

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

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1 A. In any aspect of that --

2 Q. Yes.

3 A. -- subject matter?

4 At least one.

5 Q. Do you recall approximately when that  
6 conversation took place?

7 A. I can't recall specifically when that was.

8 Q. Is there any way you can bookend it?

9 A. 2001, perhaps.

10 Q. Okay. Can you tell me the general subject  
11 matter of what was discussed?

12 MS. THAYER: Again, this should be a very high-level  
13 statement that you should not disclose attorney-client  
14 communications. But she's entitled to know broadly what  
15 was discussed.

16 BY THE WITNESS:

17 A. I'm trying to think of a way to generally  
18 describe the discussion without possibly providing  
19 attorney-client communications. It related generally to  
20 the subject matter of the '361 patent.

21 BY MS. DURIE:

22 Q. Can you be any more specific?

23 MS. THAYER: Well, again, within the instruction, if  
24 to get more specific you have to get into the

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1 communications that were made to you or by you to Mr.  
2 Meisel, I instruct you not to answer.

3 BY THE WITNESS:

4 A. The only further explanations I can think of  
5 would start to get into substance. So, I hesitate to  
6 give any further specificity.

7 BY MS. DURIE:

8 Q. Okay. And I just want the record to be clear  
9 you can't answer more specifically because of the  
10 instruction by your counsel?

11 A. Yes.

12 Q. Okay. I think you mentioned a name. Is it  
13 Tad Tappin?

14 A. Todd Tappin.

15 Q. Todd Tappin. Who is Mr. Tappin?

16 A. I believe at the time period I'm thinking of  
17 he was CFO.

18 Q. How many conversations did you have with Mr.  
19 Tappin relating generally to the subject matter of the  
20 '361 patent or application?

21 A. I've spoken with him on other matters. It's  
22 hard to segregate them. I would say at least once.

23 Q. Do you recall when that conversation took  
24 place?

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1 A. Not specifically.

2 Q. Could you bookend it?

3 A. The instance I'm thinking about probably also  
4 was in 2001.

5 Q. Do you recall whether your conversation with  
6 Mr. Meisel was before or after the patent issued?

7 A. I'm not sure. I don't recall.

8 Q. Do you recall whether your conversation with  
9 Mr. Tappin was before or after the patent issued?

10 A. I don't recall.

11 Q. Okay. Approximately how many conversations  
12 have you had with Tom Lamb on the subject matter of the  
13 '361 patent or application?

14 A. I think there were a plurality of discussions.  
15 I'm sorry. Did that answer your question?

16 Q. Yes, it does. Can you tell me over what time  
17 frame that plurality of discussions took place?

18 A. They would have been scattered over a  
19 significant time frame over a course of years.

20 Q. What's your best estimate as to when the first  
21 such conversation took place?

22 A. I -- I don't even -- I don't even have a good  
23 feeling for the year.

24 Q. Okay. Do you know whether you had any

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1 conversations with Mr. Lamb before the patent application  
2 was filed?

3 A. Before it was filed?

4 Q. Yes.

5 A. I don't recall --

6 Q. Okay.

7 A. -- discussion with Mr. Lamb before the  
8 application was filed.

9 Q. Do you know whether you had any discussions  
10 with Mr. Lamb in 1999?

11 A. I don't recall.

12 Q. Do you know whether you had any discussions  
13 with Mr. Lamb in 2000?

14 A. I can't recall.

15 Q. Do you know whether you had any conversations  
16 with Mr. Lamb about any papers that were filed with the  
17 Patent and Trademark Office in connection with the  
18 prosecution of the '361 patent?

19 A. I can't recall any such conversations.

20 Q. Okay. At a very broad level of generality,  
21 what was your purpose in speaking to Mr. Lamb?

22 A. At least some conversations involved  
23 responding to questions or requests by him. And  
24 similarly, there may have been conversations where I

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1 asked him for information.

2 Q. Do you remember the context of any of those  
3 requests for information?

4 A. Not specifically.

5 Q. Do you remember what gave rise to any of your  
6 questions?

7 A. Not specifically.

8 Q. Do you have a general recollection?

9 A. My impression and general recollection is that  
10 Tom Lamb in this relevant time period had as at least  
11 part of his job responsibilities doing contract work for  
12 GoTo and Overture. So, I seem to recall instances where  
13 we would have discussions concerning a contract matter he  
14 may have been doing or a licensing matter, perhaps an  
15 international licensing issue. I don't recall  
16 specifically.

17 Q. Do you remember any specific conversation with  
18 Mr. Lamb that related to the prosecution of the '361  
19 patent?

20 A. I don't recall such conversations.

21 Q. Turning your attention to Tom Soulanille --

22 A. Yes.

23 Q. -- approximately how many conversations did  
24 you have with him relating to the subject matter of the

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1 '361 patent or patent application?

2 A. Multiple conversations.

3 Q. When is the first such conversation that you  
4 can recall?

5 A. I can't recall specifically the first such  
6 conversation.

7 Q. Okay. Can you estimate for me the first time  
8 that you talked to Mr. Soulanille?

9 MS. THAYER: Asked and answered.

10 BY THE WITNESS:

11 A. I believe it was in 1999.

12 BY MS. DURIE:

13 Q. Can you be more specific as to early or late  
14 1999?

15 A. I believe I had at least one conversation with  
16 him prior to the time the '361 patent application was  
17 filed.

18 Q. Okay. What was the purpose of that  
19 conversation?

20 A. I believe the purpose was for me to obtain  
21 information from him on historical matters concerning the  
22 business of GoTo.com.

23 Q. Did you understand at the time that you had  
24 that initial conversation with Mr. Soulanille that Mr.

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1 Soulanille had been, if not one of the founders of  
2 GoTo.com, at least present at the company essentially  
3 from its inception?

4 A. I don't think I had such an understanding at  
5 that time.

6 Q. What understanding did you have at that time  
7 about the length of time that Mr. Soulanille had been at  
8 the company?

9 A. I don't recall what understanding, if any, I  
10 had about that other than that -- I don't recall how his  
11 name was given to me. Either I assumed or someone  
12 assumed that Mr. Soulanille would be able to give me  
13 information that I was interested in.

14 Q. Can you remember who put you in contact with  
15 Mr. Soulanille?

16 A. No.

17 Q. Do you remember how long you talked to Mr.  
18 Soulanille for?

19 A. No.

20 Q. Was this out in Pasadena?

21 A. I'm sorry?

22 Q. Was this out in Pasadena?

23 A. I believe I was in Chicago.

24 Q. And he was -- so, this was a telephone



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1 conversation?

2 A. I'm sorry?

3 Q. This was a telephone conversation?

4 A. Yes. I think you were specifically asking  
5 about telephone conversations, unless I'm mistaken.

6 Q. I actually asked for any conversations, in  
7 person or on the phone.

8 A. Okay. Well, then, maybe I misunderstood an  
9 earlier question in your line of questions. For the last  
10 several questions I was thinking about the at least one  
11 phone conversation I recall probably occurred before the  
12 filing of this patent application.

13 Q. Okay. Did you speak to anyone other than Mr.  
14 Soulanille prior to the filing of the patent application  
15 to obtain what you've described as historical  
16 information?

17 A. I believe I did.

18 Q. Who else did you speak with?

19 A. I can't recall their names. I mean other than  
20 I spoke with Josh Metzger, likely Tom Soulanille, Mr.  
21 Brewer and a number of others whose names escape me at  
22 this point.

23 Q. Okay.

24 A. And -- well, okay.