

EXHIBIT 4

DR. FREDRICK FLYER, OCTOBER 17, 2007

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) Civil Action
NATIONAL ASSOCIATION OF) No. 05 C 5140
REALTORS,)
Defendant.)

The videotaped deposition of
DR. FREDRICK FLYER, called as a witness for
examination, taken pursuant to the Federal Rules of
Civil Procedure of the United States District
Courts pertaining to the taking of depositions,
taken before VICTORIA C. CHRISTIANSEN, a Notary
Public within and for the County of DuPage, State
of Illinois, and a Certified Shorthand Reporter of
said state, CSR No. 84-3192, at Suite 3800, One
South Dearborn Street, Chicago, Illinois, on the
17th day of October, A.D. 2007, at 9:10 a.m.

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1 A. He may have.

2 Q. Okay. Has he used those in his
3 discussions with you?

4 A. He may have.

10:06 5 Q. Have you relied on those discussions
6 in -- in preparing your report?

7 MR. STEIN: Object to form.

8 BY THE WITNESS:

9 A. I don't recall relying on any particular
10:06 10 fact in preparing my report.

11 BY MR. KRAMER:

12 Q. Do -- do you recall --

13 A. Did it help my general understanding of
14 what these different -- for example, Point2,
10:07 15 exactly -- my understanding of what their business
16 model is comes from my discussions with Josh Nixt.
17 I don't know that it's pertinent to any of the
18 opinions draw in the report or any of the analysis
19 I undertake.

10:07 20 Q. But -- but it helped you in
21 understanding the -- the industry?

22 A. It helped me understand a different type
23 of website that was out there, and it was partly --
24 you know, not just related to the case. I find

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1 the -- the development of Inter- -- the Internet
2 and Internet websites interesting, so I found it
3 intellectually interesting.

4 Q. Are there any other industry
10:07 5 participants other than Ms. Janik and Mr. Holmen
6 and Point2 that you're recollecting Dr. Nixt
7 related information to you about a discussion he
8 had?

9 A. Well, also Steve Murray.

10:07 10 Q. Besides him.

11 A. Based on his discussions?

12 Q. Yes, sir.

13 A. Not that I recollect.

14 Q. Okay. Did your August 1 expert report
10:08 15 contain a complete statement of all opinions to be
16 expressed in your testimony at the trial of this
17 case?

18 A. It contained my understanding of what my
19 opinions would be at the time the report was
10:08 20 provided.

21 Q. Approximately when did you form the
22 opinions to be expressed in your testimony at trial
23 of this case that are contained in your report?

24 A. When did I form the understanding of my