

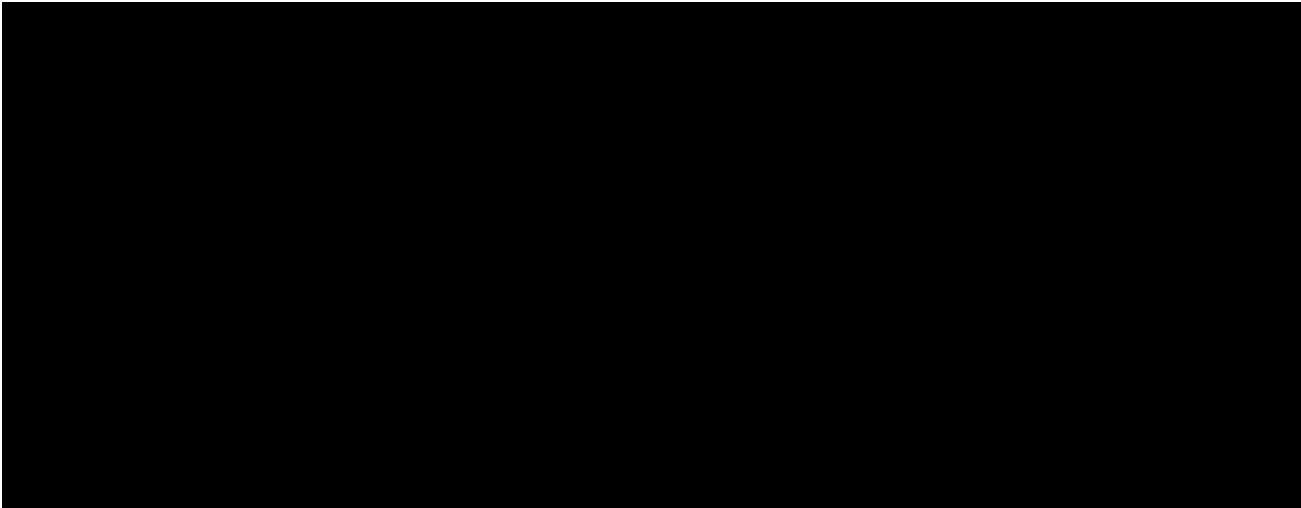
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

<hr/>		)	
I/P ENGINE, INC.,		)	
		)	
	Plaintiff,	)	
	v.	)	Civ. Action No. 2:11-cv-512
		)	
AOL, INC. et al.,		)	
		)	
	Defendants.	)	
<hr/>		)	

**DECLARATION OF DR. OPHIR FRIEDER, PH.D.**

1. I have been retained by I/P Engine, Inc. in the above-captioned case. I testified at trial in this matter, and have been asked to render an opinion on whether New AdWords was no more than a colorable variation of Old AdWords. I prepared a report for this case dated September 25, 2013 and I understand it is of record in this case as Exhibit 6 to D.I. 1005. My analysis and opinions set forth in that report are hereby incorporated in their entirety. The opinions below are based on evidence included in that report.

2. The following is my analysis of relevant features of Old and New AdWords:



3. I do not believe there is a significant difference in the function, way, and result of the relevant functionality in New and Old AdWords. New AdWords is no more than a colorable variation of Old AdWords.

4. The filtering step itself is identical in Old AdWords and New AdWords—

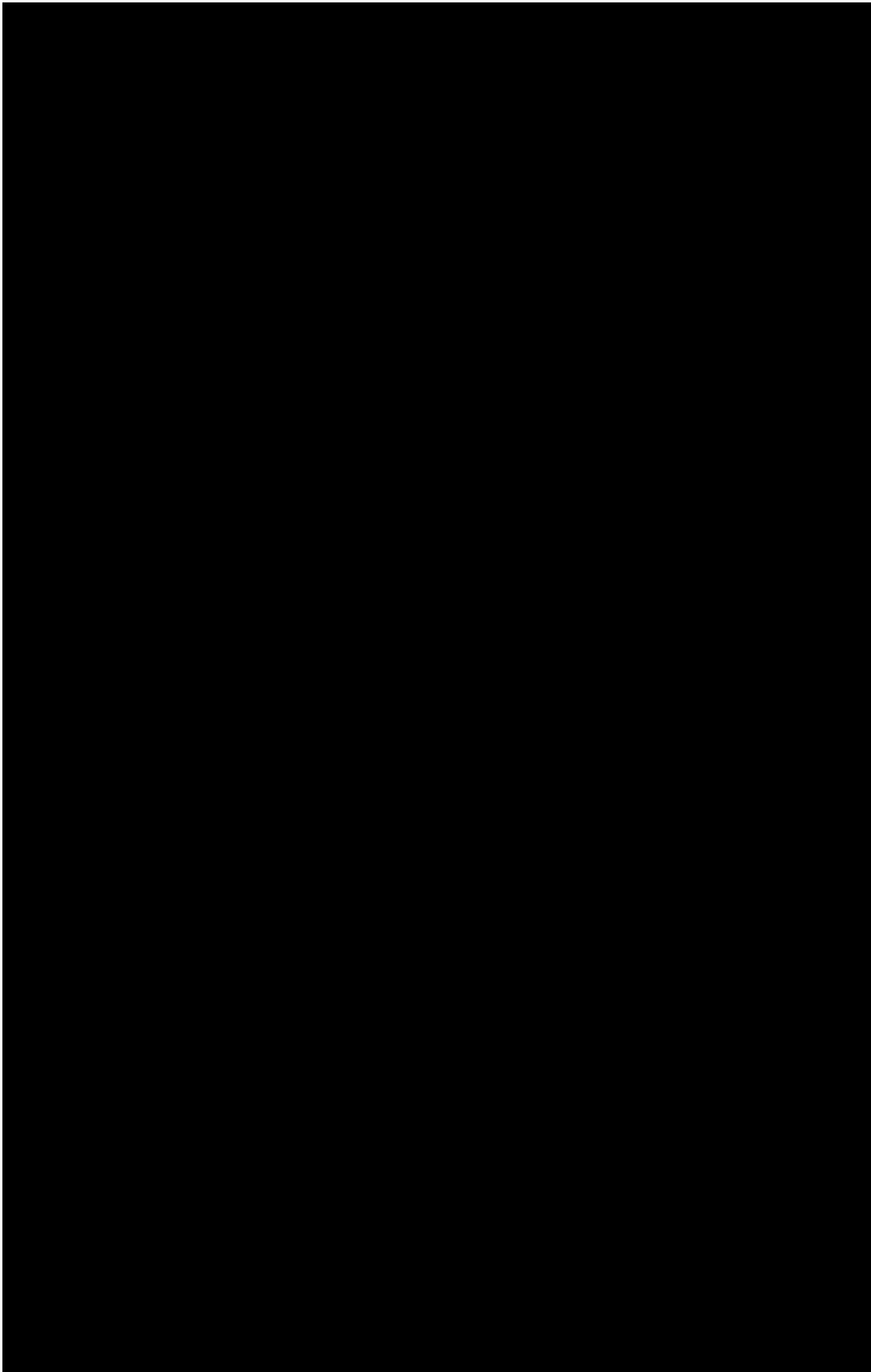
[REDACTED]

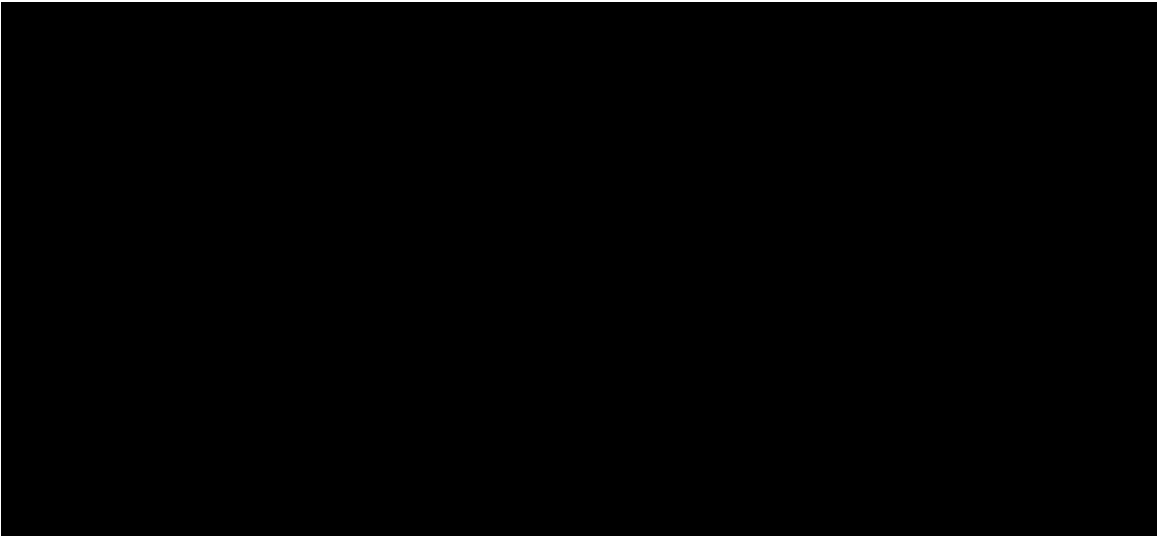
[REDACTED] The timing of the step is inconsequential (the asserted claims do not require filtering to be either pre or post auction) and appears to be the result of [REDACTED]. To the extent Defendants assert a difference in timing, the function and way are at least substantially the same as in Old AdWords and the result is the same.

5. I have reviewed recent documents from Google’s website explaining the AdWords system to their customers. The documents are dated after Google claims to have implemented its changes, and do not describe any change in the AdWords system with regard to eligibility. The website documents still describe that Google determines a candidate advertisement’s “eligibility” based on a combination of content and collaborative data. *Id.*

6. I have read the transcript of the deposition of Bartholomew Furrow dated September 20, 2013. I understand from I/P Engine’s attorneys that the transcript is true and correct. The following are quotations from that transcript demonstrating that New AdWords is no more than a colorable variation of Old AdWords:

[REDACTED]



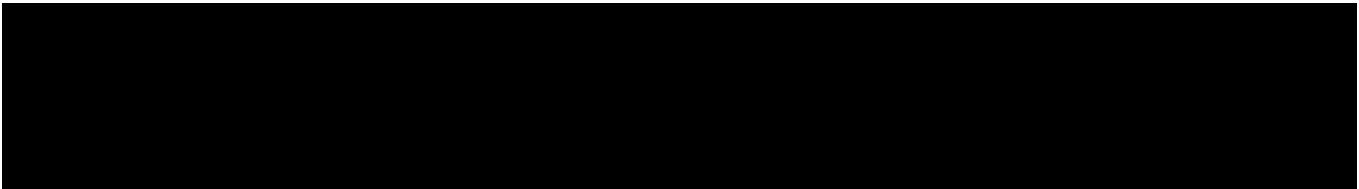


7. I have also reviewed relevant source code produced by Google. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



*Id.* Mr. Furrow testified that this portion of code [REDACTED]

[REDACTED]

[REDACTED] Furrow dep. tr. at 242:14-17.


8. [REDACTED]

[REDACTED] Furrow Dep.

at 110:7-18. My analysis applies equally to each of these products.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Dated: October 30, 2013

By:   
Dr. Ophir Frieder