

# EXHIBIT C

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

BRIGHT RESPONSE, LLC, )  
 )  
Plaintiff, )  
 )  
vs. ) Civil Action No.  
 ) 2:07-CV-371-CE  
GOOGLE, INC., et al., )  
 )  
Defendants. )

-----

DEPOSITION OF BRADLEY ALLEN, taken on  
behalf of plaintiff, at 12424 Wilshire  
Boulevard, 12th Floor, Los Angeles,  
California, Wednesday, July 21, 2010,  
commencing at 12:06 p.m., before  
Susan Edwards, Certified Shorthand  
Reporter No. 13051.

13:36 1 do-action step." Those two lines, again, describe an  
13:36 2 automatic process that does not imply interactivity.

13:36 3 Q Does -- so you're saying that your  
13:36 4 interpretation of that is that it describes an automatic  
13:36 5 process. Does it say that it's automatic and that it's  
13:37 6 noninteractive?

13:37 7 A It says that the inference engine does it. The  
13:37 8 inference engine is a program.

13:37 9 Q Your interpretation of that is that that means  
13:37 10 that it's noninteractive?

13:37 11 A Correct.

13:37 12 Q But you agree it does not say that explicitly?

13:37 13 MR. ROOKLIDGE: Objection to form.

13:37 14 THE WITNESS: If I put the -- if the word  
13:37 15 "automatic" had been put in there, it would say it  
13:37 16 explicitly, but in my opinion, this is -- anybody  
13:37 17 reading this would interpret this as basically stating  
13:37 18 that this is an automated process.

13:37 19 BY MR. FENSTER:

13:37 20 Q Okay. It could have said "without further  
13:37 21 input from the user"; correct?

13:37 22 A Yes.

13:37 23 Q It doesn't say that in any of the paragraphs  
13:37 24 that you identified; correct?

13:37 25 A Correct.

13:37 1 Q In fact, all of the paragraphs that you've  
13:37 2 identified so far describe interaction with the user to  
13:38 3 obtain further -- strike that.

13:38 4 In all of the paragraphs you've identified so  
13:38 5 far, they all describe the preferred embodiment in which  
13:38 6 the user provides additional information; correct?

13:38 7 MR. ROOKLIDGE: Object to the form.

13:38 8 THE WITNESS: The -- not this last paragraph  
13:38 9 that we discussed starting at line 11 in column 4.

13:38 10 BY MR. FENSTER:

13:38 11 Q Okay. What I said is true of all the other  
13:38 12 paragraphs that you've identified previously?

13:38 13 MR. ROOKLIDGE: Object to the form.

13:38 14 THE WITNESS: Yes.

13:38 15 BY MR. FENSTER:

13:38 16 Q So so far, I've asked you to identify all of  
13:38 17 the -- all of the disclosure in the specification that  
13:38 18 you say supports the disclosure of a noninteractive --  
13:38 19 of processing a noninteractive electronic message;  
13:38 20 correct?

13:38 21 A Can I ask for clarification?

13:38 22 Q Go ahead.

13:38 23 A When you say "specification," are we talking  
13:39 24 specifically the section of the description of preferred  
13:39 25 embodiment?

13:39 1 Q Okay. So the patent generally is comprised of  
13:39 2 a specification and the claims?

13:39 3 A Okay.

13:39 4 MR. ROOKLIDGE: Object to the form.

13:39 5 BY MR. FENSTER:

13:39 6 Q So what I was referring to in my question  
13:39 7 regarding the specification is the part of the patent up  
13:39 8 to the claims. Do you understand that?

13:39 9 A Yes.

13:39 10 Q Okay. So are there any other parts of the  
13:39 11 specification that you think explicitly disclose that  
13:39 12 the message can be noninteractive?

13:39 13 MR. ROOKLIDGE: Object to the form.

13:39 14 THE WITNESS: Yes.

13:40 15 BY MR. FENSTER:

13:40 16 Q Go ahead.

13:40 17 A We can go through them one by one. The -- for  
13:40 18 example, in column 4, in the paragraph starting on  
13:40 19 line 31: "Each case may be manipulated as a software  
13:40 20 object in the inference engine software environment."  
13:40 21 And then it goes on to describe the way in which cases  
13:40 22 might be represented in terms of attributes and values  
13:40 23 and so forth. The act of manipulating that as a  
13:40 24 software object is -- is something that is automatic.

13:40 25 Q There's no disclosure that the -- in this