

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

ROSETTA STONE LTD.

Plaintiff,

v.

GOOGLE INC.

Defendant.

CIVIL ACTION NO. 1:09cv736
(GBL / TCB)

DEFENDANT GOOGLE INC.'S PRE-TRIAL DISCLOSURES

Pursuant to Federal Rule of Civil Procedure 26(a)(3) and the Court's September 29, 2009 and February 18, 2010 Orders, Defendant Google Inc. ("Google") hereby submits its pre-trial disclosures. Google hereby reserves the right to add, amend, or otherwise supplement these disclosures as needed.

I. **GOOGLE'S WITNESS LISTS**

A. Witnesses Expected To Be Called

| <u>Name</u> | <u>Address & Telephone Number</u> |
|-----------------------|--|
| 1. Tom Adams | Rosetta Stone 1919 N. Lynn Street, 7th Floor Arlington, VA 22209 1-800-767-3882 |
| 2. Jonathan Alferness | Google Inc. 1600 Amphitheatre Parkway Mountain View, CA 94043 1-650-253-0000 |
| 3. Dr. Edward Blair | University of Houston Department of Marketing 385 Melcher Hall Houston, TX 77204-6021 1-713-743-4565 |

4. Jason Calhoun
Rosetta Stone
1919 N. Lynn Street, 7th Floor
Arlington, VA 22209
1-800-767-3882
5. Daniel Dulitz
Google Inc.
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Mountain View, CA 94043
1-650-253-0000
6. Baris Gultekin
Google Inc.
1600 Amphitheatre Parkway
Mountain View, CA 94043
1-650-253-0000
7. Rose Hagan
(by deposition)
Reachable through counsel
Michael Page
Durie Tangrie LLP
217 Leidesdorff Street,
San Francisco, CA 94111
1-415-362-6666
8. Alana Karen
Google Inc.
1600 Amphitheatre Parkway
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1-650-253-0000
9. Van Leigh
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1-800-767-3882
10. Bill Lloyd
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1-650-253-0000
11. Cory Louie
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1-650-253-0000
12. Michael Wagner
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2750 W. El Camino Real, Suite 650
Mountain View, CA 94040
1-650-282-4400

13. Susan Wojcicki
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Mountain View, CA 94043
1-650-253-0000

B. Witnesses Who May Be Called

| <u>Name</u> | <u>Address & Telephone Number</u> |
|--|--|
| 1. Christina Aguiar (by deposition) | 6520 Butterfield Way Placerville, CA 95667 |
| 2. David Baker | Google Inc. 1600 Amphitheatre Parkway Mountain View, CA 94043 1-650-253-0000 |
| 3. Simon Berrichoa | Rosetta Stone 1919 N. Lynn Street, 7th Floor Arlington, VA 22209 1-800-767-3882 |
| 4. Terri Chen | Google Inc. 1600 Amphitheatre Parkway Mountain View, CA 94043 1-650-253-0000 |
| 5. Edward Chiang | Google Inc. 1600 Amphitheatre Parkway Mountain View, CA 94043 1-650-253-0000 |
| 6. Sanjay Datta | Google Inc. 1600 Amphitheatre Parkway Mountain View, CA 94043 1-650-253-0000 |
| 7. Erich Duehring | Rosetta Stone 1919 N. Lynn Street, 7th Floor Arlington, VA 22209 1-800-767-3882 |

8. Eric Eichmann
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1919 N. Lynn Street, 7th Floor
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1-800-767-3882
9. April Garvey
Unknown
10. Bernard Hamann
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Arlington, VA 22209
1-800-767-3882
11. Michael Hill
Rosetta Stone
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1-800-767-3882
12. Richard Holden
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13. Heather Ingram
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1-800-767-3882
14. Tom Nowaczyk
Rosetta Stone
1919 N. Lynn Street, 7th Floor
Arlington, VA 22209
1-800-767-3882
15. Nino Ninov
Rosetta Stone
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1-800-767-3882
16. John Ploumitsakos
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Google Brasil Internet Limitada
Av. Brigadeiro Faria Lima
n° 3900 5th floor, Itaim
Sao Paulo, 04538-132
Brazil
+55-11-3797-1000

17. John Ramsey
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1-800-767-3882
18. Mickey Ryder
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1-650-253-0000
19. Nitin Sharma
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1-650-253-0000
20. Nicole Tabatabai
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1-800-767-3882
21. Ashish Vij
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1-650-253-0000
22. Michael Wu
Rosetta Stone
1919 N. Lynn Street, 7th Floor
Arlington, VA 22209
1-800-767-3882
23. All witnesses identified by Rosetta Stone
24. Records custodian for Amazon.com, Lynn Radliff. 1200 12th Ave.
South Ste. 1200, Seattle, WA 98144, 1-206-266-1000 (by self-
authenticating declaration per Federal Rules of Evidence Rule 902(11))
25. Records custodian for eBay Inc., David Mandella. 2065 Hamilton Ave.,
San Jose, CA 95125, 1-408-376-7400 (by self-authenticating declaration
per Federal Rules of Evidence Rule 902(11))

C. Designation Of Witness Testimony Which May Be Presented By Deposition¹

1. Christopher Klipple (March 8, 2010)

¹ Google does not intend to designate any attorney objections or attorney colloquy.

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2. April Garvey (March 1, 2010)

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3. Julie Longley (March 12, 2010)

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4. Denis Doyle (March 11, 2010)

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5. Diana Thomas Stanley (March 12, 2010)

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6. Steve DuBow (March 8, 2010)

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7. Deborah Jeffries (March 9, 2010)

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8. Rita Porter (March 10, 2010)

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9. Rose Hagan (March 5, 2010)

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10. Heather Ingram (March 4, 2010)

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11. John Ramsey (February 25, 2010)

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12. Van Leigh (February 22, 2010)

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13. Michael Hill (February 26, 2010)

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14. Simon Berrichoa (March 3, 2010)

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15. Christina Aguiar (March 9, 2010)

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16. Eric Eichmann (March 3, 2010)

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17. Michael Wu (March 5, 2010)

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18. Jason Calhoun (March 8, 2010)

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II. GOOGLE'S EXHIBIT LIST

Google's Exhibit list is attached hereto as Exhibit A. Google expressly reserves the right to use additional documents not listed above for impeachment purposes. Google further reserves the right to present any exhibit that appears on Rosetta Stone's exhibit list and supplement and amend its exhibit list in light of any exhibits set forth on Rosetta Stone's exhibit list. In addition, Google expects to present updated versions of certain spreadsheets expected to be exchanged between the parties on or about April 15, 2010.

Respectfully Submitted,

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By counsel

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 2nd day of April, 2010, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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