

Exhibit C

(Pages from Deposition of Ophir Frieder)

to

TimeBase's Response to Defendants'
Motion to Exclude Testimony of Dr. Ophir Frieder

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

TIMEBASE PTY LTD.,)
)
Plaintiff,)
)
vs.) No. 07-1687 (JNE/JJG)
)
THE THOMSON CORPORATION,)
WEST PUBLISHING)
CORPORATION and WEST)
SERVICES, INC.,)
)
Defendants.)

The deposition of OPHIR FRIEDER, PH.D.,
called by the Defendants for examination, pursuant
to the Federal Rules of Civil Procedure of the
United States District Courts pertaining to the
taking of depositions, taken before Linda D.
Hansen, CSR No. 084.003027, RDR, CRR, a notary
public within and for the County of DeKalb and
State of Illinois, at 181 West Madison Street,
Suite 4600, Chicago, Illinois, on June 13, 2011,
commencing at the hour of 9:00 a.m.

1 A. I would give different examples and
2 would give different justifications in some of the
3 things, but the conclusions are correct.

4 Q. And you didn't submit any supplemental
5 written report on infringement prior to your
6 deposition today; is that correct?

7 A. Could you rephrase that, please?

8 Q. Yes. You didn't submit any
9 supplemental written report on infringement prior
10 to your deposition today; is that correct?

11 A. After this report, no, I did not.

12 Q. Do you know approximately how many
13 hours you spent preparing your infringement
14 report, which is Frieder Exhibit 1?

15 A. Many. Okay. I don't have my calendar
16 with me. So I can't give you exact count.

17 But, again, the problem with that
18 question is that I read lots of documents. I read
19 -- looked over significant amounts of reports and
20 then we spent -- then I spent a lot of time
21 looking over this report and drafting this report
22 and cutting and pasting screen shots and the like.
23 So that all totals a fair amount of time to put it
24 together.

1 So if you ask me more how --
2 specifically, I may be able to try to get you a
3 little better answer.

4 Q. Well, as you sit here today, can you
5 give an estimate of how many hours you spent
6 preparing your infringement report, Exhibit 1?

7 A. I had help. I didn't do all the -- the
8 cutting of the screens and putting it down, and
9 there were -- I drafted the report, but I had a
10 lot of assistance.

11 So I would say a week, on top of
12 all the other reading and preparation and learning
13 and knowledge. This is just putting this thing
14 together.

15 Q. Do you know how much total time you
16 spent working on this case?

17 A. Could you give me an order of magnitude
18 you're looking for? I may be able to give you a
19 better answer.

20 Q. 50 hours, a hundred hours, 150 hours?

21 A. More.

22 Q. Okay. Do you know how many -- have --
23 have you submitted bills for your time in this
24 case?

1 these patents, no, I have not provided any
2 assessment in these reports on the TimeBase system
3 of any form.

4 Q. Okay. Including whether any of the
5 TimeBase patents are covered by any of the claims
6 of '592 or the '228 patents; correct? You haven't
7 done that?

8 MR. HOSTENY: Foundation.

9 A. I haven't written any report, neither
10 -- in either of the two reports, any commentary,
11 on anything to do with TimeBase's and this patent.
12 So the answer to your question is, no, I have not
13 written such a report. I wasn't asked to, and I
14 didn't do it.

15 BY MR. LITSEY:

16 Q. Dr. Frieder, during the deposition
17 today, your counsel graciously provided some
18 information saying that before today, you had
19 spent 297 hours working on this case.

20 Does that sound about right to
21 you?

22 A. I don't think that's what my counselor
23 said. I think my counsel said that I basically
24 billed for 297 hours.

1 Q. Okay. Okay. So just to be clear,
2 you've -- before today, you've billed TimeBase for
3 297 hours of your time for working on this case;
4 is that right?

5 A. The number -- okay. Let me be
6 accurate. The number to me sounds like a
7 plausible number.

8 I didn't give this number. This
9 number was given to you by my counsel. I would
10 guess that my counsel added up the bills and gave
11 you the number of hours, but if my counsel -- to
12 me the number sounds right, but if my counsel made
13 an error, then it's my counsel's problem, not
14 mine.

15 THE WITNESS: Sorry, Joe.

16 BY MR. LITSEY:

17 Q. Okay. Have you been paid for all of
18 those 297 hours that you've worked on this case?

19 A. Have I been paid for all the -- the 297
20 hours' work -- paid for this case? I haven't been
21 home in a couple days, and usually Allison sends
22 the checks home.

23 So in short, I get paid very
24 quickly. So if I didn't get paid yet, I would get