

# EXHIBIT B

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

BEDROCK COMPUTER TECHNOLOGIES :  
Plaintiff, : C.A. NO.  
 : 6:09-cv-269  
VS. :  
 : TYLER, TEXAS  
 : OCTOBER 7, 2001  
SOFTLAYER TECHNOLOGIES, ET AL.: 1:30 P.M.  
Defendant. :

TRANSCRIPT OF MARKMAN HEARING  
BEFORE THE HONORABLE JOHN D. LOVE  
UNITED STATES MAGISTRATE

APPEARANCES:

FOR THE PLAINTIFF:

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MR. ROBERT CHRISTOPHER BUNT  
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1 hash algorithm is factually incorrect and they go on  
2 to recite that portion of the pseudocode.

3 MR. STERN: Your Honor, I'm looking at  
4 Bedrock's reply. Which footnote is this?

5 THE COURT: It's in their response  
6 document number 299 to your Motion for Summary  
7 Judgment. It's in footnote one on page 7 of their  
8 response.

9 MR. STERN: Yes, I have it, Your Honor.  
10 Yeah.

11 So in response, first of all, this is  
12 the outcome or the result of the application of the  
13 hash function. This is not the hash algorithm.

14 So that we're clear, Your Honor, so the  
15 Federal Circuit has distinguished between -- what the  
16 algorithm is supposed to do is to teach you how to.  
17 What's not adequate is structure that tells you what  
18 you're doing or the outcome of what you're doing.

19 What this tells you is that presumably  
20 that this particular -- and I think I have it here,  
21 Your Honor -- that this is the pseudocode for the  
22 search table procedure. This simply indicates that a  
23 hash function is being executed. It tells you that  
24 you're supposed to hash a key, that's all. That's the  
25 outcome. That's what you're supposed to do. It

1 doesn't tell you how to do it.

2           What we are suggesting, Your Honor,  
3 just so that we're very clear, is that when you're  
4 going to claim a means-plus-function claim and you're  
5 going to claim that the means is some sort of hash  
6 algorithm, then you are obligated to identify with  
7 particularity the algorithm that performs that  
8 particular function.

9           By the way, there are hash functions  
10 which could have been identified. My understanding  
11 is, for example, there is a well-known hash function  
12 which I believe is called SHA-1, secure hash algorithm  
13 1, which is a particular hash algorithm.

14           The inventor in this case could have  
15 claimed that the particular means-plus-function claims  
16 were being performed by SHA-1, or some other specific  
17 hash algorithm. That's not what he did.

18           What he did is he simply said I'm going  
19 to use the hashing function, by the way, any one of an  
20 infinite number of hashing functions, and I'm not  
21 going to tell you which hashing function is going to  
22 be allowed. All I'm going to tell you is that the  
23 result, the outcome of using the hashing function is  
24 that there would be some sort of record placed within  
25 the array. That's not structure, Your Honor. That's