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Vol. IX, Tab 41 - Ex. A - Alferness Deposition (Google Ad Products Senior Product Manager)

Jonathan Alferness
Google

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

ROSETTA STONE, LTD.,
Plaintiff,

vs.

CASE NO.
1:09-cv-00736 (GBL/TCB)

GOOGLE, INC.,
Defendant.

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

DEPOSITION OF
JONATHAN ALFERNESS
PALO ALTO, CALIFORNIA
MARCH 12, 2010

Reported by Katherine E. Lauster, CSR No. 1894

1 A. It is, yes.

2 Q. For as long as you've been at Google, has
3 Google always referred to the ads that appear above the
4 organic search results as the "promotable ads" or the
5 "promoted ads"?

6 A. Terminology is rather fluid at Google. I have
7 always -- I and my colleagues have always referred to
8 them as "promoted" or "promotable ads." Other groups
9 may call them "top ads." Again, terminology is somewhat
10 fluid.

11 Q. Why do you and your colleagues always refer to
12 them as "promoted" and "promotable ads"?

13 MS. PENNYPACKER: Objection. Vague,
14 foundation.

15 THE WITNESS: No real reason. They're the ads
16 that we promote, the ads that we show above the web
17 search results.

18 BY MR. SHEK:

19 Q. Being above the web search results is better
20 than being on the right-hand; is that correct?

21 MS. PENNYPACKER: Objection. Vague.

22 THE WITNESS: You need to clarify what you
23 mean by "better."

24 BY MR. SHEK:

25 Q. It's a more prime location, isn't it, for a