

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**BRIGHT RESPONSE, LLC**

**v.**

**GOOGLE INC., et al.**

**NO. 2:07-CV-371-CE**

**STIPULATION**

1. Plaintiff Bright Response LLC and Defendant Google Inc., by and through counsel, hereby stipulate that they have resolved a number of pending disputes based on the compromise reflected in this stipulation.

2. Bright Response stipulates that it will:

- a. Withdraw its Motion to Compel Google Inc. to Produce Ad Spam Filtering Source Code and Related Witnesses, D.I. 361.
- b. Limit the asserted claims against Google to claims 28, 30, 31, 33 and 38 of the '947 patent.

3. Google stipulates that it will:

- a. Not oppose Bright Response's motion for leave to supplement its infringement contentions solely to amend the cover pleading to assert claims 28, 30, 31, 33 and 38 of the '947 patent against Google, so long as Bright Response adds no new substantive allegations.
- b. Produce source code that demonstrates Google's detection and treatment of ad spam in Google's ad spam detection system. Such code will not include specific triggers and signals that Google uses

to determine whether clicks, patterns of clicks, queries, or patterns of queries, etc. constitute ad spam or invalid clicks. This source code shall be made available no later than July 9, 2010.

- c. Provide a corporate representative pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure for not more than five hours to testify solely regarding the source code identified in paragraph (b), and regarding the general infrastructure of Google's ad spam detection system, but the witness will not testify, and Plaintiff will not question the witness, regarding the specific triggers and signals that Google uses to determine whether clicks, patterns of clicks, queries, or patterns of queries, constitute ad spam. This witness will be made available no later than July 9, 2010.
- d. Google will not oppose a motion for leave to supplement Bright Response's expert report(s) solely to address the discovery identified in paragraphs (b) and (c) above, if the notice and supplementation are served by July 21, 2010.

Dated: 7/1/10

\_\_\_\_\_ /s/ David A. Perlson (*by permission*)  
David A. Perlson  
Quinn Emanuel Urquhart & Sullivan LLP  
Counsel for Google, Inc., America Online  
Inc. and AOL LLC

Dated: 7/1/10

\_\_\_\_\_ /s/ Andrew D. Weiss  
Andrew D. Weiss  
Russ August & Kabat

Counsel for Bright Response LLC