

# EXHIBIT 2

1  
 2 UNITED STATES DISTRICT COURT  
 3 DISTRICT OF DELAWARE  
 4 C.A. No. 10-136-LPS-MPT  
 5 -----x  
 6 XEROX CORPORATION, :  
 7 :  
 8 Plaintiff and :  
 9 Counterclaim Defendant, :  
 10 :  
 11 - against - :  
 12 :  
 13 GOOGLE, INC., YAHOO! INC., RIGHT :  
 14 MEDIA, INC., RIGHT MEDIA, LLC, :  
 15 YOUTUBE, INC. and YOUTUBE, LLC :  
 16 :  
 17 Defendants. :  
 18  
 19 March 30, 2011  
 20 9:00 a.m.  
 21 51 Madison Avenue  
 22 New York, New York  
 23  
 24 CONFIDENTIAL TRANSCRIPT  
 25  
 26 VIDEOTAPED DEPOSITION OF GREGORY  
 27 GREFENSTETTE, held at the above-mentioned time  
 28 and place, before Randi Friedman, a Registered  
 29 Professional Reporter, within and for the State  
 30 of New York.  
 31  
 32  
 33  
 34  
 35 Job No. CS322800

3  
 1  
 2 STIPULATIONS  
 3 IT IS HEREBY STIPULATED AND AGREED, by  
 4 and among counsel for the respective parties  
 5 hereto, that the filing, sealing, and  
 6 certification of the within deposition shall be  
 7 and the same are hereby waived;  
 8 IT IS FURTHER STIPULATED AND AGREED  
 9 that all objections, except as to the form of the  
 10 question, shall be reserved to the time of trial;  
 11  
 12 IT IS FURTHER STIPULATED AND AGREED  
 13 that the within deposition may be signed before  
 14 any Notary Public with the same force and effect  
 15 as if signed and sworn to before the Court.  
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 2 APPEARANCES:  
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 29 \* \* \*  
 30  
 31 ALSO PRESENT:  
 32 Robert Calvert  
 33  
 34  
 35

4  
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 2 MR. CALVERT: We are now on the  
 3 record. This is the video operator  
 4 speaking, Robert Calvert, of Veritext  
 5 Reporting. Today's date is March 30th,  
 6 2011. The time on the video monitor is 9:03  
 7 a.m. We are here at the offices of Quinn  
 8 Emanuel & Urquhart, located at 51 Madison  
 9 Avenue, New York, New York to take the  
 10 videotaped deposition of Gregory  
 11 Grefenstette in the matter of Xerox  
 12 Corporation versus Google, Incorporated, et  
 13 al. The venue of this case is United States  
 14 District Court, for the District of  
 15 Delaware. The Index No. is 10-136-LPS-MPT.  
 16 Will counsel please voice-identify  
 17 yourselves and state whom you represent.  
 18 MR. PERLSON: David Perlson of  
 19 Quinn Emanuel representing Google.  
 20 MR. FENWICK: Tony Fenwick from  
 21 Davis, Polk & Wardwell representing the  
 22 defendant, Right Media.  
 23 MR. HARASYMIAK: Andrei  
 24 Harasymiak, Cravath, Swaine & Moore, LLP  
 25 representing Google Corporation and the

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2 that document, in the context of that document.

3 Q. Okay. Was there anything new and

4 unique that you invented to do that?

5 MR. HARASYMIAK: I caution the

6 witness not to reveal the substance of any

7 attorney/client communications when

8 answering that question.

9 THE WITNESS: We thought the idea

10 was new and the patent was granted.

11 BY MR. PERLSON:

12 Q. What was new?

13 MR. HARASYMIAK: Same caution.

14 THE WITNESS: The combination of

15 the techniques used in the patent.

16 BY MR. PERLSON:

17 Q. Is that the only way you can describe

18 what was new in the patent, by saying just the

19 combination of the techniques in the patent?

20 A. No. I suppose I could describe it

21 otherwise.

22 Q. Okay. Can you please do so?

23 A. So you want me to redo -- could I have

24 the question?

25 Q. Sure. You said that you could

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2 describe it otherwise, and I'm asking you to do

3 that.

4 A. Well, there's many ways to describe

5 it. So it depends who the audience would be, and

6 in what context who would be understanding the

7 patent.

8 Q. Give me an example of an audience.

9 A. Why don't you give me an example of an

10 audience and I could --

11 Q. Okay. How about a jury?

12 A. I'd have to -- well -- what level of

13 the jury is -- what level of understanding the

14 jury would have.

15 Q. Assume that you don't know what level

16 of understanding the jury would have. I want to

17 know how you would describe your patent to a

18 jury.

19 A. Okay. I would say that this patent is

20 a method -- it was part of a long series of

21 patents. This particular patent is a method for

22 taking a part of a document and generating a

23 query that's specific to certain entities in that

24 document. It allows you to have a precise result

25 if that query is sent off to an Information

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2 Retrieval System.

3 Q. How was it that the patent achieved a

4 precise result, as you say?

5 A. We implemented -- we had an

6 implementation in our ideas of the patent. In

7 our implementation, it would recognize entities

8 in a document. Then take a certain part of text

9 around those entities and classify it using a

10 classification system. And then that

11 classification that was found for that text

12 around the entity would be used to add in a

13 classification category. And that classification

14 category would then match up against some

15 classification category in the Information

16 Retrieval System to restrict or favor the

17 documents in that one category.

18 Q. And how would that restriction be

19 done?

20 A. Well, the category would favorize

21 certain documents that were in that category.

22 Favorize, I'm sorry. The category that was found

23 around the entity that was the basis of the query

24 would favorize the documents that are in that

25 category.

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2 Q. You said favorize?

3 A. Yes. So it depends how it's

4 implementing in the Information Retrieval System,

5 but it could be restricted to only the documents

6 in a category, or it could take those documents

7 in that category and wait them higher than other

8 documents. There's a lot of different ways of

9 implementing the Information Retrieval System.

10 Q. If the documents in the category were

11 merely waited higher than other documents, then

12 the search wouldn't be restricted to only

13 documents in that category; right?

14 MR. HARASYMIAK: Objection to

15 form.

16 THE WITNESS: I'm sorry; I didn't

17 hear that.

18 BY MR. PERLSON:

19 Q. You didn't hear the question?

20 A. I didn't hear the objection.

21 Q. He said, form. He said, "Objection to

22 form."

23 A. Okay. I don't know what that means.

24 So restate the question, please?

25 MR. PERLSON: Can you just read it