

# EXHIBIT 13

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

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

CONFIDENTIAL - OUTSIDE ATTORNEYS' EYES ONLY  
Videotaped Deposition of LYLE UNGAR, Ph.D.  
Philadelphia, Pennsylvania  
Saturday, September 22, 2012  
1:03 p.m.

Job No.: 26365  
Pages: 1 - 266  
Reported by: Debra A. Whitehead

CONFIDENTIAL VIDEOTAPED DEPOSITION OF LYLE UNGAR, Ph.D.  
CONDUCTED ON SATURDAY, SEPTEMBER 22, 2012

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1 simple version that we've described, I didn't say 18:34:40  
2 anything about looking for an item. Right? I just 18:34:42  
3 said you walk through it, you collect all the stuff. 18:34:45

4 Now, obviously, if you're looking for 18:34:47  
5 something, a good way to look for it is to spider 18:34:49  
6 through. But once you spidered and collected all the 18:34:53  
7 web pages, you would still need to look for it. 18:34:56

8 Q Where would you look for it? 18:35:00

9 A Typically you collected these web pages -- 18:35:02  
10 say I'm looking for web pages that have the word 18:35:06  
11 "Paris." I might first spider the web, collect a 18:35:08  
12 whole bunch of web pages, say a billion. I haven't 18:35:13  
13 found Paris yet. I now need to actually, having 18:35:18  
14 spidered and collected the web pages, I need to now go 18:35:21  
15 through and say, Okay, which of these pages have Paris 18:35:24  
16 on it? 18:35:27

17 Q Where does that happen? 18:35:30

18 A Where does that happen when? In some 18:35:33  
19 spidering systems they keep looking at each page as 18:35:35  
20 they pull it, does it have Paris on it, and follow 18:35:39  
21 links most likely to have Paris on them. 18:35:43

22 In other systems, more commonly, the 18:35:44

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CONDUCTED ON SATURDAY, SEPTEMBER 22, 2012

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1 simpler spidering ones spider everything first, take 18:35:47  
2 all the results of the spidering, put them into 18:35:51  
3 something which I'll call a database, using it in a 18:35:54  
4 general term. And then once there they say, Ah, okay 18:35:56  
5 we've got all these -- these pages, let's process 18:35:59  
6 them, clean them up, and now let's look for Paris 18:36:02  
7 inside these pages. 18:36:07  
8 So note that the looking for and 18:36:08  
9 examining -- 18:36:11  
10 Q Okay. 18:36:12  
11 A -- is a little bit different from the 18:36:12  
12 spidering. 18:36:15  
13 Q Okay. 18:36:16  
14 A So the piece you said is looking for or 18:36:16  
15 examining items. And I really want two things. 18:36:20  
16 You've got to actually find the pages, but then you 18:36:23  
17 have to examine them or look for them. 18:36:26  
18 Q Okay. So that first thing that you do, 18:36:28  
19 finding the pages, is that what you said? 18:36:35  
20 A Yes. 18:36:37  
21 Q Finding the pages. Is that satisfied, in 18:36:38  
22 your view, by spidering? 18:36:44

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1	A	Yes.	18:36:47
2	Q	Okay. Is that the only way in which you	18:36:47
3		could find the pages, according to the court's	18:36:52
4		construction of scanning a network, or is that --	18:36:56
5	A	So --	18:37:01
6	Q	I'm sorry. Go ahead.	18:37:01
7	A	Sorry. Looking for or examining items in a	18:37:03
8		network.	18:37:06
9		So your question -- I haven't thought it	18:37:07
10		through carefully -- is could there be some other way	18:37:09
11		that doesn't use anything -- doesn't use any spidering	18:37:12
12		that still looks for or examines items in a network.	18:37:15
13	Q	Correct.	18:37:21
14	A	It's not obvious to me off the top of my	18:37:26
15		head how to do that. But I'm -- I could imagine that	18:37:29
16		there would be. There's nothing intrinsic to the	18:37:33
17		definition that says spidering has to be the way to do	18:37:37
18		it. That's somehow the obvious way that comes to mind	18:37:39
19		of how I would do it.	18:37:42
20		I would need to take -- I would need to	18:37:43
21		think much more carefully about an alternate	18:37:45
22		implementation of that.	18:37:48

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1	Q	You haven't formed any opinions as to	18:37:49
2		whether there's an alternate implementation of	18:37:51
3		scanning a network that would not require a spider?	18:37:54
4	A	I have not. I didn't feel any need to.	18:37:57
5	Q	You didn't form -- you didn't consider	18:37:59
6		forming such an opinion in connection with your	18:38:04
7		noninfringement report?	18:38:07
8	A	Did I consider forming such? I'm sorry,	18:38:13
9		I'm trying to distinguish two questions.	18:38:20
10		Did I form such an opinion, no.	18:38:22
11	Q	Let me ask it --	18:38:24
12	A	Did I consider it and then reject it, the	18:38:25
13		idea of forming it? I'm sorry. Try your question	18:38:27
14		again.	18:38:30
15	Q	So it's true that you did not form an	18:38:30
16		opinion, when performing your noninfringement	18:38:32
17		analysis, as to whether there's an alternate	18:38:35
18		implementation of scanning a network that would not	18:38:38
19		require a spider.	18:38:40
20	A	That's correct.	18:38:41
21	Q	Are there -- is it possible to use a spider	18:38:42
22		in an office LAN?	18:39:02