

# EXHIBIT G

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

LEADER TECHNOLOGIES, ) Trial Volume 1  
INC., )  
 )  
Plaintiff, )  
 ) C.A. No. 08-862-JJP-LPS  
v. )  
 )  
FACEBOOK, INC., a )  
Delaware corporation, )  
 )  
Defendant. )

July 19, 2010  
9:00 a.m.

BEFORE: THE HONORABLE LEONARD P. STARK  
United States District Court Magistrate

APPEARANCES:

POTTER, ANDERSON & CORKOON, LLP  
BY: PHILIP A. ROVNER, ESQ.

-and-

KING & SPALDING, LLP  
BY: PAUL ANDRE, ESQ.  
BY: LISA KOBIALKA, ESQ.  
BY: JAMES HANNAH, ESQ.

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1 know, any sort of device like that that is  
2 hooked up to the internet typically has some  
3 kind of a browser.

4 Q. Now, what are we looking at at  
5 this level?

6 A. Okay. So what I'm trying to show  
7 here is over on the left hand we have that same  
8 set of five workspaces.

9 And we're trying to sort of drill  
10 down a little bit on Jim's workspace in the  
11 middle here. So this is what's on the server,  
12 and we're focusing on Jim's workspace.

13 Over here on the right-hand side,  
14 this is what it looks like to Jim. This is what  
15 it looks like to the user when the user accesses  
16 this workspace. This is one way it could look.

17 So this is Jim's kind of profile  
18 page. It has some tools that could be,  
19 obviously, many kinds of tools here, but this  
20 just shows, you know, the way that Jim could  
21 access messages.

22 He could access his calendar. He  
23 could access notes that he's made. He could  
24 access files and upload files.

1 And down here it shows Jim's  
2 contacts. As we saw before, they're Alice,  
3 Bob, Steve and Betty. And so this has that  
4 workspace, looks like, you know, when Jim's  
5 actually using it.

6 This is what it shows, him on his  
7 computer.

8 Q. And how is the data organized on  
9 it with the '761 patented technology?

10 A. Okay. So I think the easiest way  
11 to show that is by contrasting it with what we  
12 saw over here.

13 Of course, what we saw over here,  
14 the traditional hierarchical system where you  
15 have to name folders. Then you have to decide  
16 what folder each item goes into.

17 And we have all these problems we  
18 talked about of, you know, different people  
19 having different sets of folders and being --  
20 how somebody else thinks about their stuff, so  
21 it's hard to find it.

22 In contrast to that, over here the  
23 '761 technology organizes things very  
24 differently. Here when you create an account on

1 server, it establishes for you metadata. So  
2 metadata is -- I know it's sort of a confusing  
3 sounding term, when the explanation is also  
4 confusion as well.

5 Metadata is sort of data about  
6 data, if you will. But, it's really not that  
7 confusing if you think about uploading  
8 something, say a document, or a picture, for  
9 example.

10 Okay. If I upload a picture, then  
11 that's data.

12 And I might want to have some  
13 descriptions of that picture. All right.

14 So I want -- I might want, for  
15 example, to store the fact that I was the one  
16 who uploaded that picture, not somebody else.  
17 And I might want to store the fact that it was  
18 uploaded at 10 o'clock Sunday morning, not some  
19 other time. And there might be other things  
20 that might be useful to store about that  
21 picture.

22 So those kind of descriptions of  
23 the data are what we call metadata. And in the  
24 '761 technology when I upload something,

1 automatically this sort of information about who  
2 uploaded it, when it was uploaded, that's what  
3 we call context information. And that updates  
4 the metadata that was established when I started  
5 my account.

6 That's one of the ways that  
7 metadata gets updated. According to this  
8 technology, also, there's also a tracking  
9 component.

10 So I can also move from my page to  
11 other people's pages. If I have a link to  
12 Alice, I might want to move over to Alice's  
13 page.

14 And since my system kind of has to  
15 know where I am, so it kind of tracks my  
16 movements, I can also go over from my page to  
17 Alice's page and access my data from Alice's  
18 page. When I do that, this tracking information  
19 is then used also to update the metadata.

20 Q. Can you walk through an example  
21 how one can share data using the on-line  
22 networking in collaboration invention of the  
23 '761 patent?

24 A. Sure. Sure.

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1 All right. So here's sort of the  
2 starting point.  
3 Let's just say that I have kind of  
4 a manilla profile page. I haven't put much up  
5 there yet, so it just says profile page and has  
6 a few tools. And I'd like to upload a photo to  
7 it.  
8 So I might go down here to where  
9 it says file if that's the place that I upload  
10 files. I could click on that and select the  
11 option to upload a photo.  
12 And then it would let me sort of  
13 look around on my computer and find the photo I  
14 wanted to upload. When I found it, excuse me --  
15 when I found it, I would select it. Push a  
16 button that would probably say something like  
17 upload.  
18 And at that point, the picture  
19 would go from my computer. The data would be  
20 copied. Right.  
21 It would be data now on the server  
22 that would represent that picture. Okay. And  
23 it would be in my workspace.  
24 And so that would show up like

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1 this on my on-line workspace. But this is now  
2 really data on the server. This is the copy on  
3 the server as opposed to the one that's on my  
4 local machine. So that's the way I can upload a  
5 photo.  
6 Okay. And as I do that, the  
7 context information, as I mentioned concerning  
8 the picture updates, is used to update the  
9 metadata. So things like, you know, it was I  
10 who uploaded it, and maybe the size of the  
11 picture, and perhaps the time it was uploaded  
12 and other kinds of information are automatically  
13 added over here in the system and metadata is  
14 updated.  
15 So at this point, the picture that  
16 I'm observing and the metadata about that  
17 picture are all on the server.  
18 Q. What's this slide representing?  
19 A. This is another kind of  
20 interaction that I could have in this system.  
21 So here let's assume I am Jim, I might want to  
22 navigate over to Alice's workspace.  
23 So I click on the Alice link here  
24 and it takes me over to Alice's workspace, and

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1 now that I'm at Alice's workspace I might  
2 actually want to access some of my own data over  
3 there.  
4 So here is one reason I might want  
5 to do that. I might want to say leave a message  
6 for Alice, say hey, Alice, check out my new  
7 picture and I could place my picture accessing  
8 data from my workspace. I'm getting a little  
9 carried away, I'm afraid, accessing data from my  
10 workspace and placing it here on Alice's page.  
11 Now at this point, when I actually  
12 place data here, access data from my workspace  
13 while I'm in Alice's workspace, that triggers  
14 the change in metadata that this tracking  
15 information that I am accessing my data from a  
16 different work space, that information is used  
17 to update the metadata. And that's how that  
18 transaction happens.  
19 Q. And all this, the metadata itself  
20 and the context information and the tracking  
21 information, that's all stored on the back end,  
22 correct?  
23 A. That's all stored to the back end.  
24 That's all on the storage component of the

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1 system on this server or some set of servers.  
2 MR. ANDRE: That's all we have,  
3 Your Honor. Thank you.  
4 THE COURT: That's the end of the  
5 direct?  
6 MR. ANDRE: Yes.  
7 THE COURT: Okay. I think that  
8 will be a good place to stop for the day since  
9 we're letting the jury go at 4:30.  
10 Dr. Herbsleb, you can step down at this point.  
11 We'll excuse the jury at this  
12 point. One second, bear with me. There are a  
13 few things I need to tell the jury before I let  
14 you go.  
15 First off, we're starting at nine  
16 o'clock tomorrow morning, so please arrive at  
17 the building in time so that you can be up here  
18 in your seats at nine o'clock.  
19 Also, as I told you before, you're  
20 not to discuss the case with anybody, amongst  
21 yourselves or with anybody else at this point.  
22 I don't know if there will be any  
23 media coverage of this case, but if there is,  
24 you're not to read it or view it. Also, you're

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

LEADER TECHNOLOGIES, INC.,	)	Trial Volume 2
	)	
Plaintiff,	)	
	)	C.A. No. 08-862-JJF-LPS
v.	)	
	)	
FACEBOOK, INC., a Delaware corporation,	)	
	)	
Defendant.	)	

Tuesday, July 20, 2010  
9:00 a.m.

BEFORE: THE HONORABLE LEONARD P. STARK  
United States District Court Magistrate

APPEARANCES:

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1 tracking a user as it moves around, and then  
2 generating tracking information as whenever  
3 certain actions happen, like writing on the  
4 wall, joining a group, uploading a photo to an  
5 album and so forth.

6 Next. And you can see that this  
7 tracking information is also reflected had back  
8 in the original account because there is a news  
9 feed and a MiniFeed which is two ways which this  
10 information is presented to this user. In this  
11 particular case in my original file a note  
12 appears that John wrote on Mary Smith's wall. I  
13 think we're done.

14 Q. Now, let me ask you some even more  
15 fundamental questions. How do you get to the  
16 Facebook website?

17 A. How do you get there?

18 Q. Yes.

19 A. You open a browser and you type a  
20 URL in the browser, and you actually are sent to  
21 the website.

22 Q. Do you know the website address?

23 A. It's www.Facebook.com.

24 Q. And how do you get to an account?

1 A. Well, usually when you start  
2 interacting with the Facebook website, if you  
3 don't have an account, if you have never been on  
4 it, or maybe you have an account but you're not  
5 logged in, and therefore you will get a page  
6 that invites you to either join Facebook and  
7 create a new account or to log in with the  
8 account that you already created.

9 MR. ANDRE: Your Honor, at this  
10 time I'd like to go set up a white board next to  
11 the witness. May I approach?

12 THE COURT: Yes, you may approach.

13 MR. ANDRE: Thank you. Is that  
14 okay?

15 THE COURT: Yeah, as long as the  
16 jury can see it. And Ms. Keefe, if you need to  
17 move so you can get a better view, that's fine.

18 MS. KEEFE: I'll have to move.

19 Too many things in the way, Your Honor. Sorry.

20 BY MR. ANDRE:

21 Q. All right. Dr. Vigna, let's look  
22 at the claims of the '761 patent that's been  
23 asserted against Facebook.

24 A. Yes. Okay.

1 Q. First of all, is your  
2 understanding that in order for a product to  
3 infringe, it must meet all the elements of the  
4 claim?

5 A. Yes.

6 Q. Is also your understanding that  
7 you only look to the claims to determine  
8 infringement?

9 A. Yes.

10 Q. If you look at the Claim 1,  
11 element one, the context component; do you see  
12 that?

13 A. Yes.

14 Q. Can you put the screen up?

15 Sorry. I realized that she was  
16 standing there. I thought she was going to sit  
17 back down.

18 MS. KEEFE: I thought you were  
19 going to do something with it.

20 THE COURT: I think if she -- if  
21 you believe she's going to need to stand, if  
22 you're going to direct us to the board, feel  
23 free to bring a chair over so that you can --  
24 you don't have to stand for the whole time.

1 MS. KEEFE: Thank you, Your Honor  
2 BY MR. ANDRE:

3 Q. Dr. Vigna, would you please  
4 briefly describe the elements of Claim 1?

5 A. So the first element says that  
6 there is a computer-implemented context  
7 component of the network-based system for  
8 capturing context information associated with  
9 user-defined data created by user interaction of  
10 a user in a first context of the network-based  
11 system, the context component dynamically  
12 storing the context information in metadata  
13 associated with the user-defined data, the  
14 user-defined data and metadata stored on a  
15 storage component of the network-based system.

16 Q. Could you give us a -- your  
17 understanding of what that claim element is  
18 referring to?

19 A. So this claim element describes in  
20 very technical terms basic concept that there is  
21 a context component. Whenever a user wants to  
22 provide some data, it will capture that data,  
23 plus other data, some context information.

24 Take both these things and store

1 them in a storage using a storage component into  
2 metadata which is additional data about a  
3 certain data. Okay.

4 So it is rather abstract. So it  
5 describes a generic component like that can be  
6 implemented in many different ways, but the gist  
7 of it is that there is some data of a user, for  
8 example, a personal picture and there is  
9 something else that is captured of that  
10 particular environment, which that data is  
11 entered and this information is stored as  
12 metadata on a storage component.

13 Q. Now, I'd like to show you the  
14 court order for the claim interpretation in this  
15 case. I want to direct your attention to the  
16 term component.

17 Do you see that?

18 A. Yes.

19 Q. Do you recognize this as the order  
20 from the Court interpreting the claims?

21 A. Yes.

22 Q. And could you read what the term  
23 component means?

24 A. So in this document, it say the

1 term component means a computer-related entity,  
2 either hardware, a combination of hardware and  
3 software, software, or software in execution.

4 Q. Now, what does that mean to  
5 computer scientists?

6 A. Well, in this particular case, I  
7 would say --

8 THE COURT: Hold on. There's an  
9 objection.

10 MS. KEEFE: Objection. Your  
11 Honor, that's the definition, not what it means  
12 to him. It's what it means to the Court and the  
13 Court's construed it that way.

14 MR. ANDRE: I'll rephrase it that  
15 way, Your Honor.

16 THE COURT: Sustained. Sustain  
17 the question.

18 MR. ANDRE: I will.

19 BY MR. ANDRE:

20 Q. When you're talking about  
21 hardware, what's that referring to?

22 A. Well, it's referring to any kind  
23 of equipment, group of equipment, it could be  
24 one CPU. It could be a CPU on a disk.

1 It could be an array of disks. It  
2 could be a network system like a distributed  
3 system. It could be even spread across the  
4 nation.

5 That would be hardware. It's --  
6 it's a composition of hardware elements.

7 Q. And when you see one skilled in  
8 the art when they see that the word in  
9 combination of hardware and software, what would  
10 that mean to you?

11 MS. KEEFE: Same objection, Your  
12 Honor. I mean --

13 THE COURT: We will see counsel at  
14 side-bar.

15 MS. KEEFE: Your Honor, it's the  
16 Court's claim construction. The Court's claim  
17 construction is what it is.

18 And it seems like we're trying to  
19 reargue claim construction by redefining what  
20 the construction is.

21 THE COURT: Mr. Andre?

22 MR. ANDRE: Your Honor, the claim  
23 construction is determined based on one skilled  
24 in the art. Words in construction have special

1 meaning to those skilled in the art. I'm just  
2 asking what those words are and what they mean.

3 THE COURT: I think in this case,  
4 the jury needs some translation into English  
5 essentially to understand the concepts. And  
6 that's my understanding of what these questions  
7 are seeking to elicit, not reconstruing claims.  
8 But just trying to help the jury understand what  
9 it is that the Court's construction says.

10 MS. KEEFE: I think he's going a  
11 little bit far, Your Honor. We are talking  
12 about words that are supposed to have plain  
13 meaning. This is the definition they propose.  
14 It comes from the patent.

15 THE COURT: I'm overruling the  
16 objection.

17 (Conclusion of conference held at  
18 side-bar.)

19 BY MR. ANDRE:

20 Q. Dr. Vigna, go back to my previous  
21 question. What does it mean when there's a  
22 combination of hardware and software?

23 A. Well, usually a combination of  
24 hardware and software is a system that is

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FOR THE DISTRICT OF DELAWARE

LEADER TECHNOLOGIES, INC.,	)	Trial Volume 3
	)	
Plaintiff,	)	
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v.	)	
	)	
FACEBOOK, INC., a Delaware corporation,	)	
	)	
Defendant.	)	

July 21, 2010  
9:00 a.m.

BEFORE: THE HONORABLE LEONARD P. STARK  
United States District Court Magistrate

APPEARANCES:

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1 THE WITNESS: If you go down,  
 2 next. Next. Next. Again. Again. Okay. You  
 3 can see here on the left-hand side that there is  
 4 a clear depiction of how the website can be  
 5 accessed through your mobile phone which would  
 6 be wireless portable device.  
 7 Q. And that's on PTX 942 on the Bates  
 8 number LTI 157087; correct?  
 9 A. Yes.  
 10 Q. Let me try with the right exhibit  
 11 number this time. Can you turn to PTX 277.  
 12 A. I'm just trying to be helpful.  
 13 Q. That's a good one, too. I  
 14 appreciate that. This is what I was looking  
 15 for.  
 16 A. Yes.  
 17 Q. Have you seen this document?  
 18 A. Yes.  
 19 Q. And did it inform your opinion as  
 20 to Claim 16?  
 21 A. Yeah.  
 22 Q. And how did it do so?  
 23 A. This is a document that describe  
 24 the Facebook mobile client that allows to

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1 interact with Facebook through network mobile  
 2 device, like a cell phone, for example.  
 3 Q. When it talks about the mobile  
 4 client provides automatic photo upload from  
 5 mobile devices.  
 6 A. Correct.  
 7 Q. Does that inform your opinion at  
 8 all?  
 9 A. Yeah. I mean, this is just  
 10 facilitating the access through the  
 11 functionality of the website by means of cell  
 12 phone or wireless portable device.  
 13 Q. And based on the documents that  
 14 you have shown us here today and the previous  
 15 testimony that you have given, do you have an  
 16 opinion as to whether or not Facebook infringes  
 17 Claim 16 of the '761 patent?  
 18 A. Yes, I think Facebook infringes  
 19 that claim.  
 20 Q. Would you put a check in that box?  
 21 A. (Witness complying.)  
 22 MR. ANDRE: Your Honor, may I  
 23 approach?  
 24 THE COURT: You may.

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1 MR. ANDRE: Your Honor, I would  
 2 like to move Exhibit 277 into evidence as well.  
 3 MS. KEEFE: No objection, Your  
 4 Honor.  
 5 THE COURT: It's admitted.  
 6 BY MR. ANDRE:  
 7 Q. Dr. Vigna, I would like to turn  
 8 your attention to Claim 21. What type of claim  
 9 is Claim 21?  
 10 A. So this is a claim that describes  
 11 a computer-readable medium for storing  
 12 computer-executable instructions for a method of  
 13 managing data and then describes the  
 14 characteristics of the methods.  
 15 Q. What exactly is computer-readable  
 16 media?  
 17 A. So, anything that can store  
 18 information that you can retrieve and that can  
 19 be used as part of a computer system. An  
 20 example would be a computer disk, it could be  
 21 the memory, it could be -- that's pretty much  
 22 it. That's what we have. I was thinking about  
 23 new technology, and not yet.  
 24 Q. And in Facebook's case, where is

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1 the computer-readable media located?  
 2 A. On the servers that execute the  
 3 code, for example, the computer-readable  
 4 instructions are somewhere, so whenever a  
 5 request is made that code is retrieved and it's  
 6 executed.  
 7 Q. And where are Facebook's servers  
 8 located?  
 9 A. According to what I could read  
 10 from the testimony, on a number of servers in  
 11 the United States.  
 12 Q. And what type of code are on those  
 13 servers that Facebook has in California and the  
 14 East Coast?  
 15 A. I think that there are several  
 16 kinds of code. By and large, Facebook is  
 17 written PHP, which is this code that I have been  
 18 showing you. Of course there is also Sequel  
 19 code. There are also other pieces of the system  
 20 that are implemented in different programming  
 21 language. I mean, a complex system often times  
 22 is implemented in different ways with different  
 23 subcomponents implemented using different  
 24 technologies for a number of reasons; could be

<p style="text-align: right;">Page 738</p> <p>1 movement of users from between workspaces.</p> <p>2 Q. At the very least, does the</p> <p>3 Facebook website perform substantially the same</p> <p>4 function as Element 4 of Claim 21?</p> <p>5 A. Yes, because it dynamically</p> <p>6 associates data and application in the metadata.</p> <p>7 Q. At the very least, does the</p> <p>8 Facebook website perform substantially the same</p> <p>9 function as Element 5 of Claim 21?</p> <p>10 A. Yes, because it provides indexing</p> <p>11 capability, so that that data can be accessed by</p> <p>12 multiple environments.</p> <p>13 Q. Going back up to the first</p> <p>14 element, at least -- at the very least, does the</p> <p>15 Facebook website perform substantially the same</p> <p>16 way as Element 1 of Claim 21?</p> <p>17 A. Yeah, because it creates data</p> <p>18 through user interactions as it says.</p> <p>19 Q. At the very least, does the</p> <p>20 Facebook website perform in substantially the</p> <p>21 same way as Element 2 of Claim 21?</p> <p>22 A. Yeah, because it dynamically</p> <p>23 associates the metadata the same way.</p> <p>24 Q. At the very least, does the</p>	<p style="text-align: right;">Page 740</p> <p>1 Element 2 of Claim 21?</p> <p>2 A. Yeah, because it dynamically</p> <p>3 associates metadata with the data.</p> <p>4 Q. At the very least, does the</p> <p>5 Facebook website yield the same results as</p> <p>6 Element 3 of Claim 21?</p> <p>7 A. Yeah, because the user is tracked</p> <p>8 from one environment to another, from a</p> <p>9 workspace to another, I should say.</p> <p>10 Q. At the very least does the</p> <p>11 Facebook website yield the same results of</p> <p>12 element four of Claim 21?</p> <p>13 A. Yeah. Because it results in</p> <p>14 ascertaining the data in the application with</p> <p>15 the second user workspace.</p> <p>16 Q. At the very least does the</p> <p>17 Facebook website yield the same results of</p> <p>18 element five of the Claim 21?</p> <p>19 A. Yes. Because it results in</p> <p>20 creating the same data to allow access to</p> <p>21 information.</p> <p>22 Q. At the very least, when we are</p> <p>23 talking about the Doctrine of Equivalents, at</p> <p>24 the very least, does the Facebook website</p>
<p style="text-align: right;">Page 739</p> <p>1 Facebook website perform in substantially the</p> <p>2 same way as Element 3 of Claim 21?</p> <p>3 A. Yeah, because it tracks the user</p> <p>4 from one workspace to another.</p> <p>5 Q. At the very least, does the</p> <p>6 Facebook website perform in substantially the</p> <p>7 same way as Element 4 of Claim 21?</p> <p>8 A. Yeah, because it dynamically</p> <p>9 associates the data and the application in the</p> <p>10 workspace in the metadata.</p> <p>11 Q. At the very least, does the</p> <p>12 Facebook website perform in substantially the</p> <p>13 same way as Element 5 of Claim 21?</p> <p>14 A. Yeah, because it indexes the data.</p> <p>15 That's a lot of results.</p> <p>16 Q. At the very least, does the</p> <p>17 Facebook websites yield the same results as</p> <p>18 Element 1 of Claim 21?</p> <p>19 A. Yes, because data gets created.</p> <p>20 Q. Are you talking about the data of</p> <p>21 Element 1?</p> <p>22 A. Yeah. Yeah.</p> <p>23 Q. At the very least, does the</p> <p>24 Facebook website yield the same results of</p>	<p style="text-align: right;">Page 741</p> <p>1 infringe under the Doctrine of Equivalents for</p> <p>2 all the reasons you testified to earlier today</p> <p>3 regarding Claim 21?</p> <p>4 A. Yes.</p> <p>5 Q. Would that hold true also for</p> <p>6 Claim 1 and Claim 9 as well?</p> <p>7 A. Yes.</p> <p>8 Q. All right. Now let's turn to the</p> <p>9 last independent claim, Claim 23. Dr. Vigna,</p> <p>10 what kind of a claim is Claim 23?</p> <p>11 A. It describes a system,</p> <p>12 computer-implemented system that facilitates the</p> <p>13 management of data.</p> <p>14 Q. How many elements does this claim</p> <p>15 have?</p> <p>16 A. There are two elements of the</p> <p>17 claim.</p> <p>18 Q. Let's talk about the first</p> <p>19 element, the context component element.</p> <p>20 A. Yeah. I could read it, but mainly</p> <p>21 in laymen's term, there is a context component</p> <p>22 that creates workspace where there are one or</p> <p>23 more application and when these applications are</p> <p>24 used, the context data is associated with the</p>

1 data uploaded by the user and it's dynamically  
2 stored, this additional context information, as  
3 metadata on a storage component. And the  
4 dynamic -- the metadata is dynamically  
5 associated with the data created in the first  
6 user workspace.

7 Q. Can you turn back to PTX 942.  
8 This is the screen captures of the presentation  
9 you have been giving; correct?

10 A. Correct.

11 Q. Could you show us in I guess the  
12 third use case how Claim 23 is implicated in  
13 these slides?

14 A. So, you have to go a little  
15 forward because I think -- I don't remember  
16 exactly where the group interaction starts. But  
17 forward, forward, forward, this is writing on  
18 the wall, becoming friends, writing on the wall.  
19 Okay. The first part of this is actually  
20 creating a group. So Mary Smith creates a  
21 group. And next, fills in all the information  
22 about the group that she's going to create.

23 Q. Is that the group name right here?

24 A. Italian Food Lovers, yeah, that's

1 correct. Next. This is things that one can do  
2 about the group. You can go ahead. At this  
3 point Mary Smith actually invites John Vineyard  
4 to participate in the group. Next. And this is  
5 the page of the group itself. And it shows it  
6 has one member. If you go forward.

7 Here is the home page of John  
8 Vineyard that decides to go to the group's  
9 application that you can see on the left-hand  
10 side, and decides to join the Italian Food  
11 Lovers group. Go ahead.

12 At this point if you go forward,  
13 you will see that now in the group there are two  
14 people involved in the members, John Vineyard  
15 and Mary Smith. And if you go forward, in this  
16 particular case, you know, John Vineyard is  
17 actually posting a comment on the wall of the  
18 group.

19 Q. Is this the posting right here?

20 A. Yeah, that's correct.

21 Go forward. Go a little forward.  
22 And at this point, go a little forward. There  
23 will be some photos that are updated, first to  
24 the user itself. So go ahead. And this is a

1 group, a personal album called My Recipes that  
2 is created by the user. It's a quite lengthy  
3 task. But it would be clearer later.

4 Go ahead. For example, here, I  
5 choose to upload a picture of lasagna. And as a  
6 result of this, of interacting with this, I  
7 uploaded a picture.

8 Go next.

9 And show now there is my recipes  
10 is an album with a photo uploaded by me,

11 Q. At this point you have a photo of  
12 lasagna in your own personal photo album as John  
13 Vineyard?

14 A. That's correct. Go forward. This  
15 shows that I uploaded a photo and it's been  
16 tracked, create an event. Not relevant at this  
17 point. But let's go forward.

18 At this point I get to the group  
19 and I click on the group. Next. Okay. Go  
20 next. I mean, click on photos of the group.  
21 And you can see that there are no photos there  
22 for the group. And I decide to add a photo to  
23 the group. So I click on add group photo. And  
24 I choose one of my albums, the recipes. And I

1 add the selected photo to the group.

2 Q. How does that -- let me just give  
3 the Bates number for the record of where you  
4 started from. It was approximately --

5 A. No, go forward. Let me just  
6 finish that and then I can comment on a more  
7 high level. If you go next. These are photo,  
8 if you go next. I commented on the photo saying  
9 this is what I cooked the night before. People  
10 can comment more. But go next. And this shows,  
11 for example, a news feed that this action has  
12 been tracked and has been generating a news in  
13 my personal news feed.

14 Now, the main idea here, if you go  
15 back to the claim for a second. So there is a  
16 first -- the idea here is that there was a first  
17 user workspace, in this case it's my personal  
18 album and the way I interact with it. And in  
19 this case, the upload application is what allows  
20 me to insert the data into the first album.

21 And as we seen before, there is  
22 the capturing of context data with the user  
23 interaction. For example, the context data is  
24 when I uploaded this picture on what album and

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

LEADER TECHNOLOGIES, INC.,	)	Trial Volume 4
	)	
Plaintiff,	)	
	)	C.A. No. 08-862-JJF-LPS
v.	)	
	)	
FACEBOOK, INC., a Delaware corporation,	)	
	)	
Defendant.	)	

July 22, 2010  
9:00 a.m.

BEFORE: THE HONORABLE LEONARD P. STARK  
United States District Court Magistrate

APPEARANCES:

POTTER, ANDERSON & CORROON, LLP  
BY: PHILIP A. ROVNER, ESQ.

-and-

KING & SPALDING  
BY: PAUL ANDRE, ESQ.  
BY: LISA KOBIALKA, ESQ.  
BY: JAMES HANNAH, ESQ.

Counsel for Plaintiff

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715 North King Street - Wilmington, Delaware 19801  
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1 '761 patent. When you read it the first time  
 2 and perhaps the second and third time as part of  
 3 your effort to comprehend what it covered, what  
 4 was your initial impression of that patent?  
 5 A. Well, my initial reaction is one  
 6 of confusion. I found the patent quite  
 7 confusing, the language in it.  
 8 I found a lot of the language very  
 9 vague. I felt like there were, you know, many  
 10 terms that were not well defined, and seemed  
 11 very similar and were sort of used in a very  
 12 loose way.  
 13 So, you know, there's things like  
 14 webs, and boards, and contexts and environments.  
 15 And these are sort of all used interchangeably.  
 16 So it took awhile for me to try to  
 17 figure out what the patent was trying to  
 18 propose, but that was my first reaction.  
 19 Q. So in light of that first  
 20 reaction, would I be presumptuous to ask you if  
 21 you then spent more time studying the patent to  
 22 try to really grasp what problem the inventors  
 23 thought they were trying to solve?  
 24 A. Yeah. So I spent quite a bit of

1 time working on that and trying to come to some  
 2 understanding of it.  
 3 I think it helped when I went to  
 4 the claims themselves, you know, which are sort  
 5 of what matters most, and sort of read them  
 6 carefully, and realized that, you know, at the  
 7 end of all this, something rather specific and  
 8 narrow and precise is described in the patent.  
 9 Even in other places, the high-level  
 10 descriptions were a bit confusing to me  
 11 initially.  
 12 Q. Do you have an understanding as to  
 13 what the problem was that the invention of the  
 14 '761 patent was trying to solve?  
 15 MR. ANDRE: Objection, Your Honor.  
 16 Outside the scope of this expert's report. He's  
 17 an infringement expert.  
 18 THE COURT: Okay. Well, the  
 19 objection is noted, but overruled subject to the  
 20 protocol we've discussed.  
 21 You may go ahead, Mr. Rhodes.  
 22 BY MR. RHODES:  
 23 Q. Let me take a step back. You were  
 24 asked to render an opinion on whether or not the

1 patent infringed; is that right?  
 2 A. That's correct.  
 3 Q. Yeah. And my question is simply:  
 4 When you read the patent, were you able to, in  
 5 your own mind, determine what problem you  
 6 thought the patent was trying to solve?  
 7 A. Yeah, I mean --  
 8 MR. ANDRE: Same objection.  
 9 THE COURT: Okay. There's no need  
 10 to keep noting the objection. The objection  
 11 with respect to the protocol we have discussed  
 12 is noted as a standing objection.  
 13 MR. ANDRE: Thank you.  
 14 THE COURT: Okay. You may  
 15 proceed, if you have recall the question.  
 16 BY MR. RHODES:  
 17 Q. Do you have the question?  
 18 A. I think -- I think I understand  
 19 the gist of the question. I mean, the patent  
 20 itself is really rather forthcoming very early  
 21 on in describing the problem or the situation  
 22 that it seems to think needs addressing.  
 23 Q. And what is that?  
 24 A. So, you know, the language of the

1 patent very much feels as if it's addressing  
 2 sort of corporate enterprise workflow  
 3 environments where the management and tracking  
 4 of information is extremely important.  
 5 So in the very first couple of  
 6 pages the patent the laments the fact that, you  
 7 know, in the modern era in large organizations,  
 8 people are creating documents, emails, contents,  
 9 presentations, and there is all sorts of  
 10 pointers to them in all kinds of places, all  
 11 kinds of places that are referencing those  
 12 documents. And it's hard to sort of keep track  
 13 of all this activity. It's hard to sort of keep  
 14 track of the context in which a document was  
 15 created, sort of what the workflow was if you  
 16 like in sort of getting the document from its  
 17 initial creation to some later point.  
 18 And it sort of laments the fact  
 19 that all of this information that sort of is  
 20 about the document or should be stored with the  
 21 document is scattered in a kazillion different  
 22 places that nobody can find and that's sort of  
 23 the patent starts by discussing very clearly  
 24 that pain, if you like, and then goes on to

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

LEADER TECHNOLOGIES, ) Trial Volume 5  
INC., )  
 )  
Plaintiff, )  
 ) C.A. No. 08-862-JJF-LPS  
v. )  
 )  
FACEBOOK, INC., a )  
Delaware corporation, )  
 )  
Defendant. )

Friday, July 23, 2010  
9:00 a.m.

BEFORE: THE HONORABLE LEONARD P. STARK  
United States District Court Magistrate

APPEARANCES:

POTTER, ANDERSON & CORROON, LLP  
BY: PHILIP A. ROVNER, ESQ.

-and-

KING & SPALDING  
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Page 1403

1 disclose every element of the asserted claims of  
 2 the 761 patent.  
 3 Q. And did you come to an opinion  
 4 regarding your second task, whether or not the  
 5 patent was valid?  
 6 A. Yes, I did.  
 7 Q. What was that?  
 8 A. As you can see here, I compared  
 9 each asserted claim of the 761 patent to a  
 10 variety of references, and for the first three  
 11 there, we see U.S. patent 6236994. I'll call  
 12 this Swartz from now on. Swartz is the inventor  
 13 assigned to.  
 14 Everything in the asserted claims  
 15 was in Swartz, and the iManage 6.0 reference  
 16 manual, and I again found all the ideas in the  
 17 asserted claims in each and every element of the  
 18 asserted claims in the iManage system.  
 19 And I also looked at the European  
 20 patent application, EP 10873067 AT, which I'll  
 21 call Hubert, and I found each and every element  
 22 of the asserted claims in the Hubert patent were  
 23 in the 761 patent -- I should correct myself.  
 24 For Swartz and Hubert. That's each and every

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1 asserted claim except for sixteen.  
 2 If you look at these patents in  
 3 combination with another patent called Ausems,  
 4 then claim sixteen, the idea is also there.  
 5 Q. If I understand you correctly,  
 6 you're saying that all of the claims would be  
 7 invalidated by -- every claim except sixteen  
 8 would be invalidated by Swartz or iManage or  
 9 Hubert by themselves; is that correct?  
 10 A. It's almost correct, except for  
 11 sixteen by Swartz or Hubert alone. iManage does  
 12 disclose claim sixteen.  
 13 Q. And then for claim sixteen, would  
 14 claim sixteen be invalid as well?  
 15 A. Well, I believe claim sixteen, if  
 16 you look at what's in the claim, it would really  
 17 be obvious to one skilled in the art to a  
 18 practitioner of the day.  
 19 Aside from that, it would be  
 20 obvious in you combine the Ausems patent with  
 21 any one of the other patents.  
 22 Q. We'll go into those with detail.  
 23 Before we do that, I'd like to  
 24 learn about how you went about your analysis.

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1 So what materials you used and what documents  
 2 you relied on in coming up with your opinion.  
 3 A. Sure. Should I start with the  
 4 provisional?  
 5 Q. Let's start with the provisional.  
 6 What documents did you use in order to come to  
 7 your opinion that the provisional did not  
 8 disclose all of the elements of the final  
 9 patent?  
 10 A. For the provisional, I looked only  
 11 at the provisional, and I compared all the  
 12 material, and I compared that extensively with  
 13 what was in the asserted claims of the 7612  
 14 patent. I would look at, for example, claim  
 15 one, each one of the elements, and I would  
 16 search through the provisional application to  
 17 see if that idea was there.  
 18 Q. And in order to understand what  
 19 the claims of the issued patent covered, how did  
 20 you do that? Did you have any documents that  
 21 educated you as to what the language of the  
 22 claims meant?  
 23 A. Yes, the Court construed certain  
 24 terms that was in the 761 patent, so I followed

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1 that definition when they were there.  
 2 If the Court did not construe or  
 3 define any terms, I went to the patent itself to  
 4 see if they provided a definition.  
 5 If they did not provide a  
 6 definition, I used the definition that would be  
 7 known to one skilled in the art.  
 8 These slides are bit of evidence  
 9 back up.  
 10 Q. I think you were saying if there  
 11 wasn't a definition provided by the Court, you  
 12 used the patent itself to find the definition or  
 13 you used what one of ordinary skill in the art  
 14 would use.  
 15 A. That's correct.  
 16 Q. What is one of ordinary skill in  
 17 the art in computer science in this case?  
 18 A. One of ordinary skill in the art,  
 19 as I believe, is somebody with a bachelor of  
 20 science in computing science or computer  
 21 engineering or equivalent and a couple years of  
 22 experience.  
 23 I kind of know what students can  
 24 do as soon as they graduate, and you need a

1 ask.  
 2 A. Yeah.  
 3 Q. So your interpretation is wherein  
 4 means as a consequence, you can do this?  
 5 A. Yes.  
 6 Q. It doesn't mean in which or during  
 7 which; correct?  
 8 A. It means -- well, let me see this.  
 9 Well, so when I say it has a consequence, it  
 10 could be during or after, right, it says  
 11 wherein. So --  
 12 Q. I want to make sure I get your  
 13 understanding. Now, you have looked at the  
 14 prosecution history in this case; correct?  
 15 A. Yes, I have.  
 16 Q. Okay.  
 17 A. It's been quite awhile now.  
 18 Q. Okay. And if you go to PTX 2, and  
 19 you go to Bates Number 668. Dr. Greenberg, this  
 20 is the Notice of Allowance of the '761 patent;  
 21 correct?  
 22 A. It looks like it.  
 23 Q. If you go to the next page, you'll  
 24 see that the examiner of the '761 patent put in

1 A. That's what it looks like.  
 2 Q. And because the Patent Office on  
 3 the claim wanted the claims written this way,  
 4 wouldn't a reasonable interpretation be that the  
 5 dynamically updating happens in which user  
 6 accesses data from the second context?  
 7 MS. KEEFE: Objection.  
 8 THE COURT: Hold on.  
 9 MS. KEEFE: Objection, Your Honor.  
 10 Goes to issues we discussed before.  
 11 THE COURT: Sustained.  
 12 BY MR. ANDRE:  
 13 Q. If you go to the last page of the  
 14 examiner's amendment, you see Page 683?  
 15 A. Mm-hmm.  
 16 Q. And you see the examiner's name  
 17 here?  
 18 A. I do.  
 19 Q. Diane Mizrahi?  
 20 A. Yes.  
 21 Q. Go to PTX 1 and go up here to this  
 22 column here.  
 23 Now, Ms. Mizrahi cited certain  
 24 exhibits here, certain references against the

1 an amendment. Do you see that?  
 2 A. I see it.  
 3 Q. Okay. Basically saying that  
 4 changes and additions being unacceptable, the  
 5 applicant can appeal whatever. But this is the  
 6 basis for allowance; correct?  
 7 A. I'm not sure what you mean.  
 8 Q. Well, that's okay. It may be more  
 9 of a legal question.  
 10 A. Yeah.  
 11 Q. Any way the examiner is going to  
 12 amend the claims correct?  
 13 A. Okay.  
 14 Q. All right. So go to the next  
 15 page.  
 16 And the examiner here put in  
 17 language that talks about dynamically updating  
 18 the stored metadata wherein the user accesses  
 19 the data from the second context; correct?  
 20 A. I see that. Yes.  
 21 Q. And the examiner got rid of the  
 22 term and automatically updating the stored  
 23 metadata. Based on the change, just by itself,  
 24 she put those two elements in; correct?

1 '761 patent; correct?  
 2 A. That's correct.  
 3 Q. And you saw the fact that like the  
 4 Swartz reference was not listed there; right?  
 5 A. That's correct.  
 6 Q. Now, the implication from you  
 7 pointing that out is that Ms. Mizrahi or Mizrahi  
 8 -- I'm probably butchering her name here -- she  
 9 was not aware of Swartz here and didn't put it  
 10 here; right? That is the implication?  
 11 MS. KEEFE: Objection?  
 12 THE WITNESS: Well, what I said --  
 13 THE COURT: Hold on.  
 14 MS. KEEFE: Objection, Your Honor.  
 15 THE COURT: Sustained.  
 16 BY MR. ANDRE:  
 17 Q. You're aware, of course, that the  
 18 examiner was aware of the Swartz patent;  
 19 correct?  
 20 MS. KEEFE: Objection, Your Honor.  
 21 THE COURT: Sustained. Move on,  
 22 if you have something else you can do in two  
 23 minutes.  
 24 BY MR. ANDRE:



1 and reduction to practice. They're all centered  
 2 around similar disputes about how to get the  
 3 right language in, and part of this goes to  
 4 whether or not the provisional discloses enough  
 5 of the invention so we get that priority date.  
 6 THE COURT: I think I understand  
 7 those issues.  
 8 MS. KOBIALKA: Okay. So then we  
 9 should have put chapters in this thing.  
 10 Then the next dispute was 4.5 that  
 11 I was going to address. They have inherency  
 12 instruction that they would like. This is on  
 13 page 128.  
 14 Inherency has not been an issue  
 15 that any expert has opined on. We kept going  
 16 back and forth. Why are we giving an  
 17 instruction on inherency if there isn't any  
 18 evidence to it? So they didn't want to strike  
 19 it. That is the core of that dispute.  
 20 THE COURT: Just being mindful of  
 21 the time, I'm going direct you to one issue that  
 22 would be helpful to me and then let's move to  
 23 Mr. Andre, to his issue.  
 24 And level of ordinary skill and

1 whether I need an instruction directing the jury  
 2 as a functional matter that they're supposed to  
 3 determine that. What is your position?  
 4 MS. KOBIALKA: That there does  
 5 need to be an instruction, and the jury makes  
 6 that determination, what constitutes one of  
 7 ordinary skill in the art.  
 8 THE COURT: Facebook is of the  
 9 view that the Court has determined what a person  
 10 of ordinary skill in the art is. Do you have an  
 11 idea what that is?  
 12 MS. KOBIALKA: I think they're of  
 13 the view that you're supposed to decide that and  
 14 tell the jury what that is. I know there were  
 15 issues about on-sale bar and public use. There  
 16 were elements missing. Mr. Rovner was going to  
 17 address that. I don't want to shortchange him  
 18 on that. He's been preparing.  
 19 THE COURT: Mr. Rovner. Is he  
 20 here?  
 21 MR. ANDRE: He stepped back, Your  
 22 Honor.  
 23 THE COURT: We'll come back to him  
 24 if I need to.

1 Let's hear from Mr. Andre, and  
 2 then I want to give Facebook some time.  
 3 MR. ANDRE: Your Honor, on the  
 4 contributory infringement, it's a pretty  
 5 standard instruction. I don't see anything  
 6 extraordinary about the points, puts out the  
 7 elements as set forth, looks like Facebook wants  
 8 to insert the statute into the instruction to  
 9 some degree, and I don't think that's necessary  
 10 or appropriate at this point.  
 11 I don't see the big issue here  
 12 because the Thrasher case has come out and  
 13 determined that any type of contributory  
 14 infringement to the patent requires a product in  
 15 the stream of commerce, and then you have three  
 16 elements set for most part.  
 17 THE COURT: Let me turn it over to  
 18 Facebook at this point. Feel free to address  
 19 any of the issues that have been raised or  
 20 others if you think there are others that are  
 21 important, and basically we have up to  
 22 twenty minutes because I do want to leave the  
 23 last five minutes to hear from Leader.  
 24 MR. WEINSTEIN: There's only two

1 issues to address. The most critical ones on  
 2 jury instruction, 3,4.  
 3 Your Honor, I'd like to hand up a  
 4 portion of some of the transcript from the trial  
 5 to illustrate why we need an instruction that  
 6 "wherein" does not mean when.  
 7 THE COURT: You've already cited  
 8 pretty extensively in your support, which we  
 9 looked at, so in the spirit of compromise,  
 10 construing at this late moment the term  
 11 "wherein" to mean in which, which has been  
 12 agreed to by Leader, is not satisfactory to you?  
 13 MR. WEINSTEIN: It isn't, Your  
 14 Honor. The problem with in which, Your Honor,  
 15 they're going to make the exact, same argument  
 16 what I heard today, is they think this is a  
 17 factual issue to go to the jury.  
 18 When I read the '02 Micro case  
 19 last night, I was haunted how similar that case  
 20 is to this. There was a claim term only if like  
 21 there. This case, they presented witnesses and  
 22 cross-examined witnesses on what do you think  
 23 this term means.  
 24 What ultimately came down and the

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

LEADER TECHNOLOGIES, INC.,	)	Trial Day 6
	)	
Plaintiff,	)	
	)	C.A. No. 08-862-JJF-LPS
v.	)	
	)	
FACEBOOK, INC., a Delaware corporation,	)	
	)	
Defendant.	)	

Monday, July 26, 2010  
9:00 a.m.

BEFORE: THE HONORABLE LEONARD F. STARK  
United States District Court Magistrate

APPEARANCES:

POTTER, ANDERSON & CORROON, LLP  
BY: PHILIP A. ROVNER, ESQ.

-and-

KING & SPALDING  
BY: PAUL ANDRE, ESQ.  
BY: LISA KOBIALKA, ESQ.  
BY: JAMES HANNAH, ESQ.

Counsel for Plaintiff

Hawkins Reporting Service  
715 North King Street - Wilmington, Delaware 19801  
(302) 658-6697 FAX (302) 658-8418

Page 1752

1 A. Okay. Good.

2 Q. Could you just generally and

3 briefly describe what your understanding of what

4 Claim 1 covers?

5 A. All right. So what you called the

6 context component, we have to go back to the

7 claim construction order to understand what's

8 meant by context here.

9 And the claim construction order

10 says that a context is environment. So an

11 environment is, you know, what I've been calling

12 a workspace. It is a place that has -- you

13 know, lets a user do some work, contains the

14 things that the user needs to do something.

15 So what the first element is

16 saying is that the '761 invention has a context

17 component, so it has that kind of a workspace.

18 And one of the things that it does is to use

19 that context data to sort of update metadata

20 every time you use or upload something to your

21 workspace.

22 So by uploading something, the

23 context component will attach some -- will use

24 that context information to update your

Page 1753

1 metadata.

2 So the second element is a

3 tracking component. Again, this sort of keeps

4 track of a user moving from one workspace to

5 another, if you will.

6 And what this element says that

7 when a user works -- moves from one workspace to

8 another, and then accesses from the second

9 workspace, accesses data that was uploaded into

10 the first workspace, it updates the metadata

11 with that tracking information about that

12 action.

13 Q. Why don't we turn to the

14 provisional application PTX 3.

15 A. Okay.

16 Q. And see where these elements are

17 described. Now, does the entire provisional

18 application inform your opinion that each of the

19 elements of the asserted claims are disclosed in

20 the provisional?

21 A. Yes. Reading this as a whole, it

22 -- well, it's responsible for my opinion that it

23 does disclose all the elements.

24 Q. So right now we'll just go through

Page 1754

1 a few examples of that. Does that sound right?

2 A. Yes.

3 Q. Okay. So if we take a look at the

4 summary of the invention here, I believe it's

5 Paragraph 16.

6 Would you please explain what this

7 tells you and how it relates to the claims of

8 the '761 patent?

9 A. Okay. As you can see, it says

10 that the tool automatically stores contextual

11 information relating to an item of communication

12 and utilizes that contextual -- I believe the

13 words information is missing from performance of

14 communication tasks.

15 So that tells me that it's storing

16 this contextual information and using it later.

17 So it's stored in some permanent kind of form.

18 Q. And is there anything in the code

19 that's also helpful with respect to the context

20 component element of Claim 1?

21 A. I think there are a couple of

22 things that are helpful.

23 Q. If you turn to the first page of

24 the code, I think it will --

Page 1755

1 A. Right. All right.

2 So if you look at these import

3 statements, these import statements represent

4 taking code that's, you know, common code class

5 libraries, code that exists sort of outside and

6 imports them into this application.

7 So this is very common in most

8 programming languages. You have certain --

9 certain kind of sort of boiler plate codes.

10 Things are used all the time over and over and

11 over again.

12 And usually you just take those

13 common things and import them for use in your

14 own application. Now, what's interesting is

15 that by looking at the kinds of things that get

16 imported here, you know, you can get a pretty

17 good idea of some of the things that the

18 application is doing.

19 So if we look at the fourth and

20 fifth lines where it says import com, you know,

21 persist and persist.vbsf. So that tells us that

22 there's some form of persistent storage here.

23 And vbsf, in particular, is a

24 middleware package that makes it easier to store

1 A. Right.  
 2 Q. And the next element is  
 3 dynamically associating the data and continues  
 4 on through and says and data from the second  
 5 user workspace. And do you see that?  
 6 A. Mm-hmm.  
 7 Q. That will be Claim 4 or element  
 8 four of Claim 21.  
 9 And finally, the last element  
 10 which is indexing the data, and it ends with  
 11 from a corresponding plurality of different user  
 12 workspaces; right?  
 13 So I'll refer to that as element  
 14 five.  
 15 A. Okay.  
 16 Q. Can you explain how Claim 21 is  
 17 different than the claims we've already talked  
 18 about?  
 19 A. Well, Claim 21 is again very  
 20 similar, although it talks about a  
 21 computer-readable medium for storing  
 22 instructions. But the elements of the claim are  
 23 very similar to what we've seen before. It does  
 24 again mention indexing down at the end.

1 through everything to see if it's there. You  
 2 would just naturally do this.  
 3 Q. And for the record, are you  
 4 referring to what has LTI 758 at the bottom  
 5 there?  
 6 A. Yes. Yes, that's what I'm  
 7 referring to.  
 8 Q. Okay. We're in the last set of  
 9 claims. Let's look at Claim 23, 25, 31 and 32.  
 10 A. Okay.  
 11 Q. And as soon as we have that up.  
 12 Can you generally describe what Claim 23  
 13 discloses and how it's different than what we've  
 14 already talked about?  
 15 A. Well, so what claim -- so we're  
 16 looking at 23. Okay.  
 17 So this is now  
 18 computer-implemented system. This is again, you  
 19 know, basically describing a context component,  
 20 but it says now it's on a web-based server,  
 21 okay, which is a little bit different  
 22 terminology than has been used so far.  
 23 And it also talked about assigning  
 24 one or more applications to the first user

1 It describes a context component.  
 2 It describes a tracking component.  
 3 So, you know, for the reasons that  
 4 I've described before, these are disclosed in  
 5 the provisional application for exactly the same  
 6 citations and uses.  
 7 Q. With respect to indexing the  
 8 data, --  
 9 A. Mm-hmm.  
 10 Q. -- that particular element, is  
 11 there a place that we can look to in the  
 12 provisional application in the code that might  
 13 be helpful that informs your opinion that all  
 14 the elements of Claim 21 are, in fact, disclosed  
 15 in the provisional?  
 16 A. Yeah. I think I would point us  
 17 back to the same place we looked at before in  
 18 terms of when we looked at indexing, when we see  
 19 that relational database is being used to store  
 20 the data and to store the metadata. And it just  
 21 would not be sensible to do that any way except,  
 22 you know, by indexing.  
 23 That's just almost essential,  
 24 otherwise it would take forever to sort of go

1 workspace and capturing context associated with  
 2 the user interaction while in that workspace.  
 3 So that's a little bit different than what we  
 4 see.  
 5 The second element describes  
 6 tracking change information, right, which is a  
 7 little bit different associated with a change in  
 8 access of the user from the first workspace to  
 9 the second user workspace and dynamically  
 10 storing the change on the storage component as  
 11 part of the metadata, wherein the user accesses  
 12 the data from the second user workspace.  
 13 So this describes slightly  
 14 differently, but this is very similar to the  
 15 tracking component that we've looked at already.  
 16 Q. Okay. So we can refer to Claim  
 17 23, the two elements. The first element being  
 18 the context component that would be the entirety  
 19 of the element and the second element being the  
 20 tracking component, meaning the remainder of the  
 21 claim; is that fair?  
 22 A. Yes, that makes sense.  
 23 Q. Okay. Could you provide an  
 24 example in the provisional application where it