

# Exhibit 13

(Part 2 of 4)

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2 international classification system because of  
3 the Nice agreement?

4 A It may be required by the Nice  
5 agreement but why was it implemented. I think  
6 it was implemented so there could be additional  
7 revenues not by the US Patent and Trademark  
8 Office, but by foreign trademark offices as  
9 well. Having said that, classification does  
10 serve some purpose in that it allows for  
11 assignment to examiners, various classes  
12 expertise, development in certain classes. I  
13 still think the primary reason it was adopted  
14 was for revenue source.

15 Q So is it your testimony that the  
16 US entered into the Nice agreement so that it  
17 could charge additional fees?

18 A No, of course not. The Nice  
19 agreement has a lot of other elements than just  
20 international classification.

21 Q What is the basis for your  
22 conclusion that the US entered into the  
23 classification system to charge separate filing  
24 fees?

25 A It's my personal belief that that

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2 was probably the reason for having a  
3 classification system. There are other  
4 purposes, as I said, but I think if you really  
5 looked at the bottom line it's a very effective  
6 way of increasing revenue.

7 Q Did anyone at the trademark office  
8 ever tell you that's why they adopted that  
9 classification to increase fees?

10 A I don't recall.

11 Q So is your belief based on your  
12 speculation?

13 MR. RASKOPF: Objection to  
14 the form.

15 A I guess it's an assumption of  
16 fact, I believe.

17 MR. RASKOPF: He won't be  
18 offering an opinion on that topic  
19 unless you ask him to.

20 Q In your report you talk about  
21 Apple being involved in other trademark  
22 litigation, correct?

23 A Yes.

24 Q And one of the matters you talked  
25 about was the Cisco case, correct?

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2 A Yes.

3 Q Did you ever review the file in  
4 the Cisco case?

5 A No.

6 Q Did you ever review the pleadings  
7 in the Cisco case?

8 A No.

9 Q Did you ever review any settlement  
10 agreements in the Cisco case?

11 A Wish I had but no.

12 Q So what is the basis for your  
13 statement in your expert report regarding the  
14 dispute between Apple and Cisco?

15 A What is the basis for -- repeat  
16 that, please.

17 Q What is the basis for your  
18 statement in your report regarding the Cisco  
19 dispute?

20 A I found references to the Cisco  
21 dispute when I was gathering information and  
22 doing searching for this report.

23 Q What documents did you find?

24 A I think in the report I referenced  
25 some of the sources but it was -- I don't recall

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2 specifically. There was just news articles that  
3 reported the various lawsuits.

4 Q Did you work on that lawsuit?

5 A No.

6 Q Did you act as an expert witness  
7 in that lawsuit?

8 A I think we've covered that, no.

9 Q So the sole basis of your  
10 statement in your report regarding the dispute  
11 between Cisco and Apple were news reports that  
12 you found, correct?

13 A That's correct.

14 Q Do you believe you're qualified to  
15 opine as an expert witness on the dispute  
16 between Cisco and Apple?

17 MR. RASKOPF: Objection to  
18 the form.

19 A I didn't opine on it. I'm simply  
20 stating what the news media has reported.

21 Q I understand. But I'm asking you  
22 independently do you believe you're qualified as  
23 an expert to opine on anything involving the  
24 Cisco Apple lawsuit?

25 MR. RASKOPF: Objection to

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2 the form of the question.

3 A I don't believe I'm opining. I'm  
4 not expressing an opinion. I'm stating that  
5 that's what has been reported in the press. Do  
6 I feel I'm qualified to go into the specific  
7 issues involved in that lawsuit, no.

8 Q Why not?

9 A Because I haven't read the  
10 pleadings but I'm more than capable of reading a  
11 newspaper article or something on a web site  
12 that talks about that litigation having been  
13 filed.

14 Q You also talk about the Fujitsu  
15 dispute with Apple over the iPad mark. Do you  
16 feel like you're qualified to opine on that  
17 lawsuit in any way?

18 A Again, I'm not opining but I don't  
19 have any independent knowledge of that  
20 litigation. Just what I've read.

21 Q So similar to the Cisco Systems  
22 system dispute, is it true to say that you've  
23 never reviewed the pleadings in the Fujitsu  
24 dispute?

25 A That's correct.

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2 Q Is it fair to say the only  
3 documents you've reviewed in the Fujitsu  
4 trademark dispute over the iPad mark are news  
5 reports that you found?

6 A Various news reports, yes.

7 Q And you weren't involved in that  
8 litigation in any way?

9 A No.

10 Q You also in your report mention a  
11 trademark dispute over the mark IAD, do you  
12 recall that?

13 A Yes.

14 Q Do you feel like you're qualified  
15 to opine in any way on the IAD trademark  
16 dispute?

17 A Again, I don't believe I'm  
18 opining. I'm stating what I read in news  
19 articles but no.

20 Q Have you reviewed any pleadings in  
21 the IAD trademark dispute?

22 A No.

23 Q Have you reviewed any documents  
24 other than news and media reports regarding that  
25 dispute?