

EXHIBIT 8

PUBLIC VERSION

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

-----x
I/P ENGINE, INC., :
Plaintiff, :
v. : Civil Action No.
AOL, INC., et al., : 211-cv-512
Defendants. :
-----x

CONFIDENTIAL - OUTSIDE COUNSEL ONLY
Videotaped Deposition of BARTHOLOMEW FURROW
Redwood Shores, California
Friday, September 20, 2013
9:38 a.m.

Job No.: 44843
Pages: 1 - 214
Reported by: Diane S. Martin, CSR, CCRR

CONFIDENTIAL VIDEOTAPED DEPOSITION OF BARTHOLOMEW FURROW
CONDUCTED ON FRIDAY, SEPTEMBER 20, 2013

201

1	page Bates number 892429.	15:18:30
2	(PLAINTIFF'S EXHIBIT 11 WAS MARKED.)	15:18:33
3	BY MR. CIMINO:	15:18:50
4	Q. Can you take a look at this and tell me	15:18:50
5	what it is?	15:18:52
6	A. This is a Launch Cal entry for the -- what	15:18:53
7	we've been calling QBB MinCPC off.	15:18:59
8	Q. And what is a Launch Cal?	15:19:02
9	A. That's short for Launch calendar, and the	15:19:05
10	basic notion is it contains a list of upcoming and	15:19:08
11	past and current launches, thus the calendar	15:19:12
12	aspect.	15:19:16
13	And in addition to serving as a calendar,	15:19:17
14	it also serves as a central location for some	15:19:20
15	amount of discussion of the -- of the launches.	15:19:24
16	Q. Was there a Launch Cal for disabling off or	15:19:28
17	promotion off?	15:19:32
18	A. Yes, there was as Launch Cal entry for	15:19:33
19	that.	15:19:35
20	Q. Do you know whether that's been produced?	15:19:35
21	A. I don't know.	15:19:37
22	Q. But you recall seeing one or working on	15:19:38
23	one?	15:19:41
24	A. I recall seeing one, yes.	15:19:41
25	Q. And that would have notes about steps taken	15:19:43

CONFIDENTIAL VIDEOTAPED DEPOSITION OF BARTHOLOMEW FURROW
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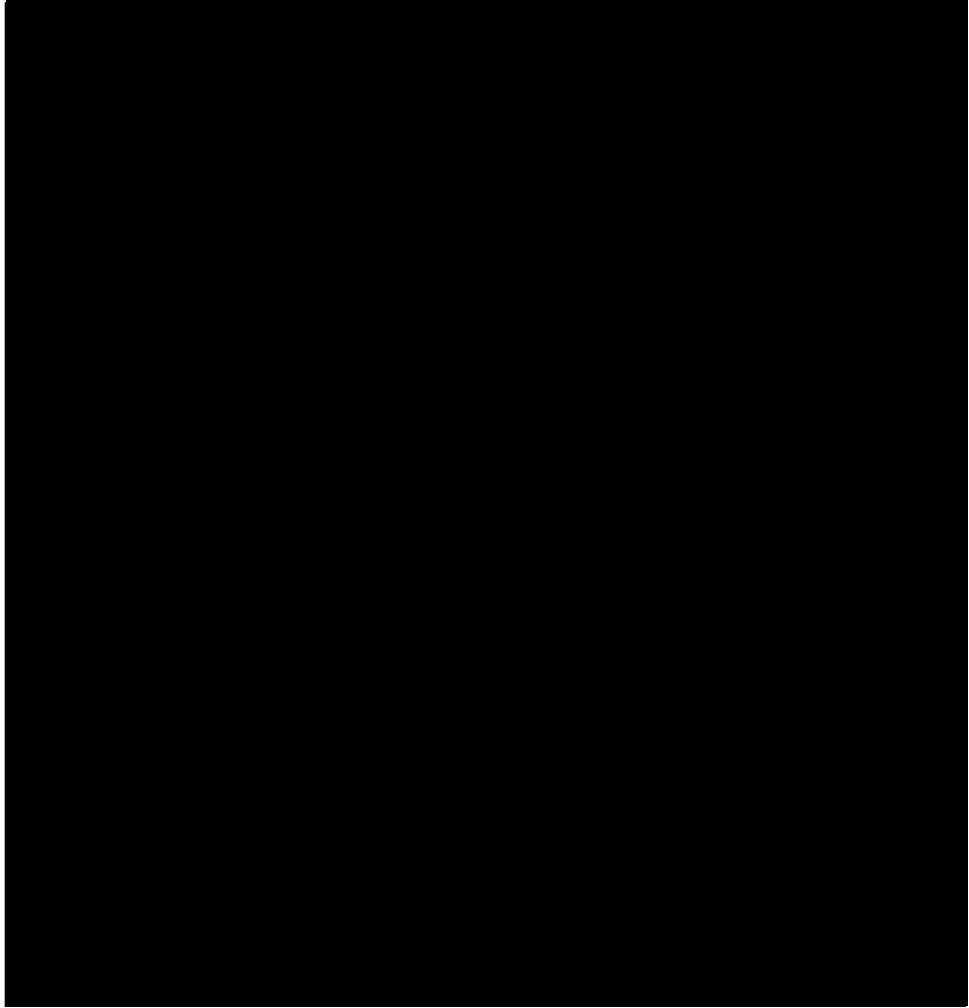
1 to get to full launch? 15:19:49

2 A. I believe -- I don't think it would have 15:19:51
3 notes about the steps taken, no. 15:19:54

4 Q. You don't recall any -- putting any notes 15:19:56
5 into your Launch Cal? 15:19:59

6 A. No. 15:20:00

7 Q. What would it include? 15:20:01

8  15:20:02

9 15:20:04

10 15:20:08

11 15:20:11

12 15:20:13

13 15:20:16

14 15:20:18

15 15:20:20

16 15:20:26

17 15:20:29

18 15:20:31

19 15:20:33

20 15:20:35

21 15:20:37

22 15:20:40

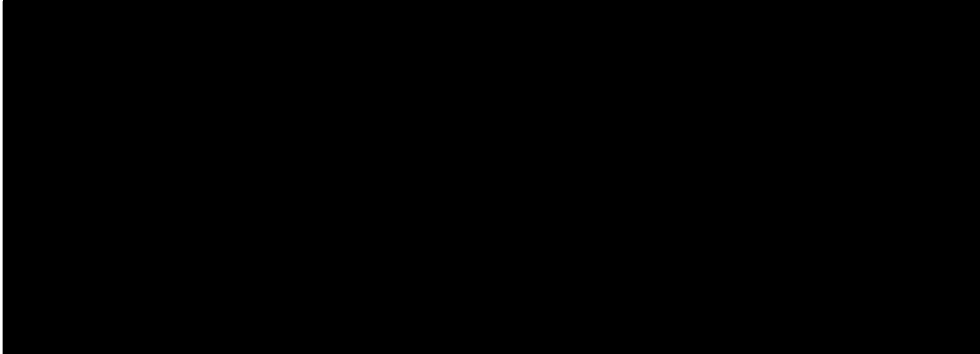
23 15:20:42

24 Q. And the Launch Cal document for disabling 15:20:45

25 and promotion, do you recall if that was a single 15:20:48

CONFIDENTIAL VIDEOTAPED DEPOSITION OF BARTHOLOMEW FURROW
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1	Launch Cal or one per change?	15:20:51
2	A. No, that would have been a single Launch	15:20:54
3	Cal. The changes were made simul -- it was a	15:20:55
4	simultaneous change.	15:20:58
5	Q. And, Mr. Furrow, would the Launch Cal for	15:20:59
6	disabling and promotion off look, in terms of its	15:21:02
7	form, just like this document?	15:21:06
8	A. I believe so, yes.	15:21:08
9	Q. So if I was looking for it in what was	15:21:10
10	produced, I would look for something with the	15:21:14
11	column on the right and the other notations on the	15:21:16
12	left?	15:21:19
13	A. Yes, you would.	15:21:19
14	Q. If you take a look under "Launch	15:21:20
15	Information" on the first page.	15:21:22
16	A. Yes, I see that.	15:21:24
17	Q. It's kind of tough to read, but I'll give	15:21:25
18	you what I think it reads. And if you see -- you	15:21:27
19	think I made a mistake, let me know.	15:21:31
20		15:21:33
21		15:21:35
22		15:21:38
23		15:21:43
24		15:21:45
25		15:21:46

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11
12 CONFIDENTIAL RESTRICTED SOURCE CODE
13 Videotaped Deposition of BARTHOLOMEW FURROW
14 Redwood Shores, California
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23 Job No.: 44843

24 Pages: 215 - 261

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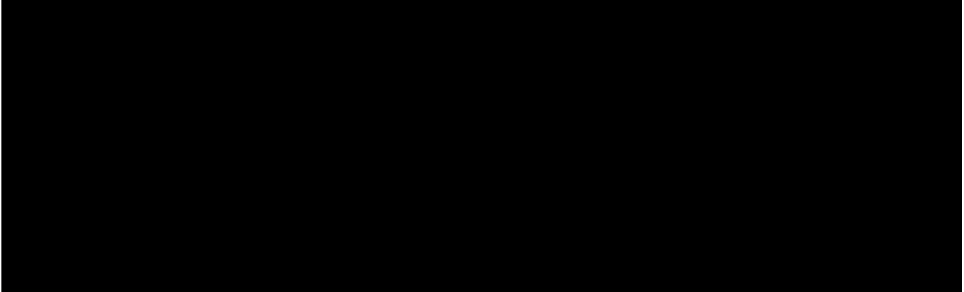
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1	Q. So all the versions haven't been produced;	15:36:56
2	right? Otherwise you would see 1 through 47; is	15:37:04
3	that right?	15:37:06
4	A. Yes, that's right.	15:37:08
5	Q. Do you know how these versions were	15:37:09
6	selected for production?	15:37:13
7	A. Yes. The -- I -- actually, I'd like to	15:37:16
8	consult with my attorney about privilege if that's	15:37:23
9	okay.	15:37:25
10	MR. CIMINO: Sure.	15:37:26
11	MR. PERLSON: This will be real quick.	15:37:28
12	THE VIDEOGRAPHER: Go off the record?	15:37:31
13	MR. PERLSON: Yeah.	15:37:32
14	THE VIDEOGRAPHER: Going off the record.	15:37:33
15	The time is 3:37.	15:37:35
16	(Discussion off the record.)	15:37:46
17	THE VIDEOGRAPHER: Coming back on the	15:38:24
18	record. The time is 3:38.	15:38:25
19	BY MR. CIMINO:	15:38:28
20	Q. Okay, Mr. Furrow, before you consulted with	15:38:28
21	your attorney, I think the question was, do you	15:38:30
22	know how these versions were selected for	15:38:32
23	production, given --	15:38:34
24	A. Sorry.	15:38:36
25	Q. Go ahead.	15:38:37

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1 A. So what happened is I -- I looked for 15:38:37
2 changes to the code that were relevant in my 15:38:42
3 opinion to the changes between old AdWords and new 15:38:44
4 AdWords. And what I did is I identified particular 15:38:49
5 change lists that corresponded to changes -- 15:38:53
6 relevant changes. And each change list corresponds 15:38:57
7 to a certain set of files. 15:39:00

8  15:39:02
9 15:39:06
10 15:39:11
11 15:39:13
12 15:39:16

13 The previous version would have been 15:39:18
14 identified because what's interesting is not the 15:39:21
15 contents of the whole file, which as you can 15:39:24
16 imagine is very large, but rather, the difference 15:39:26
17 between those two versions. 15:39:29

18 And so I thought it would be most helpful 15:39:31
19 to you if we -- if I provided a version that -- or 15:39:33
20 both versions that would highlight the changes that 15:39:38
21 took place, rather than just saying here's what it 15:39:40
22 looked like before. Here's what it looked like 15:39:43
23 before, where there might be lots of irrelevant 15:39:46
24 changes involved. 15:39:48

25 Q. Okay. There are nine versions produced 15:39:49

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1 lists you can't always tell what's relevant and 15:43:48
2 what's not, so then you have to actually look at 15:43:50
3 the files themselves to see what changed. 15:43:52

4 So ultimately in each case I would have 15:43:54
5 been looking at -- most likely I would have been 15:43:56
6 looking at the files to make sure the change is 15:43:58
7 what I thought it was and that that's something 15:44:01
8 that should be produced. 15:44:03

9 Q. So for each of these to figure out whether 15:44:05
10 it was relevant to produce in this case you started 15:44:09
11 with the textual description, if there was one? 15:44:11

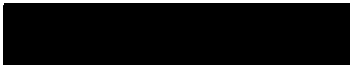
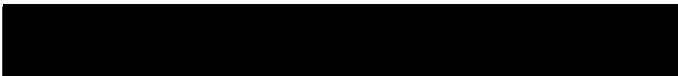
12 A. Well, I started by checking whether there 15:44:15
13 was a -- checking what changes had been made to 15:44:20
14 those files. That's where I -- that's where I 15:44:23
15 started. 15:44:25

16 Q. That's my question. Where -- where do you 15:44:25
17 determine those changes? 15:44:29

18 A. Oh, I -- so there's a -- the Perforce 15:44:30
19 system that -- that holds all of the changes to our 15:44:36
20 code. One can access information on that system 15:44:41
21 with various commands. The command that I used was 15:44:45
22 G4 changes, where I said, "Tell me all of the 15:44:48
23 changes that have been made to this file." And 15:44:51
24 then it gave me a list of the ID number of the 15:44:53
25 change, which is that number in the right hand 15:44:56

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1	column here, the author of the change, the reviewer	15:44:59
2	of the change, and the -- the description of the	15:45:01
3	change. So that's where I would have started is by	15:45:02
4	running that command.	15:45:07
5	Q. And you run that command for the	15:45:07
6	 --	15:45:09
7	A. I think --	15:45:12
8	Q. -- to see all the changes that happened in	15:45:12
9	each version?	15:45:16
10	A. I think what I did is I ran it for the	15:45:16
11	 to see all the	15:45:18
12	changes that happened anywhere in that directory,	15:45:21
13	and then I could look for my name.	15:45:23
14	Q. That was your first step in determining	15:45:25
15	which code to produce?	15:45:31
16	A. I believe so, yes.	15:45:32
17	Q. Did those textual descriptions appear to be	15:45:34
18	accurate once you looked at the actual file?	15:45:38
19	A. Accurate --	15:45:41
20	MR. PERLSON: Objection. Form.	15:45:42
21	THE WITNESS: -- I believe so. Sometimes	15:45:43
22	vague. They're sometimes too brief, shall we say.	15:45:44
23	BY MR. CIMINO:	15:45:51
24	Q. And what -- a typical textual description,	15:45:51
25	does it describe what the change is supposed to	15:45:57