

Highly Confidential - Attorneys' Eyes Only

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,)
Plaintiff,)
vs.) No. CV 10-03561 WHA
GOOGLE, INC.,) VOLUME I
Defendant.)
-----)

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Videotaped Patent Issues Deposition
of JOHN C. MITCHELL, Ph.D., taken at
755 Page Mill Road, Palo Alto, California,
commencing at 9:43 a.m., Tuesday,
September 6, 2011, before Leslie Rockwood,
RPR, CSR No. 3462.

PAGES 1 - 270

1 THE REPORTER: Would you raise your right
2 hand, please.

3 You do solemnly state that the evidence you
4 shall give in this matter shall be the truth, the whole
5 truth and nothing but the truth, so help you God.

6 THE WITNESS: I do.

7 THE REPORTER: Thank you.

8 THE VIDEOGRAPHER: You may proceed.

9 EXAMINATION

10 BY MR. PAIGE: 09:44:15

11 Q. BY MR. PAIGE: Good morning, Dr. Mitchell.

12 A. Good morning.

13 Q. I know you've been deposed before, and I know
14 you know the rules of the road pretty well so I'll skip
15 that. 09:44:24

16 A. Okay.

17 Q. And just ask you: Is there any reason that
18 you couldn't give your best testimony here today?

19 A. Not that I know of.

20 Q. Are you taking any medication or anything 09:44:30
21 else that might impair your ability to give your best
22 testimony today?

23 A. No, I'm not.

24 Q. Okay. Have you developed any opinions on
25 matters relating to this case that are not set forth in 09:44:37

1 Q. Have you read the code for the CTS?

2 A. I have read some of it.

3 Q. And from reading that code, can you tell me
4 whether it tests for the presence of any code that you
5 claim to be infringing in this matter? 11:06:42

6 A. There is a more detailed explanation in my
7 write-up of experiments I conducted that has to do with
8 the security tests in particular. I don't recall what
9 else that write-up describes.

10 And if I remember correctly, it's a general 11:07:07
11 explanation of the kind of experiments I conducted. So
12 there may be other things that I did that are not
13 directly repeated in detail in that portion of the
14 report.

15 Q. Can you tell me whether the CTS test from 11:07:23
16 your review of the code tests for anything other than the
17 security patents that are relevant to your opinions on
18 infringement in this case?

19 A. You know, I'm not going to be able to recall,
20 you know, some significant period of time after carrying 11:07:42
21 out those tests exactly what's covered. My recollection
22 is that the CTS takes considerable time, at least hours,
23 maybe more than ten hours on some platforms to run, if I
24 remember correctly. So I'm sure that it tests many
25 things. 11:08:09

Errata Sheet

(Reporter: Leslie Rockwood, RPR, CSR No. 3462 with Veritext | 212-279-9424)

Oracle America, Inc. v. Google, Inc.
USDC ND of Cal. (SF) – No. CV 10-03561 WHA

Deposition of John Mitchell – September 6-7, 2011

I, John Mitchell, do hereby certify that I have read the foregoing transcript of my testimony, and further certify that it is a true and accurate record of my testimony (with the exception of the corrections listed below):

Page	Line	Original Text	Corrected Text
6	8	I've done by best	I've done my best
13	11-12	I'm knowledgeable about it, and I don't – feel confident discussing those concepts.	I'm knowledgeable about it, and I feel confident discussing those concepts.
19	12	I knew professionally	I know professionally
32	23	way in which it is meant	way in which it is met
35	5	instruction, is when	instruction, when
37	13	Java C	javac
51	6	whether this addresses	whether this addresses the question you asked earlier or not.
56	10-11	I'm under oath not going to make	I'm under oath, so I'm not going to make
59	10	detail analysis	detailed analysis
70	6	had to decide – (answer cut off by Mr Paige)	had to decide – whether to build and supply Android phones, their decisions to do so depend on their assessment of developer success and end customer demand and therefore depend on the same factors.
70	22	and in the process – (answer cut off by Mr Paige)	and in the process – I have reached a conclusion and rationale for that conclusion as expressed in my report.
72	5	I have I expect made comments or analysis	I expect I have made comments or analysis
75	3	draw the library	draw the line
103	12	I did – I identify	I did identify
166	18-19	I answered that as best I can.	I answered that as best as I can.
182	1	Java C	javac
208	14	Gosselin's	Gosling's
208	15	Li Dong's	Li Gong's
223	20	a class file the result of compiling source code	a class file, the result of compiling source code,
241	6	look at difs	look at diffs
263	14	any kind of UR secure today pop-up	any kind of "you are secure today" pop-up

Page	Line	Original Text	Corrected Text
275	22	numbers that refer to as indices elements	numbers that refer to, as indices, elements
289	12	string valve	string value
295	23-24	refers to this as being in this example under interpretation and execution.	refers to this as being, in this example, under interpretation and execution.
308	10	REZ class	resClass
309	18	REZ class	resClass
328	13	I do do	I did do
345	1-2	versions of Android completing whatever binaries come as part of the SDK	versions of Android, completing whatever binaries come as part of the SDK

DATED: Oct 17, 2010



 John Mitchell