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

BEDROCK COMPUTER	§	
TECHNOLOGIES LLC,	§	
	§	
Plaintiff,	§	
	§	CASE NO. 6:09-cv-269-LED
V.	§	
	§	Jury Trial Demanded
SOFTLAYER TECHNOLOGIES, INC.,	§	
CITIWARE TECHNOLOGY	§	
SOLUTIONS, LLC, GOOGLE INC.,	§	
YAHOO! INC., MYSPACE INC.,	§	
AMAZON.COM INC., PAYPAL INC.,	§	
MATCH.COM, INC., AOL INC., AND	§	
CME GROUP INC.,	§	
	§	
Defendants.	§	

PLAINTIFF BEDROCK COMPUTER TECHNOLOGIES LLC'S OBJECTIONS TO GOOGLE INC.'S REBUTTAL DESIGNATIONS

Plaintiff Bedrock Computer Technologies LLC ("Bedrock"), pursuant to the Court's Docket Control Order and Orders amending Docket Control Order entered in this case, provides this list of objections to Google Inc.'s rebuttal depositions designations. Bedrock expressly reserves the right to supplement, augment, or otherwise modify the exchanged designations based on circumstances as they may evolve prior to the commencement of trial. Bedrock's objections to Google's rebuttal deposition designations are made in reliance on the Defendant's trial witness lists and the labeling of those witnesses as will call. At this time, Bedrock objects to Google's rebuttal deposition testimony as follows:

Deposition of Laurent Chavey - January 7, 2011		
From (page:line)	To (page:line)	Objections
14:9	14:14	801
23:25	24:13	801
32:23	34:8	801
42:17	42:20	801
48:5	48:18	48:5 - 48:7 - 602; 48:5 -
		48:18 - 801
49:11	49:14	801
50:14	52:12	50:14 - 50:19 - NR; 50:14 -
		52:12 - 801
53:15	54:2	801; Atty Commentary
56:7	56:16	801
57:3	58:7	801
58:18	58:20	801
59:20	60:24	801
61:11	61:22	801
68:8	68:20	801
94:25	96:4	801
96:14	96:18	96:14 - INC; 96:14 - 96:18 -
		801
96:21	99:3	96:21 - 96:22 - INC; 96:21 -
		99:3 - 801
100:3	100:5	NR; 801
101:4	101:16	801
101:24	102:2	801
102:4	102:5	NR; INC; 801
102:8	102:16	801
103:1	103:13	103:4 - 103:13 - NR; 103:1 -
		103:13 - 801
104:12	106:24	105:19 - 105:24 - NR;
		106:13 - 106:15 -
		STRICKEN; 104:12 - 106:24
		- 801
113:11	113:16	801
114:10	114:12	801
123:24	127:5	801
134:5	134:8	801
136:2	136:5	801
137:11	137:13	801

Google 30(b)(6) Deposition of Sunil Daluvoy - January 14, 2011		
From (page:line)	To (page:line)	Objections
26:5	26:23	Non-comparable, MIL, H,
		801/802
30:18	31:19	402/403, 801/802, MIL, H

Deposition of Alexey Kuznetsov - January 27, 2011		
From (page:line)	To (page:line)	Objections
87:10	87:13	BER, 403
87:15	88:3	BER, 403
115:5	115:9	Leading
115:11	115:13	Leading
115:15	115:18	Leading

Deposition of Mikhail Lotvin - June 4, 2010		
From (page:line)	To (page:line)	Objections
244:16	244:17	801/802, 403, BER,
		Privileged
244:19	244:19	801/802, 403, BER,
		Privileged
244:21	245:2	801/802, 403, BER,
		Privileged
245:6	245:17	801/802, 403, BER,
		Privileged
245:19	245:25	801/802, 403, BER,
		Privileged

Google 30(b)(6) Deposition of Trisha Weir - January 13, 2011		
From (page:line)	To (page:line)	Objections
58:11	58:20	801/802
64:20	64:24	801/802
90:11	91:2	801/802

OBJECTION KEY TO DEPOSITION DESIGNATIONS

the remaining portions ought, in fairness, to be considered contemporaneous with it (see F.R.E. 106). 402 This testimony is objectionable because it is not relevant (see F.R.E. 402). 403 Misleading. Confusion of issues. This testimony is objectionable because it probative value is substantially outweighed by the danger of unfair prejudice 408 Compromise and offer to compromise (FRE 408). 602 This testimony is objectionable because it constitutes testimony on a matter which the witness lacks personal knowledge (see F.R.E. 602). 701 This testimony is objectionable because it is opinion testimony by a lay with that is not reasonably based on perception and helpful to a clear understandin the witness' testimony or the determination of a fact in dispute (see F.R.E. 7 801 Hearsay. This testimony is objectionable because it is a statement made by other than the declarant while testifying at trial, offered into evidence to prothe truth of the matter asserted and not subject to any hearsay exception (see F.R.E. 801 and 802). A This testimony is objectionable because it concerns a document for which authentication is lacking (see F.R.E. 901). A/C Attorney Client Privilege and/or Work Product Immunity AA Asked and Answered AF This testimony is objectionable because it assumes a fact not in evidence. AR Argumentative (see FRCP 611(a)). B Bolstering. This testimony in objectionable because it is improper to bolster c	Code	Objection
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	В	Bolstering. This testimony in objectionable because it is improper to bolster the credibility of a witness before credibility is attacked (see FRCP 608(a)).
CQ Compound Question	BER	Not best evidence (FRE 1002)
	CQ	Compound Question
CS Calls for Speculation	CS	Calls for Speculation

This testimony is objectionable because it constitutes attempted expert testimony from a person who was not designated as an expert and who did not submit an expert report (see FRCP 26).
This testimony is objectionable because it lacks foundation.
This testimony is objectionable because it constitutes harrassment or it is unduly embarrassing to the witness (see F.R.E. 611(f)).
This testimony is objectionable because it is an incomplete answer.
This testimony is objectionable because it has characterized a person or conduct with unwarranted suggestive, argumentative, or impertinent language (see FRCP 103(c); 404-405).
Improper opinion testimony by expert witness (FRE 702)
Incomplete question/answer.
This testimony is objectionable because it is an incomplete question.
Mischaracterizes witness's testimony
Nonresponsive
Outside the scope of Rule 30(b)(6) topics.
Vague.
Waste of time/Cumulative evidence (FRE 403)
Leading the Witness (F.R.E. 611(c)).

Dated: March 22, 2011.

Respectfully submitted,

McKOOL SMITH, P.C.

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ATTORNEYS FOR PLAINTIFF BEDROCK COMPUTER TECHNOLOGIES LLC

CERTIFICATE OF SERVICE

The undersigned certifies that, on March 22, 2010, the foregoing document was filed

electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all

counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A).

/s/ Jason D. Cassady Jason D. Cassady