

# **EXHIBIT 23**

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:

MR. DOUGLAS A. CAWLEY  
MR. JASON CASSADY  
MR. AUSTIN CURRY  
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MR. ROBERT CHRISTOPHER BUNT  
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1 relates generally to functionality in a Lenox  
2 Operating System running on a server and it helps to  
3 prevent what's known as denial of service attacks  
4 where hackers attempt to shut servers down by flooding  
5 them with unwanted trash information.

6 Our theory before the jury will be that  
7 a reasonable royalty in this case relates to how much  
8 a defendant would negotiate to pay for the invention's  
9 ability to protect against those denial of service  
10 attacks which would either reduce or eliminate their  
11 revenues if the attacks were severe enough.

12 Therefore, we sent an interrogatory to  
13 the defendants in the case asking them to provide us  
14 with information about the revenues of their business  
15 units relying upon, to any degree, a Lenox server. So  
16 the purpose of that interrogatory is just to  
17 establish, you know, let's get started with the  
18 damages analysis, we need to know what revenues for  
19 any business unit that rely on, to any extent, a Lenox  
20 server, we need to know what those revenues are.

21 Now, of course there are going to be  
22 arguments that we don't infringe, your patent's  
23 invalid, yeah, we use Lenox servers, but we don't  
24 really care about your invention. We understand all  
25 that. But to do the damages analysis, we have to know