

EXHIBIT B

Michael Arrington
Highly Confidential - Attorneys' Eyes Only

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

INTERSERVE, INC., dba)	
TECHCRUNCH, a Delaware)	
corporation, and CRUNCHPAD,)	
INC., a Delaware)	
corporation,)	
Plaintiffs,)	
vs.)	No. 09-CV-5812 RS
FUSION GARAGE PTE. LTD, a)	
Singapore company,)	
Defendant.)	

VIDEOTAPED DEPOSITION OF
INTERSERVE, INC. dba TECHCRUNCH
MICHAEL ARRINGTON

Redwood Shores, California

Tuesday, April 20, 2010

HIGHLY CONFIDENTIAL -- ATTORNEYS' EYES ONLY

REPORTED BY:

JAY W. HARBIDGE, CSR NO. 4090

Michael Arrington
Highly Confidential - Attorneys' Eyes Only

1 ambiguous, unintelligible, calls for a legal
2 conclusion, foundation, competence.

3 BY MR. STERN:

4 Q. Let's start with patents. Can you tell
5 me what patents are associated with the JooJoo that
6 TechCrunch or CrunchPad claims it owns?

7 MR. BRIDGES: Objection, lacks
8 foundation, competence, legal conclusion.

9 BY MR. STERN:

10 Q. You can answer.

11 A. I'm not comfortable making legal
12 conclusions.

13 Q. Can you tell me what patentable
14 inventions are associated with the JooJoo that
15 TechCrunch or CrunchPad claims it owns in whole or
16 in part?

17 MR. BRIDGES: Objection, lacks
18 foundation, competence, calls for a legal
19 conclusion.

20 THE WITNESS: I'm not comfortable
21 drawing legal conclusions.

22 BY MR. STERN:

23 Q. Can you tell me what features or aspects
24 of the JooJoo are either intellectual property or
25 proprietary rights of TechCrunch or CrunchPad?

Michael Arrington
Highly Confidential - Attorneys' Eyes Only

1 MR. BRIDGES: Objection, lacks
2 foundation, competence, calls for a legal
3 conclusion, compound.

4 BY MR. STERN:

5 Q. You can answer.

6 A. I'm not comfortable making legal
7 conclusions.

8 Q. Can you describe to me any aspect of the
9 JooJoo software or hardware that is owned in whole
10 or in part by either TechCrunch or CrunchPad?

11 MR. BRIDGES: Objection, foundation,
12 competence, legal conclusion.

13 THE WITNESS: I'm not comfortable making
14 legal conclusions.

15 BY MR. STERN:

16 Q. Can you tell me any aspect of the JooJoo
17 operating system that is owned in whole or part by
18 either TechCrunch or CrunchPad?

19 MR. BRIDGES: Objection, vague and
20 ambiguous, potentially calls for a legal conclusion
21 and foundation and competence.

22 THE WITNESS: I'm not comfortable making
23 legal conclusions.

24 BY MR. STERN:

25 Q. Can you tell me any property at all that

Michael Arrington
Highly Confidential - Attorneys' Eyes Only

1 Fusion Garage or anybody associated with Fusion
2 Garage appropriated or took from TechCrunch or
3 CrunchPad?

4 MR. BRIDGES: Objection, vague and
5 ambiguous, calls for a legal conclusion, foundation
6 competence.

7 THE WITNESS: I'm not comfortable making
8 legal conclusions.

9 BY MR. STERN:

10 Q. Can you tell me any feature of the
11 JooJoo that was contributed to in whole or in part
12 by either TechCrunch or CrunchPad?

13 MR. BRIDGES: Objection, foundation,
14 competence in part, and vague and ambiguous.

15 But you may answer.

16 THE WITNESS: We -- obviously the
17 project, CrunchPad project began before Fusion
18 Garage entered the picture. It began with our
19 initial post in July with progress from there
20 through the various prototypes.

21 Once Fusion Garage did enter the picture
22 and started working with us, we worked
23 collaboratively as a team. There was no difference
24 between what we were doing and what they were doing.
25 They were in our office working with us directly,

Michael Arrington
Highly Confidential - Attorneys' Eyes Only

1 mixing and mingling with my employees.

2 It was a purely -- an awesome
3 collaborative project where we were working together
4 constantly. Decisions were made at high levels,
5 passed through me; low-level suggestions were made,
6 passed right back up, and it was kind of how the
7 product was developed.

8 BY MR. STERN:

9 Q. Can you tell me the high-level
10 suggestions that were made by anybody at TechCrunch
11 or CrunchPad to anybody at Fusion Garage? No, let
12 me change that question.

13 Can you please list for me all the
14 high-level suggestions that were made by anybody at
15 TechCrunch or CrunchPad to anybody at Fusion Garage
16 where those high-level suggestions were proprietary
17 rights of TechCrunch or CrunchPad?

18 MR. BRIDGES: Objection, calls for a
19 legal conclusion.

20 THE WITNESS: Yes, I'm uncomfortable
21 forming legal conclusions.

22 BY MR. STERN:

23 Q. Can you tell me the high-level
24 suggestions that were made by anybody at TechCrunch
25 or CrunchPad to anybody at Fusion Garage?

Michael Arrington
Highly Confidential - Attorneys' Eyes Only

1 A. All of them. I mean, every aspect of
2 the product was something we discussed constantly.

3 Q. Okay. Tell me.

4 A. Examples, what the case was made out of,
5 what color it would be, where buttons would be, what
6 kind of touch technology we could afford, what kind
7 of touch technology was possible.

8 Q. Could you just slow down for the court
9 reporter.

10 A. Sure, but I'm going to list every
11 feature that was there because it was a
12 collaborative project that we worked on constantly
13 all day long every day.

14 Q. I want to make this very clear. I did
15 not ask for what was all of the features of the
16 project. I have asked, and I want to make this
17 clear for the judge, I asked, can you tell me the
18 high-level suggestions that were made by anybody at
19 TechCrunch or CrunchPad to anybody at Fusion Garage?
20 I'm asking about high level. We'll get to low
21 level, but I'm asking about the high-level
22 suggestions that were made by anybody at TechCrunch
23 or CrunchPad to anybody at Fusion Garage. I'm not
24 asking about collaboration; I'm asking about -- I'm
25 looking for a list of specific suggestions.

Michael Arrington
Highly Confidential - Attorneys' Eyes Only

1 STATE OF CALIFORNIA)
2) ss
3 COUNTY OF SAN FRANCISCO)

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

I, JAY W. HARBIDGE, Certified Shorthand Reporter, do hereby certify:

That prior to being examined, the witness in the foregoing proceedings was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth;

That said proceedings were taken before me at the time and place therein set forth and were taken down by me in shorthand and thereafter transcribed into typewriting under my direction and supervision;

I further certify that I am neither counsel for, nor related to, any parties to said proceedings, nor in anywise interested in the outcome thereof.

In witness whereof, I have hereunto subscribed my name.

Dated: April 22, 2010



A handwritten signature in black ink, appearing to read "Jay W. Harbidge".

JAY W. HARBIDGE

CSR No. 4090