Language-Software-Deals.net (“Rosetta Stone software... 100% six-month money back guarantee... free 2 day shipping... free headset”)

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<sup>1</sup> See Van Liere report and exhibits

An additional paid listing, for “the official Rosetta Stone sponsored link,” was removed from the test stimulus.

The unpaid listings, with excerpts of the text of each listing, were for:

- [www.rosettastone.com](http://www.rosettastone.com) (company website)
- [en.wikipedia.org/wiki/Rosetta\\_Stone](http://en.wikipedia.org/wiki/Rosetta_Stone) (“Rosetta Stone – Wikipedia, the free encyclopedia... the Rosetta Stone, 3<sup>rd</sup> of a 3-stone series, is a multilingual stele that allowed linguists to begin the process of hieroglyph decipherment”)
- [en.wikipedia.org/wiki/Rosetta\\_Stone\\_\(software\)](http://en.wikipedia.org/wiki/Rosetta_Stone_(software)) (“Rosetta Stone (software) – Wikipedia, the free encyclopedia... Rosetta Stone is language-learning software produced by Rosetta Stone, Ltd.”)
- [www.ancientegypt.co.uk/writing/rosetta](http://www.ancientegypt.co.uk/writing/rosetta) (“Story... the Rosetta Stone is a stone with writing on it in two languages”)
- [www.rosetta.com/RosettaStone](http://www.rosetta.com/RosettaStone) (“The Rosetta Stone... the key that unlocked the myteries of Egyptian hieroglyphics with an image of artifact”)
- [bhami.com/rosetta](http://bhami.com/rosetta) (“Rosetta Stone for Unix... a sysadmin’s unixersal translator... contributions and corrections gratefully accepted”)
- [www.crystalinks.com](http://www.crystalinks.com) (“Rosetta Stone – Crystalinks... The Rosetta Stone is 3 feet 9 inches long”)
- [www.mnsu.edu/emuseum/prehistory/egypt/hieroglyphics/rosettastone](http://www.mnsu.edu/emuseum/prehistory/egypt/hieroglyphics/rosettastone) (“Ancient Egyptian culture... this stone was called the Rosetta Stone”)
- [www.clevelandart.org/archive/pharaoh/glyphs](http://www.clevelandart.org/archive/pharaoh/glyphs) (“Pharaohs exhibition... the finding of the Rosetta Stone”)
- [www.mrdowling.com/604-rosettastone](http://www.mrdowling.com/604-rosettastone) (“Mr. Dowling’s Rosetta Stone page... in 1799, French soldiers unearthed a giant stone”)
- Book results for Rosetta Stone (“The Rosetta Stone by E. A. Wallis Budge; The Rosetta Stone by British Museum”)

Respondents were told “Now, please look at this page as you would normally look at a search results page, but please do not click on any of the results at this time.” After respondents indicated that they were done looking at the page as they normally would, they were allowed to continue looking at the page while being asked the following questions: “Which link or links, if any, do you think sells Rosetta Stone language software products? Of the links you just mentioned, which link or links, if any, are a Rosetta Stone company website? Of the links you mentioned, which link or links, if any, are endorsed by the Rosetta Stone company?”

In the test condition, respondents were counted as confused if they answered that any of the paid listings were either Rosetta Stone company websites or endorsed by the Rosetta Stone company.

In the control condition, respondents were counted as confused if they answered that any of the unpaid listings other than the company website were Rosetta Stone company websites, or if they said that the Rosetta Stone company endorsed any of these

listings other than the company website and the Wikipedia software listing (which, according to Dr. Van Liere's report, is endorsed by the company).

Based on this procedure, Dr. Van Liere reports that 47% of respondents in the test condition and 30% of respondents in the control condition were counted as confused. He takes the difference, 17%, as a measure of net confusion.<sup>2</sup>

## Comments

In my opinion, Dr. Van Liere's survey does not show a likelihood of confusion regarding the source of goods. It simply shows that respondents tend to believe that Rosetta Stone endorses those who sell its products or offer related promotions such as coupons or rebates.

Furthermore, the survey shows that confusion is not inherent in paid (or sponsored) search results. Rather, to the extent it exists, it is dependent upon the content and appearance of specific ad listings.

In the following paragraphs, I will note the bases for these opinions, along with other issues with the survey that affect its probative value. These include: a) the test stimulus is not an actual market offering; b) respondents spent more time on the search page than they would under normal market conditions; and c) the actual respondent population does not match the relevant population

In referring to the survey, when I use the term "confusion," I will be using the term as operationalized by Dr. Van Liere unless otherwise indicated. That is, "confusion" will refer to respondents saying that links on a search page are either a Rosetta Stone company website or endorsed by the Rosetta Stone company. It will not refer to confusion regarding the source of goods that might be sold.

*A. All of the difference in confusion between test and control conditions is attributable to the "endorsement" measure.*

Dr. Van Liere uses two measures of confusion: whether respondents say that any of the target links are Rosetta Stone company websites (the "company website" measure), and whether respondents say that any of the target links are endorsed by the Rosetta Stone company (the "endorsement" measure).<sup>3</sup> All of the net confusion reported by Dr. Van Liere relates to the "endorsement" measure. Dr. Liere's survey shows no evidence of confusion on the "company website" measure.

Specifically, for the "company website" measure, 17% of respondents in the test condition said that one or more of the paid listings is a Rosetta Stone company website. In the control condition, 19% of respondents said that one or more of the unpaid listings other than the company website is a Rosetta Stone company website. There is no

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<sup>2</sup> Ibid

<sup>3</sup> Ibid

evidence of higher confusion in the test condition with respect to this “company website” measure.

For the “endorsement” measure, 32% of respondents in the test condition said that one or more of the paid listings is endorsed by the Rosetta Stone company. In the control condition, 13% of respondents said that one or more of the unpaid listings other than the company website and the Wikipedia software listing is endorsed by the Rosetta Stone company.

The following table shows these results along with the total confusion rates reported by Dr. Van Liere, where respondents were counted as confused if they said that one of more of the target listings were either Rosetta Stone company websites or endorsed by the Rosetta Stone company. (Because of overlap in those two measures, the “either” measure is less than their sum.) As may be seen, all of the difference in total confusion is attributable to the endorsement measure.

<i>Condition</i>	<i>Company website measure</i>	<i>Endorsement measure</i>	<i>Either</i>
Test condition	17%	32%	47%
Control condition	19%	13%	30%
Net difference	-2%	19%	17%

*B. The comparison between test and control conditions confounds paid vs. unpaid listings with channel members vs. non-channel members.*

Rosetta Stone’s complaint is with paid (or sponsored) search results, not unpaid (or organic) search results, regardless of content. So, for example, a paid listing for Amazon.com selling Rosetta Stone products would fall under the complaint, but an unpaid listing for Amazon.com selling Rosetta Stone products would not.

However, the test and control listings used in this survey do not simply differ in being paid vs. unpaid; for example, they do not simply differ in having a paid vs. unpaid listing for Amazon.com selling Rosetta Stone products. They also differ in the nature of the sites listed. Most of the test listings are for sites that appear to sell Rosetta Stone products or offer related promotions (I will refer to such sites as “channel members”). In contrast, most of the control listings are for sites that relate to the historical Rosetta Stone artifact, and none of these listings except the company website appear to sell Rosetta Stone products or offer related promotions (I will refer to such sites as “non-channel members”). Consequently, the comparison between test and control confounds two different variables: whether the listing is paid (which is at issue in this lawsuit) and whether the listing is for a channel member (which is not at issue).

This point is particularly important because respondents were only asked the confusion questions (whether a link is for a Rosetta Stone company website and whether

the link is endorsed by Rosetta Stone) if they first said that the link sells Rosetta Stone language software products. As a result, lower confusion in the control condition was foreordained, because respondents were only allowed to indicate confusion for links that they said sell Rosetta Stone products, and none of the links that were counted in the control condition appear to sell these products.

When this point is combined with the point noted above (that differences in confusion are entirely attributable to the endorsement measure), the implication is that this survey simply shows that respondents tend to believe that Rosetta Stone endorses those who sell its software or offer related promotions such as coupons or rebates.

*C. The comparison between test and control conditions is apples to oranges.*

Another way of viewing the difference between links in the test and control conditions is as follows. To give evidence of confusion, respondents were asked whether any of the target links in these conditions are Rosetta Stone company websites and/or endorsed by the Rosetta Stone company. Respondents in the test condition were shown a stimulus in which all six target links appear to refer to Rosetta Stone products. Respondents in the control condition were shown a stimulus in which eight of the target links refer to the historical Rosetta Stone artifact and only one (other than the Rosetta Stone company website) appears to refer to Rosetta Stone products. The result is an apples to oranges comparison. It is hardly surprising that more respondents in the test condition connected the target links to the Rosetta Stone company.

*D. Results of the survey indicate that confusion is not inherent in paid search results, but depends on specific ad listings.*

In the analyses above, I have used the same counting methods as Dr. Van Liere, counting respondents as confused if they said that any of the paid listings were Rosetta Stone company websites or endorsed by the Rosetta Stone company. However, there are notable differences among the individual listings, as seen in the following table:<sup>4</sup>

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<sup>4</sup> Ibid



<i>Listing (in test condition)</i>	<i>Company website measure</i>	<i>Endorsement measure</i>	<i>Either</i>
Amazon.com	15%	21%	36%
CouponCactus.com	5%	16%	21%
Googlepages.com	2%	5%	7%
about.com	0%	1%	1%
BandNCoupons.com	1%	4%	5%
Language-Software-Deals.net	2%	6%	7%
Any of the above	17%	32%	47%

These are gross numbers, without any deduction from the control condition to adjust for background noise. Even without a control, two points are apparent. First, there is substantial variation among the individual listings. Second, the lowest four listings are below levels that normally would be taken to indicate meaningful confusion. At the low end, no respondents said that the about.com listing was a Rosetta Stone company website and only 1% said that it was endorsed by the Rosetta Stone company.

The variation among listings, with a low near zero, shows that to the extent any confusion exists, it is not inherent in paid (or sponsored) search results, but rather is dependent upon the content and appearance of specific ad listings. In other words, it is a specific advertisement that is capable of causing confusion, not advertising *per se*.

*E. The reasons given by respondents for imputing endorsement are consistent with the idea that they simply think that Rosetta Stone endorses channel members.*

The reasons given by respondents for imputing that Rosetta Stone endorses the Amazon.com and CouponCactus.com listings (the only two listings to rise above 7% confusion) are consistent with the idea that Rosetta Stone endorses channel members. Among respondents who said that either of these links is endorsed, when asked why they think the link is endorsed, the majority gave some version of the following reasons: the site sells Rosetta Stone products, offers discounts/coupons/rebates on Rosetta Stone products, and/or is a reputable merchant that sells many products.

Specifically, for Amazon.com, among 40 respondents who imputed endorsement, 30 gave one of these reasons.<sup>5</sup> For CouponCactus.com, among 30 respondents who imputed endorsement, 17 gave one of these reasons.<sup>6</sup> These results reinforce the idea that respondents tend to believe that Rosetta Stone endorse those who sell its products or offer related promotions.

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<sup>5</sup> Ibid

<sup>6</sup> Ibid

*F. The net confusion rate reported by Dr. Van Liere is increased by not counting respondents who said that the Wikipedia software listing is endorsed.*

In the control condition, respondents who said that the Wikipedia software listing is a Rosetta Stone company website were counted by Dr. Van Liere as confused, but respondents who said that this listing is endorsed by the Rosetta Stone company were not counted as confused. Presumably Dr. Van Liere did not count these latter respondents as confused because, according to his report, the Wikipedia software listing is endorsed by the Rosetta Stone company, and therefore these respondents made a correct judgment.<sup>7</sup> In fact, though, there is evidence that these respondents were confused and should have been counted as such. Not counting them as confused has a material effect on the net confusion rate.

Before being asked the endorsement question, these respondents had already identified the Wikipedia software link as one that sells Rosetta Stone language software products, which is incorrect.<sup>8</sup> Furthermore, when asked why they think the link is endorsed, none of these respondents indicated knowledge of an endorsement arrangement.<sup>9</sup>

It is not clear to me why these respondents, who incorrectly indicate that the Wikipedia software link sells Rosetta Stone products, are not counted as being confused, while respondents who correctly indicate that Amazon.com sells Rosetta Stone products, and who presume on that basis that Amazon is endorsed by Rosetta Stone, are counted as confused.

If these respondents who said that the Wikipedia software link sells Rosetta Stone products and is endorsed by the Rosetta Stone company are counted as confused, the confusion rate in the control condition rises from 30% to 36% and the net confusion (test minus control) drops from 17% to 11%. It would still be the case that this net confusion rate is entirely attributable to the endorsement measure and to the difference between channel members and non-channel members.

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<sup>7</sup> See Van Liere report.

<sup>8</sup> See [http://en.wikipedia.org/wiki/Rosetta\\_Stone\\_\(software\)](http://en.wikipedia.org/wiki/Rosetta_Stone_(software))

<sup>9</sup> Their answers (as shown in the data) were: "because it is with wikipedia and is an opinion type of website" (Respondents #5); "because it has there name and software word" (#13); "the simple fact that it says software in the title, meaning that it's their company's software" (#111); "im not sure" (#112); "it states very clearly that it is a learning tool" (#127); "because the description explains rosetta stone and language learning software and it made me believe that it was sponsored" (#156); "it's just the free one im not sure" (#164); "this link just seemed like it had something to do with the rosetta stone product. if you read the description it explains what rosetta stone" (#167); "because im very compter illeriterate so that would be the second guess i would choose" (#246); "because the description explains what rosetta stone is" (#247); "because it has the name in it, and it talks about the software" (#310); "Because it has the name rosetta stone in it as well, I dont think they can use the name without it actually taking you to a rosetta stone endorsed product" (#322); "the reason I feel that way is because it has the name encyclopedia in it and I feel it is a trusted source of information" (#367); "It says that it has Roessta Stone software, I think theres a link that would take me somewhere to buy or the link might actually sell it" (#421); "it gives the deffintion on what the product is and how long it has been around something that people want to know is credible" (#443); "it says rosetta stone soft ware on it, and it says it's a language learn soft ware" (#500).

*G. Removing a paid listing for “the official Rosetta Stone sponsored link” from the test stimulus was inappropriate.*

According to Dr. Van Liere’s report, a paid listing for “the official Rosetta Stone sponsored link” was removed from the test stimulus.<sup>10</sup> I do not believe this removal was appropriate. The test stimulus is represented by Dr. Van Liere as “a copy of an actual search results page”<sup>11</sup> – i.e. an actual market offering – but in fact it has been altered. Therefore, it is not an actual market offering.

The removal of the Rosetta Stone paid listing from the test stimulus may be material to the results. Had this listing been left on the test stimulus, it likely would have been the first listing shown, and it would have provided a point of reference or context for the other paid listings. In my opinion, it is likely that this would have influenced results for those listings.

*H. The “trademarked keywords” that were used to generate the stimuli used in the survey refer to more than a trademark.*

Dr. Van Liere states that “the screenshot for the test condition is a copy of an actual screenshot obtained from a search done on the trademarked keywords ‘Rosetta Stone.’”<sup>12</sup> I assume that this stimulus was the result of a search on the words “Rosetta Stone” (except, as noted above, the screenshot has been altered by removing the Rosetta Stone paid listing). However, the words “Rosetta Stone” refer to more than a trademark for the plaintiff. While Rosetta Stone may serve as a trademark for the plaintiff, and people who search for “Rosetta Stone” may be searching for products of the Rosetta Stone company, Rosetta Stone also refers to a historical artifact, and people who search for “Rosetta Stone” may be seeking information about the historical object.

In fact, most of the unpaid (organic) listings on the search result used in this survey are for sites that relate to the Rosetta Stone artifact, not Rosetta Stone products. Assuming that Google’s search engine aims to return the results that are most relevant to the searcher, the unpaid search results on this page suggest that the Google search engine had determined that many Internet searchers who typed in the words “Rosetta Stone” were seeking information about the historical artifact, not the trademarked products. At a minimum, there is some ambiguity in the relationship between the search page and the trademark.

In an effort to reduce this ambiguity and focus on the trademarked products, I entered “Rosetta Stone software” into the Google search engine. The resulting search page is shown in Appendix C to this report. The unpaid listings on this page are very different from those on the page used by Dr. Van Liere in his survey. While most of the unpaid listings on the page used by Dr. Van Liere refer to the historical Rosetta Stone,

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<sup>10</sup> Van Liere report, footnote 12

<sup>11</sup> Van Liere report, p. 9

<sup>12</sup> Van Liere report, p. 9

most of the unpaid listings on this page refer to Rosetta Stone products, including an unpaid listing for Amazon.com.

The difference is material to the results of the survey. Had Dr. Van Liere used this search result, the control stimulus would have contained more references to Rosetta Stone products and more links that appear to sell Rosetta Stone products. As a result, there likely would have been more instances in the control condition where respondents identified unpaid links as selling Rosetta Stone language software products. This would have increased the number of instances in which respondents were given an opportunity to indicate confusion, hence likely would have increased the measured confusion in the control condition. This in turn would have reduced the net confusion (test minus control) observed in the survey.

*I. Respondents spent more time on the search page than they would under normal market conditions.*

In this survey, respondents viewing the target stimulus (the test or control search page) and were told “Now, please look at this page as you would normally look at a search results page, but please do not click on any of the results at this time.”<sup>13</sup> After respondents indicated that they were done looking at the page as they normally would, they were allowed to continue looking at the page while being asked which links (if any) sell Rosetta Stone products, which of those links (if any) are Rosetta Stone company websites, and which links (if any) are endorsed by the Rosetta Stone company.<sup>14</sup> Therefore, respondents spent more time on the page than they would normally look at a search results page. This difference could affect the results of the survey, and therefore affects the probative value of the survey.

*J. The actual respondent population does not match the relevant population.*

In principle, Dr. Van Liere defined the relevant population for this survey as “the group of United States consumers who would potentially use Google’s search services to gather information about the purchase of products and services from Rosetta Stone or to purchase products and services from Rosetta Stone.”<sup>15</sup> Specifically, the presumption of the survey is that members of the population will enter the term “Rosetta Stone” into the Google search engine with the intention of purchasing or gathering information about the purchase of Rosetta Stone software.

The following points about this population defined by Dr. Van Liere may be noted. First, members of this population are not simply interested in learning a language, or learning about language instruction in general, or learning where they can take language classes, etc. Rather, they are specifically interested in purchasing Rosetta Stone products and services. Furthermore, to enter the term “Rosetta Stone” into a search engine, they must be able to generate this term on their own.

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<sup>13</sup> Van Liere questionnaire, Exhibit C to Van Liere report

<sup>14</sup> Van Liere questionnaire and interviewer instructions, Exhibit C to Van Liere report

<sup>15</sup> Van Liere report, p. 4

In practice, respondents qualified for the survey if they answered affirmatively when asked if they a) were interested in learning a language, b) thought they would search for information about learning a language on the Internet in the next 12 months, c) had heard of Rosetta Stone among other companies that have foreign language products, and d) had used the Google search engine in the past 12 months and thought they would use it in the next 12 months.<sup>16</sup>

Some differences may be noted in comparing the actual respondent population with the relevant population defined by Dr. Van Liere. Respondents did not name Rosetta Stone on their own; they simply answered yes when asked if they had heard of it. Respondents did not express any intent to purchase Rosetta Stone software, or to gather information about purchasing Rosetta Stone; they simply indicated that they were interested in learning a language and thought they would search for information about learning a language on the Internet. On this basis, one cannot say that these respondents are likely to enter the term "Rosetta Stone" into the Google search engine with the intention of purchasing or gathering information about the purchase of Rosetta Stone software. Accordingly, the actual respondent population does not appear to match the relevant population. This difference could affect the results of the survey, and therefore affects the probative value of the survey.

## Conclusions

In my opinion, Dr. Van Liere's survey does not show a likelihood of confusion regarding the source of goods. It simply shows that respondents tend to believe that Rosetta Stone endorses those who sell its products or offer related promotions such as coupons or rebates.

Furthermore, the survey shows that confusion is not inherent in paid (or sponsored) search results. Rather, to the extent it exists, it is dependent upon the content and appearance of specific ad listings.

There also are other issues with the survey that affect its probative value. These include: a) the test stimulus is not an actual market offering; b) respondents spent more time on the search page than they would under normal market conditions; and c) the actual respondent population does not match the relevant population.

I reserve the right to supplement these opinions based on further review of information.

(SIGNED) E. A. Blain

(DATE) 1/20/10

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<sup>16</sup> See Van Liere report and exhibits

**APPENDIX 1**

**BLAIR C.V.**

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**Education**

B.S. (Magna Cum Laude), University of Illinois, 1973  
Major Field: Business Administration  
Minor Field: English Literature

Ph.D., University of Illinois, 1978  
Major Field: Business Administration  
Minor Field: Statistics

**Academic Positions**

2005 - Michael J. Cemo Professor and Chair, Department of Marketing & Entrepreneurship,  
University of Houston

1996 - Chair, Department of Marketing & Entrepreneurship, University of Houston

1995-96 Visiting Professor, Rice University

1993 - Professor, Department of Marketing & Entrepreneurship, University of Houston

1991 Visiting Associate Professor, Madrid Business School (Madrid, Spain)

1988 Visiting Associate Professor, Rice University

1982-93 Associate Professor, Department of Marketing, University of Houston

1977-82 Assistant Professor, Department of Marketing, University of Houston

**Research and Professional Activities****Publications - Books**

N. Bradburn and S. Sudman with E. Blair, W. Locander, C. Miles, E. Singer and C. Stocking, Improving Interview Method and Questionnaire Design, San Francisco, CA: Jossey-Bass, 1979

K. Cox and E. Blair (eds.), Marketing in Action, Englewood Cliffs, NJ: Prentice-Hall, 1989.

E. Blair and W. Kamakura (eds.), Marketing Theory and Applications: Proceedings of the 1996 AMA Winter Educators' Conference, Chicago, IL: American Marketing Association, 1996.

S. Sudman and E. Blair, Marketing Research, Burr Ridge, IL: Irwin/McGraw-Hill, 1997.

**Publications - Journal Papers**

E. Blair, "Marketing as Exchange: A Comment" Journal of Marketing, January 1977.

E. Blair, S. Sudman, N. Bradburn and C. Stocking, "How to Ask Questions About Drinking and Sex" Journal of Marketing Research, August 1977.

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## Publications - Chapters in Books (not cited above)

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"Interviewing in the Presence of Others" Chapter 8 in N. Bradburn et al., Improving Interview Method and Questionnaire Design, San Francisco: Jossey-Bass, 1979.

"On Providing Population Data to Improve Respondents' Estimates of Autobiographical Frequencies" (with K. Williamson) in N. Schwarz and S. Sudman, Autobiographical Memory and the Validity of Retrospective Reports, New York: Springer-Verlag, 1994.

-- Previous draft presented at American Statistical Association Conference, 1990.

## Publications - Conference Papers (not cited above)

"Wroe Alderson and Modern Marketing Theory" (with K. Uhl), American Marketing Association Marketing Theory Conference, August, 1977.

"Response Effects in Threatening Questions" (with S. Sudman), American Psychological Association Conference, Division 23, August, 1977.

"Alternative Measures of Frequency Bias in Shopper Surveys" (with S. Calcich), American Marketing Association Educators' Conference, August, 1980.

"Questionnaire Design Manipulations and Response Rates to a Mail Consumer Finances Survey" (with V. Veth and E. L. Landon, Jr.), American Marketing Association Educators' Conference, August, 1982.

"The Perceptual Task in Acquisition of Package Information" (with S. Calcich), Association for Consumer Research Conference, October, 1982.

"Some Effects of Requesting Active Commitment from Survey Respondents" (with V. Veth and E. L. Landon, Jr.), American Association for Public Opinion Research Conference, May, 1983.

"Commitment Requests and Response Rates in Three Mail Surveys" (with G. Ganesh), American Marketing Association Educators' Conference, August, 1984.

"The Realist View of Science: Implications for Marketing" (with G. Zinkhan), American Marketing Association Theory Conference, October, 1984.

"Cognitive Processes Used to Answer Expenditure Questions" (with S. Burton and D. Lichtenstein), American Statistical Association Conference, August, 1988.

"On Estimating Distributional Characteristics from Categorized Data" (with L. R. LaMotte), American Statistical Association Conference, August, 1988.

"The Effects of Risk Saliency on Consumer Preference for Product Bundles" (with J. Harris), American Marketing Association Winter Educators' Conference, February, 1998.

#### Publications - Book Reviews

The Recall Method in Social Surveys by L. Moss and H. Goldstein; Journal of Marketing Research, May 1980

Question Framing and Response Consistency by R. Hogarth; Journal of Marketing Research, November 1982.

The Research Interview: Uses and Approaches by M. Brenner, J. Brown and D. Canter; Journal of Marketing Research, May 1986.

How Many Subjects? by H Kraemer and S. Thiemann; Journal of Marketing Research, May 1989.

An Experimental Comparison of Telephone and Personal Health Interview Surveys by O. Thornberry (National Center for Health Statistics monograph, Series 2, No. 106); Public Opinion Quarterly, Spring 1989.

Randomized Response: Theory and Techniques by A. Chaudhuri and R. Mukerjee; Journal of Marketing Research, November 1989.

#### Teaching Activities

##### Academic Courses Taught

Principles of Marketing	(Undergraduate)
Marketing Research	(Undergraduate)
Retailing Management	(Undergraduate)
Overview of Entrepreneurship	(Undergraduate)
Entrepreneurial Revenues	(Undergraduate)
Entrepreneurial Capital	(Undergraduate)
Marketing Management	(Masters)
Marketing Research	(Masters)
International Marketing	(Masters)
Entrepreneurship/Venture Planning	(Masters)
Business Consulting Lab	(Masters)
Statistics	(Masters)
Marketing Systems	(Doctoral)
Marketing Theory	(Doctoral)
Multivariate Analysis	(Doctoral)
Sampling Methods	(Doctoral)
Applied Survey Research	(Doctoral)

### Dissertations Supervised

Stephen Calcich  
G. Ganesh  
Scot Burton  
Abhijit (Abe) Biswas  
Victor Cordell  
Kirk Smith  
Judy Harris  
Raj Echambadi  
Gillian Oakenfull  
Alina Sorescu  
Khaled Aboulnasr  
Jaime Noriega

### Professional Programs Taught

Lecturer on Sampling at the American Marketing Association's School of Marketing Research from its inception in 1980 to 1999; also taught Survey Methods and Conjoint Analysis in this program

Lecturer on Survey Methods at the American Marketing Association's Advanced Research Techniques Forum (ARTF)

Lecturer on Marketing, Marketing Research, and New Product Development in numerous programs at the University of Houston Center for Executive Development

Lecturer on Marketing, Marketing Research, and New Product Development for other organizations and private companies

### Other Teaching Details

As lecturer in continuing education programs, have taught sampling and survey design to more than 1,000 marketing research professionals. Companies represented include Coca-Cola, Procter & Gamble, Union Pacific, Sears, General Electric, Union Carbide, Dow Chemical, Gerber Products, Federal Express, AT&T, Hallmark Cards and many others.

Taught the first Entrepreneurship course offered at UH and was a founding instructor in the current Entrepreneurship program. Have directed the preparation of more than 100 business plans and have seen more than 30 former students start businesses.

Have lectured on various aspects of new product development in professional education programs and have served as a private consultant on new product development projects.

### **Academic Administration and Service**

Administrative and service activities include:

Chair, UH Department of Marketing & Entrepreneurship, 1996-present

Chair, American Statistical Association/Department of Energy Committee on Energy Statistics, 2009-present (Member, 2007-present)

Member, US Census Bureau Advisory Committee, 2002-2007

Editorial Board member: Journal of Marketing Research, 1991-2003

Journal of the Academy of Marketing Science, 2003-2007

Journal of Business Research, 1991-present

Ad hoc reviewer: Journal of Marketing, Journal of Consumer Research, Public Opinion Quarterly, various other journals.

National Science Foundation panelist, Innovation and Organizational Change program, 2004-05

National Conference Chair, American Marketing Association Educators' Conference, 1996

Doctoral Program Coordinator, UH Marketing Department, 1983-1988

Created the UH Doctoral Symposium in 1982; ran this program 1982-1984, 1987-1988.

Have appeared as an expert on marketing and retailing for KPRC-TV (Ch. 2), KUHT-TV (Ch. 8), KHOU-TV (Ch. 11), KTRK-TV (Ch. 13), KRIV-TV (Ch. 26), NPR-National Public Radio, Houston Chronicle, Wall Street Journal, USA Today, various other media.

Have served on various university, college, department, and civic committees.

### **Consulting Experience**

Have served as a business consultant to various organizations, primarily with respect to market research procedures, new product development, and retail operations.

Have served as a consultant or expert witness in various commercial lawsuits, primarily with respect to intellectual property issues and/or economic damages.

### **Selected Awards and Honors**

Illinois County Scholarship (for Cook County), 1969-73

William J. Cook Foundation Scholarship, 1969-73

David Kinley Fellow, University of Illinois, 1974

American Marketing Association Doctoral Consortium Fellow, University of Illinois, 1976

Halliburton Teaching Award, University of Houston, 1995

Entrepreneurship Teaching Award, University of Houston, 1995, 1998, 2001, 2002, 2003

Sheth Foundation-American Marketing Association Doctoral Consortium Faculty Fellow, 2005

**APPENDIX 2**

**BLAIR LIST OF LAWSUITS**

Lawsuits in which Edward A. Blair has testified in past four years:

*Rex Wayne Bell v. Starbucks*

*Glazier Group, Inc. et al. v. Mandalay Corp. et al.*

*Visa International Service Association v. JSL Corporation*

*University of Texas Board of Regents v. KST Electric, Ltd.*



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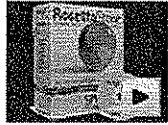
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