

**OFFICE OF THE CLERK**  
**UNITED STATES DISTRICT COURT**  
**Northern District of California**

**CIVIL MINUTES**

**Date:** September 26, 2013      **Time:** 3 hrs, 44 mins      **Judge:** WILLIAM H. ORRICK  
8:01 a.m. to 11:45 a.m.

**Case No.:** [13-cv-00133-WHO](#)      **Case Name:** United States Of America v. Bazaarvoice, Inc.

**Attorneys for Plaintiff:** Peter Huston, Michael Bonanno, Adam Severt, Lisa Scanlon, Robert Lepore, Aaron Hoag, Dominique Alepin, and David Gelfand

**Attorneys for Defendant:** Jonathan Jacobson, Dylan Liddiard, Chul Pak, Andrea Murino, Scott Sher, Boris Feldman, and Franklin M. Rubenstein

**Deputy Clerk:** Jean Davis

**Court Reporters:** Jo Ann Bryce and Kathy Sullivan

**PROCEEDINGS**

Fourth day of bench trial, Thursday, September 26, 2013

8:01 a.m.      Court in session  
Government outlines day's schedule and advises that confidentially issues may be a concern later in the day.

8:04 a.m.      Defense counsel clarifies that video presentations do count against each side's allotted time.

8:05 a.m.      Government presents excerpts of video deposition of Alan Tarkowski by way of direct examination (Peter Huston)

8:18 a.m.      Defense presents excerpts of video deposition of Alan Tarkowski by way of cross examination (Franklin M. Rubenstein)

8:41 a.m.      Defense counsel advises Court that the hard copy of excerpts provided as an aid to the Court will need to be supplemented.

8:42 a.m.      Government presents excerpts of video deposition of Alan Tarkowski by way of redirect

8:44 a.m.      Witness **Brantley Sikes Barton** sworn; direct examination by the Government (Adam Severt)  
Exhibit GX0524 identified (not a stipulated exhibit)  
Exhibit GX0522 identified - deemed admitted per prior stipulation of parties  
Exhibit GX0513 identified (not a stipulated exhibit)

9:26 a.m.      Court in recess

9:37 a.m.      Court in session; Government direct examination of Brantley Sikes Barton  
Exhibits GX0513 and GX0524 admitted without objection  
Exhibit GX0521 identified - deemed admitted per prior stipulation of parties

9:40 a.m. Defense cross examination of witness Brantley Sikes Barton (Chul Pak)  
Exhibit DX0564 identified - deemed admitted per prior stipulation of parties  
Exhibit DX0441 identified - deemed admitted per prior stipulation of parties  
Exhibit DX0252 identified - deemed admitted per prior stipulation of parties  
Exhibits DX0564, DX0441 and DX0252 formally admitted into evidence without objection

10:20 a.m. Government redirect of witness Brantley Sikes Barton (Adam Severt)

10:28 a.m. Defense follow up (Chul Pak)

10:29 a.m. Government waives follow up

10:29 a.m. Court queries witness

10:32 a.m. Witness **Michael Robert Osborne** sworn; direct examination by Government (Michael Bonanno)  
Exhibit GX0222 identified (not a stipulated exhibit)  
Exhibit GX0203 identified - deemed admitted per prior stipulation of parties  
Exhibit GX0223 identified - deemed admitted per prior stipulation of parties  
Document marked as Exhibit GX1220 and identified; Defense stipulates that there are no confidentiality issues; Exhibit admitted without objection.  
Exhibit GX0210 identified and admitted without objection  
Exhibit GX0219 (redacted version) admitted without objection  
Exhibit GX0220 admitted without objection  
Exhibit GX0221 identified - deemed admitted per prior stipulation of parties

11:11 a.m. Court in recess

11:21 a.m. Court in session  
Defense cross examination of witness Michael Robert Osborne (Boris Feldman)  
Exhibit GX0202 admitted without objection  
Exhibit GX0218 identified - deemed admitted per prior stipulation of parties

11:33 a.m. Government redirect of witness Michael Robert Osborne (Michael Bonanno)

11:39 a.m. Defense follow up (Boris Feldman)

11:40 a.m. Witness excused

11:40 a.m. Government advises that all testimony remaining for the day will be video deposition excerpts, subject to confidentiality concerns, to be viewed in camera  
Government presents video excerpts of corporate representatives for Revoo and Pluck (Demand Media)

11:41 a.m. Defense presents rebuttal video excerpts and a hard copy demonstrative, as well as a replacement copy of the video excerpts of Alan Tarkowski  
Government objects to demonstrative, as it was not a part of the deposition and the Government disputes the veracity of some its content. Court accepts demonstrative as well as a counter demonstrative from the Government.

11:43 a.m. Parties discuss confidentiality issue and its possible ramifications as related to examination of expert witnesses

11:45 a.m. Court in recess  
Trial to resume Monday, September 30, 2013 at 8:00 a.m.