

# Exhibit 1

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

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I/P ENGINE, INC., :  
Plaintiff, : Civil Action No.  
v. : 2:11-cv-512  
AOL, INC., et al., :  
Defendants. :  
-----x

CONFIDENTIAL - OUTSIDE ATTORNEYS' EYES ONLY  
Videotaped Deposition of LYLE UNGAR, Ph.D.  
Philadelphia, Pennsylvania  
Saturday, September 22, 2012  
1:03 p.m.

Job No.: 26365  
Pages: 1 - 266  
Reported by: Debra A. Whitehead

CONFIDENTIAL VIDEOTAPED DEPOSITION OF LYLE UNGAR, Ph.D.  
CONDUCTED ON SATURDAY, SEPTEMBER 22, 2012

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1	A	Yes.	18:36:47
2	Q	Okay. Is that the only way in which you	18:36:47
3		could find the pages, according to the court's	18:36:52
4		construction of scanning a network, or is that --	18:36:56
5	A	So --	18:37:01
6	Q	I'm sorry. Go ahead.	18:37:01
7	A	Sorry. Looking for or examining items in a	18:37:03
8		network.	18:37:06
9		So your question -- I haven't thought it	18:37:07
10		through carefully -- is could there be some other way	18:37:09
11		that doesn't use anything -- doesn't use any spidering	18:37:12
12		that still looks for or examines items in a network.	18:37:15
13	Q	Correct.	18:37:21
14	A	It's not obvious to me off the top of my	18:37:26
15		head how to do that. But I'm -- I could imagine that	18:37:29
16		there would be. There's nothing intrinsic to the	18:37:33
17		definition that says spidering has to be the way to do	18:37:37
18		it. That's somehow the obvious way that comes to mind	18:37:39
19		of how I would do it.	18:37:42
20		I would need to take -- I would need to	18:37:43
21		think much more carefully about an alternate	18:37:45
22		implementation of that.	18:37:48

CONFIDENTIAL VIDEOTAPED DEPOSITION OF LYLE UNGAR, Ph.D.  
CONDUCTED ON SATURDAY, SEPTEMBER 22, 2012

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1	Q	You haven't formed any opinions as to	18:37:49
2		whether there's an alternate implementation of	18:37:51
3		scanning a network that would not require a spider?	18:37:54
4	A	I have not. I didn't feel any need to.	18:37:57
5	Q	You didn't form -- you didn't consider	18:37:59
6		forming such an opinion in connection with your	18:38:04
7		noninfringement report?	18:38:07
8	A	Did I consider forming such? I'm sorry,	18:38:13
9		I'm trying to distinguish two questions.	18:38:20
10		Did I form such an opinion, no.	18:38:22
11	Q	Let me ask it --	18:38:24
12	A	Did I consider it and then reject it, the	18:38:25
13		idea of forming it? I'm sorry. Try your question	18:38:27
14		again.	18:38:30
15	Q	So it's true that you did not form an	18:38:30
16		opinion, when performing your noninfringement	18:38:32
17		analysis, as to whether there's an alternate	18:38:35
18		implementation of scanning a network that would not	18:38:38
19		require a spider.	18:38:40
20	A	That's correct.	18:38:41
21	Q	Are there -- is it possible to use a spider	18:38:42
22		in an office LAN?	18:39:02

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VOLUME 2

CONFIDENTIAL - OUTSIDE ATTORNEYS' EYES ONLY

CONTAINS SOURCE-CODE PROTECTED PORTION,

PURSUANT TO PROTECTIVE ORDER

Videotaped Deposition of LYLE UNGAR, Ph.D.

Philadelphia, Pennsylvania

Sunday, September 23, 2012

8:44 a.m.

Job No.: 26363

Pages: 267 - 532

Reported by: Debra A. Whitehead

1 I wish I had an automatic search piece 16:35:13  
2 here. 16:35:16  
3 MR. CIMINO: What column are you reading, 16:35:40  
4 Dr. Ungar? 16:35:42  
5 THE WITNESS: I'm looking at -- I'm 16:35:43  
6 starting at the beginning, Columns 1 and 2. But I'm 16:35:45  
7 in Column 1 at the moment. I recall it was fairly 16:35:48  
8 early in the article, in the patent. 16:35:51  
9 BY MR. BILSKER: 16:36:13  
10 Q Well, let me ask you, is Column 1, Line 43, 16:36:14  
11 what you were thinking about, since we want Frank to 16:36:18  
12 get home to his football game? 16:36:23  
13 A So that was one of the examples. So the -- 16:36:25  
14 that example says that a list may be ordered by the 16:36:29  
15 extent to which the identified item matches the terms 16:36:35  
16 of a query. So that's matching the terms of a query 16:36:40  
17 to the words in, for example, the web page. So that's 16:36:42  
18 one. There were others as well. 16:36:47  
19 Q Are you able to find any of the others 16:36:49  
20 quickly? 16:36:51  
21 A There was one in Column 2. Not a -- a less 16:36:53  
22 important one, as a technique for displaying items, 16:36:59

1 even when no items completely match the query. 16:37:05

2 MR. CIMINO: Where is that? 16:37:08

3 THE WITNESS: That is the very bottom of 16:37:09

4 Column 1, the start of 2. It's continuing the same 16:37:11

5 discussion, again talking about items matching a 16:37:14

6 query. And that's exactly the sense in which I'm 16:37:18

7 reading the claims. 16:37:21

8 I think there were further ones down, but 16:37:25

9 again, it may take a little time to find them. That 16:37:27

10 may suffice for -- for now, or would you like more? 16:37:31

11 Q Well, if there's one that's easy at your 16:37:34

12 fingertips, that's fine. We don't have to go through 16:37:39

13 the whole reference right now. 16:37:41

14 A There was another one I think also farther 16:37:42

15 down the page. I apologize for not remembering 16:37:44

16 exactly where everything is. 16:37:46

17 Q But those express what you were thinking 16:37:51

18 about? 16:37:53

19 A Those and the later ones, which can easily 16:37:53

20 be found, express precisely what I was thinking about, 16:37:56

21 matching the terms in the query to the terms in the 16:38:01

22 item. 16:38:03