

EXHIBIT E

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8 a good sense of -- good capability for working on
9 different projects we communicated well together he
10 had -- we would go out to eat when we were on -- in
11 these standards bodies since they were in the United
12 States they met everywhere, every large city about --
13 he had a very nice WRY sense of humor could dead pan
14 any joke and keep you laughing quite a bit.

15 Q. Do you remember Joe telling you about an idea that he
16 had?

17 A. Yes I think it was in the fall of '93 we were over in
18 Geneva, Switzerland, having dinner and he was telling
19 me about an idea to separate -- or to run narrowband
20 telephone BEARS over a broadband network, separating
21 the signaling and signaling for that call with a BEAR
22 for the call, and it was his idea that started the
23 BBIN project.

24 Q. How was Joe's reaction to his idea how did he
25 approach it?

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1 A. He went at this idea as almost a demon he was object
2 pseudoephedrine with the idea basically enjoyed
3 talking about it discussing it knew it could change
4 the way people switched telephone calls from
5 monolithic switch into a more diverse identified
6 switching capability. It was kind of funny that on
7 one of the trips for an as I we went and call a movie
8 called terminator two and one of the thins we talked
9 about as after we got out of the idea was the I did
10 of BBIN becoming self aware just like the robots in
11 terminate tore two could, so it was -- he really want
12 wanted the project to succeed get off the ground and
13 become a reality.

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- 14 Q. You mentioned BBIN did you become a member of the
15 broadband intelligent network group?
- 16 A. Yes, I did after those meetings and him telling me
17 about the idea of the project in the fall of 93 we
18 started working together ad hoc within the private
19 planning and implementation group on -- working on
20 this capability after that in the fall he went ahead
21 and worked with -- or presented to upper management
22 his idea of being able to handled telephone switching
23 over broad band network through his presentation
24 upper management of Sprint liked the idea wanted it
25 to proceed to see if a Prototype could be built
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- 1 working Prototype determine the feasibility of the
2 subject at that time they promoted Joe and to a
3 manager and there were three of us that went to work
4 for Joe myself Joe Gardner in her and Al Duree.
- 5 Q. Could you describe for the jury the level of
6 confidentiality of this project and the group BBIN?
- 7 A. At the time Joe presented the idea to upper
8 management they thought it was an excellent idea
9 wanted to proceed due to the uniqueness of the
10 feature and the capability they wanted to keep it as
11 secret as possible just to keep everything away from
12 competitors with that being the case they put us into
13 a back room in 9350 Metcalf which was away from main
14 traffic corridors.
- 15 Q. 9350 Metcalf?
- 16 A. Yes.
- 17 Q. What is that?
- 18 A. It's a building that was leased to Sprint.
- 19 A. Okay.

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20 Q. I'm sorry so you're in the 9350 Metcalf?

21 A. Uh-huh in a small room separate door and basically it
22 was the three of us to work on the project itself.

23 Q. I believe you said the group was working on eye
24 Prototype?

25 A. Yes.

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1 Q. Was the group successful in building and testing a
2 Prototype?

3 A. Yes, it was since Joe was in Burlingame caliber and
4 we had advanced technology labs in Burlingame we in
5 Kansas City were there to develop the requirements
6 documents and the requirements for the Prototype to
7 begin with we would have conversations with Joe out
8 there and the ATL itself was helping to build the
9 Prototype.

10 Q. I'm sorry you said ATL?

11 A. Advanced technology lab.

12 Q. Sorry to interrupt continue.

13 A. They were charged to help build the Prototype itself.

14 Q. And what was your role on that project Mr. Wiley?

15 A. As I said before we were in Kansas City building
16 requirements to -- for myself work on the call
17 processing capability of the machine the other two,
18 Joe worked on the architecture of the machine itself
19 and how it would be placed inside the network and Al
20 Duree worked on the multiplexer which is the ATM
21 multiplexer which would take regular telephone
22 signals from the narrowband telephone network convert
23 it to ATM and route and switch -- switch and route
24 the call out.

25 Q. And did the Prototype work?

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1 A. Yes, it did. They had a demonstration out in
2 Burlingame I did not attend with upper management to
3 show the Prototype how it separated call and will
4 bear and produced calls -- or switch calls going
5 through that network. As I said, upper management
6 was there they approved of the Prototype and approved
7 of the funding to go ahead and -- for development of
8 a production system.

9 Q. Okay. Do you recall when Mr. Christie passed away?

10 A. Yes, I do.

11 Q. How did that impact the project?

12 A. It was a real blow to the project. We had not heard
13 from Joe for a few days even though he traveled quite
14 a bit during the year going to either Kansas City,
15 Chicago, Dallas, talking to vendors things such as
16 that he was the main drive man for the product itself,
17 or the Prototype and then the BBIN capability. Well
18 during this time we had tried to call Joe a few
19 times, and couldn't get holding of him thinking he
20 was on a trip some place we didn't think too much
21 about it until two or three days later we kept trying
22 to get in touch with him he wouldn't call in or we
23 couldn't get him at the office so at that time we
24 started getting worried and we called one of the
25 coworkers out there he found Joe dead in his home.

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1 Q. Okay. Mr. Wiley my question was how did his passing
2 affect the project itself?

3 A. I'm sorry.

4 Q.

5 Q. That's okay it's perfectly fine how did his passing

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6 affect the project itself.

7 A. It affected us quite a bit because as I said he was

8 the driving force behind it we did get together,

9 talking to upper management to get some direction.

10 It was decided that we should go ahead and keep on

11 building BBIN capability and see it to fruition.

12 Q. Mr. Wiley, have you ever heard of the broadband

13 operating system department or development?

14 A. Development group.

15 Q. Group, okay. Let me write that on there.

16 A. BBOSD is what we called it. It was the name of our

17 small group to develop -- developing this feature

18 this functionality.

19 Q. This is the larger platform at this time?

20 A. This is the larger platform at this time yes.

21 Q. Okay?

22 A. So that was the working group --

23 A. From yes.

24 Q. I'm sorry we're -- she's going to yell at --

25 A. I'm sorry.

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1 Q. It's my fault that's okay. So BBOSD was the working

2 group assigned to build a network platform?

3 A. Yes.

4 Q. What was the name of the network platform?

5 A. After Joe's death we renamed it from BBIN to JCS2000

6 which is Joe Christie as I system thousand.

7 Q. Just to be clear on all these acronyms floating

8 around BBIN, broadband intelligent network was the

9 initial group?

10 A. Yes.

11 Q. For the Prototype work BBOSD was the working group

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- 15 Q. Okay. So the CCM was the call processor of the
16 system?
- 17 A. Yeah you could -- you know, you could call it that.
18 It was a call processing system.
- 19 Q. And the AVM was the device that converted regular
20 phone calls to packets?
- 21 A. Yes, that's correct.
- 22 Q. And you're responsible for that component the
23 converting?
- 24 A. Yes when I work on the project was all centered
25 around working with this thing that we called AVM in
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- 1 to the's world you'll here media gateway or
2 interworkingen unit.
- 3 Q. It's fundamentally the same?
- 4 A. Fundamentally the same.
- 5 Q. I want to talk about the Prototype I understand that
6 BBIN was tasked with producing a Prototype.
- 7 A. Yes, it was. Joe Christie's group was.
- 8 Q. Okay. And was that effort successful?
- 9 A. Yes, it was.
- 10 Q. How do you know that?
- 11 A. Because in November of '95 after we spent -- went
12 through a lit recommendation of getting a
13 multimultiplexer that we could put online in
14 developing the CCM box we did extensive testing of
15 the protocol time to make sure it could make all the
16 different types of calls between what we call Legacy
17 and the TDM networks and the packet network.
- 18 Q. Did it work?
- 19 A. Yes, it did.
- 20 Q. Did you witness it?

21 A. Yes, I witnessed it.
22 Q. So you actually saw saw it work?
23 A. Yes.
24 Q. At that time did the Prototype use a specific type of
25 packet format?

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1 A. It was using AVM standards for ATM, ATM voice
2 multiplexer, so at the time we were using an ATM
3 packet.
4 Q. was this idea limited only to use on ATM?
5 A. No. The envisionment that Joe told us about was this
6 thing could be reprogrammed so it could work on other
7 types of packet protocols.

8 MR. MCPHAIL: Objection hearsay.

9 THE COURT: what's the purpose of the
10 offer?

11 MR. WEBB: I believe the witness was making
12 a statement beyond my question.

13 THE COURT: Actually the objection would be
14 nonresponsive I'll grant the objection I'll strike
15 that portion of the answer which went beyond the word
16 no and ask you to disregard that portion of the
17 witness's answer you may proceed.

18 PLAINTIFF1: Okay. Mr. Duree without
19 getting into what Joe told you do you have an
20 understanding as to whether or not his idea was
21 limited to only ATM.

22 A. No.

23 MR. MCPHAIL: Your Honor renew the
24 objection.

25 THE COURT: Again first of all Mr. Duree if
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1 the question is do you know something the answer to
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2 that question would be yes, no, or I can't answer the
3 question please don't go ahead and then give the sort
4 of substantive part of the answer because that
5 deprives the other side of the opportunity to object
6 if they think you shouldn't be asked to tell the rest
7 of the story.

8 THE WITNESS: Oh, okay.

9 Q. (By Mr. Webb) So that's the Ken we have here just as
10 a matter of procedure?

11 THE COURT: So let's ask the question one
12 more time.

13 THE WITNESS: Let's try this again.

14 MR. WEBB: It's okay you haven't seen all
15 the fun we have been having already.

16 THE COURT: This is where we get back at
17 you for using all those acronyms.

18 THE COURT: Go ahead.

19 Q. (By Mr. Webb) Do you have an understanding as to
20 whether or not this idea was limited only to ATM?

21 A. Yes.

22 Q. Was it limited only to ATM?

23 A. No.

24 Q. What's your basis for that?

25 A. I guess now I --

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1 THE COURT: You can go ahead, please.

2 MR. MCPHAIL: I renew the hearsay
3 objection.

4 THE COURT: Why don't you lay a little more
5 foundation than just the about their statement,
6 please.

7 Q. (By Mr. Webb) I understand Mr. Duree you worked on
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