

EXHIBIT E

**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.)	
)	

**REBUTTAL EXPERT REPORT OF DR. JAIME
CARBONELL REGARDING VALIDITY OF
U.S. PATENT NOS. 6,314,420 and 6,775,664**

query and/or a user” and that “one skilled in the art would be familiar with the underlying techniques and would immediately see the possibility of applying them to the problem of the patents, as evidenced by the numerous prior art systems using the same techniques towards the same end.”

190. As I have already noted, viewing the interrelated teachings of the prior art references relied upon by Dr. Ungar, there was simply no consideration or attempt by those skilled in the art to tightly integrate ad-hoc search systems and profile systems in the manner recited in the asserted claims of the ‘420 and ‘664 patents. It is my opinion that one of ordinary skill in the art in 1998 would not have immediately seen the possibility of achieving such tight integration as reflected in the asserted claims of the ‘420 and ‘664 patents, and that the asserted claims of those patents would not have been obvious to one of ordinary skill in the art.

B. Secondary Considerations

191. With respect to secondary considerations, there are considerations that would overcome any determination of obviousness. First, the commercial success of tightly integrating query, content data and collaborative feedback data in the manner taught by the ‘420 and ‘664 patents is evidenced by the activities of modern search engines including Google. I understand from Dr. Frieder that Google’s system uses a combination of content data and collaborative feedback data to filter advertisements for relevance to the query. I understand from Dr. Becker that Google’s system is commercially successful.

192. Furthermore, there clearly was a long felt recognized need to improve search. The prior art references relied upon by Defendants and Dr. Ungar makes this case evident. Moreover, the same prior art references attempted to address this need with half measures by combining some of the elements while not using others and failed to arrive at a tight integration.

Both the disclosure of the need and the attempts to meet it provide strong evidence for a long felt, but unresolved need.

193. As discussed throughout this report, the prior art references relied upon by Defendants and Dr. Ungar attempted to meet the need in different, incomplete and partial ways. They all failed to disclose a tight integration between ad-hoc search systems and profile systems as required to produce globally optimum filtering results. As such, this satisfies one of the secondary considerations – the failures of others – of the Graham factors.

Executed on this 29th day of August, 2012, in Pittsburgh, PA.

By

Jaime Carbonell

A handwritten signature in black ink that reads "Jaime Carbonell". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

August 29, 2012