

**LANSKY DECLARATION EXHIBIT B**

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION

4 DIGITAL ENVOY, INC., )

COPY

5 Plaintiff, ) Case 5:04-cv-01497-RS Document 368-3 Filed 11/14/2005 Page 2 of 5

Counterdefendant, )

6 vs. ) No. C 04 014997

7 GOOGLE INC., )

8 Defendant/ )

9 Counterclaimant. )

10 \_\_\_\_\_ )  
11  
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14  
15 HIGHLY CONFIDENTIAL  
16 ATTORNEYS' EYES ONLY  
17 DEPOSITION OF  
18 MARK ROSE  
19 PALO ALTO, CALIFORNIA  
20 MAY 24, 2005  
21  
22  
23

24 REPORTED BY: JANE H. STULLER, CSR NO. 7223, RPR  
25 (367440)

1 his testimony.

2 Does it?

3 THE WITNESS: I think I said that the ad  
4 mixer does -- is the server, and I can testify to  
5 that.

6 BY MR. KRATZ: Case 5:04-cv-01497-RS Document 368-3 Filed 11/14/2005 Page 3 of 5

7 Q. Well, I know that.

8 A. It does the look up.

9 Q. So I don't think -- I don't know what David  
10 it is saying mischaracterizes, but I understand  
11 that's your testimony.

12 My question is: Is there a document or any  
13 way to confirm that other than just looking at code?

14 MR. KRAMER: Objection; calls for  
15 speculation.

16 THE WITNESS: I believe a design doc would  
17 men -- there is a design doc that probably mentions  
18 that look up occurs in the ad mixer.

19 BY MR. KRATZ:

20 Q. Well, for example, how did you confirm that  
21 when you say you did confirm that?

22 What did you do?

23 A. I wrote portions of the code associated  
24 with that.

25 Q. Okay. Specific to the Ad Sense for Content

1 Program or the selection process in general?

2 A. Just as a general process.

3 Q. Okay. But that -- well, let me ask you  
4 this: You started in October 2003. Was it your  
5 understanding that IP look ups were being done  
6 before that?

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7 A. Yes.

8 Q. Okay. So the code you wrote, did that  
9 change how things were done?

10 MR. KRAMER: The question is vague.

11 THE WITNESS: The code I wrote did change  
12 the way in which we processed geodata in the ad  
13 mixer.

14 BY MR. KRATZ:

15 Q. Okay. There would be point in time of the  
16 look ups -- or being that the ad mixer is one that  
17 makes the call in all instances, which I understand  
18 is your testimony now, did that change, or was that  
19 always the case?

20 MR. KRAMER: Objection to the extent it  
21 mischaracterizes the testimony.

22 You can answer

23 THE WITNESS: So certainly from the time  
24 that I started the call from the ad system to look  
25 up an IP address was done in the ad mixer. I don't

CERTIFICATE OF REPORTER

I, JANE H. STULLER, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth and nothing but the truth in the within-entitled cause;

That said deposition was taken down in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of the said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

I further certify that I am not of counsel or attorney for either or any of the parties to the said deposition, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

DATED: \_\_\_\_\_



JANE H. STULLER, CSR #7223