

# EXHIBIT A

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

BRIGHT RESPONSE, LLC  
F/K/A POLARIS IP, LLC

v.

GOOGLE INC., et al.

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

**REPORT OF DEFENDANTS' EXPERT  
L. KARL BRANTING, PH.D, J.D.  
CONCERNING INVALIDITY OF CLAIMS 26, 28, 30, 31, 33, AND 38  
OF U.S. PATENT NO. 6,411,947**

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research in Case-Based Reasoning at the University of Kaiserslautern, September 1998-June 1999.

14. I have reviewed extensive materials relating to this case including the asserted patent, the patent history, claim construction briefs and order, and numerous technical papers and articles discussing the scope and content of the prior art in the timeframe relevant for the asserted patent. In all cases, I have applied the claim constructions propounded by the Court in its Memorandum Opinion and Order dated June 18, 2010 or constructions agreed by the parties for terms not expressly construed by the Court. The materials relied upon are listed in Exhibit 1.

15. In this report, where I have cited a reference as prior art, either the reference predates the filing date of the Patent or I have been informed by counsel for Defendants that Defendants will be able to prove at trial that the reference is prior art as to the Patent.

16. I may present my opinions in the form of a tutorial or otherwise and reserve the right to respond to any evidence Plaintiff Bright Response, LLC (“Bright Response”) may present concerning the subject matter of this report.

17. It may be necessary for me to supplement this report based on material that subsequently comes to light in this case, and I reserve the right to do so. I may be asked to present demonstrative evidence at trial, and I reserve the right to do so.

18. It may be necessary for me to revise or supplement this report, or submit a supplemental or responsive report, based on any supplemental or responsive report of Bright Response, and I reserve the right to do so.

### **III. LEGAL PRINCIPLES**

19. As an expert assisting the Court in determining invalidity, I am obliged to follow existing law. I have therefore been asked to apply the following legal principles to my analysis, and I have done so: