

Yen Rough ASCII.txt

ROUGH DRAFT

ROUGH DRAFT

ROUGH DRAFT

1 IMPORTANT INFORMATION!!

2

3 This realtime transcript is provided for your
4 immediate review of the proceedings and is not
5 provided for, nor meant to be used or cited in any
6 type of court proceedings.

7

8 EXAMINATION

9 BY MR. HOLMES:

10 Q Ma'am, would you give me your full name?

11 A Mallun Yen.

12 Q Where do you live, Ms. Yen?

13 A My address.

14 Q Which city?

15 A /HROS attose hills /SKPH*EBGS.

16 Q What is your current /LEfjio

17 A Vice president of intellectual property.

18 Q What does the vice president of intellectual
19 property do?

20 A I'm responsible for managing intellectual
21 property issues for the company.

22 Q Does that mean you do licensing, litigation,
23 some combination?

24 A It's a combination.

25 Q In the litigation arena, what is your

Yen Rough ASCII.txt

20 A Actually, I don't think I received a
21 document. I think I was just told.

22 Q Someone would have told you that. who would
23 have told you that?

24 A I think it was Rick in the e-mail.

25 Q The same e-mail that sent you the three

ESQUIRE SOLUTIONS - UNCERTIFIED AND UNEDITED 17

ROUGH DRAFT

ROUGH DRAFT

ROUGH DRAFT

1 documents?

2 A I don't remember.

3 Q All right. So now you've got the three
4 documents and you've got word from Rick that the
5 patent didn't issue until the 16th so what did you do?

6 A I -- what did I do? I think I alerted -- I
7 may have let Mark chandler know.

8 Q Who is Mark?

9 A Mark chandler is the general counsel.

10 Q I should say Mr. Chandler. Mr. Chandler is
11 the /SKPH*EBGS?

12 A Yes.

13 Q

14 A That's correct.

15 Q Is there a report in between you and
16 Mr. Chandler?

17 A No.

18 Q So you would have alerted him you think that

Yen Rough ASCII.txt
12 banana republic?
13 A No.
14 Q Do you think it's appropriate for him to
15 refer to the court as a banana republic?
16 A I think he can do what he want /SKPH*EBGS
17 /SKPH*EBGS.
18 Q
19 A You're assuming something I didn't do.
20 Q You don't think you forwarded Mr. That
21 /TPHAOELY on that language?
22 A I didn't forward him that language.
23 Q Mr. Frenkel has mentioned to me in the past
24 that there was an internal investigation into his
25 postings in the ESN case; is that right?

ESQUIRE SOLUTIONS - UNCERTIFIED AND UNEDITED 95

ROUGH DRAFT

ROUGH DRAFT

ROUGH DRAFT

1 A Yes.
2 Q Were you involved in that investigation?
3 A Not really.
4 Q Did you participate in it as someone who
5 might have some knowledge?
6 A Not really.
7 Q Who was in charge of that investigation?
8 A I'm not sure.
9 Q Was Mr. Chandler in charge of it?
10 A I don't know.
11 Q Did anyone interview you and ask you what had
Page 97

Yen Rough ASCII.txt

12 happened?
13 A I talked to people.
14 Q who did you talk to about it?
15 A Mark chandler.
16 Q Anybody else?
17 A /TPHAOEL rubben.
18 Q who's Mr. Rubben?
19 A He is VP of litigation.
20 Q Let's be clear. I'm not talking about folks
21 who may have interviewed you in connection with the
22 defense of this case; I'm talking about the
23 inner/TERPBL investigation into Mr. Frenkel's
24 postings. We clear about that?
25 A No, I wasn't clear.

ESQUIRE SOLUTIONS - UNCERTIFIED AND UNEDITED 96

0

ROUGH DRAFT ROUGH DRAFT ROUGH DRAFT

1 Q Who interviewed you and asked you about what
2 happened with regard to the postings in connection
3 with the internal investigation?
4 A I'm not sure anyone did.
5 Q Were you aware of anyone that was gathering
6 information for an internal investigation?
7 A I may have assumed.
8 Q Well, what did you assume? Did you see
9 somebody interviewing people?
10 A No.

Yen Rough ASCII.txt

11 Q Did you hear from employees that people were
12 being interviewed?

13 A No.

14 Q How do you know there even was an
15 investigation?

16 A Because you just told me there was.

17 Q This is the first time you knew about it?

18 A I don't know.

19 Q Was anyone ever disciplined or reprimanded as
20 a result of this investigation and what happened?

21 A I'm not aware of anyone being disciplined.

22 Q What about discipline of Mr. Frenkel because
23 of what he had written, did that ever happen?

24 A I'm not aware that he was disciplined.

25 Q Was anyone ever fired, suspended or punished

ESQUIRE SOLUTIONS - UNCERTIFIED AND UNEDITED 97

ROUGH DRAFT

ROUGH DRAFT

ROUGH DRAFT

1 in any way offer what happened?

2 A Not to my knowledge.

3 Q You weren't ever disciplined in any way?

4 A No.

5 Q Let's see if I can lay my hands on it. There
6 was Exhibit 4 is a four page exhibit it's a
7 compilation of e-mails. You see on the -- toward the
8 middle of the first page is a message from you to
9 Mr. Chandler and Mr. Rubin. It says I went back to
10 check my e-mails. Do you see that?