

EXHIBIT 1

**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.

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

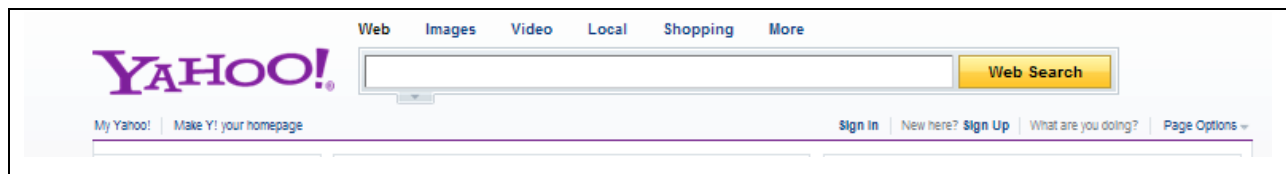
**SUPPLEMENTAL EXPERT REPORT OF DR. V. THOMAS RHYNE
PURSUANT TO RULE 26(a)(2)(B) OF
THE FEDERAL RULES OF CIVIL PROCEDURE**

33. Given these factors, I believe those of ordinary skill in the art of the '067 patents to be an individual who as of 1999 had earned at least an accredited⁴ bachelor's degree in computer science, computer engineering, or electrical engineering and had at least two years of software development experience which includes some experience with the Internet and searching. In all instances, the person of ordinary skill in the art would have access to a library of relevant technical publications, periodicals, and textbooks. A person with the characteristics set forth above would have the requisite knowledge for the subject matter that I described above.

3. OVERVIEW OF THE ACCUSED PRODUCTS

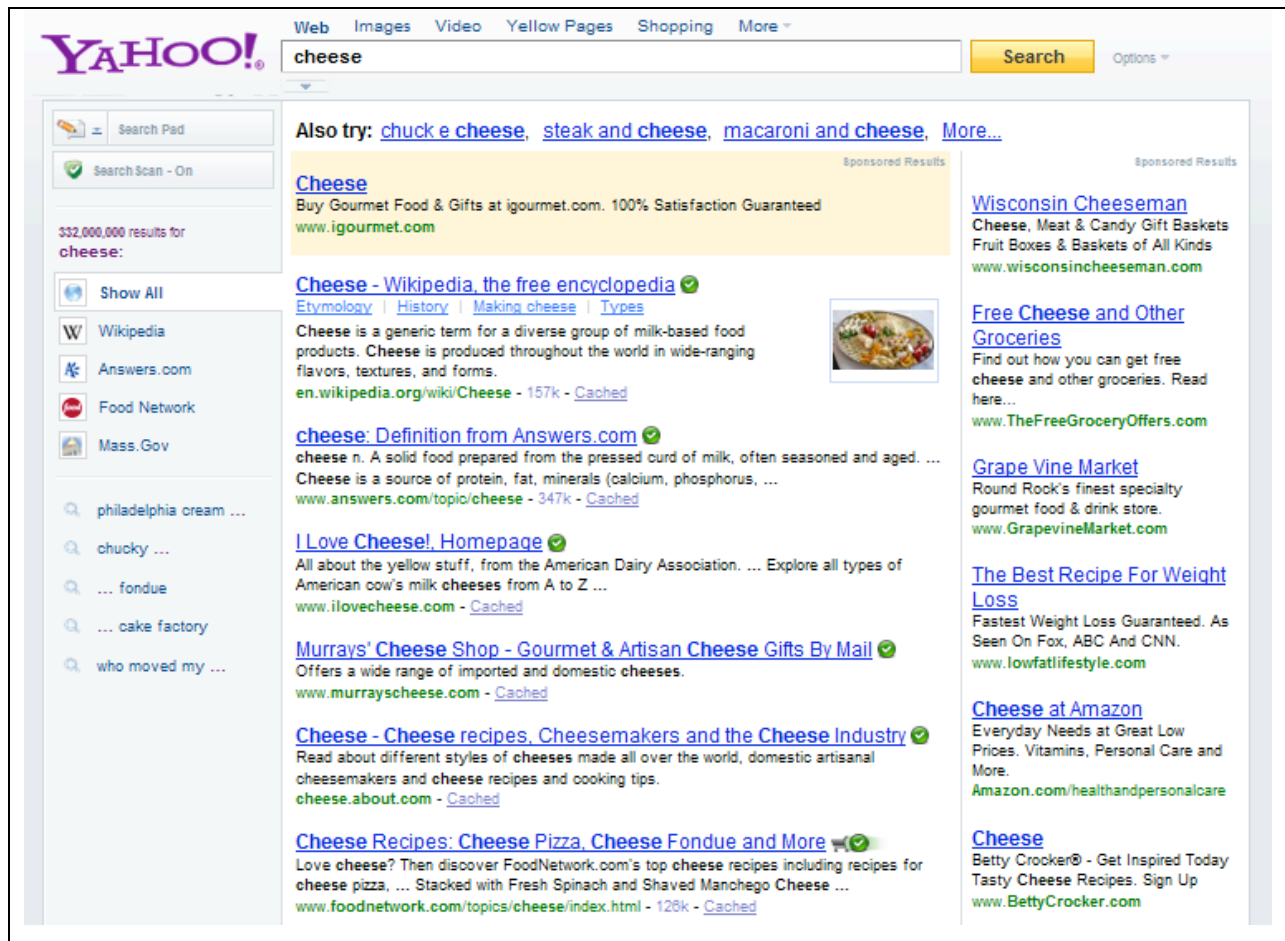
3.1 Yahoo! Sponsored Search

34. "Yahoo! Search" is the basic search system provided by Yahoo! (Shahshahani Dep. Tr. at 11:14-16.) When entered through the *www.yahoo.com* website, as well as other portals such as the search window on a *my.yahoo.com* webpage, users are provided a window into which they can enter search terms. Yahoo! then returns an ordered list of Internet locations which relate to those search items. An example of a Yahoo! Search window is shown below:



35. In addition to the ordered list of Internet locations, Yahoo! Search also provides a list of advertisements identified as "Sponsored Results." These advertisements appear in a variety of locations alongside, on top of, or below the search results. The Sponsored Results are produced from Yahoo!'s "Sponsored Search" system. An partial example of a Yahoo!-generated search results page with a listing of "Sponsored Results" advertisements is shown below:

⁴ The accreditation of engineering programs in the U.S. is performed by volunteers working under the auspices of the U.S. Accreditation Board for Engineering and Technology (now "ABET, Inc."). I have many years of experience with that body and its U.S. and international engineering accreditation activities.



36. Yahoo! describes their Sponsored Search system as “a proven solution for driving targeted leads to all types of businesses. What makes Sponsored Search so powerful is its ability to place your ad on search results pages that are relevant to your business, allowing you to target customers who are searching for what you sell.”⁵

37. Yahoo! generally refers to individuals who use Yahoo! services such as Yahoo! Search as “users.” From Yahoo!’s point of view there are two classes of “users” who use Yahoo!’s various systems to obtain information and services. One class is users who have established a log-in relationship with Yahoo! through, for example, signing up to use a *my.yahoo.com* home page or Yahoo!’s email service, Yahoo! Mail. Yahoo! refers to that process as signing up for a Yahoo! account. In this expert report I refer to those individuals in general as “persistent users.” Yahoo!

⁵ *Id.*

maintains, on a permanent basis, a great deal of information about persistent users.⁶ Persistent users can see that set of data by accessing the Yahoo! Ad Interest Manager which Yahoo! provides so that persistent users can see a summary of the information uses “[t]o make our ads more relevant and useful for you, we make educated guesses about your interests based on your activity on Yahoo!’s sites and services. Some of the ads we show you reflect these interests.”⁷ Each of these individual users is identified using an “lcookie.” (Patel Dep. at 92:25-93:22.)

38. The other class of Yahoo! users is made up of individuals who use Yahoo! Search but who do not have a log-in account with Yahoo!. In this expert report I refer to those individuals as “simple users.” Yahoo! maintains information about the activities of simple users, but only for a short period of time. Each of these individual users is identified using a “bcookie.” (Patel Dep. at 92:25-93:22.)

3.2 Content Match

39. “Content Match” is a Yahoo! system that provides targeted advertisements along with the content from a participating publisher’s website. Content Match “enables publishers to monetize their sites by leveraging user interest.”⁸ “Content Match displays advertiser listings that relate to

⁶ See, for example, info.yahoo.com/privacy/us/yahoo/details.html#2 where Yahoo! explains what information Yahoo! collects:

Yahoo! collects personal information when you register with Yahoo!, when you use Yahoo! products or services, when you visit Yahoo! pages or the pages of certain Yahoo! partners, and when you enter promotions or sweepstakes. Yahoo! may combine information about you that we have with information we obtain from business partners or other companies.

When you register we ask for information such as your name, email address, birth date, gender, ZIP code, occupation, industry, and personal interests. For some financial products and services we might also ask for your address, Social Security number, and information about your assets. When you register with Yahoo! and sign in to our services, you are not anonymous to us.

Yahoo! collects information about your transactions with us and with some of our business partners, including information about your use of financial products and services that we offer.

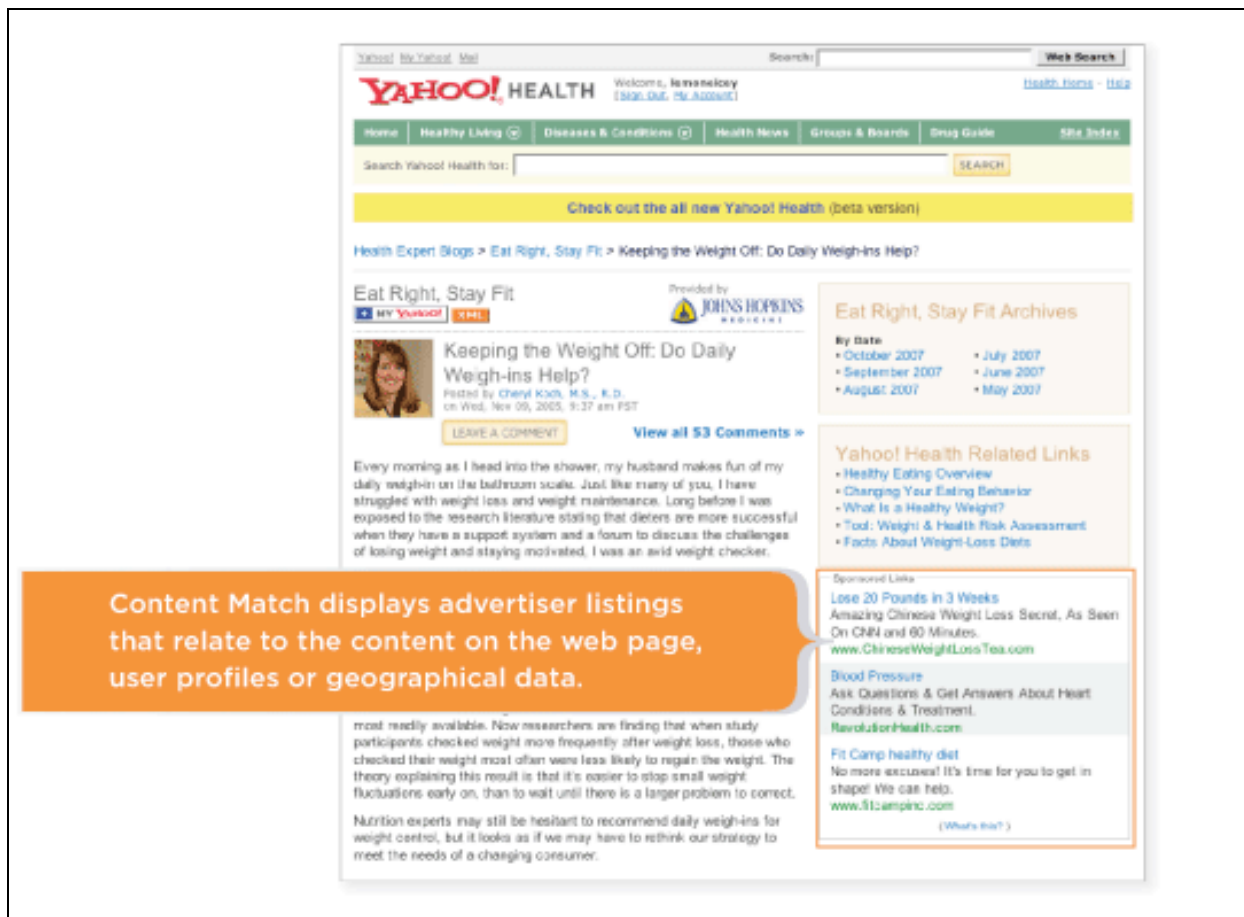
Yahoo! automatically receives and records information from your computer and browser, including your IP address, Yahoo! cookie information, software and hardware attributes, and the page you request.

Yahoo! uses information for the following general purposes: to customize the advertising and content you see, fulfill your requests for products and services, improve our services, contact you, conduct research, and provide anonymous reporting for internal and external clients.

⁷ See for example, info.yahoo.com/privacy/us/yahoo/opt_out/targeting/.

⁸ See publisher.yahoo.com/sps/cm.php.

the content on the web page, user profiles or geographical data.”⁹ An example of the ads, described as “Sponsored Links,” selected and placed on a webpage by Content Match are demonstrated in the screen capture below:



40. Yahoo! searches the Internet (commonly referred to as “web crawling”) to identify and characterize websites that may contain information that will be useful to individuals performing searches using Yahoo! Search. For each identified website, Yahoo! identifies the textual information found on that website and maps that content against a set of interest categories which are later used to match the mapped website’s content against search requests entered into Yahoo! Search. (Shahshahani Dep. Tr. at 14:15-15:18.)

41. In addition to the web crawling performed for Yahoo! Search, Yahoo! performs web crawling for those publishers who participate in Yahoo! Content Match. Like the crawling for

⁹ *Id.*

Yahoo! Search, for each identified website Yahoo! identifies the textual information found on that website and maps that content against a set of interest categories. Unlike the crawling for Yahoo! Search which is used to place advertisements on search results pages, however, the textual information found on the website is later used to match the mapped website's content against a collection of ads that Yahoo! will place on the publisher's website.

42. Based on my review of the documents and source code, it is my understanding that that Yahoo!'s infringing software, the integrated platform following the Overture acquisition, was rolled out around April 2004. See, e.g., Yahoo Confirms Switch from Google, eWeek, February 18, 2004.

4. INFRINGEMENT OF THE ASSERTED '067 CLAIMS

4.1 Independent Claim 1

43. Claim 1 is a method claim having nine steps. In my opinion it is infringed by use of Yahoo!'s Sponsored Search system.

4.1.1 Preamble

1. A data processing method for enabling a user utilizing a local computer system having a local data storage system to locate desired data from a plurality of data items stored in a remote data storage system in a remote computer system, the remote computer system being linked to the local computer system by a telecommunication link, the method comprising the steps of:

4.1.1.1 Claim Constructions

44. I have assumed that the Preamble of claim 1 is not a limitation on that claim, although it is clear that Yahoo! provides the method of claim 1 through Yahoo! Search when users perform a search using Yahoo!

4.1.2 Step 1a

(a) extracting, by one of the local computer system and the remote computer system, a user profile from user linguistic data previously provided by the user,