


# EXHIBIT 1

# IP Engine vs Google

 **Hickernell, Robert (Vol. 01) - 07/10/2012**

1 CLIP (RUNNING 00:10:13.000)

 Mr. Hickernell, can you state your full name ...

**Hickernell Combined** 15 SEGMENTS (RUNNING 00:10:13.000)



**1. PAGE 7:12 TO 7:14 (RUNNING 00:00:05.000)**

12 Q. Mr. Hickernell, can you state your full name  
13 for the record, please?  
14 A. Robert Richard Hickernell, Jr.

**2. PAGE 7:19 TO 7:20 (RUNNING 00:00:04.000)**

19 Q. Okay. Who is your current employer?  
20 A. AOL.

**3. PAGE 15:19 TO 15:21 (RUNNING 00:00:09.000)**

19 Q. And what is your current position?  
20 A. Current, I'm senior director, product  
21 management.

**4. PAGE 18:11 TO 19:07 (RUNNING 00:01:21.000)**

11 Q. Have you heard of Search Marketplace?  
12 A. AOL Search Marketplace?  
13 Q. Yes.  
14 A. Yes.  
15 Q. And what is that?  
16 A. That is a white label version of Google  
17 AdWords that's, that was built for AOL by Google,  
18 hosted by Google, maintained and managed by Google that  
19 allows AOL sales teams to sell search advertising to  
20 AOL advertising clients, and that would, those  
21 advertisements would show up specifically on AOL  
22 Search.  
00019:01 Q. What does white label mean?  
02 A. To me -- it could mean different things to  
03 different people. To me it means taking someone's  
04 product as is and putting your brand on it and using  
05 that so that you're branding it as your own but it --  
06 you're not -- you don't -- you're not maintaining or  
07 it's not your product.

**5. PAGE 20:16 TO 21:13 (RUNNING 00:01:14.000)**

16 Q. Okay. When did AOL start using AOL Search  
17 Marketplace?  
18 A. I believe it was in the 2006 time frame.  
19 Q. And does AOL still use AOL Search  
20 Marketplace?  
21 A. Yes.  
22 Q. Do you know what AdSense for Search is?  
00021:01 A. Yes.  
02 Q. And what is that generally?  
03 A. AdSense for Search is Google's AdSense  
04 product that is specifically targeting advertisements  
05 against search terms that an end user is inputting into  
06 search box.  
07 Q. And has AOL ever used AdSense for Search?  
08 A. Yes.  
09 Q. Okay. And when did AOL start using it?  
10 A. I believe that was in, started in the 2002,  
11 maybe late 2002 time frame.

## IP Engine vs Google

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12 Q. Okay. Does AOL still use AdSense for Search?  
13 A. Yes.

### 6. PAGE 45:14 TO 45:17 (RUNNING 00:00:17.000)

14 product generally. So let me try that again. Do you  
15 understand Google to be using the same ad selection and  
16 ranking system for AOL Search Marketplace that it uses  
17 for itself?

### 7. PAGE 45:19 TO 46:06 (RUNNING 00:00:33.000)

19 THE WITNESS: I -- I -- I'm not a hundred  
20 percent sure how to answer because I still think that  
21 they're -- I'm not understanding the question very  
22 well.

00046:01 BY MR. JACOBS:

02 Q. Okay. Do you understand --  
03 A. AOL Search Marketplace is, is the same as  
04 AdWords, just branded differently. So whatever is in  
05 the behind the scenes in AdWords or, is in AOL Search  
06 Marketplace.

### 8. PAGE 46:11 TO 46:13 (RUNNING 00:02:08.000)

11 Q. How do you know that AOL Search Marketplace  
12 is the same as AdWords just branded differently?  
13 A. That's what Google has, has told us.

### 9. PAGE 46:14 TO 47:01 (RUNNING 00:00:34.000)

14 Q. Do you know if they use the same ranking  
15 algorithm?  
16 A. I don't know anything inside of AdWords or  
17 AOL Search Marketplace. So whatever they tell me, if  
18 they tell me you're getting the same thing in AOL  
19 Search Marketplace as in AdWords, I don't know if that  
20 means that you're getting the same algorithm. I  
21 would -- to the best of my knowledge it is yes, but I  
22 don't know any -- I don't have any in-, knowledge of  
00047:01 what is, what that algorithm is or how it's built.

### 10. PAGE 47:17 TO 47:20 (RUNNING 00:00:11.000)

17 Q. Yes. Do you understand Google to be using  
18 the same ad selection and ranking system to power  
19 AdSense for Search as is used on their own Google  
20 websites?

### 11. PAGE 47:22 TO 48:10 (RUNNING 00:00:58.000)

22 THE WITNESS: I -- I don't know what Google  
00048:01 uses for its own website. I don't know if they use  
02 AdSense for Search, the same AdSense for Search as they  
03 make available to website publishers like AOL. That I  
04 don't know.

05 BY MR. JACOBS:

06 Q. Okay. Do you know of any differences between  
07 the system Google uses to display ads on its search  
08 pages and the system it provides to AOL?

09 A. I don't know what Google uses to display ads  
10 on its own, so I don't know of any differences.

### 12. PAGE 88:10 TO 89:06 (RUNNING 00:01:10.000)

10 Q. Okay. I'd like you to turn your attention to  
11 the page bearing Bates stamp AOL 01202786, also page 37  
12 of the document.

13 A. Okay.

14 Q. It says: Google measures relevance through

## IP Engine vs Google

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15 quality score, in the second full paragraph, and the  
16 quality score is based on several factors. Do you see  
17 that?

18 A. Yes.

19 Q. Okay. All right. The first factor is a  
20 keywords clickthrough rate. What does that mean to  
21 you?

22 A. To me that would be the, in this context a  
00089:01 keywords clickthrough rate. The, the number of clicks  
02 on ads that are associated with this keyword divided by  
03 the number of impressions shown or the number of times  
04 the ad was shown.

05 Q. The second factor is ad text relevance. What  
06 does this mean?

### 13. PAGE 89:09 TO 89:14 (RUNNING 00:00:29.000)

09 Q. To you?

10 A. To me this would mean the, how well the, the  
11 ad text matches or the meaning matches the keyword. I  
12 don't know how to define relevance without using the  
13 word relevance. I'm trying to do that, not use the  
14 word relevance to define it.

### 14. PAGE 90:22 TO 91:02 (RUNNING 00:00:24.000)

22 Q. So is the document's description here on page  
00091:01 37 bearing Bates stamp AOL-01202786, is that consistent  
02 with your understanding of how quality score works?

### 15. PAGE 91:08 TO 91:14 (RUNNING 00:00:36.000)

08 A. The page as a whole?

09 Q. Mm-hmm.

10 A. Let me read the rest, look at the rest of the  
11 page here.

12 Q. Sure.

13 A. Yes. The full page is, is my base, is my  
14 understanding of how that works.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:10:13.000)