

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

DURATION MEDIA, LLC,)
)
Petitioner,)
)
vs.) Case IPR2023-00953
)
RICH MEDIA CLUB, LLC,)
)
Patent Owner.)

The Zoom deposition of MICHELE MADANSKY,
taken before Richard Derrick Ehrlich, Registered
Merit Reporter, Certified Realtime Reporter, taken
pursuant to the U.S. Patent and Trademark Office
Rules, commencing at 10:30 a.m., on the 1st day of
April, 2024.

Page 2 1 A P P E A R A N C E S 2 3 On behalf of the Petitioner: 4 Kevin Greenleaf 5 Joel Bock 6 DENTONS 7 233 South Wacker Drive 8 Suite 5900 9 Chicago, IL 60606 10 kevin.greenleaf@dentons.com 11 12 On behalf of the Patent Owner: 13 David Bergen 14 GLOBAL IP LAW GROUP 15 55 West Monroe Street 16 Suite 3400 17 Chicago, IL 60603 18 dberten@giplg.com 19 20 21 22 23 24	Page 4 1 MICHELE MADANSKY, DEPONENT, SWORN 2 EXAMINATION 3 BY MR. BERTEN: 4 Q Good morning, Dr. Madansky. 5 My name is Dave Berten. I'm the lawyer 6 representing Rich Media Club in this IPR, and 7 I've never taken a deposition before on 8 April 1st. 9 I would like us all to agree for the record 10 that nobody is going to call April Fools on any 11 of the testimony or other activity that happens 12 in today's deposition. 13 So can we all agree on that, Dr. Madansky? 14 A Yes. 15 MR. GREENLEAF: I will not call April 16 Fools. 17 MR. BERTEN: Great. I won't either. 18 MR. GREENLEAF: No further promises. 19 BY MR. BERTEN: 20 Q All right. So, with that understanding, 21 Dr. Madansky, I would like to start with what is 22 your understanding of the Volvo Penta case? 23 A The Volvo Penta case? 24 Q Yes.
Page 3 1 I N D E X 2 3 Exam by David Berten 4 4 Exam by Kevin Greenleaf 53 5 6 7 8 9 E X H I B I T S 10 11 Exhibit No. 1023 - 5 12 "The Decade of Display That Wasn't, 2007 - 2017" 13 Exhibit No. 1001 - 54 14 Patent No.: US 11,443,329 B2 15 16 17 18 19 20 21 22 23 24	Page 5 1 A I've never heard of it. 2 Q Never heard of it? Okay. 3 So you did read the patent owner's response 4 filed in this case, though; right? 5 A I did. 6 Q Yeah. It's paper 35. And I think it's listed 7 in your report. I think it is, as one of the -- 8 yes, as one of the documents you reviewed? 9 A Paper 35 you said? 10 Q Yeah. So if you look at your items that you 11 reviewed on page 3 of your report, which is 12 Exhibit 1026. You have that in front of you; 13 right? 14 A I do. 15 (Exhibit No. 1023 marked.) 16 BY MR. BERTEN: 17 Q And you see right after Exhibit 2061, the entry 18 "Paper 35" there? 19 A I do. 20 Q Okay. And when I mentioned the Volvo Penta 21 case, and you said you're not familiar with it, 22 did you not realize that that case was cited 23 something like a dozen times in the patent 24 owner's response?

Page 6 1 A I do not recall that. 2 Q Okay. So it's safe to say you did not apply the 3 test from the Volvo Penta case in your report; 4 correct? 5 A That is correct. 6 Q Okay. Now, did you review your report prior to 7 preparing for today's deposition? 8 A Did I review my report? 9 Q Yes. 10 A Yes, I did. 11 Q Are there -- anything in it that you want to 12 correct before we get started? Do you see any 13 mistakes in it? 14 A No. 15 Q Because I counted about a half a dozen that I 16 want to go through and see if we can help 17 explain where some of these mistakes come from. 18 And we can start with paragraph 9 of your 19 report. And specifically the last part of that 20 sentence that reads, "But anybody in the 21 industry already understood, since before 2005, 22 that viewability could be measured." 23 And then you cite EX1041. Do you see that? 24 A I do.	Page 8 1 Right? 2 A Correct. 3 Q And then the last line that's readable says, "A 4 few weeks ago, the Media Ratings Council 5 announced that the technology for tracking 6 viewability is not ready for prime time and 7 explicitly advised" -- and the next line is hard 8 to read, but I think it says "explicitly advised 9 publishers not to" -- a word I can't see. And 10 then the last two words are, "Advertisement 11 viewability," I think. 12 The bottom of all those letters is cut off; 13 right? 14 A Yes. I think it says, "Advertiser viewability." 15 Q Was there another part of Exhibit 1041 that 16 supports your statement that everybody -- 17 anybody in the industry already understood, 18 since before 2005, that viewability could be 19 measured? 20 A So the -- Exhibit 1014 should have supported the 21 first part of that sentence, not the second. So 22 that is an error. 23 Q Okay. 24 A But I was trying --
Page 7 1 Q Okay. Do you have EX1041 in front of you? 2 A I am opening it right now. 3 Okay. This is the document that was behind 4 a paywall. 5 Q Yeah. So the document is behind a paywall in my 6 version of Exhibit 1041. 7 First of all, it's dated June 23rd, 2013; 8 correct? 9 A Yes, it is. 10 Q And almost none of it is readable. Is that also 11 correct? 12 A That is correct, because it's behind a paywall. 13 Q So the only part of this that was produced by 14 Duration in this case that is readable says, 15 "Call them crazy, but advertisers want to make 16 sure people can see their on-line ads, yet the 17 industry isn't quite ready to meet that 18 requirement, and that's a big problem." 19 I read that correctly? 20 A Yes. 21 Q And the next line said, "Indeed, as the industry 22 wrestles with how to make sure its ads are 23 actually viewable, the prolonged debate is 24 wreaking havoc on the marketplace."	Page 9 1 Q Exhibit -- 2 MR. GREENLEAF: You can finish your answer, 3 Dr. Madansky. 4 THE DEPONENT: So that Exhibit 1041 is 5 referencing widespread discussion of viewability 6 did not arise until 2014. 7 BY MR. BERTEN: 8 Q Okay. We'll come back to that. 9 But just for clarification, Exhibit 1041, 10 it's your testimony now, does not support the 11 statement in paragraph 9 that anybody in the 12 industry already understood, since before 2005, 13 that viewability could be measured? 14 MR. GREENLEAF: Objection. 15 Mischaracterizes testimony. 16 BY MR. BERTEN: 17 Q So when Mr. Greeleaf objects -- this will happen 18 throughout today -- unless he instructs you not 19 to answer, he's making an objection for the 20 record, and you should go ahead and answer the 21 question. And if I get that wrong, Mr. Greeleaf 22 is going to explain to you how I got that wrong. 23 A Okay. Can you repeat your question, please? 24 Q Yeah. The question was: Am I correct to say

Page 10 1 it's your testimony today that Exhibit 1041 does 2 not support the portion of the sentence in 3 paragraph 9 of your declaration that anybody in 4 the industry already understood since before 5 2005 that viewability could be measured? 6 A Correct. 7 MR. GREENLEAF: Objection. 8 Mischaracterizes testimony. Asked and answered. 9 BY MR. BERTEN: 10 Q Okay. Now, if you go to paragraph 13 -- 11 I'm sorry. Could we go off the record for 12 a second? 13 MR. BERTEN: Okay. 14 (Off the record.) 15 BY MR. BERTEN: 16 Q Dr. Madansky, we were, I think, in paragraph 13 17 of your declaration, which cites -- starts off 18 by citing U.S. Patent No. 6,327,619 called -- 19 I'm not sure how you say it, Blumenau maybe? 20 A Yep. 21 Q And that's Exhibit 1035; right? 22 So there's a reference to Exhibit 1035 with 23 that patent number; correct? 24 A Correct.	Page 12 1 passage have a figure number 106 in it between 2 those two words? 3 A Control 106, yes. 4 Q Okay. So was it a mistake to leave out the 106 5 in the quotation, or fail to indicate that you 6 had deleted material from that quotation? 7 A It looks like that was a human error. 8 Q Okay. Let's go to paragraph 18. 9 At the end of paragraph -- 10 A Of my -- 11 Q Yes. Of your declaration. 12 At the end of paragraph 18, there's a 13 citation to Exhibit 1037 apparently referencing 14 the Sandidge application. But if go, again, to 15 your List of Materials Considered, Exhibit 1037 16 is not "Sandige," it's "Callaghan." 17 Do you see that? 18 A I do see that. 19 Q So is that a mistake, that you didn't mean to be 20 referencing Callaghan in paragraph 18? You 21 meant to be referencing something else? 22 A That should be Exhibit 1029. 23 Q Okay. Let's go to paragraph 31. The start of 24 paragraph 31 references Exhibit 1023. But if
Page 11 1 Q Okay. If you turn to your List of Materials 2 Considered, Exhibit 1035 is a different patent 3 number, if you look on page 4. It's patent 4 number 6,418,470, also called Blumenau. 5 Do you know which? 6 A I have Exhibit 1035 open right now, and it is 7 titled, "Metering of Internet Content. Using a 8 Control." 9 And the patent number is 6,327,619. 10 Q Okay. Does that mean that the list of materials 11 you considered is wrong, and you didn't consider 12 patent 6,418,470, you instead considered patent 13 6,327,619? 14 A Yes. 15 Q And then if you -- I think you said you had that 16 open. 17 If you look at Exhibit 1035, which is 18 patent 6,327,619, do you see how you quoted a 19 passage from there from column 6, lines 20 to 20 24? 21 A I do. 22 Q The actual passage between the words "control" 23 and "maintains," right before the -- I guess 24 it's in line 23 or 24, doesn't the actual	Page 13 1 you go back to your list of materials 2 considered, you'll see you did not reference 3 Exhibit 1023 in the materials that you 4 considered. 5 And in the list of exhibits with the 6 petitioners reply, there's an entry that says 7 "1023 is empty." 8 Did you consider something for 1023, or 9 is -- did you decide to drop Exhibit 1023 at 10 some point? 11 A I need to go back and review Exhibit 1023. I 12 don't have it in my -- 13 Q Okay. We don't either, and there's an 14 indication from the petitioner that Exhibit 1023 15 was not used. 16 So I guess my question is: Do you know, as 17 you sit here today, what you were referring to 18 when you were referring to Exhibit 1023? 19 A I would have to go back and review. I 20 believe -- 21 Q Let me just -- 22 MR. GREENLEAF: You can finish your answer. 23 THE DEPONENT: Okay. I believe this was 24 something that was referenced from another

Page 14 1 document, and I'm not recalling exactly what it 2 is right now. 3 MR. BERTEN: Okay. I guess this might be a 4 question for Mr. Greeleaf. 5 Are you guys relying on this sentence? 6 There's two sentences apparently that deal 7 with Exhibit 1023. Are you guys withdrawing 8 that, or is there an exhibit that you have to 9 give me? 10 MR. GREENLEAF: You should have the 11 exhibit. It was filed with the petitioner's 12 reply. I can put it in the chat. 13 MR. BERTEN: No, it wasn't. I don't have a 14 copy of it, and your list of exhibits from the 15 petitioner's reply says, "1023 is empty," if you 16 look on page 3. 17 MR. BOCK: Yeah. It might have been a 18 typo. 19 THE DEPONENT: I have it on my hard drive. 20 It must have not gotten included. 21 MR. GREENLEAF: I can give it to you now, 22 David. 23 Does the channel allow me to upload 24 exhibits?	Page 16 1 A Yes. 2 Q Is the 2014 also a mistake? Did you mean to say 3 2014? 4 A Exhibit 1041 is 2013; however, my belief is that 5 it was not a hot button until 2014. So -- 6 Q What did you mean when you said "hot button"? 7 A Something that the industry was interested in 8 measuring. 9 Q So it's your testimony that the industry was not 10 interested in measuring viewability until 2014? 11 A No. 12 Q When did the industry start to become interested 13 in measuring viewability? 14 A Let me reference my document for a second. 15 Okay. If you reference paragraph 32 of my 16 report. 17 Q Yes. 18 A I talk about 2014 being a critical time for 19 measuring viewability. 20 Q Well, it does say that in paragraph 32, but why 21 don't you look at paragraph 41, the last 22 sentence. I'll just read it to you. 23 "And viewability became an industry wide 24 issue in 2012 to 2014, and the IAB aligned on
Page 15 1 Apparently not. 2 MR. BERTEN: I'll come back to it when I 3 get a chance to review it maybe at the next 4 break to see what 1023 is. 5 BY MR. BERTEN: 6 Q The next issue I had was in paragraph 33. 7 There's a reference to Exhibit 1050 as 8 relating to Oracle Moat. 9 And if you'll look at Exhibit 1050, it 10 doesn't have anything to do with Oracle Moat. 11 Is that another mistake? 12 A Yes. I think it's referencing another document. 13 Q Do you know what it's referencing? 14 A I believe it's referencing Exhibit 1043. 15 Q Okay. Turning back to paragraph 9, we 16 previously discussed whether Exhibit 1041 17 supports the second part of that sentence or 18 just the first. And I believe your testimony 19 was that Exhibit 1041, you were citing to 20 support the first part of that sentence that 21 says, "Widespread discussion of viewability as 22 an industry hot button did not arise until 23 2014." 24 Do you recall our discussion on that?	Page 17 1 the definition of viewable impressions in March 2 of 2014." 3 Do you see that? 4 A Yes. 5 Q Isn't it correct, as a matter of historical 6 fact, that the online Internet advertising 7 industry became interested in viewability at 8 least by 2012? 9 A I believe that the industry became interested by 10 2012, but the industry did not come up with a 11 definition until March of 2014, and that was the 12 critical point. 13 Q But you agree with me that, at least by 2012, 14 there was widespread interest in the online 15 advertising industry to create a standard of 16 measurement that became known as the viewable 17 impression? 18 A I agree that there was interest in that. 19 Q But you won't agree that it's widespread 20 industry interest? 21 A There was interest in determining what -- how to 22 measure viewability in 2012. And once 23 viewability -- once a definition was defined, 24 was ratified across the industry, that was not

Page 18 1 until 2014. 2 Q But my question is a more precise one about the 3 timing of widespread industry interest in 4 creating a standard based on the viewable 5 impression. 6 Do you agree with me that there was 7 widespread industry interest in creating a 8 standard for the viewable impression at least as 9 early as 2012? 10 MR. GREENLEAF: Objection. Vague. 11 THE DEPONENT: I do believe there was 12 interest in coming up with a definition. 13 BY MR. BERTEN: 14 Q So I keep using the phrase "widespread interest" 15 in my question, and you've answered, I think, 16 twice now that there was interest. But you have 17 not agreed that the interest was widespread. 18 Am I understanding your testimony 19 correctly? 20 A I think that we -- the question is: Is there 21 interest in coming up with a definition? 22 There was widespread interest in coming up 23 with a definition for a viewables impression. 24 Q And the part of the evidence of that widespread	Page 20 1 advertisers started? 2 A Per my report, paragraph 35, I believe it was 3 around 2011. 4 Q Okay. And that's in your paragraph -- and I 5 think you're referring to in 2011, "Several 6 advertising industry organizations partnered to 7 announce the 3MS initiative," which your report 8 calls "making measurement work." 9 Let's stop just there for a second. 10 That's another mistake, isn't it? The 11 initiative wasn't called "Making Measurement 12 Work." It was called "Making Measurement Make 13 Sense," wasn't it? 14 A Let me just check the materials. 15 Q We'll check in just a second, but even before 16 the parenthetical, "Making Measurement Work" in 17 your report, you say it's announced as a 3MS 18 initiative; right? 19 MR. GREENLEAF: Wait. I want to object. 20 She has a right to look at documents to answer 21 questions. 22 BY MR. BERTEN: 23 Q Well, we'll look at them in a minute. I'm just 24 asking: Does your report call it the 3MS
Page 19 1 interest in 2012 was the creation of the "Making 2 Measurement Make Sense" initiative; correct? 3 A Yes. 4 Q And the "Making Measurement Make Sense" 5 initiative was brought about by -- I'll use the 6 industry acronyms: The 4As, the ANA, the MRC, 7 and the IAB; correct? 8 A I don't recall if all four were involved, but 9 some -- you know, at least a few of those were 10 involved. 11 Q Which ones do you recall being involved? 12 A The IAB and the 4As. It might be all four, but 13 we're talking about the same time period. 14 Q In 2012; correct? 15 A Yes. 16 Q And wouldn't it be also fair to say that if the 17 groups that got together to create the "Making 18 Measurement Make Sense" initiative in 2012 did 19 so in 2012, that there had to be industry 20 interest prior to the creation of the "Making 21 Measurement Make Sense" initiative? 22 A There was interest from advertisers, not 23 necessarily publishers. 24 Q And do you know when the interest by the	Page 21 1 initiative? 2 A It does. I'm referencing Exhibit 1054. It 3 looks like that was human error. 4 Q So, again, the correct title is "Making 5 Measurement Make Sense" instead of what's in 6 your report, which is "Making Measurement Work." 7 Right? 8 A Correct. 9 Q As you sit here today, are you aware of any 10 effort pre-dating 2011 where the industry was 11 interested in creating a viewable impression 12 standard? 13 A I'm not aware of any. I do want to point out, 14 based on Exhibit 1054, it does not seem that the 15 MRC was part of the 3MS initiative. 16 Q Okay. Why don't you look at page 3 of Exhibit 17 1054, about halfway down the page. "The 3MS 18 initiative requires an ongoing government 19 structure. The 3MS initiative is in discussions 20 with the Media Rating Council, MRC, which is 21 uniquely qualified to provide governance." 22 Do you see that? 23 A I do see that. 24 Q Does Exhibit 1054, on its face, indicate that

Page 22 1 the organizations that created the "Making 2 Measurement Make Sense" initiative hoped to 3 recruit the MRC to participate in the endeavor? 4 A It says here that they are in discussions with 5 the MRC. 6 Q As a point of historical fact, you're aware that 7 the MRC did ultimately become part of the 8 "Making Measurement Make Sense" initiative, 9 aren't you? 10 A The MRC adopted -- the MRC adopted the guidance 11 from this group for measurement of viewable 12 impressions. 13 Q You didn't participate in the "Making 14 Measurement Make Sense" initiative personally; 15 correct? 16 A I did not. 17 Q So you weren't -- you were, I think, a private 18 consultant in the 2011 to 2014 timeframe? 19 A Correct. 20 Q And you didn't participate in any of the "Making 21 Measurement Make Sense" -- well, let me rephrase 22 the question. 23 Were you a member of the IAB in 2011? 24 A I was not, but my clients -- several of my	Page 24 1 between served impressions and viewable 2 impressions was well understood? 3 A Yes. 4 Q Do you know when the first use of the phrase 5 "viewable impression" happened? 6 A No. 7 Q So if it happened after 2009, would that make 8 you want to rethink whether the discrepancy 9 between the served impression and viewable 10 impression was well understood? 11 A No. 12 Q And why is that? 13 A I think the concept of a viewable impression was 14 known as early as, you know, 2003. It might 15 have -- the difference between a served 16 impression and a visible or viewable impression 17 was known. It might not have been an industry 18 term, per se. 19 Q So when is the first time, if you can remember, 20 that you first heard the phrase, "Viewable 21 Impression"? 22 A I can't recall an exact time. 23 Q Was it before or after, if you know, 2012? 24 A Before.
Page 23 1 clients were. 2 Q In connection with your work with the clients, 3 did you participate via your clients in the 4 "Making Measurement Make Sense" initiative? 5 A No. 6 Q Do you have any firsthand knowledge about 7 whether the "Making Measurement Make Sense" 8 initiative adopted the MRC's recommendation, or 9 the MRC adopted the recommendation of the 3MS 10 initiative? 11 A I am not sure. 12 Q Okay. So returning back to your report. I have 13 a question about paragraph 10. 14 The first line says, The concept of a 15 viewable impression would have been well known 16 to any POSA who was involved in online 17 advertising at the time. 18 Do you see that? 19 A Yes. 20 Q What time are you referring to in that sentence? 21 A The time of the patent, which, I believe, is 22 2009. 23 Q So 2009. 24 So you agree that in 2009, the discrepancy	Page 25 1 Q You didn't hear it when you were at Yahoo, did 2 you? 3 A We talked about viewable impressions. We talked 4 about the viewability of ads. I'm not sure if 5 the nomenclature was viewable impressions, 6 visible impressions, but the concept of whether 7 someone -- a user -- had the opportunity to see 8 the ad was well understood. 9 Q Well, I want to make sure I understand your 10 testimony. Because I -- in reading your report, 11 and in listening to what you just testified to, 12 I'm trying to figure out when, in your opinion, 13 the concept of what we now know as the viewable 14 impression was first known? 15 And I think you just testified that it was 16 known as early as 2003. 17 Is that the earliest, in your opinion, when 18 what we now understand is the -- and call the 19 viewable impression was first known? 20 MR. GREENLEAF: Objection. Asked and 21 answered. 22 THE DEPONENT: I don't have an exact date, 23 but even before I was at Yahoo on the 24 advertising side, we -- it was understood by

Page 26 1 advertisers that not all served impressions were 2 viewable. 3 BY MR. BERTEN: 4 Q And are you referring to the time you were 5 either at BBDO or at Grey? 6 A Yes. 7 Q And you left BBDO in 1996, was it? 8 A I believe '97. I have to check my resume, but 9 around then. 10 Q I stand corrected. I think you did leave BBDO 11 in 1997, and you were at Grey from March of 2000 12 until September of 2003? 13 A Right. 14 Q When you were at BBDO up until 1997, did you 15 have an understanding that not all served 16 impressions were viewable? 17 A I definitely did when I was at Grey because 18 Double Click was -- third-party ad servers came 19 into the picture. So I'm not sure what time -- 20 what year Double Click came about, but that was 21 a company that served ads. 22 Q And it's your memory that they came around 23 before you left Grey in 2003? 24 A Yes. Double Click was one of our advertising	Page 28 1 privileged, what is your basis for asserting a 2 privilege with a testifying expert witness? 3 MR. BOCK: The same basis that you use to 4 not allow your witness to answer when we asked 5 about documents that they were viewing and -- 6 MR. BERTEN: Well, that's -- my question 7 was a different question. 8 My objection was a different objection to a 9 different question, which is what documents you 10 used to review prior to the deposition. And I'm 11 not asking her that. 12 My question to the witness is: Was the 13 Cordell reference something that the witness 14 found or something that was provided to the 15 witness from Duration. 16 And I'll ask the question again. Let's get 17 the clean objection and instruction not to 18 answer, if that's what you're going to do, 19 because I'm going to ask the same question about 20 all the exhibits. 21 BY MR. BERTEN: 22 Q So my question to the witness is: Was the 23 Cordell reference something that you found, 24 Dr. Madansky, or was it provided to you by
Page 27 1 clients, in fact; so I know that they were. 2 Q Double Click was not a DSP, was it? 3 A That didn't exist back then. It was called an 4 ad serving company. 5 Q All right. I want to talk about some of the 6 references that are listed in your report, and 7 I'm going to be going a little bit out of order 8 only to try and put them back into what I think 9 is chronological order. 10 If you look in paragraph 12, you have a 11 reference to the Cordell patent, Exhibit 1034. 12 Do you see that? 13 Who found this reference? Did Duration 14 give you this, or did you find it on your own? 15 A No. 16 MR. BOCK: Objection. Objection. 17 MR. BERTEN: I'm sorry. What was the 18 answer? 19 MR. BOCK: Objection. That's privileged 20 communications. 21 MR. BERTEN: First of all, Joel, just to be 22 clear, I'm hoping that we're only going to have 23 one of the lawyers object. 24 But if the objection is that it's	Page 29 1 Duration's lawyers? 2 MR. GREENLEAF: Objection. Privileged. 3 You can answer the question, Dr. Madansky. 4 THE DEPONENT: It was provided by 5 Duration's lawyers. 6 BY MR. BERTEN: 7 Q And why don't we just go through each of these 8 exhibits in Exhibit 13. 9 The Blumenau reference, Exhibit 1035, was 10 that provided to you by Duration's lawyers? 11 A Yes. 12 MR. GREENLEAF: Objection. Privileged. 13 BY MR. BERTEN: 14 Q Exhibit -- paragraph 14, the Callahan reference, 15 Exhibit 1037, that was provided to you by 16 Duration's lawyers? 17 MR. GREENLEAF: Objection. Privileged. 18 THE DEPONENT: Yes. 19 BY MR. BERTEN: 20 Q Paragraph 15, the Himmel reference, Exhibit 21 1028, that was provided to you by Duration's 22 lawyers? 23 MR. BERTEN: Objection. Privileged. 24 THE DEPONENT: Yes.

Page 30

1 BY MR. BERTEN:
2 Q Paragraph 16, the Koeppel reference, Exhibit
3 1025, that was provided to you by Duration's
4 lawyers?
5 MR. GREENLEAF: Objection. Privileged.
6 THE DEPONENT: Yes.
7 BY MR. BERTEN:
8 Q Paragraph 17, the Loo reference, Exhibit 1030,
9 that was provided to you by Duration's lawyers?
10 MR. GREENLEAF: Objection. Privileged.
11 THE DEPONENT: Yes.
12 BY MR. BERTEN:
13 Q Paragraph 18, the Sandige reference, Exhibit --
14 we've corrected it to 1029, that was provided to
15 you by Duration's lawyers?
16 MR. GREENLEAF: Objection. Privileged.
17 THE DEPONENT: Yes.
18 BY MR. BERTEN:
19 Q And the Alenty reference in paragraph 11, that
20 was provided to you by Duration's lawyers?
21 MR. GREENLEAF: Objection. Privileged.
22 THE DEPONENT: No.
23 BY MR. BERTEN:
24 Q No?

Page 31

1 You found the Alenty reference on your own?
2 MR. GREENLEAF: Objection. Vague.
3 What are you referring to as --
4 MR. BERTEN: I'll rephrase the question.
5 BY MR. BERTEN:
6 Q There's a reference to Exhibit 1038 in paragraph
7 11, which is one of the references regarding
8 Alenty. So is Exhibit 1039. And Exhibit 1040
9 is a document that refers to AppNexus purchasing
10 Alenty.
11 Did you find any of those yourself, or were
12 all three of Exhibits 1038, 1039, and 1040
13 provided to you by Duration?
14 MR. GREENLEAF: Objection. Privileged.
15 THE DEPONENT: I believe at least 1040 is a
16 document that I found.
17 BY MR. BERTEN:
18 Q Exhibits 1038 and 1039 were provided to you by
19 Duration?
20 MR. GREENLEAF: Objection. Privileged.
21 THE DEPONENT: I am not sure.
22 BY MR. BERTEN:
23 Q Let's go through these again, then, starting in
24 paragraph 11 with Alenty.

Page 32

1 When is the first time you heard about the
2 company Alenty?
3 A In conjunction with this case.
4 Q So back -- at any time prior to being hired in
5 this case, you had not heard of Alenty?
6 A I don't recall.
7 Q When were you hired to work on this case?
8 A A few weeks ago.
9 Q So your report is dated -- or declaration is
10 dated March 12th, 2024.
11 How much in advance of March 12th, 2024,
12 were you hired to work on this case?
13 A I don't recall the exact date, but I think it
14 was about the beginning of March.
15 Q So is it fair to say that you worked on your
16 declaration for a couple of weeks?
17 A Yes.
18 Q And during that timeframe, do you know about how
19 much you charged Duration for your work on this
20 case?
21 A I just submitted my time sheet yesterday, so I
22 think it was about 27 hours.
23 Q And what do you bill? What's your hourly rate?
24 A \$650. It's about \$18,000.

Page 33

1 Q I was almost getting there. 18,000. Okay.
2 Did you write your report?
3 A I did.
4 Q When is the first time you heard about the
5 Cordell reference in Exhibit -- in paragraph 12?
6 A It would have been shortly after I started
7 working on my report.
8 Q And is that also true for the Blumenau
9 reference?
10 A Yes.
11 Q The Callahan reference in Exhibit -- in
12 paragraph 14?
13 A Yes.
14 Q The Himmel reference in paragraph 15?
15 A Yes.
16 Q The Koeppel reference in Exhibit -- I'm sorry --
17 in paragraph 16?
18 A Yes.
19 Q The Loo reference in paragraph 17?
20 A Yes.
21 Q The Sandige reference in paragraph 18?
22 A Yes.
23 Q And is that also true of the Badros reference?
24 A Well, I heard about the Badros reference first,

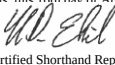
Page 34 1 only because I read other documents about that. 2 But, yes. 3 Q But you hadn't heard about the Badros reference 4 prior to working on this case? 5 A Correct. 6 Q And consistent with your testimony, when you 7 wrote your dissertation in 1999, you hadn't 8 heard about Cordell, Blumenau, or Himmel; right? 9 A Absolutely not. 10 Q They're not referenced in your bibliography, in 11 your dissertation? 12 A Definitely not. 13 Q And your dissertation used click times to try 14 and figure out how long people were viewing the 15 ad in your dissertation; right? 16 A No, it was not looking at click time. It was 17 looking at brand recall and purchase intent 18 based on looking at ads. 19 So there are two types of ads: Television 20 ads and print ads viewed interactively and 21 passively. 22 Q So you used the same ads interactively that 23 appear in print; is that correct? 24 A There were two different stimuli. One was	Page 36 1 anybody actually verifying whether a served 2 impression was literally viewable by the user? 3 A Literally viewable? I don't recall. 4 Q What about when you were at Yahoo? 5 And you left Yahoo in 2007; right? 6 A Yes. 7 Q So during the four years you were at Yahoo, from 8 2003 to 2007, did you have personal knowledge of 9 anybody at Yahoo attempting to determine whether 10 ads that were below the fold were visible to the 11 user? 12 A Yes. 13 Q And how did Yahoo do that? I know there's 14 some -- let me rephrase the question. 15 There's reference in your report to things 16 like return on investment or click-through 17 rates. 18 Was there any attempt at Yahoo, while you 19 were there, to measure whether an ad was visible 20 without using something like the ROI or the 21 click-through rate? 22 A I believe so, yes. 23 Q What is your memory of what Yahoo did? 24 A They were able to see where users scrolled,
Page 35 1 television ads, which were viewed passively on 2 the TV and interactively through a web TV 3 interface. 4 And then there's a second module: Print 5 ads viewed on a screen or on paper. 6 Q And when the ads were viewed on screen, there 7 was a grid where all the ads were showed, and 8 the user had to click on the ad to view it; is 9 that right? 10 A Correct. That was the nature of the 11 interactivity. 12 Q And you didn't attempt to implement the 13 solutions you say in your report existed in 14 Cordell, Blumenau, and Himmel when you worked on 15 your dissertation; correct? 16 A No. 17 Q And you didn't implement any of those solutions 18 when you were at Grey from 2000 to 2003; right? 19 A No. 20 Q And you also didn't implement the Koeppel 21 solution when you were at Grey from 2000 to 22 2003? 23 A I'm not sure what "implement" means. 24 Q Well, when you were at Grey, did you ever see	Page 37 1 you know, on a page to see whether an ad was in 2 view. So if you were on a Yahoo finance page, 3 they would know if you scrolled beneath to see 4 whether an ad was in view. 5 Q Well, why don't you look at paragraph 27 of your 6 report, which references Yahoo finance at the 7 bottom of the page but does so specifically in 8 relation to click-through rates and conversions. 9 Do you see that? 10 A Yes. 11 Q Is it your testimony that there was some other 12 way that you're not discussing in your report, 13 other than click-through rates and conversions, 14 where you could tell whether an ad at the bottom 15 of the page was underperforming? 16 A What does underperform -- I mean, you could tell 17 whether something was underperforming based on 18 brand recall measures, you know, survey 19 research, other metrics. 20 Q You do not, anywhere in your report, reference a 21 written document that describes Yahoo measuring 22 ad visibility directly, meaning not through 23 return on investment, click-through rates, or 24 conversion prior to the time you left Yahoo, do

Page 38 1 you? 2 A I do not mention that in my report. 3 MR. BERTEN: Let's go ahead and take a 4 break. I'm going to take a look at the document 5 you sent over to Kevin, and let's come back at a 6 quarter till. 7 MR. GREENLEAF: Okay. 8 (Break.) 9 BY MR. BERTEN: 10 Q During the break, Dr. Madansky, Mr. Greeleaf 11 sent me a version of Exhibit 1023 where there 12 was some confusion, but we now have a version of 13 it that has it marked as Exhibit 1023. It's a 14 10-page document entitled, "The Decade of 15 Display that Wasn't, 2007 to 2017." 16 Do you have the version of Exhibit 1023 17 that Mr. Greeleaf emailed to you and I just a 18 few minutes ago? 19 A Yes, I do. 20 Q And you've confirmed that it's the same document 21 that you were referring to earlier that you 22 found on your hard drive and that is referenced 23 in paragraph 31 of your declaration? 24 A Correct. Yes.	Page 40 1 A So Google had a network that they were selling 2 ads across other publishers. So there's a 3 difference between the long tail sites, which 4 were bought programmatically versus buying 5 inventory directly in ESPN or The New York Times 6 or Yahoo. 7 Q And it's ESPN, Yahoo, and The New York Times 8 that you would call a premium publisher, and the 9 long tail is not? 10 A Correct. For the most part. There's some 11 premium long tail sites. 12 Q This article, actually as it relates to Exhibit 13 1023, if you look at paragraph 31 of your 14 declaration, you say that demand-side platforms 15 really started in 2011 to 2012. 16 Do you see that? 17 A Sorry. Which paragraph? 18 Q Paragraph 31. The same one that references 19 Exhibit 1023. 20 A Yeah. 21 Q And so you say in there -- and I think these are 22 your words, "Demand-side platforms really 23 started in 2011 to 2012." 24 Is that right? You wrote that?
Page 39 1 Q A couple of questions about Exhibit 1030 -- I'm 2 sorry -- 1023. 3 First, on page 2, do you see the -- I guess 4 it's the third full paragraph, starting with 5 "The publishers might not have known." 6 A Yeah. 7 Q And then the full sentence reads, "Publishers 8 might not have known what was going on, but they 9 made the decision to sell these ads knowing full 10 well nobody was really seeing 90 percent of 11 them." 12 Have I read that sentence correctly? 13 A Yes. 14 Q And is that consistent with your memory around 15 the 2007 to, say, 2010 time period that -- 16 A No. 17 Q It's not? You think that sentence is wrong? 18 A There's a distinction between premium 19 publishers, which are the publishers I worked 20 with versus other publishers. 21 So for premium publishers, that was 22 definitely not the case. 23 Q Well, why don't you keep reading, because -- was 24 Google a premium publisher?	Page 41 1 A Yes. 2 Q But isn't it true that demand-side platforms 3 started earlier than 2011? 4 A Yes. 5 Q So when you say, "They really started in 2011 to 6 2012," were you making that as a distinction 7 between when they started prior to 2011, like, 8 in maybe as early as 2008 or 2007? 9 A What I was referencing was getting significant 10 share of advertising dollars. 11 Q Well, demand-side platforms were fully up and 12 running in 2010, weren't they? 13 A Yes. 14 Q And, in fact, you're familiar with the Lumascape 15 diagram? 16 A Yes. 17 Q And as early as -- a version of that, as earlier 18 as 2010, shows -- I don't know -- half a dozen 19 demand-side platforms being active in 2010? 20 A I believe that. 21 Q Companies like Data Zoo and possibly Invite 22 Media? 23 A So in my report, in paragraph 32, I talk about 24 programmatic advertising representing 52 percent

Page 42 1 of display-related advertising in 2014. 2 Q I see that. And the programmatic advertising 3 didn't have to go through a DSP, did it? 4 A I believe it did. 5 Q Well, when Google was selling its ad network, 6 that was -- or could be programmatic advertising 7 that didn't go through a DSP, couldn't it? 8 A Well, it's Google's platform I suppose, too. 9 Q And that's exactly my point. 10 There was programmatic advertising that was 11 sold through ad networks that did not require a 12 demand side platform. 13 First part of that question. Is that 14 true -- and I'll rephrase it. 15 Is it true that programmatic advertising 16 could be sold using an ad network by an 17 advertiser like Google? 18 A By an advertiser like Google? 19 Q I'll rephrase the question. You caught me. 20 Isn't it true that programmatic 21 advertisement could be sold by a company like 22 Google using its own ad network and not going 23 through a demand-side platform? 24 A Yes.	Page 44 1 are sold with Active View being able to check 2 viewability? 3 A I don't know. 4 Q It never comes up in your consulting to know 5 whether -- you know, most of Google's ads or 6 only a few of Google's ads are sold using 7 Active View? 8 A It does not come up. 9 Q But you agree that Active View is Google's 10 solution to determining whether an ad was 11 actually visible by a user? 12 A It has changed hands a few times. I'm assuming 13 that's the current name. 14 Q All right. Going back to your list of 15 references, starting in paragraph 11 with 16 Alenty. 17 How did the Alenty visibility determination 18 work? 19 A I don't know their specific methodology, but I'm 20 assuming understanding where on the page the 21 viewer, you know -- where the ad is placed on 22 the screen and what is open at the time, and 23 confirming that the ad is actually viewable. 24 Q So you said in your answer that you're assuming
Page 43 1 Q And that programmatic advertising by a company, 2 like Google, without using a DSP, also was 3 taking place as early as 2010? 4 A Correct. 5 Q And the ad networks didn't just include Google. 6 I think Microsoft had an ad network. Some of 7 the other -- Yahoo may have had a network; is 8 that correct? 9 A Yahoo bought a company called Right Media. 10 Q And Right Media had its own network? 11 A Right Media. 12 Q And that transaction -- I think it's actually 13 referenced in this document. 14 A \$680 million. 15 Q And that was in 2007. \$680 million. And I'll 16 just rephrase the question. 17 Yahoo bought Right Media for \$680 million 18 in 2007; correct? 19 A Correct. 20 Q And as a result of that purchase, Yahoo was 21 running its own programmatic advertising 22 business as early as 2007; correct? 23 A Correct. 24 Q Do you know what percentage of Google ads today	Page 45 1 that's the case. 2 I want to know what your actual knowledge 3 is. 4 Do you have, as you sit here today, an 5 understanding of how the Alenty system operated? 6 A I do not, but -- I do not. 7 Q Do you have an understanding, as you sit here 8 today, as -- how the Cordell system operated? 9 A I would have to go back and look at it, but -- 10 hold on. 11 Okay. I'm looking at paragraph 12 of my 12 report, and it looks like they have identified a 13 way to measure whether an ad image is visible on 14 a computer screen in order to serve another ad 15 that was not visible. 16 Q I saw that in your report, and I have two 17 questions about that. The first is what way did 18 Cordell identify to do that measurement? 19 A I will have to open the document and spend some 20 time looking at it. 21 Q Okay. As you sit here today, you don't recall 22 what way Cordell did that? 23 A As I sit here today, I feel like all of these 24 patents that I saw use a very similar

Page 46 1 methodology. 2 Q Well, why don't we take a look at the Blumenau 3 reference. Why don't you pull up Exhibit 1035. 4 Just let me know when you have it open. 5 A I have it open. 6 Q First of all, am I correct that Blumenau uses a 7 pixel-based control that gets added to the 8 system to create a meter that is used to 9 determine viewability? 10 MR. GREENLEAF: Objection. Vague. 11 THE DEPONENT: I'm going to have to spend 12 some time refreshing my memory. If you want, I 13 can -- do you want me to do that? 14 BY MR. BERTEN: 15 Q I want to ask a few questions first that might 16 speed it up. 17 If you look at -- do you remember when we 18 talked about -- earlier as to whether there was 19 an error in your report because there was a 20 reference missing from the quotation that was a 21 reference to number 106? 22 Do you remember that? 23 A Yes. 24 Q And if you take a look at Exhibit 1034 --	Page 48 1 meter to measure Internet usage and is the basis 2 for, I believe, Nielsen Net Ratings, which was 3 their meter product. 4 Q And is it your understanding that Nielsen's 5 metered product operated, to some degree, like 6 Nielsen's TV rating product, where it would take 7 a sample of Internet users, as opposed to trying 8 to track what every Internet user was doing? 9 A Yes. 10 Q You may recall that I asked you whether this was 11 a pixel-based approach. And I'll just direct 12 your attention to paragraph 4 at the bottom, 13 starting at line 60. It says, "For example, the 14 software routine 100 may be arranged to insert 15 the control reference as a NXM pixel object in 16 the page." 17 Do you see that? 18 A Yes, I do. 19 Q And in the next column, column 5, starting 20 around line 7, it desired the NXM pixel object 21 could be inserted in an off-screen location. 22 Do you see that? 23 A I see that. 24 Q Does that refresh your recollection as to
Page 47 1 I'll take a minute myself to go back and 2 see what it says. Give me a second. 3 Wait. Sorry. I'm looking at the wrong -- 4 I was looking at 1034. I should be looking at 5 1035. 6 Okay. If you look at figure 3 of Exhibit 7 1035, the Blumenau reference. 8 A Yeah. 9 Q Do you see how 106 is up in the upper right-hand 10 corner? 11 A Yes. 12 Q Do you have an understanding that 106 is 13 describing all of figure 3? 14 A This is figure 3. Okay. 15 Q So it's correct to say that 106 is describing 16 all of figure 3? 17 A I have no reason to think not. 18 Q And do you see on the right-hand side where the 19 box has meter 134? 20 A Yes. 21 Q Does that refresh your recollection on whether 22 Blumenau taught using a meter to try and 23 determine viewability? 24 A So this is -- this patent is specifically for a	Page 49 1 whether Blumenau taught a pixel-based approach 2 to its solution? 3 MR. GREENLEAF: Objection. Vague. 4 THE DEPONENT: I don't know what the NXM is 5 referencing. 6 BY MR. BERTEN: 7 Q You don't understand the NXM nomenclature? 8 A Yes. I do not. 9 Q But you are familiar with pixel-based code that 10 gets placed on a user's browser when they browse 11 a particular web page? 12 A Yes. 13 Q And, in fact, some of the issues associated with 14 pixels, like tracking, are discussed in Exhibit 15 1023 that we looked at earlier; right? 16 MR. GREENLEAF: Objection. Vague. 17 THE DEPONENT: I'm looking through Exhibit 18 1023. 19 BY MR. BERTEN: 20 Q Unfortunately, since I got Exhibit 1023 just 21 today, I don't think I have it yet set up for a 22 realtime search, so I can't help you on finding 23 the word "pixel." 24 But you do agree that part of Exhibit 1023

Page 50 1 talks about problems with cookies being used to 2 track users? 3 And that's on -- at the bottom of page 2, 4 the last full paragraph. 5 A I see on page 4, discussion about cookies. 6 Q And do you have an understanding about whether a 7 cookie can be placed using a pixel? 8 MR. GREENLEAF: Objection. Relevance. 9 Vague. 10 THE DEPONENT: So the cookies will store 11 the pixels. It's not the cookies being placed 12 on the pixels. 13 I'm not sure I'm understanding your 14 question. 15 BY MR. BERTEN: 16 Q As you sit here today, you don't have an 17 understanding that a web page can use a 18 one-by-one pixel, a single pixel to place code 19 on a web page that would allow tracking a user? 20 A I do understand that. 21 MR. GREENLEAF: Objection. Vague. 22 BY MR. BERTEN: 23 Q And that tracking, using the one-by-one pixel, 24 could also be accomplished by using that pixel	Page 52 1 statement that the MRC believes it is premature 2 to transact on viewability in advance of a 3 fuller understanding of the points detailed in 4 the following paragraphs." 5 Do you see that? 6 A Uh-huh. 7 Q Isn't it true that one of the reasons the MRC 8 issued its advisory in November of 2012 is 9 because of wide variability in the way that 10 viewability tests worked resulting in wide 11 variability of whether ads were viewable? 12 A I think there was two reasons, and the 13 variability and measurement was one, but I think 14 that the industry not coming up with a 15 definition of what a viewable impression should 16 be was the second. 17 Q You don't mention the first one in your report, 18 that the variability of test results concerned 19 the MRC; correct? 20 A I do not. 21 MR. BERTEN: Okay. I don't think I have 22 any further questions. So I don't know if we 23 want to -- 24 Kevin, if you have any, or if you want to
Page 51 1 to place a cookie on the user's machine? 2 MR. GREENLEAF: Objection. Vague. 3 THE DEPONENT: It can be used for tracking 4 on the user's machine. 5 BY MR. BERTEN: 6 Q You just don't know whether that's done via 7 cookie or some other mechanism? 8 A I don't think the nomenclature is putting a 9 cookie on someone's machine. I think you have 10 the cookies and -- the tags get appended, but 11 that is the use case. 12 The cookies and the pixels are used for 13 tracking the ads that are served and can be used 14 for things like retargeting. 15 Q Okay. I think I'm done with Blumenau. 16 If you give me just -- let's stay on the 17 record, but I'm going to try to find something 18 for about a minute. 19 Can you turn to paragraph 35 of your 20 declaration? 21 A Yes. 22 Q About midway down, you have a sentence here that 23 is referring to Exhibit 2038, where you say, 24 "The MRC filed suit in November 2012. Issued a	Page 53 1 break and come back at 12:30, or what? 2 MR. GREENLEAF: Yeah. Let's come back at 3 12:30. 4 (Break.) 5 EXAMINATION 6 BY MR. GREENLEAF: 7 Q Dr. Madansky, you testified earlier that you had 8 never read the Volvo Penta case; correct? 9 A Correct. 10 Q So you did not know that the Volvo Penta case 11 was about secondary indicia of nonobviousness; 12 correct? 13 A I do not know that. 14 Q Do you know what secondary indicia of 15 nonobviousness is? 16 A I do not. 17 Q So did you consider whether -- the commercial 18 success of Real View and its product? 19 A Did I consider it? 20 Q Yes. 21 A You know, I read about what -- yeah, I guess I 22 did. I read about, you know, their earnings. I 23 forgot what year it was, and I consider, you 24 know, what I knew about them from that time

Page 54 1 period. 2 Q And did you consider whether there was a 3 long-felt need for a viewability test prior to 4 the priority date of the '329 patent? 5 A Yes. Did I consider it? Yes. 6 Q Yes. 7 MR. GREENLEAF: No further questions. 8 MR. BERTEN: Nothing from me. 9 (Exhibit No. 1001 marked.) 10 (Signature reserved.) 11 (Zoom deposition concluded at 12:35 p.m.) 12 13 14 15 16 17 18 19 20 21 22 23 24	Page 56 1 DEPOSITION REVIEW 2 CERTIFICATION OF WITNESS 3 4 ASSIGNMENT REFERENCE NO: 6628676 5 CASE NAME: Duration Media, LLC v. Rich Media Club, LLC 6 DATE OF DEPOSITION: 4/1/2024 7 WITNESS' NAME: Michele Mandasky 8 In accordance with the Rules of Civil 9 Procedure, I have read the entire transcript of 10 my testimony or it has been read to me. 11 I have made no changes to the testimony 12 as transcribed by the court reporter. 13 14 Date _____ Michele Mandasky 15 Sworn to and subscribed before me, a 16 Notary Public in and for the State and County, 17 the referenced witness did personally appear 18 and acknowledge that: 19 20 They have read the transcript; 21 They signed the foregoing Sworn 22 Statement; and 23 Their execution of this Statement is of 24 their free act and deed. 25 I have affixed my name and official seal this _____ day of _____, 20____. _____ Notary Public _____ Commission Expiration Date
Page 55 1 CERTIFICATE 2 3 I, Richard D. Ehrlich, a Certified Shorthand 4 Reporter of the State of Illinois, CSR License No. 5 084-2019, do hereby certify that I stenographically 6 reported the proceedings had at the Zoom deposition, 7 as aforesaid, and that the foregoing transcript is a 8 true and accurate record of the proceedings had 9 therein. 10 IN WITNESS WHEREOF, I do set my hand at 11 Chicago, Illinois, this 16th day of April, 2024. 12  13 Certified Shorthand Reporter 14 License No. 084.004018 15 16 17 18 19 20 21 22 23 24 Veritext Legal Solutions 1100 Superior Ave Suite 1820 Cleveland, Ohio 44114 Phone: 216-523-1313 16, 2024 r. Greenleaf Name: Duration Media, LLC v. Rich Media Club, LLC ext Reference Number: 6628676 ss: Michele Mandasky Deposition Date: 4/1/2024 Sir/Madam: sed please find a deposition transcript. Please have the witness w the transcript and note any changes or corrections on the ded errata sheet, indicating the page, line number, change, and eason for the change. Have the witness' signature notarized and rd the completed page(s) back to us at the Production address shown , or email to production-midwest@veritext.com. e errata is not returned within thirty days of your receipt of letter, the reading and signing will be deemed waived. rely, ction Department TARY REQUIRED IN CA	Page 57 1 DEPOSITION REVIEW 2 CERTIFICATION OF WITNESS 3 4 ASSIGNMENT REFERENCE NO: 6628676 5 CASE NAME: Duration Media, LLC v. Rich Media Club, LLC 6 DATE OF DEPOSITION: 4/1/2024 7 WITNESS' NAME: Michele Mandasky 8 In accordance with the Rules of Civil 9 Procedure, I have read the entire transcript of 10 my testimony or it has been read to me. 11 I have listed my changes on the attached 12 Errata Sheet, listing page and line numbers as 13 well as the reason(s) for the change(s). 14 I request that these changes be entered 15 as part of the record of my testimony. 16 17 I have executed the Errata Sheet, as well 18 as this Certificate, and request and authorize 19 that both be appended to the transcript of my 20 testimony and be incorporated therein. 21 22 Date _____ Michele Mandasky 23 Sworn to and subscribed before me, a 24 Notary Public in and for the State and County, 25 the referenced witness did personally appear and acknowledge that: They have read the transcript; They have listed all of their corrections in the appended Errata Sheet; They signed the foregoing Sworn Statement; and Their execution of this Statement is of their free act and deed. I have affixed my name and official seal this _____ day of _____, 20____. _____ Notary Public _____ Commission Expiration Date

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0	1043 15:14	1st 1:19 4:8	16:24 17:2,11
084-2019 55:4	1050 15:7,9	2	18:1 22:18
084.004018	1054 21:2,14,17	2 39:3 50:3	42:1
55:13	21:24	20 11:19 56:16	2017 3:11
1	106 12:1,3,4	57:22 58:22	38:15
10 23:13 38:14	46:21 47:9,12	2000 26:11	2024 1:20
100 48:14	47:15	35:18,21	32:10,11 55:10
1001 3:12 54:9	10:30 1:19	2003 24:14	55:24
1014 8:20	11 30:19 31:7	25:16 26:12,23	2038 51:23
1023 3:10 5:15	31:24 44:15	35:18,22 36:8	2061 5:17
12:24 13:3,7,8	11,443,329 3:12	2005 6:21 8:18	216-523-1313
13:9,11,14,18	1100 55:24	9:12 10:5	55:24
14:7,15 15:4	12 27:10 33:5	2007 3:11 36:5	2171 55:12
38:11,13,16	45:11	36:8 38:15	23 11:24
39:2 40:13,19	12:30 53:1,3	39:15 41:8	233 2:5
49:15,18,20,24	12:35 54:11	43:15,18,22	23rd 7:7
1025 30:3	12th 32:10,11	2008 41:8	24 11:20,24
1026 5:12	13 10:10,16	2009 23:22,23	27 32:22 37:5
1028 29:21	29:8	23:24 24:7	3
1029 12:22	134 47:19	2010 39:15	3 5:11 14:16
30:14	14 29:14 33:12	41:12,18,19	21:16 47:6,13
1030 30:8 39:1	15 29:20 33:14	43:3	47:14,16
1034 27:11	16 30:2 33:17	2011 20:3,5	31 12:23,24
46:24 47:4	55:24	21:10 22:18,23	38:23 40:13,18
1035 10:21,22	16th 55:10	40:15,23 41:3	32 16:15,20
11:2,6,17 29:9	17 30:8 33:19	41:5,7	41:23
46:3 47:5,7	18 12:8,12,20	2012 16:24	329 54:4
1037 12:13,15	30:13 33:21	17:8,10,13,22	33 15:6
29:15	18,000 32:24	18:9 19:1,14	3400 2:11
1038 31:6,12,18	33:1	19:18,19 24:23	35 5:6,9,18
1039 31:8,12,18	1820 55:24	40:15,23 41:6	20:2 51:19
1040 31:8,12,15	1996 26:7	51:24 52:8	3ms 20:7,17,24
1041 7:6 8:15	1997 26:11,14	2013 7:7 16:4	21:15,17,19
9:4,9 10:1	1999 34:7	2014 9:6 15:23	23:9
15:16,19 16:4		16:2,3,5,10,18	

4	90 39:10	ads 7:16,22	agreed 18:17
4 3:3 11:3	97 26:8	25:4 26:21	ahead 9:20
48:12 50:5	a	34:18,19,20,20	38:3
4/1/2024 55:24	a.m. 1:19	34:22 35:1,5,6	alenty 30:19
56:3 57:3	able 36:24 44:1	35:7 36:10	31:1,8,10,24
41 16:21	absolutely 34:9	39:9 40:2	32:2,5 44:16
44114 55:24	accomplished	43:24 44:5,6	44:17 45:5
4as 19:6,12	50:24	51:13 52:11	aligned 16:24
5	accordance	advance 32:11	allow 14:23
5 3:10 48:19	56:5 57:5	52:2	28:4 50:19
52 41:24	accurate 55:7	advertisement	ana 19:6
53 3:4	acknowledge	8:10 42:21	announce 20:7
54 3:12	56:11 57:16	advertiser 8:14	announced 8:5
55 2:11	acronyms 19:6	42:17,18	20:17
5900 2:6	act 56:14 57:20	advertisers	answer 9:2,19
6	active 41:19	7:15 19:22	9:20 13:22
6 11:19	44:1,7,9	20:1 26:1	20:20 27:18
6,327,619 10:18	activity 4:11	advertising	28:4,18 29:3
11:9,13,18	actual 11:22,24	17:6,15 20:6	44:24
6,418,470 11:4	45:2	23:17 25:24	answered 10:8
11:12	actually 7:23	26:24 41:10,24	18:15 25:21
60 48:13	36:1 40:12	42:1,2,6,10,15	anybody 6:20
60603 2:12	43:12 44:11,23	43:1,21	8:17 9:11 10:3
60606 2:6	ad 25:8 26:18	advised 8:7,8	36:1,9
650 32:24	27:4 34:15	advisory 52:8	apparently
6628676 55:24	35:8 36:19	affixed 56:15	12:13 14:6
56:2 57:2 58:2	37:1,4,14,22	57:21	15:1
680 43:14,15,17	42:5,11,16,22	aforesaid 55:6	appeal 1:2
7	43:5,6 44:10	ago 8:4 32:8	appear 34:23
7 48:20	44:21,23 45:13	38:18	56:11 57:15
9	45:14	agree 4:9,13	appended
9 6:18 9:11	added 46:7	17:13,18,19	51:10 57:11,18
10:3 15:15	address 55:24	18:6 23:24	application
	adopted 22:10	44:9 49:24	12:14
	22:10 23:8,9		

apply 6:2 appnexus 31:9 approach 48:11 49:1 april 1:20 4:8 4:10,15 55:10 arranged 48:14 article 40:12 asked 10:8 25:20 28:4 48:10 asking 20:24 28:11 asserting 28:1 assignment 56:2 57:2 58:2 associated 49:13 assuming 44:12 44:20,24 attached 57:7 attempt 35:12 36:18 attempting 36:9 attention 48:12 authorize 57:11 ave 55:24 aware 21:9,13 22:6	back 9:8 13:1 13:11,19 15:2 15:15 23:12 27:3,8 32:4 38:5 44:14 45:9 47:1 53:1 53:2 55:24 badros 33:23 33:24 34:3 based 18:4 21:14 34:18 37:17 46:7 48:11 49:1,9 basis 28:1,3 48:1 bbdo 26:5,7,10 26:14 beginning 32:14 behalf 2:3,9 belief 16:4 believe 13:20 13:23 15:14,18 17:9 18:11 20:2 23:21 26:8 31:15 36:22 41:20 42:4 48:2 believes 52:1 beneath 37:3 bergen 2:10 berten 3:3 4:3 4:5,17,19 5:16 9:7,16 10:9,13 10:15 14:3,13	15:2,5 18:13 20:22 26:3 27:17,21 28:6 28:21 29:6,13 29:19,23 30:1 30:7,12,18,23 31:4,5,17,22 38:3,9 46:14 49:6,19 50:15 50:22 51:5 52:21 54:8 bibliography 34:10 big 7:18 bill 32:23 bit 27:7 blumenau 10:19 11:4 29:9 33:8 34:8 35:14 46:2,6 47:7,22 49:1 51:15 board 1:2 bock 2:4 14:17 27:16,19 28:3 bottom 8:12 37:7,14 48:12 50:3 bought 40:4 43:9,17 box 47:19 brand 34:17 37:18 break 15:4 38:4 38:8,10 53:1,4	brought 19:5 browse 49:10 browser 49:10 business 43:22 button 15:22 16:5,6 buying 40:4
			c
			c 2:1 ca 55:24 call 4:10,15 7:15 20:24 25:18 40:8 callaghan 12:16,20 callahan 29:14 33:11 called 10:18 11:4 20:11,12 27:3 43:9 calls 20:8 case 1:7 4:22 4:23 5:4,21,22 6:3 7:14 32:3,5 32:7,12,20 34:4 39:22 45:1 51:11 53:8,10 56:3 57:3 caught 42:19 certificate 55:1 57:11 certification 56:1 57:1
b			
b 3:9 b2 3:12			

certified 1:17 55:2,13 certify 55:4 chance 15:3 change 55:24 55:24 57:8 58:3 changed 44:12 changes 55:24 56:7 57:7,9 channel 14:23 charged 32:19 chat 14:12 check 20:14,15 26:8 44:1 chicago 2:6,12 55:10 chronological 27:9 citation 12:13 cite 6:23 cited 5:22 cites 10:17 citing 10:18 15:19 civil 56:5 57:5 clarification 9:9 clean 28:17 clear 27:22 cleveland 55:24 click 26:18,20 26:24 27:2 34:13,16 35:8 36:16,21 37:8	37:13,23 clients 22:24 23:1,2,3 27:1 club 1:8 4:6 55:24 56:3 57:3 code 49:9 50:18 column 11:19 48:19,19 come 6:17 9:8 15:2 17:10 38:5 44:8 53:1 53:2 comes 44:4 coming 18:12 18:21,22 52:14 commencing 1:19 commercial 53:17 commission 56:19 57:25 58:25 communicati... 27:20 companies 41:21 company 26:21 27:4 32:2 42:21 43:1,9 completed 55:24 computer 45:14	concept 23:14 24:13 25:6,13 concerned 52:18 concluded 54:11 confirmed 38:20 confirming 44:23 confusion 38:12 conjunction 32:3 connection 23:2 consider 11:11 13:8 53:17,19 53:23 54:2,5 considered 11:2,11,12 12:15 13:2,4 consistent 34:6 39:14 consultant 22:18 consulting 44:4 content 11:7 control 11:8,22 12:3 46:7 48:15 conversion 37:24 conversions 37:8,13	cookie 50:7 51:1,7,9 cookies 50:1,5 50:10,11 51:10 51:12 copy 14:14 cordell 27:11 28:13,23 33:5 34:8 35:14 45:8,18,22 corner 47:10 correct 6:4,5,12 7:8,11,12 8:2 9:24 10:6,23 10:24 17:5 19:2,7,14 21:4 21:8 22:15,19 34:5,23 35:10 35:15 38:24 40:10 43:4,8 43:18,19,22,23 46:6 47:15 52:19 53:8,9 53:12 corrected 26:10 30:14 corrections 55:24 57:17 correctly 7:19 18:19 39:12 council 8:4 21:20 counted 6:15 county 56:10 57:15
--	--	--	---

couple 32:16 39:1 court 56:7 crazy 7:15 create 17:15 19:17 46:8 created 22:1 creating 18:4,7 21:11 creation 19:1 19:20 critical 16:18 17:12 csr 55:3 ction 55:24 current 44:13 cut 8:12	days 55:24 dberten 2:12 deal 14:6 debate 7:23 decade 3:11 38:14 decide 13:9 decision 39:9 declaration 10:3,17 12:11 32:9,16 38:23 40:14 51:20 ded 55:24 deed 56:14 57:20 deemed 55:24 defined 17:23 definitely 26:17 34:12 39:22 definition 17:1 17:11,23 18:12 18:21,23 52:15 degree 48:5 deleted 12:6 demand 40:14 40:22 41:2,11 41:19 42:12,23 dentons 2:5 dentons.com 2:7 department 55:24 deponent 4:1 9:4 13:23 14:19 18:11	25:22 29:4,18 29:24 30:6,11 30:17,22 31:15 31:21 46:11 49:4,17 50:10 51:3 deposition 1:15 4:7,12 6:7 28:10 54:11 55:5,24,24 56:1,3 57:1,3 derrick 1:16 describes 37:21 describing 47:13,15 desired 48:20 detailed 52:3 determination 44:17 determine 36:9 46:9 47:23 determining 17:21 44:10 diagram 41:15 difference 24:15 40:3 different 11:2 28:7,8,9 34:24 direct 48:11 directly 37:22 40:5 discrepancy 23:24 24:8 discussed 15:16 49:14	discussing 37:12 discussion 9:5 15:21,24 50:5 discussions 21:19 22:4 display 3:11 38:15 42:1 dissertation 34:7,11,13,15 35:15 distinction 39:18 41:6 document 7:3,5 14:1 15:12 16:14 31:9,16 37:21 38:4,14 38:20 43:13 45:19 documents 5:8 20:20 28:5,9 34:1 doing 48:8 dollars 41:10 double 26:18 26:20,24 27:2 dozen 5:23 6:15 41:18 dr 4:4,13,21 9:3 10:16 28:24 29:3 38:10 53:7 drive 2:5 14:19 38:22
d			
d 3:1 55:2,12 data 41:21 date 25:22 32:13 54:4 55:24 56:3,9 56:19 57:3,13 57:25 58:20,25 dated 7:7 32:9 32:10 dating 21:10 dave 4:5 david 2:10 3:3 14:22 day 1:19 55:10 56:16 57:22 58:22			

drop 13:9 dsp 27:2 42:3,7 43:2 duration 1:5 7:14 27:13 28:15 31:13,19 32:19 55:24 56:3 57:3 duration's 29:1 29:5,10,16,21 30:3,9,15,20	entered 57:9 entire 56:5 57:5 entitled 38:14 entry 5:17 13:6 errata 55:24,24 57:7,10,18 58:1 error 8:22 12:7 21:3 46:19 espn 40:5,7 everybody 8:16 evidence 18:24 ex1041 6:23 7:1 exact 24:22 25:22 32:13 exactly 14:1 42:9 exam 3:3,4 examination 4:2 53:5 example 48:13 executed 57:10 execution 56:14 57:19 exhibit 3:10,12 5:12,15,17 7:6 8:15,20 9:1,4,9 10:1,21,22 11:2,6,17 12:13,15,22,24 13:3,9,11,14,18 14:7,8,11 15:7 15:9,14,16,19 16:4 21:2,14 21:16,24 27:11	29:8,9,14,15,20 30:2,8,13 31:6 31:8,8 33:5,11 33:16 38:11,13 38:16 39:1 40:12,19 46:3 46:24 47:6 49:14,17,20,24 51:23 54:9 exhibits 13:5 14:14,24 28:20 29:8 31:12,18 exist 27:3 existed 35:13 expert 28:2 expiration 56:19 57:25 58:25 explain 6:17 9:22 explicitly 8:7,8 ext 55:24	figure 12:1 25:12 34:14 47:6,13,14,16 filed 5:4 14:11 51:24 finance 37:2,6 find 27:14 31:11 51:17 55:24 finding 49:22 finish 9:2 13:22 first 7:7 8:21 15:18,20 23:14 24:4,19,20 25:14,19 27:21 32:1 33:4,24 39:3 42:13 45:17 46:6,15 52:17 firsthand 23:6 fold 36:10 following 52:4 fools 4:10,16 foregoing 55:6 56:13 57:18 forgot 53:23 found 27:13 28:14,23 31:1 31:16 38:22 four 19:8,12 36:7 free 56:14 57:20 front 5:12 7:1
e	e 2:1,1 3:1,9 55:24 earlier 38:21 41:3,17 46:18 49:15 53:7 earliest 25:17 early 18:9 24:14 25:16 41:8,17 43:3 43:22 earnings 53:22 eason 55:24 effort 21:10 ehrlich 1:16 55:2,12 either 4:17 13:13 26:5 email 55:24 emailed 38:17 empty 13:7 14:15 endeavor 22:3	e	f
		face 21:24 fact 17:6 22:6 27:1 41:14 49:13 fail 12:5 fair 19:16 32:15 familiar 5:21 41:14 49:9 feel 45:23 felt 54:3	

full 39:4,7,9 50:4 fuller 52:3 fully 41:11 further 4:18 52:22 54:7 g getting 33:1 41:9 giplg.com 2:12 give 14:9,21 27:14 47:2 51:16 global 2:10 go 6:16 9:20 10:10,11 12:8 12:14,23 13:1 13:11,19 29:7 31:23 38:3 42:3,7 45:9 47:1 going 4:10 9:22 27:7,7,22 28:18,19 38:4 39:8 42:22 44:14 46:11 51:17 good 4:4 google 39:24 40:1 42:5,17 42:18,22 43:2 43:5,24 google's 42:8 44:5,6,9	gotten 14:20 governance 21:21 government 21:18 great 4:17 greeleaf 9:17 9:21 14:4 38:10,17 greenleaf 2:4 3:4 4:15,18 9:2 9:14 10:7 13:22 14:10,21 18:10 20:19 25:20 29:2,12 29:17 30:5,10 30:16,21 31:2 31:14,20 38:7 46:10 49:3,16 50:8,21 51:2 53:2,6 54:7 55:24 grey 26:5,11,17 26:23 35:18,21 35:24 grid 35:7 group 2:10 22:11 groups 19:17 guess 11:23 13:16 14:3 39:3 53:21 guidance 22:10 guys 14:5,7	h h 3:9 half 6:15 41:18 halfway 21:17 hand 47:9,18 55:9 hands 44:12 happen 9:17 happened 24:5 24:7 happens 4:11 hard 8:7 14:19 38:22 havoc 7:24 hear 25:1 heard 5:1,2 24:20 32:1,5 33:4,24 34:3,8 help 6:16 49:22 himmel 29:20 33:14 34:8 35:14 hired 32:4,7,12 historical 17:5 22:6 hold 45:10 hoped 22:2 hoping 27:22 hot 15:22 16:5 16:6 hourly 32:23 hours 32:22 huh 52:6 human 12:7 21:3	i iab 16:24 19:7 19:12 22:23 identified 45:12 identify 45:18 il 2:6,12 illinois 55:3,10 image 45:13 implement 35:12,17,20,23 impression 17:17 18:5,8 18:23 21:11 23:15 24:5,9 24:10,13,16,16 24:21 25:14,19 36:2 52:15 impressions 17:1 22:12 24:1,2 25:3,5,6 26:1,16 include 43:5 included 14:20 incorporated 57:12 indicate 12:5 21:24 indicating 55:24 indication 13:14 indicia 53:11 53:14
--	--	--	--

industry 6:21 7:17,21 8:17 9:12 10:4 15:22 16:7,9 16:12,23 17:7 17:9,10,15,20 17:24 18:3,7 19:6,19 20:6 21:10 24:17 52:14 initiative 19:2 19:5,18,21 20:7,11,18 21:1,15,18,19 22:2,8,14 23:4 23:8,10 insert 48:14 inserted 48:21 instruction 28:17 instructs 9:18 intent 34:17 interactively 34:20,22 35:2 interactivity 35:11 interest 17:14 17:18,20,21 18:3,7,12,14,16 18:17,21,22 19:1,20,22,24 interested 16:7 16:10,12 17:7 17:9 21:11	interface 35:3 internet 11:7 17:6 48:1,7,8 inventory 40:5 investment 36:16 37:23 invite 41:21 involved 19:8 19:10,11 23:16 ip 2:10 ipr 4:6 ipr2023-00953 1:7 issue 15:6 16:24 issued 51:24 52:8 issues 49:13 items 5:10 j joel 2:4 27:21 june 7:7 k keep 18:14 39:23 kevin 2:4 3:4 38:5 52:24 kevin.greenleaf 2:7 knew 53:24 know 11:5 13:16 15:13 19:9,24 24:4 24:14,23 25:13	27:1 32:18 36:13 37:1,3 37:18 41:18 43:24 44:3,4,5 44:19,21 45:2 46:4 49:4 51:6 52:22 53:10,13 53:14,21,22,24 knowing 39:9 knowledge 23:6 36:8 45:2 known 17:16 23:15 24:14,17 25:14,16,19 39:5,8 koeppel 30:2 33:16 35:20 l law 2:10 lawyer 4:5 lawyers 27:23 29:1,5,10,16,22 30:4,9,15,20 leave 12:4 26:10 left 26:7,23 36:5 37:24 legal 55:24 58:1 letter 55:24 letters 8:12 license 55:3,13 line 7:16,21 8:3 8:7 11:24 23:14 48:13,20	55:24 57:7 58:3 lines 11:19 list 11:1,10 12:15 13:1,5 14:14 44:14 listed 5:6 27:6 57:7,17 listening 25:11 listing 57:7 literally 36:2,3 little 27:7 llc 1:5,8 55:24 55:24 56:3,3 57:3,3 location 48:21 long 34:14 40:3 40:9,11 54:3 loo 30:8 33:19 look 5:10 11:3 11:17 14:16 15:9 16:21 20:20,23 21:16 27:10 37:5 38:4 40:13 45:9 46:2,17 46:24 47:6 looked 49:15 looking 34:16 34:17,18 45:11 45:20 47:3,4,4 49:17 looks 12:7 21:3 45:12
--	---	--	--

lumascope 41:14	marketplace 7:24	43:11,17 55:24 55:24 56:3,3 57:3,3	missing 46:20 mistake 12:4 12:19 15:11 16:2 20:10
m	material 12:6 materials 11:1 11:10 12:15 13:1,3 20:14	meet 7:17 member 22:23 memory 26:22 36:23 39:14 46:12	mistakes 6:13 6:17 moat 15:8,10 module 35:4 monroe 2:11 morning 4:4
machine 51:1,4 51:9 madam 55:24 madansky 1:15 4:1,4,13,21 9:3 10:16 28:24 29:3 38:10 53:7 made 39:9 56:7 maintains 11:23 make 7:15,22 19:2,4,18,21 20:12 21:5 22:2,8,14,21 23:4,7 24:7 25:9 making 9:19 19:1,4,17,20 20:8,11,12,16 21:4,6 22:1,8 22:13,20 23:4 23:7 41:6 mandasky 55:24 56:4,9 57:4,13 58:20 march 17:1,11 26:11 32:10,11 32:14 marked 5:15 38:13 54:9	matter 17:5 mean 11:10 12:19 16:2,6 37:16 meaning 37:22 means 35:23 meant 12:21 measure 17:22 36:19 45:13 48:1 measured 6:22 8:19 9:13 10:5 measurement 17:16 19:2,4 19:18,21 20:8 20:11,12,16 21:5,6 22:2,8 22:11,14,21 23:4,7 45:18 52:13 measures 37:18 measuring 16:8 16:10,13,19 37:21 mechanism 51:7 media 1:5,8 4:6 8:4 21:20 41:22 43:9,10	mentioned 5:20 merit 1:17 meter 46:8 47:19,22 48:1 48:3 metered 48:5 metering 11:7 methodology 44:19 46:1 metrics 37:19 michele 1:15 4:1 55:24 56:4 56:9 57:4,13 58:20 microsoft 43:6 midway 51:22 midwest 55:24 58:1 million 43:14 43:15,17 minute 20:23 47:1 51:18 minutes 38:18 mischaracteri... 9:15 10:8	mrc 19:6 21:15 21:20 22:3,5,7 22:10,10 23:9 51:24 52:1,7 52:19 mrc's 23:8
			n
			n 2:1 3:1 name 4:5 44:13 55:24 56:3,4 56:15 57:3,4 57:21 nature 35:10 necessarily 19:23 need 13:11 54:3 neilsen 48:2 neilsen's 48:4,6 net 48:2 network 40:1 42:5,16,22 43:6,7,10 networks 42:11 43:5

never 4:7 5:1,2 44:4 53:8 new 40:5,7 nomenclature 25:5 49:7 51:8 nonobviousn... 53:11,15 notarized 55:24 notary 56:10 56:18 57:15,23 58:23 note 55:24 november 51:24 52:8 number 10:23 11:3,4,9 12:1 46:21 55:24,24 numbers 57:7 nxm 48:15,20 49:4,7	objects 9:17 office 1:1,18 official 56:15 57:21 ohio 55:24 okay 5:2,20 6:2 6:6 7:1,3 8:23 9:8,23 10:10 10:13 11:1,10 12:4,8,23 13:13,23 14:3 15:15 16:15 20:4 21:16 23:12 33:1 38:7 45:11,21 47:6,14 51:15 52:21 once 17:22,23 ones 19:11 ongoing 21:18 online 17:6,14 23:16 open 11:6,16 44:22 45:19 46:4,5 opening 7:2 operated 45:5,8 48:5 opinion 25:12 25:17 opportunity 25:7 opposed 48:7 oracle 15:8,10	order 27:7,9 45:14 organizations 20:6 22:1 own 27:14 31:1 42:22 43:10,21 owner 1:9 2:9 owner's 5:3,24	38:23 39:4 40:13,17,18 41:23 44:15 45:11 48:12 50:4 51:19 paragraphs 52:4 parenthetical 20:16 part 6:19 7:13 8:15,21 15:17 15:20 18:24 21:15 22:7 40:10 42:13 49:24 57:9 participate 22:3,13,20 23:3 particular 49:11 partnered 20:6 party 26:18 passage 11:19 11:22 12:1 passively 34:21 35:1 patent 1:1,2,9 1:18 2:9 3:12 5:3,23 10:18 10:23 11:2,3,9 11:12,12,18 23:21 27:11 47:24 54:4 patents 45:24
o		p	
object 20:19 27:23 48:15,20 objection 9:14 9:19 10:7 18:10 25:20 27:16,16,19,24 28:8,8,17 29:2 29:12,17,23 30:5,10,16,21 31:2,14,20 46:10 49:3,16 50:8,21 51:2		p 2:1,1 p.m. 54:11 page 3:2,9 5:11 11:3 14:16 21:16,17 37:1 37:2,7,15 38:14 39:3 44:20 48:16 49:11 50:3,5 50:17,19 55:24 55:24 57:7 58:3 paper 5:6,9,18 35:5 paragraph 6:18 9:11 10:3 10:10,16 12:8 12:9,12,20,23 12:24 15:6,15 16:15,20,21 20:2,4 23:13 27:10 29:14,20 30:2,8,13,19 31:6,24 33:5 33:12,14,17,19 33:21 37:5	

paywall 7:4,5 7:12 penta 4:22,23 5:20 6:3 53:8 53:10 people 7:16 34:14 percent 39:10 41:24 percentage 43:24 period 19:13 39:15 54:1 personal 36:8 personally 22:14 56:11 57:15 petitioner 1:6 2:3 13:14 petitioner's 14:11,15 petitioners 13:6 phone 55:24 phrase 18:14 24:4,20 picture 26:19 pixel 46:7 48:11,15,20 49:1,9,23 50:7 50:18,18,23,24 pixels 49:14 50:11,12 51:12 place 43:3 50:18 51:1	placed 44:21 49:10 50:7,11 platform 42:8 42:12,23 platforms 40:14,22 41:2 41:11,19 please 9:23 55:24,24 point 13:10 17:12 21:13 22:6 42:9 points 52:3 portion 10:2 posa 23:16 possibly 41:21 pre 21:10 precise 18:2 premature 52:1 premium 39:18 39:21,24 40:8 40:11 preparing 6:7 previously 15:16 prime 8:6 print 34:20,23 35:4 prior 6:6 19:20 28:10 32:4 34:4 37:24 41:7 54:3 priority 54:4 private 22:17	privilege 28:2 privileged 27:19 28:1 29:2,12,17,23 30:5,10,16,21 31:14,20 problem 7:18 problems 50:1 procedure 56:5 57:5 proceedings 55:5,7 produced 7:13 product 48:3,5 48:6 53:18 production 55:24,24 programmatic 41:24 42:2,6 42:10,15,20 43:1,21 programmati... 40:4 prolonged 7:23 promises 4:18 provide 21:21 provided 28:14 28:24 29:4,10 29:15,21 30:3 30:9,14,20 31:13,18 public 56:10,18 57:15,23 58:23 publisher 39:24 40:8	publishers 8:9 19:23 39:5,7 39:19,19,20,21 40:2 pull 46:3 purchase 34:17 43:20 purchasing 31:9 pursuant 1:18 put 14:12 27:8 putting 51:8
q			
qualified 21:21 quarter 38:6 question 9:21 9:23,24 13:16 14:4 18:2,15 18:20 22:22 23:13 28:6,7,9 28:12,16,19,22 29:3 31:4 36:14 42:13,19 43:16 50:14 questions 20:21 39:1 45:17 46:15 52:22 54:7 quite 7:17 quotation 12:5 12:6 46:20 quoted 11:18			

r	32:6,13 34:17	referencing 9:5	23:12 25:10
r 2:1 55:24	36:3 37:18	12:13,20,21	27:6 32:9 33:2
rate 32:23	45:21 48:10	15:12,13,14	33:7 35:13
36:21	recalling 14:1	21:2 41:9 49:5	36:15 37:6,12
rates 36:17	receipt 55:24	referring 13:17	37:20 38:2
37:8,13,23	recollection	13:18 20:5	41:23 45:12,16
ratified 17:24	47:21 48:24	23:20 26:4	46:19 52:17
rating 21:20	recommenda...	31:3 38:21	reported 55:5
48:6	23:8,9	51:23	reporter 1:17
ratings 8:4	record 4:9 9:20	refers 31:9	1:17 55:3,13
48:2	10:11,14 51:17	refresh 47:21	56:7
rd 55:24	55:7 57:9	48:24	representing
read 5:3 7:19	recruit 22:3	refreshing	4:6 41:24
8:8 16:22 34:1	reference 10:22	46:12	request 57:9,11
39:12 53:8,21	13:2 15:7	regarding 31:7	require 42:11
53:22 56:5,6	16:14,15 27:11	registered 1:16	required 55:24
56:12 57:5,6	27:13 28:13,23	related 42:1	requirement
57:17	29:9,14,20	relates 40:12	7:18
readable 7:10	30:2,8,13,19	relating 15:8	requires 21:18
7:14 8:3	31:1,6 33:5,9	relation 37:8	research 37:19
reading 25:10	33:11,14,16,19	relevance 50:8	reserved 54:10
39:23 55:24	33:21,23,24	rely 55:24	response 5:3,24
reads 6:20 39:7	34:3 36:15	relying 14:5	result 43:20
ready 7:17 8:6	37:20 46:3,20	remember	resulting 52:10
real 53:18	46:21 47:7	24:19 46:17,22	results 52:18
realize 5:22	48:15 55:24	repeat 9:23	resume 26:8
really 39:10	56:2 57:2	rephrase 22:21	retargeting
40:15,22 41:5	referenced	31:4 36:14	51:14
realtime 1:17	13:24 34:10	42:14,19 43:16	rethink 24:8
49:22	38:22 43:13	reply 13:6	return 36:16
reason 47:17	56:11 57:15	14:12,15	37:23
57:8 58:3	references	report 5:7,11	returned 55:24
reasons 52:7,12	12:24 27:6	6:3,6,8,19	returning
recall 6:1 15:24	31:7 37:6	16:16 20:2,7	23:12
19:8,11 24:22	40:18 44:15	20:17,24 21:6	

review 6:6,8 13:11,19 15:3 28:10 56:1 57:1 reviewed 5:8 5:11 rich 1:8 4:6 55:24 56:3 57:3 richard 1:16 55:2,12 right 4:20 5:4 5:13,17 7:2 8:1 8:13 10:21 11:6,23 14:2 20:18,20 21:7 26:13 27:5 34:8,15 35:9 35:18 36:5 40:24 43:9,10 43:11,17 44:14 47:9,18 49:15 roi 36:20 routine 48:14 rules 1:19 56:5 57:5 running 41:12 43:21	sandige 12:16 30:13 33:21 saw 45:16,24 says 7:14 8:3,8 8:14 13:6 14:15 15:21 22:4 23:14 47:2 48:13 screen 35:5,6 44:22 45:14 48:21 scrolled 36:24 37:3 se 24:18 seal 56:15 57:21 search 49:22 second 8:21 10:12 15:17 16:14 20:9,15 35:4 47:2 52:16 secondary 53:11,14 sed 55:24 see 5:17 6:12 6:16,23 7:16 8:9 11:18 12:17,18 13:2 15:4 17:3 21:22,23 23:18 25:7 27:12 35:24 36:24 37:1,3,9 39:3 40:16 42:2	47:2,9,18 48:17,22,23 50:5 52:5 seeing 39:10 seem 21:14 sell 39:9 selling 40:1 42:5 sense 19:2,4,18 19:21 20:13 21:5 22:2,8,14 22:21 23:4,7 sent 38:5,11 sentence 6:20 8:21 10:2 14:5 15:17,20 16:22 23:20 39:7,12 39:17 51:22 sentences 14:6 september 26:12 serve 45:14 served 24:1,9 24:15 26:1,15 26:21 36:1 51:13 servers 26:18 serving 27:4 set 49:21 55:9 several 20:5 22:24 share 41:10 sheet 32:21 55:24 57:7,10 57:18 58:1	shorthand 55:2 55:13 shortly 33:6 showed 35:7 shown 55:24 shows 41:18 side 25:24 40:14,22 41:2 41:11,19 42:12 42:23 47:18 signature 54:10 55:12,24 signed 56:13 57:18 significant 41:9 signing 55:24 similar 45:24 single 50:18 sir 55:24 sit 13:17 21:9 45:4,7,21,23 50:16 sites 40:3,11 software 48:14 sold 42:11,16 42:21 44:1,6 solution 35:21 44:10 49:2 solutions 35:13 35:17 55:24 58:1 someone's 51:9 sorry 10:11 27:17 33:16 39:2 40:17
s			
s 2:1 3:9 55:24 57:8,8 58:3 safe 6:2 sample 48:7 sandige 12:14			

47:3 south 2:5 specific 44:19 specifically 6:19 37:7 47:24 speed 46:16 spend 45:19 46:11 ss 55:24 stand 26:10 standard 17:15 18:4,8 21:12 start 4:21 6:18 12:23 16:12 started 6:12 20:1 33:6 40:15,23 41:3 41:5,7 starting 31:23 39:4 44:15 48:13,19 starts 10:17 state 55:3 56:10 57:15 statement 8:16 9:11 52:1 56:13,14 57:19 57:19 states 1:1 stay 51:16 stenographic... 55:4 stimuli 34:24	stop 20:9 store 50:10 street 2:11 structure 21:19 submitted 32:21 subscribed 56:10 57:14 58:21 success 53:18 suit 51:24 suite 2:6,11 55:24 superior 55:24 support 9:10 10:2 15:20 supported 8:20 supports 8:16 15:17 suppose 42:8 sure 7:16,22 10:19 23:11 25:4,9 26:19 31:21 35:23 50:13 survey 37:18 sworn 4:1 56:10,13 57:14 57:18 58:21 system 45:5,8 46:8	tail 40:3,9,11 take 38:3,4 46:2,24 47:1 48:6 taken 1:16,17 4:7 talk 16:18 27:5 41:23 talked 25:3,3 46:18 talking 19:13 talks 50:1 tary 55:24 taught 47:22 49:1 technology 8:5 television 34:19 35:1 tell 37:14,16 term 24:18 test 6:3 52:18 54:3 testified 25:11 25:15 53:7 testifying 28:2 testimony 4:11 9:10,15 10:1,8 15:18 16:9 18:18 25:10 34:6 37:11 56:6,7 57:6,9 57:12 tests 52:10 things 36:15 51:14	think 5:6,7 8:8 8:11,14 10:16 11:15 15:12 18:15,20 20:5 22:17 24:13 25:15 26:10 27:8 32:13,22 39:17 40:21 43:6,12 47:17 49:21 51:8,9 51:15 52:12,13 52:21 third 26:18 39:4 thirty 55:24 three 31:12 till 38:6 time 8:6 16:18 19:13 23:17,20 23:21 24:19,22 26:4,19 32:1,4 32:21 33:4 34:16 37:24 39:15 44:22 45:20 46:12 53:24 timeframe 22:18 32:18 times 5:23 34:13 40:5,7 44:12 timing 18:3 title 21:4 titled 11:7
	t		
	t 3:9 tags 51:10		

today 9:18 10:1 13:17 21:9 43:24 45:4,8 45:21,23 49:21 50:16 today's 4:12 6:7 together 19:17 track 48:8 50:2 tracking 8:5 49:14 50:19,23 51:3,13 trademark 1:1 1:18 transact 52:2 transaction 43:12 transcribed 56:7 transcript 55:6 55:24,24 56:5 56:12 57:5,11 57:17 trial 1:2 true 33:8,23 41:2 42:14,15 42:20 52:7 55:7 try 27:8 34:13 47:22 51:17 trying 8:24 25:12 48:7 turn 11:1 51:19 turning 15:15	tv 35:2,2 48:6 twice 18:16 two 8:10 12:2 14:6 34:19,24 45:16 52:12 types 34:19 typo 14:18	usage 48:1 use 19:5 24:4 28:3 45:24 50:17 51:11 used 13:15 28:10 34:13,22 46:8 50:1 51:3 51:12,13 user 25:7 35:8 36:2,11 44:11 48:8 50:19 user's 49:10 51:1,4 users 36:24 48:7 50:2 uses 46:6 using 11:7 18:14 36:20 42:16,22 43:2 44:6 47:22 50:7,23,24	version 7:6 38:11,12,16 41:17 versus 39:20 40:4 view 35:8 37:2 37:4 44:1,7,9 53:18 viewability 6:22 8:6,11,14 8:18 9:5,13 10:5 15:21 16:10,13,19,23 17:7,22,23 25:4 44:2 46:9 47:23 52:2,10 54:3 viewable 7:23 17:1,16 18:4,8 21:11 22:11 23:15 24:1,5,9 24:13,16,20 25:3,5,13,19 26:2,16 36:2,3 44:23 52:11,15 viewables 18:23 viewed 34:20 35:1,5,6 viewer 44:21 viewing 28:5 34:14 visibility 37:22 44:17
	u		
	u.s. 1:18 10:18 uh 52:6 ultimately 22:7 underperform 37:16 underperfor... 37:15,17 understand 25:9,18 49:7 50:20 understanding 4:20,22 18:18 26:15 44:20 45:5,7 47:12 48:4 50:6,13 50:17 52:3 understood 6:21 8:17 9:12 10:4 24:2,10 25:8,24 unfortunately 49:20 uniquely 21:21 united 1:1 upload 14:23 upper 47:9	v	
		v 55:24 56:3 57:3 vague 18:10 31:2 46:10 49:3,16 50:9 50:21 51:2 variability 52:9 52:11,13,18 verifying 36:1 veritext 55:24 58:1 veritext.com. 55:24	

visible 24:16 25:6 36:10,19 44:11 45:13,15 volvo 4:22,23 5:20 6:3 53:8 53:10 vs 1:7	withdrawing 14:7 witness 28:2,4 28:12,13,15,22 55:9,24 56:1,4 56:11 57:1,4 57:15 witness' 55:24 word 8:9 49:23 words 8:10 11:22 12:2 40:22 work 20:8,12 20:16 21:6 23:2 32:7,12 32:19 44:18 worked 32:15 35:14 39:19 52:10 working 33:7 34:4 wreaking 7:24 wrestles 7:22 write 33:2 written 37:21 wrong 9:21,22 11:11 39:17 47:3 wrote 34:7 40:24	y yahoo 25:1,23 36:4,5,7,9,13 36:18,23 37:2 37:6,21,24 40:6,7 43:7,9 43:17,20 yeah 5:6,10 7:5 9:24 14:17 39:6 40:20 47:8 53:2,21 year 26:20 53:23 years 36:7 yep 10:20 yesterday 32:21 york 40:5,7
w		
w 55:24 wacker 2:5 wait 20:19 47:3 waived 55:24 want 6:11,16 7:15 20:19 21:13 24:8 25:9 27:5 45:2 46:12,13,15 52:23,24 way 37:12 45:13,17,22 52:9 we've 30:14 web 35:2 49:11 50:17,19 weeks 8:4 32:8 32:16 west 2:11 whereof 55:9 wide 16:23 52:9,10 widespread 9:5 15:21 17:14,19 18:3,7,14,17,22 18:24	x x 3:1,9	z zoo 41:21 zoom 1:15 54:11 55:5

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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