EXHIBIT 34

Page 1

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA -----x
I/P ENGINE, INC.,

Plaintiff,

v.

C.A. No. 2:11-cv-512-RAJ

AOL, INC., GOOGLE, INC., IAC SEARCH & MEDIA, INC., TARGET CORP., and GANNETT CO., INC.,

Defendants.

(PORTION OF TRANSCRIPT DESIGNATED CONFIDENTIAL

SOURCE CODE)

Videotaped Deposition of OPHIR FRIEDER, Ph.D.

Washington, D.C.

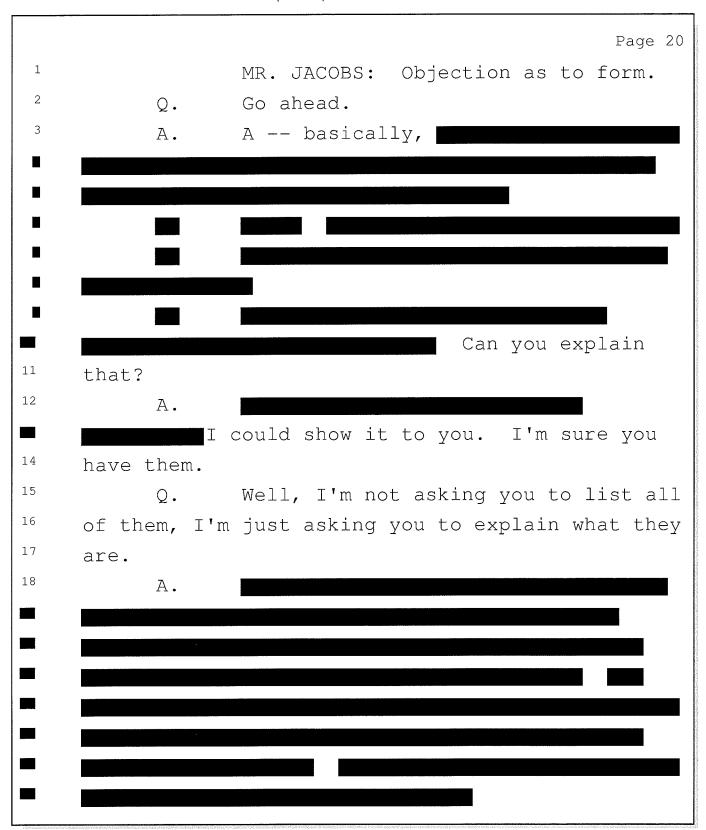
Thursday, September 6, 2012

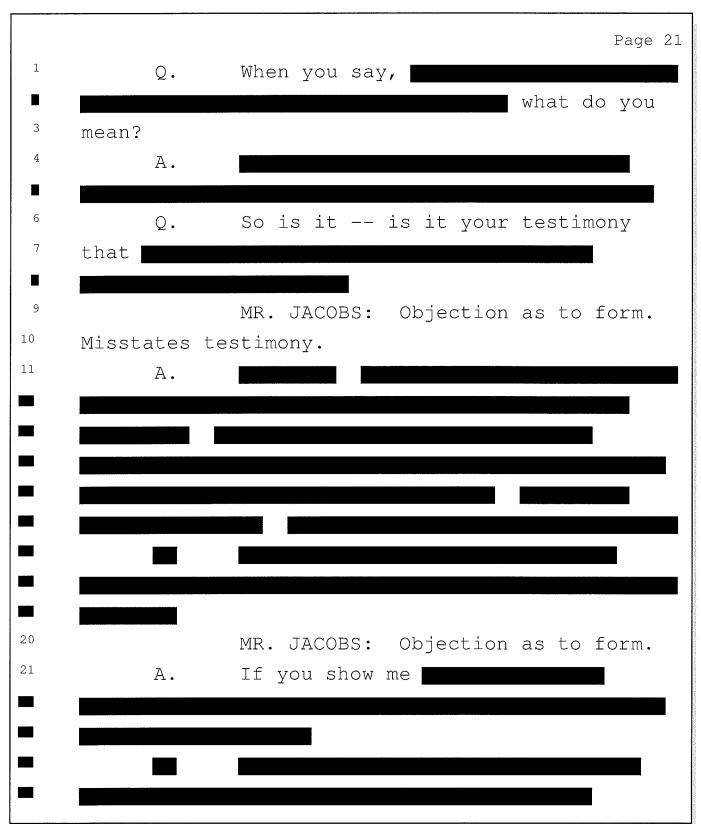
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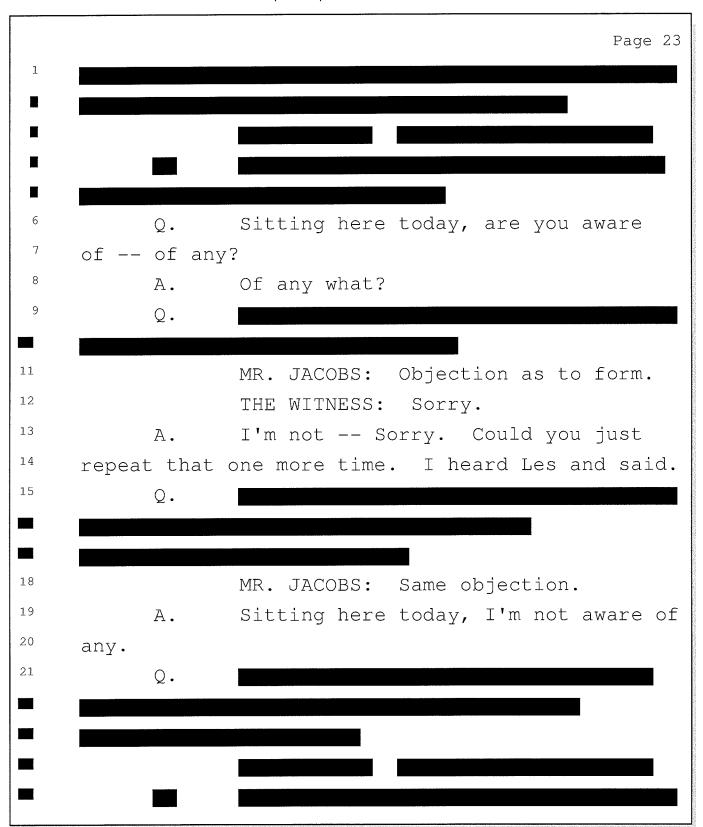
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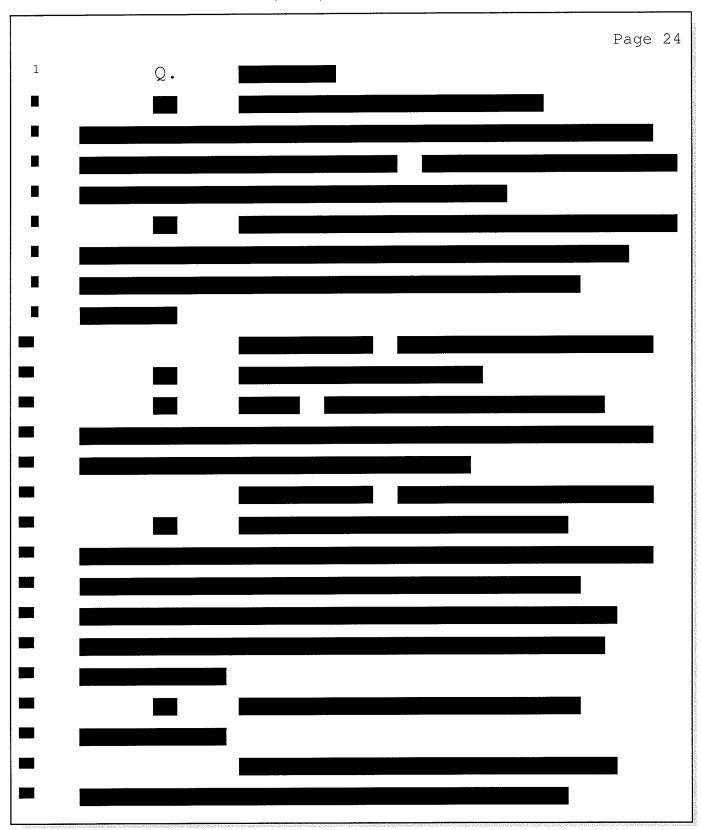
Reported by: Amy E. Sikora, RPR, CRR, CSR-NY, CLR

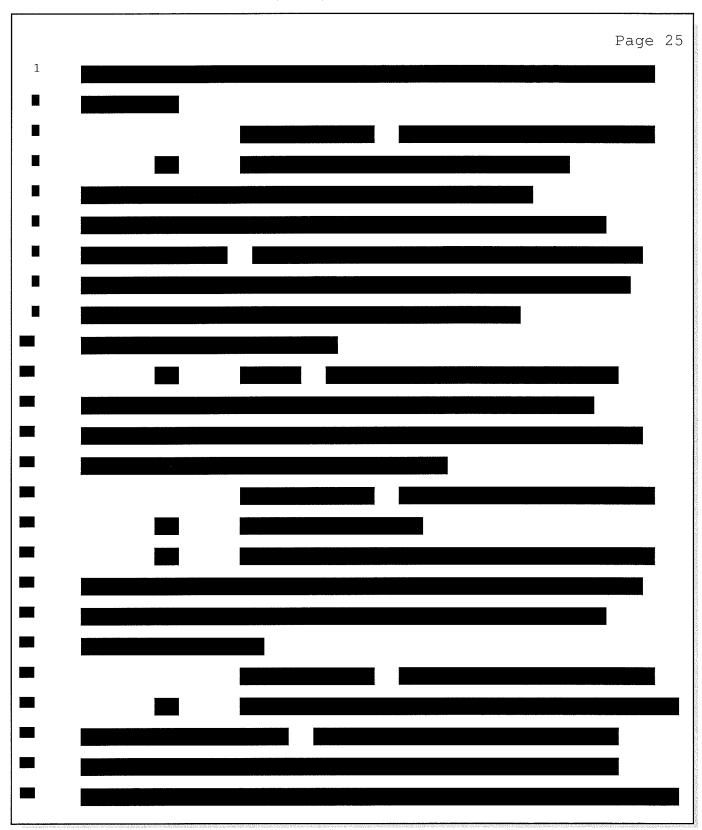


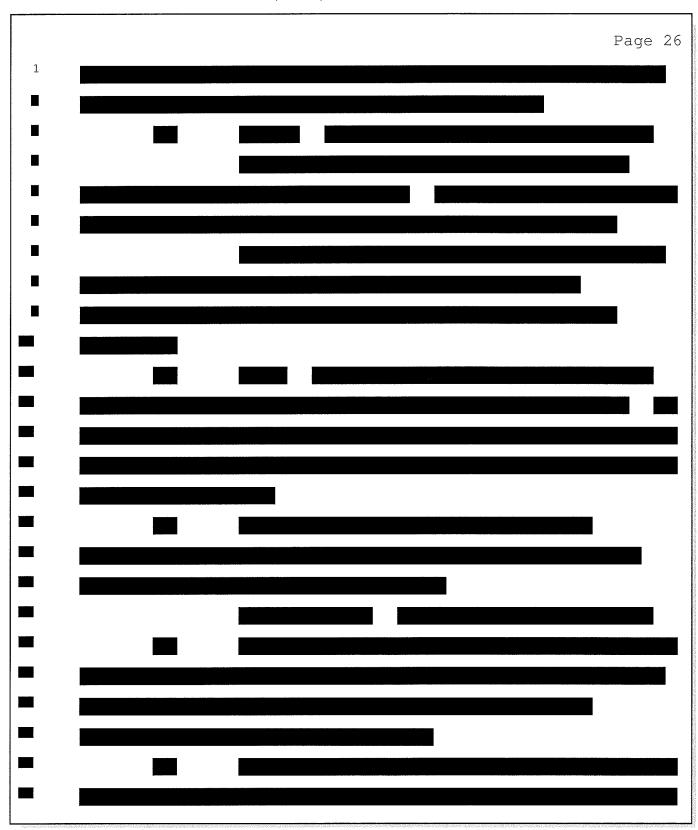


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Page 22
 1
                  MR. JACOBS: Objection as to form.
 3
                   I have to see.
           Α.
                             We -- the various
 5
     testimonies that I've heard -- I mean, sorry, the
 6
     various testimonies that I've heard or read, as
     stated, I
                             But -- so that's the
10
     answer to my -- to your question.
11
                  Okay. So you don't know whether
           Q.
12
     there's --
15
                  MR. JACOBS: Objection as to form.
16
                   I don't believe that I've seen them,
           Α.
17
     so I don't think there are. But I don't know for
18
     sure.
19
                 You certainly don't identify any in
           0.
20
     any of your reports; correct?
21
                  I do not identify any in any of my
22
              But if you like -- I don't recall that
     reports.
23
     I do, but if you show me the reports I can verify
24
     that but . .
25
                  Are you -- you would agree that
           Q.
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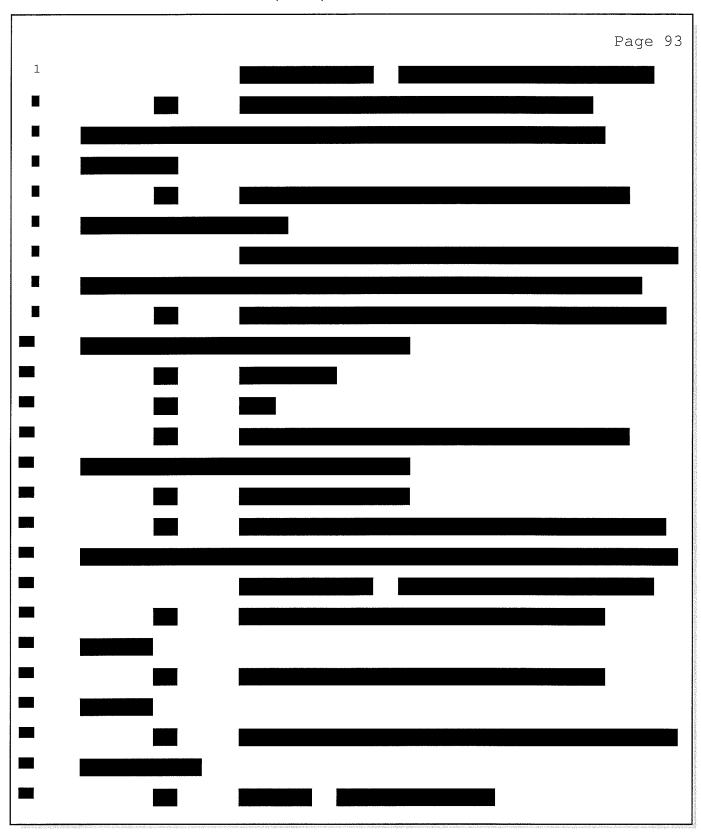








Page 27 1 You think that all users who search for the word "Paris" have similar interests or 7 needs? MR. JACOBS: Objection. Misstates 9 testimony. 1.0 I believe that if you're searching Α. 11 for the word "Paris," you are limited to a set of 12 the -- of interests or needs. All those users 13 that would search for the word "Paris" would not 14 be interested in New York City, necessarily; 15 would not be interested in the price of tea in 16 China; would not with interested in a round trip 17 purchase of -- from here to Hawaii. They would 18 be interested in something that would be referred 19 to as Paris, a set of things that are referred to 20 as Paris. 21 So is it your testimony that someone 22 searching for Paris, France, has similar 23 interests or needs to someone searching for Paris, Texas? 25 Α. In the sense that they use the word



Page 94 1 I agree. Α. 2 Did you -- have you reviewed 0. 3 Dr. Ungar's rebuttal report to your report? I looked at it. Α. You looked at it. Have you reviewed Q. 6 it carefully? I spent time looking at it, yes. Α. Я 0. How much time have looked at it, 9 spent? 10 Well, I read it multiple times. I thought about some of the things that were said. 11 12 I looked at some citations. Does that answer your question? 13 14 Sure. Do -- did you find any of Q. 15 Dr. Ungar's explanation of the operation of 16 AdWords to be incorrect? 17 I found that Dr. Ungar's conclusions 18 at -- at times were incorrect. 19 Q. But did you -- separate and apart 20 from his opinions as to whether AdWords infringes 21 or not, did you find any inaccuracies in the 22 description of how Google AdWords actually works? 23

Page 220 implies this notion of similar -- users of 1 similar interests or needs? 3 It does to me. Α. The -- if you could go back to 0. 5 the --6 THE WITNESS: Uh, oh. I just moved. Am I still in your picture? Okay. I just moved 8 the chair. Sorry. Α. Sorry. 10 If you can go back to Exhibit 2, 0. 11 which is your -- your claim chart from your 12 original report. 13 Exhibit 2. Okay. Α. 14 On page 10 you state --0. 15 Wait, wait, wait. Α. 16 I'm sorry, go to page 10, please. 0. 17 Α. Okay. 18 And this is in relation to the 0. 19 feedback system element of claim 10. You 20 state --21 Wait, wait, wait. Let me see what Α. 22 you're talking about. Okay. All right. 2.3 In the -- the paragraph on the 24 bottom of the page, you state,

