




3-26-2010

Vol. VIII, Tab 39 - Bill Lloyd Declaration (Google Ad Support Team Lead)

Bill Lloyd
Google

Follow this and additional works at: <http://digitalcommons.law.scu.edu/appendix>

 Part of the [Computer Law Commons](#), [Intellectual Property Commons](#), and the [Internet Law Commons](#)

Automated Citation

Lloyd, Bill, "Vol. VIII, Tab 39 - Bill Lloyd Declaration (Google Ad Support Team Lead)" (2010). *Rosetta Stone v. Google (Joint Appendix)*. Paper 39.
<http://digitalcommons.law.scu.edu/appendix/39>

This Declaration is brought to you for free and open access by the Research Projects and Empirical Data at Santa Clara Law Digital Commons. It has been accepted for inclusion in Rosetta Stone v. Google (Joint Appendix) by an authorized administrator of Santa Clara Law Digital Commons. For more information, please contact sculawlibrarian@gmail.com.

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)

DECLARATION OF BILL LLOYD

I, William ("Bill") Lloyd, hereby declare:

1. I am currently employed as Team Lead—Legal Advertising Support by Google Inc. ("Google"). I make this declaration in support of Google's Motion for Summary Judgment in the matter captioned *Rosetta Stone Ltd. v. Google Inc.*, Civil Action No. 1:09-cv-736 (E.D. Va.). I am over the age of eighteen. I know the facts stated herein of my own personal knowledge. If called to testify as a witness, I could and would do so competently and under oath.

2. As part of my duties as Team Lead, I am familiar with, and assist in the enforcement of, Google's trademark and counterfeit policies.

Google's Trademark Policies

3. Attached to this declaration as Exhibit I is a true and correct copy of a document I understand was prepared in the normal course of business describing Google's trademark policy change that took place in 2004. I understand this document was produced in this litigation and bears the bates number GOOG-RS-0002271.

4. Attached to this declaration as Exhibit 2 is a true and correct copy of a Google document entitled "AdWords Trademark Policy Update" prepared in the normal course of business and describing a change to Google's trademark policy that took place in 2009. I understand this document was produced in this litigation and is bates labeled GOOG-RS-0193011.

5. Attached to this declaration as Exhibit 3 is a true and correct copy of a document discussing Google's trademark complaint policy. I understand this document was produced in this litigation bearing the bates label GOOG-RS-0272789-91

6. Attached to this declaration as Exhibit 4 is a true and correct copy of relevant excerpts of a presentation titled "NASO News" dated May 1, 2009 prepared in the normal course of business. I understand this presentation was produced in this litigation and was bates labeled GOOG-RS-0272812 to GOOG-RS-0272859.

7. Attached to this declaration as Exhibit 5 is a true and correct copy of a printout of Google's AdWords and AdSense Trademark Policy, dated Jan. 20, 2010, which I understand was produced in this litigation and bates labeled GOOG-RS-0272789 to GOOG-RS-0272791.

Google's Counterfeiting Policies

8. Attached hereto as Exhibit 6 is a document with the bates range GOOG-RS-0272789 to GOOG-RS-0272791, which describes Google's current counterfeiting policy as explained on Google's website.

9. Since June 2009, my team has had responsibility for responding to complaints of advertisements for counterfeit goods. Such ads require a significant amount of attention from Google employees. Each week, the Legal Advertising Support team spends approximately 80 employee hours manually addressing complaints for such ads.

10. Google has implemented certain technological measures in an attempt to reduce the amount of advertisements for counterfeit products that appear through Google's AdWords program. Those measures include blocks preventing ads from showing in response to certain user queries that correlate with certain likely counterfeit goods. Attached hereto as Exhibit 7 are a document with the bates number GOOG-RS-0479809 and a document with the bates number GOOG-RS-0479815. These documents reflect information pulled from a Google database and identify, collectively, combinations of words that Google prevents ads from displaying in response to search queries for them.

11. Since June 2009 when my team took over responsibility for responding to complaints of advertisements for counterfeit goods, my team has also tracked those complaints submitted through Google's online counterfeit complaint form and the responsive actions it has taken in a database. Data pulled from that database through March 10, 2010 was collected and it is my understanding that it was produced in this action. A query of that same database was run using the same filters originally used to pull the data produced in the case, and then further limited to only counterfeit complaints from Rosetta Stone, screenshots of which are attached hereto as Exhibit 8.

Google's Commitment to a Quality User Experience

12. Attached to this declaration as Exhibit 9 is a true and correct copy of "Ad Quality Communication Document - Search" dated Nov. 20, 2006, which I understand was prepared in the normal course of business and was produced in this litigation with the bates label GOOG-RS-0278168 to GOOG-RS-0278175.

13. Attached to this declaration as Exhibit 10 is a true and correct copy of "Google User Experience" dated Mar. 9, 2010, which I understand was prepared in the normal course of

business and produced in this litigation with the bates label GOOG-RS-0479710 to GOOG-RS-0479713.

14. Attached to this declaration as Exhibit 11 is a true and correct copy of "What is 'Quality Score' and how is it calculated?", prepared in the normal course of business that describes Google's AdWords quality score formula. I understand this document was produced in this litigation and bates labeled GOOG-RS-0068456 to GOOG-RS-0068505.

15. Attached to this declaration as Exhibit 12 is a true and correct copy of a printout the webpage entitled "Google AdWords: Keyword Tool," describing Google's keyword tool, dated Jan. 20, 2010 and bates labeled GOOG-RS-0272796.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 26, 2010 at Mountain View, California.



Bill Lloyd