

2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA

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5 ASIS INTERNET SERVICES,

6 Plaintiff, Index No.

C-05-05124JCS

7 -against-

8 OPTIN GLOBAL, INC., et al,

9 Defendants.

10 ----- x

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13 DEPOSITION of the Non-Party Witness,
14 RYAN MC VEY, taken by the Respective Parties,
15 pursuant to subpoena, held at the offices of
16 Klein, Zelman & Rothermel, LLP, 485 Madison
17 Avenue, New York, New York, on July 17th, 2007,
18 at 9:50 a.m., before a Notary Public of the State
19 of New York.

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23 BARRISTER REPORTING SERVICE, INC.

120 Broadway

24 New York, N.Y. 10271

212-732-8066

25

1 R. Mc Vey

2 AFTERNOON SESSION

3 MR. SINGLETON: Can you read
4 back the last question and answer,
5 please?

6 (Whereupon, the record was read
7 by the reporter.)

8 Q I think I covered this, but I want to
9 ask a more specific question: Are you aware
10 of any instance ever where a third-party
11 vendor has used a creative or graphic from
12 Azoogole?

13 A No.

14 MR. FOX: Objection to form.
15 You may answer.

16 THE WITNESS: No, I am not.

17 Q Who was the affiliate manager in 2004?

18 A Affiliate manager?

19 Q Yes, the head of the department.

20 A The director of affiliate management
21 in 2004, Jen Evans.

22 Q How about 2005?

23 A I think she was still the manager in
24 2005, if I remember correctly.

25 Q First quarter of 2006 was it Jen Evans

1 R. Mc Vey

2 still?

3 A I am unsure when the transition
4 happened.

5 Q Do you know why she was taken from her
6 director of affiliate management position and
7 moved to just an affiliate manager position?

8 A I don't.

9 Q Did you ever talk to Jen Evans about
10 spam policy or spam policing?

11 A No.

12 Q I need to you hold your voice up a
13 little bit.

14 A No, I don't.

15 Q Have you ever heard the name John
16 Strothers?

17 A I have, yes.

18 Q In what context?

19 A As it relates to the lead in question.

20 Q What lead in question?

21 A From Seamless Media, the bad lead.

22 Q The Bruce Wolf lead?

23 A Yes.

24 Q What was your understand of John
25 Strothers' role, if any, in generation of the

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C E R T I F I C A T E

I, LORI CERRANO, hereby certify that the DEPOSITION of RYAN MC VEY was held before me on the 17th day of July, 2007; that said witness was duly sworn before the commencement of his testimony; that the testimony was taken stenographically by myself and then transcribed by myself; that the party was represented by counsel as appears herein;

That the within transcript is a true record of the DEPOSITION of said witness;

That I am not connected by blood or marriage with any of the parties; that I am not interested directly or indirectly in the outcome of this matter; that I am not in the employ of any of the counsel.

IN WITNESS WHEREOF, I have hereunto set my hand this 1ST day of August, 2007.

Lori Cerrano

LORI CERRANO