

# **EXHIBIT C**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

PA ADVISORS, LLC,

Plaintiff,

v.

GOOGLE INC., et al.

Defendants.

Civil Action No. 2:07-cv-480 RRR

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**DEFENDANTS' PRE-TRIAL DISCLOSURES**

Pursuant to Step 36 of the February 17, 2010 Proposed Amended Docket Control Order and Fed. R. Civ. P. 26(a)(3), Defendant Yahoo! Inc. ("Yahoo") and Google Inc. ("Google") make the following pre-trial disclosures.

**I. GOOGLE INC. WITNESSES**


Defendant Google Inc. hereby provides its witness list pursuant to Fed. R. Civ. P. 26(a)(3). Google identifies the name and, if not previously provided, the address and telephone number of each witness it may present at trial other than solely for impeachment — separately identifying those the party expects to present and those it may call if the need arises, during either the jury trial or any inequitable conduct bench trial. These identifications are based on information reasonably available to Google at the present time; however, Google reserves the right to supplement or modify this list. Google further reserves the right to designate testimony and/or call to testify any persons who are identified by Plaintiff or any other Defendant on its list of trial witnesses. Specifically, if any witness previously designated by Plaintiff as "will call" does not appear live at trial, Google reserves the right to designate deposition testimony at the time of trial for that witness.

**A. Witnesses Google Expects to Present At Trial:<sup>1</sup>**

1. Bryan Horling.
2. Michael Jahr.
3. Jonathan Alferness.
4. Bartholomew Furrow.
5. Dr. Amit Singhal.

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<sup>1</sup> These witnesses may be contacted through counsel for Google, Quinn Emanuel Urquhart Oliver & Hedges, LLP, 555 Twin Dolphin Drive, 5<sup>th</sup> Floor, Redwood Shores, California 94065, (650) 801-5000.

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6. Bahman Rabii.
  7. Dr. Edward Fox, Google's expert witness on invalidity and non-infringement.
  8. The Honorable Gerald Mossinghoff, Google's expert witness regarding inequitable conduct

9. Mr. Stanley Peters, Google's expert witness on invalidity
10. Dr. Keith Ugone, Google's expert witness on damages

**B. Witnesses Google May Present At Trial If the Need Arises as Live Witnesses or Via Deposition<sup>2</sup>**

1. Ilya Geller.
2. Edward Etkin.
3. Bradley Sheafe.
4. Erich Spangenberg.
5. nXn's corporate representative at trial (Lee Bradley Sheafe)
6. nXn's expert witness re damages (Stephen L. Becker, Ph.D.)
7. nXn's expert witness re validity (Dr. V. Thomas Rhyne)
8. nXn's expert witness re infringement (Dr. V. Thomas Rhyne)
9. nXn's expert witness re inequitable conduct (Alan Gordon)
10. Stanley Chen.
11. Eric Schulman.
12. Shane Antos.
13. Samuel Schilace
14. Matthew Kulick

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<sup>2</sup> Google believes that witnesses 1-9 may be contacted through Plaintiff's counsel. Witnesses 10-18 may be contacted through counsel for Google, and Witness 19, Joseph Diamante, may be contacted at Strook, 180 Maiden Lane, New York, NY 10038-4982.

15. Albert Bodenhamer
16. Sanjay Datta
17. Kris Brewer
18. Johanna Shelton
19. Joseph Diamante
20. Court certified Russian to English translator

## II. YAHOO! INC. WITNESSES

Yahoo discloses the following individuals whom it may call as witnesses, either live or via deposition, during either the jury trial or any inequitable conduct bench trial. These identifications are based on information reasonably available to Yahoo at the present time; however, Yahoo reserves the right to supplement or modify this list. Yahoo further reserves the right to designate testimony and/or call to testify any persons who are identified by Plaintiff or any other Defendant on its list of trial witnesses. Specifically, if any witness previously designated by Plaintiff as "will call" does not appear live at trial, Yahoo reserves the right to designate deposition testimony at the time of trial for that witness.

### A. Witnesses Yahoo Expects to Present At Trial:<sup>3</sup>

1. Timothy Mayer
2. Dev Patel
3. David Kolm
4. Yahoo's expert witness re damages (Mary Woodford)
5. Yahoo's expert witness re non-infringement (James Allan, Ph.D.)
6. Yahoo's expert witness re inequitable conduct (Hon. Gerald J. Mossinghoff)

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<sup>3</sup> These witnesses may be contacted through Yahoo's counsel: Howrey LLP 321 N. Clark St., Suit 3400 Chicago, IL 60654. Ph: 312.595.1239.

7. Yahoo's expert witness re invalidity and non-obviousness (Stanley Peters)

**B. Witnesses Yahoo May Present At Trial If the Need Arises as Live Witnesses or Via Deposition:<sup>4</sup>**

1. Ilya Geller

2. Edward Etkin

3. Lee Bradley Sheafe

4. Erich Spangenberg

5. nXn's corporate representative at trial (Lee Bradley Sheafe)

6. nXn's expert witness re damages (Stephen L. Becker, Ph.D.)

7. nXn's expert witness re validity (Dr. V. Thomas Rhyne)

8. nXn's expert witness re infringement (Dr. V. Thomas Rhyne)

9. nXn's expert witness re inequitable conduct (Alan Gordon)

10. Matthew Hall

11. Ashvin Kannan

12. Ken Kronquist

13. Ivan Markman

14. Sean Suchter

15. Luke Yeh

16. Zachary Zhang

17. Soren Riise

18. Carlton Robinson

19. Ben Shahshahani

20. Court certified Russian to English translator

21. Joseph Diamante<sup>5</sup>

### **III. DEPOSITION DESIGNATIONS**

The defendants provide their deposition designations, attached as Exhibit A. The defendants reserve the right under Rule 32 to use any transcript for impeachment purposes. The defendants reserve the right to submit additions and/or revisions to its designations based on pretrial developments or other changes in circumstance including, but not limited to, receipt of rulings from the Court, narrowing of issues in dispute by agreement of the parties, modifications in the positions asserted by Plaintiff or any Defendant. The defendants also reserve the right to supplement these designations with the testimony of witnesses listed as "WILL CALL" on Plaintiff's witness list should those witnesses not be called live to trial. The defendants further reserve the right to amend these designations based on the length of trial or arguments presented by Plaintiff at trial. Additionally, the defendants reserve the right to add designations for any depositions taken in this case hereafter, including but not limited to those depositions identified below as "to be designated."

### **IV. TRIAL EXHIBITS**

The defendants designate the following exhibits, attached as Exhibit B, as the exhibits that the defendants expects to offer and the exhibits that the defendants may offer if the need arises. Defendants each reserves the right to offer any exhibit disclosed by Plaintiff or any defendant in advance of trial, and the defendants reserve the right to supplement this list based on any evidence gathered during depositions and further discovery. Specifically, the defendants reserve the right to add exhibits from depositions which have recently taken place but have not

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<sup>4</sup> Witnesses 1 – 9 may be contacted through nXn Tech., LLC's counsel, the remainder may be contacted through Yahoo's counsel: Howrey LLP 321 N. Clark St., Suit 3400 Chicago, IL 60654. Ph: 312.595.1239.

<sup>5</sup> Joseph Diamante may be contacted at Strook, 180 Maiden Lane, New York, NY 10038-4982.