

## **EXHIBIT K (CONT.)**

JAMES P. NAUGHTON

1 Q. Does reading the list of inventors on the face  
2 of the '361 patent refresh your recollection as to the  
3 names of anyone else with whom you spoke prior to the  
4 filing of the patent application?

5 A. At any time?

6 Q. Prior to the filing of the patent application.

7 A. I can't recall if I had discussions myself  
8 with any of them before the filing of the patent  
9 application.

10 Q. Okay. Now, you said that you had multiple  
11 conversations with Tom Soulanille. The first was a  
12 telephone call in 1999 prior to the filing of the  
13 application to obtain historical information. Do you  
14 recall the next conversation that you had with Mr.  
15 Soulanille?

16 A. Let me clarify something. I'm not sure if the  
17 phone call I'm thinking of was the first time I had a  
18 conversation with Tom Soulanille.

19 Q. Okay.

20 A. I may have met him on this first visit I made  
21 to Pasadena.

22 Q. Okay.

23 A. And apart from that, I forgot the question.

24 Q. That's fine. Do you recall having a

JAMES P. NAUGHTON

1 discussion with Mr. Soulanille on your first visit to  
2 Pasadena?

3 A. I don't have a specific recollection of it.

4 Q. I take it, then, you also don't have a  
5 specific recollection of what would have been discussed;  
6 is that fair?

7 A. Correct.

8 Q. Okay. Following up on the telephone call that  
9 we've just talked about, can you remember the next time  
10 that you had an interaction with Mr. Soulanille?

11 A. Not specifically.

12 Q. Okay. Did you have other interactions with  
13 Mr. Soulanille prior to the issuance of the '361 patent?

14 A. Did I have other what?

15 MS. THAYER: Objection. Vague.

16 BY MS. DURIE:

17 Q. Did you have other interactions with Mr.  
18 Soulanille, either on the phone or in-person meetings,  
19 prior to the issuance of the '361 patent?

20 A. I believe so.

21 Q. Okay. Is it possible for you to distinguish  
22 any of those in terms of when they occurred?

23 A. At the moment I can't pick that out of the  
24 blur. There were so many things going on. I spoke with

JAMES P. NAUGHTON

1 him on many other topics. And I know other people told  
2 me of their conversations with Tom Soulanille, for  
3 example. So, it's all kind of a blur in my recollection.

4 Q. Okay. Then talking generically about that  
5 blur, these conversations between the filing of the  
6 patent and prior to the issuance of the patent, can you  
7 describe for me very generally the subject matter of  
8 those conversations?

9 A. Regarding the subject matter of this patent?

10 Q. Yes.

11 A. For at least some of them I may have had  
12 discussions with Mr. Soulanille on administrative issues.

13 Q. What do you mean by "administrative issues"?

14 A. On at least some occasions we would  
15 communicate with Mr. Soulanille to have him convey  
16 information or papers to an inventor, for example, or get  
17 something signed or track something down. So, for -- for  
18 at least some period of time, at least some occasions he  
19 would be our liaison for this purpose.

20 Q. Do you remember having any conversations  
21 regarding what you characterized as historical  
22 information during the period of time between the filing  
23 of the patent application and the issuance of the '361  
24 patent?

JAMES P. NAUGHTON

1 A. Can you repeat that, please?

2 Q. Sure. Do you remember having any  
3 conversations with Mr. Soulanille regarding what you  
4 characterized as historical information during the period  
5 of time between the filing of the patent application and  
6 the issuance of the '361 patent?

7 A. I can't recall specifically.

8 Q. Okay. The next person on your list was Darren  
9 Davis. When do you recall first having any interaction  
10 with Darren Davis?

11 MS. THAYER: Objection. Vague.

12 BY MS. DURIE:

13 Q. Well, and by "interaction," I mean either a  
14 telephone conversation or an in-person meeting.

15 A. I don't recall when the first time was.

16 Q. Is there any way you can bookend that time  
17 frame?

18 A. It likely was in 1999.

19 Q. Okay. What was the purpose of your having a  
20 conversation with Mr. Davis?

21 A. I believe -- which --

22 Q. The first one.

23 A. I don't recall the specific purpose.

24 Q. About how many conversations with Mr. Davis

JAMES P. NAUGHTON

1 did you have concerning the subject matter of the '361  
2 patent or its application?

3 A. Probably multiple conversations.

4 Q. Can you break down for me how many were in  
5 person and how many were over the phone?

6 A. Multiple ones in person, multiple ones over  
7 the phone.

8 Q. Were the ones in person here or in Pasadena or  
9 both?

10 A. Most, if not all, were in Pasadena, to my  
11 recollection.

12 Q. Taking -- when was the last such conversation  
13 that you had with Mr. Davis regarding the '361 patent or  
14 its application?

15 A. I believe it was either 2002 or 2003.

16 Q. What was the purpose of that last  
17 conversation?

18 MS. THAYER: Again stated broadly.

19 BY THE WITNESS:

20 A. I believe it involved a discussion of  
21 inventorship, or the topic of inventorship, let's say.

22 BY MS. DURIE:

23 Q. And why were you having a discussion with Mr.  
24 Davis about inventorship?

JAMES P. NAUGHTON

1 MS. THAYER: Well, you should not reveal any  
2 attorney-client communications in responding to that  
3 question.

4 BY THE WITNESS:

5 A. I don't recall whether that discussion was  
6 administrative or substantive. Likely administrative.

7 BY MS. DURIE:

8 Q. When you say it was "likely administrative,"  
9 what do you mean?

10 A. I believe the last discussion I probably had  
11 with Mr. Davis was in connection with -- I believe he --  
12 I believe I asked him or someone asked him to sign a  
13 paper relating to inventorship. So, it would have been  
14 in connection with the signing and delivery, the receipt  
15 of that paper.

16 Q. Okay. Did any of the conversations that you  
17 had beginning in 1999 and extending through 2000 and 2003  
18 with Mr. Davis involve asking him for historical  
19 information?

20 A. Yes.

21 Q. When did those conversations take place?

22 A. Likely 1999 and possibly later.

23 Q. How was it that you came to ask questions  
24 relating to historical information to Mr. Davis?

JAMES P. NAUGHTON

1 MS. THAYER: And you can answer that broadly without  
2 revealing attorney-client communications.

3 BY THE WITNESS:

4 A. I believed he was someone who likely was very  
5 knowledgeable about the information I was seeking.

6 BY MS. DURIE:

7 Q. How did you come to that belief?

8 A. I don't recall specifically.

9 Q. Well, is that an observation that you had come  
10 to on your own from prior interactions with Mr. Davis, or  
11 is that something that someone had told you?

12 A. I don't recall specifically.

13 Q. Did you have an understanding as to when it  
14 was that Mr. Davis had started working at Overture --

15 MS. THAYER: Objection. Vague.

16 BY MS. DURIE:

17 Q. -- at the time of your 1999 conversations  
18 regarding historical information?

19 A. I don't recall what my thinking was at that  
20 time as far as a specific start date.

21 Q. Okay. Even if you didn't know his specific  
22 start date, did you have any understanding as to when he  
23 had joined the company?

24 A. Based on my recollection of what I was