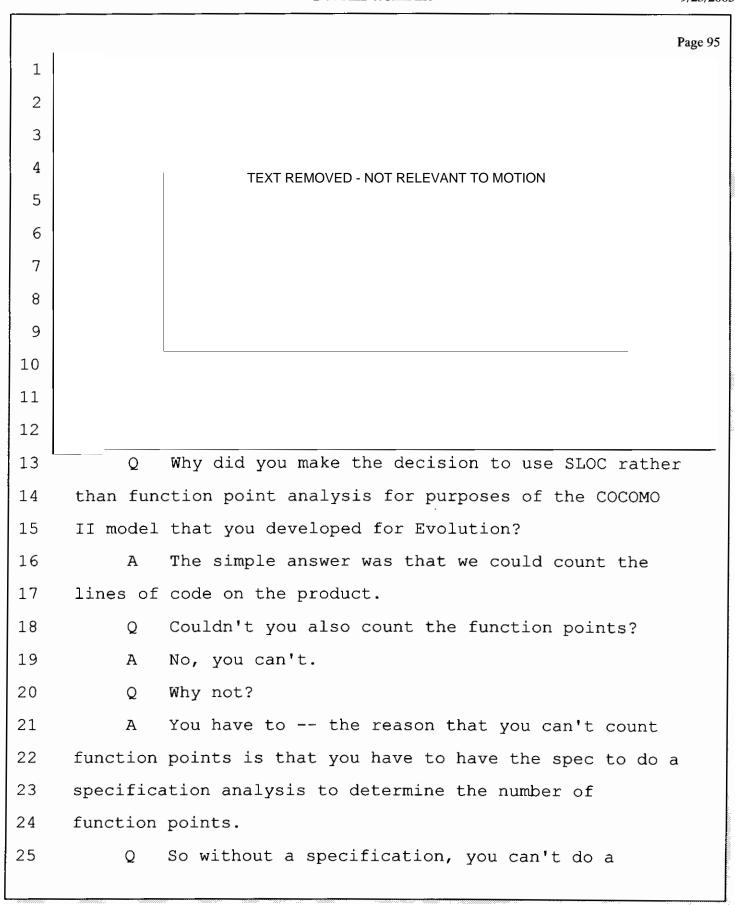
## **EXHIBIT 5**



## DONALD J. REIFER

```
Page 96
      function point.
 1
 2
               I couldn't do a function point count.
 3
      know if others could. Without a spec, I couldn't do it.
 4
 5
 6
                      TEXT REMOVED - NOT RELEVANT TO MOTION
 7
 8
 9
10
11
12
13
14
15
           0
               Why would it be inappropriate to take the source
16
     lines of code and, as I believe you said, backfire to
17
     create function points?
18
               Would you restate your question.
19
               MR. HARRISON:
                               Would you read that back, please.
20
               THE WITNESS:
                              I don't know if you said
21
     "appropriate" or "inappropriate."
22
     BY MR. HARRISON:
23
           Q
               "Inappropriate" is what I said.
24
          Α
               Okay.
25
               I was asking: Why would it be inappropriate to
          Q
```

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```
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 1
      do that?
 2
               THE REPORTER: Inappropriate?
 3
               MR. HARRISON: Inappropriate.
 4
               THE WITNESS:
                              I'm sorry. That --
 5
               MR. HARRISON: Atlanta accent.
 6
               THE WITNESS: I believe it would be
 7
      inappropriate because one is a spec base measure of size,
 8
      and the other is a physical measure of size.
 9
10
                      TEXT REMOVED - NOT RELEVANT TO MOTION
11
12
13
14
15
16
17
           Q
               Are you aware of any instances in which COCOMO
18
     II has been used with a function point analysis?
19
                     Fidelity Investment.
20
           Q
               But Fidelity Investment isn't in the database.
21
           Α
               Fidelity Investment is in the database.
               It is.
22
           0
23
          Α
               But we backfired to produce lines of code.
24
                      TEXT REMOVED - NOT RELEVANT TO MOTION
25
```

## DONALD J. REIFER

	Page 100
1	
2	
3	
4	
5	
6	
7	I, DONALD J. REIFER, do hereby declare under
8	penalty of perjury that I have read the foregoing
9	transcript; that I have made such corrections as noted
10	herein, in ink, initialed by me, or attached hereto; that
11	my testimony as contained herein, as corrected, is true
12	and correct.
13	EXECUTED this,
14	, at,,
	(City) (State)
15	
16	
17	DONALD J. REIFER
18	
19	
20	
21	
22	
23	
24	
25	

1 2 I, the undersigned, a Certified Shorthand 3 Reporter of the State of California, do hereby certify: 4 That the foregoing proceedings were taken 5 6 before me at the time and place herein set forth; that 7 any witnesses in the foregoing proceedings, prior to 8 testifying, were placed under oath; that a verbatim 9 record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my 10 11 direction; further, that the foregoing is an accurate 12 transcription thereof. 13 I further certify that I am neither 14 financially interested in the action nor a relative or 15 employee of any attorney of any of the parties. 16 IN WITNESS WHEREOF, I have this date 17 subscribed my name. 18 19 Dated: 20 21 red & Glast 22 KARIN E. GLAAF 23 CSR No. 2638 24

25