

# EXHIBIT B

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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. )

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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.

15:16 1 connection with this?

15:16 2 A No.

15:16 3 Q Do you expect to?

15:16 4 A No.

15:16 5 Q Now, paragraph 4 references a user guide for  
15:16 6 version 2.0 CBR Express software. Do you see that?

15:16 7 A Yes.

15:16 8 Q Is that referring to the user guide 2.0 that we  
15:16 9 marked as [Exhibit 3](#)?

15:17 10 A Yes.

15:17 11 Q Your declaration states that "This user  
15:17 12 guide -- User's Guide accurately describes the  
15:17 13 functionalities of the CBR Express 2.0 as it was sold  
15:17 14 and marketed to the public in 1995." Do you see that?

15:17 15 A Yes.

15:17 16 Q Why -- why 1995?

15:17 17 A Because that is the date when certainly CBR  
15:17 18 Express was being sold in 1995. This would have been  
15:17 19 the document that would have described that and been  
15:17 20 delivered with the product to the users.

15:17 21 Q Okay. But your declaration says that this  
15:17 22 described -- accurately describes the functionalities as  
15:17 23 the product sold and marketed in 1995 because 1995 is  
15:17 24 the date of [Exhibit 3](#); correct?

15:17 25 A Well --

15:17 1 MR. ROOKLIDGE: Object to the form.

15:17 2 THE WITNESS: This is a document that talks  
15:18 3 about 1995 in the copyright. So I'm assuming that it  
15:18 4 is --

15:18 5 BY MR. FENSTER:

15:18 6 Q Okay.

15:18 7 A -- valid for that date.

15:18 8 Q Do you know why you were only given pieces of  
15:18 9 the reference manual?

15:18 10 A No.

15:18 11 Q Do you know if Mr. Clayton had a full copy of  
15:18 12 reference manual?

15:18 13 A I'm not sure.

15:18 14 Q When you met with Bill Rooklidge and the other  
15:19 15 attorneys yesterday, did they talk to you about their  
15:19 16 view regarding whether the 664 patent discloses a step  
15:19 17 of classifying a message for human review?

15:19 18 A I don't believe so.

15:19 19 Q Okay. Does the 664 patent describe classifying  
15:19 20 a message for human review?

15:20 21 MR. ROOKLIDGE: Objection to form.

15:20 22 THE WITNESS: Take a moment and review.

15:20 23 BY MR. FENSTER:

15:20 24 Q Uh-huh.

15:20 25 A No.

15:21 1 Q Does -- there's a description of a match table.

15:21 2 A Yes.

15:21 3 Q What is a match table?

15:21 4 A A match table is a data structure that supports

15:21 5 the determination of the set of matching cases for a

15:21 6 given problem.

15:21 7 Q Now, there are some places in the patent that

15:22 8 describe assigning attribute values; is that right?

15:22 9 A Yes.

15:22 10 Q Okay. And as I understand it, those attribute

15:22 11 values are assigned to the cases that are in the match

15:22 12 table; is that right?

15:22 13 A No. Attribute values are parts of cases

15:23 14 independently of the -- of whether or not they're

15:23 15 assigned to the match table, if I'm recalling this

15:23 16 correctly, which I believe I am.

15:23 17 Q I see. So if you'd turn to column 5 of the 664

15:23 18 patent, please.

15:23 19 A Yes.

15:23 20 Q Okay. So I'm looking at the paragraph starting

15:23 21 at line 16.

15:23 22 A Yes.

15:23 23 Q And you describe determining a match quality

15:24 24 which is reference numeral 315. Do you see that?

15:24 25 A Yes.

15:28 1 to as 320 to determine if there is a match.

15:28 2 In column 5 on line 63, the reference is made  
15:28 3 that, you know, the cases that are -- that are matched  
15:28 4 using that particular data structure may have their  
15:28 5 match quality determined in a like manner with that in  
15:28 6 figure 3A which refers to the match table. So that's a  
15:28 7 separate method for computing match quality than one  
15:29 8 that requires a match table.

15:29 9 Q So at column 5, line 60 --

15:29 10 A 16?

15:29 11 Q 60 --

15:29 12 A 60, yes.

15:29 13 Q -- where you just were --

15:29 14 A Uh-huh.

15:29 15 Q -- it says: "In a preferred embodiment, cases  
15:29 16 which are hit in this manner may be noted in the match  
15:29 17 table and may have their match quality determined in  
15:29 18 like manner as disclosed with figure 3A."

15:29 19 A Correct.

15:29 20 Q So --

15:29 21 A They may --

15:29 22 Q -- do I misunderstand that that's not still  
15:29 23 describing finding a match quality for those in the  
15:29 24 match table?

15:29 25 A It may be note -- it may be noted in the match

15:29 1 table, but this is a separate way of computing, in  
15:29 2 essence, that match quality independently of using the  
15:29 3 match table as a data structure.

15:30 4 Q And so this is -- this is disclosing  
15:30 5 calculating a match quality for cases which are hit in  
15:30 6 this manner --

15:30 7 A Yes.

15:30 8 Q -- do you see that?

15:30 9 What does that mean "cases which are hit in  
15:30 10 this manner"?

15:30 11 A Where the -- where attribute values are found  
15:30 12 in the problem that -- that match attribute values that  
15:30 13 are found in cases inside the case base.

15:30 14 Q So this is describing determining match quality  
15:30 15 for those which have attribute value hits?

15:30 16 A Yes.

15:30 17 Q Would you agree that that's a subset of the  
15:30 18 total number of exemplar cases in the case base?

15:30 19 A It may be.

15:31 20 Q Okay. So the patent describes two embodiments:  
15:31 21 One, where you only determine the match quality for  
15:31 22 those in the match table; correct?

15:31 23 A Correct.

15:31 24 Q And another, where you only determine a match  
15:31 25 quality for those where there are attribute hits;

15:31 1 correct?

15:31 2 A Yes.

15:31 3 Q Those are the two embodiments that are  
15:31 4 disclosed with respect to match quality?

15:31 5 MR. ROOKLIDGE: Object to the form.

15:31 6 THE WITNESS: If we look at the claims -- if  
15:33 7 we're -- are we speaking specifically with the  
15:33 8 specification? Or can we discuss the claims?

15:33 9 BY MR. FENSTER:

15:33 10 Q Let's -- let's stick first with the  
15:33 11 specification. Then I'll ask you about the claim.

15:33 12 A Okay.

15:33 13 Q So the two embodiments that I've described are  
15:33 14 the two embodiments that are disclosed with respect to  
15:33 15 match quality in the specification; correct?

15:33 16 A Yes.

15:33 17 Q And are there other embodiments that you think  
15:33 18 are contained in the claims?

15:33 19 A Yes.

15:33 20 Q Okay. Go ahead.

15:33 21 A If we look at claim 22, again, talking about a  
15:34 22 case-based reasoning system, rule case -- or rule base,  
15:34 23 case base, data base, inference engine for performing  
15:34 24 reasoning steps on that. And, you know, means for  
15:34 25 performing match -- a method of matching a problem,

15:34 1 generating signature bits based on the attribute value  
15:34 2 pairs for each case in the -- in the case base,  
15:34 3 signatures for, you know, the problem template.

15:34 4 Claim 34 talks about a system, as in claim 22,  
15:34 5 wherein a set of cases which are matched are evaluated  
15:34 6 for quality of match.

15:34 7 Q So claim 34 is determining -- is also  
15:35 8 describing calculating a -- or evaluating quality of  
15:35 9 match for those -- a set of cases which are matched;  
15:35 10 correct?

15:35 11 A For a set of cases.

15:35 12 Q Well, I'm just reading claim 34. It says:  
15:35 13 "Wherein a set of cases which are matched" --

15:35 14 A Right.

15:35 15 Q -- "are evaluated for quality of match."

15:35 16 A Yes.

15:35 17 Q So this is describing evaluating for quality of  
15:35 18 match a set of cases that are matched; correct?

15:35 19 A Yes.

15:35 20 Q Okay. Which may be a subset of the cases which  
15:35 21 are compared?

15:35 22 A May be.

15:35 23 Q Okay. Does the 664 patent describe normalizing  
15:35 24 the match-quality score?

15:35 25 A No.