

EXHIBIT A

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8 A. State of the art and qualities of the person skilled
9 in the art versus the inventor in this case.

10 Q. (By Mr. Webb) But where are you going with that fail
11 fail for purpose, of enopening statement the
12 specification has to enable one of ordinary skill in
13 the administer to do so and, I believe, the evidence
14 is going to show that Sprint could not produce a
15 system within the scope of its patents?

16 THE COURT: Wait a minute this witness
17 hasn't testified about that other than the extent to
18 which the Prototype was built he gave no opinions
19 about how that was done or what role he played in
20 actually doing it from the patent so that doesn't
21 follow anything that's been developed on direct it's
22 outside the scope.

23 Q. Very well, your Honor.

24 Q. Would you characterize Joe Christie as having greater
25 ability than you do in the field of packet networks.
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1 A. In some areas yes.

2 Q. Thank you I would like to talk to you if we could for
3 a no, ma'am about the state of the art back in 1993.
4 I believe you testified that Nortel costs drove the
5 formation of the working group when Joe Christie
6 presented his ideas isn't that true.

7 A. The formation of the group was not purely driven by
8 the northern telecom product it was a broad look at
9 all technologies that it is company use.

10 Q. Would you agree that there was a demand in the
11 marketplace for an alternative for Nortel's
12 technology?

13 A. Yes, I would agree with that.

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- 14 Q. And that Joe Christie's system was motivated that
15 demand in the market; is that correct?
- 16 MR. WEBB: Objection, your Honor I'm still
17 fail to see the relevance of that it's outside the
18 scope.
- 19 Q. Mr. McPhail I would concur with Mr. Webb I don't see
20 where this fits within the scope of his direct
21 sustained?
- 22 A. Very well. Isn't it true that packet networks were
23 known in the art before 1993.
- 24 A. Yes, they were.
- 25 Q. So it's true that Joe Christie did not invent packet
225
1 networks, did he?
- 2 A. No, he did not.
- 3 Q. Is it true that ATM was known before 1993?
- 4 A. Yes that's true.
- 5 Q. In fact, isn't it true that Sprint had its own ATM
6 network in place in 1993?
- 7 A. Yes that's true.
- 8 Q. So Joe Christie didn't invent ATM, did he?
- 9 A. No, he did not.
- 10 Q. Okay. Isn't it true that it was known to transmit
11 packets such as voice packets over ATM ATM in 1993?
- 12 A. Yes, that's correct.
- 13 Q. So it's true that Joe Christie didn't invent
14 transferring voice packets over an ATM network?
- 15 A. No, he did not.
- 16 Q. And it's true that Joe Christie defendant's exhibit
17 invent transferring voice packets over any packet
18 network; isn't that correct?
- 19 A. I'm sorry could you repeat that.

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20 Q. Isn't it true that Joe Christie did not intervent
21 transferring voice packets over any packet network?

22 A. No, he did not.

23 Q. And it was known to transmit voice over ATM in 1993
24 isn't it true that it was known how to interface an
25 ATM network to the PSTN in 1993?

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1 A. I believe conceptually it was known how to do that
2 however there were no products available to do it.

3 Q. So Joe Christie did not intervent interfacing the
4 PSTN to a packet network, did he?

5 A. There were -- I'm sorry could you --

6 Q. Joe Christie did not invent I want facing the public
7 swished telephone network to a packet network at the?

8 A. No, he did not.

9 Q. Joe Christie did not even invent interfacing the PSTN
10 to an ATM network, did he?

11 A. No, he did not.

12 Q. Rather wouldn't you agree that Joe Christie's
13 inemption have his a system for handling voice over
14 ATM on a call-by-call basis?

15 MR. WEBB: Objection lack of foundation
16 outside the scope.

17 THE COURT: I'm going to overrule the
18 outside the scope but Mr. McPhail with regard to
19 foundation you might lay a little foundation for that
20 or at least ask him if he knows.

21 Q. Do you know if Joe Christie's invention was a system
22 for handling voice over ATM on a call-by-call basis?

23 A. Yes, it was.

24 Q. And you would agree that that's what his invention
25 was handling it on a call-by-call basis?

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- 1 A. I would restrict it just to ATM.
- 2 Q. So handling over voice ATM on a call-by-call basis
3 was Joe Christie's intention?
- 4 A. Yes.
- 5 Q. So Joe Christie really improved on what was a known
6 technology ; isn't that correct?
- 7 A. I would say that he put new components together to
8 create a new system.
- 9 Q. So would you agree then that Joe Christie really just
10 tweaked the known PSTN ATM systems that existed?
- 11 A. These were systems that had never been put together
12 before these were components; that didn't exist yet.
- 13 Q. So the components of the JCS system, of Joe Christie
14 invention, did not exist in 1994?
- 15 A. No, they did not.
- 16 Q. Did Joe Christie invent those components in 1994?
- 17 A. JCS.
- 18 A. Invent is a very broad word.
- 19 Q. Did Joe Christie design the components of his system
20 in 1994?
- 21 A. Joe determined what additional functionality was
22 needed in some of the components that were available
23 at that point in time.
- 24 Q. Okay. And the components that did that additional
25 functionality there were no components at that time
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- 1 that performed that additional functionality; isn't
2 that correct?
- 3 A. That's correct.
- 4 Q. And Joe designed those components in 1994; is that
5 correct?