## Exhibit P

Page 1 1 IN THE UNITED STATES DISTRICT COURT 2 EASTERN DISTRICT OF TEXAS 3 TYLER DIVISION 4 5 EMG TECHNOLOGY, LLC, ) ) Plaintiff, 6 ) 7 vs. )Case No. )6:08-cv-447(LED) APPLE, INC., AMERICAN AIRLINES, 8 ) INC., DELL, INC., HYATT )VOLUME I 9 CORPORATION, MARRIOTT ) INTERNATIONAL, INC. & BARNES & ) NOBLE, INC., 10 ) ) 11 Defendants. ) 12 13 14 15 16 DEPOSITION OF: 17 GRANT GOTTFURCHT 18 WEDNESDAY, DECEMBER 16, 2009 19 10:19 A.M. 20 21 22 23 Reported by: SUSAN LYNN POBOR 24 25 CSR No. 5132

|  | Pag   | 2  | Page 4   |
|--|---|--|--|
| 1  | Deposition of ELLIOT GOTTFURCHT, the witness,<br>taken on behalf of the Defendant, APPLE, INC., on  | -  |  |
| 3  | Wednesday, December 16, 2009, 10:19 a.m., at  | 2  | 2 LOS ANGELES, CALIFORNIA  |
| 4<br>5   | 555 West 5th Street, Suite 3500, Los Angeles,<br>California, before SUSAN LYNN POBOR, CSR No. 5132,   | 1  | 3 10:19 A.M.   |
| 6  | pursuant to Notice.   | 4  | 000  |
| 7<br>8   | APPEARANCES OF COUNSEL:   | Ę  | THE VIDEOGRAPHER: Here begins Volume I,  |
| 9  | For Plaintiff:  | e  |  |
| 10   | MANATT PHELPS & PHILLIPS  | -  |  |
| 11   | BY: ROBERT BECKER, ESQ.<br>1001 Page Mill Road  | 8  |  |
|  | Building 2  | 0  |  |
| 12   | Palo Alto, California 94304<br>(650) 812-1300   |  |  |
| 13   |   | 10   |  |
| 14   | For Defendant, APPLE, INC.:   | 1  | , , , , , , , , , , , , , , , , , , ,  |
| 14   | FISH & RICHARDSON, P.C.   | 1  |  |
| 15   | BY: GARLAND STEPHENS, ESQ.  | 1  | 3 The video operator today is  |
| 16   | JOHN R. LANE, ESQ.<br>1221 McKinney   | 1  | 4 Daniel Rocco, contracted by Merrill Legal Solutions.   |
|  | 28th Floor  | 1  | 5 This video deposition is taking place at   |
| 17   | Houston, Texas 77010<br>(713) 652-0109  | 1  |  |
| 18   |   | 1  |  |
| 19   | For Defendant, AMERICAN AIRLINES, INC.:   | 1  |  |
|  | NIXON PEABODY, LLP  | 1  | 55   |
| 20   | BY: RUSSELL J. GENET, ESQ.<br>300 South Riverside Plaza   | 2  | 5 1  |
| 21   | 16th Floor  |  |  |
|  | Chicago, Illinois 60606   | 2  | 5 11   |
| 22<br>23   | (312) 425-8516  | 2  | 5  |
|  | VIDEOGRAPHER: DANIEL ROCCO  | 2  | 5 11   |
| 24   | ALSO PRESENT: JEFF RISH; ELLIOT GOTTFURCHT  | 2  | 4 Jeff Risher, in-house counsel for Apple.   |
| 25   | ALSO FRESENT. JEH RISH, ELEIOT GOTTI ORGITI   | 2  | 5 MR. BECKER: And this is Robert Becker from   |
|  |   |  |  |
|  |   | _  |  |
| 1  | Pag   |  | Page 5   |
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2 (Pages 2 to 5)

| 1  | Page 6   |  | Page 8   |
|--|--|--|--|
| 1  | A. 15271 Via De Las Olas,  | 1  | Q. You said you took some extension  |
| 2  | Pacific Palisades, California, 90272.  | 2  | courses.   |
| 3  | Q. You were here for the deposition of your  | 3  | When did you do that?  |
| 4  | father yesterday.  | 4  | A. Probably 1992.  |
| 5  | Is that right?   | 5  | Q. And what are extension courses?   |
| 6  | A. Yes, that's correct.  | 6  | A. They're courses that are offered at   |
| 7  | Q. And were you taking notes?  | 7  | UCLA. Without having to apply to get into school,  |
| 8  | A. Not on the deposition, no.  | 8  | they offer night courses that count as college   |
| 9  | Q. You the notes that you were taking  | 9  | credits, so  |
|  | didn't have anything to do with the deposition?  | -  |  |
| 10   | ,  | 10   | Q. And what kind of courses did you take?  |
| 11   | A. No, they did not.   | 11   | A. They were mostly music-related.   |
| 12   | Q. Did you bring those notes with you  | 12   | Q. You said mostly.  |
| 13   | today?   | 13   | Were was there anything else besides   |
| 14   | A. No, I did not.  | 14   | music courses?   |
| 15   | Q. What what did they relate to?   | 15   | A. I believe that was it.  |
| 16   | <ol> <li>Some scheduling stuff for my work.</li> </ol>   | 16   | Q. Do you have any other education besides   |
| 17   | Q. What's your work?   | 17   | grade school and high school, and these extension  |
| 18   | A. I own a yoga studio.  | 18   | courses?   |
| 19   | Q. So the notes that you were taking during  | 19   | A. Formal ed like other college  |
| 20   | the deposition yesterday were about scheduling your  | 20   | education? No.   |
| 21   | yoga studio, only, or were they concerning anything  | 21   | Q. Okay. And now if you could just   |
| 22   | else?  | 22   | describe your work experience, please.   |
| 23   | A. Just scheduling my yoga studio.   | 23   | A. I worked in restaurants, all kinds of   |
| 23   |  |  | jobs in restaurants.   |
|  |  | 24<br>25   | -  |
| 25   | that you took no notes, whatsoever, concerning the   | 25   | Q. Okay. Could you just take me through  |
|  |  |  |  |
|  |  |  | Dego 0   |
| 1  | Page 7   | 1  | Page 9   |
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3 (Pages 6 to 9)

| l  | Page 10  |  | Page 12   |
|--|--|--|---|
| 1  | Domino's?  | 1  | Q. Okay. Was there a gap between the time   |
| 2  | A. I don't recall.   | 2  | you stopped working at Louise's restaurants and   |
| 3  | Q. Was it a year, two years, three years?  | 3  | started working at Revival Cafe?  |
| 4  | A. It was probably under a year.   | 4  | A. I don't recall.  |
| 5  | Q. What next?  | 5  | Q. How long did you work at Revival Cafe?   |
| 6  | A. I worked at a restaurant called   | 6  | A. I don't recall exactly.  |
| 7  | Louise's.  | 7  | Q. Was it one year, two years, five years?  |
| 8  | Q. And when was that?  | 8  | A. Less than five years.  |
| 9  | A. Again, it was after high school.  | 9  | Q. More than two years?   |
| 10   | Q. Was it immediately after you left   | 10   | A. I think it was less than two years, but  |
| 11   | Domino's or  | 11   | I don't recall exactly.   |
| 12   | A. I might have been doing both jobs at the  | 12   | Q. Was it more than one year?   |
| 13   | same time for awhile.  | 13   | A. I believe it was more than one year, but   |
| 14   | Q. You said might have been.   | 14   | I don't recall.   |
| 15   | Do you recall whether you were or  | 15   | Q. So probably more than one year?  |
| 16   | not?   | 16   | A. Different jobs.  |
| 17   | A. I I don't recall.   | 17   | Q. Sorry. Didn't mean to cut you off.   |
| 18   | Q. And how long did you work at Louise's?  | 18   | A. It could have been. I really don't   |
|  |  | 10   | recall. It could have been around a year, could have  |
| 19<br>20   | A. I don't recall. It was over a year for  | 20   | been a little more, a little less. I I really   |
| 20   | sure, I believe.   |  |   |
| 21   | <ul><li>Q. More than two years?</li><li>A. Could have been.</li></ul>  | 21<br>22   | don't recall exactly.   |
| 22   |  |  |   |
| 23   | Q. More than three years?  | 23<br>24   | working while I was working at Louise's. I could have   |
| 24<br>25   | A. It's possible. I don't recall exactly.  | 24<br>25   | been working there at the same time, working two jobs,  |
| 25   | Q. More than four years?   | 25   | overlapping sometimes, so   |
|  |  |  |   |
|  | Dago 11  |  | Dage 12   |
| 1  | Page 11  | 1  | Page 13   |
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|  | Page 14   |  | Page 16  |
|--|---|--|--|
| 1  | believe.  | 1  | Q. Do you remember what the hotel's name   |
| 2  | Q. And this was   | 2  | was?   |
| 3  | A. It might have been it might have even  | 3  | A. I believe it was the Loews Hotel.   |
| 4  | been called The Dive, but I'm not not 100 percent   | 4  | Q. And how long did you work there?  |
| 5  | sure.   | 5  | A. I don't recall exactly.   |
| 6  | Q. And that was while you were working at   | 6  | Q. And you have three children.  |
| 7  | Louise's?   | 7  | Is that right?   |
| 8  | A. Yeah, I I believe I was working two  | 8  | A. I'm a stepfather to two and then my own   |
| 9  | jobs at the time.   | 9  | biological child.  |
| 10   | Q. Okay. And what year was your first   | 10   | Q. I see.  |
| 11   | child born?   | 11   | A. We have full custody all the time.  |
| 12   | A. 1995.  | 12   | Q. I'm just trying to help that figure   |
| 13   | Q. Okay. So after working at Louise's,  | 13   | out the timing, here.  |
| 14   | you're not sure if there was a gap before you started   | 14   | When did you get married to to the   |
| 15   | at the Revival Cafe. You were there for one to  | 15   | mother of your stepchildren?   |
| 16   | two years.  | 16   | A. We've been together for about five  |
| 17   | What next?  | 17   | years.   |
| 18   | A. When I worked at Louise's for awhile and   | 18   | Q. Are you married?  |
| 19   | different restaurants, and I worked at I remember   | 19   | A. We are, yes.  |
| 20   | working at I became a chef, started doing chef  | 20   | Q. When did you get married?   |
| 21   | work. I worked at a restaurant in the Valley, I   | 21   | A. Last summer.  |
| 22   | remember, at one time   | 22   | Q. Were you working at Loews before you got  |
| 23   | Q. What what rest   | 23   | together with your wife?   |
| 24   | A called Pinot called Pinot Bistro.   | 24<br>25   | A. Yes.  |
| 25   | Q. Now, where does that fit in time?  | 25   | Q. So that was more than five years ago,   |
|  |   |  |  |
|  | Page 15   |  | Page 17  |
| 1  | Page 15<br>A. It was after my child was born, sometime  | 1  | Page 17<br>then, I quess.  |
| 1  | A. It was after my child was born, sometime   | 1<br>2   | then, I guess.   |
| 1<br>2<br>3  | A. It was after my child was born, sometime after. I don't know if it was within the first year,  | 1<br>2<br>3  |  |
| 2  | A. It was after my child was born, sometime   | 2  | then, I guess.<br>Right?   |
| 2<br>3   | A. It was after my child was born, sometime<br>after. I don't know if it was within the first year,<br>within the first two years. I just remember working  | 2<br>3   | then, I guess.<br>Right?<br>A. Yes.  |
| 2<br>3<br>4  | A. It was after my child was born, sometime<br>after. I don't know if it was within the first year,<br>within the first two years. I just remember working<br>there for awhile.   | 2<br>3<br>4  | then, I guess.<br>Right?<br>A. Yes.<br>Q. And how long were you with Loews?  |
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5 (Pages 14 to 17)

| 1  | Page 18   | 1  | Page 20   |
|--|---|--|---|
| 1  | in '98, but I don't know if I started practicing at   | 1  | license, that's the license you got in 1998?  |
| 2  | that time.  | 2  | A. Yeah, yeah.  |
| 3  | Q. Do you remember what you were doing at   | 3  | Q. Do you have any other real estate  |
| 4  | the time you got your real estate license?  | 4  | licenses?   |
| 5  | A. I could have been still working as a   | 5  | A. No, I do not.  |
| 6  | chef. I don't recall exactly. It would be a guess.  | 6  | Q. Did you do anything else in that period  |
| 7  | Q. Would that have been at Loews?   | 7  | from '98 to within the last two years other than  |
| 8  | A. It could have been. I don't recall.  | 8  | selling residential real estate?  |
| 9  | Q. So after Loews, or either during or  | 9  | A. I spec'd some homes, as well.  |
| 10   | after the time you were working at Loews, you got your  | 10   | Q. What does that mean?   |
| 11   | real estate license. That was in 1998.  | 11   | A. I bought a home and fixed it up,   |
| 12   | What did you do next for employment?  | 12   | remodeled it and sold it for profits.   |
| 13   | A. I might have worked at another   | 13   | Q. How many of those did you do?  |
| 14   | restaurant before that or after that.   | 14   | A. I don't recall exactly.  |
| 15   | Q. What restaurant was that?  | 15   | Q. More than five?  |
| 16   | A. Called Barnaby's. It was in the  | 16   | A. Could have been.   |
| 17   | Miracle Mile district. But I don't it might have  | 17   | Q. More than ten?   |
| 18   | been before Loews. I don't timeline's going back a  | 18   | A. Not more than ten.   |
| 19   | little while. I don't recall exactly.   | 19   | Q. Were you affiliated with any kind of   |
| 20   | Q. How long were you at Barnaby's?  | 20   | real estate agency?   |
| 21   | A. Might have been I don't recall   | 21   | A. Yes, I guess so.   |
| 22   | exactly.  | 22   | Q. Who was that?  |
| 23   | Q. More than a year?  | 23   | A. Well, it was a dba, Westside Realty.   |
| 24   | A. Could have been.   | 24   | Q. Any other agencies?  |
| 25   | Q. More than two years?   | 25   | A. No.  |
| -  |   |  |   |
|  | Dago 10   |  | Dage 21   |
| 1  | Page 19   | 1  | Page 21   |
| 1  | A. I don't think it was more than two   | 1  | Q. Are you still affiliated with dba  |
| 2  | A. I don't think it was more than two years.  | 2  | Q. Are you still affiliated with dba Westside?  |
| 2<br>3   | <ul><li>A. I don't think it was more than two years.</li><li>Q. And what's next that you can recall?</li></ul>  | 2<br>3   | <ul><li>Q. Are you still affiliated with dba</li><li>Westside?</li><li>A. I believe so.</li></ul>   |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | <ul> <li>A. I don't think it was more than two years.</li> <li>Q. And what's next that you can recall?</li> <li>A. I started working on some real estate.</li> <li>Q. Like what kind of work did you do in real estate?</li> <li>A. I had my broker's license.</li> <li>Q. Okay. And what kind of</li> <li>A. Or I had a got a salesperson's license.</li> <li>Q. Okay. And what kind of work did you do?</li> <li>A. Well, I was trying to get clients, to buy and sell homes.</li> <li>Q. So you were doing residential real estate?</li> <li>A. Some residential real estate, yes.</li> <li>Q. And you were you were just acting as a broker or were you doing development?</li> <li>A. As a salesperson.</li> <li>Q. How long did you do that?</li> <li>A. The last house home I sold might have been last year or two years ago. So I've been doing it for ten years, maybe, or I've had my license for</li> </ul> | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | <ul> <li>Q. Are you still affiliated with dba</li> <li>Westside?</li> <li>A. I believe so.</li> <li>Q. When did you first become affiliated</li> <li>with them?</li> <li>A. I should say dba Westside Realty is a</li> <li>dba of my father's, as well. He's he's the broker</li> <li>of record of Westside Realty.</li> <li>And I do not recall exactly when that</li> <li>dba was formed, so I don't remember how long I've been</li> <li>associated with them exactly.</li> <li>Q. Okay. Were you affiliated with dba</li> <li>Westside, your father's firm, when you sold your first</li> <li>home</li> <li>A. I</li> <li>Q or brokered your first home, I should</li> <li>say?</li> <li>A. I don't recall. I was always as a</li> <li>salesperson, you need to have a a broker that</li> <li>you're working under.</li> <li>So it it would have been under my</li> <li>father as the broker of record. I just don't recall</li> <li>when the dba Westside Realty was actually put under</li> </ul> |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | <ul> <li>A. I don't think it was more than two years.</li> <li>Q. And what's next that you can recall?</li> <li>A. I started working on some real estate.</li> <li>Q. Like what kind of work did you do in real estate?</li> <li>A. I had my broker's license.</li> <li>Q. Okay. And what kind of</li> <li>A. Or I had a got a salesperson's license.</li> <li>Q. Okay. And what kind of work did you do?</li> <li>A. Well, I was trying to get clients, to buy and sell homes.</li> <li>Q. So you were doing residential real estate?</li> <li>A. Some residential real estate, yes.</li> <li>Q. And you were you were just acting as a broker or were you doing development?</li> <li>A. As a salesperson.</li> <li>Q. How long did you do that?</li> <li>A. The last house home I sold might have been last year or two years ago. So I've been doing</li> </ul>   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | <ul> <li>Q. Are you still affiliated with dba</li> <li>Westside?</li> <li>A. I believe so.</li> <li>Q. When did you first become affiliated</li> <li>with them?</li> <li>A. I should say dba Westside Realty is a</li> <li>dba of my father's, as well. He's he's the broker</li> <li>of record of Westside Realty.</li> <li>And I do not recall exactly when that</li> <li>dba was formed, so I don't remember how long I've been</li> <li>associated with them exactly.</li> <li>Q. Okay. Were you affiliated with dba</li> <li>Westside, your father's firm, when you sold your first</li> <li>home</li> <li>A. I</li> <li>Q or brokered your first home, I should</li> <li>say?</li> <li>A. I don't recall. I was always as a</li> <li>salesperson, you need to have a a broker that</li> <li>you're working under.</li> <li>So it it would have been under my</li> <li>father as the broker of record. I just don't recall</li> </ul>  |

6 (Pages 18 to 21)

| Page 22<br>1 So all of your real estate work has been 1 A. I   |  |
|--|--|
| So all of your real estate work has been I A. I  | Page 24  |
|  | I'm a yoga studio owner, as well.  |
| 5  | Okay.  |
|  | I still have my real estate license, so  |
|  | ortunities come up, I would still practice   |
| 5 Is that right? 5 real estate   |  |
|  | Are you actively trying to sell houses   |
| 7 Q. You said you've sold a home sometime 7 today?   |  |
|  | I had a listing six months ago, but it   |
|  | So when the opportunity comes around, I'll   |
|  | ntage of it, still.  |
|  | Did you during the time from the   |
|  | graduated from high school till today, have  |
|  | rted yourself through work or did you have   |
|  | ns of support?   |
| 15 the best of my recollection. 15 A. F  | From high school on?   |
| 16 Q. Was it more recent than that? 16 Q.  | Yeah.  |
| 17 A. Yeah, I'd just have to go back in my 17 A. F   | Pretty much through work, yeah.  |
| 18 records and look at it. It could have been within the 18 Q.   | So you don't have any other sources of   |
| 19 last year, but I don't recall specifically. 19 income oth   | her than your jobs?  |
| 20 Q. Okay. What what are you doing for 20 A. I  | No, I do not.  |
|  | On the face of one of the patents  |
| 5  | , it shows that it was assigned to the   |
| ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,  | furcht 2003 Irrevocable Trust.   |
|  | are you aware of that?   |
| 25 A. In August of this year. 25 A.  |  |
|  |  |
| Page 23  | Page 25  |
| 1 Q. So sometime around 1998, then, I take 1 Q.  | What is the Grant Gottfurcht 2003  |
| 2 it, you stopped working in the restaurant business. 2 Irrevocable  |  |
|  | t's a trust.   |
|  | What's the purpose?  |
|  | That's something I discussed with my   |
|  | t it up, so it would be attorney-client  |
| 7 restaurant business? 7 privilege, I  |  |
|  | STEPHENS: Are you directing him not to   |
| 9 Q. Generally? 9 answer?  |  |
|  | BECKER: Well, I'll direct you not to   |
| 10 A. Maybe '98, maybe '99. I don't recall 10 MR. I  | y advice that your attorney gave you   |
|  |  |
| 11 specifically. And I don't I be almost sure my 11 divulge an   | the setup of that trust.   |
| 11specifically. And I don't I be almost sure my11divulge and12license was issued in '98, but didn't mean I went12regarding to  | the setup of that trust.<br>STEPHENS: Why don't you guys consult   |
| 11specifically. And I don't I be almost sure my11divulge and12license was issued in '98, but didn't mean I went12regarding is13straight and started selling homes.13MR.  | STEPHENS: Why don't you guys consult   |
| 11specifically. And I don't I be almost sure my11divulge and12license was issued in '98, but didn't mean I went12regarding is13straight and started selling homes.13MR.14So I might have overlapped that date and14we don't h  | STEPHENS: Why don't you guys consult<br>ave to go off the record and figure out  |
| 11specifically. And I don't I be almost sure my11divulge and12license was issued in '98, but didn't mean I went12regarding13straight and started selling homes.13MR. S14So I might have overlapped that date and14we don't h15still worked in the restaurant business for a little15whether or   | STEPHENS: Why don't you guys consult<br>ave to go off the record and figure out<br>r not the purpose of the trust is actually  |
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| 11specifically. And I don't I be almost sure my11divulge and12license was issued in '98, but didn't mean I went12regarding is13straight and started selling homes.13MR.14So I might have overlapped that date and14we don't h15still worked in the restaurant business for a little15whether or16while longer.16attorney-cl17Q. Okay.17could be.   | STEPHENS: Why don't you guys consult<br>have to go off the record and figure out<br>r not the purpose of the trust is actually<br>lient privilege, because I don't see how it  |
| 11specifically. And I don't I be almost sure my11divulge and12license was issued in '98, but didn't mean I went12regarding in 1213straight and started selling homes.13MR. 1314So I might have overlapped that date and14we don't h15still worked in the restaurant business for a little15whether or16while longer.16attorney-cl17Q. Okay.17could be.18A. I don't recall, though.18G  | STEPHENS: Why don't you guys consult<br>have to go off the record and figure out<br>r not the purpose of the trust is actually<br>lient privilege, because I don't see how it<br>Go ahead. And then you you can  |
| 11specifically. And I don't I be almost sure my11divulge and12license was issued in '98, but didn't mean I went12regarding in 1213straight and started selling homes.13MR. 914So I might have overlapped that date and14we don't h15still worked in the restaurant business for a little15whether or16while longer.16attorney-cl17Q. Okay.17could be.18A. I don't recall, though.18G19Q. So sometime around '98 or '99 or 2000,19direct him  | STEPHENS: Why don't you guys consult<br>have to go off the record and figure out<br>r not the purpose of the trust is actually<br>lient privilege, because I don't see how it<br>so ahead. And then you you can<br>not to answer, you can do that, but I want  |
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| 11specifically. And I don't I be almost sure my11divulge and12license was issued in '98, but didn't mean I went12regarding in the regarding in the regarding in the restaurant business for a little13MR. 514So I might have overlapped that date and14we don't he in the restaurant business for a little14we don't he in the restaurant business for a little15whether or16attorney-cl17Q. Okay.17could be.18G19Q. So sometime around '98 or '99 or 2000,19direct him20it clear tha21And were you exclusively in real estate21rather thar  | STEPHENS: Why don't you guys consult<br>have to go off the record and figure out<br>r not the purpose of the trust is actually<br>lient privilege, because I don't see how it<br>Go ahead. And then you you can<br>not to answer, you can do that, but I want<br>at you're directing him not to answer<br>n him just speculating that it might have  |
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|   | Page 26   |   | Dogo 20  |
|---|---|---|--|
| 1   | THE VIDEOGRAPHER: Going off the record.   | 1   | Page 28<br>a different situation.  |
| 2   | The time is 10:43 a.m.  | 2   | MR. STEPHENS: Well, that's a little bit  |
| 3   | (Whereupon a recess was taken)  | 3   | problematic because I don't want to wait until the   |
| 4   | THE VIDEOGRAPHER: Back on the record.   | 4   | court closes to to address this issue since we're  |
| 5   | The time is 10:45 a.m.  | 5   | going to set up a call, anyway.  |
| 6   | BY MR. STEPHENS:  | 6   | So let me see if I can figure out how to   |
| 7   | Q. So Mr. Gottfurcht, I'll just ask the   | 7   | answer that question.  |
| 8   | question again.   | 8   | Let's see. Do we have the Exhibit 1  |
| 9   | What was the purpose of the   | 9   | from yesterday?  |
| 10  | Grant Gottfurcht 2003 Irrevocable Trust?  | 10  | COURT REPORTER: Yes.   |
| 11  | MR. BECKER: After discussing that with  | 11  | MR. STEPHENS: Thanks.  |
| 12  | Mr. Gottfurcht, I'm instructing him not to answer   | 12  | Actually, let's do this differently.   |
| 13  | based on attorney-client privilege. It was set up   | 13  | Q. Mr. Gottfurcht, I'm handing you   |
| 14  | with the advice of counsel.   | 14  | E. Gottfurcht Exhibit 2. That was marked as Exhibit 2  |
| 15  | BY MR. STEPHENS:  | 15  | in your father's deposition yesterday.   |
| 16  | Q. Okay. Do you have any other trusts?  | 16  | Do you recognize that?   |
| 17  | A. No.  | 17  | A. It looks like United States patent  |
| 18  | Q. Are you a trustee of the   | 18  | Number 7,441,196.  |
| 19  | Grant Gottfurcht 2003 Irrevocable Trust?  | 19  | Q. And you're an inventor on that patent.  |
| 20  | A. Yes, I am.   | 20  | Right?   |
| 21  | Q. What assets does that trust have?  | 20  | A. Yes, I am.  |
| 22  | A. It's confidential.   | 22  | Q. If you turn to Claim 58 I believe   |
| 23  | Q. Okay. There's a confidentiality  | 23  | it's the last page, and then actually, the claim   |
| 23  | provision in the local rules, so you need to go ahead   | 23  | continues on to the next page in column 15.  |
| 25  | and answer.   | 25  | The very last element of the claim says,   |
| 25  |   | 25  | The very last element of the claim says,   |
|   | Page 27   |   | Page 29  |
| 1   | MR. BECKER: So same as yesterday, there's a   | 1   | "Manipulating a region of the screen for viewing and   |
| ~   | constitutional protection of privious of privilage in   |   |  |
| 2   | constitutional protection of privacy of privilege in  | 2   | zooming and/or scrolling of the displayed online   |
| 3   | California, Article I of the California Constitution.   | 2<br>3  | content."  |
| 3<br>4  | California, Article I of the California Constitution.<br>So if he wants to exercise his   | 3<br>4  | content."<br>Do you see that?  |
| 3<br>4<br>5   | California, Article I of the California Constitution.<br>So if he wants to exercise his<br>constitutional right in California, I will instruct  | 3   | content."<br>Do you see that?<br>A. Yes, I do.   |
| 3<br>4<br>5<br>6  | California, Article I of the California Constitution.<br>So if he wants to exercise his<br>constitutional right in California, I will instruct<br>him not to answer with respect to what he wants to  | 3<br>4<br>5<br><mark>6</mark>   | content."<br>Do you see that?<br>A. Yes, I do.<br>Q. Can you tell me your understanding of   |
| 3<br>4<br>5<br>6<br>7   | California, Article I of the California Constitution.<br>So if he wants to exercise his<br>constitutional right in California, I will instruct<br>him not to answer with respect to what he wants to<br>remain private.   | 3<br>4<br>5<br><mark>6</mark><br>7  | content."<br>Do you see that?<br>A. Yes, I do.<br>Q. Can you tell me your understanding of<br>that?  |
| 3<br>4<br>5<br>6<br>7<br>8  | California, Article I of the California Constitution.<br>So if he wants to exercise his<br>constitutional right in California, I will instruct<br>him not to answer with respect to what he wants to  | 3<br>4<br>5<br><mark>6</mark><br>7<br>8   | content."<br>Do you see that?<br>A. Yes, I do.<br>Q. Can you tell me your understanding of<br>that?<br>MR. BECKER: So that violates Rule 2.5 of the  |
| 3<br>4<br>5<br>6<br>7<br>8<br>9   | California, Article I of the California Constitution.<br>So if he wants to exercise his<br>constitutional right in California, I will instruct<br>him not to answer with respect to what he wants to<br>remain private.<br>MR. STEPHENS: Okay. Well, we're going to get<br>a con  | 3<br>4<br>5<br>6<br>7<br>8<br>9   | content."<br>Do you see that?<br>A. Yes, I do.<br>Q. Can you tell me your understanding of<br>that?<br>MR. BECKER: So that violates Rule 2.5 of the<br>local rules.  |
| 3<br>4<br>5<br>6<br>7<br>8<br>9<br>10   | California, Article I of the California Constitution.<br>So if he wants to exercise his<br>constitutional right in California, I will instruct<br>him not to answer with respect to what he wants to<br>remain private.<br>MR. STEPHENS: Okay. Well, we're going to get<br>a con<br>MR. BECKER: That's fine.  | 3<br>4<br>5<br>6<br>7<br>8<br>9<br>10   | content."<br>Do you see that?<br>A. Yes, I do.<br>Q. Can you tell me your understanding of<br>that?<br>MR. BECKER: So that violates Rule 2.5 of the<br>local rules.<br>And also, to the extent your  |
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8 (Pages 26 to 29)

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| Page 30  | Page 32  |
|--|--|
| <ul> <li>Q. Let me ask phrase it a little bit</li> <li>differently.</li> <li>Did you did your father testify to</li> <li>anything that you did not agree with?</li> <li>MR. BECKER: Object. Form.</li> <li>THE WITNESS: I don't recall.</li> <li>BY MR. STEPHENS:</li> <li>Q. So you don't remember hearing anything</li> <li>and thinking it was wrong?</li> <li>A. I don't recall.</li> <li>Q. Okay. Could you describe for me your</li> <li>involvement in the conception and/or implementation of</li> <li>the inventions that are involved in this lawsuit?</li> <li>A. Yes.</li> </ul>   | <ul> <li>Page 32</li> <li>things into focus, you would need to be able to</li> <li>manipulate with your hands some kind of region or a</li> <li>part of the screen for zooming and scrolling.</li> <li>Q. Anything else?</li> <li>A. That's all I could recall at this time.</li> <li>Q. What happened next in connection with</li> <li>the invention?</li> <li>A. Well, a meeting was set up with the</li> <li>attorney, Tom Coester, and we spoke to him.</li> <li>Q. Okay. When did that happen?</li> <li>A. About five or six days later, I believe.</li> <li>Q. And you were at that meeting?</li> <li>A. I was a part of it, yes, to the best of</li> <li>my recollection.</li> <li>Q. And where did that meeting take place?</li> <li>A. I believe in his offices, but I do not</li> <li>recall exactly.</li> <li>Q. I'd like to look back at the 196 patent,</li> <li>Claim 58.</li> <li>Could you just read through that claim</li> <li>and describe for me what you contributed to the</li> <li>invention as claimed there?</li> <li>A. Well, these claims were put together by</li> <li>my attorney, and based on the understanding we had</li> <li>together, this is my understanding of what I</li> </ul> |
| Page 31<br>A. Well, I went to my father's house. He<br>was moving into his new residence in July of 1999, on<br>or about the 1st.<br>And we sat down together, and we had a<br>computer out and he had his big screen installed on<br>the wall and he had his cell phone next to him. And<br>we were looking at the Internet. I believe it was the<br>Yahoo or AOL.com, which was the two most visited sites<br>at that time.<br>And we were going through it, and he<br>looked at the computer and he looked up at the TV and<br>his cell phone, and he said, "One day, this is going<br>to be available on a TV monitor and on a cell phone<br>device."<br>And he started getting some ideas, and<br>pad and paper, and started writing down how he<br>envisioned this invention would have to take place in<br>the future.<br>And he came up with a simplified<br>interface or simplified navigational page. He came up<br>with having one-to-one inputs, or unique inputs. He<br>had a concept of a sister site, which would be a<br>simpler page to navigate.<br>And I came up with, that in order to | Page 33 Contributed or what the other inventors contributed, was discussed, and the attorney submitted the application, and it's an attorney-client privilege. Q. So it's your your understanding of what you contributed to the claimed invention, you learned only through your conversations with the attorney. Is that right? A. No, that's not what I meant. Q. Well, then tell me then tell me what your contribution to the claim was. A. When we sat down on July on or about July 1st, my contribution to the invention was that you would have to have the ability to manipulate a region of the screen for zooming or scrolling using your hands. Q. Okay. Did you ever make any other contribution to the invention that's claimed in the 196 patent? A. I worked MR. BECKER: Object. Form. Go ahead. THE WITNESS: I worked on some of the interface work, some of the advertisement aspects. $///$  |

9 (Pages 30 to 33)

| 1  | Page 34<br>BY MR. STEPHENS:   | 1  | Page 36  |
|--|---|--|--|
| 1<br>2                                   | Q. Okay. What what interface work did   | <mark>1</mark><br>2                          | SO   |
| 2  | you do?   | 2  | MR. STEPHENS: Are you directing him not to answer what he understands about the patent?  |
| 4  | A. Well, we had a we just designed some   | 4  | MR. BECKER: Any advice that your attorney has  |
| 5  | Web pages, I believe, put some advertising in there,  | 5  | given you about what the patent means, yes.  |
| 6  | so  | 6  | BY MR. STEPHENS:   |
| 7  | I didn't that's, to the best of my  | 7  | Q. I'm not asking for your advice. I'm   |
| 8  | recollection, is what I remember.   | 8  | asking for your understanding of what the patent   |
| 9  | Q. Okay. Let's take a look at the 196   | 9  | discloses.   |
| 10                                       | patent again, and turn to Figure 5-C.   | 10   | A. My all my understanding is comes  |
| 11                                       | A. (Witness complies.)  | 11   | from conversations with my attorney, and so it would   |
| 12                                       | Q. Can you explain Figure 5-C, please.  | 12   | all fall under attorney-client privilege.  |
| 13                                       | MR. BECKER: Object. Form.   | 13   | Q. So you have no understanding of what's  |
| 14                                       | THE WITNESS: I can't. This is   | 14   | in the 196 patent except what your attorney told you.  |
| 15                                       | BY MR. STEPHENS:  | 15   | Is that right?   |
| 16                                       | Q. Why can't you?   | <mark>16</mark>                              | A. Except what I was told  |
| 17                                       | A. Well, again, this has been 10, 11 years.   | 17   | Well, no.  |
| 18                                       | This is the first time I'm seeing this in this time.  | 18   | Q. Okay. Well, explain to me what you  |
| 19                                       | Q. I'm sorry  | 19   | understand about the patent that your attorney did not   |
| 20                                       | A. And this is  | 20   | tell you.  |
| 21                                       | Q say that again. I I just missed   | 21   | A. We sat down on or about July 1st, and I   |
| 22                                       | what you were saying. I'm sorry.  | 22   | already told you what the inventions, the visions,   |
| 23                                       | A. Well, it's been awhile   | 23   | that we had come up with on that day.  |
| 24                                       | Q. Okay.  | 24   | Q. Okay.   |
| 25                                       | A since this original patent was  | 25   | A. And   |
|  | Page 35   |  | Page 37  |
| 1  | since I even looked at this.  | 1  | Q. Now I'm asking about what's described in  |
| 2  | So you're just telling me to come here  | 2  | this patent, not what you did on the first day of  |
| 3  | and explain it. At this time right now, I can't   | 3  | July.  |
| 4  | explain it.   | 4  | A. Well, what's described in this patent   |
| 5  | Q. Why not?   | 5  | was everything I read and at the time was with my  |
| 6  | A. Because it's not my I haven't studied  | 6  | attorney, and understandings I got, and had some   |
| 7  | this material. I haven't looked at it.  | 7  | questions that were answered, were all through my  |
| 8  | Q. Take whatever time you need to study it.   | 8  | attorney.  |
| 9  | Go ahead.   | 9  | And so my understanding of what the  |
| 10                                       | A. I don't recall if this was something   | 10   | patent was at this time when we filed the application  |
| 11                                       | I don't even, you know, remember if I this was  | 11   | was based on conversations with my attorney.   |
| 12                                       | something I did, this part of the patent.   | 12   | Q. I just want to be completely clear.   |
| 13                                       | Q. Well, that's what I'd like to find out.  | 13   | You have no understanding of what's  |
| 14                                       | So take your time, take a look at it,   | 14   | shown in Figure 5-C other than what you learned from   |
| 15                                       |   | 15   | your attorney.   |
|  | and tell me whether you understand what's described in  |  |  |
| <mark>16</mark>                          | Figure 5-C and the accompanying text.   | <mark>16</mark>                              | Is that right?   |
| <mark>16</mark><br>17                    | Figure 5-C and the accompanying text.<br>MR. BECKER: Object. Form.  | <mark>16</mark><br>17                        | Is that right?<br>A. Not correct. But everything I all   |
| <mark>16</mark><br>17<br><mark>18</mark> | Figure 5-C and the accompanying text.<br>MR. BECKER: Object. Form.<br>THE WITNESS: I don't recall. This is  | <mark>16</mark><br>17<br>18                  | Is that right?<br>A. Not correct. But everything I all<br>the conversations I had regarding this were with my  |
| 16<br>17<br>18<br>19                     | Figure 5-C and the accompanying text.<br>MR. BECKER: Object. Form.<br>THE WITNESS: I don't recall. This is<br>something that we had put together with the attorney  | 16<br>17<br>18<br>19                         | (Is that right?)<br>A. Not correct. But everything I all<br>the conversations I had regarding this were with my<br>attorney.   |
| 16<br>17<br>18<br>19<br>20               | Figure 5-C and the accompanying text.<br>MR. BECKER: Object. Form.<br>THE WITNESS: I don't recall. This is<br>something that we had put together with the attorney<br>and my understanding came from conversations with my  | 16<br>17<br>18<br>19<br>20                   | Is that right?<br>A. Not correct. But everything I all<br>the conversations I had regarding this were with my<br>attorney.<br>Q. Okay. They don't become privileged just   |
| 16<br>17<br>18<br>19<br>20<br>21         | Figure 5-C and the accompanying text.<br>MR. BECKER: Object. Form.<br>THE WITNESS: I don't recall. This is<br>something that we had put together with the attorney<br>and my understanding came from conversations with my<br>attorney.   | 16<br>17<br>18<br>19<br>20<br>21             | <ul> <li>Is that right?</li> <li>A. Not correct. But everything I all</li> <li>the conversations I had regarding this were with my attorney.</li> <li>Q. Okay. They don't become privileged just</li> <li>because you discussed them with your attorney.</li> </ul>  |
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| 16<br>17<br>18<br>20<br>21<br>22<br>23   | Figure 5-C and the accompanying text.<br>MR. BECKER: Object. Form.<br>THE WITNESS: I don't recall. This is<br>something that we had put together with the attorney<br>and my understanding came from conversations with my<br>attorney.<br>BY MR. STEPHENS:<br>Q. Okay. Go ahead and explain that | 16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | <ul> <li>Is that right?</li> <li>A. Not correct. But everything I all</li> <li>the conversations I had regarding this were with my attorney.</li> <li>Q. Okay. They don't become privileged just</li> <li>because you discussed them with your attorney.</li> <li>I'm entitled to your understanding of</li> <li>what's described in the patent, and I want you to tell</li> </ul> |
| 16<br>17<br>18<br>19<br>20<br>21<br>22   | Figure 5-C and the accompanying text.<br>MR. BECKER: Object. Form.<br>THE WITNESS: I don't recall. This is<br>something that we had put together with the attorney<br>and my understanding came from conversations with my<br>attorney.<br>BY MR. STEPHENS:                                       | 16<br>17<br>18<br>19<br>20<br>21<br>22       | Is that right?<br>A. Not correct. But everything I all<br>the conversations I had regarding this were with my<br>attorney.<br>Q. Okay. They don't become privileged just<br>because you discussed them with your attorney.<br>I'm entitled to your understanding of  |

10 (Pages 34 to 37)

|  | Page 38   |   | Page 40   |
|--|---|---|---|
| 1  | Figure 5-C.   | 1   | answer the question?  |
| 2  | A. I've already given my answer.  | 2   | MR. BECKER: If that's if that's his   |
| 3  | Q. You haven't given me an answer. All you  | 3   | answer, then yes.   |
| 4  | told me is that you talked about it with your lawyer.   | 4   | MR. STEPHENS: Okay. So you I just want to   |
| 5  | And you you haven't told me that  | 5   | make clear, are you directing him not to answer?  |
| 6  | you're claiming privilege in your understanding of  | 6   | MR. BECKER: Yes.  |
| 7  | Figure 5-C.   | 7   | MR. STEPHENS: Okay.   |
| 8  | Is that what you're doing?  | 8   | MR. BECKER: He just said he can't answer  |
| 9  | A. (I'm claiming privilege, yes. Everything)  | 9   | without divulging attorney-client communications  |
| 10   | in here, I discussed with my attorney, everything in  | 10  | MR. STEPHENS: Okay.   |
| 11   | the patent, claims, the charge, the description.  | 11  | MR. BECKER: or advice.  |
| 12   | And based on my understanding with my   | 12  | MR. STEPHENS: Fair enough.  |
| <mark>13</mark>  | attorney, I'm claiming client privilege.  | 13  | MR. BECKER: Okay. But there may be other  |
| <mark>14</mark>  | Q. So so you're saying that you can't   | 14  | questions that he can answer. I don't know.   |
| <mark>15</mark>  | testify about anything in the 196 patent because your   | 15  | BY MR. STEPHENS:  |
| <mark>16</mark>  | understanding came from discussions with your   | 16  | Q. Okay. Are there any other questions  |
| 17   | attorney.   | 17  | about the patent at all that I could ask you that you   |
| 18   | Is that right?  | 18  | would be willing to answer because you could do so  |
| 19   | MR. BECKER: Object. Form.   | 19  | without revealing attorney-client privilege?  |
| 20   | BY MR. STEPHENS:  | 20  | MR. BECKER: Object. Form.   |
| 21   | Q. (I'm just trying to understand.)   | 21  | THE WITNESS: I don't know.  |
| 22   | A. Yes.   | 22  | BY MR. STEPHENS:  |
| 23   | Q. That's your position?  | 23  | Q. Okay. Well, let's keep going, then.  |
| <mark>24</mark><br>25  | A. Yes.<br>Q. Are you directing him not to answer my  | 24<br>25  | Look through the figures and tell me if there's any figure that you can explain to me your  |
| 25   |   | 25  |   |
|  | Page 39   |   | Page 41   |
| 1  | questions about the 196 patent  | 1   | understanding without revealing attorney-client   |
| 2  | MR. BECKER: No  | 2   | privilege.  |
| 3  | MR. STEPHENS: on that basis?  | 3   | Ă. Maybe Figure 2-A, looks like a   |
| 4  | MR. BECKER: only if the answer to your  |   |   |
|  |   | 4   | Q. Wait a minute. Let's start with  |
| 5  | question would require him to divulge advice of   | 4<br>5  | Figure 1.   |
| 5<br>6   | counsel.  |   | Figure 1.<br>Can you explain your understanding of  |
|  | counsel.<br>MR. STEPHENS: Okay. Well, why don't you   | 5<br>6<br>7   | Figure 1.<br>Can you explain your understanding of<br>Figure 1 without revealing attorney-client privilege?   |
| 6<br>7<br>8  | counsel.<br>MR. STEPHENS: Okay. Well, why don't you<br>guys, again, caucus we'll go off the record talk   | 5<br>6<br>7<br>8  | Figure 1.<br>Can you explain your understanding of<br>Figure 1 without revealing attorney-client privilege?<br>A. No, I cannot.   |
| 6<br>7<br>8<br>9   | counsel.<br>MR. STEPHENS: Okay. Well, why don't you<br>guys, again, caucus we'll go off the record talk<br>about it, and you decide whether or not you can answer   | 5<br>6<br>7<br>8<br>9   | Figure 1.<br>Can you explain your understanding of<br>Figure 1 without revealing attorney-client privilege?<br>A. No, I cannot.<br>Q. Okay. Figure 2-A, then.   |
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| 6<br>7<br>8<br>9<br>10<br>11   | counsel.<br>MR. STEPHENS: Okay. Well, why don't you<br>guys, again, caucus we'll go off the record talk<br>about it, and you decide whether or not you can answer<br>any questions about this patent.<br>Because I intend to if you can't   | 5<br>6<br>7<br>8<br>9<br>10<br>11   | <ul> <li>Figure 1.</li> <li>Can you explain your understanding of</li> <li>Figure 1 without revealing attorney-client privilege?</li> <li>A. No, I cannot.</li> <li>Q. Okay. Figure 2-A, then.</li> <li>A. The only reason why I say this page, it</li> <li>looks like an old AOL page that we it looks like it</li> </ul>  |
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11 (Pages 38 to 41)

|  | Page 42  |  | Page 44   |
|--|--|--|---|
| 1  | was I don't recall exactly.  | 1  | Q. So is it fair to say, then, that you   |
| 2  | Q. Okay. Does this how does this relate  | 2  | can't testify to your understanding about anything in   |
| 3  | to the invention?  | 3  | this patent, meaning 7,441,196, without divulging   |
| 4  | I mean, how does Figure A well,  | 4  | advice of counsel?  |
| 5  | Figure 2-A   | 5  | A. Yes, that would be correct.  |
| 6  | Let me start again.  | 6  | MR. STEPHENS: So Rob, then, will you direct   |
| 7  | How does Figure 2-A relate to the  | 7  | him not to answer any of those kinds of questions?  |
| 8  | invention?   | 8  | MR. BECKER: No, I can't do that. I have to  |
| 9  | A. I would say my understanding of that is   | 9  | hear a specific question and then give him the  |
| <mark>10</mark>  | under attorney-client privilege, and these are all   | 10   | instruction.  |
| 11   | conversations I had with my attorney at the time.  | 11   | Because he's already testified about  |
| <mark>12</mark>  | And I haven't even looked at this in   | 12   | some understandings, you know, the couple figures   |
| <mark>13</mark>  | since, you know, we filed it, signed off on it.  | 13   | SO  |
| <mark>14</mark>  | So all my understanding from here was  | 14   | BY MR. STEPHENS:  |
| <mark>15</mark>  | based on conversations I had with my attorney at the   | <mark>15</mark>  | Q. Okay. Well, look look through the  |
| <mark>16</mark>  | time.  | <mark>16</mark>  | patent and tell me if there's anything else that you  |
| 17   | MR. STEPHENS: Are you directing him not to   | 17   | can testify about your understanding of without   |
| 18   | answer?  | <mark>18</mark>  | divulging advice of counsel.  |
| 19   | MR. BECKER: If he can't answer it without  | <mark>19</mark>  | Because if there is, I want you to  |
| 20   | divulging advice of counsel, then yes.   | 20   | testify to your understanding, and if there's not, I  |
| 21   | BY MR. STEPHENS:   | 21   | want you to say so and have a direction not to answer   |
| 22   | Q. Can you answer without divulging advice   | 22   | from your counsel.  |
| 23   | of counsel?  | 23   | (A.) (Again, everything in here was my)   |
| <mark>24</mark>  | A. No, I cannot.   | 24   | understanding of everything in this patent was all  |
| 25   | MR. STEPHENS: Are you directing him not to   | <mark>25</mark>  | obtained from meetings with my attorney, and without)   |
|  |  |  |   |
|  | Dage /2  |  | Dage 45   |
| 1  | Page 43  | 1  | Page 45   |
| 1  | answer?  | 1  | divulging attorney-client privileges, I wouldn't be   |
| 2  | answer?<br>MR. BECKER: I already did.  | 2  | divulging attorney-client privileges, I wouldn't be<br>able to answer questions regarding   |
| 2<br>3   | answer?<br>MR. BECKER: I already did.<br>BY MR. STEPHENS:  |  | divulging attorney-client privileges, I wouldn't be<br>able to answer questions regarding)<br>Q. Okay. So just to be clear, then, my  |
| 2<br>3<br><mark>4</mark>   | answer?<br>MR. BECKER: I already did.<br>BY MR. STEPHENS:<br>Q. All right. Figure 2-B, can you explain   | 2<br>3   | divulging attorney-client privileges, I wouldn't be<br>able to answer questions regarding)<br>Q. Okay. So just to be clear, then, my<br>question is, would you please explain to me everything  |
| 2<br>3<br><mark>4</mark><br>5  | answer?<br>MR. BECKER: I already did.<br>BY MR. STEPHENS:<br>Q. All right. Figure 2-B, can you explain<br>your understanding of that without divulging advice of   | 2<br>3<br>4  | divulging attorney-client privileges, I wouldn't be<br>able to answer questions regarding)<br>Q. Okay. So just to be clear, then, my  |
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|  | Page 46  |  | Page 48  |
|--|--|--|--|
| 1  | without divulging advice of counsel.   | 1  | attorney, yes, at this time.   |
| 2  | Are you going to direct him not to   | 2  | Q. I'm just trying to understand.  |
| 3  | answer?  | 3  | You're you're declining  |
| 4  | MR. BECKER: Well, he has explained some  | 4  | A. My  |
| 5  | understanding, so there's a little disconnect between  | 5  | Q to answer on the grounds   |
| 6  | the two. So there is some things he can talk about.  | 6  | A. My understanding of those based on  |
| 7  | I don't know if there's anything else.   | 7  | conversations I've had with my attorney, so yeah, I  |
| 8  | That's not for me to testify.  | 8  | would decline to answer under attorney-client  |
| 9  | MR. STEPHENS: All right. Well, let's we  | 9  | privilege.   |
| 10   | can get very pedantic here, if that's what you want.   | 10   | Q. Okay.   |
| 11   | Q. You've told me that the AOL page in   | 11   | MR. STEPHENS: And you're directing him to do   |
| 12   | Figure 2-A looks like an existing AOL page at the  | 12   | that, John Rob?  |
| 13   | time. And you've told me that the Yahoo page in  | 13   | MR. BECKER: I'm instructing him not to give  |
| 14   | Figure 2-C looks like an existing Yahoo page at the  | 14   | any advice I've given.   |
| 15   | time.  | 15   | MR. STEPHENS: Well, if you need to consult to  |
| 16   | Is that right?   | 16   | work out whether or not he can tell me whether or not  |
| 17   | A. Hold on. I got to get to  | 17   | he believes Apple infringes, go ahead, because I think   |
| 18   | What figure was that?  | 18   | he needs advice from counsel to make that  |
| 19   | Q. 2-A and 2-C. They're near the beginning   | 19   | determination.   |
| 20   | of the patent.   | 20   | So I'm asking you to consult on that.  |
| 21   | A. They look like they could be. Again,  | 21   | Will you do it?<br>MR. BECKER: I I don't think we need to  |
| 22<br>23   | it's been awhile, so   | 22<br>23   | consult on this.   |
| 23<br>24   | Q. Okay.<br>MR. STEPHENS: We need to go off the record   | 23<br>24   | MR. STEPHENS: Okay.  |
| 24<br>25   | because we have to call the Court.   | 24<br>25   | WR. STEFFIENS. OKay.   |
| 25   |  | 20   |  |
|  |  |  |  |
|  | Page 47  |  | Page 49  |
| 1  | Page 47<br>THE VIDEOGRAPHER: Going off the record.   | 1  | Page 49<br>BY MR. STEPHENS:  |
| 1<br>2   | Page 47<br>THE VIDEOGRAPHER: Going off the record.<br>The time is 11:08 a.m.   | 1<br><mark>2</mark>  | BY MR. STEPHENS:   |
|  | THE VIDEOGRAPHER: Going off the record.  |  | -  |
| 2  | THE VIDEOGRAPHER: Going off the record.<br>The time is 11:08 a.m.  | 2  | BY MR. STEPHENS:<br>Q. But you're not going to answer?   |
| 2<br>3   | THE VIDEOGRAPHER: Going off the record.<br>The time is 11:08 a.m.<br>(Whereupon a recess was taken)  | 2  | BY MR. STEPHENS:<br>Q. But you're not going to answer?<br>A. All my understanding is based on  |
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|  | Page 50   |  | Page 52  |
|--|---|--|--|
| 1  | Are you refusing to answer the question   | 1  | BY MR. STEPHENS:   |
| 2  | on the basis of attorney-client   | 2  | Q. Let me ask the question.  |
| 3  | A. I believe I am, yes. I'm entitled to   | 3  | Would you please explain to me your  |
| 4  | withhold under attorney-client privileges.  | 4  | understanding of the 196 patent without going back   |
| 5  | Q. Okay. And you're not going to answer   | 5  | over Figures 2-A and 2-C?  |
| 6  | the question.   | 6  | MR. BECKER: Object. Form.  |
| 7  | Right?  | 7  | THE WITNESS: My overall understanding of the   |
| 8  | A. Based on attorney-client privileges.   | 8  | 196 patent was from conversations I've had with my   |
| 9  | Q. Okay. Now, looking back at the 196   | 9  | attorney on the overall understanding.   |
| 10   | patent  | <mark>10</mark>  | There's a lot of information in here.  |
| 11   | MR. LANE: You want to just go off for a   | 11   | Some of it a lot of it, I was a co-inventor, so I  |
| 12   | second?   | <mark>12</mark>  | didn't come up with everything in here.  |
| 13   | MR. STEPHENS: Well, I can just say on the   | <mark>13</mark>  | My attorney we had conversations and   |
| 14   | record that   | <mark>14</mark>  | explained certain things. And if I had questions, he   |
| 15   | Why don't you say it, John.   | <mark>15</mark>  | answered certain questions. And my understanding at  |
| 16   | MR. LANE: Yeah, that was the clerk. She says  | <mark>16</mark>  | the time was through conversations with my attorney.   |
| 17   | Judge Bush went out to lunch before she could catch   | 17   | BY MR. STEPHENS:   |
| 18   | him. He'll be back after and she'll talk to him then.   | 18   | Q. Okay. Take a minute and look through  |
| 19   | MR. BECKER: Okay.   | 19   | it, and tell me if there's anything specific that you  |
| 20   | MR. LANE: So she's going to call back. She  | 20   | can explain your understanding of without divulging  |
| 21   | just didn't want us hanging or waiting, not knowing   | 21   | attorney-client privilege.   |
| 22   | what's going on.  | 22   | Let me stop you there.   |
| 23   | MR. BECKER: Okay.   | 23   | You've looked through Page 1 pretty  |
| 24   | BY MR. STEPHENS:  | 24   | carefully.   |
| 25   | Q. Mr. Gottfurcht, going back to the 196  | 25   | Right?   |
|  |   |  |  |
| 1  | Page 51   | 1  | Page 53  |
| 1  | patent, you explained to me before the break that   | 1  | A. Uh-huh.   |
| 2  | patent, you explained to me before the break that<br>Figure 2-A looked like a AOL Web page that existed at  | 2  | <ul><li>A. Uh-huh.</li><li>Q. Can you explain your understanding of</li></ul>  |
| 2<br>3   | patent, you explained to me before the break that<br>Figure 2-A looked like a AOL Web page that existed at<br>the time you came up with your invention.   | 2<br>3   | <ul> <li>A. Uh-huh.</li> <li>Q. Can you explain your understanding of anything on Page 1?</li> </ul>   |
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14 (Pages 50 to 53)

|  | Page 54   |   | Page 56  |
|--|---|---|--|
| 1  | now, without I haven't looked at it since   | 1   | to the inventions.   |
| 2  | without divulging information I learned from  | 2   | Q. Okay. Well, explain it to me, please.   |
| 3  | conversations with my attorney, it would be in  | 3   | MR. BECKER: Object. Form.  |
| 4  | violation of client-attorney privileges.  | 4   | BY MR. STEPHENS:   |
| 5  | Q. So   | 5   | Q. Read it now and explain it to me.   |
| 6  | A. I mean, I can see the inventors,   | 6   | A. I can't explain it.   |
| 7  | obviously, and the assignees.   | 7   | Q. You don't understand it?  |
| 8  | Everything else on the first page is, my  | 8   | A. Again, it's not my expertise, so I did  |
| 9  | understanding of it, would be from conversations I had  | 9   | not put it together.   |
| 10   | with my attorney.   | 10  | Q. Do you understand it?   |
| 11   | Q. So you won't answer?   | 11  | A. The person who put it together would  |
| 12   | A. Based on attorney-client privileges.   | 12  | have a better understanding of it. I have not looked   |
| 13   | Q. Okay. Let's move, then, to Figure 3.   | 13  | at it.   |
| 14   | Can you explain your understanding of   | 14  | Q. Do you understand it?   |
| 15   | that page, please?  | 15  | A. Without divulging attorney-client   |
| 16   | A. (I cannot.)  | 16  | privileges, everything I learned about this page was   |
| 17   | Q. Do you have an understanding of it?  | 17  | through conversations with my attorney, my   |
| <mark>18</mark><br>19  | A. It's beyond my technical it's beyond   | 18<br>19  | understanding of it.   |
| 20   | my expertise. I didn't create this page. So my<br>understanding would just be from conversations I had  | 20  | Q. So you do have an understanding of it, but that understanding is privileged.  |
| 20   | with my attorney.   | 20  | Is that what you're saying?  |
| 22   | Q. So you can't answer any questions about  | 22  | A. What I obtained, understanding, was   |
| 23   | Figure 3 without violating attorney-client privilege.   | 23  | through conversations with my counsel.   |
| 24   | Is that right?  | 24  | Q. Do you understand it?   |
| 25   | A. That's correct.  | 25  | Do you understand what's shown in Figure   |
| 20   |   | 20  | Do you undorstand undro onoun in riguro  |
|  |   |   |  |
|  | Page 55   |   | Page 57  |
| 1  | Q. Okay. Figure 4, explain your   | 1   | 4?   |
| 2  | Q. Okay. Figure 4, explain your understanding of that.  | 1 2   | 4?<br>You don't have to tell me what your  |
| <mark>2</mark><br>3  | Q. Okay. Figure 4, explain your<br>understanding of that.<br>A. I don't really have an understanding of   | 3   | 4?<br>You don't have to tell me what your<br>understanding is right now. I'm just asking if you  |
| 2<br>3<br>4  | <ul> <li>Q. Okay. Figure 4, explain your understanding of that.</li> <li>A. I don't really have an understanding of it. This is not my expertise. To the best of my</li> </ul>  | 3<br>4  | 4?<br>You don't have to tell me what your<br>understanding is right now. I'm just asking if you<br>understand it.  |
| 2<br>3<br>4<br>5   | <ul> <li>Q. Okay. Figure 4, explain your</li> <li>understanding of that.</li> <li>A. I don't really have an understanding of</li> <li>it. This is not my expertise. To the best of my</li> <li>recollection, I didn't contribute anything on this</li> </ul>  | 3<br>4<br>5   | <ul> <li>4?<br/>You don't have to tell me what your<br/>understanding is right now. I'm just asking if you<br/>understand it.</li> <li>A. I would have to you know, there's</li> </ul>   |
| 2<br>3<br>4<br>5<br>6  | Q. Okay. Figure 4, explain your<br>understanding of that.<br>A. I don't really have an understanding of<br>it. This is not my expertise. To the best of my<br>recollection, I didn't contribute anything on this<br>page.   | 3<br>4<br>5<br>6  | <ul> <li>4?<br/>You don't have to tell me what your<br/>understanding is right now. I'm just asking if you<br/>understand it.</li> <li>A. I would have to you know, there's<br/>some things I can look at and I can put put some of</li> </ul>   |
| 2<br>3<br>4<br>5<br>6<br>7   | Q. Okay. Figure 4, explain your<br>understanding of that.<br>A. I don't really have an understanding of<br>it. This is not my expertise. To the best of my<br>recollection, I didn't contribute anything on this<br>page.<br>So everything any understanding I  | 3<br>4<br>5<br>6<br>7   | <ul> <li>4?<br/>You don't have to tell me what your<br/>understanding is right now. I'm just asking if you<br/>understand it.</li> <li>A. I would have to you know, there's<br/>some things I can look at and I can put put some of<br/>it together in my head, but this is not the whole</li> </ul>   |
| 2<br>3<br>4<br>5<br>6<br>7<br>8  | Q. Okay. Figure 4, explain your<br>understanding of that.<br>A. I don't really have an understanding of<br>it. This is not my expertise. To the best of my<br>recollection, I didn't contribute anything on this<br>page.<br>So everything any understanding I<br>received at the time was through conversations with my  | 3<br>4<br>5<br>6<br>7<br>8  | <ul> <li>4?<br/>You don't have to tell me what your<br/>understanding is right now. I'm just asking if you<br/>understand it.</li> <li>A. I would have to you know, there's<br/>some things I can look at and I can put put some of<br/>it together in my head, but this is not the whole<br/>chart here is not something I put together, so</li> </ul>  |
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15 (Pages 54 to 57)

|  | Page 58  |  | Page 60   |
|--|--|--|---|
| 1  | conversations with my attorney.  | 1  | A. That's correct.  |
| 2  | Q. Do you have an understanding of   | 2  | Q. Figure 5-C reflects your invention of  |
| 3  | Figure 5-A?  | 3  | scrolling and zooming, right or I should say your   |
| 4  | MR. BECKER: Object. Form.  | 4  | contribution to the invention?  |
| 5  | THE WITNESS: Through conversations with my   | 5  | A. I do not know.   |
| 6  | attorney at the time when we had put this together and   | 6  | Q. Okay.  |
| 7  | reviewed it, I did, based on conversations with my   | 7  | A. It might have might have been part of  |
| 8  | attorney.  | 8  | it.   |
| 9  | BY MR. STEPHENS:   | 9  | Q. Do you see the word "scroll" there?  |
| <mark>10</mark>  | Q. And you can't tell me your understanding  | 10   | A. Yes.   |
| 11   | of Figure 5-A without revealing attorney-client  | 11   | Q. Your contribution was scrolling.   |
| <mark>12</mark>  | privileged information.  | 12   | Right?  |
| <mark>13</mark>  | Is that right?   | 13   | A. It was manipulating a region of a screen   |
| <mark>14</mark>  | A. That's correct.   | 14   | with your hands for zooming and scrolling   |
| <mark>15</mark>  | Q. Figure 5-B, do you have an understanding  | 15   | Q. Okay.  |
| <mark>16</mark>  | of what's shown in Figure 5-B?   | 16   | A using your fingers and hands.   |
| 17   | A. Again, through conversations with my  | 17   | Q. Can you explain to me whether this   |
| <mark>18</mark>  | attorney at the time, I had some understanding. And  | <mark>18</mark>  | Figure 5-C reflects your contribution in any way?   |
| <mark>19</mark>  | without divulging those conversations at the time, I   | <mark>19</mark>  | A. I don't recall. And if it was, there   |
| 20   | would retain my client attorney-client privileges.   | <mark>20</mark>  | was it was conversations with my attorney at the  |
| 21   | Q. So you are refusing to answer my  | 21   | time.   |
| 22   | question based on attorney-client privilege.   | <mark>22</mark>  | Q. So you can't explain any understanding   |
| <mark>23</mark>  | Is that right?   | <mark>23</mark>  | you have of Figure 5-C without revealing  |
| <mark>24</mark>  | MR. BECKER: Object. Form.  | <mark>24</mark>  | attorney-client privileged information.   |
| <mark>25</mark>  | THE WITNESS: I'm not refusing to answer any  | <mark>25</mark>  | Is that right?  |
|  | D  |  | Page 61   |
|  | Page 59  |  |   |
|  | question Lanswered it your question  | 1  |   |
| 1  | question. I answered it your question.   | 1  | A. That's correct.  |
| 2  | BY MR. STEPHENS:   | 2  | A. That's correct.<br>Q. Figure 6, can you explain your   |
| 2<br>3   | BY MR. STEPHENS:<br>Q. Okay. Then explain your understanding   | 2<br>3   | A. That's correct.<br>Q. Figure 6, can you explain your<br>understanding of Figure 6, please?   |
| 2<br>3<br>4  | BY MR. STEPHENS:<br>Q. Okay. Then explain your understanding<br>of Figure 5-B, please.   | 2<br>3<br>4  | <ul> <li>A. That's correct.</li> <li>Q. Figure 6, can you explain your</li> <li>(understanding of Figure 6, please?)</li> <li>A. Same answer: At the time I had</li> </ul>  |
| 2<br>3<br>4<br>5   | BY MR. STEPHENS:<br>Q. Okay. Then explain your understanding<br>of Figure 5-B, please.<br>A. Any understanding I received was from   | 2<br>3<br>4<br>5   | <ul> <li>A. That's correct.</li> <li>Q. Figure 6, can you explain your</li> <li>understanding of Figure 6, please?</li> <li>A. Same answer: At the time I had</li> <li>conversations with my attorney, he explained this. I</li> </ul>  |
| 2<br>3<br>4<br>5<br>6  | BY MR. STEPHENS:<br>Q. Okay. Then explain your understanding<br>of Figure 5-B, please.<br>A. Any understanding I received was from<br>conversations with my attorney at the time, and  | 2<br>3<br>4<br>5<br>6  | <ul> <li>A. That's correct.</li> <li>Q. Figure 6, can you explain your</li> <li>understanding of Figure 6, please?</li> <li>A. Same answer: At the time I had</li> <li>conversations with my attorney, he explained this. I</li> <li>had an understanding at the time based on</li> </ul>   |
| 2<br>3<br>4<br>5<br>6<br>7   | BY MR. STEPHENS:<br>Q. Okay. Then explain your understanding<br>of Figure 5-B, please.<br>A. Any understanding I received was from<br>conversations with my attorney at the time, and<br>without divulging those conversations, without  | 2<br>3<br>4<br>5<br>6<br>7   | <ul> <li>A. That's correct.</li> <li>Q. Figure 6, can you explain your</li> <li>understanding of Figure 6, please?</li> <li>A. Same answer: At the time I had</li> <li>conversations with my attorney, he explained this. I</li> <li>had an understanding at the time based on</li> <li>conversations with my attorney.</li> </ul>  |
| 2<br>3<br>4<br>5<br>6<br>7<br>8  | BY MR. STEPHENS:<br>Q. Okay. Then explain your understanding<br>of Figure 5-B, please.<br>A. Any understanding I received was from<br>conversations with my attorney at the time, and<br>without divulging those conversations, without<br>divulging attorney-client conversations, I would not  | 2<br>3<br>4<br>5<br>6<br>7<br>8  | <ul> <li>A. That's correct.</li> <li>Q. Figure 6, can you explain your</li> <li>understanding of Figure 6, please?</li> <li>A. Same answer: At the time I had</li> <li>conversations with my attorney, he explained this. I</li> <li>had an understanding at the time based on</li> <li>conversations with my attorney.</li> <li>Q. So you can't tell me any understanding.</li> </ul>  |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9   | BY MR. STEPHENS:<br>Q. Okay. Then explain your understanding<br>of Figure 5-B, please.<br>A. Any understanding I received was from<br>conversations with my attorney at the time, and<br>without divulging those conversations, without<br>divulging attorney-client conversations, I would not<br>be able to go into detail.  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9   | <ul> <li>A. That's correct.</li> <li>Q. Figure 6, can you explain your</li> <li>understanding of Figure 6, please?</li> <li>A. Same answer: At the time I had</li> <li>conversations with my attorney, he explained this. I</li> <li>had an understanding at the time based on</li> <li>conversations with my attorney.</li> <li>Q. So you can't tell me any understanding</li> <li>you have of Figure 6 without revealing attorney-client</li> </ul>   |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11   | <ul> <li>BY MR. STEPHENS:</li> <li>Q. Okay. Then explain your understanding</li> <li>of Figure 5-B, please.</li> <li>A. Any understanding I received was from</li> <li>conversations with my attorney at the time, and</li> <li>without divulging those conversations, without</li> <li>divulging attorney-client conversations, I would not</li> <li>be able to go into detail.</li> <li>Q. Okay. Then tell me what you can.</li> <li>You don't need to go into detail.</li> </ul>  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11   | <ul> <li>A. That's correct.</li> <li>Q. Figure 6, can you explain your</li> <li>understanding of Figure 6, please?</li> <li>A. Same answer: At the time I had</li> <li>conversations with my attorney, he explained this. I</li> <li>had an understanding at the time based on</li> <li>conversations with my attorney.</li> <li>Q. So you can't tell me any understanding</li> <li>you have of Figure 6 without revealing attorney-client</li> <li>privileged information.</li> <li>Is that right?</li> </ul>  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15   | BY MR. STEPHENS:<br>Q. Okay. Then explain your understanding<br>of Figure 5-B, please.<br>A. Any understanding I received was from<br>conversations with my attorney at the time, and<br>without divulging those conversations, without<br>divulging attorney-client conversations, I would not<br>be able to go into detail.<br>Q. Okay. Then tell me what you can.<br>You don't need to go into detail.<br>Tell me tell me everything you<br>understand about Figure 5-B that you can without<br>revealing attorney-client privilege.<br>A. There's nothing I can explain without  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15   | <ul> <li>A. That's correct.</li> <li>Q. Figure 6, can you explain your</li> <li>understanding of Figure 6, please?</li> <li>A. Same answer: At the time I had</li> <li>conversations with my attorney, he explained this. I</li> <li>had an understanding at the time based on</li> <li>conversations with my attorney.</li> <li>Q. So you can't tell me any understanding</li> <li>you have of Figure 6 without revealing attorney-client</li> <li>privileged information.</li> <li>Is that right?</li> <li>A. That's correct.</li> <li>Q. Can you explain your understanding of</li> <li>Figure 7 without revealing attorney-client privileged</li> </ul>   |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18                                     | BY MR. STEPHENS:<br>Q. Okay. Then explain your understanding<br>of Figure 5-B, please.<br>A. Any understanding I received was from<br>conversations with my attorney at the time, and<br>without divulging those conversations, without<br>divulging attorney-client conversations, I would not<br>be able to go into detail.<br>Q. Okay. Then tell me what you can.<br>You don't need to go into detail.<br>Tell me tell me everything you<br>understand about Figure 5-B that you can without<br>revealing attorney-client privilege.<br>A. There's nothing I can explain without<br>revealing attorney-client privilege.<br>Q. Okay. Figure 5-C, do you have an<br>understanding of what's shown in Figure 5-C?   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18                               | <ul> <li>A. That's correct.</li> <li>Q. Figure 6, can you explain your</li> <li>understanding of Figure 6, please?</li> <li>A. Same answer: At the time I had</li> <li>conversations with my attorney, he explained this. I</li> <li>had an understanding at the time based on</li> <li>conversations with my attorney.</li> <li>Q. So you can't tell me any understanding</li> <li>you have of Figure 6 without revealing attorney-client</li> <li>privileged information.</li> <li>Is that right?</li> <li>A. That's correct.</li> <li>Q. Can you explain your understanding of</li> <li>Figure 7 without revealing attorney-client privileged</li> <li>information?</li> <li>A. No.</li> <li>Q. Figure 8?</li> <li>A. Looks like it might have been a sample</li> </ul>  |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19                               | BY MR. STEPHENS:<br>Q. Okay. Then explain your understanding<br>of Figure 5-B, please.<br>A. Any understanding I received was from<br>conversations with my attorney at the time, and<br>without divulging those conversations, without<br>divulging attorney-client conversations, I would not<br>be able to go into detail.<br>Q. Okay. Then tell me what you can.<br>You don't need to go into detail.<br>Tell me tell me everything you<br>understand about Figure 5-B that you can without<br>revealing attorney-client privilege.<br>A. There's nothing I can explain without<br>revealing attorney-client privilege.<br>Q. Okay. Figure 5-C, do you have an<br>understanding of what's shown in Figure 5-C?<br>A. (Again, without giving attorney-client  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19                         | <ul> <li>A. That's correct.</li> <li>Q. Figure 6, can you explain your</li> <li>understanding of Figure 6, please?</li> <li>A. Same answer: At the time I had</li> <li>conversations with my attorney, he explained this. I</li> <li>had an understanding at the time based on</li> <li>conversations with my attorney.</li> <li>Q. So you can't tell me any understanding</li> <li>you have of Figure 6 without revealing attorney-client</li> <li>privileged information.</li> <li>(Is that right?</li> <li>A. That's correct.</li> <li>Q. Can you explain your understanding of</li> <li>Figure 7 without revealing attorney-client privileged</li> <li>information?</li> <li>A. No.</li> <li>Q. Figure 8?</li> <li>A. Looks like it might have been a sample</li> <li>page of of a page, a simplified navigation page.</li> </ul>   |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20                         | BY MR. STEPHENS:<br>Q. Okay. Then explain your understanding<br>of Figure 5-B, please.<br>A. Any understanding I received was from<br>conversations with my attorney at the time, and<br>without divulging those conversations, without<br>divulging attorney-client conversations, I would not<br>be able to go into detail.<br>Q. Okay. Then tell me what you can.<br>You don't need to go into detail.<br>Tell me tell me everything you<br>understand about Figure 5-B that you can without<br>revealing attorney-client privilege.<br>A. There's nothing I can explain without<br>revealing attorney-client privilege.<br>Q. Okay. Figure 5-C, do you have an<br>understanding of what's shown in Figure 5-C?<br>A. Again, without giving attorney-client<br>privileges from my understanding is from   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20                   | <ul> <li>A. That's correct.</li> <li>Q. Figure 6, can you explain your</li> <li>understanding of Figure 6, please?</li> <li>A. Same answer: At the time I had</li> <li>conversations with my attorney, he explained this. I</li> <li>had an understanding at the time based on</li> <li>conversations with my attorney.</li> <li>Q. So you can't tell me any understanding</li> <li>you have of Figure 6 without revealing attorney-client</li> <li>privileged information.</li> <li>Is that right?</li> <li>A. That's correct.</li> <li>Q. Can you explain your understanding of</li> <li>Figure 7 without revealing attorney-client privileged</li> <li>information?</li> <li>A. No.</li> <li>Q. Figure 8?</li> <li>A. Looks like it might have been a sample</li> <li>page of of a page, a simplified navigation page.</li> <li>Q. Okay. Can you explain what that means?</li> </ul>   |
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16 (Pages 58 to 61)

|  | Page 62  |  | Page 64   |
|--|--|--|---|
| 1  | Q. How does it work?   | 1  | my understanding.   |
| 2  | How does Figure 8 work?  | 2  | Q. Okay. Well, explain it to me, then,  |
| 3  | MR. BECKER: Object. Form.  | 3  | please.   |
| 4  | THE WITNESS: I don't recall.   | 4  | MR. BECKER: Object. Form.   |
| 5  | BY MR. STEPHENS:   | 5  | THE WITNESS: I can  |
| 6  | Q. So you don't remember how the simplified  | 6  | BY MR. STEPHENS:  |
| 7  | user interface in Figure 8 would work?   | 7  | Q. Explain to me how the invention in   |
| 8  | A. I do not recall at this time, no.   | 8  | Figure 8 works.   |
| 9  | Q. Is there anything you could do to   | 9  | A.) Well, you can just read it. And that's  |
| 10   | refresh your recollection?   | 10   | as much as I can explain at this time without   |
| 11   | Let me ask you to take a minute and look   | 11   | divulging confidential information  |
| 12   | at the text associated with Figure 8, read it, tell me   | 12   | Q. So the only  |
| 13   | if that refreshes your recollection about how the  | <mark>13</mark>  | A except through my lawyer.   |
| 14   | invention works.   | 14   | Q. So the only explanation you can give to  |
| 15   | A. What page would that be on?   | 15   | me of the operation of what's shown in Figure 8 would   |
| 16   | Q. I'm looking, and when I find it, I'll   | 16   | be to read the text in the bottom of Column 7 and the   |
| 17   | tell you.  | 17   | top of Column 8.  |
| 18   | It's at the bottom of Column 7.  | 18   | Is that right?  |
| 19   | A. Okay.   | 19   | A. That would be the best way.  |
| 20   | Q. Can you go ahead and explain your   | 20   | Q. And other than that, you can't tell me   |
| 21   | understanding of Figure 8, please?   | 21<br>22   | anything without revealing attorney-client privileged   |
| 22   | A. Again, any understanding would be   | 22   | information.  |
| <mark>23</mark><br>24  | through discussions with my attorney.<br>Reading this description, it looks like   | 23<br>24   | Is that right?<br>A. I well, I told you before, you asked,  |
| 24<br>25   | this is a navigational page and one embodiment, or one   | 24<br>25   | and I told you it looked like a simplified page to me,  |
| 20   | (IIIS IS a navigational page and one embournent, or one  | 20   | and I told you it looked like a simplified page to me,  |
|  |  |  |   |
|  | Page 63  |  | Page 65   |
| 1  | example, of the navigational page, simplified  | 1  | a simplified navigation page.   |
| 2  | example, of the navigational page, simplified navigational page.   | 2  | a simplified navigation page.<br>Q. Okay. And beyond that, you can't tell   |
| <mark>2</mark><br>3  | example, of the navigational page, simplified<br>navigational page.<br>Q. And you can't tell me anything more than   | <mark>2</mark><br>3  | a simplified navigation page.<br>Q. Okay. And beyond that, you can't tell<br>me anything without revealing attorney-client  |
| <mark>2</mark><br>3<br>4   | example, of the navigational page, simplified<br>navigational page.<br>Q. And you can't tell me anything more than<br>that without revealing attorney-client privileged  | 2<br>3<br>4  | a simplified navigation page.<br>Q. Okay. And beyond that, you can't tell<br>me anything without revealing attorney-client<br>privileged information.   |
| <mark>2</mark><br>3<br>4<br>5  | example, of the navigational page, simplified<br>navigational page.<br>Q. And you can't tell me anything more than<br>that without revealing attorney-client privileged<br>information.  | 2<br>3<br>4<br>5   | a simplified navigation page.<br>Q. Okay. And beyond that, you can't tell<br>me anything without revealing attorney-client<br>privileged information.<br>Is that right?   |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16                                     | example, of the navigational page, simplified<br>navigational page.<br>Q. And you can't tell me anything more than<br>that without revealing attorney-client privileged<br>information.<br>Is that right?<br>A. I mean, there's in Figure 8, there's,<br>you know, a lot of verbiage regarding the figure, so<br>beyond that<br>Q. I'm just asking for you to explain your<br>understanding of Figure 8.<br>And if you can't do that without<br>revealing attorney-client privilege, just say so.<br>A. Beyond what I just said, there's no more<br>for me to I I don't recall anything else beyond<br>that.   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16                                     | <ul> <li>a simplified navigation page.</li> <li>Q. Okay. And beyond that, you can't tell</li> <li>me anything without revealing attorney-client</li> <li>privileged information.</li> <li>Is that right?</li> <li>A. No, not that I could recall, no.</li> <li>Q. Sorry?</li> <li>A. Not that I could recall, no.</li> <li>Q. Okay. Figure 9-A, can you explain your</li> <li>understanding of that, please?</li> <li>A. Looks like an example of a simplified</li> <li>navigation page, as well.</li> <li>Q. Okay. Can you explain how it works?</li> <li>A. I beyond my understanding of the</li> <li>conversations with my attorney, I would not divulge anything under attorney-client privilege.</li> </ul>  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18                         | <ul> <li>example, of the navigational page, simplified<br/>navigational page.</li> <li>Q. And you can't tell me anything more than<br/>that without revealing attorney-client privileged<br/>information.</li> <li>Is that right?</li> <li>A. I mean, there's in Figure 8, there's,<br/>you know, a lot of verbiage regarding the figure, so<br/>beyond that</li> <li>Q. I'm just asking for you to explain your<br/>understanding of Figure 8.<br/>And if you can't do that without<br/>revealing attorney-client privilege, just say so.</li> <li>A. Beyond what I just said, there's no more<br/>for me to I I don't recall anything else beyond<br/>that.</li> <li>Q. I'm not asking you about recollection.</li> <li>I'm asking about understanding.</li> </ul>   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16                                     | <ul> <li>a simplified navigation page.</li> <li>Q. Okay. And beyond that, you can't tell</li> <li>me anything without revealing attorney-client</li> <li>privileged information.</li> <li>Is that right?</li> <li>A. No, not that I could recall, no.</li> <li>Q. Sorry?</li> <li>A. Not that I could recall, no.</li> <li>Q. Okay. Figure 9-A, can you explain your</li> <li>understanding of that, please?</li> <li>A. Looks like an example of a simplified</li> <li>navigation page, as well.</li> <li>Q. Okay. Can you explain how it works?</li> <li>A. I beyond my understanding of the</li> <li>conversations with my attorney, I would not divulge anything under attorney-client privilege.</li> </ul>  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18                         | <ul> <li>example, of the navigational page, simplified<br/>navigational page.</li> <li>Q. And you can't tell me anything more than<br/>that without revealing attorney-client privileged<br/>information.</li> <li>Is that right?</li> <li>A. I mean, there's in Figure 8, there's,<br/>you know, a lot of verbiage regarding the figure, so<br/>beyond that</li> <li>Q. I'm just asking for you to explain your<br/>understanding of Figure 8.<br/>And if you can't do that without<br/>revealing attorney-client privilege, just say so.</li> <li>A. Beyond what I just said, there's no more<br/>for me to I I don't recall anything else beyond<br/>that.</li> <li>Q. I'm not asking you about recollection.</li> <li>I'm asking about understanding.</li> </ul>   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19                   | <ul> <li>a simplified navigation page.</li> <li>Q. Okay. And beyond that, you can't tell</li> <li>me anything without revealing attorney-client</li> <li>privileged information.</li> <li>Is that right?</li> <li>A. No, not that I could recall, no.</li> <li>Q. Sorry?</li> <li>A. Not that I could recall, no.</li> <li>Q. Okay. Figure 9-A, can you explain your</li> <li>understanding of that, please?</li> <li>A. Looks like an example of a simplified</li> <li>navigation page, as well.</li> <li>Q. Okay. Can you explain how it works?</li> <li>A. I beyond my understanding of the</li> <li>conversations with my attorney, I would not divulge</li> <li>anything under attorney-client privilege.</li> <li>Q. So you can't tell me anything more</li> <li>about Figure 9-A, other than it's a simplified page, without</li> </ul>  |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20             | <ul> <li>example, of the navigational page, simplified<br/>navigational page.</li> <li>Q. And you can't tell me anything more than<br/>that without revealing attorney-client privileged<br/>information.</li> <li>Is that right?</li> <li>A. I mean, there's in Figure 8, there's,<br/>you know, a lot of verbiage regarding the figure, so<br/>beyond that</li> <li>Q. I'm just asking for you to explain your<br/>understanding of Figure 8.</li> <li>And if you can't do that without<br/>revealing attorney-client privilege, just say so.</li> <li>A. Beyond what I just said, there's no more<br/>for me to I I don't recall anything else beyond<br/>that.</li> <li>Q. I'm not asking you about recollection.</li> <li>I'm asking about understanding.</li> <li>And you did read the description of<br/>Figure 8 in the patent.</li> </ul>   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20             | <ul> <li>a simplified navigation page.</li> <li>Q. Okay. And beyond that, you can't tell</li> <li>me anything without revealing attorney-client</li> <li>privileged information.</li> <li>Is that right?</li> <li>A. No, not that I could recall, no.</li> <li>Q. Sorry?</li> <li>A. Not that I could recall, no.</li> <li>Q. Okay. Figure 9-A, can you explain your</li> <li>understanding of that, please?</li> <li>A. Looks like an example of a simplified</li> <li>navigation page, as well.</li> <li>Q. Okay. Can you explain how it works?</li> <li>A. I beyond my understanding of the</li> <li>conversations with my attorney, I would not divulge</li> <li>anything under attorney-client privilege.</li> <li>Q. So you can't tell me anything more</li> <li>about Figure 9-A, other than it's a simplified page,</li> <li>without</li> <li>A. I mean, there's a</li> </ul>   |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21       | <ul> <li>example, of the navigational page, simplified<br/>navigational page.</li> <li>Q. And you can't tell me anything more than<br/>that without revealing attorney-client privileged<br/>information.</li> <li>Is that right?</li> <li>A. I mean, there's in Figure 8, there's,<br/>you know, a lot of verbiage regarding the figure, so<br/>beyond that</li> <li>Q. I'm just asking for you to explain your<br/>understanding of Figure 8.</li> <li>And if you can't do that without<br/>revealing attorney-client privilege, just say so.</li> <li>A. Beyond what I just said, there's no more<br/>for me to I I don't recall anything else beyond<br/>that.</li> <li>Q. I'm not asking you about recollection.</li> <li>I'm asking about understanding.</li> <li>And you did read the description of</li> <li>Figure 8 in the patent.</li> <li>Right?</li> </ul>  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21       | <ul> <li>a simplified navigation page.</li> <li>Q. Okay. And beyond that, you can't tell</li> <li>me anything without revealing attorney-client</li> <li>privileged information.</li> <li>Is that right?</li> <li>A. No, not that I could recall, no.</li> <li>Q. Sorry?</li> <li>A. Not that I could recall, no.</li> <li>Q. Okay. Figure 9-A, can you explain your</li> <li>understanding of that, please?</li> <li>A. Looks like an example of a simplified</li> <li>navigation page, as well.</li> <li>Q. Okay. Can you explain how it works?</li> <li>A. I beyond my understanding of the</li> <li>conversations with my attorney, I would not divulge</li> <li>anything under attorney-client privilege.</li> <li>Q. So you can't tell me anything more</li> <li>about Figure 9-A, other than it's a simplified page,</li> <li>without</li> <li>A. I mean, there's a</li> <li>Q revealing attorney-client privilege?</li> <li>A. There's a description here. I could</li> </ul> |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22 | <ul> <li>example, of the navigational page, simplified<br/>navigational page.</li> <li>Q. And you can't tell me anything more than<br/>that without revealing attorney-client privileged<br/>information.</li> <li>Is that right?</li> <li>A. I mean, there's in Figure 8, there's,<br/>you know, a lot of verbiage regarding the figure, so<br/>beyond that</li> <li>Q. I'm just asking for you to explain your<br/>understanding of Figure 8.</li> <li>And if you can't do that without<br/>revealing attorney-client privilege, just say so.</li> <li>A. Beyond what I just said, there's no more<br/>for me to I I don't recall anything else beyond<br/>that.</li> <li>Q. I'm not asking you about recollection.</li> <li>I'm asking about understanding.</li> <li>And you did read the description of</li> <li>Figure 8 in the patent.</li> <li>Right?</li> <li>A. I just skimmed through it just now, yes.</li> </ul> | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22 | <ul> <li>a simplified navigation page.</li> <li>Q. Okay. And beyond that, you can't tell</li> <li>me anything without revealing attorney-client</li> <li>privileged information.</li> <li>Is that right?</li> <li>A. No, not that I could recall, no.</li> <li>Q. Sorry?</li> <li>A. Not that I could recall, no.</li> <li>Q. Okay. Figure 9-A, can you explain your</li> <li>understanding of that, please?</li> <li>A. Looks like an example of a simplified</li> <li>navigation page, as well.</li> <li>Q. Okay. Can you explain how it works?</li> <li>A. I beyond my understanding of the</li> <li>conversations with my attorney, I would not divulge</li> <li>anything under attorney-client privilege.</li> <li>Q. So you can't tell me anything more</li> <li>about Figure 9-A, other than it's a simplified page,</li> <li>without</li> <li>A. I mean, there's a</li> <li>Q revealing attorney-client privilege?</li> <li>A. There's a description here. I could</li> </ul> |

|  | 5 //  |  |   |
|--|---|--|---|
| 1  | Page 66   | 1  | Page 68   |
| 1  | itself, out loud, you can't tell me anything about  | 1  | loud what's in the patent without revealing   |
| 2  | what's shown in Figure 9-A without revealing  | 2  | attorney-client privileged information.   |
| 3  | attorney-client privileged information.   | 3  | Correct?  |
| 4  | Is that right?  | 4  | A. I mean, it's a different simplified  |
| 5  | A. No.  | 5  | navigation page than 9-D. There's different options   |
| 6  | Q. It's not right?  | 6  | on it, I guess.   |
| 7  | A. It's not right.  | 7  | Q. Okay. Anything else you can tell me  |
| 8  | Q. Okay. So then tell me what you can   | 8  | without revealing attorney-client privileged  |
| 9  | without revealing attorney-client privileged  | 9  | information?  |
| 10   | information.  | 10   | A. No, not that I could recall at this  |
| 11   | A. It looks like a simplified navigational  | 11   | time.   |
| 12   | page to me.   | 12   | Q. Is that also true for Figure 10-B?   |
| 13   | Q. Okay. Yeah, I I know that. You said  | 13   | A. Generally, yes.  |
| 14   | that several times.   | 14   | Q. Figure 10-C?   |
| 15   | And is there anything you can tell me,  | 15   | A. There are different pages, but yes.  |
| 16   | other than the fact that it's a simplified  | 16   | Q. Figure 10-D?   |
| 17   | navigational page and simply reading out loud the text  | 17   | A. Looks like another simplified navigation   |
| 18   | of the patent, about Figure 9-A without revealing   | 18   | page to me.   |
|  | attorney-client privileged information?   | 19   | Q. Can you tell me anything else about it   |
| 19   | A. No.  |  |   |
| <mark>20</mark>  |   | 20   | other than it's a simplified navigation page and  |
| 21   | Q. Okay. Is your answer the same for  | 21   | simply reading out loud the text of the patent without  |
| 22   | Figure 9-B?   | 22   | revealing attorney-client privileged information?   |
| 23   | A. What's the question?   | <mark>23</mark>  | A. No.  |
| 24   | Q. Tell me what you understand about  | 24   | Q. Is your answer the same for Figure 10-F?   |
| 25   | Figure 9-B.   | 25   | A. What's the question?   |
|  |   |  |   |
|  |   |  |   |
| 1  | Page 67   |  | Page 69   |
| 1  | A. Figure 9-B looks like a simplified   | 1  | Q. Can you tell me anything about this page   |
| 2  | A. Figure 9-B looks like a simplified navigation page to me.  | 2  | Q. Can you tell me anything about this page other than, it's a simplified navigation page and   |
| 2<br><mark>3</mark>  | <ul> <li>A. Figure 9-B looks like a simplified</li> <li>navigation page to me.</li> <li>Q. Okay. Can you tell me anything other</li> </ul>  | 2<br>3   | Q. Can you tell me anything about this page<br>other than, it's a simplified navigation page and<br>simply reading out loud the text of the patent without  |
| 2<br><mark>3</mark><br>4   | <ul> <li>A. Figure 9-B looks like a simplified navigation page to me.</li> <li>Q. Okay. Can you tell me anything other anything else about what's shown in Figure 9-B other</li> </ul>  | 2<br>3<br>4  | Q. Can you tell me anything about this page<br>other than, it's a simplified navigation page and<br>simply reading out loud the text of the patent without<br>revealing attorney-client privileged information?   |
| 2<br>3<br>4<br>5   | <ul> <li>A. Figure 9-B looks like a simplified navigation page to me.</li> <li>Q. Okay. Can you tell me anything other anything else about what's shown in Figure 9-B other than the fact that it's a simplified navigation page</li> </ul>   | 2<br>3<br>4<br>5   | <ul> <li>Q. Can you tell me anything about this page other than, it's a simplified navigation page and simply reading out loud the text of the patent without revealing attorney-client privileged information?</li> <li>A. Without reading everything on the page,</li> </ul>  |
| 2<br>3<br>4<br>5<br>6  | <ul> <li>A. Figure 9-B looks like a simplified navigation page to me.</li> <li>Q. Okay. Can you tell me anything other anything else about what's shown in Figure 9-B other than the fact that it's a simplified navigation page and simply reading out loud what's in the patent</li> </ul>  | 2<br>3<br>4<br>5<br>6  | <ul> <li>Q. Can you tell me anything about this page other than, it's a simplified navigation page and simply reading out loud the text of the patent without revealing attorney-client privileged information?</li> <li>A. Without reading everything on the page, no.</li> </ul>  |
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|  | Page 70   |  | Page 72  |
|--|---|--|--|
| 1  | A. Yes.   | 1  | And I'm asking if you're aware of  |
| 2  | Q. Figure 12-A?   | 2  | anything like that.  |
| <mark>3</mark>   | A. Yes.   | 3  | MR. BECKER: Object. Form.  |
| 4  | Q. Figure 12-B?   | 4  | THE WITNESS: We'd written something at the   |
| <mark>5</mark>   | A. Yes.   | 5  | time and given it to our lawyer either verbally or   |
| 6  | Q. Figure 13?   | 6  | it was probably verbal, maybe it was handed to him. I  |
| 7  | A. Again, it's a simplified navigation  | 7  | don't recall. And he put it together and to draft  |
| 8  | page.   | 8  | the application.   |
| 9  | What's the specific question again?   | 9  | BY MR. STEPHENS:   |
| 10   | Q. Okay. The question is, can you tell me   | 10   | Q. Now, you're aware of the 497 patent?  |
| 11   | anything about what's shown in Figure 13 other than   | 11   | That's the one that's the parent of the  |
| 12   | the fact that it shows a simplified navigation page   | 12   | 196 and 845 patents.   |
| 13   | and otherwise reading the text of the patent aloud  | 13   | A. I'm aware of it, yes.   |
| 14   | without revealing attorney-client privileged  | 14   | Q. That patent doesn't have disclosure of  |
| 15   | information?  | 15   | manipulating a screen for scrolling and zooming.   |
| 16   | A. Without reading just what's on the page  | 16   | Right?   |
| 17   | and describing that, no.  | 17   | MR. BECKER: Object. Form.  |
| <mark>18</mark><br>19  | Q. Okay. Is that true for Figure 14, as well?   | 18<br>19   | THE WITNESS: I don't know.<br>BY MR. STEPHENS:   |
| 20   | A. Yes.   | 20   | Q. Do you want to take a look at it?   |
| 20   | Q. Okay. Are you aware of any documents   | 20   | It's right here.   |
| 22   | that pre-date the filing date of the 196 patent, which  | 22   | This is E. Gottfurcht Exhibit 3, which   |
| 23   | is shown on the front page, March 13, 2006, that show   | 23   | is the 497 patent.   |
| 24   | manipulating a region of a screen for scrolling and   | 24   | Have you seen that before?   |
| 25   | zooming?  | 25   | A. I'd have to look through it, but I  |
|  |   |  |  |
|  |   |  |  |
|  | Page 71   |  | Page 73  |
| 1  | A. Am I aware of any documents?   | 1  | assume if this is a true and valid copy of the patent,   |
| 2  | A. Am I aware of any documents?<br>Back in July of 1999, it was it was  | 2  | assume if this is a true and valid copy of the patent, then, yes.  |
| 2<br>3   | A. Am I aware of any documents?<br>Back in July of 1999, it was it was<br>written on a piece of paper. It was brought to our  | 2<br>3   | assume if this is a true and valid copy of the patent,<br>then, yes.<br>Q. I believe it is.  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>20<br>21<br>22         | <ul> <li>A. Am I aware of any documents?<br/>Back in July of 1999, it was it was</li> <li>written on a piece of paper. It was brought to our<br/>attorney.<br/>And so I imagine there are some<br/>documents, something written on a piece of paper at<br/>the time. I don't know if it still exists.</li> <li>Q. So it's your understanding that the<br/>notes that your father took on that date that that<br/>you and he conceived of the invention were given to<br/>Tom Coester?</li> <li>A. I don't know if he actually handed it to<br/>him or if he just verbally read off, read it to him.</li> <li>Q. Do you know what happened to that piece<br/>of paper?</li> <li>A. I have no idea.</li> <li>Q. Have you seen it since<br/>A. No.</li> <li>Q July 1999?</li> <li>A. No.</li> <li>Q. I can tell you, we haven't seen it,<br/>either. And I personally have not seen a scrap of</li> </ul>  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | assume if this is a true and valid copy of the patent,<br>then, yes.<br>Q. I believe it is.<br>Can you show me where in the 497 patent<br>it shows manipulating a region of a screen for<br>scrolling and zooming?<br>A. I'd have to take a little time and go<br>through it.<br>Q. Go ahead.<br>Did you see anything in the figures that<br>disclosed manipulating a region of the screen for<br>scrolling and/or zooming?<br>A. You know, I just browsed through some of<br>these figures. I didn't put together without the<br>understanding.<br>Based on conversations with my attorney,<br>I would not be able to answer that definitively<br>Q. Can you answer it<br>A without divulging attorney-client<br>privileges.<br>Q. Can you answer it in any way,<br>definitively or not?  |

19 (Pages 70 to 73)

| 1  |  | 1   |   |
|--|--|---|---|
|  | Page 74  |   | Page 76   |
| 1  | anything that you can point to that discloses  | 1   | manipulating a region of the screen for scrolling   |
| 2  | manipulating a region of the screen for scrolling  | 2   | and/or zooming, or that you will tell me that you   |
| 3  | and/or zooming.  | 3   | haven't seen that, without claiming privilege?  |
| 4  | Right?   | 4   | In other words, what I don't want to do   |
| 5  | A. No, I did not say that.   | 5   | is have you spend the next hour reading the patent and  |
| 6  | Q. Okay. Well, I'm asking  | 6   | then tell me, like you just told me with the figures,   |
| 7  | Okay. So you have seen something like  | 7   | that you can't answer the question.   |
| 8  | that?  | 8   | A. I would not be able to answer that   |
| 9  | A. Again, without disclosing   | 9   | without reading it in detail, and I haven't read this   |
| 10   | attorney-client privileges, I don't want to divulge  | 10  | in ten years.   |
| 11   | information that I've received from my attorney.   | 11  | Q. Well okay. So what you're saying is,   |
| 12   | Q. So you may or may not have seen   | 12  | you need whatever time it will take you to read it in   |
| 13   | something that discloses in the figures of the 497   | 13  | order to tell me whether or not you're going to claim   |
| 14   | patent manipulating a region of the screen for   | 14  | privilege in the answer.  |
| <mark>15</mark>  | scrolling and/or zooming, but you can't tell me  | 15  | Right?  |
| <mark>16</mark>  | A. Without   | 16  | A. No.  |
| 17   | Q whether you did or not without   | 17  | Q. Okay. What what are you saying,  |
| 18   | revealing attorney-client privileged information.  | 18  | then?   |
| 19   | Right?   | 19  | A. I said in order for me to answer your  |
| 20   | A. That's correct, yes.  | 20  | question, I need to take the time to read this  |
| 21   | Q. Thank you.  | 21  | thoroughly and so I can give you an answer.   |
| 22   | MR. BECKER: Can you read back that last  | 22  | Q. Well, I'm willing to give you that time  |
| 23   | question and answer?   | 23  | to read it if you think there's some possibility you  |
| 24   | (Whereupon the record was read as follows:)  | 24  | won't just claim privilege.   |
| 25   | "QUESTION: So you may or may not have  | 25  | But since I'm nearly certain you're   |
|  |  |   |   |
| 1  |  |   |   |
| 1  | Page 75  | 1   | Page 77   |
| 1  | seen something that discloses in the   | 1   | going to just claim privilege, I'm reluctant to do  |
| 2  | seen something that discloses in the figures of the 497 patent manipulating a  | 1<br>2<br>2   | going to just claim privilege, I'm reluctant to do that.  |
| 2<br>3   | seen something that discloses in the figures of the 497 patent manipulating a region of the screen for scrolling and/or  | 3   | going to just claim privilege, I'm reluctant to do<br>that.<br>A. Well, there's without reading it, I   |
| 2<br>3<br>4  | seen something that discloses in the<br>figures of the 497 patent manipulating a<br>region of the screen for scrolling and/or<br>zooming, but you can't tell me whether  | 3<br>4  | going to just claim privilege, I'm reluctant to do<br>that.<br>A. Well, there's without reading it, I<br>can't tell you what my answer is going to be.  |
| 2<br>3<br>4<br>5   | seen something that discloses in the<br>figures of the 497 patent manipulating a<br>region of the screen for scrolling and/or<br>zooming, but you can't tell me whether<br>you did or not without revealing  | 3<br>4<br>5   | <ul> <li>going to just claim privilege, I'm reluctant to do that.</li> <li>A. Well, there's without reading it, I</li> <li>can't tell you what my answer is going to be.</li> <li>Q. Okay. Go ahead and read it, then.</li> </ul>   |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8  | seen something that discloses in the<br>figures of the 497 patent manipulating a<br>region of the screen for scrolling and/or<br>zooming, but you can't tell me whether<br>you did or not without revealing<br>attorney-client privileged information.<br>Right?<br>"ANSWER: That's correct, yes."   | 3<br>4<br>5<br>6<br>7<br>8  | <ul> <li>going to just claim privilege, I'm reluctant to do that.</li> <li>A. Well, there's without reading it, I can't tell you what my answer is going to be.</li> <li>Q. Okay. Go ahead and read it, then.</li> <li>A. Okay.</li> <li>Q. Mr. Gottfurcht, we're going to have to go off the record to call in to the Court's</li> </ul>   |
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| 1  | Page 78  | 1  | Page 80   |
| 1  | (Whereupon a conference call was   | 1  | "manipulation of the screen"?   |
| 2  | conducted via speakerphone with  | 2  | l just want to yeah.  |
| 3  | Judge Don Bush)  | 3  | Q. No, what I'm asking  |
| 4  | THE VIDEOGRAPHER: Back on the record.  | 4  | A. Just so when I read it, I know   |
| 5  | The time is 2:01 p.m.  | 5  | exactly   |
| 6  | MR. STEPHENS: Could you read back the last   | 6  | Q. Yeah, well, exactly what I'm looking for   |
| 7  | question?  | 7  | is any disclosure of what you contributed to the  |
| 8  | (Whereupon the record was read as follows:)  | 8  | invention.  |
| 9  | QUESTION: Okay. So what you're saying  | 9  | MR. BECKER: Object to form.   |
| 10   | is, you need whatever time it will take  | 10   | THE WITNESS: So is that the same question you   |
| 11   | you to read it in order to tell me   | 11   | asked before  |
| 12   | whether or not you're going to claim   | 12   | BY MR. STEPHENS:  |
| 13   | privilege in the answer.   | 13   | Q. Yes.   |
| 14   | Right?   | 14   | A or is it a little different?  |
| 15   | "ANSWER: No."  | 15   | Q. No, I'm asking for any disclo  |
| 16   | COURT REPORTER: Oh, I'll go back.  | 16   | You told me, right, that your   |
| 17   | "QUESTION: Let me ask for a second   | 17   | contribution to the invention was manipulating a  |
| 18   | before you spend a great deal of time on   | 18   | region of the screen for scrolling and/or zooming.  |
| 19   | the record doing that.   | 19   | Correct?  |
| 20   | Is there any possibility that you  | 20   | A. One, one of my contributions, yes.   |
| 21   | will point to some information that you  | 21   | Q. Okay. So what's what I'm if there's  |
| 22   | believe discloses manipulating a region  | 22   | any disclosure of that contribution.  |
| 23   | of the screen for scrolling and/or   | 22   | A. Okay.  |
| 23<br>24   | •  |  | 5   |
| 24<br>25   | zooming, or that you will tell me that   | 24<br>25   | Q. Did you make any other contribution to   |
| 20   | you haven't seen that, without claiming  | 25   | the 497 patent?   |
|  |  |  |   |
|  | Page 70  |  | Page 81   |
| 1  | Page 79  | 1  | Page 81   |
| 1  | privilege?   | 1  | A. I worked on some of the some of the  |
| 2  | privilege?<br>In other words, what I don't want  | 2  | A. I worked on some of the some of the interfaces and advertising.  |
| 2<br>3   | privilege?<br>In other words, what I don't want<br>to do is have you spend the next hour   | 2<br>3   | <ul><li>A. I worked on some of the some of the interfaces and advertising.</li><li>Q. What interfaces?</li></ul>  |
| 2<br>3<br>4  | privilege?<br>In other words, what I don't want<br>to do is have you spend the next hour<br>reading the patent and then tell me, like  | 2<br>3<br>4  | <ul><li>A. I worked on some of the some of the interfaces and advertising.</li><li>Q. What interfaces?</li><li>A. The simplified menus.</li></ul>   |
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|  | Page 82   |  | Page 84  |
|--|---|--|--|
| 1  | BY MR. STEPHENS:  | 1  | any disclosure of the contribution of your invention.  |
| 2  | Q. Mr. Gottfurcht, just so we're clear,   | 2  | That's what I the record will show   |
| 3  | you're still reading to figure out whether there's any  | 3  | that?  |
| 4  | disclosure of your contribution of manipulating a   | 4  | A. Well, there's there is  |
| 5  | region of the screen for scrolling and/or zooming.  | 5  | Q. Can you tell me why you decided not to  |
| 6  | Right?  | 6  | do that?   |
| 7  | A. Was that your original question?   | 7  | A. No, I I told you there were some I  |
| 8  | Q. Yes.   | 8  | worked on some of the navigational pages, the  |
| 9  | A. I've just been looking for the word  | 9  | advertisement, which I pointed out to you.   |
| 10   | "manipulation," 'cause your first question  | 10   | So, yes, for my contribution and the   |
| 11   | Q. Mr. Gottfurcht, I was extremely clear in   | 11   | semi-contribution  |
| 12   | my question, that I wanted any disclosure of your   | 12   | Q. Okay. I have a question.  |
| 13   | contribution of   | 13   | Please look through the patent and show  |
| 14   | Well, why don't we read the question  | 14   | me where it discloses your contribution of   |
| 15   | back. Let's find out exactly what   | 15   | manipulating a region of the screen for scrolling  |
| 16   | A. Read the original question before I  | 16   | and/or zooming.  |
| 17   | first started reading.  | 17   | A. Okay. That part, I went through. Based  |
| 18   | MR. STEPHENS: Would you just read the last  | 18   | on glancing through it, I do not see those words in  |
| 19   | question back?  | 19   | here. There might be some things   |
| 20   | Not the one I just asked, but before the  | 20   | Q. I'm not asking about those words.   |
| 21<br>22   | break.  | 21   | I'm asking about any disclosure that you   |
| 22   | (Whereupon the record was read as follows:)<br>"QUESTION: Well, at any rate, could you  | 22<br>23   | see that discloses your contribution of manipulating a   |
| 23<br>24   | just continue, and if you see any   | 23<br>24   | region of the screen for scrolling and/or zooming,<br>whether it's in those words or other words, or if it's   |
| 24<br>25   | disclosure of your contribution with  | 24<br>25   | in pictures, I'd like to know about it.  |
| 23   | disclosure of your contribution with  | 23   | in pictures, i u like to know about it.  |
| -  |   |  |  |
|  | Page 83   |  | Page 85  |
| 1  | Page 83<br>respect to manipulating a region of the  | 1  | Page 85<br>So please point it out to me if you see   |
| 1  | respect to manipulating a region of the   | 1  | So please point it out to me if you see  |
| 2  | respect to manipulating a region of the screen for scrolling and/or zooming,  | 2  | So please point it out to me if you see it.  |
| 2<br>3   | respect to manipulating a region of the screen for scrolling and/or zooming, identify it for me, please."   |  | So please point it out to me if you see<br>it.<br>A. Yeah, I mean  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | respect to manipulating a region of the<br>screen for scrolling and/or zooming,<br>identify it for me, please."<br>THE WITNESS: Okay. Was that the original<br>question you asked<br>BY MR. STEPHENS:<br>Q. Yes.<br>A before before the break, before I<br>started reading? Okay.<br>I couldn't find the word "manipulation"<br>in here, and that's what I was looking for originally<br>from when I first started reading.<br>Q. Okay. Go ahead and reread the entire<br>patent and look for the contribution.<br>A. Okay.<br>Q. Can you tell me why, despite my explicit<br>request, that you've not just looked for the word<br>"manipulate," that's what you did?<br>MR. BECKER: Object. Form.<br>THE WITNESS: I thought that's what your<br>original question was.<br>BY MR. STEPHENS:   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | So please point it out to me if you see<br>it.<br>A. Yeah, I mean<br>MR. BECKER: Object. Form.<br>THE WITNESS: It's been ten years. So this is<br>my first glance over this document, to read it<br>thoroughly, since signing off on it ten years ago.<br>So glancing over it again, I don't see<br>the word "manipulation" in here.<br>BY MR. STEPHENS:<br>Q. Do you see any other disclosure of that<br>contribution whether it's using the word "manipulate"<br>or any other words or figures?<br>A. Again, at first glancing it over, I did<br>not I did not catch it. There could be something<br>in here that has something along those lines. But<br>running over it, I did not see it.<br>Q. Okay. And you were that's what you<br>just spent the last few minutes that we have on video<br>doing.<br>Right?<br>A. Yes.  |

22 (Pages 82 to 85)

|  | Page 86   |  | Page 88   |
|--|---|--|---|
| 1  | Q. And you heard your lawyer, Mr. Becker,   | 1  | A. I don't know. Maybe he had an  |
| 2  | tell the judge that you and your father were  | 2  | understanding of what he was telling him.   |
| 3  | unsophisticated with respect to technology.   | 3  | Q. So you didn't understand what Mr. Becker   |
| 4  | Right?  | 4  | meant when he said to the judge that you and your   |
| 5  | A. I don't recall if those were his exact   | 5  | father are unsophisticated with respect to technology.  |
| 6  | words.  | 6  | Is that right?  |
| 7  | Q. Is that an accurate statement?   | 7  | A. No.  |
| 8  | A. I don't I don't recall.  | 8  | Q. Okay. What   |
| 9  | Q. I'm not asking whether those were the  | 9  | A. I just I didn't think about it at the  |
| 10   | exact words.  | 10   | time.   |
| 11   | Is it an accurate statement that you and  | 11   | Q. Okay.  |
| 12   | your father are unsophisticated with respect to   | 12   | A. I didn't even know I don't even know   |
| 13   | technology?   | 13   | if those were the exact words he used.  |
| 14   | A. You'd have to define "unsophisticated."  | 14   | I would have to you know, maybe if  |
| 15   | Q. As you would normally understand that  | 15   | there's a transcript and I could read it back and then  |
| 16   | word.   | 16   | I could hypothetically  |
| 17   | MR. BECKER: Object. Form.   | 17   | 51  |
| 18   | THE WITNESS: I think there's different  | 18   | Q. Are you denying that he used those<br>words?   |
|  |   |  |   |
| 19   | degrees of being unsophisticated. You would have to   | 19   | A. I don't recall, I really don't.  |
| 20   | be specific.  | 20   | Q. Okay. Do you think they're accurate or   |
| 21   | BY MR. STEPHENS:  | 21   | not?  |
| 22   | Q. Okay. So you disagree?   | 22   | MR. BECKER: Object. Form.   |
| 23   | You'd say that you are not  | 23   | THE WITNESS: Again, I don't know.   |
| 24   | unsophisticated with respect to technology.   | 24   | BY MR. STEPHENS:  |
| 25   | Is that right?  | 25   | Q. Okay. Now, he also told the judge that   |
|  |   |  |   |
|  |   |  | Page 80   |
| 1  | Page 87   | 1  | Page 89   |
| 1  | A. I'm not a programmer, I'm not an   | 1  | you're not experts in the field.  |
| 2  | A. I'm not a programmer, I'm not an engineer. If that's your definition of being  | 2  | you're not experts in the field.<br>Is that accurate?   |
| 2<br>3   | A. I'm not a programmer, I'm not an engineer. If that's your definition of being sophisticated, then I'm unsophisticated in that aspect   | 2<br>3   | you're not experts in the field.<br>Is that accurate?<br>A. Could be.   |
| 2<br>3<br>4  | A. I'm not a programmer, I'm not an engineer. If that's your definition of being sophisticated, then I'm unsophisticated in that aspect of technology.  | 2<br>3<br>4  | you're not experts in the field.<br>Is that accurate?<br>A. Could be.<br>Q. "Yes" or "no"?  |
| 2<br>3<br>4<br>5   | <ul> <li>A. I'm not a programmer, I'm not an engineer. If that's your definition of being sophisticated, then I'm unsophisticated in that aspect of technology.</li> <li>Q. I don't have a definition. I'm asking</li> </ul>  | 2<br>3<br>4<br>5   | you're not experts in the field.<br>Is that accurate?<br>A. Could be.<br>Q. "Yes" or "no"?<br>Is it?  |
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|  | Page 90  |  | Page 92   |
|--|--|--|---|
| 1  | A. No, I do not.   | 1  | would say based on the conversations with my attorney.  |
| 2  | Q. Do you think that's an accurate   | 2  | As far as applying for a patent, I never applied for a  |
| 3  | statement?   | 3  | patent. I'm not a a attorney by trade, I'm not an   |
| 4  | MR. BECKER: Object. Form.  | 4  | engineer by trade. So I did rely a lot on attorneys   |
| 5  | THE WITNESS: I I don't I don't even  | 5  | for understanding aspects of the patent process and   |
| 6  | know if he said it. I don't I really don't   | 6  | the patent application process.   |
| 7  | understand what  | 7  | BY MR. STEPHENS:  |
| 8  | BY MR. STEPHENS:   | 8  | Q. Okay. So you'd agree, then, that you   |
| 9  | Q. I'm representing to you that he said it.  | 9  | have a limited understanding based solely on the  |
| 10   | Do you think it's an accurate statement?   | 10   | vice advice of attorneys  |
| 11   | MR. BECKER: Object. Form.  | 11   | MR. BECKER: Object. Form.   |
| 12   | THE WITNESS: That we had   | <mark>12</mark>  | BY MR. STEPHENS:  |
| 13   | BY MR. STEPHENS:   | <mark>13</mark>  | Q right?  |
| 14   | Q. That you and your father had helped   | <mark>14</mark>  | A. As far as the patent process?  |
| 15   | capturing the inventions you conceived.  | <mark>15</mark>  | Q. As far as what's in the patents that   |
| 16   | A. Did we have help capturing the  | <mark>16</mark>  | have your name on it as an inventor.  |
| 17   | invention?   | <mark>17</mark>  | MR. BECKER: Object. Form.   |
| 18   | There was people hired. We're not the  | <mark>18</mark>  | THE WITNESS: I would say it's attorney-client   |
| 19   | only people, as inventors. And there was some people   | <mark>19</mark>  | privileges. I do have a limited understanding as far  |
| 20   | hired who had expertise in the field. So I know there  | <mark>20</mark>  | as legalities of a of a of filing a patent.   |
| 21   | was people hired to bring their expertise to help.   | 21   | BY MR. STEPHENS:  |
| 22   | Q. So you'd agree with Mr. Becker?   | 22   | Q. I'm not asking about the legalities of   |
| 23   | MR. BECKER: Object. Form.  | 23   | filing. I'm asking about what's in the patent.  |
| 24   | THE WITNESS: I would agree that there was  | 24   | Is it true that you have a limited  |
| 25   | people that were hired to help who had expertise that  | 25   | understanding of what's in the patent and that  |
|  |  |  |   |
|  | Page 01  |  | Page 03   |
| 1  | Page 91 we didn't have.  | 1  | Page 93<br>understanding is based solely on the advice of   |
| 1<br>2   | we didn't have.  | 1<br>2   | understanding is based solely on the advice of  |
| 2  | we didn't have.<br>BY MR. STEPHENS:  | 2  | understanding is based solely on the advice of attorneys?   |
|  | we didn't have.<br>BY MR. STEPHENS:<br>Q. Would you also agree with Mr. Becker   | 2<br>3   | understanding is based solely on the advice of attorneys?<br>MR. BECKER: Object. Form.  |
| 2<br>3   | <ul><li>we didn't have.</li><li>BY MR. STEPHENS:</li><li>Q. Would you also agree with Mr. Becker</li><li>when he told the judge that you you and your father</li></ul>   | 2  | understanding is based solely on the advice of attorneys?   |
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| <ul> <li>8 your father about this deposition since yesterday?</li> <li>9 A. Since yesterday?</li> <li>10 Well, we spoke yesterday. I was here at</li> <li>11 the deposition, so</li> <li>12 Q. Okay. What did you say?</li> <li>13 MR. BECKER: And if it's if you're going to</li> <li>14 divulge a group consultation that we had, I will</li> <li>15 instruct you not to divulge that, only something you</li> <li>16 had with him without me present.</li> <li>17 THE WITNESS: It was with my attorney present</li> <li>18 at all times.</li> <li>19 BY MR. STEPHENS:</li> <li>20 Q. So you've never had you have had no</li> <li>21 discussions, whatsoever, with your father since</li> <li>22 yesterday when Mr. Becker was not present.</li> <li>23 Right?</li> <li>24 A. Correct.</li> </ul> <ul> <li>8 Q. Yesterday, outside the time you were in the deposition room?</li> <li>9 the deposition room?</li> <li>10 A. Yeah, outside the time.</li> <li>11 And also, I spoke to my counsel last</li> <li>12 time he was in town, chatted a little bit, as well.</li> <li>13 Q. When was that?</li> <li>14 A. During the medi the mediation, I</li> <li>15 believe it was.</li> <li>16 D. Okay. Who's paying Mr. Becker's bills</li> <li>17 THE WITNESS: It was with my attorney present.</li> <li>20 Q. So you've never had you have had no</li> <li>21 discussions, whatsoever, with your father since</li> <li>22 yesterday when Mr. Becker was not present.</li> <li>23 Right?</li> <li>24 A. Correct.</li> </ul> |       |
| 9A. Since yesterday?9the deposition room?10Well, we spoke yesterday. I was here at10A. Yeah, outside the time.11the deposition, so10A. Yeah, outside the time.12Q. Okay. What did you say?11And also, I spoke to my counsel last13MR. BECKER: And if it's if you're going to13Q. When was that?14divulge a group consultation that we had, I will14A. During the medi the mediation, I15instruct you not to divulge that, only something you15believe it was.16had with him without me present.16Q. Okay. Who's paying Mr. Becker's bills17THE WITNESS: It was with my attorney present17for representing you?18at all times.19Q. But it's not you?20Q. So you've never had you have had no20A. It's not me.21Q. Okay. When Mr. Becker was not present.21Q. Okay. Do you work for EMG?23Right?23Q. Do you have any what what is you24A. Correct.24connection with EMG?   |       |
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| <ul> <li>15 instruct you not to divulge that, only something you<br/>had with him without me present.</li> <li>17 THE WITNESS: It was with my attorney present</li> <li>18 at all times.</li> <li>19 BY MR. STEPHENS:</li> <li>20 Q. So you've never had you have had no</li> <li>21 discussions, whatsoever, with your father since</li> <li>22 yesterday when Mr. Becker was not present.</li> <li>23 Right?</li> <li>24 A. Correct.</li> <li>15 believe it was.</li> <li>16 Q. Okay. Who's paying Mr. Becker's bills</li> <li>16 Q. Okay. Who's paying Mr. Becker's bills</li> <li>17 for representing you?</li> <li>18 A. I don't know.</li> <li>19 Q. But it's not you?</li> <li>20 A. It's not me.</li> <li>21 Q. Okay. Do you work for EMG?</li> <li>22 A. No, I do not.</li> <li>23 Q. Do you have any what what is you</li> <li>24 A. Correct.</li> </ul>   |       |
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| 23Right?23Q. Do you have any what what is you24A. Correct.24connection with EMG?   |       |
| 24A. Correct.24connection with EMG?  |       |
| 25 Q. Okay. Did you have any discussions with 25 A. One of the owners. I have a percentage   |       |
|  | ÷     |
|  |       |
| Page 95<br>1 your father about this case any time without<br>1 share.  | ge 97 |
| 2 Mr. Becker or another attorney involved in that 2 Q. What's your percentage share?   |       |
| 3 conversation? 3 A. 25 percent.   |       |
| 4 A. Maybe over the years, I've had a few 4 Q. And does any trust that you own or  |       |
| 5 conversations. 5 control own a percentage?   |       |
| 6 Q. When is the last time you had a 6 A. Well, that's what I meant. It's  |       |
| 7 discussion with your father about this case without a 7 controlled by the trust, sorry.  |       |
| 8 lawyer? 8 Q. So you control the trust and the trust  |       |
| 9 A. I don't recall. 9 has the ownership?  |       |
| 10 Q. Tell me what you remember about any 10 A. I'm the trustee of the trust, yes.   |       |
| 11 discussions you may have had with your father about 11 Q. And you're also a beneficiary of the  |       |
| 12 this case. 12 trust?  |       |
| 13A.I don't recall.We talk from13A.Yes.  |       |
| 14UU <th< td=""><td></td></th<>  |       |
| 15 MR. BECKER: And and also, I will caution 15 the face of the 196 patent, the sorry on  |       |
| 16 you, if he told you some advice that we gave him for 16 the face of the yeah, the 196 patent, the   |       |
| 17you, then you're not to divulge that advice.17Grant Gottfurcht 2003 Irrevocable Trust?   |       |
| 18THE WITNESS: Okay. He would just tell me a18A. I I believe so.   |       |
| 19few things, where the status of the application was,19Q.Okay. Are there any other trusts that  |       |
| 20 where the status of the patent was, status of the 20 you're involved with?  |       |
| 21   lawsuits.     21   A. No, there are not.  |       |
| 22 But I did not we did not talk in a 22 Q. Now, you mentioned that you contribut  |       |
| 23 lot of detail. 23 something other than manipulating a region of th  |       |
| 24     BY MR. STEPHENS:       24     screen for scrolling and/or zooming.  |       |
| 25 Q. What did you do to prepare for this 25 What exactly were those contributions?  |       |

25 (Pages 94 to 97)

| 1       A. I worked on some of these these       1       remember?         2       simplified analgation pages.       A. Well, I was around when some of these and some of the templates and some of ithe works were trying to put into the templates and some of ithe works were trying to put into the templates and some of the works were trying to put into the templates and some of the works were trying to put into the templates and some of the works were trying to put into the templates and some of the works were trying to put into the templates and some of the works were trying to put into the template and some of the works were trying to put into the template and some of the works were trying to put into the template and to be transformed to an analytic difference pages?         0       So you can't identify what your contribution was.       0       O. Okay. Anything else besides works and some of the semplified interface pages?         1       A. Well, televel it was a       0       O. Okay. Anything else besides works and the some of the semplified interface pages?         12       collaborative effort. These ones, you know, some of the semplified interface pages?       0       O. Okay. How about in the 497?         1       A. Okay. Which patent are you talking       1       A. Math would be it as far as the figures or now.         21       A. Okay. Well go with the 196.       1       A. Well. I'd have to as a far as figures or now.         22       Figure 2-8. I might have contributed to the templates and withing else besides the words?       2       1       A. Well wave group with so |  |   |  |  |
|---|--|---|--|--|
| 2       simplified navigation pages.       2       A. Well, I was around which ones?         3       Q. Okay. Which ones?       some of the words were trying to put into the templates and divided into these segments, and I, on a         5       So I don't recall which ones I'd       some of the words were trying to put into the templates and divided into these segments, and I, on a         6       So I don't recall which ones       7         7       Specifically I worked on.       7         8       O. So you can't identify what your       7         9       Contribution was.       7         10       Is that right?       10         11       A. Well, I belive I it was a       7         12       Collaborative effort. These ones, you know, some of 1       13         13       G. Okay. How about in the 497?       14         14       O. Why don't you tell me exactly what       15         15       format you collaborated on.       15         16       A. Okay. Which patent are you talking       16         17       about?       17       M. BECKER: Object. Form.         18       O. Take your pick. You've got the 497, the       18       16         19       B45, I think, or maybe it's the 196, whichever one you       20       0       A I d   |  |   | 1  | Page 100   |
| 3       Q. Okay, Which ones?       3       were being put together; some of the templates and divided into these segments, and I, on a         4       A. And again, I don't recall which ones?       4       some of the words were trying to put into the templates and divided into these segments, and I, on a         6       So I don't recall which ones?       4       some of the words were trying to put into the templates and divided into these segments, and I, on a         6       So you can't identify what your       6       Collaborative effort.         7       A. Well, I believe I it was a       7       O. Okay. Anything else         8       A. Well, I believe I it was a       7       O. Okay. Anything else         10       Is that right?       7       A. Well, I believe I it was a         11       A. Well, I believe I it was a       7       O. Okay. How about in the 497?         12       go.       C. Okay. How about in the 497?         13       the format. I might have contributed to       7       BY MR. STEPHENS:         14       O. Okay. Well go with the 196.       7       O. Anything else in the 497?         14       Medscriptions?       O. In the descriptions?       O. Let's stay with the figures for now.         15       Figure 2-B, I might have come up with some of the       Figures besides the avords?       A. I  |  |   | -  |  |
| 4       A. And again. I don't recall which ones       some of the word's were trying to put into the template         5       worked on. I was around while they were being don.       and divided into these segments, and I, on a         7       Specifically I worked on.       7         8       0. So you can't identify what your       7         9       contribution was.       7         10       Is that right?       10         11       A. Well, I believe 1 it was a       5         12       collaborative effort. These ones, you know, some of       13         14       O. Why don't you tell me exactly what       15         15       format you collaborated on.       13         16       A. Okay. Which patent are you talking       10         17       about?       14       MR. BECKE: Object. Form.         18       Q. Take your pick. You've got the 497, the       18         19       A. Okay. Well go with the 196.       21         21       A. Okay. Well go with the 196.       21         22       Figure 2-B. I might have contributed to       23         23       A. I don't recall.       24         24       O. Why don't you contribution?       25         25       A. I might have come up with some of   |  |   |  |  |
| 5       worked on. I was around while they were being done.       5       and divided into these segments, and I, on a         6       So I don't recall which ones       6       collaborative effort       0. Okay. Anything else         8       Q. So you can't identify what your       8       A came up with some of them.         9       Q. Okay. Anything else       8       A came up with some of them.         10       Is that right?       10       Newl. I believe I it was a         12       collaborative effort. These ones, you know, some of       11       A. That would be it as far as the figures         12       collaborative offort. These ones, you know, some of       12       go.       O. Okay. Anything else words and         13       the format, I might have collaborated on       11       A. That would be it as far as the figures         14       O. Okay. May don't you call be exactly what       11       A. That would say the same thing.         15       ormat is might have contributed to       15       THE WITNESS: I would say the same thing.         16       A. Okay. Weil go with the 196.       21       A. Weil, I don't recall.         21       A. Okay. Weil go with the 196.       21       A. Weil, I don't recall.         22       Figure 2-B, I might have corne up with some of the       21  |  |   |  |  |
| 6       So I don't recall which ones       7         7       specifically I worked on.       7         0       0. So you can't identify what your       8         1       0. So you can't identify what your       8         2       0. So you can't identify what your       9         10       Is that right?       10         11       A. Well, I believe 1 it was a       10         12       collaborative effort. These ones, you know, some of       12         13       the format, I might have collaborated on with him.       14         14       Q. Why don't you tell me exactly what       15         15       format you collaborated on.       15         16       A. Okay. Which patent are you talking       17         17       about?       18       Q. Take your pick. You've got the 497. the         18       Q. Take your pick. You've got the 497. the       18       M. SECKER: Object. Form.         17       Bout?       Figure 2-8. I might have contributed to       20       n. He avigational pages.         17       A. Okay. Well go with the 196.       22       Q. What was your contribution?       25       A. I don't recall.         24       Q. What was your contribution?       25       A. I don't recall.       <  |  |   |  |  |
| 7       specifically I worked on.       7       0. Okay. Anything else         8       0. Sk op ucan't identify what your       8       A came up with some of them.         9       0. Sk op ucan't identify what your       0. Okay. Anything else besides words and         10       Is that right?       0. Okay. Anything else besides words and         12       collaborative effort. These ones, you know, some of       11         13       the format, I might have collaborated on with him.       12         14       0. Why don't you tell me exactly what       15         15       format you collaborated on.       15         16       A. Okay. Which patent are you talking       16         17       B45, I think, or maybe it's the 196, whichever one you       17         18       Q. Take your pick. You've got the 497, the       18         21       A. Okay. We'll go with the 196.       21         22       C. What was your contributed to       23         23       that.       22         24       Q. Why don't words?       2         3       A. I don't recall.       3         4       Q. Anything else besides the words?       2         5       A. I don't recall.       3         4       Q. A  |  |   |  |  |
| 8       0. So you can't identify what your       8       A came up with some of them.         9       0. Okay. Anything else besides words and         10       Is that right?       10         11       A. Well, I believe I it was a       10         12       collaborative effort. These ones, you know, some of       11         13       the format, I might have collaborated on with him.       13         14       O. Why don't you tell me exactly what       13         15       format you collaborated on.       15         16       A. Okay. Which patent are you talking       17         17       BVMR. STEPHENS:       20         18       O. Take your pick. You've got the 497, the       18         19       845, I think, or maybe it's the 196, whichever one you contributed to.       21         20       Contributed to.       20         21       A. Okay. We'll go with the 196.       21         22       Figure 2-8, I might have contributed to       21         23       that.       21       A. I don't recail.         24       O. What was your contribution?       25       A. The words advertisement. I guess, as         25       Q. Which words?       3       A. I don't recail.       3 <t< td=""><td></td><td></td><td>_</td><td></td></t<>   |  |   | _  |  |
| 9       C. Okay. Anything else besides words and         10       Is that right?         11       A. Well, I believe 1 it was a         12       collaborative effort. These ones, you know, some of         13       the format, I might have collaborated on with have.         14       Q. Why don't you tell me exactly what         15       format, L might have collaborated on with have.         16       A. Okay. Why don't you tell me exactly what         17       about?         18       Q. Take your pick. You've got the 497, the         18       Q. Take your pick. You've got the 497, the         18       O. Take your pick. You've got the 497, the         19       845, I think, or maybe it's the 196, whichever one you         20       contributed to.         21       A. Okay. We'll go with the 196.         22       Figure 2-B, I might have contributed to         23       Hat.         24       Q. What was your contribution?         25       A. I don't recall.         4       Q. Anything else besides the words?         5       A. I don't recall.         4       Q. Mything else besides the words?         5       A. I don trecall.         6       Q. Okay, Anything else?   |  |   |  |  |
| 10       Is that right?       10       some of the simplified interface pages?         11       A. Well, I believe I it was a       11       A. That would be it as far as the figures         13       the format, I might have collaborated on with him.       11       A. That would be it as far as the figures         13       the format, I might have collaborated on with him.       13       C. Okay. How about in the 497?         14       Q. Why don't you tell me exactly what       14       MR. BECKER: Object. Form.         16       A. Okay. Which patent are you talking       16       Again, the navigation pages.         18       Q. Take your pick. You've got the 497, the       845, I think, or maybe it's the 196, whichever one you       16         19       B45, I think, or maybe it's the 196, whichever one you       17       A. Well, I'don't recall if there was any other         21       A. Okay. We'll go with the 196.       20       C. Let's stay with the figures for now.         22       Figure 2-B, I might have contributed to       21       A. I don't recall if there was any other         23       A. I don't recall.       23       A. I don't recall.       24         2       What was your contribution?       25       A. I don't recall.       24         3       A. I don't recall.       33       A. I don't recal  |  |   | _  |  |
| 11       A. Well, I believe I it was a       11       A. That would be it as far as the figures         12       collaborative effort. These ones, you know, some of       12       go.         12       collaborative effort. These ones, you know, some of       12       go.         14       O. Why don't you tell me exactly what       13       D. Okay. How about in the 497?         14       MR. BECKER: Object. Form.       15         17       about?       THE WITNESS: I would say the same thing.         18       O. Take your pick. You've got the 497, the       18         18       O. Take your pick. You've got the 497, the       18         19       845, I think, or maybe it's the 196, whichever one you       16         20       contributed to.       20         21       A. Okay. We'll go with the 196.       21         22       Figure 2-B, I might have contributed to       23         23       that.       24         24       Q. What was your contribution?       24         24       Q. Which words?       2         3       A. I don't recall.       3         4       Q. Anything else besides the words?       4         5       A. I do not recall.       5         4       Q   |  |   | -  |  |
| 12       collaborative effort. These ones, you know, some of       12       go.         13       the format, I might have collaborated on with him.       13       C. Okay. How about in the 497?         14       Q. Why don't you tell me exactly what       15       format you collaborated on.         15       format you collaborated on.       15       THE WITNESS: I would say the same thing.         16       A. Okay. Which patent are you talking       16       Again, the navigation pages.         18       Q. Take your pick. You've got the 497, the       18       Q. Anything else in the 497?         18       A. Okay. We'll go with the 196, whichever one you       10       Again, the navigation pages.         20       contributed to.       20       or in the descriptions?         21       A. Okay. We'll go with the 196.       21       Q. Let's stay with the figures for now.         22       Figure 2-B, I might have contributeto       23       figures besides the navigational pages that 1         24       Q. What was your contribution?       25       Q. And on those navigational pages, did you         25       A. I don't recall.       24       Contributed to anything other than the words?         3       A. I don't recall.       3       Well, ladon't recall.       3         4       Q. Which w  |  |   |  |  |
| 13       the format, I might have collaborated on with him.       13       0. Okay. How about in the 497?         14       0. Why don't you tell me exactly what       14       MR. BECKER: Object. Form.         16       A. Okay. Which patent are you talking       16       Again, the navigation pages.         17       about?       18       0. Take your pick. You've got the 497. the       16       Again, the navigation pages.         18       0. Take your pick. You've got the 497. the       18       0. Anything else in the 497?         19       845. I think, or maybe it's the 196, whichever one you       20       or in the descriptions?         21       A. Okay. We'll go with the 196.       21       0. Let's stay with the figures for now.         22       Figure 2-B, I might have contributed to       22       A. I don't recall if there was any other         23       that.       22       A. I don't recall if there was any other       23         24       0. What was your contribution?       25       A. I don't recall.       25       A. I don't recall.         4       0. Anything else besides the words?       2       A. The words, advertisement, I guess, as       well, laying laying out some of it, some of the         4       0. Naw, you said you might have come up       9       well, layout.       5       Q. Any t  |  |   |  |  |
| 14       Q. Why don't you tell me exactly what       14       MR. BECKER: Object. Form.         15       format you collaborated on.       15       THE WITNESS: I would say the same thing.         16       A. Okay. Which patent are you talking       15       Again, the navigation pages.         17       about?       Again, the navigation pages.         18       Q. Take your pick. You've got the 497, the       18         20       Contributed to.       20         21       A. Okay. We'll go with the 196.       21         22       Figure 2-B, I might have contributed to       21         23       that.       14       The werst you the figures for now.         24       Q. What was your contribution?       22       A. I don't recail.         25       A. I might have come up with some of the       25       Q. And on those navigational pages, did you         26       Q. Which words?       2       A. The words, advertisement, I guess, as         3       A. I don't recail.       5       Q. You mean like the picture of the watch         6       Q. Okay. Anything else?       7       A. Possiby, as an example.         7       A. I don't recail.       9       Q. Any other contribution to words on the page.         10       Did root recail.  |  |   |  | -  |
| 15       format you collaborated on.       15       THE WITNESS: I would say the same thing.         16       A. Okay. Which patent are you talking       16       Again, the navigation pages.         18       Q. Take your pick. You've got the 497, the       BY MR. STEPHENS:         19       845. I think, or maybe it's the 196, whichever one you       D. Anything else in the 497?         20       contributed to.       9         21       A. Okay. We'll go with the 196.       Q. Anything else in the 497?         22       Figure 2-B, I might have contributed to       21         24       Q. What was your contribution?       22         25       A. I don't recall.       23         26       Or in the page.       24         27       Q. Which words?       2         3       A. I don't recall.       24         4       Q. Anything else besides the words?       2         5       A. I do not recall.       5         6       Q. Okay. Anything else?       7         7       A. I do not recall.       5         8       Q. Any other contributed to       2         9       with some words on the page.       1         16       Q. Okay. Anything else?       7         7   |  |   |  |  |
| 16       A. Okay. Which patent are you talking       16       Again, the navigation pages.         17       about?       17       BY MR. STEPHENS:         18       Q. Take your pick. You've got the 497, the       18       Q. Anything else in the 497?         19       845, I think, or maybe it's the 196, whichever one you       19       A. Well, I'd have to as far as figures         20       contributed to.       20       C. Let's stay with the figures for now.         21       A. Okay. We'll go with the 196.       21       Q. Let's stay with the figures for now.         23       that.       Q. What was your contribution?       22       A. I don't recall if there was any other         25       A. I might have come up with some of the       23       figures besides the navigational pages, did you         10       mords on the page.       1       contribute to anything other than the words?       2         2       Q. Which words?       3       A. I don't recall.       3       well, laying laying out some of it, some of the         4       Q. Anything else besides the words?       5       A. I don trecall.       3       well, laying laying out some of it, some of the watch       6         6       Q. Okay. Anything else?       7       A. Possibly, as an example.       7       A. Possibly, as an exam   |  |   |  |  |
| 17       about?       17       BY MR. STEPHENS:         18       Q. Take your pick. You've got the 497, the       18       Q. Anatything else in the 497?         19       845, I think, or maybe it's the 196, whichever one you contributed to.       18       Q. Anatything else in the 497?         21       A. Okay. We'll go with the 196.       20       or in the descriptions?         21       A. Okay. We'll go with the 196.       21       Q. Let's stay with the figures for now.         22       Figure 2-B, I might have contributed to       21       Q. Let's stay with the figures for now.         24       Q. What was your contribution?       24       A. I don't recall.       25         25       A. I don't recall.       25       Q. Mything else besides the words?       2       A. The words, advertisement, I guess, as well, laying laying out some of it, some of the layout.         2       Q. Which words?       2       A. I do not recall.       5       Q. Anything else         3       A. I do not recall.       4       Q. Any other contribution to words on the page.       7       A. Possibly, as an example.         4       Q. Now, you said you might have come up with some words on the page.       9       4       Hayout.         5       A. I do not recall.       6       O. Now, you said you might have come up with som  |  | 5   |  | , , , , , , , , , , , , , , , , , , ,  |
| 18       Q. Take your pick. You've got the 497, the       18       Q. Anything else in the 497?         19       845, I think, or maybe it's the 196, whichever one you       10       A. Okay. We'll go with the 196.         21       A. Okay. We'll go with the 196.       20       or in the descriptions?         21       A. Okay. We'll go with the 196.       21       O. Let's stay with the figures for now.         22       Figure 2-B, I might have contributed to       22       A. I don't recall if there was any other         23       A. I might have come up with some of the       22       A. I don't recall.         24       Q. Which words?       2.       A. I don't recall.         25       A. I don't recall.       2       A. I don't recall.         3       A. I don't recall.       3       well, laying laying out some of it, some of the avertising?         5       A. I do not recall.       5       Q. You mean like the picture of the watch         6       Q. Okay. Anything else       9       The words, advertisement, I guess, as         7       A. I do not recall.       5       Q. You mean like the picture of the watch         6       Q. Okay. Anything else       9       You mean like the picture of the watch         6       Did you or not, or you're just not sure?       7       A  |  |   |  | 0 10   |
| 19       845, I think, or maybe it's the 196, whichever one you contributed to.       19       A. Weil, I'd have to as far as figures corributed to.         20       contributed to.       20       or in the descriptions?       20         21       A. Okay. We'll go with the 196.       21       C. Let's stay with the figures for now.         22       G. What was your contribution?       A. I don't recall.       A. I don't recall.         2       Q. Which words?       A. I don't recall.       20         3       A. I don't recall.       20       A. Hon't recall.         4       Q. Okay. Anything else?       A. I do not recall.       20         7       A. I do not recall.       5       A. I do not recall.       5         6       Q. Okay. Anything else?       7       A. I do not recall.       5         7       A. I do not recall.       5       9       9       1         8       Q. Now, you said you might have come up       9       9       that were yours to the 497 figures besides         10       Did you or not, or you're just not sure?       7       A. Possibly, as an example.       10         7       A. Weil, I don't recall what specifically.       11       3       don't that's all ts eat this time, but there         10       <   |  |   |  |  |
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| 25       A. I might have come up with some of the       25       Q. And on those navigational pages, did you         Page 99       Page 99       Page 101         1       words on the page.       1       contribute to anything other than the words?         2       Q. Which words?       2       A. The words, advertisement, I guess, as         3       A. I don't recall.       3       well, laying laying out some of it, some of the         4       Q. Anything else besides the words?       5       A. I do not recall.       5         6       Q. Okay. Anything else?       7       A. I do not recall.       5         8       Q. Now, you said you might have come up       9       With some words on the page.       0         10       Did you or not, or you're just not sure?       7       A. Well, I don't recall I was involved       8       Q. Any other contributions that you see         11       A. Well, I don't recall what specific words, if I       13       together. So I don't recall specifically.       12       A. Just running through really quick, I         13       together. So I don't recall specifically.       14       20       What do the letters "EMG" stand for?         16       Q. Anything else that you contributed to       16       A. Elliott, Marlo, and Grant.         17       Q.   |  |   |  |  |
| Page 99       Page 101         1       words on the page.       1       contribute to anything other than the words?         2       Q. Which words?       A. I don't recall.       2         4       Q. Anything else besides the words?       3       A. I do not recall.         5       A. I do not recall.       5       Q. Vou mean like the picture of the watch         6       Q. Okay. Anything else?       7       A. I do not recall.         7       A. I do not recall.       5       Q. Now, you said you might have come up         9       with some words on the page.       7       A. Possibly, as an example.         8       Q. Now, you said you might have come up       8       Q. Any other contributions that you see         9       with some words on the page.       9       that were yours to the 497 figures besides         10       Did you or not, or you're just not sure?       11       pages and layout of some of the advertising?         11       A. Well, I don't recall what specific words, if I       13       together. So I don't recall what specific words, if I         14       did come up, if it was just a full collaborative       14       could be other stuff in there.         15       Q. Anything else that you contributed to       16       A. Elliott, Marlo, and Grant.   |  |   |  |  |
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| 4Q. Anything else besides the words?4layout.5A. I do not recall.5Q. You mean like the picture of the watch6Q. Okay. Anything else?6in Figure 9-B, for example?7A. I do not recall.7A. Possibly, as an example.8Q. Now, you said you might have come up8Q. Any other contributions that you see9with some words on the page.9that were yours to the 497 figures besides10Did you or not, or you're just not sure?10collaborative contribution to words on the navigation11A. Well, I don't recall I was involved11pages and layout of some of the advertising?12in when these were some of these were being put13together. So I don't recall what specific words, if I13together. So I don't recall what specific words, if I13don't that's all I see at this time, but there14did come up, if it was just a full collaborative14could be other stuff in there.15effort. I don't recall specifically.16A. Elliott, Marlo, and Grant.16Q. Anything else that you contributed to16A. Elliott, Marlo, and your sister and your18A. Just all those all the simplified18father?19navigation interface pages. Some of them although19A. Yes.20I don't recall exactly which ones, I might have20Q. Who picked the name?21contributed on a collaborative effort.21A. Who picked our birth names or <td>3</td> <td>A. I don't recall.</td> <td>3</td> <td></td>   | 3  | A. I don't recall.  | 3  |  |
| 6Q. Okay. Anything else?6in Figure 9-B, for example?7A. I do not recall.7A. Possibly, as an example.8Q. Now, you said you might have come up9With some words on the page.9with some words on the page.9that were yours to the 497 figures besides10Did you or not, or you're just not sure?10collaborative contribution to words on the navigation11A. Well, I don't recall I was involved11pages and layout of some of the advertising?12in when these were some of these were being put12A. Just running through really quick, I13together. So I don't recall what specific words, if I13don't that's all I see at this time, but there14did come up, if it was just a full collaborative14could be other stuff in there.15effort. I don't recall specifically.15Q. What do the letters "EMG" stand for?16Q. Anything else that you contributed to16A. Elliott, Marlo, and Grant.17the 196 patent?17Q. That's you and your sister and your18A. Just all those all the simplified18father?19navigation interface pages. Some of them although19A. Yes.20I don't recall exactly which ones, I might have20Q. Who picked the name?21contributed on a collaborative effort.21A. Who picked our birth names or   | 4  | Q. Anything else besides the words?   | 4  |  |
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|   | 12<br>13<br>14<br>15<br>16<br>17<br>18<br>19                               | <ul> <li>did come up, if it was just a full collaborative</li> <li>effort. I don't recall specifically.</li> <li>Q. Anything else that you contributed to</li> <li>the 196 patent?</li> <li>A. Just all those all the simplified</li> <li>navigation interface pages. Some of them although</li> </ul>  | 15<br>16<br>17<br>18<br>19                               | <ul> <li>Q. What do the letters "EMG" stand for?</li> <li>A. Elliott, Marlo, and Grant.</li> <li>Q. That's you and your sister and your</li> <li>father?</li> <li>A. Yes.</li> </ul>   |
| 1.22 O. Contributed words, or something else? 1.22 O. No. no. I'm sorry. The name EMG.  | 12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20                         | <ul> <li>did come up, if it was just a full collaborative</li> <li>effort. I don't recall specifically.</li> <li>Q. Anything else that you contributed to</li> <li>the 196 patent?</li> <li>A. Just all those all the simplified</li> <li>navigation interface pages. Some of them although</li> <li>I don't recall exactly which ones, I might have</li> </ul>   | 15<br>16<br>17<br>18<br>19<br>20                         | <ul> <li>Q. What do the letters "EMG" stand for?</li> <li>A. Elliott, Marlo, and Grant.</li> <li>Q. That's you and your sister and your</li> <li>father?</li> <li>A. Yes.</li> <li>Q. Who picked the name?</li> </ul>  |
| e ,   | 12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21                   | <ul> <li>did come up, if it was just a full collaborative</li> <li>effort. I don't recall specifically.</li> <li>Q. Anything else that you contributed to</li> <li>the 196 patent?</li> <li>A. Just all those all the simplified</li> <li>navigation interface pages. Some of them although</li> <li>I don't recall exactly which ones, I might have</li> <li>contributed on a collaborative effort.</li> </ul>   | 15<br>16<br>17<br>18<br>19<br>20<br>21                   | <ul> <li>Q. What do the letters "EMG" stand for?</li> <li>A. Elliott, Marlo, and Grant.</li> <li>Q. That's you and your sister and your</li> <li>father?</li> <li>A. Yes.</li> <li>Q. Who picked the name?</li> <li>A. Who picked our birth names or</li> </ul>  |
|   | 12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22             | <ul> <li>did come up, if it was just a full collaborative</li> <li>effort. I don't recall specifically.</li> <li>Q. Anything else that you contributed to</li> <li>the 196 patent?</li> <li>A. Just all those all the simplified</li> <li>navigation interface pages. Some of them although</li> <li>I don't recall exactly which ones, I might have</li> <li>contributed on a collaborative effort.</li> <li>Q. Contributed words, or something else?</li> </ul>   | 15<br>16<br>17<br>18<br>19<br>20<br>21<br>22             | <ul> <li>Q. What do the letters "EMG" stand for?</li> <li>A. Elliott, Marlo, and Grant.</li> <li>Q. That's you and your sister and your</li> <li>father?</li> <li>A. Yes.</li> <li>Q. Who picked the name?</li> <li>A. Who picked our birth names or</li> <li>Q. No, no, I'm sorry. The name EMG.</li> </ul>   |
| 5 5 6 1 5   | 12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | <ul> <li>did come up, if it was just a full collaborative</li> <li>effort. I don't recall specifically.</li> <li>Q. Anything else that you contributed to</li> <li>the 196 patent?</li> <li>A. Just all those all the simplified</li> <li>navigation interface pages. Some of them although</li> <li>I don't recall exactly which ones, I might have</li> <li>contributed on a collaborative effort.</li> <li>Q. Contributed words, or something else?</li> <li>A. Mainly words, yeah. Mainly words.</li> </ul>   | 15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | <ul> <li>Q. What do the letters "EMG" stand for?</li> <li>A. Elliott, Marlo, and Grant.</li> <li>Q. That's you and your sister and your</li> <li>father?</li> <li>A. Yes.</li> <li>Q. Who picked the name?</li> <li>A. Who picked our birth names or</li> <li>Q. No, no, I'm sorry. The name EMG.</li> <li>A. It was probably something Elliott came</li> </ul>  |
| 25Did you or not, or you just don't25Q.Okay. And are you three the sole   | 12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24 | <ul> <li>did come up, if it was just a full collaborative</li> <li>effort. I don't recall specifically.</li> <li>Q. Anything else that you contributed to</li> <li>the 196 patent?</li> <li>A. Just all those all the simplified</li> <li>navigation interface pages. Some of them although</li> <li>I don't recall exactly which ones, I might have</li> <li>contributed on a collaborative effort.</li> <li>Q. Contributed words, or something else?</li> <li>A. Mainly words, yeah. Mainly words.</li> <li>Q. Now, you said you might have.</li> </ul> | 15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24 | <ul> <li>Q. What do the letters "EMG" stand for?</li> <li>A. Elliott, Marlo, and Grant.</li> <li>Q. That's you and your sister and your</li> <li>father?</li> <li>A. Yes.</li> <li>Q. Who picked the name?</li> <li>A. Who picked our birth names or</li> <li>Q. No, no, I'm sorry. The name EMG.</li> <li>A. It was probably something Elliott came</li> <li>up with, but I do I do not recall specifically.</li> </ul> |

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|  | Page 102  |   | Page 104  |
|--|---|---|---|
| 1  | beneficial owners of EMG?   | 1   | Q. Before July of 1999, you you had seen  |
| 2  | A. Yes, we are.   | 2   | it done?  |
| 3  | Q. Now, yesterday, your father testified  | 3   | A. No, not before July.   |
| 4  | about your contribution to the invention in July of   | 4   | Q. What kind of pointing device did you   |
| 5  | 1999, and he mentioned the words "manipulating a  | 5   | have on the laptop?   |
| 6  | region of the screen for scrolling and/or zooming."   | 6   | Was it a mouse plugged into it or was it  |
| 7  | Is it your recollection that you used   | 7   | a touch pad?  |
| 8  | those exact words on that day in July of 1999?  | 8   | A. I do not recall.   |
| 9  | A. I don't recall the exact words.  | 9   | Q. Do you remember what kind of laptop it   |
| 10   | Q. Do you remember what you did say about   | 10  | was?  |
| 11   | your contribution on that day?  | 11  | A. I do not recall. It could have been a  |
| 12   | A. I recall saying we would have to find a  | 12  | Dell.   |
| 13   | way to move around the screen without a mouse and   | 13  | Q. Do you remember where in the house you   |
| 14   | you'd probably have to use your hands to move around,   | 14  | were?   |
| 15   | to scroll and to zoom in different features, different  | 15  | A. Yes.   |
| 16   | segments of the page.   | 16  | Q. Where was that?  |
| 17   | Q. Do you remember talking about touching   | 17  | A. It was in the living room.   |
| 18   | the screen to do that?  | 18  | Q. Do you remember what kind of cell phone  |
| 19   | A. Yeah, manipulating with your hands, so   | 19  | it was that your father had?  |
| 20   | that would be touching.   | 20  | A. No, I do not.  |
| 21   | Q. Well, you can manipulate a mouse with  | 21  | Q. When's the first time you used the   |
| 22   | your hands, too, right, and use that to make  | 22  | Internet?   |
| 23   | selections on a screen.   | 23  | A. I do not recall.   |
| 24<br>25   | Right?  | 24  | Q. Was it before July of 1999?  |
| 25   | MR. BECKER: Object. Form.   | 25  | A. Yes, it was.   |
|  | Page 103  |   | Page 105  |
| 1  | THE WITNESS: Yeah, you can use a mouse, sure.   | 1   | Q. Was it more than a month before then?  |
| 2  | I mean, that's been around, yeah.   |   |   |
|  |   | 2   |   |
| 3  | BY MR. STEPHENS:  | 2<br>3  | A. Yes.   |
| 3<br>4   | BY MR. STEPHENS:  |   | A. Yes.   |
|  |   | 3   | <ul><li>A. Yes.</li><li>Q. More than a year?</li></ul>  |
| 4  | BY MR. STEPHENS:<br>Q. And I'm so I guess my question is, do  | 3<br>4  | <ul><li>A. Yes.</li><li>Q. More than a year?</li><li>A. I do not recall. It could have been.</li></ul>  |
| 4<br>5   | BY MR. STEPHENS:<br>Q. And I'm so I guess my question is, do<br>you specifically recall talking about using a touch   | 3<br>4<br>5   | <ul><li>A. Yes.</li><li>Q. More than a year?</li><li>A. I do not recall. It could have been.</li><li>Q. Was it more than two years?</li></ul>   |
| 4<br>5<br>6  | BY MR. STEPHENS:<br>Q. And I'm so I guess my question is, do<br>you specifically recall talking about using a touch<br>screen to manipulate a region of the screen for  | 3<br>4<br>5<br>6  | <ul> <li>A. Yes.</li> <li>Q. More than a year?</li> <li>A. I do not recall. It could have been.</li> <li>Q. Was it more than two years?</li> <li>A. I do not recall.</li> </ul>   |
| 4<br>5<br>7<br>8<br>9  | BY MR. STEPHENS:<br>Q. And I'm so I guess my question is, do<br>you specifically recall talking about using a touch<br>screen to manipulate a region of the screen for<br>scrolling and/or zooming?   | 3<br>4<br>5<br>6<br>7   | <ul> <li>A. Yes.</li> <li>Q. More than a year?</li> <li>A. I do not recall. It could have been.</li> <li>Q. Was it more than two years?</li> <li>A. I do not recall.</li> <li>Q. Have you ever owned a computer?</li> </ul>   |
| 4<br>5<br>6<br>7<br>8  | BY MR. STEPHENS:<br>Q. And I'm so I guess my question is, do<br>you specifically recall talking about using a touch<br>screen to manipulate a region of the screen for<br>scrolling and/or zooming?<br>A. Yes.  | 3<br>4<br>5<br>6<br>7<br>8  | <ul> <li>A. Yes.</li> <li>Q. More than a year?</li> <li>A. I do not recall. It could have been.</li> <li>Q. Was it more than two years?</li> <li>A. I do not recall.</li> <li>Q. Have you ever owned a computer?</li> <li>A. Yes.</li> </ul>  |
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|  | Page 106  | l  | Page 108   |
|--|---|--|--|
| 1  | BY MR. STEPHENS:  | 1  | mouse, so that was the computer I used.  |
| 2  | Q. Well, you're aware that you didn't have  | 2  | Q. Even with a browser that you control  |
| 3  | to use a mouse to manipulate the screen on a computer,  | 3  | with a mouse, you could still set up Web pages to push   |
| 4  | right   | 4  | a button and follow a link.  |
| 5  | MR. BECKER: Object. Form.   | 5  | Were you aware of that?  |
| 6  | BY MR. STEPHENS:  | 6  | MR. BECKER: Object. Form.  |
| 7  | Q before you came up with your  | 7  | THE WITNESS: To be able to press a link and  |
| 8  | invention?  | 8  | go to another page?  |
| 9  | A. I I do not recall. I don't know if   | 9  | BY MR. STEPHENS:   |
| 10   | the track pad was out before or after. I just don't   | 10   | Q. Press a button on your keypad in order  |
| 11   | remember that. I know now there's a track pad, so now   | 11   | to follow a link.  |
| 12   | you don't need a mouse.   | 12   | A. No, I wasn't.   |
| 13   | Q. Is it possible that your desktop   | 13   | Q. You weren't aware of that?  |
| 14   | computer had a track pad back in those days?  | 14   | A. No, not that I can recall.  |
| 15   | A. I don't think so.  | 15   | Q. Had you ever used a touch pad I'm   |
| 16   | Q. Is it possible that you'd used a   | 16   | sorry a touch screen?  |
| 17   | computer of some kind that had a track pad?   | 17   | A. At that time, I I don't think so, no.   |
| 18   | A. It's possible. I just don't recall.  | 18   | Q. Do you know if touch screens existed  |
| 19   | Q. Okay. Had you used the Web before you  | 19   | before you came up with your invention?  |
| 20   | came up with your invention?  | 20   | A. I don't recall.   |
| 21   | A. Yes, I had.  | 21   | Q. Other than the contributions that you've  |
| 22   | Q. Had you ever scrolled a Web page?  | 22   | testified about to the invention, have you had any   |
| 23   | A. Yes, I had.  | 23   | other role in connection with your father's efforts to   |
| 24   | Q. Had you ever zoomed a Web page?  | 24   | license or develop the inventions?   |
| 25   | A. I don't I don't recall.  | 25   | A. No.   |
|  |   |  |  |
|  | Page 107  | <b> </b>   | Page 100   |
| 1  | Page 107  | 1  | Page 109<br>O So you hadn't been involved in MallTV  |
| 1  | Q. Had you ever used a Web page with  | 1  | Q. So you hadn't been involved in MalITV,  |
| 2  | Q. Had you ever used a Web page with frames?  | 2  | Q. So you hadn't been involved in MalITV, for example?   |
| 2<br>3   | Q. Had you ever used a Web page with frames?<br>MR. BECKER: Object. Form.   | 2<br>3   | Q. So you hadn't been involved in MallTV,<br>for example?<br>A. No, I had not.   |
| 2<br>3<br>4  | <ul><li>Q. Had you ever used a Web page with frames?</li><li>MR. BECKER: Object. Form.</li><li>THE WITNESS: Can you define "frames"?</li></ul>  | 2<br>3<br>4  | <ul> <li>Q. So you hadn't been involved in MallTV, for example?</li> <li>A. No, I had not.</li> <li>Q. And you had not been involved in any</li> </ul>   |
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28 (Pages 106 to 109)

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|   | Page 110   |   | Page 112   |
|---|--|---|--|
| 1   | A. I don't know. My my father's  | 1   | A I don't I don't remember. I don't  |
| 2   | was has been doing all of that. I've not been  | 2   | recall.  |
| 3   | involved with a lot of that.   | 3   | Q. But it could be more than 20 that you've  |
| 4   | Q. Well, you've had to sign declarations   | 4   | signed declarations for since March of 2006.   |
| 5   | for each one.  | 5   | Right?   |
| 6   | Right?   | 6   | MR. BECKER: Object. Form.  |
| 7   | MR. BECKER: Object. Form.  | 7   | THE WITNESS: It's possible.  |
| 8   | THE WITNESS: I don't know.   | 8   | BY MR. STEPHENS:   |
| 9   | BY MR. STEPHENS:   | 9   | Q. Can you describe in your own words what   |
| 10  | Q. You don't remember signing declarations   | 10  | the invention is in this lawsuit?  |
| 11  | for other patents beside the ones in this lawsuit?   | 11  | MR. BECKER: Object. Form.  |
| 12  | A. There are other patents, yeah, I do   | 12  | THE WITNESS: Well, based on my part of the   |
| 13  | remember signing. I just don't know which ones. I  | 13  | invention, what I contributed to, it would be having   |
| 14  | don't recall how many. My involvement was very   | 14  | the ability to manipulate a screen a region of a   |
| 14  | limited to   | 14<br>15  |  |
| 16  |  | 15<br>16  | screen for zooming and scrolling using your hands.<br>There's other inventors.   |
|   | Q. Well, did you read the specification or   |   | As far as the invention as a whole,  |
| 17<br>18  | claims of any other patents<br>MR. BECKER: Object. Form.   | 17<br>18  |  |
| 18  | BY MR. STEPHENS:   | 18<br>19  | that's something it was a collaborative effort and   |
|   |  |   | it was put together with the attorney, and my  |
| 20  | Q in connection with filing patent   | 20  | understanding I gained from that was through   |
| 21  | applications?  | 21  | conversations with my attorney.  |
| 22  | A. In connection with these patents?   | 22  | BY MR. STEPHENS:   |
| 23  | <ul><li>Q. Any patents.</li><li>A. Yes.</li></ul>  | 23  | Q. So other than telling us your   |
| 24  |  | 24<br>25  | contribution of manipulating a region of the screen  |
| 25  | Q. When's the last time you did that?  | 25  | for scrolling and/or zooming, you can't tell me what   |
|   | Page 111   |   | Page 113   |
| 1   | A. I don't recall.   | 1   | the invention is in this suit?   |
| 2   | Q. More than a year ago?   |   |  |
| <b>Z</b>  |  | 2   | A Well I've explained to you from day one  |
|   |  | 2<br>3  | A. Well, I've explained to you from day one the initial conception, the initial vision for being   |
| 3   | A. Could have been.  | 3   | the initial conception, the initial vision for being   |
| 3<br>4  | <ul><li>A. Could have been.</li><li>Q. More than two years ago?</li></ul>  | 3<br>4  | the initial conception, the initial vision for being able to display content from the Internet on a TV   |
| 3<br>4<br>5   | <ul><li>A. Could have been.</li><li>Q. More than two years ago?</li><li>A. I don't know. I don't recall.</li></ul>   | 3<br>4<br>5   | the initial conception, the initial vision for being<br>able to display content from the Internet on a TV<br>screen or on a mobile device in a simplified  |
| 3<br>4<br>5<br>6  | <ul><li>A. Could have been.</li><li>Q. More than two years ago?</li><li>A. I don't know. I don't recall.</li><li>Q. More than five years ago?</li></ul>  | 3<br>4<br>5<br>6  | the initial conception, the initial vision for being<br>able to display content from the Internet on a TV<br>screen or on a mobile device in a simplified<br>navigation form; having a sister site, being able to  |
| 3<br>4<br>5<br>6<br>7   | <ul> <li>A. Could have been.</li> <li>Q. More than two years ago?</li> <li>A. I don't know. I don't recall.</li> <li>Q. More than five years ago?</li> <li>A. There was definitely patents that I had</li> </ul>   | 3<br>4<br>5<br>6<br>7   | the initial conception, the initial vision for being<br>able to display content from the Internet on a TV<br>screen or on a mobile device in a simplified<br>navigation form; having a sister site, being able to<br>have one-to-one unique inputs; and being able to  |
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| 3<br>4<br>5<br>6<br>7<br>8<br>9   | <ul> <li>A. Could have been.</li> <li>Q. More than two years ago?</li> <li>A. I don't know. I don't recall.</li> <li>Q. More than five years ago?</li> <li>A. There was definitely patents that I had</li> <li>signed more than five years ago, so</li> <li>Q. But I'm asking about whether there were</li> </ul>  | 3<br>4<br>5<br>6<br>7<br>8<br>9   | the initial conception, the initial vision for being<br>able to display content from the Internet on a TV<br>screen or on a mobile device in a simplified<br>navigation form; having a sister site, being able to<br>have one-to-one unique inputs; and being able to<br>navigate the screen by zooming and scrolling using<br>your hands.   |
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29 (Pages 110 to 113)

| 1  | Page 114   | 1  | Page 116  |
|--|--|--|---|
| 1  | And it was all put together in an  | 1  | A. Yes.   |
| 2  | application form, which I'm not an expert to   | 2  | Q. Okay. What I'm asking you to tell me   |
| 3  | interpret.   | 3  | now is what you intend to tell the jury and   |
| 4  | So I gained my a lot of knowledge  | 4  | Judge Davis you understand the invention to be at   |
| 5  | through my understanding legally with my attorney.   | 5  | trial.  |
| 6  | BY MR. STEPHENS:   | 6  | MR. BECKER: Object. Form.   |
| 7  | Q. Okay. I just want to make sure I  | 7  | Is that a question?   |
| 8  | understand what you understand the invention to be.  | 8  | BY MR. STEPHENS:  |
| 9  | So you testified, I think, that it was   | 9  | Q. Yes.   |
| 10   | displaying content from the Internet on a television   | 10   | MR. BECKER: What's the question?  |
| 11   | or mobile device with a simplified user interface,   | 11   | MR. STEPHENS: I just I just said it.  |
| 12   | having one-to-one navigation, and manipulating a   | 12   | Would you read it back, please?   |
| 13   | region of a screen for scrolling and/or zooming using  | 13   | (Whereupon the record was read as follows:)   |
| 14   | fingers and hands.   | 14   | "QUESTION: What I'm asking you to tell  |
| 15   | MR. BECKER: Object.  | 15   | me now is what you intend to tell the   |
| 16   | BY MR. STEPHENS:   | 16   | jury and Judge Davis you understand the   |
| 17   | Q. Is that right?  | 17   | invention to be at trial."  |
| 18   | MR. BECKER: Object. Form.  | 18   | MR. BECKER: That's a statement.   |
| 19   | THE WITNESS: That could be some some of  | 19   | MR. STEPHENS: No, it's a question.  |
| 20   | the aspects of the invention, yes.   | 20   | BY MR. STEPHENS:  |
| 21   | BY MR. STEPHENS:   | 21   | Q. Could you answer the question, please?   |
| 22   | Q. Okay. What else is there?   | 22   | MR. BECKER: Object. Form.   |
| 23   | A. Well, there's other things in here.   | 23   | THE WITNESS: Can you repeat the question?   |
| 24   | There's having a sister site. And there's a lot of   | 24   | (Whereupon the record was read as follows:)   |
| <mark>25</mark>  | things in here that were discussed amongst my  | 25   | "QUESTION: What I'm asking you to tell  |
|  | Page 115   |  | Page 117  |
| 1  | attorney, which would be attorney-client privileges,   | 1  | me now is what you intend to tell the   |
| 2  | because beyond that, I told you the original   | 2  | jury and Judge Davis you understand the   |
| 3  | concept for  | 3  | invention to be at trial."  |
| 4  | Q. I'm just trying to understand what you  | 4  | THE WITNESS: I understand the invention to be   |
| 5  | believe the invention to be.   |  |   |
| 6  | believe the invention to be.   | <u> </u>   | what's in the application what is you know what's   |
|  | Δ I wouldn't say I believe the invention   | 5  | what's in the application, what is you know, what's claimed in the application  |
|  | A. I wouldn't say I believe the invention  | 6  | claimed in the application.   |
| 7  | to be anything beyond what is in the patent  | 6<br>7   | claimed in the application.<br>BY MR. STEPHENS:   |
| 8  | to be anything beyond what is in the patent application, what has been approved as far as in   | 6<br>7<br>8  | claimed in the application.<br>BY MR. STEPHENS:<br>Q. Okay. And what is that?   |
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|  | Dogo 110  |  | Dago 120   |
|--|---|--|--|
| 1  | Page 118<br>And so there are things in here, some of  | 1  | Page 120<br>BY MR. STEPHENS:   |
| 2  | the things which are beyond my expertise, some  | 2  | Q. Right?  |
| 3  | technicalities beyond my legal knowledge of the patent  | 3  | MR. BECKER: let it go on so long.  |
| 4  | application process.  | 4  | MR. STEPHENS: Hey, you have the right to say,  |
| 5  | And a lot of the information I attained   | 5  | "Object to form," and that's it.   |
| 6  | was during the conversations with my attorney, and my   | 6  | BY MR. STEPHENS:   |
| 7  | contributions to the patent, I've explained already   | 7  | Q. Go ahead, sir.  |
| 8  | today.  | 8  | MR. BECKER: (Inaudible)  |
| 9  | Q. Okay. I'm going to I'm going to ask  | 9  | THE WITNESS: I answered your question  |
| 10   | you one more time to state for the video camera and   | 10   | already.   |
| 11   | for Judge Davis and for the jury what your  | 11   | BY MR. STEPHENS:   |
| 12   | understanding of the invention is.  | 12   | Q. Sorry?  |
| 13   | A. I stand  | 13   | A. I answered your question already, many  |
| 14   | MR. BECKER: Object. Form.   | 14   | times.   |
| 15   | THE WITNESS: I stand by my answer.  | 15   | You can read it back.  |
| 16   | BY MR. STEPHENS:  | 16   | Q. Okay. Is a laptop computer a mobile   |
| 17   | Q. Okay. That's your complete answer?   | 17   | device?  |
| 18   | A. At this time, that's my answer, yes.   | 18   | MR. BECKER: Object. Form.  |
| 19   | Q. Are you planning on changing it later?   | 19   | THE WITNESS: I don't know.   |
| 20   | MR. BECKER: Object. Form.   | 20   | BY MR. STEPHENS:   |
| 21   | THE WITNESS: No, I think this is the  | 21   | Q. If it had a touch screen, how would it  |
| 22   | invention's here. It speaks for itself, so  | 22   | be different from your invention?  |
| 23   | BY MR. STEPHENS:  | 23   | A. I don't know.   |
| 24<br>25   | Q. And at trial when you're asked what the  | 24<br>25   | Q. Now, you've referred to the patent as   |
| 20   | invention is, you're just going to refer to the   | 20   | speaking for itself.   |
|  |   |  |  |
|  | Page 119  |  | Page 121   |
| 1  | Page 119<br>patent.   | 1  | Page 121<br>Does that mean that if I ask you again   |
| 1<br>2   |   | 1<br>2   | -  |
|  | patent.<br>Right?<br>MR. BECKER: Object. Form.  |  | Does that mean that if I ask you again<br>to explain Claim 58, you're going to tell me you can't<br>do that because it's attorney-client privileged,   |
| 2<br>3<br>4  | patent.<br>Right?<br>MR. BECKER: Object. Form.<br>BY MR. STEPHENS:  | 2<br>3<br>4  | Does that mean that if I ask you again<br>to explain Claim 58, you're going to tell me you can't<br>do that because it's attorney-client privileged,<br>Claim 58 of the 196 patent?  |
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|  |   | Page 122   |  | Page 124  |
|--|---|--|--|---|
| 1  | BY MR. S  | STEPHENS:  | 1  | Q. And what's it for?   |
| 2  |   | You didn't invent HTTP.  | 2  | A. I don't know.  |
| 3  | -   | Right?   | 3  | Q. What's the relationship between HTML and   |
| 4  | A.  | No.  | 4  | XHTML?  |
| 5  | Q.  | Do you know what HTTP is?  | 5  | A. I don't know. Maybe they're related  |
| 6  | A.  | I'm not sure.  | 6  | languages.  |
| 7  | Q.  | You didn't   | 7  | Q. In what way?   |
| 8  | A.  | The protocol, something maybe.   | 8  | A. I don't know. I'm guessing.  |
| 9  |   | You didn't invent XML, either.   | 9  | Q. Okay.  |
| 10   | -   | Right?   | 10   | A. I shouldn't guess. I don't know.   |
| 11   | А.  | That's correct.  | 11   | Q. Did you invent the notion of having a  |
| 12   |   | Do you know what XML is?   | 12   | simple user interface for a website?  |
| 13   | A.  | I believe it's a computer language.  | 13   | A. Maybe.   |
| 14   | Q.  | Do you know what XML stands for?   | 14   | Q. Okay. You're not sure?   |
| 15   | <u>д</u> .<br>А.  | I think it's extensible markup language,   | 15   | A. Well, I could have, yeah. I mean, I  |
| 16   | maybe.  |  | 16   | could have contributed to a patent that came up with  |
| 17   | Q.  | And what's it used for?  | 17   | that, yes.  |
| 18   | <u>д</u> .<br>А.  | Programming computer pages, Web pages  | 18   | Q. So you and your father invented the idea   |
| 19   | maybe.  |  | 19   | of having a simple user interface for a website.  |
| 20   |   | How?   | 20   | Is that right?  |
| 21   | A.  | I don't know. That's not my expertise.   | 21   | MR. BECKER: Object. Form.   |
| 22   | Q.  | Did you invent XSL?  | 22   | THE WITNESS: Possibly.  |
| 23   | A.  | No, I did not.   | 23   | BY MR. STEPHENS:  |
| 24   | Q.  | Do you know what it is?  | 24   | Q. You're not sure?   |
| 25   | A.  | No, I do not.  | 25   | A. I don't know.  |
|  |   |  |  |   |
|  |   |  | 1  |   |
|  |   | Page 123   |  | Page 125  |
| 1  |   | Did you invent CSS?  | 1  | MR. BECKER: Object. Form.   |
| 2  | Α.  | Did you invent CSS?<br>No, I did not.  | 2  | MR. BECKER: Object. Form.<br>BY MR. STEPHENS:   |
| 2<br>3   | A.<br>Q.  | Did you invent CSS?<br>No, I did not.<br>Do you know what that is?   | 2<br>3   | MR. BECKER: Object. Form.<br>BY MR. STEPHENS:<br>Q. Okay. Did you invent the idea of having   |
| 2<br>3<br>4  | A.<br>Q.<br>A.  | Did you invent CSS?<br>No, I did not.<br>Do you know what that is?<br>I've heard something style sheets,   | 2<br>3<br>4  | MR. BECKER: Object. Form.<br>BY MR. STEPHENS:<br>Q. Okay. Did you invent the idea of having<br>an alternate Web page that's easier for some people to   |
| 2<br>3<br>4<br>5   | A.<br>Q.<br>A.<br>cascading   | Did you invent CSS?<br>No, I did not.<br>Do you know what that is?<br>I've heard something style sheets,<br>g style sheets.  | 2<br>3<br>4<br>5   | MR. BECKER: Object. Form.<br>BY MR. STEPHENS:<br>Q. Okay. Did you invent the idea of having<br>an alternate Web page that's easier for some people to<br>use?   |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | A.<br>Q.<br>A.<br>cascading<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>C.<br>A.<br>A.<br>C.<br>A.<br>A.<br>C.<br>A.<br>A.<br>C.<br>A.<br>A.<br>C.<br>A.<br>A.<br>C.<br>A.<br>A.<br>C.<br>A.<br>A.<br>C.<br>A.<br>A.<br>C.<br>A.<br>A.<br>C.<br>A.<br>A.<br>C.<br>A.<br>A.<br>C.<br>A.<br>A.<br>C.<br>A.<br>A.<br>C.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>A.<br>Q.<br>A.<br>A.<br>A.<br>A.<br>A.<br>A.<br>A.<br>A.<br>A.<br>A.<br>A.<br>A.<br>A. | Did you invent CSS?<br>No, I did not.<br>Do you know what that is?<br>I've heard something style sheets,<br>g style sheets.<br>Do you know what those are?<br>I'm not familiar, no.<br>Did you invent HTML?<br>No, I did not.<br>Do you know what that is?<br>It's a language.<br>What kind of language?<br>Computer language.<br>For what?<br>I'm not sure. For making Web pages<br>Okay. Have you ever written<br>I believe.<br>Have you ever written any HTML?<br>Never, no.<br>Can you read it?<br>No.<br>Did you invent XHTML?        | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | MR. BECKER: Object. Form.<br>BY MR. STEPHENS:<br>Q. Okay. Did you invent the idea of having<br>an alternate Web page that's easier for some people to<br>use?<br>MR. BECKER: Object. Form.<br>THE WITNESS: It's possible.<br>BY MR. STEPHENS:<br>Q. You're not sure?<br>A. I think so.<br>Q. You think you did invent that?<br>A. I think so.<br>Q. You think you did invent that?<br>A. It's possible.<br>Q. But you're not sure?<br>A. I contributed to, I think whether<br>somebody came up with it before, that's possible. I<br>don't know.<br>At the time, I hadn't seen anything. So<br>at the time, my knowledge would think that, yes.<br>Q. Had you ever used WebTV?  |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | A.<br>Q.<br>A.<br>cascading<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>Q.<br>A.<br>C.<br>C.<br>C.<br>C.<br>C.<br>C.<br>C.<br>C.<br>C.<br>C.<br>C.<br>C.<br>C.   | Did you invent CSS?<br>No, I did not.<br>Do you know what that is?<br>I've heard something style sheets,<br>g style sheets.<br>Do you know what those are?<br>I'm not familiar, no.<br>Did you invent HTML?<br>No, I did not.<br>Do you know what that is?<br>It's a language.<br>What kind of language?<br>Computer language.<br>For what?<br>I'm not sure. For making Web pages<br>Okay. Have you ever written<br>I believe.<br>Have you ever written any HTML?<br>Never, no.<br>Can you read it?<br>No.<br>Did you invent XHTML?<br>No. | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | MR. BECKER: Object. Form.<br>BY MR. STEPHENS:<br>Q. Okay. Did you invent the idea of having<br>an alternate Web page that's easier for some people to<br>use?<br>MR. BECKER: Object. Form.<br>THE WITNESS: It's possible.<br>BY MR. STEPHENS:<br>Q. You're not sure?<br>A. I think so.<br>Q. You think you did invent that?<br>A. I think so.<br>Q. You think you did invent that?<br>A. It's possible.<br>Q. But you're not sure?<br>A. I contributed to, I think whether<br>somebody came up with it before, that's possible. I<br>don't know.<br>At the time, I hadn't seen anything. So<br>at the time, my knowledge would think that, yes.<br>Q. Had you ever read any of the documents<br>published by the World Wide Web Consortium before the<br>invention?<br>A. No. |

32 (Pages 122 to 125)

|                | Page 126   |          | Page 128   |
|----------------|--|----------|--|
| 1              | A. I don't recall.   | 1        | Right?   |
| 2              | Q. Do you know what it is?   | 2        | MR. BECKER: Object. Form.  |
| 3              | A. From the last deposition, I heard some  | 3        | THE WITNESS: That, I don't know.   |
| 4              | stuff about it or from it might have been the  | 4        | BY MR. STEPHENS:   |
| 5              | mediation that I attended with you.  | 5        | Q. You just don't know one way or another?   |
| 6              | Q. Do you know what WebTV is?  | 6        | A. I do not know one way or another.   |
| 7              | A. I don't know exactly. A box that has  | 7        | Q. And people could surf the Web on  |
| 8              | Web on TV, maybe.  | 8        | handheld devices before your invention, also.  |
| 9              | Q. Were you aware of it in January of 1999?  | 9        | Right?   |
| 10             | A. I don't know. I don't recall.   | 10       | A. I I don't know.   |
| 11             | Q. Do you know whether or not WebTV did  | 11       | Q. You didn't invent the iPod.   |
| 12             | what you and your father claim to have invented?   | 12       | Right?   |
| 13             | A. I have no idea.   | 13       | A. No.   |
| 14             | Q. It's possible that it did?  | 14       | Q. You didn't invent the iPhone.   |
| 15             | MR. BECKER: Object. Form.  | 15       | Right?   |
| 16             | THE WITNESS: I don't know.   | 16       | A. The actual hardware, no.  |
| 17             | BY MR. STEPHENS:   | 17       | Q. Or the software?  |
| 18             | Q. You didn't invent cell phones.  | 18       | A. Well, there's components in the software  |
| 19             | Right?   | 19       | that   |
| 20             | A. No.   | 20       | Q. Which components did you invent?  |
| 21             | Q. And you didn't invent browsing the Web  | 21       | A. Zooming with your fingers and hands.  |
| 22             | on cell phones.  | 22       | Q. Okay. Anything else?  |
| 23             | Right?   | 23       | A. Scrolling with your fingers and hands.  |
| 24             | MR. BECKER: Object. Form.  | 24       | Q. Okay. Anything else?  |
| 25             | THE WITNESS: I don't know.   | 25       | A. And manipulating a region of a screen   |
|                | Page 127   |          | Page 129   |
| 1              | BY MR. STEPHENS:   | 1        | using your hands or fingers.   |
| 2              | Q. You think you might have?   | 2        | Q. Anything else?  |
| 3              | A. Some of some of the ways to do it.  | 3        | A. Simplified navigation.  |
| 4              | Q. But I'm talking about the ability to  | 4        | Q. Okay. Anything else?  |
| 5              | browse the Web on Web pages [sic].   | 5        | A. That's all I could recall at the time.  |
| 6              | Did you invent that?   | 6        | Q. What kind of simplified navigation does   |
| 7              | MR. BECKER: Object. Form.  | 7        | the iPhone do?   |
| 8              | THE WITNESS: The ability to just browse any  | 8<br>0   | MR. BECKER: Object. Form.  |
| 9              | Web page on a cell phone?  | 7        | THE WITNESS: You know, on an iPhone, from the  |
| 10             | BY MR. STEPHENS:   | 10       | little bit I've seen, that there's some Web pages that   |
| 11<br>12       | Q. Yeah.   | 11<br>12 | if you're on a computer, they're much more complex and   |
| 12<br>12       | A. I don't know.   | 12       | they're condensed down into more simplified navigational interface.                                |
| 13<br>14       | Q. You might have, you're just not sure?   | 13<br>14 | BY MR. STEPHENS:   |
| 14<br>15       | <ul> <li>A. Depends the interpretation of it, but I don't I don't know.</li> </ul>                                 | 14<br>15 | Q. On the iPhone?  |
| 16             | Q. What is it that you don't understand  | 16       | A. I believe so.   |
| 17             | about the question?  | 17       | Q. And you've seen that?   |
| 18             | A. Whether it was in a simplified form   | 18       | A. I've seen it a couple times.  |
| 10             |  | 19       | Q. Do you know whether that happens on the   |
| 19             | and  |          |  |
| 19<br>20       | and<br>Q. I'm talking about being able to do it at   | 20       | iPhone or whether the server does that?  |
| 20             | and<br>Q. I'm talking about being able to do it at<br>all.   | 20<br>21 | iPhone or whether the server does that?<br>MR. BECKER: Object. Form.                               |
|                | Q. I'm talking about being able to do it at all.   |          | iPhone or whether the server does that?<br>MR. BECKER: Object. Form.<br>THE WITNESS: I don't know. |
| 20<br>21       | Q. I'm talking about being able to do it at  | 21       | MR. BECKER: Object. Form.  |
| 20<br>21<br>22 | <ul><li>Q. I'm talking about being able to do it at all.</li><li>A. You know, just navigate to at all, I</li></ul> | 21<br>22 | MR. BECKER: Object. Form.<br>THE WITNESS: I don't know.  |

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|  | Page 130   |  | Page 132  |
|--|--|--|---|
| 1  | THE WITNESS: I don't know.   | 1  | child.  |
| 2  | BY MR. STEPHENS:   | 2  | Q. Okay. Did you invent multi-touch?  |
| 3  | Q. So you don't know whether it matters  | 3  | MR. BECKER: Object. Form.   |
| 4  | whether the server makes the simplified user interface   | 4  | THE WITNESS: It's possible.   |
| 5  | or the iPhone, for whether or not Apple practices your   | 5  | BY MR. STEPHENS:  |
| 6  | invention?   | 6  | Q. What is multi-touch?   |
| 7  | MR. BECKER: Object. Form.  | 7  | A. I don't own an iPhone, so I'm not  |
| 8  | THE WITNESS: That would be I don't know.   | 8  | familiar exactly what that refers to, but if it's   |
| 9  | I don't know how to answer that right now.   | 9  | referred to zooming or or widening a screen or  |
| 10   | BY MR. STEPHENS:   | 10   | scrolling with your fingers, then yes.  |
| 11   | Q. Okay. You didn't invent iTunes.   | 11   | Q. Now, how do you understand the phrase  |
| 12   | Right?   | 12   | "manipulating a region of the screen to" excuse me  |
| 13   | A. No.   | 13   | " for scrolling and/or zooming"?  |
| 14   | Q. And you didn't invent the iTunes Store.   | 14   | Let me ask the question again.  |
| 15   | Right?   | 15   | How do you understand the phrase  |
| 16   | A. No.   | 16   | "manipulate a region of the screen for scrolling  |
| 17   | Q. You didn't invent displaying a  | 17   | and/or zooming"?  |
| 18   | two-dimensional matrix of cells.   | 18   | MR. BECKER: First, I'll object under  |
| 19   | Right?   | 19   | Rule 2.5.   |
| 20   | A. I don't know.   | 20   | And I'll instruct you, if that will   |
| 21   | Q. Did you invent displaying a   | 21   | require you to divulge advice of counsel, I instruct  |
| 22   | two-dimensional matrix of cells containing Web links?  | 22   | you not to divulge that advice.   |
| 23   | MR. BECKER: Object. Form.  | 23   | BY MR. STEPHENS:  |
| 24   | THE WITNESS: I don't know.   | 24   | Q. Let me make clear that I'm asking how  |
| 25   | ///  | 25   | you understood that at the time of the invention in   |
|  |  |  |   |
|  | Page 131   |  | Page 133  |
| 1  | BY MR. STEPHENS:   | 1  | 1999, before you had spoken to the lawyers.   |
| 2  | Q. Did you invent providing a website  | 2  | A. At the time of the invention, I imagined   |
| 3  | organized by a hierarchy of categories?  | 3  | being able to move around a screen, to be able to   |
| 4  | A. I don't know.   | 4  | scroll and zoom using your hands and fingers, to be   |
| 5  | Q. Did you invent reformatting HTML into   | 5  | able to manipulate any region of a screen for zooming   |
| 6  | XML?   | 6  | and scrolling.  |
| 7  | A. I don't know.   | 7  | Q. So does it specifically mean touching  |
| 8  | Q. Did you invent displaying Web   | 8  | the screen with your hand or finger?  |
| 9  | advertisements?  | 9  | A. It could, yes.   |
| 10   | A. I don't know.   | 10   | Q. Does it mean anything else?  |
| 11   | Q. Did you invent  | 11   | You know, like would it could it also   |
| 12   | Never mind. Sorry.   | 12   | mean using a mouse?   |
| 13   | Do you have any reason to think that   | 13   | MR. BECKER: Object. Form.   |
| 14   |  | 11   | THE WITNESS. The definition of "moninulate"   |
|  | Apple copied anything that you and your father did?  | 14   | THE WITNESS: The definition of "manipulate"   |
| 15<br>14                                     | Apple copied anything that you and your father did?<br>A. I don't know.  | 15   | would be to use your hands, your fingers, to  |
| 16   | Apple copied anything that you and your father did?<br>A. I don't know.<br>Q. Who is Fred Gottfurcht?  | 15<br>16   | would be to use your hands, your fingers, to<br>BY MR. STEPHENS:  |
| 16<br>17                                     | <ul><li>Apple copied anything that you and your father did?</li><li>A. I don't know.</li><li>Q. Who is Fred Gottfurcht?</li><li>A. He's my grandfather.</li></ul>  | 15<br>16<br>17                                     | would be to use your hands, your fingers, to<br>BY MR. STEPHENS:<br>Q. Touch the screen?  |
| 16<br>17<br>18                               | <ul><li>Apple copied anything that you and your father did?</li><li>A. I don't know.</li><li>Q. Who is Fred Gottfurcht?</li><li>A. He's my grandfather.</li><li>Q. Was he in the real estate business?</li></ul>   | 15<br>16<br>17<br>18                               | would be to use your hands, your fingers, to<br>BY MR. STEPHENS:<br>Q. Touch the screen?<br>A to move something around.   |
| 16<br>17<br>18<br>19                         | <ul> <li>Apple copied anything that you and your father did?</li> <li>A. I don't know.</li> <li>Q. Who is Fred Gottfurcht?</li> <li>A. He's my grandfather.</li> <li>Q. Was he in the real estate business?</li> <li>A. I don't know.</li> </ul>   | 15<br>16<br>17<br>18<br>19                         | <ul> <li>would be to use your hands, your fingers, to</li> <li>BY MR. STEPHENS:</li> <li>Q. Touch the screen?</li> <li>A to move something around.</li> <li>So that was my vision at that time.</li> </ul>  |
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|  | Page 134  |  | Page 136  |
|--|---|--|---|
| 1  | of ideas, like using a mouse or a keypad, or whether  | 1  | Q. Do you recall generally what he said?  |
| 2  | it really just means touching the screen with your  | 2  | A. I recall him saying that, "It's Albert.  |
| 3  | hand or your finger   | 3  | It's been a long time," something along those lines,  |
| 4  | MR. BECKER: So wait   | 4  | and "I want to get in touch with you or or your   |
| 5  | BY MR. STEPHENS:  | 5  | dad," and something along those lines.  |
| 6  | Q as you understood it in 1999, before  | 6  | Q. Okay. Anything else you remember about   |
| 7  | you talked to the lawyers.  | 7  | the voice mail?   |
| 8  | MR. BECKER: Okay.   | 8  | A. No.  |
| 9  | THE WITNESS: I understood it to mean with   | 9  | Q. And what happened after that?  |
| 10   | your hands, not using a mouse, using your fingers to  | 10   | A. I believe I called him back, maybe it  |
| 11   | manipulate a region of a screen, whether it was to  | 11   | was a week later. I think I left a message for him.   |
| 12   | move it around by zooming or scrolling, using your  | 12   | Q. What did you say?  |
| 13   | hands.  | 13   | A. I don't recall exactly, but it was, in   |
| 14   | BY MR. STEPHENS:  | 14   | substance, "I'm returning your call."   |
| 15   | Q. Using your hands to touch the screen?  | 15   | Q. Okay. And what happened after that?  |
| 16   | A. Yes.   | 16   | A. He called me back sometime after that.   |
| 17   | Q. Okay. Are you aware of anybody,  | 17   | Q. And did he get you on the phone?   |
| 18   | anywhere, who knows what the claims in this patent  | 18   | A. I believe so. I might have called him  |
| 19   | mean, without having to rely on advice of counsel?  | 19   | again and he might have left another message. I don't   |
| 20   | MR. BECKER: Object. Form.   | 20   | recall exactly. But I know we we talked at some   |
| 21   | THE WITNESS: I don't know.  | 21   | time, at some point.  |
| 22   | BY MR. STEPHENS:  | 22   | Q. Did you make any effort to preserve the  |
| 23   | Q. Okay. Now, you were here yesterday when  | 23   | voice mail that he left you?  |
| 24   | your father testified about Mr. Long.   | 23   | A. No.  |
| 24   | Is that right?  | 24   | Q. Did you have any e-mails with him?   |
| 25   | is that right:  | 25   |   |
|  |   |  |   |
|  | Page 135  |  | Page 137  |
| 1  | Page 135  | 1  | Page 137  |
| 1  | A. Yes.   | 1  | A. No.  |
| 2  | <ul><li>A. Yes.</li><li>Q. And your father testified that Mr. Long</li></ul>  | 2  | <ul><li>A. No.</li><li>Q. Okay. So after some number of voice</li></ul>   |
| 2<br>3   | <ul><li>A. Yes.</li><li>Q. And your father testified that Mr. Long</li><li>had contacted you relatively recently.</li></ul>   | 2<br>3   | <ul> <li>A. No.</li> <li>Q. Okay. So after some number of voice mails were left, you finally spoke to him on the</li> </ul>   |
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| 1         A. We had dinner after that, maybe a few weeks after that, at houston's.         about our lives and family and kids and things lik that, and then I feit. I left early.           2         weeks after that, thouston's.         0. And what did your father say to Mr. Lou during the conversation?           4         testified about yesterday?         4. I don't recall.           5         A. Yes.         6. Job weeks after effect.           6         Q. Who else was there?         7. A. Job the best of my recollection.           11         A. To the best of my recollection.         7. M. Long told you, not what you or your father to him.           12         since that dimer?         6. A. He just told us a few things, and hose are things that stuck in my mind. I don't recall -           13         A. I - I don't think so, not that I could         13           14         recall.         14         I know I had to leave early and I was           15         Q. What happened at the dinner?         16         Q. Do you remember vantel           16         A. We talked, we ate, we exchanged         17         17           17         formalities. We hadn't seen each other in a long         18         18           18         the wat was the gist of it.         21         20. Do you remember anything else at all about the dinner with Mr. Long?           21         Lebiewe be  |   |  |  |   |
|---|---|--|--|---|
| 2         weeks after that, at Houston's.         2         that, and then I left. I left early.           3         Q. That's the dinner that your father         4         4           4         testified about yesterday?         5         A. Yes.         5           6         Q. Who else was there?         6         C. Who sets was within a few weeks of the           9         ime you spoke to him?         6         C. So you really only remember what           1         A. Hat was within a few weeks of the         6         C. So you really only remember what           1         A. To the best of my recollection.         10         A. He just told us a few things, and those           1         G. Hawe you had any communications with him         11         are things that stuck in my mind. I don't recall.           2         G. What happened at the dinner?         10         A. He just told us a few things, and those           16         G. What happened at the dinner?         16         17           17         formalities. We hadn't seen each other in a long         18         A. Hou't recall.           18         A. Me had mentioned that he had been in         10         10         Do you creatl any thing iese at all           24         Q. Anything else you remember anything iese at all         20         Do you ream  | 1   | Page 138   | 1  | Page 140  |
| 3         Q. That's the dinner that your father         3         Q. And what idd your father say to Mr. Lot           4         testified about yesterday?         4         during the conversation?           6         Q. Who else was there?         6         Q. So you really only remember what           7         A. Just the three of us.         6         Q. So you really only remember what           8         Q. And that was within a few weeks of the         7         Mr. Long tod you, not what you or your father to           9         Is that right?         7         M. Long tod you, not what you or your father to           10         A. To the best of my recollection.         10         A. He just told us a few things, and those           12         since that dinner?         10         A. He Just told us a few things, and those           13         A. I - I don't think so, not that I could         13         recall anything specific my father said.           14         recalls         I know I had to leave early and I was         16           16         A. We talked, we ate, we excharged         17         16           17         formalities. We hadn't seen each other in a long         18           18         time.         he had mentioned that he had been in           10         Louch with Apple and some of their le   |   |  |  |   |
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| 5       A. Yes.       5       A. I don't recall.         6       Q. Who else was there?       G. So you really only remember what         7       A. Just the three of us.       G. So you really only remember what         8       Q. And that was within a few weeks of the       Him.         9       A. To the best of my recollection.       Him.         10       A. To the best of my recollection.       Him.         12       since that dinner?       G. Mat happened at the dinner?         13       A. I I don't think so, not that I could       I know thad to leave early and I was         14       recall.       Know thad to leave early and I was         15       Q. What takey weet concerned about the nabop       I know thad to leave early and I was         16       A. We talked, we ate, we exchanged       I know thad to leave early and I was         17       formalities. We hadn't seen each other in a long       I know that the ywee concerned about some of the         18       the leave ween been in       O. Doy ou remember anything else at all         20       Doy ou remember him saying something about       Page 139         1       I remember him saying something about       Page 139         1       I remember him saying something about       1         23       A. I don't rec  |   | 5  |  | , , , , ,   |
| 6       Q. Who else was there?       6       Q. So you really only remember what         7       A. Just the three of us.       7       Mr. Long told you, not what you or your father to thim.         9       It me you spoke to him?       7       Mr. Long told you, not what you or your father to thim.         9       It me you spoke to him?       7       Mr. Long told you, not what you or your father to thim.         10       A. To the best of my recollection.       1       A. He just told us a few things, and those         11       O. Have you had any communications with him       1       A. He just told us a few things, and those         13       A. I I don't think so, not that I could       1       A. He just told us a few things, and those         14       recall.       1       He just told us a few things, and those         15       Q. What happened at the dinner?       16       A. He just sold us a few things, and those         16       A. We talked, we ate, we exchanged       17       Hing him oney?       1         18       time.       Q. What happened at the dinner?       20       A. I don't recall.         21       believe he said they wanted to maybe hire him but       21       A. I don't recall and thim?       20         23       and that they were concremed about to member?       21 <t< td=""><td></td><td></td><td>-</td><td></td></t<>   |   |  | -  |   |
| 7       A. Just the three of us.       7       Mr. Long told you, not what you or your father to 8         8       Q. And that was within a few weeks of the 9       1         9       The best of my recollection.       1         10       A. To the best of my recollection.       1         11       Q. Have you had any communications with him       1         12       since that dinner?       1         13       A. I I don't think so, not that I could       1         14       recall.       the dinner?         16       A. We talked, we ate, we exchanged       16         17       formalities.       We hadn't seen each other in a long       1         18       time.       10       Out with Apple and some of thei legal counsel, and         10       Lobeleve he said they wanted to maybe hire hinb tur-       12       A. I don't recall.         11       Deleve he said they wanted to maybe hire hinb tur-       12       A. No, I do not.         24       Q. Anything else you remember?       24       A. That was the gist of it.         7       I remember him saying something about?       3       A. I don't recall.         1       I remember him saying something about?       3       A. I don't recall.         25       A. I don   |   |  |  |   |
| 8       O. And that was within a few weeks of the       9       is       him.       Is that right?         10       A. To the best of my recollection.       11       O. Have you had any communications with him       15       Is that right?         11       O. Have you had any communications with him       16       A. He just told us a few things, and those         12       since that dinner?       C. What happened at the dinner?       16       A. We talked, we ate, we exchanged         13       A. I I don't think so, not that I could       Is that right?       16       O. Do you recall myself saying that much and I do         14       recall.       Now I had to leave early and I was       Is that right?         16       A. We talked, we ate, we exchanged       17       him.       O. Do you recameber and I do         18       time.       0. Do you recomeber anything lese at all about       0. Do you remember anything else at all about       20         11       believe he said they ware concerned about some of the       23       A. Might have even been a late lunch, to         24       C. Anything else you remember?       25       A. That was the gist of it.       24         12       I remember him saying something about       1       I was really buy that day and tried to squeeze it         2       O. Doyu know who he  |   |  | 6  | 5 5 5   |
| 9       time you spoke to him?       9       Is that right?         10       A. To the best of my recollection.       10       A. He just told us a few things, and those are things that stuck in my mind. I don't recall - don't even recall myself saying that much and I don't recall - don't even recall myself saying that much and I don't recall - don't even recall myself saying that much and I don't recall - don't even recall myself saying that much and I don't recall - don't even recall myself saying that much and I don't areall - the said they were some are things that stuck in my mind. I don't recall - don't even recall myself saying that much and I don't areall - they areal anything specific my father said.         16       A. We talked, we ate, we exchanged       16       O. Do you reall any discussions about         17       formalities. We hadn't seen each other in a long       17       hiring him or paying him money?         18       time.       0. Do you reamember and the fully they even been a late lunch. To grey fit was a dinner or         21       they were concerned about some of the       20       A. Might have even been a late lunch, to         24       O. Anything else you remember?       A. That was the gist of it.       21         25       A. That was the gist of it.       23       A. Might have even been a late lunch, to         25       A. That was the gist of it.       24       A. Wat did he think they were worth?       3       A. I don't recall.         3       A. I con't rec  |   |  |  |   |
| 10       A. To the best of my recollection.       10       A. He just Told us a few things, and those in a things that stuck in my mind. I don't recall - don't even recall mystelf saying that much and I don't even recall.         11       A. I I don't think so, not that I could       13       A. I I don't think so, not that I could         13       A. I I don't think so, not that I could       14       recall.       16       10       recall mystelf saying that much and I don't even recall my self saying that much and I don't even recall my self saying that much and I don't even recall.       16       17       I how I had to leave early and I left.       0. Do you recall any discussions about         16       A. We talked, we ate, we exchanged       17       16       0. Do you recall mystelf saying that much and I don't even I and I left.       0. Do you recall mystelf saying that much and I don't even I and I left.         17       I believe he said they wanted to maybe hire him but2 and that they were concerred about some of the       18       about the dinner with Mr. Long?       14       A. No, not specifically, no.       20       0. Okay.         21       I believe he said they wanted to maybe hire him but2 and that they were concerred about the gaterts.       21       A. Might have even been a late lunch, to         24       Q. Mnything else you remember?       25       A. I don't recall.       21       A. Mon't have and thato to sequeexe it       22       A. Might have ev  |   |  | _  |   |
| 11       O. Have you had any communications with him       11       are things that stuck in my mind. I don't recall.         12       since that dinner?       don't even recall myself saying that much and I d         13       A. I I don't think so, not that I could       recall anything specific my father said.         14       recall.       I know I had to leave early and I was         15       O. What happened at the dinner?       I had to leave early and I was         16       A. We talked, we ate, we exchanged       I had to leave early and I was         17       formalities. We hadn't seen each other in a long       I had the tale, and I left.         18       Usuch with Apple and some of thei legal counsel, and       I believe he said they wanted to maybe hire him but         20       and that they were concerned about some of the       a. No, not specifically, no.         21       A. That was the gist of it.       20       A. Might have even been a late lunch, to         24       A. That was the gist of it.       20       A. I don't recall.         25       A. That was the gist of it.       20       What day and tried to squeeze it         24       D. What did be think they were worth?       3       A. I don't recall.         3       worth, and that's all could recall.       4       0. What did of         4  |   |  | -  |   |
| 12       since that dinner?       12       don't even recall wayself saying that much and 1 different people there, lawyers. 1 don't think so, not that I could         13       A. I I don't think so, not that I could       13       recall anything specific my father said.         14       recall anything specific my father said.       14       I know I had to leave early and I was         15       O. What happened at the dinner?       16       A. We talked, we ace, we exchanged       17         16       A. We talked, we ate, we exchanged       17       I came, I ate, and I left.       16         16       A. Me had mentioned that he had been in       10       0. Do you remember?       18         17       I believe he said they wanted to maybe hire him but       20       Okay.       20       Okay.         23       patents.       20       A. Mo, not specifically, no.       22       4. Might have even been a late lunch, to         24       O. Anything else you remember?       25       I late lunch. I just remember we met at Houston's         25       A. That was the gist of it.       26       I was really busy that day and tried to squeeze it         2       O. What did he think they were worth?       3       A. I don't recall.         3       worth, and that's all could recall.       0. What kind of       5   | 10  | A. To the best of my recollection.   | 10   |   |
| 13       A. I I don't think so, not that I could       13       recall.         14       recall.       I know I had to leave early and I was         15       Q. What happened at the dinner?       14       I know I had to leave early and I was         16       A. We talked, we ate, we exchanged       14       I know I had to leave early and I was         17       formalities. We hadn't seen each other in a long       15       Q. Do you remember anything else at all         18       thut they were concerned about some of the       20       Do you remember anything else at all         21       I believe he said they wanted to maybe hire him but       2       A. No, not specifically, no.         22       and that they were concerned about some of the       2       A. Might have even been a late lunch, to         24       Q. Anything else you remember?       2       A. Might have even been a late lunch, to         25       A. That was the gist of it.       2       Q. Okay.         28       Worth, and that's all could recall.       3       A. I don't recall.         4       Q. What did he think they were worth?       4       4. I don't recall.         5       M. I remember him saying somewhere around       6       250 million.         7       Q. Do you know where he got that number?       4   | 11  |  |  |   |
| 14       recall.       14       I know I had to leave early and I was         15       Q. What happened at the dinner?       16       A. We talked, we ate, we exchanged         16       A. We talked, we ate, we exchanged       15       kind of in a rush. I came, I ate, and I left.         17       formalities. We hadn't seen each other in a long       15       kind of in a rush. I came, I ate, and I left.         18       time.       Q. Do you receillary discussions about       17         19       And he had mentioned that he had been in       0. Do you remember anything else at all       20         21       believe he said they wanted to maybe hire him but-       21       A. No, not specifically, no.         23       patents.       Q. Anything else you remember?       20       Okay.         23       patents.       Page 139       1       I was really busy that day and tried to squeeze it         24       L remember him saying somewhere around       5       X. I don't recall.       9         3       worth, and that's all - could recall.       3       A. I don't recall.       9         4       Q. What did he think they were worth?       5       A. I don't recall.       9       A. I don't recall.         5       A. I don't recall.       1       I was really busy that day of the we  | 12  | since that dinner?   | 12   | don't even recall myself saying that much and I don't   |
| 15       Q. What happened at the dinner?       15       kind of in a rush. I came, I ate, and I left.         16       A. We talked, we ate, we exchanged       16       Q. Do you recall any discussions about         17       formallities. We hadn't seen each other in a long       16       Q. Do you recall any discussions about         18       A. I don't recall.       1       hiring him or paying him money?         18       A. I don't recall.       0       Do you remember anything else at all         10       touch with Apple and some of thei legal counsel, and       10       about the dinner with Mr. Long?         21       I believe he said they wanted to maybe hire him but       21       A. No, not specifically, no.         22       and that they were concerned about some of the       22       A. Might have even been a late lunch, to         24       Q. Anything else you remember?       A. That was the gist of it.       24       11       I was really busy that day and tried to squeeze it         25       A. That was the gist of it.       24       2       What day of the week was it?       9         3       worth, and the's all could recall.       4       2       What day of the week was it?       9         4       Q. What idid he think they were worth?       5       M. I don't recall.       1       1   | 13  | A. I I don't think so, not that I could  | 13   | recall anything specific my father said.  |
| 16       A. We talked, we ate, we exchanged       16       Q. Do you recall any discussions about         17       formalities. We hadn't seen each other in a long       17       hiring him or paying him money?         18       A. I don't recall.       Q. Do you remember anything else at all         20       touch with Apple and some of their legal counsel, and       19       Q. Do you remember anything else at all         21       believe he said they wanted to maybe hire him but       22       Q. Okay.         23       and that they were concerned about some of the       22       Q. Okay.         24       Q. Anything else you remember?       23       A. Might have even been a late lunch, to         24       Q. Anything else you remember?       23       A. Might have even been a late lunch, to         25       A. That was the gist of it.       23       A. Might have even been a late lunch, to         24       Q. Anything else you remember?       24       1       I was really busy that day and tried to squeeze it         26       A. Traemember him saying somewhere around       6       25       M. I don't recall.         4       Q. What did he think they were worth?       A. I don't recall.       4       G. What kind of         7       Q. Do you know where he got that number?       A. I don't recall.       4  | 14  | recall.  | 14   | I know I had to leave early and I was   |
| 17       formalities. We hadn't seen each other in a long       17       hiring him or paying him money?         18       time.       And he had mentioned that he had been in       0. Do you remember anything else at all         20       Lelleve he said they wanted to maybe hire him but       0. Do you remember anything else at all         21       I belleve he said they wanted to maybe hire him but       20       0. Kay.         23       A. Might have even been a late lunch, to         24       Q. Anything else you remember?       A. Might have even been a late lunch, to         25       A. That was the gist of it.       23       A. Might have even been a late lunch, to         24       Q. Anything else you remember?       A. That was the gist of it.       24         1       I remember him saying something about       1       I was really busy that day and tried to squeeze it         25       Mut did he think they were worth?       A. I commber him saying somewhere around       1       I was really busy that day and tried to squeeze it         3       worth, and that's all Louid recall.       4       Q. What kind of       5         4       D. boy ou know where he got that number?       4       Q. What kind of       5         5       M. I don't recall any       8       What kind of       5       Well, I gue  | 15  | Q. What happened at the dinner?  | 15   | kind of in a rush. I came, I ate, and I left.   |
| 17       formalities. We hadn't seen each other in a long       17       hiring him or paying him money?         18       time.       And he had mentioned that he had been in       0. Do you remember anything else at all         20       believe he said they wanted to maybe hire him but       0. Do you remember anything else at all         21       I believe he said they wanted to maybe hire him but       20       0. Kay.         23       A. Might have even been a late lunch, to         24       O. Anything else you remember?       23       A. Might have even been a late lunch, to         25       A. That was the gist of it.       24       Li you the truth. I forget if it was a dinner or         25       A. That was the gist of it.       25       1       I was really busy that day and tried to squeeze it         26       No, and that's all I could recall.       24       0. What did he think they were worth?       3       A. I don't recall.         3       worth, and that's all I could recall.       4       0. What kind of       5       Well, I guess let me ask it         4       O. Do you know where he got that number?       4       0. What kind of       5       Well, I guess let me ask it         7       M. Do you know whore was talking about?       7       When Mr. Long left you a voice mail,         8   | 16  | A. We talked, we ate, we exchanged   | 16   | Q. Do you recall any discussions about  |
| 18       time.       18       A. I don't recall.         19       And he had mentioned that he had been in       0. Do you remember anything else at all         21       I believe he said they wanted to maybe hire him but       20       about the dinner with Mr. Long?         22       and that they were concerned about some of the       21       A. No, not specifically, no.         22       and that they were concerned about some of the       21       A. Migh have even been a late lunch, to         24       O. Anything else you remember?       23       A. Migh have even been a late lunch, to         25       A. That was the gist of it.       22       D. Okyou the truth. I forget if it was a dinner or         25       A. That was the gist of it.       24       He was really busy that day and tried to squeeze it         2       O. What did he think they were worth?       3       A. I don't recall.       2         3       worth, and that's all could recall.       3       A. I don't recall.       2         4       O. What did he think they were worth?       3       A. I don't recall.       2         5       A. I remember him saying somewhere around       6       differently       7       When Mr. Long left you a voice mail,         6       \$250 million.       O. Now, you said that he said they were <td>17</td> <td></td> <td>17</td> <td></td>  | 17  |  | 17   |   |
| 20       touch with Apple and some of their legal counsel, and<br>1 believe he said they wanted to maybe hire him but<br>2 and that they were concerned about some of the<br>patents.       20       about the dinner with Mr. Long?         21       Lelieve he said they wanted to maybe hire him but<br>2 and that they were concerned about some of the<br>patents.       20       A. No, not specifically, no.         22       Q. Anything else you remember?       21       A. Might have even been a late lunch, to         24       Q. Anything else you remember?       23       A. Might have even been a late lunch, to         25       A. That was the gist of it.       23       A. Might have even been a late lunch, to         25       A. That was the gist of it.       24       tell you the truth. I forget if it was a dinner or<br>late lunch. I just remember we met at Houston's<br>concerned about free patents, what he thought it was         3       worth, and that's all Loculd recall.       3       A. I don't recall.         4       Q. What did he think they were worth?       4       Q. What did ne         5       A. I remember him saying somewhere around<br>6 \$250 million.       6       differently.         7       Q. Do you know where he got that number?       7       When Mr. Long left you a voice mail.         6       Q. Now, you said that he said they were       9       A. It would be my cell phone.         10       Do you kn   | 18  |  | 18   | A. I don't recall.  |
| 20       touch with Apple and some of their legal counsel, and<br>1 believe he said they wanted to maybe hire him but<br>2 and that they were concerned about some of the<br>patents.       20       about the dinner with Mr. Long?         21       Lelieve he said they wanted to maybe hire him but<br>2 and that they were concerned about some of the<br>patents.       20       A. No, not specifically, no.         22       Q. Anything else you remember?       21       A. Might have even been a late lunch, to         24       Q. Anything else you remember?       23       A. Might have even been a late lunch, to         25       A. That was the gist of it.       23       A. Might have even been a late lunch, to         25       A. That was the gist of it.       24       tell you the truth. I forget if it was a dinner or<br>late lunch. I just remember we met at Houston's<br>concerned about free patents, what he thought it was         3       worth, and that's all Loculd recall.       3       A. I don't recall.         4       Q. What did he think they were worth?       4       Q. What did ne         5       A. I remember him saying somewhere around<br>6 \$250 million.       6       differently.         7       Q. Do you know where he got that number?       7       When Mr. Long left you a voice mail.         6       Q. Now, you said that he said they were       9       A. It would be my cell phone.         10       Do you kn   | 19  | And he had mentioned that he had been in   |  | Q. Do you remember anything else at all   |
| 21       I believe he said they wanted to maybe hire him but       21       A. No, not specifically, no.         22       and that they were concerned about some of the       22       Q. Okay.         23       patents.       23       A. Might have even been a late lunch, to         24       Q. Anything else you remember?       24       tell you the truth. I forget if it was a dinner or         25       A. That was the gist of it.       24       tell you the truth. I forget if it was a dinner or         25       A. That was the gist of it.       25       1       remember him saying something about         2       the valuation of the patents, what he thought it was       3       worth, and that's all I could recall.       2         4       Q. What did he think they were worth?       A. I don't recall.       2       What kind of         5       M. I comember him saying somewhere around       6       differently.       7       When Mir. Long left you a voice mail,         6       \$250 million.       7       When Mir. Long left you a voice mail,       8         7       Q. Now, you said that he said they were       9       A. It would be my cell phone.         10       Do you know who he was talking about?       1       obviously has voice mail.         11       Do you know who he was talking a   | 20  | touch with Apple and some of their legal counsel, and  | 20   |   |
| 22       and that they were concerned about some of the patents.       22       Q. Okay.         23       patents.       A. That was the gist of it.       23       A. Might have even been a late lunch, to 24         24       Q. Anything else you remember?       23       A. Might have even been a late lunch, to 25         25       A. That was the gist of it.       24       tell you the truth. I forget if it was a dinner or 25         1       I remember him saying something about       1       I was really busy that day and tried to squeeze it         2       Q. What did he think they were worth?       A. I don't recall.       2         4       Q. What did he think they were worth?       A. I don't recall.       4         5       A. I could recall.       4       Q. What kind of         5       Well, I guess let me ask it       6         6       \$250 million.       7       When Mr. Long left you a voice mail,         7       Q. Do you know whore he got that number?       7       When Mr. Long left you a voice mail,         8       A. No, I do not.       9       A. It would be my cell phone.         10       Do you know who he was talking about?       11       botivusly has voice mail.         11       Do you know who he was talking about?       12       Does it automatically   |   |  |  |   |
| 23       patents.       23       A. Might have even been a late lunch, to         24       Q. Anything else you remember?       24       tell you the truth. I forget if it was a dinner or         25       A. That was the gist of it.       25       late lunch. I just remember we met at Houston's         25       A. That was the gist of it.       26       tell you the truth. I forget if it was a dinner or         26       I remember him saying something about       1       I was really busy that day and tried to squeeze it         2       Q. What did he think they were worth?       3       A. I don't recall.         3       worth, and that's all I could recall.       3       A. I don't recall.         4       Q. What did he think they were worth?       5       Mell, I guess let me ask it         6       \$250 million.       7       When Mr. Long left you a voice mail,         7       When Mr. Long left you a voice mail,       what phone number did he leave it on?         9       Q. Now, you said that he said they were       9       A. It would be my cell phone.         10       Q. Doyou know who he was talking about?       10       Q. Soyou reall phone have voice it         11       Do you know who he was talking about?       14       Q. So you had to delete it yourself?         13       A. He just sai   |   |  |  |   |
| 24Q. Anything else you remember?<br>2524tell you the truth. I forget if it was a dinner or<br>late lunch. I just remember we met at Houston's<br>late lunch. I just remember we met at Houston's<br>late lunch. I just remember we met at Houston's71I remember him saying something about<br>2 the valuation of the patents, what he thought it was<br>3 worth, and that's all I could recall.1I was really busy that day and tried to squeeze it<br>Q. What day of the week was it?3worth, and that's all I could recall.1I was really busy that day and tried to squeeze it<br>Q. What did he think they were worth?5A. I remember him saying somewhere around<br>\$ 250 million.1I was really busy that day and tried to squeeze it<br>Q. What kind of7Q. Do you know where he got that number?3A. I don't recall.8A. No, I do not.6209Q. Now, you said that he said they were<br>Q. Now, you said that he said they were<br>to concerned about the patents.1011Do you know who he was talking about?112A. He just said he talked to a few<br>different people there, lawyers. I don't know. He<br>different people there, lawyers. I don't know. He<br>different people there, lawyers. I don't recall any<br>names.116Q. He told you specifically that Apple told<br>him someone representing Apple told him that Apple<br>181617Ieft?18A. Yes.20Q. Do you remember his exact words?2021A. No, I do not.2122Q. What did you say to him during this<br>conversation?2223   |   | 5  |  |   |
| 25A. That was the gist of it.25late lunch. I just remember we met at Houston'sPage 1391I remember him saying something about2the valuation of the patents, what he thought it was3worth, and that's all I could recall.4Q. What did he think they were worth?5A. I remember him saying somewhere around6\$250 million.7Q. Do you know where he got that number?8A. No, I do not.9Q. Now, you said that he said they were10concerned about the patents.11Do you know who he was talking about?12A. He just said he talked to a few13different people there, lawyers. I don't know. He14Q. He told you specifically that Apple told15A. Yes.16Q. He told you specifically that Apple told17Mas concerned about the patents?18was concerned about the patents?19A. Yes.20Q. bo you remember his exact words?21A. No, I do not.22Q. What did you say to him during this23Conversation?24A. I didn't talk much. I was more of a24A. I didn't talk much. I was more of a  |   | •  |  |   |
| Page 139Page 1391I remember him saying something about1I was really busy that day and tried to squeeze it2the valuation of the patents, what he thought it was20. What day of the week was it?3worth, and that's all I could recall.20. What did yot fhe week was it?40. What did he think they were worth?3A. I don't recall.5A. I remember him saying somewhere around6\$250 million.6\$250 million.7When Mr. Long left you a voice mail,70. Do you know where he got that number?88A. No, I do not.9A. It would be my cell phone.90. Now, you said that he said they were1010concerned about the patents.1011Do you know who he was talking about?1112A. He just said he talked to a few1213different people there, lawyers. I don't know. He1314didn't give any names, at least I don't recall any1415A. Yes.1516O. He told you specifically that Apple told1617him someone representing Apple told him that Apple18A. Yes.1920Q. boy ou remember his exact words?2021A. No, I do not.2122Q. What did you say to him during this2223Q. What did you say to him during this2224A. I didn't talk much. I was more of a2424Right?  |   |  |  |   |
| 15names.15A. Yes.16Q. He told you specifically that Apple told16Q. Did you delete the voice mail Mr. Long17him someone representing Apple told him that Apple16Q. Did you delete the voice mail Mr. Long18was concerned about the patents?18A. Yes.19A. Yes.19Q. When did you do that?20Q. Do you remember his exact words?20A. It was probably soon after. It was21A. No, I do not.21probably soon after.22Q. What did you say to him during this22Q. You knew the lawsuit was pending at the lawsuit was pendin   | 3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13 | <ul> <li>worth, and that's all I could recall.</li> <li>Q. What did he think they were worth?</li> <li>A. I remember him saying somewhere around</li> <li>\$250 million.</li> <li>Q. Do you know where he got that number?</li> <li>A. No, I do not.</li> <li>Q. Now, you said that he said they were</li> <li>concerned about the patents.</li> <li>Do you know who he was talking about?</li> <li>A. He just said he talked to a few</li> <li>different people there, lawyers. I don't know. He</li> </ul> | 3<br>4<br>5<br>7<br>8<br>9<br>10<br>11<br>12<br>13 | <ul> <li>A. I don't recall.</li> <li>Q. What kind of<br/>Well, I guess let me ask it</li> <li>differently.</li> <li>When Mr. Long left you a voice mail,</li> <li>what phone number did he leave it on?</li> <li>A. It would be my cell phone.</li> <li>Q. Does your cell phone have voice it</li> <li>obviously has voice mail.</li> <li>Does it automatically delete voice mail?</li> <li>A. No.</li> </ul> |
| 16Q. He told you specifically that Apple told16Q. Did you delete the voice mail Mr. Long17him someone representing Apple told him that Apple17left?18was concerned about the patents?18A. Yes.19A. Yes.19Q. When did you do that?20Q. Do you remember his exact words?20A. It was probably soon after. It was21A. No, I do not.21probably soon after.22Q. What did you say to him during this22Q. You knew the lawsuit was pending at the lawsuit   |   |  |  | , , , , , , , , , , , , , , , , , , ,   |
| 17him someone representing Apple told him that Apple17left?18was concerned about the patents?18A. Yes.19A. Yes.19Q. When did you do that?20Q. Do you remember his exact words?20A. It was probably soon after. It was21A. No, I do not.21probably soon after.22Q. What did you say to him during this22Q. You knew the lawsuit was pending at the laws was pen   |   |  |  |   |
| 18was concerned about the patents?18A. Yes.19A. Yes.19Q. When did you do that?20Q. Do you remember his exact words?20A. It was probably soon after. It was21A. No, I do not.20A. It was probably soon after.22Q. What did you say to him during this22Q. You knew the lawsuit was pending at the23conversation?24A. I didn't talk much. I was more of a24Right?   |   | 5 1 5 11   |  | ,   |
| 19A. Yes.19Q. When did you do that?20Q. Do you remember his exact words?20A. It was probably soon after. It was21A. No, I do not.20A. It was probably soon after.22Q. What did you say to him during this22Q. You knew the lawsuit was pending at the23conversation?24A. I didn't talk much. I was more of a24Right?  |   |  |  |   |
| 20Q. Do you remember his exact words?20A. It was probably soon after. It was21A. No, I do not.21probably soon after.22Q. What did you say to him during this22Q. You knew the lawsuit was pending at the23conversation?24A. I didn't talk much. I was more of a24A. I didn't talk much. I was more of a24Right?   |   |  |  |   |
| 21A. No, I do not.21probably soon after.22Q. What did you say to him during this22Q. You knew the lawsuit was pending at t  |   |  |  |   |
| 22Q. What did you say to him during this22Q. You knew the lawsuit was pending at the l |   |  |  |   |
| 23 conversation?23 point.24A. I didn't talk much. I was more of a2424Right?   |   |  |  |   |
| 24A.I didn't talk much.I was more of a24Right?  |   |  |  |   |
| 5   |   |  |  | •   |
|   |   |  |  | •   |
| 25I don't know just kind of sat there.We talked25A.Pending?   | 25  | I don't know just kind of sat there. We talked   | 25   | A. Pending?   |

|  | Page 142  |  | Page 144   |
|--|---|--|--|
| 1  | Yes.  | 1  | There's probably some other things a   |
| 2  | Q. Have you had any communications with any   | 2  | lot of other things, too, but those are just off the   |
| 3  | of the other inventors on the 497 patent since, let's   | 3  | top of my head that I can recall at this time.   |
| 4  | say, 2000?  | 4  | BY MR. STEPHENS:   |
| 5  | A. Since the end of 2000?   | 5  | Q. How would Apple stop third parties from   |
| 6  | Q. Yes.   | 6  | displaying or from providing simplified websites?  |
| 7  | A. I don't recall. I don't think so.  | 7  | MR. BECKER: Object. Form.  |
| 8  | Q. Do you know if your father has had any   | 8  | THE WITNESS: I don't know.   |
| 9  | contact with any of them?   | 9  | BY MR. STEPHENS:   |
| 10   | A. I don't know. And besides when I spoke   | 10   | Q. You don't know if it's possible?  |
| 11   | to Albert and   | 11   | A. I just don't know.  |
| 12   | Q. I'm sorry?   | 12   | Q. So if Apple removed the touch and zoom  |
| 13   | A. I said, besides with Albert, I don't   | 13   | and scrollable Web pages and stopped displaying  |
| 14   | know.   | 14   | simplified Web pages, they could continue selling the  |
| 15   | Q. Yeah. So Mr. Long  | 15   | iPhone, as far as you're concerned.  |
| 16   | A. I believe there's Teague McKnight, too.  | 16   | Is that right?   |
| 17   | Q. Your father spoke with Teague?   | 17   | MR. BECKER: Object. Form.  |
| 18   | A. I believe he called at some point.   | 18   | THE WITNESS: I'm not again, there might be   |
| 19   | Q. What do you know about that  | 19   | some other things that that I can't think of at  |
| 20   | communication?  | 20   | this time.   |
| 21   | A. I just heard that that he was being  | 21   | BY MR. STEPHENS:   |
| 22   | hired by Apple as a consultant.   | <mark>22</mark>  | Q. Okay. Is it your understanding that   |
| 23   | Q. Anything else?   | <mark>23</mark>  | anyone who offers a website and then a different   |
| 24   | A. No, that's as much as I heard.   | <mark>24</mark>  | simplified version for a mobile device infringes your  |
| 25   | Q. And you're not aware of any other  | <mark>25</mark>  | patents?   |
|  |   |  |  |
|  | 5   |  |  |
| 1  | Page 143  | 1  | Page 145   |
| 1  | contacts that you or your father have had with any of   | 1  | MR. BECKER: Object. Form.  |
| 2  | contacts that you or your father have had with any of the inventors?  | 2  | MR. BECKER: Object. Form.<br>And also, if that will require you to   |
| 2<br>3   | contacts that you or your father have had with any of<br>the inventors?<br>A. No, I'm not aware of any other contacts.  | 2<br>3   | MR. BECKER: Object. Form.<br>And also, if that will require you to<br>divulge advice of counsel, I instruct you not to   |
| 2<br>3<br>4  | <ul><li>contacts that you or your father have had with any of the inventors?</li><li>A. No, I'm not aware of any other contacts.</li><li>Q. How much is the 196 patent worth?</li></ul>   | 2<br>3<br>4  | MR. BECKER: Object. Form.<br>And also, if that will require you to<br>divulge advice of counsel, I instruct you not to<br>divulge that advice.   |
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| 2<br>3<br>4<br>5<br>6  | <ul> <li>contacts that you or your father have had with any of the inventors?</li> <li>A. No, I'm not aware of any other contacts.</li> <li>Q. How much is the 196 patent worth?</li> <li>A. I don't know.</li> <li>Q. Have any idea?</li> </ul>  | 2<br>3<br>4<br>5<br>6  | MR. BECKER: Object. Form.<br>And also, if that will require you to<br>divulge advice of counsel, I instruct you not to<br>divulge that advice.<br>THE WITNESS: I don't know, without divulging<br>attorney-client privilege.   |
| 2<br>3<br>4<br>5<br>6<br>7   | <ul> <li>contacts that you or your father have had with any of the inventors?</li> <li>A. No, I'm not aware of any other contacts.</li> <li>Q. How much is the 196 patent worth?</li> <li>A. I don't know.</li> <li>Q. Have any idea?</li> <li>A. No, I don't.</li> </ul>   | 2<br>3<br>4<br>5<br>6<br>7   | MR. BECKER: Object. Form.<br>And also, if that will require you to<br>divulge advice of counsel, I instruct you not to<br>divulge that advice.<br>THE WITNESS: I don't know, without divulging<br>attorney-client privilege.<br>BY MR. STEPHENS:   |
| 2<br>3<br>4<br>5<br>6<br>7<br>8  | <ul> <li>contacts that you or your father have had with any of the inventors?</li> <li>A. No, I'm not aware of any other contacts.</li> <li>Q. How much is the 196 patent worth?</li> <li>A. I don't know.</li> <li>Q. Have any idea?</li> <li>A. No, I don't.</li> <li>Q. How much is the 845 patent worth?</li> </ul>   | 2<br>3<br>4<br>5<br>6<br>7<br>8  | MR. BECKER: Object. Form.<br>And also, if that will require you to<br>divulge advice of counsel, I instruct you not to<br>divulge that advice.<br>THE WITNESS: I don't know, without divulging<br>attorney-client privilege.<br>BY MR. STEPHENS:<br>Q. Okay. Well, is it your belief that you  |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9   | <ul> <li>contacts that you or your father have had with any of the inventors?</li> <li>A. No, I'm not aware of any other contacts.</li> <li>Q. How much is the 196 patent worth?</li> <li>A. I don't know.</li> <li>Q. Have any idea?</li> <li>A. No, I don't.</li> <li>Q. How much is the 845 patent worth?</li> <li>A. I don't know.</li> </ul>   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9   | MR. BECKER: Object. Form.<br>And also, if that will require you to<br>divulge advice of counsel, I instruct you not to<br>divulge that advice.<br>THE WITNESS: I don't know, without divulging<br>attorney-client privilege.<br>BY MR. STEPHENS:<br>Q. Okay. Well, is it your belief that you<br>invented the idea of having a simplified version of a   |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10   | <ul> <li>contacts that you or your father have had with any of the inventors?</li> <li>A. No, I'm not aware of any other contacts.</li> <li>Q. How much is the 196 patent worth?</li> <li>A. I don't know.</li> <li>Q. Have any idea?</li> <li>A. No, I don't.</li> <li>Q. How much is the 845 patent worth?</li> <li>A. I don't know.</li> <li>Q. Have any idea?</li> <li>A. I don't know.</li> <li>Q. Have any idea?</li> </ul>   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10   | MR. BECKER: Object. Form.<br>And also, if that will require you to<br>divulge advice of counsel, I instruct you not to<br>divulge that advice.<br>THE WITNESS: I don't know, without divulging<br>attorney-client privilege.<br>BY MR. STEPHENS:<br>Q. Okay. Well, is it your belief that you<br>invented the idea of having a simplified version of a<br>normal Web page for use on a mobile device   |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11   | <ul> <li>contacts that you or your father have had with any of the inventors?</li> <li>A. No, I'm not aware of any other contacts.</li> <li>Q. How much is the 196 patent worth?</li> <li>A. I don't know.</li> <li>Q. Have any idea?</li> <li>A. No, I don't.</li> <li>Q. How much is the 845 patent worth?</li> <li>A. I don't know.</li> <li>Q. Have any idea?</li> <li>A. I don't know.</li> <li>Q. Have any idea?</li> <li>A. I don't know.</li> <li>Q. Have any idea?</li> <li>A. I don't know.</li> <li>D. Have any idea?</li> <li>A. I don't know.</li> <li>D. Have any idea?</li> <li>A. I don't know.</li> <li>D. Have any idea?</li> <li>A. No, I do not.</li> </ul>   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11   | MR. BECKER: Object. Form.<br>And also, if that will require you to<br>divulge advice of counsel, I instruct you not to<br>divulge that advice.<br>THE WITNESS: I don't know, without divulging<br>attorney-client privilege.<br>BY MR. STEPHENS:<br>Q. Okay. Well, is it your belief that you<br>invented the idea of having a simplified version of a<br>normal Web page for use on a mobile device<br>MR. BECKER: Object. Form.  |
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|  | Page 146  |  | Page 148   |
|--|---|--|--|
| 1  | discussions I had with our attorney.  | 1  | that   |
| 2  | Q. So you can't tell me the answer to that  | 2  | A. I just I haven't looked at every  |
| 3  | question without revealing attorney-client  | 3  | phone out there, so I haven't gone online with every   |
| 4  | A. Attorney-client information, yes.  | 4  | phone, so  |
| 5  | Q privileged information.   | 5  | Q. I'm not asking about every phone. I'm   |
| 6  | Is that right?  | 6  | asking about any phone.  |
| 7  | A. Yes.   | 7  | A. Any those are the only two phones   |
| 8  | MR. STEPHENS: Can we take a break?  | 8  | I've really observed online.   |
| 9  | MR. BECKER: Okay.   | 9  | Q. Do you use your phone to navigate the   |
| 10   | THE VIDEOGRAPHER: Going off the record.   | 10   | Internet?  |
| 11   | The time is 3:28 p.m.   | 11   | A. Not really.   |
| 12   | (Whereupon a recess was taken)  | 12   | Q. Why not?  |
| 13   | THE VIDEOGRAPHER: Back on the record.   | 13   | A. I just don't.   |
| 14   | The time is 3:38 p.m.   | 14   | Q. Because your invention doesn't make it  |
| 15   | BY MR. STEPHENS:  | 15   | worthwhile.  |
| 16   | Q. Mr. Gottfurcht, do you think what you  | 16   | Right?   |
| 17   | and your father came up with on that day in July of   | 17   | A. No.   |
| 18   | 1999 is an important contribution to technology?  | 18   | Q. Good.   |
| 19   | MR. BECKER: Object. Form.   | 19   | You just don't feel like using your  |
| 20   | THE WITNESS: Yes.   | 20   | phone to navigate the Internet.  |
| 21   | BY MR. STEPHENS:  | 21   | Is that the idea?  |
| 22   | Q. Why?   | 22   | A. I just I'm I'm by a laptop a lot,   |
| 23   | A. Well, I see people using aspects of it   | 23   | so I don't try to go on the regular computer. I have   |
| 24   | today, so   | 24   | at times gone on there by phone. I just don't do it a  |
| 25   | Q. Where do you see that?   | 25   | lot.   |
|  |   |  |  |
|  | Page 147  |  | Page 149   |
| 1  | Page 147<br>A On mobile handheld devices  | 1  | Page 149<br>O Okay Do you know how to implement your   |
| 1  | A. On mobile handheld devices.  | 1  | Q. Okay. Do you know how to implement your   |
| 2  | <ul><li>A. On mobile handheld devices.</li><li>Q. What mobile handheld devices?</li></ul>   | 2  | Q. Okay. Do you know how to implement your invention?  |
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38 (Pages 146 to 149)

|  | Page 150  |  | Page 152  |
|--|---|--|---|
| 1  | THE WITNESS: I don't know.  | 1  | Q. Can you quantify it?   |
| 2  | BY MR. STEPHENS:  | 2  | A. In hours, weeks, months?   |
| 3  | Q. Are you excited about your invention?  | 3  | Q. Yeah.  |
| 4  | A. Yes.   | 4  | A. Myself, not a whole lot of time.   |
| 5  | Q. Why are you excited?   | 5  | Q. Few days?  |
| 6  | A. Because I think it's good. I think it's  | 6  | A. Possibly, yes.   |
| 7  | a great invention.  | 7  | Q. No more than that?   |
| 8  | Q. Okay. Will it change your life in a  | 8  | A. I attended some meetings, so it was  |
| 9  | meaningful way if Apple stops practicing the aspects  | 9  | ongoing for a little while. It was a little more than   |
| 10   | of your invention that EMG alleges it infringes?  | 10   | a few days, but not a substantial amount of time. My  |
| 11   | A. Would it change my life in a meaningful  | 11   | father did most of the work on that.  |
| 12   | way, would it make me live longer or be happier, have   | 12   | Q. Okay. I'm going to hand you a whole  |
| 13   | a better relationship with my friends and family?   | 13   | stack of documents here that your father testified  |
| 14   | No.   | 14   | yesterday that he had mailed to himself.  |
| 15   | Q. No?  | 15   | A. Uh-huh.  |
| 16   | Would it make you rich if Apple stopped   | 16   | Q. Could you just look through those and  |
| 17   | doing that?   | 17   | see if you contributed to any of those?   |
| 18   | A. Not necessarily.   | 18   | MR. BECKER: Object. Form.   |
| 19   | Q. Do you care if Apple stops doing it?   | 19   | THE WITNESS: I'll start off by saying none of   |
| 20   | A. Yes.   | 20   | it is my writing, so I did not write any of these. I  |
| 21   | Q. Why?   | 21   | could have contributed, but I don't recall.   |
| 22   | A. Because it's intellectual property and   | 22   | BY MR. STEPHENS:  |
| 23   | it should be protected.   | 23   | Q. Do you remember your father mailing  |
| 24   | Q. Okay. But it's not going to  | 24   | things to himself?  |
| 25   | A. It has value.  | 25   | A. I don't remember ever going to the post  |
|  |   |  |   |
|  | Page 151  |  | Page 153  |
| 1  | Page 151  | 1  | Page 153  |
| 1  | Q. Okay. Are you actively trying to pursue  | 1  | office with him, but I kind of do recall him saying   |
| 2  | Q. Okay. Are you actively trying to pursue a business or other activity that Apple's interfering  | 2  | office with him, but I kind of do recall him saying<br>him telling me he was going to mail some stuff to  |
| 2<br>3   | Q. Okay. Are you actively trying to pursue<br>a business or other activity that Apple's interfering<br>with by providing those features in the iPhone?  | 2<br>3   | office with him, but I kind of do recall him saying<br>him telling me he was going to mail some stuff to<br>himself from time-to-time.  |
| 2<br>3<br>4  | <ul><li>Q. Okay. Are you actively trying to pursue a business or other activity that Apple's interfering with by providing those features in the iPhone?</li><li>A. Myself, no. I'm doing other things with</li></ul>   | 2<br>3<br>4  | office with him, but I kind of do recall him saying<br>him telling me he was going to mail some stuff to<br>himself from time-to-time.<br>Q. What do you recall about it?   |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22 | <ul> <li>Q. Okay. Are you actively trying to pursue<br/>a business or other activity that Apple's interfering<br/>with by providing those features in the iPhone?</li> <li>A. Myself, no. I'm doing other things with<br/>my life.</li> <li>Q. Is EMG?</li> <li>A. Possibly.</li> <li>Q. You don't know?</li> <li>A. I'm not sure.</li> <li>Q. Is your father?</li> <li>A. Is he pursuing other things?</li> <li>Q. Is he pursuing things that Apple's</li> <li>iPhone is interfering with?</li> <li>MR. BECKER: Object. Form.<br/>THE WITNESS: I don't know.</li> <li>BY MR. STEPHENS:</li> <li>Q. You don't know?</li> <li>How much money do you think Apple should</li> <li>pay EMG in this case?</li> <li>A. I don't know.</li> <li>Q. Do you have any idea?</li> <li>A. I don't know.</li> </ul> | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22 | office with him, but I kind of do recall him saying<br>him telling me he was going to mail some stuff to<br>himself from time-to-time.<br>Q. What do you recall about it?<br>A. Nothing more than what I just said.<br>Q. Did you ever tell him he was crazy with<br>all his patent stuff?<br>A. I don't recall.<br>Q. Did you ever express skepticism to your<br>father in any way about his patent endeavor?<br>A. I don't recall. I know it's not easy to<br>get a patent. I know it takes a lot of time, a lot of<br>money, a lot of heart. And I didn't have all that<br>time on my hands to go forward with or the money to<br>go forward with all of it.<br>Q. And you didn't, in fact, do that.<br>Your father did.<br>Right?<br>A. Yes, he did.<br>Q. What did you think when he first told<br>you he was going to file a patent on what you guys<br>talked about on the first of July 1999?                                     |

39 (Pages 150 to 153)

|   | Page 156  |
|---|---|
| 1 this? 1 Q. Okay.  |   |
| 2 A. I think it came up and I thought it was 2 A. I'd have to spend a va  |   |
| 3 a good idea. 3 There's a lot of papers here, so   |   |
| 4 Q. Whose idea was it to file a patent? 4 anything that's my handwriting,  |   |
| 5 A. I don't recall. It was mostly 5 possible I don't recall, just ski  | imming over it, if  |
| 6 probably was his, but I don't recall. 6 there's a word or a phrase or so  |   |
| 7 Q. Okay. Go ahead. I didn't mean to 7 concept I could have contributed  | ed to. I'd have to take   |
| 8 distract you from that. 8 some time.  |   |
| 9 Look through there, and tell me if you 9 Q. I understand.   |   |
| 10see anything that you contributed to.10But you did look through   |   |
| 11 A. Just browsing through, I really don't 11 nothing jumped out at you as so  | omething you contributed  |
| 12 recall if there was any of this I contributed to. 12 to.   |   |
| 13I know it's all none of it's my13Right?   |   |
| 14A. I didn't even look thro  |   |
| 15 Q. Okay. Well, just flip through the rest 15 think I was just going through e  | each one of these   |
| 16 of them to make sure.16 packages here.   |   |
| 17 A. But they could have come out of some of 17 Q. But if you look well  |   |
| 18 the discussions we had, and maybe things that stuck in 18 A. There's about, you know   |   |
| 19his head and he wrote down. It's possible.19maybe, or 60 or 70, and some a  |   |
| 20 I mean, without spending a lot of time 20 are typed writings. So I don't   |   |
| 21 reading every detail and every word and I if 21 Q. Do you recall any invo  |   |
| 22 you'd like me to spend the next 22 mailings that your father made t  | to himself?   |
| 23 Q. Well 23 A. I don't recall, no.  |   |
| A hour hour plus, I can read every 24 Q. So you don't recall sitt   | -   |
| 25 word and 25 him and saying, Let's record the   | e ideas we came up with   |
| Page 155  | Page 157  |
| 1 Q. I'm not asking you to do that. I'm 1 today and and get them in the   | -   |
| 2 looking asking you to to look through it as you 2 anything like that?   |   |
| 3 are. Look at each page, but 3 A. I don't recall. Maybe  | Iromombor   |
| 4 A. I'm I'm just skimming through it and 4 I do recall him from you know   |   |
|   |   |
|   | ow, saying he's going to  |
| 5 I'm 5 send some stuff to himself, cer   | ow, saying he's going to  |
| 5I'm5send some stuff to himself, cer6Q. Okay.6purpose.  | ow, saying he's going to<br>rtified, for a date   |
| 5I'm5send some stuff to himself, cer6Q. Okay.6purpose.  | ow, saying he's going to<br>rtified, for a date<br>at it ever   |
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| <ul> <li>5 I'm</li> <li>6 Q. Okay.</li> <li>7 A just flipping through.</li> <li>8 There's none of the writings are</li> <li>9 mine, but some of the things he listed, some of the</li> <li>9 mine, but some of the things he listed, some of the</li> <li>10 words, you know, I could have had some input on it,</li> <li>11 but it's been awhile.</li> <li>12 So I don't recall specifically which</li> <li>13 exact out of everything that he wrote here, that I</li> <li>5 send some stuff to himself, cer</li> <li>6 purpose.</li> <li>7 I don't recall looking a</li> <li>8 looking at any papers he put in</li> <li>9 with him to the post office or re</li> <li>10 that he compiled to send to him</li> <li>11 Q. What were you doing</li> <li>12 history, let's say, at the time th</li> <li>13 with the invention in July of 19</li> </ul>   | w, saying he's going to<br>rtified, for a date<br>at it ever<br>n an envelope or going<br>reviewing any packages<br>mself.<br>g in your career<br>nat you guys came up<br>099?<br>estate.   |
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|  | Page 158   |  | Page 160  |
|--|--|--|---|
| 1  | And so it made sense for me to as a  | 1  | there.  |
| 2  | salesperson, to hang it under him; therefore, I would  | 2  | A. I have 497 and 196.  |
| 3  | be able to get a full commission on on a   | 3  | My overall understanding of what he did   |
| 4  | real estate transaction.   | 4  | was work on some of the graphical interfaces.   |
| 5  | So as far as looking for clients to buy  | 5  | Q. Anything else?   |
| 6  | and sell real estate, that was something I was doing   | 6  | A. I don't know.  |
| 7  | on my own.   | 7  | Q. Okay.  |
| 8  | Q. Did your father back you in any of your   | 8  | A. I know he was part of the group at   |
| 9  | real estate ventures?  | 9  | Online Labs. I don't know what input he had in some   |
| 10   | A. He might have loaned me some money on   | 10   | of these flow charts. He might have had some input,   |
| 11   | some of the spec homes I had done.   | 11   | he might have not. I don't know.  |
| 12   | Q. Is he an investor in your yoga activity?  | 12   | Q. When is the first time that you met with   |
| 13   | A. No, he's not.   | 13   | patent lawyers in connection with the invention?  |
| 14   | Q. Do you have any outside investors in  | 14   | A. Probably the first week of July of 1999.   |
| 15   | that?  | 15   | Q. What do you remember about that meeting?   |
| 16   | A. No, I do not.   | 16   | A. I don't recall a lot about the meeting.  |
| 17   | Q. Have you discussed with your father what  | 17   | Q. Do you remember where it was?  |
| 18   | you will do with the proceeds from this lawsuit?   | 18   | A. It's been awhile.  |
| 19   | A. The only thing discussed is giving a  | 19   | I don't recall if it was first by phone   |
| 20   | part of it to charity, 50 percent to charity.  | 20   | or if we went into his office, Tom Coester. The firm  |
| 21   | Q. What's your understanding of what will  | 21   | was Blakely Sokoloff, and his offices I believe were  |
| 22   | happen with the rest?  | 22   | in West L.A.  |
| 23   | A. That it would be put into, I guess, EMG.  | 23   | Q. Do you remember anything else about that   |
| 24   | Q. Would it end up in the trusts?  | 24   | meeting?  |
| 25   | A. I don't know exactly.   | 25   | A. Not specifically beyond what I've told   |
|  |  |  |   |
|  |  |  |   |
|  | Page 159   |  | Page 161  |
| 1  | Page 159<br>Q. What's your expectation?  | 1  | Page 161<br>you.  |
| 1<br>2   | -  | 1<br>2   | _   |
|  | Q. What's your expectation?  |  | you.  |
| 2  | <ul><li>Q. What's your expectation?</li><li>A. I would assume that it would.</li></ul>   | 2  | you.<br>Q. Who participated besides you and   |
| 2<br>3   | <ul><li>Q. What's your expectation?</li><li>A. I would assume that it would.</li><li>Q. And that ultimately, you'd be the</li></ul>  | 2<br>3   | you.<br>Q. Who participated besides you and<br>Mr. Coester?   |
| 2<br>3<br>4  | <ul><li>Q. What's your expectation?</li><li>A. I would assume that it would.</li><li>Q. And that ultimately, you'd be the beneficiary of at least part of the money that comes</li></ul>   | 2<br>3<br>4  | you.<br>Q. Who participated besides you and<br>Mr. Coester?<br>A. Elliot Gottfurcht.  |
| 2<br>3<br>4<br>5   | <ul> <li>Q. What's your expectation?</li> <li>A. I would assume that it would.</li> <li>Q. And that ultimately, you'd be the beneficiary of at least part of the money that comes into this lawsuit.</li> </ul>  | 2<br>3<br>4<br>5   | you.<br>Q. Who participated besides you and<br>Mr. Coester?<br>A. Elliot Gottfurcht.<br>Q. Anybody else?  |
| 2<br>3<br>4<br>5<br>6  | <ul> <li>Q. What's your expectation?</li> <li>A. I would assume that it would.</li> <li>Q. And that ultimately, you'd be the beneficiary of at least part of the money that comes into this lawsuit.</li> <li>Right?</li> <li>A. Yes.</li> </ul>   | 2<br>3<br>4<br>5<br>6  | you.<br>Q. Who participated besides you and<br>Mr. Coester?<br>A. Elliot Gottfurcht.<br>Q. Anybody else?<br>A. No.  |
| 2<br>3<br>4<br>5<br>6<br>7   | <ul> <li>Q. What's your expectation?</li> <li>A. I would assume that it would.</li> <li>Q. And that ultimately, you'd be the beneficiary of at least part of the money that comes into this lawsuit.<br/>Right?</li> </ul>   | 2<br>3<br>4<br>5<br>6<br>7   | you.<br>Q. Who participated besides you and<br>Mr. Coester?<br>A. Elliot Gottfurcht.<br>Q. Anybody else?<br>A. No.<br>Q. Now, can you tell me the difference  |
| 2<br>3<br>4<br>5<br>6<br>7<br>8  | <ul> <li>Q. What's your expectation?</li> <li>A. I would assume that it would.</li> <li>Q. And that ultimately, you'd be the beneficiary of at least part of the money that comes into this lawsuit. <ul> <li>Right?</li> <li>A. Yes.</li> <li>Q. I'm handing you E. Gottfurcht 12.</li> </ul> </li> </ul>   | 2<br>3<br>4<br>5<br>6<br>7<br>8  | you.<br>Q. Who participated besides you and<br>Mr. Coester?<br>A. Elliot Gottfurcht.<br>Q. Anybody else?<br>A. No.<br>Q. Now, can you tell me the difference<br>between the 459 patent and the 845 or 196 patent?   |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9   | <ul> <li>Q. What's your expectation?</li> <li>A. I would assume that it would.</li> <li>Q. And that ultimately, you'd be the beneficiary of at least part of the money that comes into this lawsuit.<br/>Right?</li> <li>A. Yes.</li> <li>Q. I'm handing you E. Gottfurcht 12.<br/>Take a look at that and tell me if</li> </ul>   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9   | you.<br>Q. Who participated besides you and<br>Mr. Coester?<br>A. Elliot Gottfurcht.<br>Q. Anybody else?<br>A. No.<br>Q. Now, can you tell me the difference<br>between the 459 patent and the 845 or 196 patent?<br>The disclosures are different, and I'd   |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10   | <ul> <li>Q. What's your expectation?</li> <li>A. I would assume that it would.</li> <li>Q. And that ultimately, you'd be the beneficiary of at least part of the money that comes into this lawsuit.<br/>Right?</li> <li>A. Yes.</li> <li>Q. I'm handing you E. Gottfurcht 12.<br/>Take a look at that and tell me if you've seen that before.</li> </ul>  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10   | you.<br>Q. Who participated besides you and<br>Mr. Coester?<br>A. Elliot Gottfurcht.<br>Q. Anybody else?<br>A. No.<br>Q. Now, can you tell me the difference<br>between the 459 patent and the 845 or 196 patent?<br>The disclosures are different, and I'd<br>like for you to tell me your understanding of why  |
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41 (Pages 158 to 161)

|  | Page 162   |  | Page 164   |
|--|--|--|--|
| 1  | A. I don't see it in here.   | 1  | 1999, when when the  |
| 2  | MR. LANE: It was Exhibit 1.  | 2  | A. You mean July 1999?   |
| 3  | MR. STEPHENS: Here it is. I have it after  | 3  | Q. No, no, November 15th, 1999. That's the   |
| 4  | all. Sorry.  | 4  | date the 497 patent was filed.   |
| 5  | BY MR. STEPHENS:   | 5  | A. Oh, I see.  |
| 6  | Q. I'm handing you Exhibit E. Gottfurcht 1.  | 6  | MR. BECKER: Object. Form.  |
| 7  | And that's the 845 patent in this  | 7  | THE WITNESS: I don't recall working on it or   |
| 8  | lawsuit.   | 8  | coming up with anything, no, after.  |
| 9  | Right?   | 9  | BY MR. STEPHENS:   |
| 10   | A. Yes, I believe so.  | 10   | Q. So you think that whatever inventive  |
| 11   | Q. And you can tell from looking at that   | 11   | ideas you and your father together had, you'd had  |
| 12   | patent that it was filed March of 2000.  | 12   | prior to November 15, 1999.  |
| 13   | Right?   | 13   | Is that right?   |
| 14   | A. March 3rd, 2000, yes.   | 14   | A. I think my major contribution was done  |
| 15   | Q. Do you remember when that patent was  | 15   | prior to that, yes.  |
| 16   | filed?   | 16   | Q. Okay.   |
| 17   | A. It says March 3rd, 2000.  | 17   | A. He might have added some more stuff in  |
| 18   | Q. I know, but do you remember the   | 18   | or   |
| 19   | activities leading up to that, I guess I should say?   | 19   | I can't speak for him.   |
| 20   | A. I don't recall.   | 20   | Q. Okay. Did you ever write up anything  |
| 21   | Q. Do you know why there are two different   | 21   | describing your contribution, yourself?  |
| 22   | disclosures from the 497 and the 845?  | 22   | A. Back in July, I might have written some   |
| 23   | A. I don't know exactly. I've heard of   | 23   | notes, but I don't believe I did. I believe I just   |
| 24<br>25   | one has been a continuation in part.   | 24<br>25   | I believe Elliot took all the writings on that.  |
| 20   | Q. And it has things that are not in the   | 20   | Q. Did you ever  |
|  |  |  |  |
|  | Page 163   |  | Page 165   |
| 1  | Page 163 earlier patent.   | 1  | Page 165<br>Well, never mind?  |
| 1<br>2   | earlier patent.<br>Right?  | 1<br>2   | Well, never mind?<br>What was Fogie & Jack?  |
| 2<br>3   | earlier patent.<br>Right?<br>A. There might be some things that were   |  | Well, never mind?<br>What was Fogie & Jack?<br>A. You know, I believe it was two   |
| 2<br>3<br>4  | earlier patent.<br>Right?<br>A. There might be some things that were<br>continued from the earlier one.  | 2<br>3<br>4  | Well, never mind?<br>What was Fogie & Jack?<br>A. You know, I believe it was two<br>characters that Elliot came up with, some cartoon  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21             | earlier patent.<br>Right?<br>A. There might be some things that were<br>continued from the earlier one.<br>Q. And were those ideas that you came up<br>after the first patent was filed?<br>A. Without reading it, I don't know. I<br>haven't read these.<br>Q. Ever?<br>A. Well, I don't believe so.<br>I mean, besides what I read today?<br>Q. Yeah.<br>A. I read the application; the final<br>patents, I didn't read, no.<br>Q. So you you've never read the patents,<br>themselves.<br>You read the application when it was<br>filed, and that's it?<br>A. Yes.<br>Q. Okay. Well, was there material that was<br>added for the 845 patent application that you came up   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21             | <ul> <li>Well, never mind?</li> <li>What was Fogie &amp; Jack?</li> <li>A. You know, I believe it was two</li> <li>characters that Elliot came up with, some cartoon caricatures.</li> <li>Q. What were they?</li> <li>What were the characters?</li> <li>A. One was a older person called Fogie and</li> <li>one was a younger person called Jack.</li> <li>Q. And what was the idea behind</li> <li>Fogie &amp; Jack?</li> <li>A. I don't know. I think it was some</li> <li>marketing some ideas he had for marketing.</li> <li>Q. Had you contributed any ideas to the</li> <li>Fogie &amp; Jack marketing plan?</li> <li>A. Not that I recall.</li> <li>I might have been around while some of</li> <li>the brainstorming was while he was talking about</li> <li>it, but I don't recall contributing to</li> <li>Q. Was there ever a Fogie &amp; Jack website?</li> <li>A. I don't know.</li> </ul>  |
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|  | Page 166  |  | Page 168   |
|--|---|--|--|
| 1  | A. I remember seeing a cartoon that was   | 1  | A. I do not.   |
| 2  | made at sometime.   | 2  | Q. Do you know who any of those people are?  |
| 3  | Q. Who made the cartoon?  | 3  | A. I've from being in the deposition   |
| 4  | A. I don't I don't know who.  | 4  | yesterday, I heard their names mentioned.  |
| 5  | Q. Was it an animated cartoon?  | 5  | Q. But other than that, you never heard of   |
| 6  | A. It was some kind of animated cartoon,  | 6  | them before?   |
| 7  | yeah.   | 7  | A. Other than that, no. They don't ring a  |
| 8  | Q. Like a Flash animation or something like   | 8  | bell. I don't know who they are.   |
| 9  | that?   | 9  | Q. Have you ever been to Texas?  |
| 10   | A. Yeah, something like that.   | 10   | A. No, I have not.   |
| 11   | Q. When was the last time you saw that?   | 11   | Q. Do you know if your father has ever been  |
| 12   | A. I don't recall. Years, yeah, a long  | 12   | to Texas?  |
| 13   | long time ago.  | 13   | A. I don't know.   |
| 14   | Q. Are you aware of any prototypes of the   | 14   | Q. Do you know why this lawsuit was filed  |
| 15   | inventions?   | 15   | in Texas?  |
| 16   | MR. BECKER: Object. Form.   | 16   | A. No, I don't.  |
| 17   | THE WITNESS: No, I'm not.   | 17   | Q. Do you know why EMG has an office in  |
| 18   | BY MR. STEPHENS:  | 18   | Texas?   |
| 19   | Q. Have you ever looked at MallTV.com?  | 19   | A. I don't know.   |
| 20   | A. I might have gone there once or twice.   | 20   | Q. Has any of the money that's been  |
| 21   | Q. Does that reflect your invention?  | 21   | received in settlement so far been donated to charity?   |
| 22   | MR. BECKER: Object. Form.   | 22   | A. I don't know.   |
| 23   | THE WITNESS: I don't know. I haven't really   | 23   | Q. Now, earlier, you mentioned some  |
| 24   | looked at all of it.  | 24   | discussions about half of the proceeds going to  |
| 25   | ///   | 25   | charity.   |
|  |   |  |  |
|  | Page 167  |  | Page 169   |
| 1  | Page 167<br>BY MR. STEPHENS:  | 1  | Page 169<br>Right?   |
| 1<br>2   | -   | 1<br>2   | -  |
| -  | BY MR. STEPHENS:  |  | Right?   |
| 2  | BY MR. STEPHENS:<br>Q. Were there any earlier websites or   | 2  | Right?<br>A. Yes.  |
| 2<br>3   | BY MR. STEPHENS:<br>Q. Were there any earlier websites or<br>prototypes that you're aware of before MalITV?   | 2<br>3   | Right?<br>A. Yes.<br>Q. What charity?  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17                                     | <ul> <li>BY MR. STEPHENS:</li> <li>Q. Were there any earlier websites or<br/>prototypes that you're aware of before MallTV?</li> <li>A. I don't I don't recall. If there</li> <li>were, I don't know.</li> <li>Q. Have you received any money from this</li> <li>lawsuit yet?</li> <li>A. No.</li> <li>Well, this lawsuit against</li> <li>Q. Against all the defendants. There's</li> <li>been some settlements, I think you are aware.<br/>Right?</li> <li>A. Right. I believe I we got a little</li> <li>bit on on a loan.</li> <li>Q. How much?</li> <li>A. I don't recall. Maybe around 50- or</li> <li>60,000, something.</li> </ul>  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17                                     | Right?<br>A. Yes.<br>Q. What charity?<br>A. I don't know.<br>Q. Is there a charitable trust that your<br>father or anyone else in your family is a trustee for?<br>A. I don't know. Not that I'm aware of.<br>We just have a charitable trust, years ago. I don't<br>know if it's still operable.<br>Q. What was the name of that?<br>A. I believe it was called the Elliot Marlo<br>& Grant Charitable Foundation.<br>Q. And what kind of activities did that<br>foundation engage in?<br>A. They just donated money.<br>Q. And what kind of organizations did it<br>donate money to?   |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | <ul> <li>BY MR. STEPHENS:</li> <li>Q. Were there any earlier websites or<br/>prototypes that you're aware of before MallTV?</li> <li>A. I don't I don't recall. If there</li> <li>were, I don't know.</li> <li>Q. Have you received any money from this</li> <li>lawsuit yet?</li> <li>A. No.</li> <li>Well, this lawsuit against</li> <li>Q. Against all the defendants. There's</li> <li>been some settlements, I think you are aware.<br/>Right?</li> <li>A. Right. I believe I we got a little</li> <li>bit on on a loan.</li> <li>Q. How much?</li> <li>A. I don't recall. Maybe around 50- or</li> <li>60,000, something.</li> <li>Q. Okay. Do you have any written</li> <li>arrangement in connection with that loan?</li> <li>A. No.</li> <li>Q. Do you know Rick Soss?</li> <li>A. No, I do not.</li> </ul>                                      | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | Right?<br>A. Yes.<br>Q. What charity?<br>A. I don't know.<br>Q. Is there a charitable trust that your<br>father or anyone else in your family is a trustee for?<br>A. I don't know. Not that I'm aware of.<br>We just have a charitable trust, years ago. I don't<br>know if it's still operable.<br>Q. What was the name of that?<br>A. I believe it was called the Elliot Marlo<br>& Grant Charitable Foundation.<br>Q. And what kind of activities did that<br>foundation engage in?<br>A. They just donated money.<br>Q. And what kind of organizations did it<br>donate money to?<br>A. You know, I was I was pretty young at<br>the time. I didn't I didn't wasn't involved as<br>much.<br>Q. Okay.<br>A. I know they gave some money to   |

43 (Pages 166 to 169)

|  | Page 170   |   | Page 172   |
|--|--|---|--|
| 1  | organizations.   | 1   | awhile and since the original application. So as   |
| 2  | Q. But before that, you mentioned  | 2   | far as is 2-A a configuration of 2-B, just looking at  |
| 3  | something  | 3   | the two figures, it looks like it could be.  |
| 4  | A. I said I wasn't in the oper I wasn't  | 4   | Q. Could be what? Sorry.   |
| 4<br>5   | operating the charity or   | 4<br>5  | A. A configuration or you said you get   |
|  | Q. But they gave some money to what?   | -   | 2-B from 2-A, so that's why it's a possibility.  |
| 6<br>7   |  | 6<br>7  |  |
|  | I'm sorry, I just didn't hear you.<br>A. Oh, Cedars Sinai, I mentioned   |   | Q. I'm afraid I'm not understanding what   |
| 8  |  | 8<br>9  | you're saying.   |
| 9<br>10  | Q. Okay.   | -   | A. I was just trying to answer your  |
| 10   | A and other health organizations,  | 10  | question. Sorry.<br>Q. No, I appreciate that, but I just didn't  |
| 11<br>12   | maybe.   | 11  |  |
| 12<br>12   | Q. Got you.  | 12  | understand what you're saying.   |
| 13   | A. But I don't recall specifically.  | 13  | You mean it could be that that   |
| 14<br>15   | Q. Now, earlier today, you testified that  | 14  | Figure 2-B is generated from 2-A, or did you   |
| 15   | you had contributed some words to Figure 2-B of the  | 15  | mean something else?   |
| 16   | 845 or 196 patent. They're the same.   | 16  | A. No, it was it was a simpler   |
| 17   | Do you remember that?  | 17  | navigation a simpler page of 2-A, a sister site of   |
| 18   | A. I said, yeah, there might have been some  | 18  | 2-A. It's possible.  |
| 19   | words I contributed, I believe, in some of the   | 19  | But I again, what's in the patent  |
| 20   | figures.   | 20  | is it's a collaborative effort by different  |
| 21   | Q. And I think you couldn't identify the   | 21  | inventors.   |
| 22   | specific words.  | 22  | A lot of my understanding came from my   |
| 23   | Is that right?   | 23  | lawyer. And so when you're asking me to go through   |
| 24   | A. Right, because some of this was   | 24  | this, a lot of this my understanding of it would   |
| 25   | collaborative.   | <mark>25</mark>   | (have been from conversations with my lawyer, but)   |
|  |  |   |  |
|  | Dogo 171   |   | Dego 172   |
| 1  | Page 171   | 1   | Page 173   |
| 1  | Q. Do you know how you would generate  | <mark>1</mark><br>2   | who drafted this, so   |
| 2  | Q. Do you know how you would generate Figure 2-B from Figure 2-A?  | 2   | who drafted this, so<br>Q. Well, that's what I'm trying to find  |
| 2<br>3   | <ul><li>Q. Do you know how you would generate</li><li>Figure 2-B from Figure 2-A?</li><li>A. Just looking at it, no, I do not.</li></ul>   | 2<br>3  | who drafted this, so<br>Q. Well, that's what I'm trying to find<br>out.  |
| 2<br>3<br>4  | <ul><li>Q. Do you know how you would generate</li><li>Figure 2-B from Figure 2-A?</li><li>A. Just looking at it, no, I do not.</li><li>Looks like a simplified navigation page</li></ul>   | 2<br>3<br>4   | who drafted this, so<br>Q. Well, that's what I'm trying to find<br>out.<br>Can you tell me how you get Figure 2-B  |
| 2<br>3<br>4<br>5   | <ul> <li>Q. Do you know how you would generate</li> <li>Figure 2-B from Figure 2-A?</li> <li>A. Just looking at it, no, I do not.</li> <li>Looks like a simplified navigation page</li> <li>of the site above.</li> </ul>  | 2<br>3<br>4<br>5  | who drafted this, so<br>Q. Well, that's what I'm trying to find<br>out.<br>Can you tell me how you get Figure 2-B<br>from Figure 2-A, or would you have to rely on advice  |
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| 2<br>3<br>4<br>5<br>6<br>7   | <ul> <li>Q. Do you know how you would generate</li> <li>Figure 2-B from Figure 2-A?</li> <li>A. Just looking at it, no, I do not.<br/>Looks like a simplified navigation page</li> <li>of the site above.</li> <li>Q. Yeah, and that's what the specification</li> <li>says. And I'm just wondering if you know how you</li> </ul>   | 2<br>3<br>4<br>5<br>6<br>7  | who drafted this, so<br>Q. Well, that's what I'm trying to find<br>out.<br>Can you tell me how you get Figure 2-B<br>from Figure 2-A, or would you have to rely on advice<br>of counsel to answer and, therefore, you'd waive<br>attorney-client privilege?  |
| 2<br>3<br>4<br>5<br>6<br>7<br>8  | <ul> <li>Q. Do you know how you would generate</li> <li>Figure 2-B from Figure 2-A?</li> <li>A. Just looking at it, no, I do not.<br/>Looks like a simplified navigation page</li> <li>of the site above.</li> <li>Q. Yeah, and that's what the specification</li> <li>says. And I'm just wondering if you know how you</li> <li>would create the Web page or create the simplified</li> </ul>   | 2<br>3<br>4<br>5<br>6<br>7<br>8   | <ul> <li>who drafted this, so</li> <li>Q. Well, that's what I'm trying to find out.</li> <li>Can you tell me how you get Figure 2-B</li> <li>from Figure 2-A, or would you have to rely on advice of counsel to answer and, therefore, you'd waive attorney-client privilege?</li> <li>A. Well, reading here, it says I'm just</li> </ul>  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | <ul> <li>Q. Do you know how you would generate</li> <li>Figure 2-B from Figure 2-A? <ul> <li>A. Just looking at it, no, I do not.</li> <li>Looks like a simplified navigation page</li> </ul> </li> <li>of the site above. <ul> <li>Q. Yeah, and that's what the specification</li> <li>says. And I'm just wondering if you know how you</li> <li>would create the Web page or create the simplified</li> <li>page in Figure 2-B from the page in Figure 2-A.</li> <li>A. I don't know.</li> <li>Q. You don't have any idea?</li> <li>A. No.</li> <li>Q. Is it your understanding that if you</li> <li>clicked on the sister site link in Figure 2-A, you</li> <li>would then get to the simplified interface in</li> <li>Figure 2-B?</li> <li>A. I don't I don't know. It could be.</li> <li>Q. You don't know how it works?</li> <li>A. It could be. I would have to review it</li> <li>and at the time I haven't like I say, I</li> <li>haven't reviewed this, so I'd have to review it to answer</li> </ul> </li> </ul>  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>20<br>21<br>22            | <ul> <li>who drafted this, so</li> <li>Q. Well, that's what I'm trying to find out.</li> <li>Can you tell me how you get Figure 2-B</li> <li>from Figure 2-A, or would you have to rely on advice of counsel to answer and, therefore, you'd waive attorney-client privilege?</li> <li>A. Well, reading here, it says I'm just reading the description of the drawing, which you can read it, and it says, "2-B is an exemplary first matrix page of a sister site for the Web page." So just reading what it says, that would be explanatory, I guess.</li> <li>Q. Okay. And my question is, how would you create</li> <li>A. I don't know?</li> <li>Q. Okay. If you'd look at Column 5 of the 845 patent, Line 5, if you could just read that first sentence beginning with "Figure 5-B" out loud, I'd appreciate it.</li> </ul>   |

44 (Pages 170 to 173)

|  |   | 1  |  |
|--|---|--|--|
|  | Page 174  |  | Page 176   |
| 1  | Q. Is that section there describing   | 1  | and/or zooming?  |
| 2  | Figure 5-B about your contribution?   | 2  | MR. BECKER: Object. Form.  |
| 3  | MR. BECKER: Object. Form.   | 3  | THE WITNESS: I mean, there's some language in  |
| 4  | THE WITNESS: I don't know. It could have  | 4  | here about manipulating and zooming and scrolling,   |
| 5  | been part of it or an embodiment of it.   | 5  |  |
| 6  | BY MR. STEPHENS:  | 6  | BY MR. STEPHENS:   |
| 7  | Q. Okay. Can you explain how it reflects  | 7  | Q. And that reflects your contribution?  |
| 8  | your contribution?  | 8  | A. Yeah, it reflects some of my  |
| 9  | A. Well, it talks about a segmented page  | 9  | contribution.  |
| 10   | and it talks about has the word "manipulation" in   | 10   | Q. Okay. Can you explain how it works in   |
| 11   | it, so  | 11   | the embodiment described in the patent?  |
| 12   | Q. So that's those are words you  | 12   | (A.) (That would be attorney-client privilege)   |
| 13   | contributed?  | 13   | based on my understanding, information I gave to my  |
| 14   | A. Could have been. I don't recall.   | 14   | attorney and he explained to me.   |
| 15   | Q. What's a segmented page?   | 15   | Q. So you can't tell me anything about how   |
| 16   | A. It says, "in one embodiment of the   | 16   | the embodiment in the patent works with respect to   |
| 17   | invention, client side manipulation of a segmented  | 17   | your contribution, without revealing attorney-client   |
| 18   | page."  | 18   |  |
| <mark>19</mark><br>20  | Q. And what is a segmented page?<br>A. Without divulging attorney-client  | <mark>19</mark><br>20  | Is that right?<br>A. That's correct, yes. I mean, there's  |
| 20   | privileges, this is something a draft of my   | 20   | Q. Now, you testified earlier that you   |
| 22   | attorney, and relied on his understanding and his   | 21   | understood "manipulating a portion of the screen" at   |
| 22   | legalese expertise to put this together, so   | 22   | the time you came up with the invention to refer to  |
| 23<br>24   | Q. So you can't tell me what a segmented  | 23<br>24   | touching the screen, itself, with a hand or a finger.  |
| 25   | page is without revealing attorney-client privileged  | 24<br>25   | Right?   |
| 23   | page is without revealing attorney-client privileged  | 23   | Kight:   |
|  |   |  |  |
|  | Page 175  |  | Page 177   |
| 1  | Page 175  | 1  | Page 177<br>A. Yes.  |
| 1<br>2   |   | 1<br>2   | A. Yes.  |
| 1<br>2<br>3  | information?  |  | A. Yes.  |
| 2  | information?<br>A. That's correct.  | 2<br>3   | <ul><li>A. Yes.</li><li>Q. Did you understand it to mean pressing a</li></ul>  |
| <mark>2</mark><br>3  | <mark>information?</mark><br>A. That's correct.<br>Q. Okay.   | 2<br>3   | <ul><li>A. Yes.</li><li>Q. Did you understand it to mean pressing a button?</li></ul>  |
| <mark>2</mark><br>3<br>4   | <ul> <li>(information?)</li> <li>A. That's correct.</li> <li>Q. Okay.</li> <li>MR. STEPHENS: Let's take one more short break</li> </ul>   | 2<br>3<br>4  | <ul><li>A. Yes.</li><li>Q. Did you understand it to mean pressing a button?</li><li>A. It could have meant anything, using your</li></ul>  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10   | <ul> <li>(information?)</li> <li>A. That's correct.</li> <li>Q. Okay.</li> <li>MR. STEPHENS: Let's take one more short break</li> <li>and I think we'll wrap up here pretty soon.</li> <li>MR. BECKER: Okay.</li> <li>THE VIDEOGRAPHER: Going off the record.</li> <li>The time is 4:12 p.m.</li> </ul>   | 2<br>3<br>4<br>5<br>6<br>7<br>8  | <ul> <li>A. Yes.</li> <li>Q. Did you understand it to mean pressing a button?</li> <li>A. It could have meant anything, using your hands or fingers.</li> <li>Q. So using your hand to press a button would also be within manipulating a portion of the screen to zoom or scroll at the time that you came up with your invention?</li> <li>A. No, it wasn't my original vision of the</li> </ul>   |
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45 (Pages 174 to 177)

|  | Page 178   |  | Page 180   |
|--|--|--|--|
| 1  | A. Pressing the screen if the button's on  | 1  | (Whereupon the deposition was concluded  |
| 2  | the screen.  | 2  | at 4:28 p.m.)  |
| 3  | Q. Yeah, okay. I I don't mean virtual  | 3  |  |
| 4  | buttons on the screen. I mean like a keyboard button.  | 4  |  |
| 5  | You didn't mean that.  | 5  |  |
| 6  | Right?   | 6  |  |
| 7  | A. No.   | 7  |  |
| 8  | Q. Okay. So as you understood it,  | 8  |  |
| 9  | "manipulating a region of the screen for scrolling   | 9  |  |
| 10   | and/or zooming" meant only touching something on the   | 10   |  |
| 11   | screen.  | 11   |  |
| 12   | Is that right?   | 12   |  |
| 13   | MR. BECKER: Object. Form.  | 13   |  |
| 14   | THE WITNESS: It was it was my yeah,  | 14   |  |
| 15   | that's what I envisioned.  | 15   |  |
| 16   | BY MR. STEPHENS:   | 16   |  |
| 17   | Q. Okay. Did someone else come up with the   | 17   |  |
| 18   | idea of pushing a physical button to cause scrolling   | 18   |  |
| 19   | and/or zooming?  | 19   |  |
| 20   | A. I don't know. I don't recall.   | 20   |  |
| 21   | Q. You're not aware of anybody coming up   | 21   |  |
| 22   | with that idea?  | 22   |  |
| 23   | A. I don't recall.   | 23   |  |
| 24   | MR. STEPHENS: Okay. I have no more   | 24   |  |
| 25   | questions.   | 25   |  |
|  |  |  |  |
|  |  |  |  |
|  | Page 179   | _  | Page 181   |
| 1  | I do want to say, though, that we did  | 1  | Page 181<br>PENALTY OF PERJURY   |
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| 2<br>3   | I do want to say, though, that we did<br>address the issue of the assertion of privilege today,<br>but I don't think we addressed the issue of waiver of   | 2<br>3   | -  |
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| 1       STATE OF CALIFORNIA )         2       )         3       .COUNT O LOS ANGELES)         3       1. SUSAN LYWN POBOR, Certified Shorthand         6       Reporter No. 5132 for the State of California, do         6       hereby certifie;         7       That prior to being examined, the withess         8       named in the foregoing deposition, was duly swom to         9       tstilly the truth, the whole truth, and nothing but         10       the truth, the whole truth, and nothing but         11       That asid deposition was taken down by me in         13       shorthand the time and palce therein named and         14       the same is a true, correct, and complete transcript         15       of said proceedings.         16       Bafore completion of the doposition, review of         17       the transcript [X] was [1 was not requested. If         16       requested, any change, made by the deponent (and         17       the transcript [X] was [1 was not interested in         20  |          | Page 182   |  |
|--|----------|--|--|
| COUNTY OF LOS ANGELES )<br>I, SUSAN LYNN POBOR, Certified Shorthand Reporter No. 5132 for the State of California, do hereby certify:<br>That prior to being examined, the witness named in the foregoing deposition, was duly sworn to testify the truth, the whole truth, and nothing but the truth;<br>That said deposition was taken down by me in shorthand at the time and place therein named and thereafter reduced by me to typewritten form and that the same is a true, correct, and complete transcript of said proceedings.<br>Before completion of the deposition, review of the transcript [X] was [] was not requested. If requested, any changes made by the deponent (and provided to the reporter) during the period allowed are appended hereto.<br>I further certify that I am not interested in the outcome of the action.<br>Witness my hand this day of, 2009.   | 1        | STATE OF CALIFORNIA )                                |  |
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|  | 25       | Susan Lynn Pohor, CSP No. 5132                       |  |
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