

# EXHIBIT H

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

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

**PLAINTIFF I/P ENGINE, INC.’S  
FIRST LIABILITY RULE 30(b)(6) NOTICE OF DEPOSITION OF  
DEFENDANT GOOGLE, INC.**

PLEASE TAKE NOTICE that Plaintiff I/P Engine, Inc. (“I/P Engine”), by and through its attorneys, will take the deposition upon oral examination of Defendant Google, Inc. (“Google”) pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure and the Local Rules of the Eastern District of Virginia. The deposition will take place at 9 AM on May 3, 2012 at the offices of Dickstein Shapiro LLP, 1825 Eye Street, NW, Washington, DC 20006, or such other time, day, and location as may be mutually agreed upon by counsel. The deposition will continue from day to day until completed, with such adjournments as to time and place as may be necessary. The deposition will be made before an officer authorized to administer an oath and will be recorded by stenographic and/or videographic means.

PLEASE TAKE FURTHER NOTICE that Google shall designate, pursuant to Rule 30(b)(6), one or more officers, directors, managing agents, or employees (or other persons) who are competent, consent to testify on behalf of Google, and have the best overall knowledge of all matters known or reasonably available to Google of each of the following topics, and, for each person so designated, Google shall set forth in a written response each of the subjects to which

each designee will testify. Pursuant to the Discovery Plan, Google shall attempt in good faith to identify, for each person designated, the topics on which the witness is being offered to testify seven days in advance of the agreed-upon deposition date.

### **DEFINITIONS**

For purposes of this Notice, the following definitions apply:

A. “Defendant Google, Inc.” means the Defendant in this lawsuit, Google, Inc. and includes its respective predecessors, subsidiaries, divisions, parents or otherwise related entities and/or divisions thereof, and includes directors, officers, present and former employees, agents, representatives and attorneys of such entities and/or divisions thereof.

B. “I/P Engine” means the Plaintiff in this lawsuit, I/P Engine, Inc.

C. “Quality Score” means the “quality score” referenced internally on G-IPE-0146189 and externally in IPE 0000079.

D. “LPQ Score” means the “LPQ score” referenced on G-IPE-0146189 and externally as “landing page” in IPE 0000079.

E. “QBB pCTR” means the “QBB pCTR” referenced on G-IPE-0146189. This score is used in “Quality Score” for disabling.

F. “Relevance” means the “Relevance score” referenced internally on G-IPE-0146189 and externally in IPE 0000079.

G. “Keyword spam score” means “keyword spam score” referenced on G-IPE-0146189.

H. “Disabling” means the “Disabling” in the ads system referenced on G-IPE-0146186-90.

I. “Ad Shards” means the “Ad Shards” in the ads system referenced on G-IPE-0008819.

J. “Ad Quality Score” means a multiplier composed of an ad’s click through rate, relevance score, and landing page quality score as referred to on G-IPE-0096925.

K. “Google AdWords” means Google’s advertising program that serves Search Ads (as defined on G-IPE-0096924) and displays advertisements alongside Google’s query-based search results. Google AdWords is one of the accused products in the present litigation.

L. “Google AdSense for Search” means Google’s advertising program that allows third parties to monetize searches on their websites (as defined on G-IPE-0096924) and allows websites to display advertisements alongside their query-based search results. Google AdSense for Search is one of the accused products in the present litigation.

M. “SmartASS” means Google’s Smart Ad Selection System as defined on G-IPE-0096926.

N. “DumbASS” means Google’s predecessor system to SmartASS as referred to in G-IPE-0063869-0063871.

O. “Click Through Rate” or “CTR” means the ratio of clicks to impressions for an ad or page as defined on G-IPE-0096925.

### **TOPICS**

1. The system architecture and operational/functional descriptions of Google AdWords and Google AdSense for Search including, without limitation, the system architecture and operational/functional descriptions of each component of Google AdWords and Google AdSense for Search including how they function, how they have changed over time, how they are used, how they are represented external to Google, and how they are discussed at Google.

2. The conception, development, testing and use of Quality Score and each of its components (including LPQ Score, QBB pCTR, Relevance and Keyword Spam Score) as Quality Score was sold, or offered for sale or use in the United States, as well as the use of

Quality Score for Disabling and the use of Quality Score at the Ad Shards, by or on behalf of Google in Google AdWords or Google AdSense for Search from January 1, 2005 to the present.

3. The research, design and development efforts related to Quality Score, including why the work was undertaken, the desired goals, the resources committed to the project, the forecast or expectations for Quality Score, and any analysis of Quality Score including, but not limited to, research, design and development efforts related to the use of Quality Score for Disabling and the use of Quality Score at the Ad Shards, and the research, design and development efforts related to each component of Quality Score including LPQ Score, QBB pCTR, Relevance and Keyword Spam Score.

4. The system architecture and operational/functional descriptions of Quality Score, e.g., how it is calculated, how it is represented, how it is used in the AdWords system, and how it is discussed at Google including, but not limited to, the system architecture and operational/functional descriptions of the use of Quality Score for Disabling and the use of Quality Score at the Ad Shards, and the system architecture and operational/functional descriptions of each component of Quality Score including LPQ Score, QBB pCTR, Relevance and Keyword Spam Score.

5. When Quality Score was introduced into Google AdWords, how Quality Score related to the transition from DumbASS to SmartASS, and how the use of Quality Score in Google AdWords has changed since the introduction of Quality Score.

6. The technical and functional differences, if any, between LPQ Score referenced internally on G-IPE-0146189 and Landing Page referenced externally in IPE 0000079.

7. The technical and functional differences, if any, between Relevance referenced internally on G-IPE-0146189 and Relevance referenced externally in IPE 0000079.

8. The system architecture and operational/functional descriptions of SmartASS including, but not limited to, the technical and functional differences, if any, between SmartASS and DumbASS.

9. The system architecture and operational/functional descriptions of Ad Quality Score including, but not limited to, the technical and functional differences, if any, between Quality Score and Ad Quality Score.

10. The technical and functional differences, if any, between Google AdWords and Google AdSense for Search.

11. Google's improvements, modifications or changes to Google's AdWords from January 1, 2005 to present.

12. Google's experiment and testing policies or procedures relating to Google AdWords.

13. Google's marketing and promotion materials related to or referring to Quality Score.

14. The first sale, offer for sale, or use, of any prototype, product, system, or method that incorporates Quality Score including, but not limited to, the date of each first sale, offer for sale, or use, and the function, operation and key components of each such prototype, product, system, or method sold, offered for sale, or used.

15. The potential design arounds, or methods of modifying Quality Score, including all actual or experimental systems that do not incorporate each factor of Quality Score.

16. The reasons and factual bases for Google's contention that it is not a direct infringer including, but not limited to, Google's contention that "Google AdWords does not use 'the relevance of the content of the search results to the user search query including, but not limited to, the landing page or the advertisement text to the user search' in computing which advertisements to be displayed; AdWords compares the search query to the keywords selected by

the advertiser. Those keywords are not part of “the content of the search results”, and Google’s contention that “Google AdWords does not incorporate collaborative filtering.”

17. The complete and full factual basis for Google’s assertion of paragraph 138 of its First Amended Answer asserting “Google has not infringed, and is not infringing, any valid claim of the ‘420 patent or the ‘664 patent.”

18. The complete and full factual basis for Google’s assertion of paragraph 139 of its First Amended Answer asserting “[t]he claims of the I/P Engine patents are invalid for failure to satisfy one or more conditions of patentability set forth in Title 35 of the United States Code, including, but not limited to, 35 U.S.C. §§ 101, 102, 103 and/or 112.”

Dated: April 2, 2012

By: /s/ Charles J. Monterio, Jr.

Jeffrey K. Sherwood  
Frank C. Cimino, Jr.  
Kenneth W. Brothers  
DeAnna Allen  
Charles J. Monterio, Jr.  
DICKSTEIN SHAPIRO LLP  
1825 Eye Street, NW  
Washington, DC 20006  
Telephone: (202) 420-2200  
Facsimile: (202) 420-2201

Donald C. Schultz  
W. Ryan Snow  
CRENSHAW, WARE & MARTIN PLC  
150 West Main Street  
Norfolk, VA 23510  
Telephone: (757) 623-3000  
Facsimile: (757) 623-5735

Counsel for Plaintiff I/P Engine, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2nd day of April, 2012, the foregoing **PLAINTIFF I/P ENGINE, INC.'S FIRST DAMAGES RULE 30(b)(6) NOTICE OF DEPOSITION OF DEFENDANT GOOGLE, INC.**, was served via email, on the following:

Stephen Edward Noona  
Kaufman & Canoles, P.C.  
150 W Main St  
Suite 2100  
Norfolk, VA 23510  
[senoona@kaufcan.com](mailto:senoona@kaufcan.com)

David Bilsker  
David Perlson  
Quinn Emanuel Urquhart & Sullivan LLP  
50 California Street, 22nd Floor  
San Francisco, CA 94111  
[davidbilsker@quinnemanuel.com](mailto:davidbilsker@quinnemanuel.com)  
[davidperlson@quinnemanuel.com](mailto:davidperlson@quinnemanuel.com)

Robert L. Burns  
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
Two Freedom Square  
11955 Freedom Drive  
Reston, VA 20190  
[robert.burns@finnegan.com](mailto:robert.burns@finnegan.com)

Cortney S. Alexander  
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
3500 SunTrust Plaza  
303 Peachtree Street, NE  
Atlanta, GA 94111  
[cortney.alexander@finnegan.com](mailto:cortney.alexander@finnegan.com)

/s/ Armands Chagnon  
Senior Paralegal