

# EXHIBIT A

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THE VIDEOGRAPHER: Good morning. We are now on the record. This is the digital video deposition of Stanley Peters, testifying in the matter of PA advisors versus Google, et al., in the United States District Court, Eastern District of Texas, marshal division, case number 2: 07-CV-480-DVF. This deposition is being held at Quinn Emanuel, et al., 555 Twin Dolphin Drive, Fifth Floor, Redwood Shores, California. Today's date is Tuesday, February 9th, 2010 and the time on the video screen is 10:04 a.m. My name is Carey Mook, and I'm a certified legal video specialist with Hundt Reporting. The certified shorthand reporter today is Holly Moose,

1 Q. Did you consider enablement?

2 A. Yes, I see. Isn't written description an  
3 aspect of enablement.

4 Q. Tell me your understanding.

5 A. Well, that was my understanding. If you want  
6 to be able to practice a patent, it has to be described,  
7 you know, the invention has to be described clearly  
8 enough to allow you to do that.

9 Q. Okay.

10 A. I'm not a lawyer, you understand, and so ...  
11 but that's my understanding.

12 Q. And did you render any opinions -- strike that.  
13 Did you reach any conclusions regarding the  
14 anticipation, the validity based on anticipation, of the  
15 asserted claims?

16 MS. PALLIOS ROBERTS: Objection. Form.

17 THE WITNESS: I -- did I reach any conclusions.  
18 I certainly didn't report that I think it was  
19 anticipated.

20 MR. FENSTER: Q. Is it fair to say that you  
21 concluded that the patent was not invalid for  
22 anticipation?

23 A. No, that wouldn't be fair to say. I mean, I  
24 did not find another patent that encompassed all of the  
25 claim -- the limitations on any -- the claims.

1 Q. Okay. You did not find any prior art reference  
2 that would render any of the asserted claims invalid for  
3 anticipation; is that correct?

4 A. I think that's right.

5 Q. Did you state that in your report?

6 A. No.

7 Q. Why not?

8 A. It wasn't relevant to my report.

9 Q. In your report you include a list of materials  
10 that you reviewed; is that correct?

11 A. Yes.

12 Q. And in that list of materials, you -- actually,  
13 let me back up.

14 I'll place before you what's been marked as  
15 Peters Exhibit 1. Do you recognize that document?

16 A. It looks like my report -- or part of  
17 thereof -- part of it.

18 (Plaintiff's Exhibit 1  
19 marked for identification.)

20 MR. FENSTER: And I'll hand up Exhibit 2, which  
21 was Exhibit B to your report.

22 (Plaintiff's Exhibit 2  
23 marked for identification.)

24 MR. FENSTER: Q. Do you recognize that?

25 A. Yes, that's a list of materials that I did

1 THE WITNESS: Again, I don't know how to answer  
2 the question. It's -- I stand by my report and am  
3 prepared to back it up based on the materials in Exhibit  
4 B.

5 MR. FENSTER: Q. On page 1 of Exhibit B, the  
6 third item listed is invalidity contentions, dated  
7 November 14, 2008. Do you see that?

8 A. Yes, I do.

9 Q. Okay. And did you review invalidity  
10 contentions dated November 14, 2008?

11 A. So I think when I was -- you know, last fall,  
12 2009 when I started this, I believe that was given to  
13 me. I skimmed through that and found it most difficult  
14 to understand. So if I reviewed it, it certainly didn't  
15 have much of an impact on my subsequent thinking.

16 Q. Did you have an understanding that the  
17 invalidity contentions dated November 14, 2008 were  
18 drafted by attorneys for the defendants?

19 A. I didn't know who drafted them. But they sure  
20 read like attorneys' documents.

21 Q. Did you understand, based on your review of  
22 that document, that the attorneys for the defendants  
23 were asserting that several references, prior art  
24 references, rendered the asserted claims of the Geller  
25 patent invalid for anticipation?

1           A.    Oh, for anticipation.  Well, I don't recall  
2  whether that -- it didn't make a big impression on me if  
3  I did actually realize that some of the references were  
4  being cited as anticipatory.

5           Q.    To the extent the attorneys for the defendants  
6  asserted that any prior art references did anticipate  
7  the asserted claims of the Geller patent, is it fair to  
8  say that you did not reach the same conclusion?

9           MS. PALLIOS ROBERTS:  Objection.  Form.

10          THE WITNESS:  I don't know which ones they  
11  thought anticipated off the top of my head.  But as I --  
12  as I answered earlier, I didn't find references that in  
13  my view anticipated.  And that's why I didn't put in my  
14  report that I thought the patent -- that claims were  
15  anticipated.

16          MR. FENSTER:  Q.  Were you given any other  
17  invalidity contentions other than those dated  
18  November 14 in this case?

19          A.    Not as far as I remember.  I only faintly  
20  remember those, to be honest.

21          Q.    Okay.  You don't recall seeing any amended  
22  invalidity contentions in or around November of 2009?

23          A.    I don't remember seeing them.  If I was given  
24  those -- well, I don't think I was given them.  I  
25  certainly don't remember seeing them.  I have to admit,

1 reference.

2 Q. Okay. So it's fair to say that in your report  
3 you didn't state any conclusion that claim 1 was invalid  
4 based on any single reference either for anticipation or  
5 obviousness, correct?

6 A. That's true.

7 MS. PALLIOS ROBERTS: Objection. Form.

8 MR. FENSTER: Q. And the same is true with  
9 respect to every other claim, correct?

10 MS. PALLIOS ROBERTS: Objection. Form.

11 THE WITNESS: The ones at issue, yes.

12 MR. FENSTER: Q. Okay. The only way were you  
13 able to find obviousness was by combining -- by  
14 combining references?

15 A. That's correct.

16 Q. So is it -- let me -- let me hand you back  
17 ACC1?

18 A. All right.

19 Q. So is it fair to say that Salton 89 by itself  
20 fails to disclose one or more elements of claim 1?

21 A. My feeling was that -- and my -- my analysis, I  
22 wanted -- I believe that the combination of elements in  
23 claim 1 is obvious. But I did not feel I could get a  
24 clear enough statement for every single one of those  
25 limitations from Salton 89 alone to make me comfortable