

Exhibit 908

In The Matter Of:

MOTOROLA MOBILITY, INC.

v.

MICROSOFT CORPORATION

MARTIN KALISKI, Ph.D. - Vol. 1

July 20, 2011

***MICROSOFT
CONFIDENTIAL BUSINESS INFORMATION
SUBJECT TO PROTECTIVE ORDER***

MERRILL CORPORATION

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13:32:59 1 MS. SIMS: To the extent what?

13:33:00 2 MS. SPENCER: You're asking for

13:33:01 3 construction of the term.

13:33:06 4 THE WITNESS: I believe the delta as

13:33:08 5 discussed in the '899 patent is referring to what's

13:33:12 6 added to the body of the e-mail.

13:33:15 7 MS. SIMS: Q. And by "body," do you mean

13:33:17 8 the text portion, or how -- what are you

13:33:22 9 distinguishing? What part of it is not the body?

13:33:25 10 A. When you get an e-mail --

13:33:26 11 Q. Right.

13:33:26 12 A. -- there's a header and then there's the

13:33:30 13 message.

13:33:31 14 Q. Mm-hmm.

13:33:31 15 A. Which could be text, could be graphics,

13:33:33 16 could be anything. It's what I'm adding to that

13:33:36 17 that's the delta.

13:33:38 18 Q. Okay. So it does not include the header?

13:33:44 19 A. I do not believe the embodiment of the

13:33:46 20 patent focuses on that.

13:33:50 21 Q. Does the '899 patent discuss header

13:33:52 22 information anywhere?

13:33:58 23 A. That I'm not sure about. I'd have to go

13:34:00 24 search the patent.

13:34:04 25 Q. If you look at the '899 patent, in column

14:34:48 1 and an accompanying message specifying the intended
14:34:51 2 destination." Does Morgan transmit messages?
14:34:56 3 MS. SPENCER: Objection to form.
14:35:24 4 THE WITNESS: Excuse me just one moment.
14:35:28 5 MS. SIMS: Sure.
14:35:29 6 (Pause.)
14:35:38 7 THE WITNESS: Morgan discloses
14:35:39 8 transmitting a message, yes.
14:35:40 9 MS. SIMS: Q. How is that message
14:35:41 10 different than an e-mail?
14:35:45 11 A. Well, it's a message. It's not an e-mail.
14:35:49 12 It was never intended to be an e-mail, and as
14:35:52 13 Dr. Stubblebine has gone to great pains to explain
14:35:55 14 in his non-infringement report on the '899 patent,
14:35:58 15 e-mails have to have a certain header and a certain
14:36:02 16 format and have to subscribe to certain standards,
14:36:07 17 and Morgan discloses none of that.
14:36:09 18 Q. Do you agree with Dr. Stubblebine's
14:36:12 19 definition of "e-mail"?
14:36:14 20 A. No, I don't. But I do feel that he's
14:36:16 21 being totally inconsistent in his claim construction
14:36:20 22 between his infringement analysis and his invalidity
14:36:24 23 analysis.
14:36:24 24 Q. So under your understanding of e-mail,
14:36:27 25 does Morgan disclose e-mail?

14:36:28 1 A. No.

14:36:29 2 Q. Why not?

14:36:30 3 A. It's not an e-mail.

14:36:32 4 Q. What would make the message in Morgan an

14:36:34 5 e-mail?

14:36:39 6 A. You're really asking the basic question of

14:36:41 7 what it is that makes an e-mail an e-mail. And it's

14:36:44 8 something that can be sent, replied to, forwarded,

14:36:49 9 that has a body, that has some kind of address on

14:36:52 10 it. But nowhere in Morgan is e-mail disclosed. I

14:36:58 11 do not view Morgan as an e-mail system.

14:37:00 12 Q. Okay. In paragraph 45, you say that the

14:37:24 13 server notifies the users that a document is waiting

14:37:27 14 for them on a server?

14:37:31 15 A. Forty-five?

14:37:34 16 MS. SPENCER: Page 16.

14:37:36 17 THE WITNESS: You said what on 45? Oh,

14:37:42 18 okay. You said -- what's the question?

14:37:46 19 MS. SIMS: Q. You see where it says that

14:37:48 20 there is a notification to users that a document has

14:37:52 21 been directed to them and is waiting at the server?

14:37:55 22 A. Yes.

14:37:56 23 Q. How does the user obtain the e-mail that

14:38:00 24 is waiting for them at the server?

14:38:03 25 MS. SPENCER: Objection to form, and