

EXHIBIT I

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.
-----X

(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

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1 Q. Okay. You don't recall?

2 A. I had a whole lot of information in
3 the -- in the appendices.

4 Q. [REDACTED]

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1 experience in the search area, but it wasn't
2 until the actual depositions that I had that --
3 sorry, the deposition, I only attended one, that
4 I had, and the depositions -- transcripts that I
5 read that I was actually 100 percent certain that
6 my understanding matched what I thought it was.

7 Q. Okay. So you had -- before you
8 served your opening report, you had an intuition
9 that this comparison occurred through your view
10 [REDACTED], but you weren't 100 percent
11 sure of that; correct?

12 A. I wouldn't say it's an intuition.
13 Intuition is a gut instinct. I've been in the
14 search world for now 20 years. I know very well

15 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
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25 Q. Had you -- what -- when did you --

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[Redacted text block containing multiple lines of blacked-out content]

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Q. Okay. Just to --

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A. If you want it clean, you can ask it

11

again. I'll give it to you again.

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1 Q. Okay. And when -- when you say,
2 "for us," what do you mean?

3 A. Sorry. When I mean "for us," it was
4 given to me by the lawyer for the plaintiff, and
5 apparently it was obtained through discovery.

6 Q. Okay. You think that this document
7 was obtained through Google?

8 A. I obtained it from the lawyers. I
9 do -- I don't know how the lawyers obtained it.
10 I was not part of that.

11 Q. [REDACTED]

1 Q. And then it says -- and then it
2 says -- it goes on and it says, Add content data,
3 i.e., the relevance of your ad text, keyword, and
4 landing page.

5 Is -- are all of these things
6 content data?

7 A. No.

8 Q. Which -- what -- what is content
9 data?

10 A. The -- the -- oh, content data or
11 collaborative data? Sorry, I didn't -- I didn't
12 hear what you said. My apologies.

13 Q. Sure. Are all three of those things
14 content data?

15 A. The ad text is definitely contact
16 data. The keyword, the keyword is the keyword,
17 and the landing page is the landing page.

18 Q. Okay. So which of those three
19 things is content data?

20 A. The ad text is what I'm using as
21 content data.

22 Q. Okay. You agree that keyword is not
23 content data; correct?

24 A. I thought I just said that.

25 Q. Okay. And landing page is not

1 content data; correct?

2 A. That's what I just said.

3 Q. If you go to the first page of your
4 claim chart, please, and look at what you've
5 identified as claim 10B, a system for scanning a
6 network element.

7 A. It goes on for a while.

8 Q. Right. I'm just -- I'm just
9 orienting you.

10 A. Okay.

11 Q. You see that this -- this element
12 requires a system for scanning a network to make
13 a demand search?

14 You see that?

15 A. Yes.

16 Q. What's the demand search in AdWords
17 that you're saying meets this limitation?

18 A. The demand search is a query.

19 Q. What query?

20 A. That is issued.

21 Q. From whom to whom?

22 A. It's issued by whoever's entering
23 the query, and [REDACTED]

24 [REDACTED]
25 Q. So are you -- so if -- if I'm an end

1 user and I search for "ponies," is -- is that the
2 demand search you're referring to?

3 A. Yes. If you -- if you enter a query
4 that says "ponies," that's the demand search,
5 then you press enter and it gets eventually to
6 it, that is a demand search.

7 Q. If you'd look to page 5, please,
8 of -- again, this is Exhibit 5 to your report,
9 Exhibit 2 to the deposition. It's a discussion
10 of what you referred to as claim 10C. The
11 content-based filter system element.

12 Do you see that?

13 A. Yes.

14 Q. Okay. It says, in the second
15 sentence in the chart that has your evidence, For
16 example, Google AdWords receives and filters
17 advertisements on the basis of content data,
18 e.g., ad text, keyword and landing page
19 attributes for relevance to the query.

20 Now, again, it's just the ad text
21 you're saying is the content data?

22 A. Well, the -- the data, yeah. But
23 you -- in order to have relevance, you need a --
24 basically use a keyword, which is a surrogate of
25 the query, to be able to know what is relevant.

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, in the second
25 sentence, the CTR's collaborative feedback data.

1 Do you see that?

2 A. The clickthrough rate is
3 collaborative. Yes, I do?

4 Q. Yeah. Is that still your contention
5 as to what the collaborative feedback data is?

6 A. The collaborative feedback data is
7 derived from clicks and it is the -- the entire
8 chain of events.

9 By the way, clickthrough rate is a
10 summary of clicks, right. I mean, there's no
11 rate. It's a manipulation of the data collected

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 collaborative data is that, that basically it's a
16 derivation of the information on click, yes.

17 Q. Well, that's not what you said here.
18 You said the CTR is collective feedback data. Do
19 you stand by that?

20 A. I stand by the fact that it's -- I
21 quoted stuff from your documents. [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Q. Okay. But that's not what you said

1 here, is it, sir?

2 A. No. I said here the CTR is
3 collaborative feedback data.

4 Q. And that's not what your current
5 contention is?

6 A. CTR is collaborative feedback data
7 but that's not what I'm -- contention for the
8 claims. I'm claiming that the information -- [REDACTED]

9 [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 Q. But for purposes of AdWords, you're
13 not saying that the -- the CTR is collaborative
14 data?

15 A. No. I'm not saying the CTR. [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 MR. PERLSON: Well, I move to strike
20 that last portion.

21 Q. [REDACTED]
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