

EXHIBIT C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

-----x
I/P ENGINE, INC.,

Plaintiff,

v. Civil Action No. 2:11-cv-512

AOL, INC., et al.,

Defendants.
-----x

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

Job No. CS397173

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1 Q. Okay. Do you have any affiliation
2 with I/P Engine?

3 A. I believe I'm an officer in the
4 company.

5 Q. You're not sure?

6 A. On a daily basis, I don't do a lot
7 within that particular entity.

8 Q. Okay. So you don't know whether
9 you're an officer of I/P Engine or not?

10 A. I believe -- I'm not sure. I don't --
11 I don't recall how we set it up. It's not an
12 entity that does a lot on a day-to-day basis.

13 Q. Okay. Who -- does I/P Engine have any
14 employees?

15 A. It has officers, but I don't believe
16 it's paying any full-time employees directly.

17 Q. Okay. Does -- who are the officers of
18 I/P Engine?

19 A. Like I said, it was a while ago it was
20 set up, so I don't recall the specific officers.

21 Q. Okay. So you -- you can't name any of
22 the officers of I/P Engine or any employees of
23 I/P Engine; correct?

24 A. Like I said, I don't believe --

25 MS. ALBERT: Objection.

1 A. -- there are full-time paid employees
2 directly of I/P Engine. And I believe I'm an
3 officer, but I don't recall exactly which
4 position we decided to assign me as.

5 Q. Okay. And when was I/P Engine
6 created?

7 A. I/P Engine, I believe we had a
8 different name when it was first created, and
9 that original company --

10 (Interruption.)

11 A. -- that original company I believe was
12 formed in the middle of 2011.

13 Q. Okay. Why was it formed?

14 A. I wasn't the one who formed it, so
15 I -- I don't know what was in the mind of the
16 person forming it at the time.

17 Q. Who formed it?

18 A. My belief is that Alex Berger formed
19 it.

20 Q. But you're not sure?

21 A. I wasn't -- wasn't there at the time.

22 Q. What do you mean, "wasn't there"?
23 What -- what's the "there" you're referring to?

24 A. Well, in general, my understanding
25 when you form a corporation is you -- you know,

1 So, you know, why people make the choices that
2 they do is something that sometimes they keep in
3 their own minds.

4 Q. Well, you have -- are you an officer
5 in Innovate/Protect?

6 A. I am.

7 Q. And what -- and what's your position?

8 A. My role is chief executive officer and
9 chief technology officer.

10 Q. So --

11 A. And also a board member.

12 Q. Okay. So you keep on saying "they."
13 Aren't you one of the they in Innovate/Protect
14 that would be involved in the decision to merge
15 with Vringo?

16 MS. ALBERT: Objection.

17 A. I believe in the earlier question I
18 thought that the "they" referred to Vringo;
19 correct?

20 Q. Oh. Well --

21 A. Because you asked why Vringo would
22 merge with us.

23 Q. Okay. Well, why would
24 Innovate/Protect merge with Vringo?

25 MS. ALBERT: Same privilege caution.

1 Q. So you don't know?

2 A. Not off the top of my head.

3 Q. Do you know, does -- what assets does
4 I/P Engine have?

5 [REDACTED]
[REDACTED]
[REDACTED]

8 Q. Does I/P Engine sell any products or
9 services?

10 A. Not that I'm aware of at present.

11 Q. Is there any plan to that you're aware
12 of?

13 A. Not that I'm aware of.

14 Q. Do you know what the address of
15 I/P Engine is?

16 A. I don't think I've seen any documents
17 saying what the current official address is of
18 the company.

19 Q. Okay. So you don't know?

20 A. I don't know.

21 Q. Do you know, does I/P Engine have an
22 office?

23 A. I would say that we consider the
24 offices of Innovate/Protect to be the same as
25 I/P Engine.

1 Q. Okay. So there's no separate office
2 for I/P Engine; correct?

3 A. Not that I'm aware of. I may be -- it
4 may be a different address officially listed for
5 the company, but I don't know what that would be.

6 Q. And so other than -- so you
7 indicate -- I think you said you were the CEO of
8 Innovate/Protect; is that correct?

9 A. Correct.

10 Q. And where are the offices of
11 Innovate/Protect?

12 A. The current offices of
13 Innovate/Protect are at 380 Madison Avenue on the
14 22nd floor in New York City.

15 Q. And how many people work in those
16 offices?

17 A. How many people work in those offices
18 in general or within Innovate/Protect or --

19 Q. Well, within -- not the office
20 building, but in your office?

21 A. Working for Innovate/Protect in those
22 offices I believe there are three full-time
23 employees and one intern presently.

24 Q. Okay. Who are the three full-time
25 employees?

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1 that are not also affiliated with
2 Innovate/Protect?

3 A. I don't recall.

4 Q. Does Innovate/Protect have like an
5 office network of any kind?

6 MS. ALBERT: Objection, vague.

7 Q. Technically?

8 MS. ALBERT: Objection, vague.

9 A. Does Innovate/Protect have a -- like
10 an internal network for the company?

11 Q. Sure.

12 A. Yes.

13 Q. And do you have like an email server?

14 MS. ALBERT: Objection, vague.

15 A. We don't own an email server, I
16 believe.

17 Q. Do you have a -- is your personal
18 address in Innovate/Protect email address --
19 that's a bad question.

20 Is the email address that you use for
21 work, is it like innovateprotect.com or something
22 like that?

23 A. Yes. It's -- it's innovateprotect.com
24 email address.

25 Q. Okay. And do you use a -- you know,

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1 an external company for your corporate email?

2 A. Yes.

3 Q. Is there any separate email account
4 for I/P Engine?

5 A. None that I recall.

6 Q. If you were doing work in connection
7 with I/P Engine, would you use your
8 Innovate/Protect email address?

9 A. I don't know. I might -- I might
10 create an email address, if wanted to conduct
11 business for I/P Engine, but I don't know that
12 I've done anything via email for that.

13 Q. You don't know that you've done
14 anything via email regarding I/P Engine at all?

15 A. I think -- well, I mean, if I had some
16 email that was very specific to I/P Engine and I
17 wanted it to be contained within the -- that
18 information system for that subsidiary, one
19 option I might take is to create an email account
20 for that subsidiary and conduct email through
21 that.

22 Q. You've never done that, though?

23 A. I've not done that, no. I don't -- I
24 don't know that I've had a need to conduct email
25 that's -- that was specific to that subsidiary

1 only.

2 Q. Did you have discussions over email
3 regarding the scheduling of this deposition?

4 MS. ALBERT: I'm sorry, can you read
5 that back?

6 (Record read.)

7 MS. ALBERT: Objection, vague.
8 Caution the witness not to divulge any
9 attorney-client communications in your response.

10 A. Okay.

11 THE WITNESS: I'm sorry, can you
12 repeat it one more time?

13 (Record read.)

14 A. I believe I'll take my attorney's
15 advice on that question.

16 Q. I'm not asking for the substance of --
17 of any of the communications. I'm just, you
18 know, really just looking, for example, in
19 logistics.

20 MS. ALBERT: So maybe you can say yes,
21 no, or I don't recall, if that -- whatever you're
22 answer is and then before we go further, we can
23 do it question by question.

24 A. I'm not sure. I don't remember -- I
25 don't remember if it was an email.

1 Q. Have you ever had any email
2 communications regarding this litigation?

3 MS. ALBERT: Vague and same caution.

4 A. I'm trying to think of specific ones.
5 Nothing's coming to mind right now.

6 Q. If your attorney was going to give you
7 an update to -- on what's going on in this
8 litigation, would they send it to any other email
9 address, other than to your Innovate/Protect
10 email address?

11 MS. ALBERT: Objection, vague. Same
12 caution.

13 A. My attorneys -- my attorneys for --

14 Q. In this case.

15 A. In this case? I don't know whether
16 they would or not.

17 Q. Have you ever had a communication with
18 your attorneys in this case regarding this case
19 on email?

20 A. I don't believe so.

21 I'm sorry, can you repeat that
22 question again?

23 Q. Yeah. Have you ever had a
24 communication with your attorneys in this case
25 regarding this case via email?

1 A. Oh, okay. I'm sorry, for some reason
2 I thought you said other than -- than the
3 innovateprotect.com email address.

4 I believe -- I believe that they
5 probably have sent me an email with the
6 Innovate/Protect address.

7 Q. To the Innovate/Protect address?

8 A. Yes.

9 Q. When did you first have the idea for
10 the inventions of the patent in suit, patents in
11 suit, in this case?

12 A. I don't recall exactly.

13 Q. Do you recall generally?

14 A. No.

15 Q. Do you recall how you came to discover
16 the inventions in the patents at issue in this
17 case?

18 MS. ALBERT: Objection, vague.

19 A. Can you repeat that one more time?

20 Q. Yeah. Well, do you recall how you
21 came up with the idea for the inventions in the
22 patents asserted in this case?

23 MS. ALBERT: Objection, vague.

24 A. By "idea," do you mean how I came up
25 with the actual inventions?