

EXHIBIT B

CONTAINS CONFIDENTIAL INFORMATION SUBJECT TO COURT ORDER

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

PA ADVISORS, L.L.C.

Plaintiff,

vs.

GOOGLE, INC., et al.,

Defendants.

§
§
§
§
§
§
§
§
§
§
§

Civil Action No. 2:07-CV-480 RRR

**EXPERT REPORT OF DR. V. THOMAS RHYNE
PURSUANT TO RULE 26(a)(2)(B) OF
THE FEDERAL RULES OF CIVIL PROCEDURE**

**EXPERT REPORT OF DR. V. THOMAS RHYNE
PURSUANT TO RULE 26(a)(2)(B) OF
THE FEDERAL RULES OF CIVIL PROCEDURE**

1. INTRODUCTION

1.1 The Asserted Patent and Claims

1. In this litigation, PA Advisors, LLC, now known as nXn Tech, LLC, (“nXn” herein) has asserted that Google, Inc. (“Google” herein) infringes claims 1, 3, 4, 6, 43, 45, 47, and 61 of U.S. Patent No. 6,199,067 (“the ’067 patent” herein) now assigned to nXn. This report addresses the issue of infringement of those claims by Google, providing my opinions on that issue and the bases for those opinions. Where appropriate in this expert report, I refer to the claims listed above collectively as the “Asserted nXn Claims.”

1.2 Retention

2. I have been retained by counsel for nXn to offer my opinion as to whether the Accused Google Products (as defined below) infringe the Asserted nXn Claims. The purpose of this expert report is to set forth my opinions regarding that issue. I may also address the issue of the validity of one or more of those claims in a subsequent expert report.

3. I am being paid for my work in this litigation at the rate of \$650.00 per hour. My compensation does not depend on the outcome of this litigation. I have no personal interest in that outcome.

4. My qualifications for forming the opinions set forth in this report are summarized in § 1.4 below and are addressed more fully in my resume which is included in § 5 of this expert report. That section also includes a list of my publications and a list of the cases in which I have testified at deposition, hearing, or trial during the past four years.

5. All of the opinions stated in this expert report are based on my own personal knowledge and professional judgment; if called as a witness during the trial in this matter, I am prepared to testify competently about them. At trial I may also provide a brief tutorial on the relevant technologies associated with the nXn patent, those technologies including general topics such as computer hardware, software, and networking, as well as an explanation of the general nature of searching on the Internet. I may also provide a demonstration of the Accused Google Products.

words designating one or more topic categories of the document determined by the document content). By categorizing ads by keywords and lexical ids, Google performs Step 1b.

4.1.4 Step 1c

(c) providing, by the user to the local computer system, search request data representative of the user's expressed desire to locate data substantially pertaining to said search request data;

4.1.4.1 Claim Constructions

81. The Court has construed the term “search request data” as “a search string entered by a user to the system that is representative of the data or information that the user desires to locate.”

4.1.4.2 Opinion of Infringement

4.1.4.2.1 Google Search

82. As explained above, when a user enters a search request into a Google Search text box that request data is information entered by a “user.” That user is the individual who entered the search term(s), as when a searcher enters “blue cars” into the text box of a Google Search window. Before sending the query, the query is encapsulated in a search query URL. The search query URL is then received by Google. Google then processes the search query URL to parse out the search request data, among other information.

83. Google exercises control over the entire Google Search process. For example, Google controls the provision of search request data with software that is designed to receive search terms, which is the only input to Google's search process, and also controls the retention and use of the data.

84. The provision of the search query meets the limitations of Step 1c.

4.1.4.2.2 Google AdWords and AFS

85. As explained above, when a user enters a search request into a Google Search text box that request data is information entered (“provided”) by that “user.” That user is the individual who entered the search term(s), as when a searcher enters “blue cars” into the text box of a

Google Search window. Before sending the query to Google, the query is encapsulated in a search query URL by the Google search page. The search query URL is then received by Google. Google then processes the search query URL to parse out the search request data, among other information.

86. Google exercises control over the entire process. For example, Google controls the provision of search request data with software that is designed to receive search terms, which is the only input to Google's search process, and also controls the retention and use of the data.

87. The provision of the search query meets the limitations of Step 1c. Accordingly, Google Search, AdWords, and AFS meet this limitation.

4.1.5 Step 1d

(d) extracting, by one of the local computer system and the remote computer system, a search request profile from said search request data, said search request profile being representative of a third linguistic pattern of said search request data;

4.1.5.1 Claim Constructions

88. The Court has construed the term “search request profile” as “electronic information representative of linguistic patterns in search request data.”

4.1.5.2 Opinion of Infringement

4.1.5.2.1 Google Search

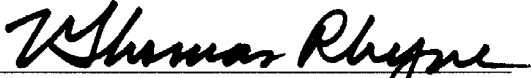
89. A search request profile is created based on each newly defined search request. That Google process first defines the user's request by expanding the query (for example, identifying synonyms and possible misspellings such as “carss” instead of “cars”), contracting the query (for example, identifying “stopwords”), and interpreting the query (for example, a process Google calls “bigram³¹ detection”). The interpretation process extracts the search request profile from

³¹ A “bigram” or “bi-gram” is a two-word phrase like “supreme court” or “Mickey Mouse” where the adjacent words have a strong relationship with each other. See GOOG161860. Multi-word collections are called “ngrams.”

4.10.1 Opinion of Infringement

259. The Google servers used to support Google Search are attached to the Internet and, hence, to the World Wide Web. Those connections meet the limitations added to claim 1 by claim 61, thereby infringing claims 1 and 61.

Executed on January 4, 2010


V. Thomas Rhyne, Ph.D., P.E., R.P.A.