




11-29-2006

# Vol. IX, Tab 41 - Ex. J - Hagan Deposition from CNG (Google Managing Counsel - Trademarks)

Rose Hagan  
*Google*

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IN THE UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF OHIO  
 WESTERN DIVISION  
 CNG FINANCIAL CORPORATION, )  
 )  
 Plaintiff/Counterclaim )  
 Defendant, )  
 )  
 -vs- ) CASE NO. 1:06-cv-040  
 )  
 GOOGLE, INC., )  
 )  
 Defendant/Counterclaim ) ATTORNEYS' EYES ON  
 Plaintiff, )

DEPOSITION OF ROSE HAGAN  
 DATE: November 29, 2006  
 TIME: 9:11 a.m.  
 LOCATION: FENWICK & WEST, LLP  
 801 California Street  
 Mountain View, California  
 REPORTED BY: Anne M. Torrance, CSR, RPR  
 Certified Shorthand Reporter  
 License Number C-10520

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1 A. I don't know.  
 2 Q. Okay. In other words, if there were  
 3 suggestions about how to improve an ad campaign  
 4 addition or deletion of key words, would that be  
 5 something the optimizers would do as opposed to  
 6 CSRs, or how would that work?  
 7 A. I'm actually not sure how they interact.  
 8 Q. Okay. When you said that this was direct  
 9 the bin approval folks and the CSRs, was it also  
 10 perhaps addressed to the optimizers, or do you  
 11 think they weren't part of this?  
 12 A. I don't know.  
 13 Q. It is a different group, though? There's a  
 14 different team head?  
 15 A. Yes.  
 16 Q. Okay. Did you prepare this document?  
 17 A. No.  
 18 Q. Okay. Did you have a role in its preparation?  
 19 A. Yes.  
 20 Q. Okay. And what was that role?  
 21 A. I reviewed drafts of it and gave comments.  
 22 Q. And who prepared it?  
 23 A. An attorney in our New York office called  
 24 Ramsai. I can't pronounce his last name, but it's  
 25 H-o-m-s-a-n-y.

1 Q. Okay. And is he in-house?  
 2 A. Yes.  
 3 Q. Who presented it?  
 4 A. I think different people may have presented  
 5 at different times, and I'm not sure who presented.  
 6 Q. Okay. Do you know when this was prepared?  
 7 A. It probably would have been prepared before  
 8 of April, maybe end of March 2004, as we were  
 9 announcing the change in policy.  
 10 Q. And do you know when it was presented?  
 11 A. Around that same time frame.  
 12 Q. Okay. On 61837, "Why's the Policy Change"  
 13 the third point, "The policy aims to avoid misleading  
 14 users into believing particular ads are sponsored  
 15 affiliated with a trademark company when they are  
 16 How does it do that?  
 17 A. By making the advertiser remove the  
 18 trademarked term from the ad text.  
 19 Q. Okay. This talks about why the policy is  
 20 changing. How did this change in policy further  
 21 objective, if at all?  
 22 A. Actually, that was a goal under the old policy  
 23 as well, but I think this was explaining why the  
 24 change was only as to key words, why we were  
 25 having a policy with regard to the ad text.

1 G. So you're not -- so this isn't intended to  
 2 suggest that the change was done to avoid mislead  
 3 users?  
 4 A. Retaining the ad text portion of the comment  
 5 procedure was done to avoid misleading users.  
 6 Q. Okay. But you always had that.  
 7 A. Correct.  
 8 Q. So this isn't suggesting that the reason for  
 9 the change was to avoid misleading users?  
 10 MR. HAMM: Objection. Asked and answered.  
 11 THE WITNESS: It was a reason for the change.  
 12 MR. HUNTER: Okay.  
 13 THE WITNESS: The reason that section c  
 14 policy still exists.  
 15 BY MR. HUNTER:  
 16 Q. Okay. Other than that, did the change do  
 17 anything to do with avoiding misleading users, or  
 18 than the policy of keeping what was there before  
 19 text?  
 20 A. I mean, we wanted to make sure users were  
 21 confused. We thought this was the way to do so.  
 22 Q. Well, you thought that under the old policy  
 23 too, correct?  
 24 A. We did think that the ad text portion of the  
 25 policy --

1 Q. Right.  
 2 A. -- met the same end, yes.  
 3 Q. Let me try it this way: Was there anything  
 4 different that you did after June of '04 that you  
 5 thought would help avoid user confusion?  
 6 A. No.  
 7 Q. Okay. So if I were to ask you, as I was going  
 8 to, did you believe that anything in the old policy  
 9 causing user confusion that you obviated with this  
 10 policy, that would not be the case?  
 11 A. Correct.  
 12 Q. Okay. 61847, the last page.  
 13 A. Excuse me.  
 14 Q. The third point, "Does this trademark policy  
 15 change/increase our ad partners's liability for ads  
 16 shown on trademark terms?"  
 17 A. Yes?  
 18 Q. Does it? What is -- what is -- what is that  
 19 referring to?  
 20 Are you all asking the CSRs to chime in on  
 21 that?  
 22 A. No.  
 23 MR. HAMM: Objection to form.  
 24 MR. HUNTER: It wasn't a serious question.  
 25 THE WITNESS: No, I think this was intended.