

# EXHIBIT H

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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 COUNSELS' EYES ONLY  
Videotaped Deposition of NICHOLAS FOX  
San Francisco, California  
Wednesday, September 12, 2012  
9:10 a.m.

Job No.: 25943  
Pages: 1 - 237  
Reported by: GINA V. CARBONE, CSR#8249, RPR, CCRR

CONFIDENTIAL VIDEOTAPED DEPOSITION OF NICHOLAS FOX  
CONDUCTED ON WEDNESDAY, SEPTEMBER 12, 2012

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1	Q. Have you ever seen any documents discussing an	06:42:18
2	alternative to Smart Ads at the time it was launched?	06:42:20
3	A. No.	06:42:26
4	Q. Have you ever read the book, I'm Feeling Lucky,	06:42:28
5	Confessions of a Google Employee?	06:42:30
6	A. No.	06:42:32
7	Q. Do you know who Douglas Edwards is?	06:42:33
8	A. Yes.	06:42:39
9	Q. Did you work with him?	06:42:39
10	A. I think I briefly worked with him.	06:42:40
11	Q. Do you believe he was knowledgeable about the	06:42:42
12	history of advertising at Google?	06:42:44
13	MR. PERLSON: Objection. Form.	06:42:49
14	THE WITNESS: I don't know how knowledgeable he	06:42:52
15	was about our advertising business.	06:42:53
16	MR. CIMINO: Q. Do you believe he's	06:42:55
17	honest?	06:42:55
18	A. I don't know how honest he is.	06:42:59
19	Q. Do you have any reason to call into question	06:43:00
20	his honesty from your interactions with him in the past?	06:43:05
21	A. No.	06:43:08
22	Q. In what respect did you guys work together?	06:43:13
23	A. Back when I worked in marketing, he was also in	06:43:17
24	marketing. And I think we interacted from time to time	06:43:21
25	as part of the same team.	06:43:27

CONFIDENTIAL VIDEOTAPED DEPOSITION OF NICHOLAS FOX  
CONDUCTED ON WEDNESDAY, SEPTEMBER 12, 2012

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1	Q. Do you know -- I assume you are aware that	06:43:32
2	Google has hired an expert in this case named Ugone?	06:43:34
3	A. I don't know Ugone.	06:43:41
4	Q. Did you ever speak to Ugone about issues in	06:43:42
5	this case?	06:43:45
6	A. I don't know.	06:43:49
7	Q. Did you ever give Ugone information about	06:43:50
8	noninfringing alternatives to Smart Ass?	06:43:55
9	A. Just don't remember the name Ugone.	06:44:06
10	Q. Did you speak with a Dr. Unger?	06:44:11
11	A. I don't remember. Don't remember -- I don't	06:44:16
12	remember the name of the person I spoke to.	06:44:17
13	Q. And in talking to someone in relation to this	06:44:21
14	case, did you give them noninfringing alternatives?	06:44:26
15	THE WITNESS: Is that attorney-client	06:44:31
16	privileged or....	06:44:32
17	MR. PERLSON: You can talk about the	06:44:34
18	communications with the experts.	06:44:35
19	THE WITNESS: I did speak with an expert about	06:44:40
20	noninfringing alternatives.	06:44:42
21	MR. CIMINO: Q. What information did you	06:44:44
22	give him?	06:44:45
23	A. I don't remember all the details of what I said	06:44:49
24	but we discussed some ideas about noninfringing	06:44:51
25	alternatives.	06:44:54

CONFIDENTIAL VIDEOTAPED DEPOSITION OF NICHOLAS FOX  
CONDUCTED ON WEDNESDAY, SEPTEMBER 12, 2012

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1	Q. Were these ideas that Google had ever	06:44:55
2	considered in the past prior to this case?	06:44:57
3	A. I think some elements of what I discussed with	06:45:32
4	the expert were things we've discussed internally	06:45:34
5	before.	06:45:37
6	Q. Not all of them?	06:45:38
7	A. I can't say for sure.	06:45:40
8	Q. Did the information come from you? The	06:45:43
9	information about noninfringing alternatives come from	06:45:48
10	you or from someone with a technical background?	06:45:51
11	MR. PERLSON: Objection. Form.	06:45:55
12	THE WITNESS: Prior discussions about these	06:46:17
13	types of things would have been with people with	06:46:18
14	technical backgrounds.	06:46:20
15	MR. CIMINO: Q. The discussion with the	06:46:23
16	expert was just with you though?	06:46:24
17	A. I believe so.	06:46:27
18	Q. Who is Jeff Dean?	06:46:30
19	A. Jeff Dean is a senior Google engineer.	06:46:33
20	Q. Who is Howard Gobioff (phonetic)?	06:46:36
21	A. I think he's a former senior Google engineer	06:46:40
22	Q. Who is Marissa Mayer?	06:46:45
23	A. She's a former Google product management VP.	06:46:46
24	Q. Your currently title is vice president?	06:46:50
25	A. Yes.	06:46:51

CONFIDENTIAL VIDEOTAPED DEPOSITION OF NICHOLAS FOX  
CONDUCTED ON WEDNESDAY, SEPTEMBER 12, 2012

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1	Q. How many vice presidents are there at Google?	06:46:53
2	A. I don't know the number.	06:47:02
3	Q. Do you have a ballpark?	06:47:03
4	A. Probably say more than 20 less than 200.	06:47:06
5	Q. Okay. You can't get any more granular than	06:47:09
6	that?	06:47:13
7	A. Maybe somewhere between 50 and 100. I don't	06:47:22
8	know for sure. I've never counted.	06:47:24
9	Q. Did you give to the expert in this case any	06:47:39
10	written information about noninfringing alternatives or	06:47:44
11	was it purely a conversation?	06:47:47
12	A. I believe it was just a conversation.	06:47:50
13	Q. Did you talk about revenue in the conversation	06:47:53
14	as well?	06:47:58
15	A. I believe so.	06:48:00
16	MR. CIMINO: Okay. I have no more further	06:48:05
17	questions.	06:48:07
18	MR. PERLSON: I have no questions.	06:48:08
19	THE VIDEOGRAPHER: This is the end of video	06:48:12
20	No. 5 in the deposition of Nicholas Fox.	06:48:14
21	The time is 6:48 p.m. We're going off the	06:48:17
22	record.	06:48:20
23	(Signature having not been waived, the	
24	videotaped deposition of NICHOLAS FOX was concluded	
25	at 6:48 p.m.)	

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CONDUCTED ON WEDNESDAY, SEPTEMBER 12, 2012

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ACKNOWLEDGMENT OF DEPONENT

I, NICHOLAS FOX, do hereby acknowledge  
that I have read and examined the foregoing testimony,  
and the same is a true, correct and complete transcription  
of the testimony given by me and any corrections appear on  
the attached Errata sheet signed by me.

\_\_\_\_\_

(DATE)

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(SIGNATURE)