

EXHIBIT D

1 Anthony Angotti 50
2 Q. Now, I'd like to turn to the EZ Reader product
3 or project.
4 A. Okay.
5 Q. Earlier you said you worked on it from
6 beginning in 1993.
7 A. The project of which that was a part began in
8 1993.
9 Q. Okay. So what I'd like to do is kind of get a
10 timeline of that project and your role in it, so if you
11 could start with 1993, and you can describe what you were
12 doing at that time as it related to EZ Reader. That's
13 where we can start our timeline.
14 A. In that time frame, one of the areas of focus
15 for the project was knowledge-based applications and to
16 explore how those might be of business value, and so as
17 it relates to EZ Reader, the 1993 time frame was involved
18 with determining how we would go about developing an
19 application such as -- in 1993 we didn't know that one of
20 them would be EZ Reader. I mean -- but the time frame,
21 it was 1993 was, you know, doing a survey of the
22 landscape of what were the available technologies and,
23 you know, doing analyses and figuring out, you know,
24 how -- what was the best way to approach this and that
25 resulted in Brightware being chosen to work with us, so

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2 that's the early time frame.
3 Q. Since you mentioned Brightware, I'm going to
4 hand you what was already marked as an exhibit. It was
5 Piccolo 9 at Ms. Piccolo's deposition.
6 A. Okay.
7 (Document handed.)
8 Q. Do you recognize this document?
9 A. Yes.
10 Q. The Anthony Angotti in the signature block,
11 that's you?
12 MR. BUSTAMANTE: Objection, form.
13 Q. Do you recall receiving this document?
14 A. That is my name, yes.
15 Q. Do you recall receiving this letter?
16 A. I recognize the letter.
17 Q. And in the first sentence it says: Inference
18 is pleased to offer to Chase Manhattan a proposal for our
19 IBM main frame for ART-IM software?
20 A. Hmm, mm.
21 Q. Do you know who or what Inference is?
22 A. Thinking back on it, trying to recall it,
23 Inference was the name of the company that we originally
24 started -- that had the software, the ART-IM software,
25 and as I recall, the name Brightware was subsequent to

1 Anthony Angotti 52
2 that, if I'm recollecting correctly.
3 Q. So is it your recollection they were the same
4 company but Brightware was a later name?
5 A. That's the way I recall it.
6 Q. And so is this letter -- well, first of all,
7 were you involved in the decision to get Brightware
8 involved in the work you were doing for Chase?
9 A. Yes, I was.
10 Q. Okay. And were you the person responsible for
11 getting Brightware involved?
12 A. By "responsible," I had management
13 responsibility, yes. It was a team effort to determine
14 which vendor we would use. It wasn't -- the decision to
15 use Inference/Brightware was a team-based decision. I
16 had management responsibility for executing, approving a
17 document like this, budget responsibility.
18 Q. Okay. So you didn't personally choose
19 Brightware by yourself?
20 MR. BUSTAMANTE: Objection, form.
21 Q. You approved what others may have done?
22 A. I was part of the evaluation team and I had --
23 you know, part of my evaluation was from a business
24 standpoint to -- to determine -- you know, whichever
25 technology we chose, did this quote, unquote make sense

1 Anthony Angotti 53
2 for Chase. So usability training programs that they had,
3 ease of use by people. So I was involved in a lot of
4 those aspects, yes.
5 Q. So going back to EZ Reader generally, can you
6 explain what the idea behind the program was?
7 A. Are we speaking specifically about EZ Reader
8 or -- when you say programming, should I apply that
9 broadly, of which EZ Reader was a part, or specifically
10 EZ Reader?
11 Q. That's fair. Let's say specifically about
12 EZ Reader.
13 A. Would you ask the question again?
14 Q. Can you explain what the idea behind EZ Reader
15 was?
16 A. The business idea behind EZ Reader was to find
17 a solution that would make it faster and less costly to
18 handle the needs of a business unit and, you know, in the
19 bank, and so EZ Reader was an idea of a way to help
20 address, you know, part of that business problem of how
21 to handle incoming, you know, messages from customers.
22 Q. Okay. And you mentioned the business problem
23 of handling incoming messages from customers. Can you
24 describe what problem EZ Reader was trying to solve?
25 A. Yes. You know, keeping in mind the time frame

1 Anthony Angotti 54
 2 and what we take as commonplace today just really didn't
 3 exist in 1994, '95. So, you know, you know, there was a
 4 projection that on line banking with customers was, you
 5 know, going to involve, you know, electronic messages
 6 from customers of which e-mail would be a part, and, you
 7 know, trying to put myself in that time frame of what --
 8 with what we were, you know, thinking but, you know, any
 9 kind of message that would come in, you know,
 10 electronically, I would -- if we were -- you know, in
 11 using what was known then for service, which is a person
 12 on the telephone, and projecting volumes for on line if
 13 it's that bad. In order to have a viable business, you
 14 couldn't very well handle somebody on, you know,
 15 electronically, by passing it to a person on the phone to
 16 read and then type in a response. So that was the
 17 business problem, was, you know, how do we be on line
 18 with our customers.

19 Q. So the business problem that EZ Reader was
 20 solving was being able to interact with customers on
 21 line?

22 MR. BUSTAMANTE: Objection, form.

23 A. The -- the -- you know, one of the business
 24 problems was how to handle on-line interaction with
 25 customers, broadly stated, you know, of which e-mail is

1 Anthony Angotti 55
 2 one aspect of that. Other forms of, you know, messaging,
 3 messages that might come in from a customer, and so the
 4 knowledge-based applications group was, you know, tasked
 5 with, you know, finding a way to use technology to
 6 automate, you know, business processes on behalf of
 7 on-line services.

8 Q. Okay. So what was the -- you've described the
 9 problem now that EZ Reader was trying to solve. What did
 10 the product do? How did it solve that problem?

11 MR. BUSTAMANTE: Objection, form.

12 A. EZ Reader addressed that problem by, you know,
 13 being able to do what it was doing then and that was, you
 14 know, receive an electronic message from the customer,
 15 determine the nature of that -- of that message and
 16 respond to that if it could.

17 Q. When you say "if it could," what do you mean
 18 by that?

19 A. You know, if it was -- you know, determining
 20 if it could was, you know, a part of the, you know,
 21 invention of, you know, determining -- determining the
 22 content and comparing that to cases that were, you know,
 23 known, known e-mails from -- known customer requests and
 24 determining if this request was like one that was already
 25 resolved and then taking the -- a similar action based on

1 Anthony Angotti 56
 2 that comparison and if a comparison wasn't found, then it
 3 wasn't able to be addressed automatically.

4 Q. And the electronic messages that EZ Reader
 5 analyzed in this manner, were those e-mail messages?

6 A. Yes, they were.

7 Q. And I guess the known cases that you were
 8 describing, were those also e-mails?

9 A. I don't believe that they were exclusively
 10 e-mails. It was a knowledge base, so it was the best
 11 thinking that we could find. So I would imagine that it
 12 would have involved talking to people that answered the
 13 phones.

14 Q. Did the EZ Reader analyze any other customer
 15 communications other than e-mails.

16 A. Not that I recall. Now --

17 Q. Sorry.

18 A. No, not that I recall.

19 Q. Whose idea was what became the EZ Reader
 20 product?

21 MR. BUSTAMANTE: Objection, form.

22 A. I believe it was -- for me, I won't -- I'm not
 23 able to -- I don't have -- I don't have information that
 24 lets me see an individual coming up with the idea alone.
 25 I mean, it was part of the team process that we had so it

1 Anthony Angotti 57
 2 was a collective idea.

3 Q. Who was the team that was working on
 4 EZ Reader?

5 A. I don't -- I don't think I can recall every
 6 name but the main group that was working on it was Amy
 7 Rice, Julie Hsu, Rosanna Piccolo. I was also part of
 8 that subteam. That was the main nucleus group that was
 9 carried on the day-to-day kind of project. There were
 10 other folks that got involved in the business unit and in
 11 the IT group but, you know, they played very support
 12 roles, project management roles. A Connie Lynch was part
 13 of the team, not EZ Reader, per se, but she worked
 14 closely with Amy, Amy Rice, on a list of projects that we
 15 were working on.

16 Q. Do you remember any -- sorry, didn't mean to
 17 interrupt.

18 A. I don't recall -- one other name that comes to
 19 mind that was -- I wouldn't -- would have considered part
 20 of the team, so I don't know if it's relevant. Do you
 21 want that name?

22 Q. Can you say who that was?

23 A. Janice Browne. That's about as deep as I can
 24 dig.

25 Q. Now, I'd like to get an idea what each of

1 Anthony Angotti 62

2 Q. Going back to the time frame of the

3 development of the EZ Reader, you said the 1993 date you

4 mentioned earlier, that was for the higher level project;

5 is that right?

6 A. That's right. That was -- that -- those

7 activities are what spawned the EZ Reader project.

8 EZ Reader eventually came out of that.

9 Q. So focusing just on EZ Reader, when would you

10 say the development -- well, let me rephrase.

11 Focusing on EZ Reader, when would you say that

12 particular idea was conceived?

13 MR. BUSTAMANTE: Objection, form.

14 A. I'd be guessing.

15 Q. Was it later than 1993?

16 A. Yes.

17 Q. Was it later than 1994?

18 A. It was somewhere between -- I can estimate a

19 time frame. It was somewhere between the middle of '94

20 and the early part of '95 to middle of '95, somewhere in

21 that time frame. I'm just not clear on the dates that

22 everyone got involved and so I'm kind of backing up and

23 trying to estimate it for you.

24 Q. Okay. And then once this idea was conceived,

25 when did the actual development on the EZ Reader begin?

1 Anthony Angotti 63

2 A. I would think no later than the middle of

3 1995, no later than that. I don't have -- I don't recall

4 the specific date but it seems to me that it would be no

5 later than that, just kind of based on my recollection of

6 what we did with it and how we got things done.

7 Q. Then do you recall when development was

8 completed?

9 MR. BUSTAMANTE: Objection, form.

10 A. I don't. I do not and it's -- I do not.

11 MS. ROBERTS: We're going to take a break

12 now to change the tape.

13 THE VIDEOGRAPHER: Counsel, may we go off

14 record?

15 Having heard the approval of all parties,

16 we're off the record November 13th, 2009,

17 approximately 10:56 a.m. This concludes

18 recording unit number 2 of the testimony of

19 Anthony Angotti.

20 (A recess was then taken.)

21 THE VIDEOGRAPHER: We are back on the

22 record, November 13th, 2009 at approximately

23 11:07 a.m. This is the beginning of recording

24 unit number 3 of the testimony of Anthony

25 Angotti.

1 Anthony Angotti 64

2 BY MS. ROBERTS:

3 Q. Okay, Mr. Angotti, before our break I asked

4 you when development of EZ Reader was done and you stated

5 you didn't recall when; is that correct?

6 A. I did, that's correct.

7 Q. So do you recall approximately how long

8 development of EZ Reader took?

9 MR. BUSTAMANTE: Objection, form.

10 A. Development of EZ Reader was done in phases I

11 believe. At least that's the way I'm thinking about it

12 and so, you know, development of EZ Reader -- I mean, as

13 I'm generally recalling the schedule, had us

14 developing -- I mean -- I think it might make sense to

15 just, you know, talk about the development cycle for a

16 minute so that I can try to get an answer to your

17 question.

18 So we -- you know, we were taking an approach

19 to the project that was, you know, a total quality

20 approach to the project which was the -- you know, we --

21 you know, we had a plan to develop the system, test it,

22 install it, and then learn from it and, you know -- so

23 development was a cycle we were going through, so that's

24 the reason, you know -- I mean, to put a specific date on

25 when it ended is difficult to do. So we were on a track

1 Anthony Angotti 65

2 to develop and task and with a target of, you know,

3 sometime in the first quarter of, I believe it was 1996,

4 to put into a production environment and see how it works

5 and then to learn from that and then go back and make

6 improvements to it and so that -- so that's how we did

7 it.

8 So the time frame -- when it ended, I don't

9 know -- I don't recall a specific date but in terms of

10 the cycle and what we were in, it was developed through

11 '95 and get testing and learning and into '96 with a

12 target of getting it into the business unit in the first

13 quarter of '96 as I'm thinking about it.

14 Q. Okay. So just a couple of follow-up questions

15 there. You mentioned putting it in production

16 environment and then also getting it into a business

17 unit. Are you referring to the same thing?

18 A. They're synonymous in my mind, yes.

19 Q. Then what exactly are you referring to, what

20 the target was to be done in the first quarter of '96?

21 A. I can only speak to my recollection and, you

22 know, my -- as it's occurring to me, how factual it is.

23 It's the way it is in my mind, so that's -- so the Chase

24 Direct business unit, so, you know, production, business

25 unit, Chase Direct -- Chase Direct was the name of the

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1 Anthony Angotti 66
 2 on-line banking services that we were focused on for
 3 EZ Reader.
 4 So for me it was get EZ Reader, you know,
 5 finished based on whatever functionality we defined and,
 6 you know, get it into the business unit in the first
 7 quarter and, you know, demonstrate it under fire because
 8 for me it was about legitimizing the application and to
 9 move forward with it and, you know, just, you know, you
 10 know, reporting to an executive committee that this is
 11 the greatest idea and it's really going to work well and
 12 it's -- it was show me. So for me it was get it into the
 13 production environment and let it run and handle real
 14 customer e-mails in this case and let's see how it goes
 15 and -- but the purpose for me was legitimizing it in the
 16 minds of the stakeholders to move on because we were --
 17 it was a -- I don't recall the exact budget but it was
 18 a -- it was a big ticket enough item that it had, you
 19 know, executive management's attention on it.
 20 Q. So the target was first quarter of '96 to get
 21 EZ Reader out there in production so people would
 22 actually be using it, responding to e-mails, like you
 23 said, so you could actually see?
 24 A. Right.
 25 Q. See it working and see how it worked; is that

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1 Anthony Angotti 67
 2 right?
 3 MR. BUSTAMANTE: Objection to form.
 4 Q. Is that correct?
 5 A. Yes. I believe that's what I -- what, you
 6 know, what I said, to legitimize it. Does it work or
 7 doesn't it?
 8 Q. And do you recall if you met that target?
 9 A. As I recall, we did meet that target. There
 10 was, you know, enough substantive evidence for me to, you
 11 know, go on record as saying that, you know, or the
 12 investment is paying off; it works. Here's some results.
 13 I don't recall the exact results it had, and it was --
 14 so -- I've lost track of the question but...
 15 Q. I think you answered it.
 16 A. It worked, yes.
 17 Q. So my question was whether you met the
 18 timeline target of --
 19 A. Yes.
 20 Q. -- of getting it in production.
 21 A. I think barely but we -- but I believe we did.
 22 Q. If I were to ask you -- again focusing on this
 23 timeline we're putting together when EZ Reader was
 24 deployed, would you count getting it into the production
 25 environment in the first quarter of 1996 as deployment?

1 Anthony Angotti 68
 2 MR. BUSTAMANTE: Objection to form.
 3 A. In my definition of deployment, it's -- you
 4 know, it's synonymous with putting it into -- in --
 5 because I did -- I'm not qualifying the scope of
 6 deployment, you know, so does deployment mean into the --
 7 I'm speaking specifically of the business unit, Chase
 8 Direct, so I -- my term -- you could interpret what I
 9 said as deployed or put into or released into, all those
 10 are synonymous.
 11 Q. Perfect, that's exactly what I was looking
 12 for; that was a synonym. After getting it into the
 13 production environment, was there any further work on
 14 EZ Reader or was that effectively the end of development?
 15 MR. BUSTAMANTE: Objection, form.
 16 A. I'm -- my involvement with EZ Reader was
 17 really tailing off at that point due to the merger or --
 18 however it was defined, so, you know, it's -- it's really
 19 sketchy. I just -- and the reason I'm saying that is
 20 that there -- I'm not clear on what business decisions
 21 were made with respect to Chase Direct, what technical --
 22 technology decisions were made with respect to EZ Reader
 23 and all this came together. So I -- I'm afraid I just
 24 can't -- I don't know anything about that that would be
 25 helpful.

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1 Anthony Angotti 69
 2 Q. Now, when you were -- what we're calling as a
 3 merger today, even though we don't know the exact legal
 4 terminology, do you recall when that happened such that
 5 your work on EZ Reader started tailing off?
 6 A. It was in -- you know, and I have in fact
 7 checked this but it seems to me it was in '95. It was in
 8 the -- I keep wanting to think it was in the third
 9 quarter but I'm just -- I know I'm not -- I know that it
 10 happened and I believe it was in that time frame.
 11 Q. Did you stay involved in EZ Reader through
 12 getting it into production or in the production
 13 environment?
 14 A. Yes. I mean I was involved in it, yes.
 15 Q. So when you say your work was sort of tailing
 16 off, were there things with respect to EZ Reader that you
 17 were no longer doing that you had been doing before?
 18 A. My day-to-day or regular involvement with that
 19 specifically, just kind of -- was based on meetings as
 20 needed as opposed to a regularly scheduled meeting and
 21 just looking at it in the context of the broader set of
 22 projects.
 23 Q. Anything else or any other changes?
 24 MR. BUSTAMANTE: Objection, form.
 25 A. Not that I -- we were just going through --

1 Anthony Angotti 106
2 next page, February 19 --
3 A. Says 6 February, '96. This is also during
4 that transition period so I could have. I just don't
5 have any recollection of it specifically.
6 Q. So just to make sure I understand what your
7 best recollection is of your involvement in this
8 document, are you certain that you gave some input onto
9 this document? You just don't recall specifically what
10 it might have been or are you unsure as to whether you
11 gave any input to the document?
12 A. I'm really, you know, unsure, and the basis
13 for that is that some of the content here may have been
14 the result of input that I had over the course of the
15 months but in terms of, you know, getting together and
16 saying we're going to do the user guide, I don't recall.
17 Q. Do you know if this document was distributed
18 to users at Chase when the product was deployed?
19 A. It would only be an assumption.
20 Q. You don't know one way or the other?
21 A. No.
22 Q. Are you aware of a document that more
23 comprehensively describes EZ Reader than this document?
24 MR. BUSTAMANTE: Objection, form.
25 A. Based on the exhibits today, I mean I don't

1 Anthony Angotti 107
2 know of any document that's more detailed than this. I'm
3 not saying that none exists. I just don't, you know,
4 know of any. Did a programmer keep very, very detailed
5 documentation on certain elements of it? I don't know.
6 Q. Don't worry. I'm not going to give you a
7 thicker one.
8 A. I don't think that you were. I was trying to
9 think of this in relation to other things that we talked
10 about today.
11 Q. Would the purpose of -- well, keeping -- you
12 noted the date on the second page. It says the 5th or
13 6th of February, 1996?
14 A. Right.
15 Q. And you said the EZ Reader was deployed by the
16 first quarter of 1996; is that right?
17 MR. BUSTAMANTE: Objection to form.
18 A. Yes.
19 Q. Sorry. Would the purpose of this document or
20 let me rephrase. Would this document have been created
21 for a product that wasn't yet deployed?
22 MR. BUSTAMANTE: Objection, form.
23 A. Whether or not a product -- I feel like I was
24 asked two questions.
25 Q. Okay.

1 Anthony Angotti 108
2 A. So one was about the date in deployment and
3 the other was generally about the document, so if you
4 could just rephrase them one at a time so I can answer
5 them, please.
6 Q. So the first is, to clarify, is one of the
7 issues we spoke about this morning was that you had said
8 that the target which you met for deployment of EZ Reader
9 was the first quarter of 1996; is that right?
10 MR. BUSTAMANTE: Objection to form.
11 A. Yes, that's right.
12 Q. And you had also stated this afternoon that
13 you didn't know whether this particular document,
14 Piccolo Exhibit 7, was ever actually distributed; is that
15 right?
16 A. That's correct.
17 Q. Would the point of creating a document like
18 this have been to distribute it to those who were going
19 to use the product?
20 MR. BUSTAMANTE: Objection, form.
21 A. The point of creating the document itself is
22 or some form of this document is to -- is part of the
23 process of developing something, an application, so
24 documenting the application is something that would be
25 done regardless of whether or not it was going to be

1 Anthony Angotti 109
2 deployed. That's -- you know, the degree -- I'm using
3 documentation more general, in a general sense. It seems
4 to me that looking at this document and the fact that it
5 does -- it goes beyond technical documentation of the
6 work and the date, it's consistent with the target date
7 that we had of the first quarter, so that date may have
8 accelerated getting this completed is all I'm trying to
9 say.
10 Q. Okay. Understood. We keep referring to the
11 first quarter of 1996. Do you have anymore specific
12 recollection of the deployment date for EZ Reader?
13 MR. BUSTAMANTE: Objection, form.
14 A. I do, yes.
15 Q. What is that?
16 A. I recollect seeing a date in the AAAI article
17 that was published, I think it was March 20 something so
18 it was -- that's a date that I recall just having seen
19 there but I've always referred to it as the first
20 quarter. That's consistent with my project management
21 style.
22 Q. If you turn to page 10 of Piccolo Exhibit 7.
23 A. Yes.
24 Q. There's an entry that's called overall
25 business requirements and it describes EZ Reader's

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1 Anthony Angotti 122
 2 there's a description of EZ Reader?
 3 A. Yes.
 4 Q. It's described as an intelligent electronic
 5 mail reader that employs a unique combination of
 6 rule-based parsing and case-based reasoning to
 7 automatically and with a high level of accuracy classify
 8 and respond to large volumes of incoming e-mail; is that
 9 right?
 10 MR. BUSTAMANTE: Objection, form.
 11 A. Yes.
 12 Q. That's consistent with the functionality we've
 13 been discussing today, correct?
 14 A. Yes. Just as a matter of process that may
 15 help other questions, when -- you know, the accuracy of
 16 the words and the -- and the actual accuracy of what
 17 it's, you know, it's representing, trying to
 18 differentiate between -- to see if there's any difference
 19 between that and what's here, so that's the little pauses
 20 I'm doing.
 21 Q. That's fine. Take your time. Farther down in
 22 that paragraph, it says that phase 1 of EZ Reader was
 23 deployed in the first quarter of 1996 and handles up to
 24 80 percent of incoming mail automatically depending on
 25 message content.

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1 Anthony Angotti 123
 2 A. Yes, I see that.
 3 Q. Is that consistent with your testimony earlier
 4 today that EZ Reader was deployed by the first quarter of
 5 1996?
 6 MR. BUSTAMANTE: Objection, form.
 7 A. Yes, it is consistent.
 8 Q. And if you look under the section entitled
 9 problem description, the second paragraph, which is the
 10 first full paragraph on the right-hand column on this
 11 page --
 12 A. Yes.
 13 Q. -- says: The success of its marketing
 14 campaign created a challenge for Chase Direct from the
 15 beginning, to quickly and cost effectively process e-mail
 16 from multiple sources, including the Internet, Microsoft
 17 Money e-mail and another internal DOS-based money manager
 18 programs with e-mail capability.
 19 Is that consistent with your testimony today;
 20 that the EZ Reader was deployed -- was developed and
 21 deployed to address and respond to e-mails?
 22 MR. BUSTAMANTE: Objection, form.
 23 A. That's not the way that I would phrase it. We
 24 had discussed that EZ Reader was deployed to primarily
 25 respond -- its primary purpose was to respond to incoming

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 2 e-mails, so if we're saying the same thing, then, you
 3 know, the vision wasn't limited to that but that's what
 4 we -- but we were focused on e-mails here and I'm just
 5 trying to make sure that we're consistent with that
 6 thread.
 7 Q. In terms of the vision, even if the broader
 8 vision was not limited to e-mails, it was limited to
 9 communications from customers; is that right?
 10 MR. BUSTAMANTE: Objection, form.
 11 A. The one example that I can use, I refer to a
 12 Chase employee that was talking to a customer, so I -- it
 13 really depends on how far you stretch that out. If it's
 14 the next -- if it's the next event in line, so if it's
 15 customer to representative to technology and/or if it's
 16 customer-directed technology, those were two different
 17 scenarios that I gave, so I don't know that that's --
 18 that that says -- that that answered your question but
 19 that's how we'd respond to it. On behalf of a customer
 20 or from a customer seemed to be -- they could be two
 21 different things.
 22 Q. Okay.
 23 A. It's a matter of interpretation.
 24 Q. Okay. Returning to the abstract.
 25 A. Yes.

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1 Anthony Angotti 125
 2 Q. We discussed that it says that EZ Reader
 3 utilizes rule-based and case-based reasoning and we
 4 previously discussed that your team did not invent
 5 rule-based reasoning or case-based reasoning; is that
 6 correct?
 7 MR. BUSTAMANTE: Objection, form.
 8 A. That's correct.
 9 Q. Do you believe that your team was the first to
 10 combine rule-based reasoning with case-based reasoning?
 11 MR. BUSTAMANTE: Objection, form.
 12 A. The question seems incomplete to me. Combined
 13 the two or what?
 14 Q. In a software application.
 15 A. Ever?
 16 Q. Yes.
 17 A. I have no way of answering that. I don't
 18 know.
 19 Q. Okay. So do you know whether there were
 20 software applications that predated EZ Reader that
 21 combined rule-based reasoning with case-based reasoning?
 22 MR. BUSTAMANTE: Objection to form.
 23 A. Again in that broad of a context, I don't
 24 know.
 25 Q. For the purpose that -- you're comfortable --

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2 Q. Column 4 on the next page, the next full

3 paragraph it begins with the words "unlike the help desk

4 application"?

5 A. I see it.

6 Q. Okay, and it distinguishes that particular

7 application that was just referenced in paragraph -- in

8 column 2 and it states: In the instant invention, the

9 data of the electronic message is delivered to the

10 automatic message interpreting and routing system in a

11 noninteractive manner. Do you know what "noninteractive"

12 means?

13 MR. BUSTAMANTE: Objection, form.

14 A. I would comment by citing, you know, my

15 understanding of noninteractive as it relates to this is

16 demonstrated by the example I just gave, where that would

17 be interactive.

18 Q. Can you explain that?

19 A. A noninteractive -- an interactive -- I'm

20 really trying to answer your question as best I can. So

21 the help desk -- help desk application that's referred to

22 here, in the context of our discussion, would be -- could

23 be considered an interactive message in that it needs the

24 interaction back and forth between the sender of the

25 message and the responder, if there's required

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2 interaction to get to a result; whereas, noninteractive

3 would mean that I would present my request and I would

4 get my response and there would be no other interaction

5 with that is the best -- is the way that I interpret

6 that -- interpret this.

7 Q. Okay. So does noninteractive mean that the

8 system will automatically return the single best response

9 with no user interaction?

10 MR. BUSTAMANTE: Objection, form.

11 A. Ideally, noninteractive -- noninteractive

12 meant that -- you used the word -- the term automated.

13 Q. Hmm, mm.

14 A. So, you know, noninteractive manner --

15 automated is one way that the response could have been

16 delivered.

17 Q. Did the EZ Reader deployed by Chase in the

18 first quarter of 1996 respond to noninteractive

19 electronic messages?

20 MR. BUSTAMANTE: Objection, form.

21 A. As I understood it, yes.

22 Q. Would having a user select from a list of

23 options, say a drop-down menu, would that qualify as

24 being a noninteractive electronic message?

25 MR. BUSTAMANTE: Objection, form.

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1 Anthony Angotti 156

2 A. I think in the way that I described it in --

3 in my example would be that if the -- if the customer was

4 presented with multiple responses to their request and

5 they chose one of those and that was the end of it, then

6 my interpretation would be that that would still be

7 noninteractive. If they had to choose from the drop-down

8 list that then resulted in the -- another response back,

9 then it seems to me that would be interactive. I'm just

10 trying to be consistent with the example.

11 Q. Yes.

12 A. I'm not the authority on this.

13 Q. That's okay. We've discussed rule-based

14 knowledge today or rule-based knowledge systems.

15 A. Yes.

16 Q. What is a rule in that context?

17 A. A rule is a -- a rule describes a situation

18 where there's an expected input and a predefined output

19 based on that input. There could be lots of rules to

20 handle lots of different inputs or conditions, if you

21 will, and there could be lots of responses to those

22 conditions but it's really a condition, and based on the

23 state of that condition, a response. It's really

24 IF-THEN-ELSE kind of -- in my mind.

25 Q. How are the rules determined --

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1 Anthony Angotti 157

2 MR. BUSTAMANTE: Objection.

3 Q. -- in a rule-based knowledge engine?

4 MR. BUSTAMANTE: Objection, form.

5 A. -- the rules are -- the rules can be defined

6 by people, you know, in that, you know, there -- there's

7 a definition of what the -- of the possibilities that the

8 system is expected to handle and then there's a

9 definition of the responses to those conditions, and

10 those can be defined, you know -- I mean, it has to start

11 with the source of the knowledge and so, again -- in a

12 case like this it would be with people. You know, I've

13 heard of adaptive systems that can just kind of get --

14 you know, based on -- its experience with systems will

15 generate rules but it's kind of -- it all starts with

16 here's a condition, here's what you need to do with

17 respect to that, and it's defined by, say, a list of

18 people.

19 Q. What is a knowledge engine?

20 MR. BUSTAMANTE: Objection, form.

21 A. It can have a number of definitions. I'm a

22 knowledge engine. You know, any, you know, system from

23 people down to machines that respond to conditions

24 through a learned behavior.

25 Q. You mentioned a few moments ago the IF-THEN

1 Anthony Angotti 158
 2 construct?
 3 A. Hmm, mm.
 4 Q. Is that -- is any use of an IF-THEN construct
 5 a rule-based knowledge engine?
 6 MR. BUSTAMANTE: Objection, form.
 7 A. It can be, yes.
 8 Q. So is a rule-based knowledge engine any engine
 9 that decides on an action to be taken using an IF-THEN
 10 construct?
 11 MR. BUSTAMANTE: Objection, form.
 12 A. In a very broad sense, it could be.
 13 Q. Is an IF-THEN construct necessary to be a
 14 rule-based knowledge engine?
 15 MR. BUSTAMANTE: Objection, form.
 16 A. Probably not. I'm just -- let me respond a
 17 different way. In my experience it always came down to a
 18 kind of IF-THEN, no matter how you cut it. It was -- but
 19 I'm sure that -- there could be other technologies out
 20 there that aren't based around that construct.
 21 Q. At the time the patent was filed, which was
 22 back in 1998, was your understanding that the IF-THEN
 23 construct was essential to a rule-based knowledge engine?
 24 MR. BUSTAMANTE: Objection, form.
 25 A. As related to what -- to my definition, yes.

1 Anthony Angotti 159
 2 Q. We've also discussed case-based knowledge
 3 engines. Can you explain what case-based meant to you
 4 when the patent was filed in 1998?
 5 MR. BUSTAMANTE: Objection, form.
 6 A. It was the application of -- what it meant to
 7 me then is it was the application of
 8 Inference's/Brightware's technology to solve the
 9 IF-THEN-ELSE problem in a different way.
 10 Q. Is a case-based knowledge engine different
 11 than a rule-based knowledge engine?
 12 MR. BUSTAMANTE: Objection, form.
 13 A. I'm sorry.
 14 MR. BUSTAMANTE: Thank you. Objection,
 15 form.
 16 A. They were represented by different technology
 17 products from Inference.
 18 Q. So when we use the term rule-based and
 19 case-based, are those two different things in your mind?
 20 MR. BUSTAMANTE: Objection, form.
 21 A. They're two different things in my mind in
 22 that -- by way of the technology that was used to solve
 23 problems related to each one.
 24 Q. And was that your understanding back in 1998
 25 when the patent was filed?

1 Anthony Angotti 160
 2 MR. BUSTAMANTE: Objection, form.
 3 A. Yes, it was.
 4 Q. Did EZ Reader, did the EZ Reader employed by
 5 Chase in the first quarter of 1996 utilize a rule-based
 6 knowledge engine?
 7 MR. BUSTAMANTE: Objection, form.
 8 A. It utilized the -- it's my understanding that
 9 it utilized the data -- the rules-based engine and
 10 case-based reasoning engines in the Inference
 11 technologies.
 12 Q. Are rules and cases the same thing?
 13 MR. BUSTAMANTE: Objection, form.
 14 Q. I can rephrase. Can rules be cases?
 15 MR. BUSTAMANTE: Objection, form.
 16 A. Again it would depend on, you know, the
 17 definition. I mean, a rule could be a case of one; one,
 18 you know -- one instance, if it's -- so I don't know that
 19 I'm qualified to answer that question authoritatively.
 20 It just seems to me it could be.
 21 Q. And I think you said when I asked if the
 22 EZ Reader deployed by Chase in the first quarter of 1996
 23 employed a rule-based knowledge engine, I think you
 24 responded that it employed both a rule-based and
 25 case-based knowledge engine from Brightware's technology;

1 Anthony Angotti 161
 2 is that correct?
 3 MR. BUSTAMANTE: Objection, form.
 4 A. That's how I responded and that's what I
 5 believe is the case.
 6 Q. To make sure the record is clear, the
 7 EZ Reader deployed by Chase in the first quarter of 1996
 8 employed a case-based knowledge engine, correct?
 9 MR. BUSTAMANTE: Objection, form.
 10 A. It -- the more accurate answer I could give is
 11 it employed case-based reasoning techniques to solve the
 12 problems.
 13 Q. If you turn to column 7.
 14 A. Okay.
 15 Q. The second-to-last paragraph, beginning with
 16 the second sentence states: The case model of the e-mail
 17 message is called a presented case model and is compared
 18 with a set of stored case models in the case base. These
 19 stored case models are created from previously received
 20 e-mail messages and associated responses. The case base
 21 preferably contains over 300 stored case models.
 22 Is that an accurate description of a
 23 case-based knowledge engine, based on your understanding
 24 in 1998?
 25 MR. BUSTAMANTE: Objection, form.

1 Anthony Angotti 162

2 A. I believe it -- it's -- there's one part of
3 that that's inconsistent with the statement I made
4 earlier about how the cases were created and previously
5 I'd stated that -- you know, had thought that, you know,
6 some -- you know, some of the cases were created based on
7 input from service personnel and so I just want to cite
8 that that's a little inconsistent with this but it could
9 be that e-mails with known situations were input into the
10 system by creating an e-mail to operationalize that
11 knowledge. I just -- I just don't know, but this is --
12 for all intents and purposes this is accurate, with that
13 noted inconsistency.

14 Q. Okay. Is this -- do you consider this to be
15 an accurate description of the case-based knowledge
16 system based on your understanding in 1998?

17 MR. BUSTAMANTE: Objection, form.

18 A. I believe that this -- you know, that this
19 describes a case-based reasoning application.

20 Q. Okay. As the term --

21 A. I don't believe that all case-based reasoning
22 applications are defined like this.

23 Q. Okay. Understood. As the term is used in the
24 patent, does a case-based knowledge engine store cases?

25 MR. BUSTAMANTE: Objection, form.

1 Anthony Angotti 164

2 MR. BUSTAMANTE: Objection, form.

3 A. It seems to me the answer is yes to that and
4 I'm just trying to think through if it wouldn't be yes,
5 but I would doubt -- when you say to create a response,
6 it's really to find the appropriate response.

7 Q. Okay.

8 A. I don't believe it's creating responses. The
9 responses are defined based on the cases.

10 Q. Okay. Did the EZ Reader deployed by Chase in
11 the first quarter of 1996 compare the electronic messages
12 received to stored cases to identify a response?

13 MR. BUSTAMANTE: Objection, form.

14 A. It's my understanding that the answer to that
15 is yes. Yes.

16 Q. The phrase "stored set of cases" or "set of
17 stored cases" is used in this paragraph. How is that
18 different than a stored set of rules?

19 MR. BUSTAMANTE: Objection, form.

20 A. A stored case represents the content or the
21 data that represents a customer request, it's -- so it
22 could be I'm on my last book of checks, you know, please
23 send me a new order of checks, and I want the green ones,
24 and the response that would be to send green checks and I
25 want a quantity of 300, so a response to that would be if

1 Anthony Angotti 163

2 A. I'm -- I'm trying to separate your use of the
3 word "engine" and "data."

4 Q. Okay.

5 A. So, you know, and in the context of this
6 question it seems that they're combined into one and, you
7 know, and I tend to think of -- when the term "engine" is
8 used, it could be -- you know, it could refer to the
9 train and not the coal and in -- I'm hearing the question
10 as though it's the train and the coal together, sort of
11 the engine and there's the stuff that makes the engine
12 go. And so with your questions here about are the stored
13 cases part of the engine, I don't know how to answer that
14 that their engine requires stored cases.

15 Q. What is meant by "stored cases"?

16 MR. BUSTAMANTE: Objection, form.

17 A. In this description the -- the stored cases
18 refer to data that represent -- that represent a customer
19 request and there's an associated response to that
20 request and set of cases. Obviously when -- so that's --
21 that's a case and here, you know, the -- the words are
22 referring to the -- to how the cases are created and so
23 forth.

24 Q. Does the invention compare the message, the
25 electronic message to stored cases to create a response?

1 Anthony Angotti 165

2 you recognize that, so the case is the precedent. So
3 this is a case of needing check renewals, needing checks.

4 And so that, just in -- just in plain
5 language, that's -- so that data, all of that data would
6 be put -- and say this is case 1 and then any e-mail that
7 comes in, you would field that, and using your case-based
8 reasoning system, you would process the input and because
9 of the technology, you'd say -- you would, through the
10 proprietary algorithms that Inference had, it would -- it
11 would identify -- hopefully it would identify that as
12 this is a case for new checks and it's -- and we found
13 other words in there and one's a color and one's a
14 quantity and so that's -- so the case there is, you know,
15 send new checks so a new check order is written.

16 If that were done in rules, then there would
17 be -- the technology would be different and you would
18 need to write out all the possible rules that you think
19 would -- you would need to have to recognize that input,
20 and then you would have to fire those rules as you go
21 through that to try to determine it.

22 Q. If I could turn your attention to column 9,
23 the fourth full paragraph on the page begins with the
24 phrase "when the automatic message reader has
25 classified." Do you see that?

1 Anthony Angotti 166

2 A. Hmm, mm.

3 Q. So it states: When the automatic message

4 reader has classified the e-mail message as being of the

5 automatic type, one or more predetermined responses or

6 prepared responses are retrieved from a repository or

7 database, preferably the archive of the automatic message

8 reader, for automatic deliver to the source. Do you see

9 that?

10 A. Yes.

11 Q. The term "predetermined thoughts" is used in

12 that sentence, do you have an understanding as to what

13 that meant -- what that means?

14 MR. BUSTAMANTE: Objection, form.

15 A. In the -- using my previous example with the

16 checkbooks, the predefined response would be to order new

17 checks.

18 Q. Is a predetermined response a prepared

19 response stored in a repository or database?

20 MR. BUSTAMANTE: Objection, form.

21 A. According to this description, yes.

22 Q. Does this mean that -- and the invention

23 responses are prepared and stored before a message, an

24 electronic message is even received?

25 MR. BUSTAMANTE: Objection, form.

1 Anthony Angotti 168

2 Q. Calendar quarter?

3 A. Yes.

4 Q. And then how -- back to the predetermined

5 response, how was that located?

6 MR. BUSTAMANTE: Objection, form.

7 A. It's -- by the software? It's just -- I don't

8 think I have that level of, you know -- that just gets

9 into operating systems and codes and, you know, it's --

10 you know, it's file systems. So it's located in that way

11 based on having found it.

12 MS. ROBERTS: Okay. Let's take our

13 break.

14 THE VIDEOGRAPHER: Counsel, may we go

15 off?

16 Having heard the approval of all parties,

17 we are off the record November 13th, 2009,

18 approximately 3:29 p.m. This concludes

19 recording unit number 6.

20 (A recess was then taken.)

21 THE VIDEOGRAPHER: We're back on the

22 record November 13th, 2009 at approximately

23 3:43 p.m. This begins recording unit number 7

24 of the testimony of Anthony A. Angotti.

25

1 Anthony Angotti 167

2 A. By definition, yes.

3 Q. And I think you gave an example of one of the

4 types of predetermined responses for EZ Reader might have

5 been if somebody requests new checks, to send them new

6 checks: is that right?

7 A. Yes.

8 Q. Can you give me other examples of a

9 predetermined response that EZ Reader used?

10 A. I would just be hypothesizing them.

11 Q. Did the EZ Reader deployed by Chase in the

12 first quarter of 1996, did it utilize the predetermined

13 responses as described in this sentence of the patent?

14 MR. BUSTAMANTE: Objection, form.

15 A. Yes.

16 Q. I think we need to take a quick break to

17 change the tape but I actually -- let me ask a few more

18 questions. I keep referring and you've referred to the

19 first quarter of 1996 is when the EZ Reader was deployed

20 by Chase?

21 A. Yes.

22 Q. Just to make sure we're on the same page, what

23 is the first quarter? Is that January through March or

24 does Chase have --

25 A. No, it's the calendar quarter.

1 Anthony Angotti 169

2 BY MS. ROBERTS:

3 Q. Mr. Angotti, looking back at that same

4 provision we were discussing before the break, the

5 reference to the predetermined responses?

6 A. Could you tell me the column number?

7 Q. Yes, column 9, the fourth full paragraph.

8 A. Okay.

9 Q. It says that one or more predetermined

10 responses are retrieved from a repository. Can you tell

11 me what a repository is?

12 A. On the document it says "or database." It's

13 synonymous with that. It's a collection of information.

14 Q. Would it include files on the hard drive?

15 MR. BUSTAMANTE: Objection, form.

16 A. Yes. I believe that it -- data on a hard

17 drive, yes.

18 Q. You mentioned engines in a database. Can you

19 think of anything else?

20 A. I mean other electronic media, you know, tape,

21 disk. You had specifically said hard drive. It could be

22 other electronic media as well.

23 Q. And as originally conceived with respect to

24 EZ Reader, was the repository or did repository mean sort

25 of a library of the predetermined responses to customer

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1 Anthony Angotti 170
 2 e-mails?
 3 MR. BUSTAMANTE: Objection, form.
 4 A. The repository included that.
 5 Q. Did it include something else?
 6 A. I'm not sure. That's why I answered it that
 7 way.
 8 Q. And the EZ Reader that was deployed by Chase
 9 in the first quarter of 1996, it utilized a repository of
 10 predetermined responses?
 11 MR. BUSTAMANTE: Objection, form.
 12 A. Yes, it did utilize that.
 13 Q. If you turn to the bottom of column 11 and
 14 going onto column 12?
 15 A. Yes, I'm there.
 16 Q. The last full paragraph in column 11, if I
 17 could have you read that, and then the paragraph that
 18 goes onto column 12.
 19 A. (Witness complies.) Okay.
 20 Q. And you'll notice that these two paragraphs
 21 refer to fixed data and variable data. Do you have an
 22 understanding as to what those terms mean?
 23 A. Yes.
 24 Q. Okay. What is fixed data?
 25 A. Fixed data is form-based data, data in

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1 Anthony Angotti 171
 2 predefined locations in a file or on a screen or --
 3 Q. So does -- would fixed data mean the sender
 4 chooses between preprogrammed options in a form?
 5 MR. BUSTAMANTE: Objection, form.
 6 A. I don't know that the sender chooses. It
 7 could be the specific interface that's, you know, being
 8 used to -- part of a request may be filling out a form
 9 for checks or a request comes in; the user just types it
 10 free form into a message. Either way the message is --
 11 is an electronic message that comes in.
 12 Q. If the sender types something in free form,
 13 would that be fixed data?
 14 A. No, that would be free form.
 15 Q. Okay. Would that be the terminology used in
 16 the next paragraph, variable data with --
 17 A. I believe so, yes.
 18 Q. Okay. So the difference between fixed data
 19 and variable data as used here in the patent is the
 20 difference between whether it's fixed or free form, as
 21 you stated?
 22 MR. BUSTAMANTE: Objection, form.
 23 A. Yeah. I was using fixed and form-based
 24 synonymously and free form and variable synonymously.
 25 Q. And did the EZ Reader deployed by Chase in the

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1 Anthony Angotti 172
 2 first quarter of 1996 respond to both -- to electronic
 3 messages of both fixed data and variable data?
 4 MR. BUSTAMANTE: Objection, form.
 5 A. I don't recall.
 6 Q. If you turn to column 14, claim 26, it's --
 7 begins with the number 26?
 8 A. I see it.
 9 Q. If you could read that to yourself, please,
 10 and then I'd like to know whether EZ Reader performed
 11 these steps in the order depicted here.
 12 MR. BUSTAMANTE: Objection, form.
 13 A. I believe this is consistent with the charts
 14 that we looked at previously.
 15 Q. If a piece of software analyzed cases before
 16 receiving an electronic message, would that software be
 17 practicing your invention?
 18 MR. BUSTAMANTE: Objection, form.
 19 A. If that software would be what?
 20 Q. Be practicing your invention?
 21 MR. BUSTAMANTE: Objection, form.
 22 A. I don't know. I don't know.
 23 Q. Do you have any information -- well, let me
 24 rephrase. You understand that Bright Response alleges
 25 that Google infringes the '947 patent, correct?

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1 Anthony Angotti 173
 2 A. I think earlier, you asked me that earlier and
 3 I think I responded I was subpoenaed and I'm here. I,
 4 you know -- beyond that I'm just -- I don't know what the
 5 specifics are.
 6 Q. Okay. That's fine. Do you have any
 7 information or evidence that Google infringes the '947
 8 patent?
 9 MR. BUSTAMANTE: Objection, form.
 10 A. Not that I know of.
 11 Q. Do you have any evidence that Google copied
 12 the '947 patent?
 13 A. No, I don't have any evidence of that.
 14 Q. Do you have any evidence that Yahoo infringes
 15 the '947 patent?
 16 A. Not that I know of.
 17 Q. And do you have any evidence that Yahoo copied
 18 the '947 patent?
 19 A. No, I do not.
 20 Q. Going back to the EZ Reader that was deployed
 21 by Chase in the first quarter of '96, did Chase continue
 22 using EZ Reader after that period?
 23 MR. BUSTAMANTE: Objection, form.
 24 A. I believe I stated that I don't -- I don't
 25 know.

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1 Anthony Angotti 174

2 Q. So do you know whether Chase is still using

3 EZ Reader?

4 A. I do not know.

5 Q. Do you know whether Chase stopped using

6 EZ Reader at some period from the first quarter of 1996

7 to the present?

8 A. I don't know -- not that I -- if they did or

9 didn't, I wouldn't know.

10 Q. Do you know if by deploying EZ Reader in the

11 first quarter of 1996, Chase saved money by having this

12 tool to assist in responding to the volume of e-mails?

13 MR. BUSTAMANTE: Objection, form.

14 A. I think it would be difficult to quantify

15 that. I mean -- in my mind there's a difference between

16 demonstrating that it will save money and actually saving

17 the money.

18 Q. Can you explain what you mean by that?

19 A. Yes. If -- you know, I think by nature of a

20 system like EZ Reader, when you would first deploy it, I

21 believe that your costs are necessarily higher than your

22 savings because you're high on the learning curve, so you

23 asked me if they -- if money was saved in the first

24 quarter and I'm saying I can't quantify that just by the

25 nature of what -- of a new system.

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1 Anthony Angotti 175

2 Q. Do you believe that Chase benefited by having

3 deployed the EZ Reader system?

4 MR. BUSTAMANTE: Objection, form.

5 A. I believe that Chase benefited from having

6 EZ Reader deployed in the first quarter of 1996 as

7 follows: For me the purpose of the deployment was to

8 legitimize the application and to demonstrate under fire,

9 if you will, that it was capable of doing the things that

10 we were claiming that it would do and so that -- you

11 know, in the word "deploy," I mean these words are used

12 loosely based on, you know, who the orator is in terms of

13 the words. To me deployed means implementing in Chase

14 Direct in a production environment to -- to legitimize

15 the application and to prove that it worked and to prove

16 that we could get -- realize the benefits that we were

17 claiming and so that's what we did.

18 Q. And when it was deployed, it was used to

19 respond to actual --

20 A. Yes, it was.

21 Q. -- e-mail messages, correct?

22 A. We needed to do that to substantiate the

23 claims.

24 Q. And it was used by a business unit that would

25 use EZ Reader?

1 Anthony Angotti 176

2 A. That's correct.

3 Q. There were some sort of separate test group?

4 A. No. As I stated, it was in the production

5 environment.

6 Q. And did Chase expect to be able to save money

7 on -- if they implemented the EZ Reader?

8 MR. BUSTAMANTE: Objection, form.

9 A. We were -- we were all in agreement that it

10 would be of benefit to Chase and save money, yes. That's

11 why we were doing it.

12 Q. Do you know of -- did the EZ Reader and the

13 invention in the '947 patent, did that satisfy a

14 long-felt need in your business or industry?

15 MR. BUSTAMANTE: Objection, form.

16 A. I don't know. The industry at that point was

17 young in understanding its needs in this whole emerging

18 on-line electronic world that we were entering into, so I

19 don't know how to answer that. I don't know how I would

20 know that.

21 Q. Do you know of any others that had tried and

22 failed to come up with a solution to the problem that you

23 were facing, the large volume of e-mails?

24 A. No, not firsthand.

25 Q. Do you know if EZ Reader was ever licensed to