

EXHIBIT D

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

4 BRIGHT RESPONSE, LLC
5 F/K/A POLARIS IP, LLC
6 Plaintiff

7 - vs -

2:07-CV-371-TJW-CE

8
9 GOOGLE, INC., ET AL
10 Defendants

11
12 Deposition of AMY RICE taken in accordance with the
13 Federal Rules of Civil Procedure at the Ethan Allen Hotel,
14 21 Lake Avenue Extension, Danbury, Connecticut, before
15 Meghan M. English, LSR, a Licensed Shorthand Reporter and
16 Notary Public, in and for the State of Connecticut on
17 Friday, March 19, 2010, at 9:09 a.m.

18
19 MEGHAN M. ENGLISH, LSR
20 LSR NO. 211

21
22
23
24
25 Job No: 244411

1 A P P E A R A N C E S:

2 ON BEHALF OF THE PLAINTIFF:
3 DAVID A. PRIDHAM, ESQUIRE
4 LAW OFFICE OF DAVID M. PRIDHAM
5 207 C North Washington Avenue
6 Marshall, Texas 75670
7 214-438-0829
8 Facsimile 903-938-7404

9 ON BEHALF OF THE DEFENDANT - GOOGLE:
10 DAVID A. PERLSON, ESQUIRE
11 QUINN EMANUEL URQUHART OLIVER & HEDGES LLP
12 50 California Street, 22nd Floor
13 San Francisco, California 94111
14 415-875-6600
15 Facsimile 415-875-6700

16 ON BEHALF OF THE DEFENDANT - YAHOO:
17 JASON C. WHITE, ESQUIRE
18 HOWREY
19 321 North Clark Street
20 Suite 3400
21 Chicago, Illinois 60654
22 312-846-5680
23 Facsimile 312-602-3986

24 ALSO PRESENT: VINCENZO PETULLA - VIDEOGRAPHER
25

1 MR. WHITE: Jason White from Howie,
2 representing defendant Yahoo!

3
4 AMY RICE, having first been duly
5 sworn was deposed and testified as follows:

6
7 DIRECT EXAMINATION

8 BY MR. PERLSON:

9 Q Good morning, Ms. Rice. Can you state and
10 spell your name for the record, please.

11 A Amy Rice, A-M-Y, R-I-C-E.

12 Q And Ms. Rice, where do you live?

13 A Ridgefield, Connecticut.

14 Q Ms. Rice, have you ever been deposed before?

15 A No.

16 Q Well, first of all, let me introduce myself.

17 I am David Perlson. I am an attorney for defendants Google

18 and AOL in this case. And today I am going to be taking

19 your deposition, asking you a series of questions, for which

20 I will be trying to elicit a series of answers. I will try

21 to be as clear as I can when asking questions; but if I am

22 not clear, would you please let me know so that I can try

23 and make my question more clear? Yes?

24 A Yes.

25 Q That leads us to another thing, since we have

1 deployed in the first quarter of 1996 was false?

2 MR. PRIDHAM: Object to form.

3 THE WITNESS: I didn't tell anyone that
4 it was false.

5 BY MR. PERLSON:

6 Q Now you mentioned before that -- but, sitting
7 here today, you do believe it's false?

8 A It is.

9 Q And the -- did you write this sentence or did
10 Miss Hsu write this sentence in this article?

11 A I don't remember. But I think it was a group
12 effort.

13 Q The sentence was a group effort?

14 A No. The abstract.

15 Q And the group being you and Miss Hsu?

16 A No, no, the group was: Me, Julie, my
17 manager. That's all I know.

18 Q And your manager was Phil Klahr?

19 A No. He was not my manager.

20 Q Who was your manager?

21 A At the time, let's see, I think it was my
22 manager. Oh, I can't remember. I can give you a bunch of
23 names, but I can't remember which one.

24 Q Why don't you give me the names that you do
25 remember.

1 A There was Akshay Gupta.

2 Q How do you spell the first name?

3 A A-K-S-H-A-Y.

4 Q And who else?

5 A Terry Whearley.

6 Q Whearley?

7 A Yeah. W-H-E-A-R-L-E-Y.

8 Q Anyone else?

9 A I can't remember who was in what role. I
10 think there was one other. I am trying to remember.

11 Dan Welch. He was in sales. He was more or
12 less the salesperson. I don't think he even read this.

13 Q Did you inform any of the people you have
14 just mentioned that the sentence was false?

15 A No.

16 Q You said that Mr. Klahr had communications
17 with Mr. Senator regarding the timing of deployment of the
18 EZ Reader; is that right?

19 A I don't understand that question.

20 Q Okay. Well, you had said that there was some
21 waiver obtained between Mr. Klahr and Mr. Senator?

22 A Yes.

23 Q So wouldn't that -- would that have
24 necessarily involved a disclosure from one to -- some
25 discussion between them of the date of deployment of the EZ