I/P Engine, Inc. v. AOL, Inc. et al Doc. 512 Att. 11

EXHIBIT 11

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF VIRGINIA

NORFOLK DIVISION

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I/P ENGINE, INC.,

Plaintiff,

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

GOOGLE INC.,

Defendant.

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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

Q. Do you have any estimate at all?
A. I can give you an estimate, but I cannot guarantee its accuracy.
Q. Understood.
A. It would be between one and 200 hours.
Q. Okay.
MR. NELSON: Let's mark this next one here.
(Carbonell Exhibit No. 4, copy of U.S. Patent No. 6,006,222, marked for identification as of this date.)
Q. Okay. I'm showing you now what I've had marked as Carbonell Deposition Exhibit No. 4. It is a -- United States Patent No. 6,006,222.
Do you see that?
A. Yes.
Q. And the named inventor is Gary Culliss. Do you see that?
A. I see that.
Q. I think -- well, actually, let me just ask that first. Have you reviewed Exhibit No. 4 before?
A. Yes, I have.
Q. Do you recall about how long you spent reviewing it?

A. I reviewed the asserted prior art as a group as well as individually. So it's difficult to say collectively, I mean, how my time distributed among the various items of prior art.

Q. Okay. But do you feel like you have a good understanding of what we've marked here as Carbonell Deposition Exhibit No. 4?

A. I have read it more than once. Yes, the answer to your question.

Q. Okay. Now, if you look to page 24 of your report that we marked as Exhibit No. 1, you have a section that's headed "XII."

Do you see that?

A. Yes.

Q. And this section concerns what we've marked as Carbonell Deposition Exhibit No. 4; correct?

A. Correct.

Q. Okay. The -- here in parentheticals and throughout this section of your report, you refer to it as "the Culliss reference"; is that right?

A. Just as "Culliss."

Q. Okay. So I'll -- is it okay for the deposition, if I just refer to it as Culliss,

then, so that we use the same terminology used in your report?

A. Yes.

Q. Okay. Now, in paragraph 102, you express a summary of your opinions concerning the Culliss reference with respect to the '420 patent; correct?

A. Correct.

Q. And there are two elements that you identify in -- let's just start with independent claim 10 that you believe are not found in the Culliss reference; correct?

A. Correct.

Q. Okay. Now, with respect to inde -- independent claim 10, at least, of the '420 patent, and you have it there in front of you, if you want to look at it, in your report you didn't express any opinions concerning elements of claim 10 beyond the two that you addressed here or you list here in paragraph 102; correct?

A. That's correct.

Q. So, then --

A. Let me -- let me put claim 10 up here so that I can refresh my memory.

Q. Yup.

Q. Okay. Well, let's -- let's -- let's go back to column 3 towards the bottom, about line 61 for a moment.

You see it says, "These articles" -- that are given the generic labels A1, A2, A3. You see that?

A. Right.

Q. "These articles are each associated with one or more of these key terms by any conceivable method of association, such as through indexing all words or through meta tag headers containing keywords selected by the author or the editor."

A. Right.

Q. Okay. You see that?

A. Yes, I see that.

Q. So you agree that one of the ways that Culliss teaches that the key terms can be selected is by indexing words in the article; correct?

A. That's how we would initialize the tables.

Q. Okay. Now, if we go over to column 4, about line 10, it says, "The invention will accept a search query from a user, and a search

engine will identify key terms which match the search query"?

A. Yes.

Q. "These key terms which match the search query are called matched key terms. The search engine then identifies in any conceivable" matter -- "manner, the articles which are associated with the matched key terms."

Do you see that?

A. I see that.

Q. So do you understand that to mean that the key term scores are used by the search engine to do that matching in response to the search query that we just looked at at the top of column 4?

A. I do not know. If the key term scores reach zero or some very small number, it would be normal to -- they would be ranked very low, and Culliss could return them or could not return them. If Culliss were to return everything that has an entry in the table, then the scores are not material. I do not know which way he does it.

Q. Okay. So you don't know which -- one way or the other is what you're saying?

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A. Yeah.

Q. Okay.

A. That's why I can't agree when you say he does it one specific way. I don't -- I don't know.

Q. Okay. Understood.

So now, let's go back to your report, which we've marked as Exhibit 1, and look at paragraph 108. There you say, "Third, Culliss does not disclose filtering each informon for relevance to the query or filtering the combined information for relevance to at least one of the query and the first user."

Do you see that?

A. I see that.

Q. And then further down, you say that -- and I'm paraphrasing here because I don't want to just read the whole thing -- that Culliss discloses ranking, but not filtering; correct?

A. That's correct.

Q. Okay. So can you explain to me what you mean by the difference between ranking and filtering?

A. Yes.

Q. Please do.

A. Ranking is putting a set of elements, whether they be documents or other items, in order. That order would typically be derived from a score, a relevant score. It can be a popularity score. It can be based on other criteria.

So ranking is -- is essentially you start with a set, and you end up with an ordered set. Same set in order.

Filtering is the process where you examine elements of a set one at a time, and you determine whether or not they qualify according to some filtering criterion.

Then that set is divided into two sets, one of which is the filtered or accepted set, one of which is the rejected or filtered out set.

Q. So let me have an example. If you have a -- a criterion that says, I want to review the top 10 something, then you rank whatever the candidates are, and you display the top 10, is that ranking or is that filtering?

A. That is ranking.

Q. Okay. Even though you used a criterion to decide which ones were going to be

displayed and which ones were not going to be displayed; correct?

A. That -- that criterion is not based on -- it's not an absolute criterion. It is not based on -- it is based on relative properties of the members of the set where they -- where they belong in the ranking.

Q. So you think that in order for something to be filtering, it has to -- there has to be a decision being made concerning only the properties of that individual member of the set?

A. Right. Say yea or nay, depending on those properties.

Q. So if you're including some decision concern -- some criteria concerning properties of other members of the set in your decision to say yea or nay, then you're not filtering?

A. If you're comparing this one to the other members of the set in your -- in your criteria, these comparative criterion, then you're not filtering. Bowman calls that subsetting.

Q. What -- what was that last part?

A. There are -- one of the other references uses a different term for it.

Q. Oh, okay.

A. We can get to it later.

Q. Okay. Good. I understand what you're saying now.

Okay. So let's look at -- back to the Culliss reference, which is Exhibit No. 4 to your deposition, and I want to look at column 11 here.

So you see here there's a section that begins about line 6 or 7, something like that, the heading is "Ratings"?

A. Yes.

Q. And it says, "The invention can also be used to organize articles by ratings. To this end, the key terms of the index may additionally or alternatively comprise rating key terms represented by the generic labels G rated and X rated, for example."

Do you see that?

A. Yes.

Q. So you understand that Culliss is saying, in addition to the key terms used in the index, you can include a rating index?

A. You can include rating labels. It didn't say index, but --

Q. Oh, that's fair. You can include in

your index, along with the key terms, a rating label; correct?

A. You can include a rating label, yes. It could be in the index.

Q. Okay. So then it goes -- the Culliss reference goes on to say, "The rating key term is considered appropriate for all ages while the rating key term X rated is considered appropriate only for adults."

Do you see that?

A. Where does he say that? There it is. I found it.

Q. It's like line 12, maybe.

A. Yes, I see that.

Q. Then at line 15 it says, "The articles are initially associated with one or more of these key terms by any possible manner, such as by human judgment or default association."

Do you see that?

A. I see that.

Q. So do you understand a human could initially decide this is G-rated content or this is X-rated content in the article?

A. Yes.

Q. Okay. And then if we go down a little

bit further about line 23, which is the next paragraph there in column 11. It says, "Moreover the rating key terms can be incorporated into the index of key terms and included in the association of the comparison score and, if used, the key term probability score."

Do you see that?

A. I see that.

Q. So the -- the rating can be an additional value in the key term index; correct?

A. Yes.

Q. And then in the example that's provided here, if we go down about line 39, it says, "The invention operating separately from or in addition to the manner described above would permit or require the user to enter a rating key term in the search query."

Do you see that?

A. I see that.

Q. So there you understand that you could have an example where you put in key terms alpha and gamma, and in addition you say, I want G rated; right?

A. You would -- not exactly, but close to what you said. You would provide three key terms

in the query: Alpha, gamma, G or G rated.

Q. Okay. And -- and we talked about earlier, alpha and gamma can be associated with words that are in the article; correct?

A. Yes, they can be.

Q. So then, the next sentence there, beginning about line 41, says, "The invention would operate in a similar manner for the rating key terms as described above for the key terms alone, whereby the search activity of the user would alter the key term scores and key term total scores for the rating key terms."

Do you see that?

A. I see that.

Q. So, in other words, users -- you'd have a key term score associated with the rating that's initialized at some particular value; right?

A. Yes. It seems to be once here.

Q. Yeah. In the example that's shown, for example, in the index, you know, surrounding line 35 of column 11, they're initialized to the values of one; correct?

A. Yes.

Q. And then continuing with the example,

one of the key terms that the user would enter in the query in this embodiment is to include a rating key term; correct?

A. You're referring to 47 through 55?

Q. Correct.

A. Yeah, that's what it says there.

Q. And so that rating key term score would be altered by both whether an article is returned, as well as whether it's selected by the user as per the previous examples that we discussed; correct?

A. Yes. Under the embodiment where it keeps both scores with a slash notation as -- as exemplified here, that would be correct.

Q. Okay. So then, if we look toward the bottom of column 11, continuing onto the top of column 12, it says, "In this manner," peo -- "people looking for X-rated material will identify and effectively label that material as X rated. Such X-rated material can then be screened entirely from the rating key term of G rated by precluding articles entirely from the search results which have a key term probability score or comparison score for the rating key term X rated above a predetermined threshold."

Right, you see that?

A. I see what it says here, yes.

Q. So in what's described there, the -- the rating key term will be evaluated for each article individually; correct?

A. It -- he's talking about putting in the ratings as -- in the same way you would put other data associated with the -- with the article such as key terms.

Q. Understood. But here in the part that I just read at the bottom of column 11, the rating key term for each of the articles is evaluated to determine whether the article will be displayed independently of any of the other articles in the set; correct?

A. It doesn't say that it's evaluated with respect to whether the article will be displayed.

Q. Well, it says, "In this manner, people looking for X-rated material will identify and effectively label that material as X" -- "as X rated. Such X-rated material can then be screened entirely from the rating key term of G rated by precluding articles entirely from the search results which have a key term probability

score or comparison score for the rating key term X rated above a predetermined threshold"; right?

A. That's what it says.

Q. So isn't that saying that the rating key term score will be evaluated independently for each article to determine whether that article will be screened entirely from the search results?

A. The -- the X rated or the G-rated key term will have a score, and then that score can be modified over time, depending on the feedback from the user and the key term probability score or comparison score above a predetermined threshold, and then that -- that key term, then, can be used as -- as a factor or criterion in determining what to show or what to -- what to -- not to show, it doesn't say show. What does he say? From the search results.

Q. Right. And if we look -- let's just look further. Maybe we can shed a little bit more light on this in the example.

Continuing in column 12, about line 6, it says, "For example, suppose article A3 contained adult content, and articles A1 and A2 contained not adult content, which would not be

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of interest to users searching with the rating key term of X rated."

Do you see that?

A. Right.

Q. So in this example, the users that are performing the query, one of the key terms they include is a rating key term; correct?

A. That's right.

Q. Okay. Then it goes on to say, "After several users have performed searches, the index may look like this," and then provides an example.

Do you see that?

A. Provides an example where X rated was preferred for -- for article A3.

Q. For article A3, correct.

And then it continues in the description, beginning at line 20 of column 12, "While the article A3 containing adult content was clearly of interest to the G-rated crowd, it was also clearly of interest to the X-rated crowd. Accordingly, the invention would screen the article A3 (i.e., prevent the squib from being displayed from search queries containing the rating key term of G rated)."

Do you see that?

A. I see what he says, but I don't -- I don't see how the invention would -- would screen it, because it also has a high -- high probability value under his example.

Q. Right. Well, what it says is when it has a high probability value of being X rated, it will be screened from key queries containing a G-rated key term; correct?

A. Under this example, it would have a high probability value for both X rated and G rated. Slightly higher for X rated, because it's 45 over 45 for one. In the other case, 21 over 22 or, you know, .95 or whatever that number actually is.

Q. Right. And what -- what it's saying is because the article A3 has a high probability for X rated, it will be screened from queries -- meaning not displayed, from queries that contain the G-rated term; correct?

A. The -- the method disclosed or taught here does not -- would not have that effect.

Q. Well, that's exactly what it says; right? "While the article A3 containing adult content was clearly of interest to the G-rated

crowd."

In other words, little kids may be wanting to look at it, but they're not supposed to be looking at it; right?

A. Right. Like the -- even if you divide the -- the users into two groups, the G rated and the X-rated crowd here, what's taught in the invention would not have that -- that result.

Q. Even where it says, "Accordingly, the invention would screen the article A3 (prevent the squib being displayed from search queries containing the rating key term of G rated)"; right?

A. The methods that are described before will not have the effect of performing that screening.

Q. Sure they will. If your -- if your threshold is -- if it has a high probability of being X rated, I'm not going to show it to G rated; correct?

MR. JACOBS: Objection. Asked and answered.

A. Yeah. The -- the method described here where you show by -- by the scores will not have that effect.

Q. You don't think that this will screen article A3 from -- from queries that include the G-rated key term?

MR. JACOBS: Objection. Asked and answered.

A. The method described of generating these tables, calculating the probability or the incremental values, will not have the desired effect or the stated effect of screening one and permitting the other.

Q. Well, sure it will, if your threshold is -- does it have a high probability of being X-rated content; correct?

A. That is not the way the method here works. The method here works is -- works by calculating the scores between what the terms in the user preference is and ranking according to those scores.

Q. Right. But this screening of X rated from G rated is based solely upon the score associated with the rating key term; correct?

A. Yeah. The -- the part here that is inconsistent with the earlier teachings is, accordingly, the invention would screen the article A3. The way that the invention is

described, it will not have the effect of screening that article.

Q. Okay. So you -- you think that both the G-rated probability and the X-rated probability have to be used in order to determine whether you're going to screen the article in the embodiment described in column 11 and 12 here, that's what you're saying?

A. It's essentially by looking at all of the terms associated with the article. You would need to devise an additional or new or different mechanism to have the desired effect.

Q. Well, let's look at the next one. "On the other hand" -- this is -- begins at column 26. "On the other hand, the rating key terms for articles A1 and A2 under the X-rated key term are low and suggests that those articles, A1 and A2, do not contain adult content. Accordingly, these articles could be displayed in response to a search query containing a rating key term of G rated."

Do you see that?

A. Yes, I see what it says there.

Q. So, in other words, the screening of X rated content, meaning determining whether to

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display it to G-rated users, is based upon the probability that a particular article has X-rated content in this example; correct?

A. The -- the method described here of tabulating and calculating sums or probabilities and then using that to score which items have a higher score and which ones have a -- have a lower score would not have the effect of using the presence of some item to serve as a way of excluding that item.

Q. Well, of course it would. We have -- we have the first example that's given that says article A3 has a high probability, 45 out of 45, right, of having X-rated content; correct?

A. And that's what it says, yes, in the example.

Q. Right. And so in that example, it's -- in column 12, the Culliss reference says, I'm not going to show that to people who included a G-rated key term in their query; correct?

A. The -- the mechanism -- that's what it says what he wants to do. The mechanism disclosed here will not have the effect that he desires.

Q. Well, if you -- if you base -- well,

let's just continue with the example.

Then we have the example of articles A1 and A2 that have a low probability of including X-rated content; correct?

A. According to the example.

Q. Right. And in that instance, that low probability of including X-rated content leads to the conclusion that I can show those articles or display those articles to a user, including the G-rated key term in their query; correct?

A. That's what it says here. The Culliss mechanism for generating the scores and so on would not have that effect, either.

Q. Well, the mechanism that's described here is, take the X-rated probability and determine whether you're going to display that particular article to someone who does a G-rated search; correct?

A. There's no real mechanism described here. There's a desired outcome described here.

Q. But you agree that in the example that's shown here that we just looked at in column 11 and 12, that the -- the determination of whether to screen an article, meaning not display it, is done on an article-by-article

basis?

MR. JACOBS: Objection as to form.

A. The -- the -- no, not necessarily. The -- Culliss discloses a mechanism for ranking articles based on user feedback with some initialization step, then he goes on to add additional features like G rated and X rated and collects statistics on those.

So if people who put X-rated items liked a particular item a considerable number of the time, and people who liked G rated also liked it, that does not mean that that article necessarily is -- is -- well, first of all, it doesn't mean it's an X-rated article, it just simply means it is liked by both crowds.

Q. It says here, right, "While the article A3 containing adult content was clearly of interest to the G rated" cloud -- "crowd, it was also clearly of interest to the X-rated crowd. Accordingly, the invention would screen the article A3 (i.e., prevent the squib from being displayed from search queries containing the rating key term of G rated."

Do you see that?

A. Right. I agree that it says that.

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Q. Right. So the article has a high probability of being X rated, so it's not shown in response to a query including a G-rated search term; correct?

MR. JACOBS: Objection as to form. Asked and answered.

A. Right. So Culliss would need a different mechanism beyond the one described here to have the desired effect.

Q. The mechanism being determining whether there's a high probability that it's X rated; correct?

A. The mechanism being how the -- the ranking and selection are done compared to his method of keeping these tables about all of the other terms.

Q. Yeah. The probability associated with whether the article has X-rated content is determined at least in part by the feedback from users that included an X-rated rating key term in their query; correct?

A. The way that the -- that the Culliss works, that would be one of the criterion that would be combined with -- with the others to determine the pertinence of that article to the

query.

Q. That would be the only criterion; correct?

MR. JACOBS: Objection as to form.

A. Culliss is -- developed a method where he combines criteria from all the terms associated with the article. Then at the top of 12, he mentions an example where one particular criterion may dominate or maybe dominate over others. He doesn't provide any mechanism to describe under what cases when a criterion would be used instead of the combination of the criterion. His description throughout is a combination of the criterion.

Q. So you don't think that beginning at line 20, where he says article A3's got a high level of interest to the X-rated crowd, so I'm not going to show it to the G-rated crowd, and conversely, articles A1 and A2 have a low level of interest to the X-rated crowd, so I am going to show it to the G-rated crowd describes a mechanism?

MR. JACOBS: Objection as to form.

A. Article A2, for example, has no ratings with respect to the G-rated crowd, so

it's not clear whether they would like to see item A2 or not.

Q. Right. Because I'm only -- in the example that's shown here, I'm only basing it on the interest that the X-rated crowd had in the article; correct?

A. So you're saying that the lack of interest of the X-rated crowd on A1 and A2 makes that a higher candidate for -- more eligible candidate for showing it to other people.

Q. To the G-rated crowd, that's what it says right here. On the other hand, the rating key terms for articles A1 and A2 under the X-rated key term are low and suggests those articles A1 and A2 do not contain adult-rated content. Accordingly, these articles could be displayed in response to a search query containing a rating key term of G rated; right?

A. Right. So what you're describing here is using a low probability as a positive criterion for showing something. If the method that he had described here had a way of favoring low probabilities over high probabilities under certain cases and not under others, and there was a mechanism for selecting these things, then I

would -- then that would make sense, it would be consistent with his invention.

He's describing here a desired outcome, but he's not providing a modification of his mechanism that -- that would work -- that would work in general.

Q. Well, sure he is, isn't he? Isn't he saying that I'm going to look at the probability results associated with a particular key term for a particular article and determine whether that has a high probability of being X rated or a low probability of being X rated?

A. So let's take another -- another term here like table or wood table. There are some people that like wood tables and other people that don't seem to -- another group of people that also like wood tables, but they happen to have another property, like they -- they like classic furniture, and the first one likes modern furniture, and they both like wood tables.

So in this case, because the people who like classic furniture like wood tables, you would never show that to somebody who likes modern furniture, even if they also like wood tables. The mechanism you're describing would

have that effect.

Q. Wood tables are X rated?

A. Substitute for X rated modern furniture versus classical furniture.

Q. Well, I'm trying to stick with the example that's here, X rated and G rated.

A. Yeah. And I'm giving you another example that is structurally equivalent to show that there's no mechanism that is being offered to address this -- this -- to address this problem.

So if I have -- you're the classic furniture guy, and I'm the modern furniture guy, or the other way around, and we both like wood tables, just like the G and the X rated both liked A3 here, like some -- some article that talks about wood tables, the fact that you are now a member of a club different from mine or a crowd different from mine, to use your word, that means that I would no longer be able to see wood tables because you got wood tables or vice versa.

Q. Sure. If you -- if you decided that -- in your example that you were going to screen -- in your implementation, you were going to screen on the basis of whether you were a

member of the classic furniture club or the modern furniture club; right?

A. Yeah, but they could both like wood tables.

Q. So what? I mean, we can see right here in article A3, little kids can like pornography, too; right?

A. I agree it's a laudable goal to not display pornography to little kids.

Q. Right.

A. This is -- this is not a part of what the Culliss method would necessarily do by combining all of the -- all of the elements. If you were to add to Culliss the fact that having some items then precludes -- having a high value on some item precludes showing -- a high value in some terms, excuse me, or feature precludes showing items that were preferred by people who had a different value for that term, then you would get an invention that works very differently and not very well in general than what Culliss actually describes.

Q. So what you're saying is because you can think of a bad implementation that Culliss doesn't describe --

A. Well --

Q. Let me just finish so the record is clear.

So you're saying because you can think of a bad implementation not using the G-rated- and the X-rated example, but using wood furniture example, that Culliss doesn't describe a means for screening articles based upon the results associated with the rating key term?

MR. JACOBS: Objection. Misstates testimony.

A. Okay. So these are not -- I'm not describing an implementation. I am describing an outcome or a desired outcome, in this case an undesired outcome that is analogous to the one that is suggested here.

And I'm saying, in fact, that neither one of these would be -- would result from an implementation of the Culliss invention or the Culliss patent describing these particular tables that associate terms with items based on -- based on popularity.

Q. But in terms of the screening that's described here in columns 11 and 12, the screening's not based on any results associated

with the other key terms; correct?

A. The screening is -- that is described here is essentially ignoring the other key terms.

Q. Right. So it's based upon -- solely based upon the rating key term; correct?

A. So, in general, in the invention how would the system know which key term to associate in order to do this kind of screening?

Q. Because it -- you're saying that the invention doesn't know one key term from another?

A. The method described in the invention does not use one key term and ignore all the others throughout the description of the patent.

Q. So are you saying that one of ordinary skill in the art in 1998 couldn't implement a system that looked at a particular key term like a rating key term and made a judgment based upon that key term?

MR. JACOBS: Objection as to form.

A. That would -- implementing a system that -- that essentially looks at a single key term, and then looks at the value of that key term, and then decides whether to block it or not is a mechanism which is separate from the mechanisms described in the rest of Culliss.

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Q. Right. So the coding would be if rating X-rated key term is above a threshold, then block from G-rated queries; correct?

MR. JACOBS: Objection as to form. Incomplete hypothetical.

A. The -- the method here would -- would be, ignore everything else that -- that Culliss does and then look at a single attribute; in fact, look at the specific attributes that you just described, and then make a decision based on that particular attribute.

This is a little bit like saying that if you have an automobile, and describe the automobile invention, and -- and how to rate it, and how to drive it, and so forth, and then you also have -- add on to the automobile like if you want to take a walk, put your shoes on, ignore the automobile, jump out of the automobile, and now whether you can walk or not depends upon whether you have shoes.

Q. Okay. So that -- that isn't an accurate example at all, is it?

So how about this example, would be a better one to stick with your automobile example. You have all sorts of factors: Drivability,

handling, engine power, model, make. All those kinds of things; right? You also have color.

Now, the user says, I don't want a red car. It could happen all the time; right?

A. That's right.

Q. So in that instance, the user could say any color but red. If it's red, I don't want to see it because I'm not going to buy it; right?

A. Uh-huh.

Q. So that would be filtering on the criteria of the color of the car; correct?

A. That would be the user doing that filtering, not the system. But, yes.

Q. Right. But you could implement a system, they do this on -- they've done this on search systems for quite some time now, haven't they, where one of the criterion will be a particular aspect of the product, in other words, maybe the color in terms of cars, and then it will display to you cars either only of that color or, if you say, I don't want that color, cars not of that color; correct?

MR. JACOBS: Objection as to form. Calls for speculation.

A. There could be such a system. That is

not the mechanism described under Culliss.

Q. Well, it is the mechanism described as Culliss; right? You include a rating term that is indicative of whether the article has X-rated content; correct?

MR. JACOBS: Objection as to form. Argumentative.

A. One of the terms that is added to the system is a rating term, yes.

Q. Right. And as described here in columns 11 and 12, the purpose of that is to determine whether an article is appropriate for display to the G-rated audience; correct?

A. The term that you're adding is the rating term. Whether it's appro -- who it is appropriate to display or not is -- is -- it's not contained within that particular table.

Q. Well, but it says right at the beginning of the example, going back to column 11, about line 12, it says, "The rating key term G rated is considered appropriate for all ages, while the rating key term X rated is considered appropriate only for adults"; right?

A. That's what it says, right.

Q. Right. So G rated, I can show that to

everybody. X rated, I can only show that to adults; correct? That's what it's saying?

MR. JACOBS: Objection as to form.

A. Right. So how would the system know which are the adults and which are the G rated?

Q. Well, because we know that one of the key terms that you have to include is whether you're searching for X-rated content or G-rated content; correct?

MR. JACOBS: Objection as to form.

A. You could have a term in the query that would be X rated or G rated, yes.

Q. Right. So you can use that as a proxy for determining whether someone's an adult in this instance; correct?

MR. JACOBS: Objection as to form.

A. If someone who's an adult was to search for G rated or someone who's a child states X rated when they shouldn't, you -- you don't control that.

Q. Understood. So what you're saying is the system might not be perfect; right?

MR. JACOBS: Objection as to form. Misstates testimony.

A. Yeah. I'm saying that this depends on