

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

**CIVIL MINUTES**

**Date:** October 3, 2013                      **Time:** 2 hrs, 36 mins                      **Judge:** WILLIAM H. ORRICK  
7:59 a.m. to 10:37 a.m.  
**Case No.:** [13-cv-00133-WHO](#)      **Case Name:** United States Of America v. Bazaarvoice, Inc.

**Attorneys for Plaintiff:** Peter Huston, Michael Bonanno, Aaron Comenetz, Robert Lepore, and Lisa Scanlon

**Attorneys for Defendant:** Jonathan Jacobson, Dominique Alepin, 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**

Eighth day of bench trial, Thursday, October 3, 2013

7:59 a.m.            Court in session  
Parties discuss scheduling matters  
8:06 a.m.            Witness **Ken Bausch** sworn; Defense direct examination (Ken Bausch)  
8:25 a.m.            Government cross examination of witness Ken Bausch (Robert Lepore)  
8:31 a.m.            Redirect waived; witness excused  
8:31 a.m.            Defense presents excerpts of video deposition of **Sergiy Bruksha**, representative of Rating System, by way of direct examination (Dominique Alepin)  
8:48 a.m.            Government presents excerpts of video deposition of Sergiy Bruksha by way of cross examination (Lisa Scanlon)  
9:05 a.m.            Witness **Jamey Traywick Rutherford** sworn; Defense direct examination (Andrea Murino)  
9:17 a.m.            Government cross examination of Jamey Traywick Rutherford (Lisa Scanlon)  
9:20 a.m.            Defense redirect of Jamey Traywick Rutherford (Andrea Murino)  
9:23 a.m.            Witness excused  
Court in recess  
9:33 a.m.            Court in session

9:46 a.m. Defense presents excerpts of video deposition of **Andrew Hughes**, representative of Astral Brands, by way of direct examination (Dominique Alepin)  
Government presents excerpts of video deposition of Andrew Hughes by way of cross examination (Lisa Scanlon)

9:54 a.m. Witness **Gareth Morgan** sworn; Defense direct examination (Franklin M. Rubenstein)

10:04 a.m. Government cross examination of witness Gareth Morgan (Lisa Scanlon)

10:05 a.m. Redirect waived  
Court queries witness  
Witness excused

10:06 a.m. Defense presents excerpts of video deposition of **Susan Beebe**, representative of Vitamin Shoppe, by way of direct examination (Dominique Alepin)

10:29 a.m. Government presents excerpts of video deposition of Susan Beebe by way of cross examination. (Lisa Scanlon)  
Government demonstrative marked GX1218 offered to the Court to accompany video deposition; Defense objection as to improper foundation sustained. The exhibit is not admitted.  
Government Exhibit GX1221 admitted without objection

10:36 a.m. Defense updates the Court as to scheduling

10:37 a.m. Court in recess  
Trial to resume Monday, October 7, 2013 at 8:00 a.m.