

EXHIBIT G

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STATES UNITED DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

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

CONFIDENTIAL - OUTSIDE COUNSEL ONLY
Videotaped Deposition of JONATHAN DIORIO
Tuesday, September 18, 2012
9:08 a.m.

Job No.: 26134
Pages: 1 - 206
Reported By: Kellie A. Zollars, CSR, RPR, CRR
CSR License No. 5735

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1	Q. And during that review process where the initial	12:43:59
2	draft of the materials are circulated and people are	12:44:29
3	providing feedback, they're providing feedback on the	12:44:33
4	content; correct?	12:44:37
5	MS. O'BRIEN: Objection. Vague and ambiguous.	12:44:39
6	THE WITNESS: They could be providing comments	12:44:42
7	on anything.	12:44:44
8	BY MS. SCOTT:	
9	Q. And they could provide feedback on the	12:44:45
10	consistency of the branding?	12:44:48
11	A. Perhaps.	12:44:50
12	Q. And would you expect them to do that? If there	12:44:52
13	was a problem with the consistency of the branding,	12:44:54
14	would you expect someone to identify that?	12:44:57
15	MS. O'BRIEN: Objection to form.	12:44:59
16	THE WITNESS: It's purely speculative; but it	12:45:01
17	could probably happen, someone smart enough to see the	12:45:05
18	same name is used two different ways.	12:45:07
19	BY MS. SCOTT:	
20	Q. Is that something that in your experience you	12:45:11
21	would hope a product marketing manager would identify?	12:45:13
22	MS. O'BRIEN: Objection to form.	12:45:16
23	THE WITNESS: Back when I was managing them I	12:45:18
24	would have expected my people to.	12:45:23
25	BY MS. SCOTT:	

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1	Q. Would you -- when you were a product marketing	12:45:26
2	manager and you were supervising other people, would	12:45:30
3	you expect those people to make sure that the content	12:45:35
4	was going to be helpful for advertisers?	12:45:43
5	MS. O'BRIEN: Objection.	12:45:45
6	THE WITNESS: Sure.	12:45:47
7	BY MS. SCOTT:	
8	Q. Would you expect them to review for	12:45:48
9	typographical errors?	12:46:06
10	A. Sure.	12:46:10
11	Q. Would you expect them to review for the material	12:46:11
12	being useful to an advertiser?	12:46:18
13	A. Yes.	12:46:30
14	Q. Would you expect them to review the content for	12:46:30
15	accuracy?	12:46:36
16	MS. O'BRIEN: Objection. Vague and ambiguous.	12:46:38
17	THE WITNESS: Again, accuracy is vague. I would	12:46:40
18	expect them to look for inaccuracy.	12:46:42
19	BY MS. SCOTT:	
20	Q. But if there were inaccuracies, you would expect	12:46:46
21	them to identify them?	12:46:48
22	A. If there was a misstatement, yes, I would expect	12:46:50
23	them to identify it.	12:46:54
24	Q. Okay.	12:46:56
25	A. Or -- yes.	12:46:56

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1	To the best of their knowledge.	12:47:01
2	Q. Okay. Going back to the Help Center. In your	12:47:02
3	understanding, do advertisers rely on the Help Center	12:47:08
4	pages to be truthful?	12:47:11
5	MS. O'BRIEN: Objection. Vague and ambiguous.	12:47:12
6	Calls for speculation.	12:47:14
7	THE WITNESS: I can't -- I can't say what's in	12:47:16
8	their mind.	12:47:21
9	BY MS. SCOTT:	
10	Q. In your experience, do you expect the	12:47:23
11	advertisers to rely on the materials in the Help Center	12:47:27
12	for developing their ad campaigns?	12:47:31
13	A. I expect them to use those materials.	12:47:34
14	Q. So you expect them to put them to use in their	12:47:37
15	ad campaigns?	12:47:39
16	MS. O'BRIEN: Objection to form.	12:47:41
17	THE WITNESS: I would expect them to. That's	12:47:42
18	why we make them.	12:47:43
19	BY MS. SCOTT:	
20	Q. And when you make the materials in the Help	12:47:46
21	Center, is one of the goals to provide some	12:47:50
22	transparency into the process?	12:47:55
23	MS. O'BRIEN: Objection. Form.	12:47:58
24	THE WITNESS: I just want to make sure I	12:48:00
25	understand what you mean by transparency.	12:48:09

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1	BY MS. SCOTT:	
2	Q. How do you use that in marketing at Google?	12:48:12
3	MS. O'BRIEN: Same objection.	12:48:15
4	THE WITNESS: I don't.	12:48:16
5	BY MS. SCOTT:	
6	Q. Have you ever heard people within Google use	12:48:18
7	that term with respect to the messaging that's provided	12:48:21
8	to advertisers --	12:48:26
9	A. Potentially.	12:48:27
10	Q. -- regarding AdWords?	12:48:28
11	A. Potentially.	12:48:29
12	Q. And when you've heard that word, what did you	12:48:31
13	take it to mean?	12:48:33
14	A. I can't interpret what they meant it to mean.	12:48:34
15	Q. When you hear that word, what does it mean to	12:48:38
16	you?	12:48:40
17	A. Visibility.	12:48:41
18	Q. Visibility in what?	12:48:41
19	A. Whatever the subject is.	12:48:44
20	Q. Is one of the objectives in providing messaging	12:48:58
21	materials to advertisers to provide some visibility	12:49:08
22	into the AdWords system?	12:49:15
23	MS. O'BRIEN: Objection. Vague.	12:49:18
24	THE WITNESS: I would say our goal is to provide	12:49:18
25	them useful information by which they can become better	12:49:21

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1	Is that sentence accurate?	15:27:32
2	MS. O'BRIEN: Objection. Form.	15:27:34
3	THE WITNESS: Again, not having any technical	15:27:36
4	background nor having worked on this team, I cannot	15:27:38
5	tell you whether it's accurate nor if it's inaccurate.	15:27:40
6	BY MS. SCOTT:	
7	Q. But as you sit here today, you're not aware of	15:27:44
8	any inaccuracies in that statement?	15:27:47
9	A. Lacking -- again, I don't have the background to	15:27:52
10	say one way or the other whether this is accurate.	15:27:54
11	Q. Was marketing involved in the preparation of	15:28:12
12	this document?	15:28:15
13	MS. O'BRIEN: Objection. Calls for speculation.	15:28:16
14	Lacks personal knowledge.	15:28:18
15	THE WITNESS: I do not know.	15:28:20
16	BY MS. SCOTT:	
17	Q. But you weren't personally involved in its	15:28:23
18	preparation?	15:28:26
19	MS. O'BRIEN: Objection to form.	15:28:26
20	THE WITNESS: I do not recall working on this	15:28:29
21	document nor having seen it before.	15:28:30
22	BY MS. SCOTT:	
23	Q. Okay. On the second page of the document,	15:28:31
24	ending in Bates No. 876 --	15:29:00
25	A. Uh-huh.	15:29:04

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1 Q. -- at the bottom there is a heading called "How 15:29:04
2 we calculate Quality Score." It says, "Every time 15:29:06
3 someone does a search that triggers your ad, we 15:29:13
4 calculate a Quality Score. To calculate this Quality 15:29:17
5 Score, we look at a number of different things related 15:29:21
6 to your account, like the following:" And then the 15:29:24
7 first bullet point is "your keyword's past 15:29:28
8 click-through rate (CTR): How often that keyword led 15:29:31
9 to clicks on your ad." Is that an accurate description 15:29:36
10 of a component of the quality score? 15:29:48
11 MS. O'BRIEN: Objection. Calls for speculation. 15:29:52
12 Lacks personal knowledge. Vague and ambiguous. 15:29:55
13 THE WITNESS: Again, since I've never worked in 15:29:59
14 ads quality nor do I have any technical understanding 15:30:01
15 of how it works, I cannot tell you if that's an 15:30:03
16 accurate description of a component. 15:30:05
17 BY MS. SCOTT:
18 Q. As you sit here today, do you have any reason to 15:30:09
19 believe that it is inaccurate? 15:30:11
20 MS. O'BRIEN: Objection to form. 15:30:14
21 THE WITNESS: I can neither say whether it's 15:30:16
22 accurate or inaccurate based on my lack of background 15:30:17
23 in this area. 15:30:20
24 BY MS. SCOTT:
25 Q. So as you sit here today, you are not aware of 15:30:21

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1	any inaccuracies?	15:30:24
2	MS. O'BRIEN: Same objections.	15:30:25
3	THE WITNESS: I cannot tell you if there are	15:30:26
4	inaccuracies because I do not understand the subject	15:30:27
5	well enough.	15:30:30
6	BY MS. SCOTT:	
7	Q. The second bullet is "Your display URL's past	15:30:38
8	CTR: How often you received clicks with your display	15:30:41
9	URL." Is that an accurate statement?	15:30:47
10	MS. O'BRIEN: Same objections.	15:30:57
11	THE WITNESS: Same response. Because I've never	15:31:00
12	worked on ads quality nor do I have a technical	15:31:01
13	background in the area, I cannot tell you if it's	15:31:03
14	accurate and I cannot tell you if it's inaccurate.	15:31:06
15	BY MS. SCOTT:	
16	Q. For the next two bullet points, account history	15:31:09
17	and quality of the landing page, is it fair to say that	15:31:12
18	you cannot tell me whether they are accurate or	15:31:16
19	inaccurate?	15:31:18
20	A. That's correct.	15:31:19
21	Q. Staying on this page ending in Bates No. 876, we	15:32:11
22	just looked at the four bullet points under how we	15:32:15
23	calculate quality score. And they included the past	15:32:18
24	click-through rate, the display URLs, past CTR, your	15:32:23
25	account history, and the quality of your landing page.	15:32:27