

# EXHIBIT H.1

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DANIEL M. MILLER  
Plaintiff,  
  
CIVIL ACTION FILE  
  
vs.  
  
NO. 10-00264 (WHA)

FACEBOOK, INC. and YAO WEI  
YEO,  
Defendants.

\*\*\*HIGHLY CONFIDENTIAL\*\*\*

VIDEO DEPOSITION OF DANIEL MILLER  
Monday, February 7, 2011  
10:05 a.m.  
Heninger, Garrison & Davis  
1 Glenlake Parkway, Suite 700  
Atlanta, Georgia

Reported by:  
Robyn Bosworth  
RPR, CRR, CCR-B-2138  
JOB NO. 155202

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20 Also Present: Terry Wetz, Videographer  
21  
22  
23  
24  
25

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1 platform launched in May of 2007. Okay?  
2 Other than being in school, are you aware  
3 of any reason why you wouldn't have launched  
4 Boomshine on Facebook between May 24th of 2007 and  
5 early 2008?  
6 MR. HANCOCK: Object to the form. You can  
7 answer.  
8 A Besides being in school, I can't recall  
9 anything specifically.  
10 BY MR. CHATTERJEE:  
11 Q During -- while you were operating  
12 Boomshine in 2007 to early 2008, were you signing up  
13 deals or placing it on other websites?  
14 A Can you repeat the question, please?  
15 Q Sure. From the time you launched in 2007  
16 to early 2008, were you making Boomshine available  
17 on other websites?  
18 A Can you be more specific what you mean by  
19 putting them on other websites?  
20 Q What's confusing about the question?  
21 A Like are you asking if I put them on the  
22 other websites?  
23 Q Yes.  
24 A Yes.  
25 Q Okay. Who?

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1 A I put it on Kongregate.  
2 Q Which was another platform?  
3 A Right.  
4 Q Okay.  
5 A But it's not -- yeah. Okay.  
6 Q And what did you need to do in order to  
7 put Boomshine on the Kongregate platform?  
8 A Upload the game.  
9 Q Did you put it on any other websites?  
10 A Newgrounds.  
11 Q And what's Newgrounds?  
12 A A portal.  
13 Q Portal to what?  
14 A Content.  
15 Q Did you have -- other than uploading it,  
16 did you have to do anything further?  
17 A Not that I can recall.  
18 Q Okay. Anyone else?  
19 A Off the top of my head I can't remember  
20 any others.  
21 Q Do you ever -- do you remember ever making  
22 changes to your game in order to make it available  
23 through other companies?  
24 A Can you be more specific on your question?  
25 Q Sure. Do you remember, like, changing

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1 opening pages or changing some of the programming or  
2 some of the advertising issues associated with the  
3 game in order to make them available on other  
4 websites?  
5 MR. HANCOCK: Object to the form. You can  
6 answer.  
7 A I'm not sure I understand your question.  
8 BY MR. CHATTERJEE:  
9 Q Well, I'll get to the details of that a  
10 little bit later on.  
11 What -- you said it would take a lot of  
12 work to put it on Facebook. What would that work  
13 entail to put it on the Facebook platform?  
14 A Hooking it up to the Facebook interface.  
15 Q And how long would that take?  
16 A I don't know.  
17 Q When you did it for Obechi, how long did  
18 it take?  
19 MR. HANCOCK: Object to form. You can  
20 answer.  
21 A I don't recall.  
22 BY MR. CHATTERJEE:  
23 Q A day, two days?  
24 A I mean, I would speculate that it took  
25 maybe a few weeks.

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1 Q Few weeks working full time?  
2 A I don't recall.  
3 Q Can you give me an estimate as to the  
4 number of hours it would take?  
5 A No, I wouldn't be able to estimate that.  
6 Q Why not?  
7 A Because I was in school as well, and it  
8 wasn't something I was keeping track of at the time.  
9 Q Okay. What about when you launched  
10 Obechi, you just didn't keep track of how long it  
11 took?  
12 A I launched Obechi -- I'm sorry, can you --  
13 Q Yeah, so let me step back. So you  
14 launched Obechi on Facebook, right?  
15 A Hold on. Let me think. I launched it on  
16 Facebook, but it wasn't just me.  
17 Q Who else was it?  
18 A Tim.  
19 Q Tim Halbert?  
20 A Uh-huh.  
21 Q Okay. So you and Tim Halbert launched  
22 Obechi on Facebook, correct?  
23 A Uh-huh.  
24 Q And Mr. -- is that a yes?  
25 A Yes.

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1 Q Mr. Halbert wrote the music for Obechi?  
2 A Yes.  
3 Q Did he do anything else?  
4 A In terms of what?  
5 Q With respect to the coding or the design  
6 of the Obechi game.  
7 A I'm -- I'm not sure. It depends on your  
8 definition of what you mean by design and what you  
9 mean by coding.  
10 Q So why don't you tell me what he did.  
11 A He helped port the game to Facebook by  
12 creating the HTML pages for the web version -- for  
13 the Facebook version.  
14 Q What do you mean when you use the term  
15 "port the game"?  
16 A I mean -- I mean move or host the game or  
17 put the game as well on Facebook.  
18 Q Do you know what he did to port the game  
19 to Facebook?  
20 A Coded.  
21 Q So he wrote the code that allowed Obechi  
22 to work on Facebook?  
23 A No.  
24 Q So what do I have wrong when I say that?  
25 A He wrote -- he wrote some code to hook the

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1 game into the Facebook API.  
2 Q Do you know how much time he spent doing  
3 that?  
4 A Huh-uh.  
5 Q No?  
6 A No.  
7 Q Did you pay him anything for it?  
8 A No.  
9 Q Were you in school at the time Obechi was  
10 launched on Facebook?  
11 A I don't recall.  
12 Q You graduated May 2010.  
13 A Uh-huh.  
14 Q Correct?  
15 A Correct.  
16 Q Do you know when Obechi launched on  
17 Facebook?  
18 A I don't recall.  
19 Q Were you working on Obechi at all while  
20 you were in school at Georgia Tech?  
21 A I don't recall specifically. I don't  
22 recall specifically.  
23 MR. HANCOCK: It's been about an hour.  
24 MR. CHATTERJEE: Want to take a break?  
25 MR. HANCOCK: Yeah, quick five-minute

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1 break.  
2 MR. CHATTERJEE: We can take a break.  
3 THE VIDEOGRAPHER: Stand by, please. We  
4 are off the video record. The time is 11:09.  
5 (Recess 11:09-11:20 a.m.)  
6 THE VIDEOGRAPHER: We are back on the  
7 record. The time is approximately 11:20. You may  
8 continue, sir.  
9 BY MR. CHATTERJEE:  
10 Q Mr. Miller, prior to the break you had  
11 stated that you worked for a company called Sagepath  
12 today; is that right?  
13 A Yes.  
14 Q And are you an employee of Sagepath?  
15 A Yes.  
16 Q What do you do for Sagepath?  
17 A I think you already asked me this  
18 question, but I do programming.  
19 Q What kind of programming?  
20 A Web.  
21 Q For marketing purposes?  
22 A Yes.  
23 Q How long have you worked at Sagepath?  
24 A Since December.  
25 Q Of 2010?

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1 A Yes.  
2 Q Where did you work prior to Sagepath?  
3 A I worked for Toolbox.  
4 Q And you don't recall whether you were an  
5 employee or a consultant for Toolbox Number 9 prior  
6 to working for Sagepath?  
7 MR. HANCOCK: Object to the form. You can  
8 answer.  
9 A I recall that I wasn't an employee.  
10 BY MR. CHATTERJEE:  
11 Q Did you have an hourly rate when you  
12 worked for them?  
13 A Sometimes.  
14 Q And other times what kind of financial  
15 arrangement did you have?  
16 A Daily.  
17 Q Daily.  
18 So was the hourly rate always the same?  
19 A I don't recall.  
20 Q Okay. What -- what are the hourly rates  
21 that you charged Toolbox Number 9 that you recall?  
22 A I -- I don't recall. I could speculate  
23 and guess that it is between a range.  
24 Q And what is the range?  
25 A I would guess between 45 and 60.

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