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Kent Van Liere

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		7	
i	IN THE UNITED STATES DISTRICT COURT		
2	FOR THE EASTERN DISTRICT OF VIRGINIA		
3	ALEXANDRIA DIVISION		
4	ROSETTA STONE LTD.,		
6	Plaintiff,		
0	Civil Action No.		
7	vs. 1:09cv736		
.8	GOOGLE, INC.,		
. 9	desagrad, in the man and the last three rooms and		
AT 1	Defendant.		
10	No. So. Linear Linear Co. 11		
11	C. Okar. Indian even being highlight out. St.		
12	in the second of		
13	The Let's the district street things time book to the		
14	VIDEOTAPED DEPOSITION OF KENT. D. VAN LIERE, Ph.D.		
15	Wednesday, January 13, 2010		
16	A. I don't struct the exect date, but At was a		
17	sensules in provedly convery rebrancy of 2000 or .9		
18			
19	greatest ve public delated and the second		
20	main and a superior of the sup		
21	Terry Sons		
22	C. What and who are with thin? at 1 A SS		
23	ES C. A. I believe that simple indicate of the O		
24	Job No. 233898		
25	PAGES 1 - 146		

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	property in the contract of th	
1	of people that said a link was either a Rosetta	10:56:31
. 2	Stone company site or endorsed by Rosetta, then were	
3	asked the why and did not give an answer. I	
4	don't I don't believe there is very much of that	
. 5	in the data, if it's in there at all. But,	10:56:44
6	secondly, for purposes of calculating confusion, we	
7	did not use the verbatims.	
. 8.	Q. Going back to the test stimulus, Exhibit D.	
. 9	You were talking earlier about the idea that in your	
10	opinion it's all of the sponsored links together	10:57:09
11	that cause confusion, not you didn't look at it	
12	on an ad-by-ad basis; is that correct?	
13	MR. ROSS: Just going to object that	
14	misstates his prior testimony.	
15	BY MS. CARUSO:	10:57:23
16	Q. Dr. Van Liere, did you look at confusion on	
17	an ad-by-ad basis?	yas II
18	A. No, I did not calculate confusion on an	bas Island
.19	ad-by-ad basis.	2.5
20	Q. If any one of these ads showed a very low	10:57:46
21	confusion rate when looked at individually, for	
22	example, zero or one percent, would that affect your	
23	conclusion in any way?	
24	A Thelieve Tive stated and T want to be	

clear about the nature of the experiment here. The

10:58:07