

## **EXHIBIT K (CONT.)**

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1 MS. DURIE: (Nodding).

2 MS. THAYER: Okay.

3 BY THE WITNESS:

4 A. I don't know the number.

5 BY MS. DURIE:

6 Q. Would it be more than 20?

7 A. Probably.

8 Q. Approximately how many in-person meetings did  
9 you have during that same time frame relating to the '361  
10 patent?

11 A. Meetings with individual persons?

12 Q. Or groups of people.

13 MS. THAYER: And unlimited in time or --

14 MS. DURIE: 1999.

15 MS. THAYER: Okay.

16 BY THE WITNESS:

17 A. Meetings between myself and a GoTo person?

18 BY MS. DURIE:

19 Q. In '99 about the '361 patent.

20 A. So, if I visited there and met with a number  
21 of people during the visit, does that count as one  
22 visit --

23 Q. Yes.

24 A. -- or multiple meetings?

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1 Q. That counts as --that counts as one visit.

2 A. One meeting generally.

3 Q. Yes.

4 A. Okay. I don't recall how many times.

5 Q. Can you give me your best approximation?

6 A. In 1999 I probably had less than five such  
7 generic meetings or visits.

8 Q. We've discussed the first trip that you took  
9 to Overture where you met with Mr. Metzger and Mr.  
10 Brewer. And we placed that, I believe -- I don't intend  
11 to characterize your testimony, but just to orient you, I  
12 think we placed that in the first half of 1999.

13 Can you recall the next in-person meeting that  
14 you had with anyone from Overture where you discussed any  
15 issues related to the '361 patent, the application that  
16 was then in process?

17 A. I can't specifically identify that next  
18 meeting.

19 Q. Okay. Can you recall the names of any people  
20 that you met with over the course of 1999 with whom you  
21 discussed the '361 patent or the application that led up  
22 to it?

23 A. No. The problem I have is, you know, I've had  
24 meetings, I've met various people concerning this topic

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1 over time. I can't segregate what was in '99 versus 2000  
2 versus perhaps even 2001.

3 Q. Okay. Let's do it this way, then: Can you  
4 identify for me all of the people from Overture with whom  
5 you've met to discuss the '361 patent or the application  
6 that gave rise to it?

7 A. At any time?

8 Q. At any time.

9 A. Okay. This is discussion or meeting?

10 Q. Let's say anything that's in person.

11 A. In person. And the topic again is  
12 specifically what?

13 Q. '361 patent or the application that led up to  
14 it or the prosecution.

15 A. Any time frame?

16 Q. Any time frame.

17 A. Even until today?

18 Q. Even until today.

19 A. Wow. Do you have an organizational chart of  
20 Overture?

21 Q. It changes a lot.

22 A. Josh Metzger, Janine Hayes, Chris Higgins,  
23 Lynn Loeb, Jeff Brewer, Ted Meisel, Todd Tappin, Tom  
24 Lamb, Tom Soulanille, Darren Davis, Matthew Derer, Tod

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1 Kurt, probably Preston Pfarner and Steve Skovran, Jay  
2 Gallinatti, Anthony Molinaro. I'm sure a host of others  
3 whose names escape me at the moment.

4 Q. Okay. Can --

5 MS. THAYER: Are we gonna take -- a place that we  
6 could take a very brief break?

7 MS. DURIE: Yeah, sure.

8 MS. THAYER: Or we can go for a few more minutes. I  
9 just --

10 MS. DURIE: No, this is fine.

11 MS. THAYER: Okay.

12 THE VIDEOGRAPHER: Going off the video record at  
13 9:37.

14 (Whereupon, a recess was had.)

15 THE VIDEOGRAPHER: Going back on the video record at  
16 9:49.

17 BY MS. DURIE:

18 Q. Mr. Naughton, you gave me a list of names of  
19 people from Overture with whom you can remember having  
20 conversations generally speaking about the '361 patent in  
21 person. Are there additional people that you can  
22 remember talking to over the telephone again about the  
23 subject matter of the '361 patent?

24 A. I can't presently think of anybody else who is

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1 not already on this list.

2 Q. Let's take these in order. You've already  
3 mentioned an initial meeting that you had with Mr.  
4 Metzger. Am I correct in understanding that Mr. Metzger  
5 was in-house counsel for Overture for at least some  
6 period of time?

7 A. I don't recall his exact title, but my  
8 understanding is that he was an attorney, and I viewed  
9 him in that capacity.

10 Q. Is Mr. Metzger still at Overture/Yahoo?

11 A. I don't think so.

12 Q. Okay. When was the last time that you had any  
13 conversation with Mr. Metzger?

14 MS. THAYER: On any topic?

15 MS. DURIE: Yeah.

16 BY THE WITNESS:

17 A. Probably the second half of 2003.

18 BY MS. DURIE:

19 Q. Okay. On about how many different occasions  
20 did you speak with Mr. Metzger regarding the '361 patent  
21 or the application that gave rise to it?

22 A. Time frame?

23 Q. Any time.

24 A. Hundreds.

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1 Q. Hundreds. Okay. Was Mr. Metzger the person  
2 at Overture -- well, strike that.

3 Let me ask it this way: Who was your primary  
4 contact at Overture, if you had one, for making strategic  
5 decisions about the prosecution of the '361 patent?

6 A. I think it would -- it would be fair to say  
7 that was Mr. Metzger.

8 Q. Okay. Did Mr. Metzger ever provide you any  
9 substantive information about the features of any  
10 Overture system that existed prior to May 28th, 1998?

11 MS. THAYER: You can answer that yes or no.

12 BY THE WITNESS:

13 A. Or I don't recall.

14 MS. THAYER: Or I don't recall.

15 BY MS. DURIE:

16 Q. Who is Chris Higgins?

17 A. Chris Higgins is an attorney currently at  
18 Overture.

19 Q. Let me back up. Did Janine Hayes ever provide  
20 you with any information about the features of any  
21 Overture system prior to May 28th, 1998?

22 MS. THAYER: Same instruction.

23 BY THE WITNESS:

24 A. I don't recall specifically.

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1 BY MS. DURIE:

2 Q. Okay. Did Chris Higgins ever provide you with  
3 any information regarding the features of the Overture  
4 system prior to May 1998?

5 A. Can you read that back, please?

6 Q. I can just ask it again.

7 A. Okay.

8 Q. Did Chris Higgins ever provide you with any  
9 information about the features of any Overture system  
10 prior to May 1998?

11 A. I don't believe so.

12 Q. Who is Lynn Loeb?

13 A. She is an in-house attorney at Overture.

14 Q. Generally speaking do you have an  
15 understanding as to what Mr. Higgins' job  
16 responsibilities are?

17 A. As they pertain to interactions with me, I  
18 understand his job responsibilities to include managing  
19 outside patent counsel presently.

20 Q. Okay. What about Lynn Loeb's job  
21 responsibilities?

22 A. Currently?

23 Q. Yes.

24 A. I guess I cannot articulate what her title or



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1 job responsibilities are within the Legal Department.

2 Q. Okay. How many conversations, let's start  
3 with in person, have you had with Jeff Brewer relating to  
4 the '361 patent or the application that gave rise to it?

5 A. At least one.

6 Q. And the one was the first meeting that you can  
7 recall having?

8 A. With him.

9 Q. So, is it fair to say that there's only -- you  
10 can only specifically recall having one meeting with him  
11 where the subject of the '361 patent or patent  
12 application was discussed?

13 A. Where what was discussed?

14 Q. The '361 patent or patent application.

15 A. Or the general subject matter thereof?

16 Q. Yes.

17 A. That's all I can recall.

18 Q. On how many occasions can you recall meeting  
19 with Ted Meisel?

20 A. For any purpose?

21 Q. Good point. On how many occasions can you  
22 remember meeting with Ted Meisel to discuss generally  
23 speaking the subject matter of the '361 patent or the  
24 application that gave rise to it?