EXHIBIT A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

BEDROCK COMPUTER TECHNOLOGIES
LLC,

               Plaintiffs,

                          Case No. 6:09-CV-0029

              vs.

SOFTLAYER TECHNOLOGIES, INC.,
CITIWARE TECHNOLOGY SOLUTIONS,
LLC, GOOGLE, INC., YAHOO! INC.,
MYSPACE, INC., AMAZON.COM INC.,
MATCH.COM, LLC and AOL LLC.

              Defendants.
_____

RED HAT, INC.,

               Plaintiff,

                          Case No. 6:09-cv-00549

              vs.

BEDROCK COMPUTER TECHNOLOGIES,
LLC,

              Defendant.
_____

HIGHLY CONFIDENTIAL

VIDEOTAPED DEPOSITION OF DR. RICHARD NEMES

New York, New York

Tuesday, August 31, 2010

Reported by:
AYLETTE GONZALEZ

JOB NO. 144128

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3   DAY: August 31, 2010

4   TIME: 9:19 a.m.

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6   Videotaped Deposition of DR. RICHARD

7 NEMES, held at the offices of McKOOL SMITH,

8 One Bryant Park, New York, New York 10036,

9 pursuant to NOTICE, before AYLETTE

10 GONZALEZ, a Notary Public of the State of

11 New York.

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	1	other times removing some, but not all of
	2	them. And at other times, choosing to
	3	remove none of them."
	4	Do you see that?
16:20:37	5	A. I saw that.
	6	Q. It continues -- it says, "Such
	7	a dynamic routine decision might be based
	8	on factors such as, for example, how much
	9	memory is available in the system storage
16:20:47	10	pool, general system load, time of day, the
	11	number of records currently residing in the
	12	information system, and other factors both
	13	internal and external to the information
	14	storage and retrieval system itself."
16:21:01	15	You see that?
	16	A. I see that.
	17	Q. My question is: First of all,
	18	is that the pros that, in your view,
	19	describe the means for dynamically
16:21:10	20	determining the maximum number?
	21	MR. CURRY: Objection to form.
	22	Q. The record should reflect the
	23	witness is turning the various pages to the
	24	120 Patent.
16:21:47	25	A. I'm not certain that there

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	1	isn't other pros that also describes it.
	2	I'm just trying to be really careful here
	3	to be very accurate in my answer, but that
	4	does -- that is the pros that is associated
16:22:04	5	with Claim 2.
	6	Q. Can you tell me, sir, in that
	7	pros, what is the means for dynamically
	8	determining the maximum number?
	9	A. I think your --
16:22:16	10	MR. CURRY: Objection to form.
	11	A. -- asking me to interpret the
	12	claim.
	13	Q. You're right. I am.
	14	Let's be specific. You didn't
16:22:21	15	write any code that shows how to do that,
	16	right?
	17	A. I didn't write any code that
	18	shows that.
	19	Q. You didn't identify any device
16:22:31	20	that's capable of doing that, right?
	21	A. Right.
	22	Q. You didn't identify any
	23	software program that's capable of doing
	24	that, right?
16:22:39	25	A. Right.

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	1	Q. As you sit here today, can you
	2	think of any structure at all, any sort of
	3	physical or nonphysical device or system,
	4	that you described to be able to perform
16:22:51	5	that means of dynamically determining a
	6	maximum number?
	7	MR. CURRY: Objection to form.
	8	A. What's a nonphysical device?
	9	Q. Software.
16:23:01	10	MR. CURRY: Objection to form.
	11	A. Then I guess I don't understand
	12	the question because I don't think of
	13	software as a device.
	14	Q. Let's go physical then. Any
16:23:10	15	physical device that you could identify
	16	that could perform any of that means?
	17	A. I could take -- I could program
	18	a computer to perform the tasks described
	19	by that means.
16:23:32	20	Q. Did you ever do that?
	21	A. No.
	22	Q. It continues to say, "The
	23	record search means" do you see that?
	24	A. What column?
16:23:51	25	Q. Claim 2. Talks about the

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 1         A.     Yeah, I believe the wording is

 2   the same.

 3         Q.     When you say "it's," what is

 4   the "it's"?

16:28:55  5   A.     Either this paragraph or -- the

 6   entire paragraph or parts of it are

 7   identical in the two patents.

 8         Q.     Between the 120 and the 499?

 9         A.     That's right.

16:29:05  10  Q.     In fact, they're so similar

11   that you just confused them.  You were

12   looking at the; 499 when I was asking you

13   questions about the 120; is that correct?

14         A.     That's correct.

16:29:13  15  Q.     So, the question is:  In the

16   code that's identified, the pseudocode you

17   wrote, there's no code that performs a

18   hashing function; is that right?

19              MR. CURRY:  Objection to form.

16:29:30  20  A.     If you look at column 11, the

21   second -- that begin -- no, it's not the

22   same begin that you mentioned earlier.

23              But in search table procedure,

24   go down and find begin and look at the line

16:29:47  25  after that.  "Index: = hash (record_key)";
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1   there is the location of a hash function.

2   Q.   It doesn't indicate how to

3   hash, does it?

4   A.   No.

16:30:04 5   Q.   It just says there is a hash

6   function?

7   A.   It says, go call the hash

8   function.

9   Q.   Where is the hash function in

16:30:10 10   the four corners of the 120 Patent?

11   A.   To be supplied by the

12   implementer.

13   Q.   That means the person whose

14   designing the system does this?

16:30:18 15   A.   Right.

16   MR. STERN: I have to catch a

17   flight. Thank you very much. My

18   colleagues here will continue your

19   interrogation.

16:30:26 20   THE WITNESS: Have a safe

21   flight.

22   MR. STERN: Thank you very

23   much. I appreciate you coming here

24   today.

16:30:34 25   Off the record.