

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

NORTHEASTERN UNIVERSITY and	§	
JARG CORPORATION	§	
	§	
Plaintiffs,	§	
	§	Case No. 2:07-CV-486-CE
v.	§	
	§	
GOOGLE, INC.	§	
	§	
Defendant.	§	

**JARG CORPORATION’S OBJECTIONS TO DEFENDANT GOOGLE INC.’S  
NOTICE OF DEPOSITION PURSUANT TO RULE 30(b)(6)**

Plaintiff Jarg Corporation ( “Jarg”) objects to the Rule 30(b)(6) deposition notice (“Notice”) served by Defendant Google Inc. (“Google”) as follows:

**GENERAL OBJECTIONS**

Jarg objects that Google has styled the Notice as its “First Notice of Deposition to Plaintiff Jarg Corporation.” According to Rule 30(a)(2)(A)(ii) of the Federal Rules of Civil Procedure, Google may only take a single deposition of a party. As such, absent leave from the Court, Google will not be permitted to take another Rule 30(b)(6) deposition of Jarg.

Jarg also objects to the timing of the deposition specified in the Notice as being inconvenient, and indeed impossible,<sup>1</sup> for Jarg and its counsel. Jarg’s counsel has conferred with Google’s counsel and offered alternate dates for these depositions.

Jarg objects to each of the Deposition Topics in the Notice to the extent they may call for information protected by the attorney-client privilege or work product doctrine.

Jarg further objects to each of the Deposition Topics in the Notice as unduly burdensome

to the extent those topics are duplicative of Plaintiffs' Disclosure of Asserted Claims and Infringement Contentions and documents already produced to Google. Jarg further objects to the extent that obtaining the corresponding information from other discovery sources is less burdensome, more convenient, or less expensive.

By making these General Objections and by making the additional objections below, Jarg does not waive its right to object on the record during any deposition pursuant to the Notice or to otherwise raise objections at any other time. This paragraph shall be read as if repeated in full in and incorporated into each of the paragraphs reciting additional objections below.

### **DEPOSITION TOPICS**

#### **TOPIC NO. 1:**

1. The basis and foundation for Jarg's contention in paragraphs 26 and 29 of the Complaint (Dkt. # 1-1) that Google infringes any claim of the '593 patent, whether directly or indirectly, literally or under the doctrine of equivalents.

#### **OBJECTIONS TO TOPIC NO. 1:**

Jarg objects to this request as unduly burdensome because it is duplicative of information already provided to Google in this litigation. As required under P.R. 3-1, Jarg provided Google with its Disclosure of Asserted Claims and Infringement Contentions on September 9, 2008. That disclosure provided the basis and foundation for Jarg's infringement contentions based on information reasonably available to Jarg as of that date. Likewise this deposition is burdensome and unnecessary in light of the fact that information regarding Plaintiffs' infringement contentions may be obtained through written and expert discovery.

Jarg further objects to this request as it is premature in light of the fact that Jarg has not yet received any discovery whatsoever from Google. Jarg's fact analysis and investigation is

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<sup>1</sup> Google noticed these depositions for dates that occurred in September "2004," prior to the start of this litigation.

ongoing and any information provided through this deposition will not be exhaustive, nor will it necessarily reflect Jarg's final contentions in this case, which may change, *inter alia*, based on discovery obtained in this case.

Jarg further objects to this request to the extent it calls for information protected by attorney-client privilege and/or the attorney work product doctrine. Jarg also objects to the extent this request calls for legal conclusions and expert testimony.

Subject to these objections and to the general objections above, Jarg will offer a witness or witnesses to testify at a depth commensurate with the generality of this Topic.

**TOPIC NO. 2:**

2. Jarg's P.R. 3-1 Infringement Contentions, the basis and foundation therefore, and any documents or things related thereto that form the basis for your allegations that each and every element of the asserted claims are infringed by Google.

**OBJECTIONS TO TOPIC NO. 2:**

Jarg objects to this request as unduly burdensome because it is duplicative of information already provided to Google in this litigation. As required under P.R. 3-1, Jarg provided Google with its Disclosure of Asserted Claims and Infringement Contentions on September 9, 2008. That disclosure provided the basis and foundation for Jarg's P.R. 3-1 Infringement Contentions based on information reasonably available to Jarg as of that date. Likewise this deposition is burdensome and unnecessary in light of the fact that information regarding Plaintiffs' infringement contentions may be obtained through written and expert discovery.

Jarg further objects to this request as it is premature in light of the fact that Jarg has not yet received any discovery whatsoever from Google. Jarg's fact analysis and investigation is ongoing and any information provided through this deposition will not be exhaustive, nor will it

necessarily reflect Jarg's final contentions in this case, which may change, *inter alia*, based on discovery obtained in this case.

Jarg further objects to this request to the extent it calls for information protected by attorney-client privilege and/or the attorney work product doctrine. Jarg also objects to the extent this request calls for legal conclusions and expert testimony.

Subject to these objections and to the general objections above, Jarg will offer a witness or witnesses to testify at a depth commensurate with the generality of this Topic.

**TOPIC NO. 3:**

Any Google technology, product(s), or service(s) tested by Jarg or Jarg for purposes of the Present Litigation, the circumstances and results of any such tests, and any documents or things related thereto.

**OBJECTIONS TO TOPIC NO. 3:**

Jarg objects to this request as unduly burdensome because it is duplicative of information already provided to Google in this litigation. As required under P.R. 3-1, Jarg provided Google with its Disclosure of Asserted Claims and Infringement Contentions on September 9, 2008. That disclosure provided the basis and foundation for Plaintiffs' infringement contentions based on information reasonably available to Jarg as of that date. Likewise this deposition is burdensome and unnecessary in light of the fact that information regarding Plaintiffs' infringement contentions may be obtained through written and expert discovery.

Jarg further objects to this request as it is premature in light of the fact that Jarg has not yet received any discovery whatsoever from Google. Jarg's fact analysis and investigation is ongoing and any information provided in this deposition will not be exhaustive, nor will it necessarily reflect Jarg's final contentions in this case, which may change, *inter alia*, based on

discovery obtained in this case.

Jarg further objects to this request to the extent it calls for information protected by attorney-client privilege and/or the attorney work product doctrine. Jarg also objects to the extent this request calls for legal conclusions and expert testimony.

Subject to these objections and to the general objections above, Jarg will offer a witness or witnesses to testify at a depth commensurate with the generality of this Topic.

Dated: September 16, 2008

Respectfully submitted,

/s/ Michael Valek

William B. Dawson (Tx Bar No. 05603600)  
VINSON & ELKINS L.L.P.  
3700 Trammel Crow Center  
3001 Ross Avenue  
Dallas, Texas 75201-2975  
Tel: (214) 220-7926  
Fax: (214) 999-7926  
E-mail: bdawson@velaw.com

David B. Weaver (TX Bar No. 00798576)  
Christopher V. Ryan (TX Bar No. 24037412)  
Michael Valek (TX Bar No.24044028)  
R. Floyd Walker (TX Bar No. 24044751)  
Stephen C. Stout (TX Bar No. 24060672)  
VINSON & ELKINS L.L.P.  
2801 Via Fortuna, Suite 100  
Austin, Texas 78746  
Tel: (512) 542-8400  
Fax: (512) 236-3338  
E-mail: dweaver@velaw.com  
cryan@velaw.com  
mvalek@velaw.com  
fwalker@velaw.com  
sstout@velaw.com

Otis W Carroll, Jr.  
Collin Maloney  
IRELAND CARROLL & KELLEY  
6101 S Broadway, Suite 500  
Tyler, TX 75703  
Tel: 903-561-1600  
Fax: 903-581-1071  
Email: [Fedserv@icklaw.com](mailto:Fedserv@icklaw.com)

Franklin Jones, Jr.  
JONES & JONES, INC. P.C.  
201 W Houston St., PO Drawer 1249  
Marshall, TX 75671-1249  
Tel: 903-938-4395  
Fax: 903-938-3360  
Email: [maizieh@millerfirm.com](mailto:maizieh@millerfirm.com)

ATTORNEYS FOR PLAINTIFFS  
NORTHEASTERN UNIVERSITY AND  
JARG CORPORATION

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing this document was served on all counsel of record on September 16, 2008 in the manner indicated below.

Michael E. Jones  
Allen F. Gardner  
POTTER MINTON  
A Professional Corporation  
110 N. College, Suite 500 (75702)  
P. O. Box 359  
Tyler, Texas 75710  
Tel: 903-597 8311  
Fax: 903-593 0846  
[mikejones@potterminton.com](mailto:mikejones@potterminton.com)  
[allengardner@potterminton.com](mailto:allengardner@potterminton.com)

- Hand-delivery
- Facsimile
- Electronically via e-mail
- U.S. Mail
- U.S. Certified Mail
- Federal Express

Howard G. Pollack  
Shelley Kay Mack  
Jerry T. Yen  
Enrique D. Duarte  
FISH & RICHARDSON P.C.  
500 Arguello Street, Suite 500  
Redwood City, CA 94063  
Tel: 650.839.5070  
Fax: 650.839.5071  
[pollack@fr.com](mailto:pollack@fr.com)  
[mack@fr.com](mailto:mack@fr.com)  
[yen@fr.com](mailto:yen@fr.com)  
[Duarte@fr.com](mailto:Duarte@fr.com)

- Hand-delivery
- Facsimile
- Electronically via e-mail
- U.S. Mail
- U.S. Certified Mail
- Federal Express

Ruffin B. Cordell  
FISH & RICHARDSON P.C.  
1425 K Street, N.W., 11<sup>th</sup> Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331  
[cordell@fr.com](mailto:cordell@fr.com)

- Hand-delivery
- Facsimile
- Electronically via e-mail
- U.S. Mail
- U.S. Certified Mail
- Federal Express

Jason W. Wolff  
FISH & RICHARDSON, P.C.  
12390 El Camino Real  
San Diego, California 92130  
Tel: (858)678-5070  
Fax: (858) 678-5099  
[wolff@fr.com](mailto:wolff@fr.com)

- Hand-delivery
- Facsimile
- Electronically via e-mail
- U.S. Mail
- U.S. Certified Mail
- Federal Express

/s/ Amy A. Reiley  
Amy A. Reiley, Paralegal