

# EXHIBIT 37

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

AOL, INC., et al.,

Defendants.

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CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

Videotaped Deposition of ANDREW K. LANG

Washington, D.C.

Thursday, May 17, 2012

9:04 a.m.

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

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1 the -- in the industry at the time to be targeted  
2 advertising which generally could get higher  
3 rates per advertisement for -- for Lycos. So  
4 that was one product that we helped with.

5 Q. What other products other than Tripod?

6 A. I believe another product that Lycos  
7 had was a directory in which it was a hierarchy  
8 of different topics. And underneath that  
9 hierarchy at various levels were a bunch of web  
10 pages and websites.

11 And I believe that our -- I believe  
12 that our technology was helpful to them in that  
13 normally how they were doing it before was having  
14 individual editors that were hired by Lycos to  
15 assign web pages and manage a big hierarchy of  
16 information on their website, and it was very  
17 time consuming and expensive for them to do. And  
18 as the web was growing larger and larger, they  
19 wanted to find a way of doing this in a more  
20 automated way that would require less human  
21 effort.

22 So one of the things that -- one of  
23 the abilities that WiseWire technology had was to  
24 look through the Internet and find web pages and  
25 then decide what those web pages were about on

1 various topics and assign how relevant they were  
2 to those topics. And so combining that ability  
3 with their hierarchy, we were able to have their  
4 product make less use of human time and more  
5 computer time to assign those pages and websites  
6 to their hierarchy.

7 Q. Before the merger of WiseWire and  
8 Lycos, was there -- had WiseWire provided any  
9 services or technology to Lycos in relation to  
10 search?

11 MS. ALBERT: Objection, vague.

12 A. In -- in relation to their search  
13 engine?

14 Q. Yeah.

15 A. I don't know. Sitting here today, I  
16 don't remember.

17 Q. After the merger of WiseWire and  
18 Lycos, did -- well, I guess -- well, let me ask  
19 you this: After the merger of WiseWire and  
20 Lycos, essentially WiseWire, did it cease to  
21 exist?

22 A. Did WiseWire, the company, cease to  
23 exist?

24 Q. Yeah.

25 A. Well, in a merger, my general

1 understanding is all of the assets and people of  
2 that company go along with it, and I don't  
3 know -- I don't know if it's considered to be  
4 ceasing to exist. I guess it is, but I'm not an  
5 expert on corporate law.

6 Q. Sure. Was there like a separate  
7 division within Lycos that was called WiseWire  
8 after the merger?

9 A. I don't know if anybody called it a  
10 separate division, but I would say compared to  
11 other acquisitions at the time I'm familiar with,  
12 WiseWire -- the WiseWire employees and technology  
13 were integrated more into the parent company more  
14 often than usual.

15 Q. Okay. Did you personally do any work  
16 in connection with Internet search when -- after  
17 the merger with Lycos?

18 MS. ALBERT: Objection, vague.

19 A. Did I do any research? I'm sorry.

20 Q. Work in relation to Internet search?

21 A. After the -- yes. There was a -- an  
22 architecture for a new search engine that I  
23 worked on that I called Gigasearch.

24 Q. And what was that?

25 A. It was a -- an idea that I had,

1 A. No, I can't.

2 Q. And would that be -- the same would be  
3 true for the remaining elements of claim 26?

4 A. Let me read them.

5 Q. Sure.

6 A. Yeah. I see -- I see terms within  
7 each of those clauses that could be defined in  
8 different ways within the patent, so I would need  
9 to read the patent first.

10 Q. Okay. So you can't answer the  
11 question as to any of the remaining elements of  
12 claim 26 as well; correct?

13 A. No, not without reading the patent.

14 Q. So you can't answer right now;  
15 correct?

16 MS. ALBERT: Objection.

17 A. That's correct.

18 Q. Can you identify anything new in  
19 claim 26 that did not exist before you filed for  
20 your patent?

21 MS. ALBERT: Objection.

22 A. I would need to -- I would need to  
23 read the whole patent so I can understand all the  
24 terms and pieces of that claim, and then -- and  
25 then I'd need to -- and once I understood it,

1 then I would need to go and see what systems were  
2 in existence at that point in time.

3 Q. And you can't do that right now as to  
4 claim 26 of the '664 patent; correct?

5 A. Yeah. I would need the time to read  
6 the patent, and then I would probably need to do  
7 some Internet research about what systems existed  
8 then and how they worked.

9 Q. Okay. So you can't answer that  
10 question right now; correct?

11 A. That's correct.

12 Q. Did -- did you do any investigation  
13 concerning what the state of the art was at the  
14 time you filed for your patents in connection  
15 with your preparation for this deposition?

16 MS. ALBERT: Objection. Compound,  
17 vague.

18 A. I'm sorry, can you repeat the whole  
19 thing?

20 Q. Sure.

21 A. Yeah.

22 Q. Did you do any investigation -- well,  
23 let me ask you this: Have you ever done any  
24 investigation as to what the state of the art was  
25 at the time that you applied for your patents?

1 MS. ALBERT: Objection.

2 A. Did I do any investigation at that  
3 time that I was applying?

4 Q. Sure.

5 A. I believe I probably did, but I  
6 don't -- that was a long time ago so I don't  
7 remember exactly.

8 Q. Have you -- have you done that since  
9 then?

10 MS. ALBERT: Objection.

11 A. Have I done any -- have I reviewed  
12 whether there was existing systems out there --

13 Q. Sure.

14 A. -- prior to filing? I don't recall --  
15 I don't recall doing it since then.

16 Q. So, you know, you're really not in any  
17 position to identify what -- well, let's move on  
18 to a different question.

19 Did anyone tell you not to look at the  
20 state of the art at the time you filed for your  
21 patents, in connection with your deposition  
22 today?

23 MS. ALBERT: I would caution the  
24 witness -- first I want to object to the form of  
25 the question. But I would also caution the



1 witness that in the event that any of your  
2 testimony would divulge attorney-client  
3 communications, I would advise you not to answer.

4 A. I'm going take my attorney's advice.

5 Q. So you can't answer the question?

6 A. That's correct.

7 MR. PERLSON: Should we break for  
8 lunch? Probably a good time.

9 MS. ALBERT: Sure.

10 THE WITNESS: I can keep going for  
11 four or five more hours.

12 THE VIDEOGRAPHER: Going off the  
13 record. The time is 12:57. This ends tape  
14 No. 3.

15 (Luncheon recess: 12:47 p.m.)  
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