

EXHIBIT N

1 AAAI and Chase as evidenced by the AAAI's
2 publication and award and as evidenced by press
3 releases and article about EZ Reader."

4 What's the connection between the EZ
5 Reader and the '947 patent?

6 A. It's Bright Response's understanding
7 that EZ Reader was a project that strove to
8 implement some of the claims of the '947 patent.

9 Q. Do you know whether the EZ Reader
10 actually did implement the claims of the '947
11 patent?

12 A. No, I don't.

13 Q. Does Bright Response have a view on that
14 one way or the other?

15 MR. PRIDHAM: Object to form.

16 BY THE WITNESS:

17 A. It does not. But Bright Response is
18 aware that the inventors of the '947 as well as
19 those who worked on the EZ Reader project have
20 been -- provided testimony and documents in this
21 litigation and Bright Response will rely on that
22 testimony and those documents.

23 BY MR. PERLSON:

24 Q. What documents are you talking about?

25 A. I'm not talking about any document

1 in the project.

2 Q. You just don't know one way or the
3 other?

4 A. I just don't know.

5 MR. PRIDHAM: David, when you reach a breaking
6 point, can we take a five-minute break?

7 MR. PERLSON: Yeah. Why don't we just do it
8 now?

9 MR. PRIDHAM: Okay.

10 THE VIDEOGRAPHER: Off the record at 4:27.

11 (Recess.)

12 THE VIDEOGRAPHER: Going back on the video
13 record at 4:44 at the beginning of tape number 4.

14 BY MR. PERLSON:

15 Q. Mr. Sheafe, going back to Exhibit Number
16 4 and as to topic 17 --

17 A. Yes.

18 Q. -- that we were discussing previously,
19 does Bright Response have any further information
20 regarding this topic beyond what you've listed here
21 and testified to already?

22 A. Bright Response doesn't have any other
23 non-privileged information.

24 Q. Okay. The -- go back to -- let's go to
25 the first page and topic 1.

1 specifically. As I said, Bright Response
2 understands that the inventors of the '947 patent
3 as well as those who worked on the EZ Reader
4 project have provided testimony and documents. I
5 don't know specifically what that testimony is or
6 what those documents are.

7 MR. PERLSON: By the way, David, we checked
8 and that agreement is the form that we have. It
9 was produced to us like that. I don't know if you
10 guys have a copy of it somewhere.

11 MR. PRIDHAM: I will find out on the next
12 break.

13 BY MR. PERLSON:

14 Q. Do you know what individuals were
15 involved in the development of the EZ Reader?

16 A. No. I have seen the AAAI article which
17 discusses EZ Reader, and I know that that article
18 has authors. I don't remember specifically who
19 they are.

20 Q. Is it your understanding that all those
21 authors worked on EZ Reader?

22 A. Not necessarily. The authors -- they
23 are certainly authors of the paper which discusses
24 the project. I suppose it's possible that they
25 could have written the paper but not been involved

1 A. I'm there.

2 Q. Bright Response acquired the '947 patent
3 on February 6, 2006?

4 A. That's correct. And I think that that's
5 actually the date that Polaris acquired the patent,
6 and then there was the subsequent name change to
7 Bright Response.

8 Q. Got it. Do you know whether in -- as
9 part of the acquisition of the '947 patent in
10 February of 2006 did Polaris get documentation or
11 other information that was relevant to the '947
12 patent as part of that transaction?

13 A. Documentation describing what the patent
14 is or was or what it could be used for or --

15 Q. Prosecution history, licenses, that kind
16 of stuff.

17 A. Not to my knowledge. I mean, the
18 prosecution history in my own experience I know is
19 available through Public PAIR, if one wants to
20 spend one's time reviewing it.

21 I don't know. I think it's reasonable
22 to presume that if there were licenses to the '947
23 or any other patents that were transferred to
24 Polaris, that that information would also have been
25 transferred somewhere.

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1 The patents were transferred from
2 affiliated companies. So, it was that sort of a
3 transaction. So, I think it's reasonable to
4 presume that information came off of that. I've
5 seen it written down. I have no knowledge of it.

6 Q. Do you know if there's been any effort
7 in connection with that transfer to insure that any
8 documents that were relevant to the '947 patent
9 would be maintained and saved, whether it be by
10 Bright Response or an affiliated entity?

11 A. Again, I'm not aware that any such
12 documents exist. To the extent that they did,
13 Bright Response generally maintains business
14 records it feels are important to the conduct of
15 its business.

16 And I've been advised by counsel that
17 any relevant documents have been disclosed.

18 Q. In the fourth bullet under number 1 it
19 says, "BR understands that the asserted claims of
20 the '947 patent claim priority to U.S. Patent
21 Application Number 08/853074 and U.S. Provisional
22 Application Numbers 60/042656 filed April 4, 1997
23 and 60/042494 filed April 3rd, 1997."

24 Do you know whether -- does Bright
25 Response have a position as to whether the claims

1 that consultation, that testimony relating to the
2 conception and reduction to practice, which are
3 both legal terms, that Bright Response relies upon
4 its counsel for explanation of and advice
5 pertaining to, that that testimony had been given
6 by one or more of the inventors regarding that.
7 That testimony was highly confidential and,
8 therefore, I was not allowed or entitled to see the
9 details of it, but that they were comfortable
10 advising between November 1995 and April of 1996.

11 Q. Okay. So, sitting here today, you can't
12 identify the specific facts or testimony that would
13 support the understanding that the invention of the
14 '947 patent was conceived and reduced to practice
15 between approximately November 1995 and April 1996?

16 MR. PRIDHAM: Object to form.

17 BY THE WITNESS:

18 A. Now, again, it's my understanding that
19 the testimony that would pertain specifically to
20 that has been marked confidential. Bright Response
21 reserves the right to rely upon that testimony, but
22 Bright Response is not allowed to see it.

23 BY MR. PERLSON:

24 Q. Does Bright Response know when in April
25 of 1996 this conception and reduction to practice

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1 of the '947 patent are actually entitled to that
2 priority date?

3 A. It's Bright Response's position that the
4 '947 does claim and is entitled to priority from
5 those documents.

6 Q. The next bullet point says, "While
7 Bright Response was not directly involved in the
8 conception or reduction to practice of the
9 inventions claimed by the '947 patent, Bright
10 Response understands that the inventions claimed in
11 the '947 patent were conceived and reduced to
12 practice between approximately November 1995 and
13 April 1996."

14 Is that -- does that correctly reflect
15 Bright Response's position?

16 A. To clarify, not only was Bright Response
17 not directly involved in the conception and
18 reduction to practice, but as previously stated, it
19 was not involved in the conception and reduction to
20 practice, did not acquire the patent or an interest
21 in the patent until well after the conception and
22 reduction to practice.

23 And it is Bright Response's
24 understanding that through consultation with
25 counsel, and again I was advised in the course of

1 was completed?

2 MR. PRIDHAM: Object to form.

3 BY THE WITNESS:

4 A. No. Again, it's Bright Responses
5 understanding that between approximately November
6 of 1995 and April of 1996. So, it is possible that
7 it was completed -- it's our understanding it was
8 completed approximately between those months.
9 Where within those months what stages of conception
10 or reduction to practice occurred, Bright Response
11 has no further information.

12 BY MR. PERLSON:

13 Q. Okay. Do you have any further -- does
14 Bright Response have any further information
15 regarding the subject matter of topic number 1
16 other than what's listed in the bullet points and
17 I've elicited from you in testimony?

18 A. No.

19 Q. Topic number 2, there's three bullet
20 points that are listed there.

21 Does Bright Response have any more
22 information regarding the prosecution of the '947
23 patent than is listed in these bullet points?

24 A. It does not.

25 Q. The next topic is the EZ Reader article?

1 A. That's correct.

2 Q. To your knowledge, does the EZ Reader
3 article accurately reflect the development of the
4 EZ Reader?

5 MR. PRIDHAM: Object to form.

6 BY THE WITNESS:

7 A. Bright Response doesn't know -- beyond
8 the article doesn't know anything about the EZ
9 Reader project. And, therefore, other than being
10 able to say this is what the article says, it has
11 no opinion on the accuracy or veracity of the
12 document.

13 BY MR. PERLSON:

14 Q. Number 4 says, "Efforts to sell, market
15 or distribute any embodiment of the claimed
16 inventions of the '947 patent, including but not
17 limited to any documents evidencing or
18 memorializing, concerning or documenting any
19 efforts to develop, sell, market or distribute any
20 embodiment of the alleged invention of the '947
21 patent, the location of such documents and the
22 description of such documents."

23 A. I think it says, "destruction of such
24 documents."

25 Q. "Destruction." Thank you.