

EXHIBIT 1

1 them before they put it in their production
2 would be -- I don't know if that testing is
3 going to reveal what they -- Well, without
4 knowing what the testing protocols are that
5 they are using, I could not say whether they
6 will be sufficient, but from their point of
7 view they would have protocols they follow,
8 but I would expect them follow for this.

9 (Whereupon, Defendants' Jones
10 Exhibit Number 12 was marked for
11 Identification.)

12 MR. BRIGHT: I will hand you what
13 has been marked Jones Exhibit 12. We are out
14 of order here, but I will go back to 11 in
15 moments. Let me hand you that and identify
16 it for the record as document Production
17 Number BTEX 0752444 through 448.

18 BY MR. BRIGHT:

19 Q Do you recognize this, sir?

20 A It looks like one of the elements
21 that I have with respect to Traffic Server.

22 Q You gave some testimony yesterday
23 about Yahoo's Traffic Server and I believe
24 that you had reviewed some publicly available
25 materials that you say informed your opinions

1 about the load that the Yahoo Traffic Server
2 had seen, right?

3 A Yes, I did.

4 Q This document that you have been
5 handed as Jones Exhibit 12, is this the
6 public information that you were referring to
7 yesterday about the load on Yahoo Traffic
8 Server?

9 A This is one of the documents I
10 looked at.

11 Q Can you tell me what in this
12 document informed your opinion in your view
13 the load on Yahoo Traffic Server?

14 A Looking at page BTEX 0752445, the
15 middle of the paragraph indicating the
16 testing they have done at 30,000 requests per
17 second, as well as what they have indicated
18 what they are able to do with other proxy
19 servers at 8,000 requests per second.

20 Q Is this document consistent with
21 the other public information that you have
22 seen about Yahoo Traffic Server?

23 A In terms of capabilities, I have
24 seen documents that indicate more recent
25 performance at 100,000 requests per second.

1 Q Have you seen any information in a
2 greater number of requests per second
3 describing Yahoo Traffic Server?

4 A I don't see anything more than
5 100,000.

6 Q In forming your opinions about
7 Yahoo in this case which did you use? Did
8 you use 30,000 requests per second or 100,000
9 requests per second, or some other metric?

10 A At 30,000 requests per second that
11 would be, I believe, a higher rate than what
12 I have been able to run. So my tests would
13 indicate that I believe it would be
14 conservative for this kind of traffic
15 pattern.

16 Q What number of requests per second
17 did you run in your testing?

18 A We would need to go back and work
19 out the numbers to give you specific numbers.
20 Looking back at my appendices -- Let me see
21 if I can work that out in my head. A
22 ballpark figure might just sitting here is in
23 the 20,000 to 25,000 range.

24 Q But again, just to be clear, you
25 did not directly report that 20,000 to 25,000

1 requests per second range in your expert

2 report, right?

3 MR. CURRY: Objection, form.

4 THE WITNESS: I don't think I

5 listed the specific number. I think it is

6 directly accessible in the appendices.

7 BY MR. BRIGHT:

8 Q Well, you had to do a calculation,
9 right? Would someone else have to do a
10 calculation based on the numbers you
11 reported?

12 A Either do a calculation or just run
13 the code that I provided.

14 Q In that 20,000 to 25,000 number of
15 requests per second, you were loading that on
16 a single server?

17 A Yes.

18 Q We have been using the term CAND,
19 and you used the term CAND in your report,
20 right?

21 A Yes.

22 Q That is C-A-N-D?

23 A Yes.

24 Q I just wanted to make sure that we
25 are on the same page on that. Turning to