

# EXHIBIT B

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF VIRGINIA

NORFOLK DIVISION

-----x  
I/P ENGINE, INC.,

Plaintiff,

v.

Civil Action No.:  
2:11-cv-512

GOOGLE INC.,

Defendant.

-----x

CONFIDENTIAL - ATTORNEYS' EYES ONLY

Videotaped 30(b)(6) Deposition

of

JAIME G. CARBONELL, Ph.D.

Washington, D.C.

Friday, September 21, 2012

9:04 a.m.

Reported by: Amy E. Sikora, RPR, CRR, CSR-NY, CLR

Job No. CS1338951

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1       itself. And the notion of joint optimization  
2       versus multistep local optimization was not  
3       something that was known to someone in ordinary  
4       skill in the art in 1998.

5           Q.       Okay. We're getting to the end of the  
6       tape, so --

7           A.       Okay.

8           THE VIDEOGRAPHER: The time is  
9       approximately 2:17 p.m. This is the end of media  
10      No. 3. We are off the record.

11                   (Recess taken.)

12          THE VIDEOGRAPHER: The time is  
13      approximately 2:27 p.m. This is the beginning of  
14      media No. 4. We are on the record.

15      BY MS. PEARSON:

16           Q.       So if we could go to page 50 of your  
17      report, we marked as Exhibit 1.

18           A.       Okay.

19           Q.       There beginning at 50 and continuing  
20      on to page 51 you identify some secondary  
21      considerations. You see that?

22           A.       Yes.

23           Q.       And do you understand that to refer to  
24      what's termed sometimes secondary considerations  
25      of nonobviousness?

1           A.       That's what it's applied to,  
2 nonobvious, yes.

3           Q.       Okay. So in paragraph 191 you refer  
4 to commercial success of tightly integrating  
5 query content data and collaborative feedback  
6 data in the manner taught by the '420 and '664  
7 patent.

8                   Do you see that?

9           A.       Yes.

10          Q.       And the commercial success that you  
11 rely on there is the -- you say the activities of  
12 modern search engines including Google.

13                   Do you see that?

14          A.       Yes.

15          Q.       Now, do you know that the Google  
16 search engine is not accused of infringement in  
17 this case?

18          A.       I believe it is the Google ads engine.  
19 I do not know the infringement side of this case.  
20 I'm only involved in this part.

21          Q.       Right. And that's -- that's the part  
22 that I'm getting to here. So when you're  
23 referring to the commercial success of modern  
24 search engines including the Google, what  
25 functionality are you referring to?

1           A.       Actually, I'm referring to both parts,  
2 the standard Google search and the Google  
3 ad-related search, ad servers.

4           Q.       Okay. But just to clarify in your  
5 earlier answer, you don't know one way or another  
6 whether Google search, standard Google search  
7 functionality is accused of infringement in the  
8 case; correct?

9           A.       I just said that it wasn't. Other  
10 than that, I do not know.

11          Q.       Okay. So you haven't reviewed the  
12 infringement report, for example, of Dr. Frieder  
13 in the case?

14          A.       I'm not under the protective order, so  
15 I believe I'm not allowed to do that.

16          Q.       Okay. News to me. I wasn't trying to  
17 trap you into anything there. I was just asking.

18          A.       Right.

19          Q.       Have you had any conversations with  
20 Dr. Frieder concerning his infringement opinions  
21 in this case?

22          A.       Not concerning his infringement  
23 opinions. They have come via the attorneys.  
24 I've had an earlier discussion with Dr. Frieder,  
25 at that time we were deciding to participate in

1 this. But that was prior to any opinions being  
2 formed.

3 Q. When was that?

4 A. Last year.

5 Q. And just generally speaking, what was  
6 the subject matter of that earlier conversation  
7 with Dr. Frieder?

8 MR. JACOBS: I will caution not -- the  
9 witness not to reveal the content of any  
10 privileged communications, to the extent there  
11 may have been any attorneys present during the  
12 time that you would have had these conversations.

13 THE WITNESS: Okay. I think -- I do  
14 not believe that this -- it's a brief  
15 conversation and I do not believe it was  
16 privileged.

17 A. It was simply meeting at a scientific  
18 meeting. We were both there as kind of a  
19 coincidence. We were both -- well, maybe not  
20 such a coincidence. We're in the same field.  
21 But I did not know ahead of time that he was  
22 going to be there nor he knew that I was going to  
23 be there necessarily, and we discussed briefly  
24 that -- that we were in the process at that time  
25 of being engaged in this process, and that one of