

EXHIBIT 34

Veritext, LLC
(973) 410-4040

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

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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.
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(PORTION OF TRANSCRIPT DESIGNATED CONFIDENTIAL
SOURCE CODE)

Videotaped Deposition of OPHIR FRIEDER, Ph.D.

Washington, D.C.

Thursday, September 6, 2012

8:48 a.m.

Job No.: 416030

Pages: 1 - 313

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

Veritext, LLC
(973) 410-4040

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1 MR. JACOBS: Objection as to form.

2 Q. Go ahead.

3 A. A -- basically, [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED] [REDACTED] [REDACTED]

■ [REDACTED] [REDACTED]

■ [REDACTED]

■ [REDACTED] [REDACTED]

■ [REDACTED] Can you explain
11 that?

12 A. [REDACTED]

■ [REDACTED] I could show it to you. I'm sure you
14 have them.

15 Q. Well, I'm not asking you to list all
16 of them, I'm just asking you to explain what they
17 are.

18 A. [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED] [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED] [REDACTED]

■ [REDACTED]

1 Q. When you say, [REDACTED]

2 [REDACTED] what do you
3 mean?

4 A. [REDACTED]

5 [REDACTED]

6 Q. So is it -- is it your testimony
7 that [REDACTED]

8 [REDACTED]

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

11 A. [REDACTED] [REDACTED]

12 [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED]

15 [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 MR. JACOBS: Objection as to form.

21 A. If you show me [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED]

1 [REDACTED]

2 MR. JACOBS: Objection as to form.

3 A. I have to see. | [REDACTED]

4 [REDACTED] We -- the various
5 testimonies that I've heard -- I mean, sorry, the
6 various testimonies that I've heard or read, as
7 stated, [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED]

9 [REDACTED] But -- so that's the
10 answer to my -- to your question.

11 Q. Okay. So you don't know whether
12 there's -- [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 MR. JACOBS: Objection as to form.

16 A. I don't believe that I've seen them,
17 so I don't think there are. But I don't know for
18 sure.

19 Q. You certainly don't identify any in
20 any of your reports; correct?

21 A. I do not identify any in any of my
22 reports. But if you like -- I don't recall that
23 I do, but if you show me the reports I can verify
24 that but . . .

25 Q. Are you -- you would agree that

1

[REDACTED]

2

[REDACTED]

3

[REDACTED] [REDACTED]

4

[REDACTED] [REDACTED]

5

[REDACTED]

6

Q. Sitting here today, are you aware
of -- of any?

7

8

A. Of any what?

9

Q. [REDACTED]

10

[REDACTED]

11

MR. JACOBS: Objection as to form.

12

THE WITNESS: Sorry.

13

A. I'm not -- Sorry. Could you just
repeat that one more time. I heard Les and said.

14

15

Q. [REDACTED]

16

[REDACTED]

17

[REDACTED]

18

MR. JACOBS: Same objection.

19

A. Sitting here today, I'm not aware of
any.

20

21

Q. [REDACTED]

22

[REDACTED]

23

[REDACTED]

24

[REDACTED] [REDACTED]

25

[REDACTED] [REDACTED]

1

Q.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

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■ [REDACTED]

■

[REDACTED]

1

■

■

■

5

Q. You think that all users who search for the word "Paris" have similar interests or needs?

8

MR. JACOBS: Objection. Misstates testimony.

9

10

A. I believe that if you're searching for the word "Paris," you are limited to a set of the -- of interests or needs. All those users that would search for the word "Paris" would not be interested in New York City, necessarily; would not be interested in the price of tea in China; would not with interested in a round trip purchase of -- from here to Hawaii. They would be interested in something that would be referred to as Paris, a set of things that are referred to as Paris.

11

12

13

14

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20

21

Q. So is it your testimony that someone searching for Paris, France, has similar interests or needs to someone searching for Paris, Texas?

22

23

24

25

A. In the sense that they use the word

1 A. I agree.

2 Q. Did you -- have you reviewed
3 Dr. Ungar's rebuttal report to your report?

4 A. I looked at it.

5 Q. You looked at it. Have you reviewed
6 it carefully?

7 A. I spent time looking at it, yes.

8 Q. How much time have looked at it,
9 spent?

10 A. Well, I read it multiple times. I
11 thought about some of the things that were said.
12 I looked at some citations.

13 Does that answer your question?

14 Q. Sure. Do -- did you find any of
15 Dr. Ungar's explanation of the operation of
16 AdWords to be incorrect?

17 A. 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 [REDACTED]
[REDACTED]
[REDACTED]

1 implies this notion of similar -- users of
2 similar interests or needs?

3 A. It does to me.

4 Q. The -- if you could go back to
5 the --

6 THE WITNESS: Uh, oh. I just moved.
7 Am I still in your picture? Okay. I just moved
8 the chair. Sorry.

9 A. Sorry.

10 Q. If you can go back to Exhibit 2,
11 which is your -- your claim chart from your
12 original report.

13 A. Exhibit 2. Okay.

14 Q. On page 10 you state --

15 A. Wait, wait, wait.

16 Q. I'm sorry, go to page 10, please.

17 A. Okay.

18 Q. And this is in relation to the
19 feedback system element of claim 10. You
20 state --

21 A. Wait, wait, wait. Let me see what
22 you're talking about. Okay. All right.

23 Q. In the -- the paragraph on the
24 bottom of the page, you state, [REDACTED]

