

1 UNITED STATES DISTRICT COURT
 2 EASTERN DISTRICT OF TEXAS
 3 MARSHALL DIVISION
 4 -----
 5 PA ADVISORS, LLC, : NO.2:07-CV-480-DF
 6 Plaintiff, :
 7 VS. :
 8 GOOGLE INC., et al., :
 9 Defendants. :
 10 -----
 11 DATE: August 19, 2009
 12 TIME: 9:47 a.m.
 13
 14 Deposition of ILYA GELLER, taken by and
 15 before JOYCE SILVER, a Certified Shorthand Reporter
 16 and Notary Public of the State of New York, and,
 17 PHILIP GLAUBERSON, Videographer, held at the office
 18 of STROOCK, STROOCK & LAVAN, 767 Third Avenue, New
 19 York, New York.
 20
 21
 22
 23
 24
 25 Job No.: 212395

1 I N D E X
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 3 WITNESS DIRECT CROSS REDIRECT RE CROSS
 4 ILYA GELLER
 5 BY MR. CANNON 6 154
 6 BY MR. FENSTER 128
 7
 8 E X H I B I T S
 9 NUMBER DESCRIPTION PAGE
 10 Exhibit 16, Patent Purchase agreement, 101
 Bates Nos. PA 0001210-22
 11 Exhibit 17, Panel Summary No. 1 119
 Exhibit 18, Letter, Bates Nos. Geller 137
 031979-91
 12 Exhibit 19, Letter, Bates No. Geller 139
 033081
 13 Exhibit 20, Letter, Bates Nos. Geller 140
 033083
 14 exhibit 21, Letter, Bates Nos. Geller 140
 034109-10
 15 Exhibit 22, Document entitled, "The New 141
 Search Technology," Bates Nos.
 Geller 054521-28
 16 Exhibit 23, E-mail dated 8/27/01, Bates 143
 No. Brin 00000001
 17 Exhibit 24, Letter dated 6/14/05 147
 18 Exhibit 25, Documents Bates Nos. PA 152
 0001419-1530
 19
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 16
 17 ALSO PRESENT: Erich Spangenberg
 18
 19
 20
 21
 22
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 25

1 S T I P U L A T I O N S
 2
 3
 4 IT IS HEREBY STIPULATED AND AGREED
 5 by and between the attorneys for the respective
 6 parties hereto that filing and sealing be one and the
 7 same are hereby waived.
 8
 9 IT IS FURTHER STIPULATED AND AGREED that
 10 all objections except as to the form of the question,
 11 shall be reserved to the time of the trial.
 12
 13 IT IS FURTHER STIPULATED AND AGREED that
 14 the within examination may be signed and sworn to
 15 before any officer authorized to administer an oath
 16 or notary public, with the same force and effect as
 17 though signed and sworn to before the officer before
 18 whom the within deposition was taken.
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1 ILYA GELLER
2 show that you can recall?
3 A. You need to ask my legal counsels. They
4 have all the documents. Ask them. They have all the
5 documents.
6 Q. Are there any that you personally can
7 think of, sitting here today?
8 A. How could I -- I don't remember, but
9 perhaps among all the documents I gave to my legal
10 counselors, they have something about this. I don't
11 know. Because -- because I gave them everything and
12 I don't remember what I gave to them. I gave what I
13 had and I didn't look at this -- this stuff.
14 Q. Why was it that you were trying to
15 contact, and I think you used the word, lots of
16 people, at that time?
17 A. I told you, I tried to -- to move my --
18 to do something with my company. I tried to make --
19 to raise money to make a product, to sell the product
20 and all this stuff.
21 Q. But you didn't manage to raise money; is
22 that correct?
23 A. No, I didn't.
24 Q. Is there a reason for that, that you --
25 that you could think of?

1 ILYA GELLER
2 about my patent, so that's why I'm unable to answer
3 this question at this time.
4 A. I need to read it through so -- but I
5 think, yes. Most probably, yes.
6 Q. Since our time is limited, perhaps I will
7 move on and if you need to review it, obviously you
8 can qualify your answer however you wish, but I'd
9 like -- I'd like to move on, if that's okay.
10 MR. FENSTER: If you're right in the
11 middle of a line of questioning, please finish; but
12 when you get to a convenient stopping place, we will
13 stop for lunch.
14 MR. CANNON: Thank's, Marc. Let's do
15 that. Just a few more minutes.
16 Q. Mr. Geller, have you heard of a person
17 called Sergey Brin, the founder of Google?
18 A. Yes, yes.
19 Q. Have you ever met him in person?
20 A. My legal counselor said he was at this
21 exhibition. If he was at this exhibition, I think we
22 met because I was the only one who speaks -- who
23 spoke Russian. And, also, Google was not Google at
24 that time. It was a small company. If we have a
25 booth at the same level as I did, we could met.

1 ILYA GELLER
2 A. I had MS. I couldn't speak English. My
3 English was -- you see right now my English is very
4 bad, but at that time it was much worse. I was very
5 bad. I was in very bad condition. I didn't have
6 strength to follow with the company.
7 Q. Who -- turning to Exhibit 7, who prepared
8 this document?
9 A. Me.
10 Q. Did you write it?
11 A. Yes.
12 Q. Did anyone help you?
13 A. I don't think so. At least -- perhaps
14 no, the answer is no.
15 Q. Does this document reflect the inventions
16 or the invention of your patent?
17 MR. FENSTER: Objection to form.
18 A. I didn't look at this document for a long
19 time, but I -- I need to read the whole document to
20 see what is it. Listen, I didn't speak about my
21 invention. I didn't -- like before this patent,
22 listen, for a long time I --
23 (Speaks Russian.)
24 MR. BERELEKHIS: It's been a long time
25 since I remembered anything or recalled anything

1 ILYA GELLER
2 Q. Do you have a specific memory of meeting
3 Mr. Brin at the conference?
4 A. It was 11 years ago. I don't remember.
5 Q. Have you met Mr. Brin at any point after
6 the conference?
7 A. How could I remember? I -- I don't think
8 so. I'm not sure, but, listen, I wasn't -- after the
9 conference, after year 2000, I became very ill and I
10 didn't. Right. I didn't -- difficult for me to
11 remember these things. I wasn't able to socialize.
12 I didn't see a lot of people. Okay. So most
13 probably -- most probably I did not.
14 Q. Have you ever spoken in person to Sergey
15 Brin?
16 A. I have no recollection of it. If he was
17 at this exhibition, most -- most probably I did.
18 Q. Who was it that told you that Mr. Brin
19 was at the conference?
20 A. My legal counsel -- I mean I read about
21 this on the Internet. My legal counsel put some
22 document in his blog on the case, and I read that it
23 said that Sergey Brin was at this conference.
24 Q. What blog are you referring to?
25 A. PA Advisors versus Google.

1 ILYA GELLER
 2 Q. Is that a publicly-available blog?
 3 A. It is.
 4 Q. And is a reference to Mr. Brin attending
 5 the trade show on that blog?
 6 A. It is.
 7 Q. Have you ever communicated with Mr. Brin
 8 via E-mail?
 9 A. Yes, because my legal counselors in this
 10 book (indicating), we found or Sergey Brin gave an
 11 E-mail and I saw this E-mail in here (indicating) so
 12 I sent him an E-mail. I don't know how I get -- how
 13 I got his E-mail address because if I did not see
 14 him, how I did get his E-mail address? And I sent
 15 him an E-mail.
 16 Q. Do you have that E-mail in your files?
 17 MR. FENSTER: Object to form.
 18 A. In mine? You mean at home?
 19 Q. Yes.
 20 A. No, no, I don't.
 21 Q. Why not?
 22 A. Because I gave a disk to them. I don't
 23 know -- perhaps they have on the disk.
 24 Q. Other than counsel showing you the
 25 E-mail, do you have a specific memory of sending an

1 ILYA GELLER
 2 them. I tried to call Sergey Brin. Right.
 3 Q. Did he ever call you back?
 4 A. No. I tried to call Sergey Brin because
 5 he -- he speaks Russian. You see it was much easier
 6 for me to speak Russian than to speak English and I
 7 thought if I would find somebody from the industry,
 8 and especially from Google, right. And I remember I
 9 called Sergey Brin by phone. I sent him an E-mail
 10 and after that, when I was a little bit better, I
 11 tried to contact Google -- Google was a big company.
 12 I tried to contact him through my lawyer, legal
 13 counselor.
 14 Q. Back in 2001, other than the E-mail that
 15 counsel has shown you, do you have any recollection
 16 of sending any other E-mails to Sergey Brin?
 17 A. It could happen. It could be. I could
 18 send him more E-mails.
 19 Q. Do you remember?
 20 A. You need to ask my legal counselors.
 21 They have the disk and it has all the E-mails and if
 22 they are able to find something.
 23 Q. Do you remember Sergey Brin ever
 24 responding to your E-mail?
 25 A. No. This for sure. Ah, perhaps, yes,

1 ILYA GELLER
 2 E-mail to Mr. Brin?
 3 A. You see Google was -- Google was and
 4 Google is a very -- it was a company -- I saw a
 5 company with a big -- a big potential, so I -- I
 6 tried to contact them for the purpose to sell license
 7 or somehow to cooperate with them because I saw
 8 moving in my direction, in the direction of this
 9 patent and I tried to find -- to make -- to build a
 10 bridge between what -- it was hard -- okay. It was a
 11 difficult time for me, but I tried to contact them
 12 because I thought a company with such ambitions and
 13 such potential. And, also, I saw Sergey Brin. I
 14 knew he spoke Russian and my English was almost on
 15 zero level. So it almost didn't exist at all. I
 16 couldn't speak English. I spoke English but very bad
 17 English, very bad English.
 18 Q. I'm sorry, I cut you off. Did you
 19 finish?
 20 A. Right. Right. And he -- I knew he
 21 spoke -- he spoke Russian.
 22 Q. When do you recall first trying to
 23 contact Google?
 24 A. 2001, I think this E-mail. I don't --
 25 I'm not sure. I don't remember -- I tried to call

1 ILYA GELLER
 2 perhaps he could -- in 1999, he could respond because
 3 Google was a -- wasn't -- was a start-up in '99. He
 4 could respond in '99. But my legal counselors, they
 5 have all my archives. They need to search our
 6 archives to see.
 7 Q. Do you have a specific memory of him
 8 responding?
 9 A. No. Because Sergey Brin was one among
 10 many, many, many, many people and he was a Ph.D.
 11 student and he was one among many. He was not a
 12 billionaire. He wasn't the head of Google and all
 13 this stuff. He was just a regular guy then.
 14 Q. But you don't specifically remember him
 15 responding to you?
 16 A. No, no. If my legal counselor could find
 17 an E-mail from him, we could find.
 18 MR. CANNON: I think it would be a good
 19 time for a lunch break.
 20 MR. FENZTER: Okay. Thank you.
 21 THE VIDEOGRAPHER: This will end
 22 videotape number two of the deposition of Ilya
 23 Geller. We are going off the record at approximately
 24 12:36 p.m., August 19, 2009.
 25 (Recess taken.)