

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

--oOo--

MISHA CONSULTING GROUP, INC.,	)
a California corporation,	)
d/b/a eBUSINESS DESIGN,	)
	)
Plaintiffs,	)
	)
vs.	)
	)
SOURCE MEDICAL SOLUTIONS, INC.,	)
a Delaware corporation,	)
	)
Defendants.	)
	)
	)

) CIVIL ACTION FILE  
) No. C02-04908JW(HRL)  
)

VIDEOTAPED DEPOSITION OF  
JEFFREY M. JACOBS

Monday, April 5, 2004

CERTIFIED COPY

REPORTED BY: SHERRI STARR, CRR; CSR 10245 (01-347556)



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JEFFREY M. JACOBS

1 A. It was a magazine devoted to artificial  
2 intelligence.

3 Q. And that magazine is no longer in publication  
4 to the best of your knowledge?

5 A. Not to the best of my knowledge.

6 MR. KANOV: Can we take a quick bathroom  
7 break?

8 MR. GERLACH: Yeah, let's take a break. It's  
9 a good stopping point. Off the record.

10 THE VIDEOGRAPHER: Going off the record. The  
11 time is 10:31.

12 (Whereupon, a recess was taken.)

13 THE VIDEOGRAPHER: Back on the record. The  
14 time is 10:42.

15 MR. GERLACH: Okay. Back on the record.

16 Q. You've been retained as we've discussed by  
17 Source Medical to consult in this matter, correct?

18 A. I believe that is a correct characterization  
19 of my role.

20 Q. And you're also serving as an expert witness?

21 A. Yes.

22 Q. But consulting generally? I'm just using the  
23 term very generically.

24 A. Yeah, I just wanted to be sure we were clear.

25 Q. When did that consultation begin?

JEFFREY M. JACOBS

1           A.     In mid-January. Possibly, I might have been  
2 initially contacted in late December, but the engagement  
3 began in January.

4           Q.     So it's your testimony that you believe you  
5 were initially contacted with respect to this action in  
6 late December. Do you mean late December of 2003?

7           A.     Yes.

8           Q.     And how were you first contacted about this  
9 matter for Source Medical?

10          A.     My initial contact would have been either  
11 to -- I believe I was given Jonathan's phone number to  
12 call, or it might have been the other way around. I  
13 don't recall.

14          Q.     And who gave you Jonathan's number to call?

15          A.     A gentleman whose name I cannot pronounce or  
16 spell, other than his first name which is Jovan. And  
17 his last name is Russian, and I cannot spell it or  
18 pronounce it.

19          Q.     So this individual named Jovan, was this the  
20 first person you ever talked to about potentially  
21 working on this litigation for Source Medical?

22          A.     I did not discuss working on Source Medical  
23 with him. He simply told me that there was an  
24 opportunity for an expert witness, and if I was  
25 interested to contact Jonathan, is how I recall things.

JEFFREY M. JACOBS

CERTIFICATE OF REPORTER

1  
2 I, SHERRI STARR, a Certified Shorthand  
3 Reporter, hereby certify that the witness in the  
4 foregoing deposition was by me duly sworn to tell the  
5 truth, the whole truth and nothing but the truth in the  
6 within-entitled cause;

7 That said deposition was taken down in  
8 shorthand by me, a disinterested person, at the time and  
9 place therein stated, and that the testimony of the said  
10 witness was thereafter reduced to typewriting, by  
11 computer, under my direction and supervision;

12 That before completion of the deposition,  
13 review of the transcript [X] was [ ] was not requested.  
14 If requested, any changes made by the deponent (and  
15 provided to the reporter) during the period allowed are  
16 appended hereto.

17 I further certify that I am not of counsel or  
18 attorney for either or any of the parties to the said  
19 deposition, nor in any way interested in the event of  
20 this cause, and that I am not related to any of the  
21 parties thereto.

22 DATED: 4-20, 2004.

23  
24   
25 SHERRI STARR, CRR; CSR 10245