

Exhibit D

STATES UNITED DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

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

-----x

CONFIDENTIAL - OUTSIDE COUNSELS' EYES ONLY

Videotaped Deposition of NICHOLAS FOX

San Francisco, California

Wednesday, September 12, 2012

9:10 a.m.

Job No.: 25943

Pages: 1 - 237

Reported by: GINA V. CARBONE, CSR#8249, RPR, CCRR

CONFIDENTIAL VIDEOTAPED DEPOSITION OF NICHOLAS FOX
CONDUCTED ON WEDNESDAY, SEPTEMBER 12, 2012

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1	MR. CIMINO: Q. Do you know how much	03:25:15
2	revenue Google has earned from its advertisers?	03:25:16
3	MR. PERLSON: Objection. Form.	03:25:20
4	MR. CIMINO: Q. Since Smart Ads came on	03:25:21
5	line?	03:25:24
6	A. I don't have that number off the top of my	03:25:35
7	head.	03:25:36
8	Q. It's in the billions?	03:25:37
9	A. Yes.	03:25:38
10	Q. Is it confidential that the statement that the	03:25:44
11	historical click-through rate of the keyword of the	03:25:49
12	matched ad is a factor that makes up quality score is	03:25:51
13	technically inaccurate?	03:26:04
14	MR. PERLSON: Objection. Form.	03:26:06
15	THE WITNESS: I would say that's confidential.	03:26:10
16	MR. CIMINO: Q. And that is also	03:26:14
17	confidential, I assume, that the statement that the	03:26:16
18	historical click-through rate of the keyword in the	03:26:19
19	matched ad on the Google domain making up quality	03:26:21
20	score is inaccurate using our definition from	03:26:24
21	Dictionary.com. It's free of error. Correct?	03:26:27
22	A. I would say that's also confidential.	03:26:32
23	Q. Has Google ever discussed the technical	03:26:41
24	inaccuracy with any advertiser about historical	03:26:45
25	click-through rate?	03:26:50