EXHIBIT K

	Page 1
1	UNITED STATES DISTRICT COURT
2	EASTERN DISTRICT OF TEXAS - TYLER DIVISION
3	000
4	
	
5	EOLAS TECHNOLOGIES)
6	INCORPORATED,)
7	Plaintiff,)
8	vs.) No. 6:09-CV-00445-LED
9	ADOBE SYSTEMS, INC.;)
10	AMAZON.COM, INC.; APPLE, INC.,)
11	et al.,
12	Defendants.)
13)
14	
15	VIDEOTAPED 30(B)(6) DEPOSITION OF THE
16	REGENTS OF UNIVERSITY OF CALIFORNIA
17	DESIGNEE: SUNITA RAJDEV, Ph.D.
18	TUESDAY, JANUARY 10, 2012
19	
20	
21	
22	
23	Job No. SD129591
24	PAGES 1 - 369
25	

	1		
1		1	APPEARANCE OF COUNSEL (Continued):
2		2	
3		3	FOR DEFENDANT ADOBE SYSTEMS:
4		4	FISH & RICHARDSON
5		5	BY: MICHAEL E. FLOREY, ESQ.
6		6	600 South Sixth Street
7		7	Minneapolis, Minnesota 55402
8	Deposition of SUNITA RAJDEV, Ph.D. taken on behal		(612) 337-2505
9	of Defendants, at Ropes & Gray, LLP, Three Embarcadero		florey@fr.com
10	Center, 3rd Floor, San Francisco, California, commencing	10	norey@n.com
11	at 9:22 a m., Tuesday, January 10, 2012, before Kelli	11	FOR DEFENDANT YAHOO AND AMAZON.COM:
12	Combs, CSR No. 7705.	12	HALTOM & DOAN
13	Comos, CSR No. 7703.	13	
14			BY: JENNIFER DOAN, ESQ.
		14	JOSHUA R. THANE, ESQ.
15		15	6500 Summerville Road
16		16	Texarcana, Texas 75503
17		17	(903) 255-1000
18		18	jdoan@haltomdoan.com
19		19	jthane@haltomdoan.com
20		20	
21		21	
22		22	Also present:
23		23	Paul Hibdon, Videographer
24		24	P. Martin Simpson, University of California Counsel
25		25	
	Page 2		Page 4
1	APPEARANCE OF COUNSEL:	1	SUNITA RAJDEV, Ph D
2	THE ELIMINATE OF COUNTED.	2	after having been duly sworn, testified as follows:
3	FOR PLAINTIFF:	3	00
4	McKOOL SMITH, LLP	4	
5	BY: GAYLE ROSENSTEIN KLEIN, ESQ.	5	THE VIDEOGRAPHER: Good morning We are 9:22:05AN
6	One Bryant Park, 47th Floor	6	on the record at 9:22 a m on January 10th, 2012
7	New York, New York 10036	7	This is the video deposition of Sunita Rajdev, Ph D
8	(212) 402-9405	8	My name is Peter Hibdon, here with our
9	gklein@mckoolsmith.com	9	court reporter, Kelli Combs We are here from
10	gkiem@mckooismun.com	10	Veritext National Deposition & Litigation Services 9:22:24AM
		11	-
11	EOD DEEENDANT COOCLE, INC LVOUTURE		This deposition is being held at Three
12	FOR DEFENDANT GOOGLE, INC. and YOUTUBE:	13	Embarcadero Center, San Francisco, California in the
13	ROPES & GRAY, LLP		case captioned Eolas Technologies, Inc versus
14	BY: LAUREN ROBINSON, ESQ.	14	Google
15	SASHA RAO, ESQ.	15	Counsel, please identify yourselves and 9:22:42AM
16	1900 University Avenue, 6th Floor	16	state whom you represent
17	East Palo Alto, California 94303-2284	17	MS KLEIN: Gayle Klein for the
18	(650) 617-4000	18	Plaintiffs
19	lauren robinson@ropesgray.com	19	MR SIMPSON: Marty Simpson, Regents of
20		20	University of California, Office of General Counsel 9:22:50AM
21		21	MS DOAN: Jennifer Doan with Yahoo and
22		22	Amazon
23		23	MR THANE: Josh Thane for Yahoo and
24		24	Amazon
25		25	MS ROBINSON: Lauren Robinson for Google 9:22:59AM
1	Page 3		Page 5

1 and YouTube 9:23:00AM	1	here today to tell the truth? 9:24:46AM
2 MR FLOREY: Michael Florey from Fish &	2	A Yes.
3 Richardson for Adobe	3	Q And you say
4 (Deponent sworn)	4	You understand that the same penalties of
5 EXAMINATION 9:23:15AM	5	perjury that apply in a court of law in front of a 9:24:49Al
6 BY MS DOAN:	6	judge or jury also apply here today?
7 Q Will you please state your full name for	7	A Yes.
8 the record?	8	
9 A Sunita Rajdev	9	Q And because of that, if you don't understand a question I'm going to ask you at any
	10	
• , ,	11	· · · · · · · · · · · · · · · · · · ·
11 A I do use it in passport It's Rani, 12 R-A-N-I	12	whatever, we just get off base, will you stop me and
		ask me to clarify the question?
Q youror species	13	A Sure.
14 S-U-N-I-T-A?	14	Q Okay.
15 A Yes 9:23:34AM	15	So if you answer a question, can I assume 9:25:06AM
Q And the last name is R-A-J-D-E-V, correct?	16	that you understand the question that you're
17 A Yes	17	answering?
18 Q I've seen it both ways, so I just wanted	18	A Yes.
19 to make sure I was correct on that.	19	MS. KLEIN: And can you hear her on the
Dr. Rajdev, can you please give us your 9:23:42AM	20	video? 9:25:12AM
21 current residence address?	21	THE VIDEOGRAPHER: Yes.
A 160 Treymore Drive, Chapel Hill, North	22	MS. KLEIN: Okay.
23 Carolina	23	BY MS. DOAN:
Q And we're out here in San Francisco,	24	Q Have you ever testified in a court of law?
California. Do you have any residence or do you own 9:23:55A	M 25	A No. 9:25:21AM
Page 6		Page 8
any property out here in Northern California? 9:23:59AM	1	Q Do you plan to attend the trial in this 9:25:23AM
2 A Not currently	2	case that is scheduled for February 2012, next
3 Q Dr. Rajdev, what is your position with the	3	month?
4 University of California?	4	A No.
5 A I'm a senior licensing officer 9:24:12AM	5	Q Do you know who will be appearing for the 9:25:32A
-	6	
	7	University of California at the trial in Tyler,
7 entire University of California system or for just		Texas?
8 one campus?	8	MS. KLEIN: I'm going to object and
9 A Just for one campus, UCSF	9	instruct you to the extent that that knowledge comes
10 Q And "UCSF" being the University of 9:24:24AM	10	solely from a lawyer, that you should not respond to 9:25:41AM
11 California, San Francisco?	11	that on the basis of privilege.
12 A Yes	12	THE WITNESS: I can't respond.
13 Q Dr. Rajdev, have you ever had your	13	BY MS. DOAN:
14 deposition taken before?	14	Q Okay.
15 A No 9:24:34AM	15	Do you know who it is, but you're refusing 9:25:49AM
16 Q Do you understand the purpose of a	16	to answer? Is that a
17 deposition?	17	MS. DOAN: It's a "yes" or "no" question.
18 A Yes	18	I think she can answer "yes" or "no."
19 Q Okay.	19	THE WITNESS: I have heard, but I'm not
Do you understand that I'm going to ask 9:24:37AM	20	sure who is going to be there. 9:25:56AM
you a series of questions? I need you to give me as	21	BY MS. DOAN:
	22	Q But it's not you?
complete, accurate, and truthful responses as		- •
•	23	A It's not me.
23 possible.		
23 possible.	23 24	A It's not me. Q Okay. Did you review any documents to prepare 9:26:05AN

	for your deposition today? 9:26:07AM	1	A Yes. 9:28:03AM
2	A Yesterday.	2	Q How many documents did you review?
3	Q Yesterday. Okay.	3	A There were about two binders, one binder
4	Did you meet yesterday with your counsel	4	and a couple of deposition documents.
5	to prepare for your deposition? 9:26:12AM	5	Q Okay. 9:28:14AM
6	A Yes.	6	I'm assuming that you reviewed the
7	Q Did you have any other meetings prior to	7	licenses
8	yesterday to prepare for your deposition?	8	A Yes.
9	A Maybe once, yes, I did.	9	Q between Eolas and the University of
10	Q When was the first meeting that you had to 9:26:24A	M 10	California; is that right? 9:28:21AM
11	prepare for your deposition?	11	A I looked at them, yes.
12	A I don't remember the exact date. Couple	12	Q Okay.
13	months ago.	13	And are you familiar with those licenses?
14	Q Okay.	14	A I am.
15	And who was present at the meeting? 9:26:32AM	15	Q Is there anybody that's more familiar with 9:28:26A
16	A It was Gayle Klein, John Campbell, and	16	the licenses between the University of California
17	Marty Simpson.	17	and Eolas other than you from on behalf of the
18	Q Where was that meeting?	18	University of California?
19	A In Oakland in our Central Office of the	19	MS. KLEIN: I'm going to object to the
20	President. 9:26:49AM	20	form of the question. 9:28:39AM
21	Q Was anybody else present at the meeting?	21	BY MS. DOAN:
22	A At that meeting, no.	22	Q You can answer.
23	Q And how long did the meeting last?	23	A Our counsel.
24	A I want to say two to three hours.	24	Q Okay.
25	Q And did you discuss certain topics that 9:27:03AM Page 10	25	With the University of California, other 9:28:44AM Page 12
1	you have been designated to testify here about 9:27:06Al	M 1	than Marty Simpson, your counsel, is 9:28:45A
_			
2	today?	2	A No.
3	A No. At that meeting, it was just a	2 3	A No. Q there anybody else who is more familiar
3 4	A No. At that meeting, it was just a general meeting to talk about	2 3 4	A No. Q there anybody else who is more familiar with the licenses?
3 4 5	A No. At that meeting, it was just a general meeting to talk about MS. KLEIN: You should not discuss what 9:27:15AM	2 3 4 5	A No. Q there anybody else who is more familiar with the licenses? MS. KLEIN: And I'm going to object to the 9:28:50A
3 4 5 6	A No. At that meeting, it was just a general meeting to talk about MS. KLEIN: You should not discuss what 9:27:15AM was discussed in that meeting.	2 3 4 5 6	A No. Q there anybody else who is more familiar with the licenses? MS. KLEIN: And I'm going to object to the 9:28:50A form of the question.
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1	BY MS. DOAN: 9:29:48AM	1	questions and the court reporter is going to take 9:31:42AM
2	O All India?	2	down our answers.
3	A Yes. New Delhi.	3	Okay?
4	O Okay.	4	A Okay
5	And when did you graduate? 9:29:52AM	5	Q And because of that, it's really important 9:31:45AM
6	A 1983.	6	
7		7	that you give an audible answer, like "yes" or "no," as opposed to "uh-huh" or "huh-uh."
	Q I'm assuming that you, obviously, have a	8	
8	postgraduate degree, since		Is that okay?
9	A Yes.	9	A Okay
10	Q you have a doctorate? 9:30:02AM	10	Q All right. 9:31:51AM
11	Can you tell us about your postgraduate	11	And if at any time because I know in
12	education, please.	12	everyday language we forget and say "uh-huh" or
13	A I did my master's in All India Institute	13	"huh-uh" all the time, so if at any time you forget,
14	of Medical Sciences, New Delhi, India, as well, in	14	I'll say, "Is that 'yes' or is that 'no'" or I may
15	pharmacology, and then I did my Ph.D. from 9:30:13A	M 15	tug on my ear, and that's what I mean, just need an 9:32:01A
16	University of Pittsburgh, Pennsylvania.	16	audible response.
17	Q What year did you receive your Ph.D.?	17	Is that okay?
18	A Pardon?	18	A All right
19	Q What year did you receive your Ph.D.?	19	Q Throughout the deposition, if you will
20	A 1995. 9:30:30AM	20	allow me to finish my question, I'll try to allow 9:32:07AM
21	Q What year did you receive your master's?	21	you the courtesy to finish your answer. That way,
22	A 1989 no, 1985. I'm sorry.	22	the court reporter doesn't kill one of us.
23	Q Have you formally moved to the United	23	Is that okay with you?
24	States?	24	A Yes
25	A Yes. 9:30:43AM	25	Q That will make a better record so we don't 9:32:14AM
	Page 14		Page 16
1	Q Do you own any property in India? 9:30:43AM	1	speak over each other. 9:32:16AM
2	A No. My parents do, I don't.	2	•
3	• •	3	Is that okay? A Yes.
	Q You don't personally own any property in		
4	India?	4	Q And if you need to take a break at any
5	A (Shakes head.) 9:30:51AM	5	time, if you can just complete the answer that 9:32:21AN
6	Q Are you a United States citizen?	6	you're giving, just let me know and we'll take a
7	A Yes.	7	break. Okay?
8	Q When did you become a citizen?	8	A Okay.
9	A Four years ago, approximately.	9	Q All right.
10	Q Are you also still 9:31:02AM	10	Talking about your education and then we 9:32:31A
11	Do you have dual citizenship with India	11	are now with the 1995, you received your Ph.D.
12	and the United States?	12	from the University of Pittsburgh, Pennsylvania?
13	A India doesn't allow dual citizenship, so	13	A Yes.
14	what I have is an OCI card, which is overseas	14	Q What was your
15	citizens of India, so which just allows me not to 9:31:11AM	15	When did you start working for the 9:32:44AM
16	take a visa if I want to go visit my parents.	16	University of California system?
17	Q Okay.	17	A 1995.
18	So because they don't allow dual	18	Q What was your first job with the
19	citizenship in India, did you have to give up your	19	University of California?
20	citizenship in India? 9:31:26AM	20	A A postdoctoral fellowship. 9:32:53AM
21	A Uh-huh, yes.	21	Q What was that fellowship in?
22	Q Let's go back to the beginning rules of	22	A Neurology.
23	the deposition.	23	Q Did you ever receive your M.D. degree or
	•	24	just your just your Ph.D.?
24			
24 25	So and since you have not had a deposition before, I'm going to ask you a series of 9:31:39AN		A Just my Ph.D. 9:33:07AM

A About three years Q What was your area of emphasis with respect to your fellowship? A Heat shock proteins in stroke Q Heat shock proteins in stroke? Q Heat shock proteins in strokes? Q Did you complete your fellowship? A If's sort of never completed Yes, in a sense that I then became an assistant researcher in the same department Q Did you exit the fellowship program with the University of California, San Francisco early at any time? A There is no limit of fellowship You just keep doing experiments and once you feel you're and start doing your research independently Q Okay. A Yes P34:24AM Q Whore is Phil Weinstein currently A Yes A Yes P34:24AM Q Whore is Phil Weinstein currently A Tor you? A Dr Frank Sharp A A Dr Frank Sharp	
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Sellowship? 9.33:24AM 5 A Assistant researcher?	rch
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7 Step before you become a faculty. 8 respect to your fellowship? 9 A Heat shock proteins in stroke 9 Q Heat shock proteins in stroke? 9 12 Q Did you complete your fellowship? 12 A In stroke, yes 13 A In stroke, yes 14 Sense that I then became an assistant researcher in 15 the same department 16 Q Did you exit the fellowship program with 16 Q Did you exit the fellowship program with 17 the University of California, San Francisco? 18 A There is no limit of fellowship You just 19 A There is no limit of fellowship You just 10 Q Okay. 11 How long were you an assistant researcher in 12 A one and a half to two years. 13 Q From 19 14 A one and a half to two years. 15 the same department 16 Q Did you exit the fellowship program with 16 A Yeah, 2000, middle maybe early 2 17 Q Who did you report to as assistant researcher? 18 any time? 19 A There is no limit of fellowship You just 20 keep doing experiments and once you feel you're 21 exped to go independent, you just take the next step 22 and start doing your research independently 23 Q Okay. 24 And did you of that? 25 A Yes 26 Q So Frank Sharp was in neurology: 27 Weinstein was in neurosurgery? 28 A Un-huh. Yes. 29 Q Where is Phil Weinstein currently 29 Your postdoctoral fellowship? Who was responsible 20 for you? 21 Q Who did you report to when you were doing 9:34:24AM 22 your postdoctoral fellowship? Who was responsible 23 for you? 24 A Dr Frank Sharp 25 Q And what is Dr. Sharp's role with the 9:34:34AM 26 University of California? 27 MS KLEIN: Objection; form 28 THE WITNESS: He's a he was a professor 29 Q What was 30 Q What was 31 Q Who did you research as an assistant researcher? 31 A And climician He was a teacher and 32 cliffornia, San Francisco? 33 A And climician He was a teacher and 34 California, San Francisco as a professor? 35 Q Is Dr. Sharp still with the University of 9:34:54AM 36 California, San Francisco as a professor? 37 A While I was an assistant researcher, I di 38 University of California, San Francisco os a professor? 38 A Heac	35:34AM
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ready to go independent, you just take the next step and start doing your research independently Q Okay. And did you do that? A Yes 9:34:24AM Page 18 Page 18 Weinstein was in neurology: A Yes 9:34:24AM Page 18 P	9:36:13AM
and start doing your research independently Q Okay. 23 A Uh-huh. Yes. 24 Q Where is Phil Weinstein currently 25 A Yes 9:34:24AM Page 18 1 Q Who did you report to when you were doing 9:34:24AM pour postdoctoral fellowship? Who was responsible for you? A Dr Frank Sharp A Dr Frank Sharp's role with the 9:34:34AM University of California? MS KLEIN: Objection; form THE WITNESS: He's a – he was a professor BY MS DOAN: BY MS DOAN: D Did he teach there at the University of California, San Francisco? A At this time, no Weinstein was in neurosurgery? A Uh-huh. Yes. Q Where is Phil Weinstein currently A University was in neurosurgery? A Uh-huh. Yes. Q Where is Phil Weinstein currently at San Francisco campus, but I'm not sure. A Not since I left his lab. Dr. Weinstein? A Not since I left his lab. Page 18 Weinstein was in neurosurgery? A I don't know. It's been 10 years since at San Francisco campus, but I'm not sure. A Not since I left his lab. D Okay. A Uh-huh. Yes. Q What was What did you research as an assistant researcher? A Same area, role of heat shock proteins in stress and stroke. Q When you completed your duties as a assistant researcher, did you stay on with the University of California, San Francisco? A At this time, no A While I was an assistant researcher, I did you stay on with the University of California, San Francisco?	,
Q Who did you report to when you were doing 9:34:24AM 1 left research. I think he still does clinic duties at San Francisco campus, but I'm not sure. Your postdoctoral fellowship? Who was responsible for you? 3 Q When was the last time you saw or sponsible Interest of California? 4 Dr. Weinstein? 5 Q And what is Dr. Sharp's role with the 9:34:34AM 5 A Not since I left his lab. 9:36 University of California? 6 Q Okay. 7 So about 10 years ago? 8 A Uh-huh. Yes. 9 of neurology 9:34:47AM 10 What did you research as an assistant researcher? 12 California, San Francisco? 12 A Same area, role of heat shock proteins in stress and stroke. 14 California, San Francisco as a professor? 15 Q Is Dr. Sharp still with the University of 9:34:54AM 16 California, San Francisco as a professor? 17 A At this time, no 17 A While I was an assistant researcher, I did you stay on with the University of 17 A While I was an assistant researcher, I did you stay on with the University of 17 A While I was an assistant researcher, I did you stay on with the University of 21 A Stan Francisco? 17 A While I was an assistant researcher, I did you stay on with the University of California, San Francisco? 18 A While I was an assistant researcher, I did you stay on with the University of California, San Francisco? 19 A While I was an assistant researcher, I did you stay on with the University of California, San Francisco? 19 A While I was an assistant researcher, I did you stay on with the University of California, San Francisco? 19 A While I was an assistant researcher, I did you stay on with the University of California, San Francisco? 19 A While I was an assistant researcher, I did you stay on with the University of California, San Francisco? 19 A While I was an assistant researcher, I did you stay on with the University of California, San Francisco? 19 A While I was an assistant researcher, I did you stay on with the University of California, San Francisco? 19 A While I was an assistant researcher, I did you stay on with the University of Califo	iu i iiii
And did you do that? And did you do that? A Yes 9:34:24AM Page 18 1 Q Who did you report to when you were doing 9:34:24AM 1 left research. I think he still does clinic duties at San Francisco campus, but I'm not sure. 3 G When was the last time you saw or sponsible at San Francisco campus, but I'm not sure. 4 A Dr Frank Sharp 5 Q And what is Dr. Sharp's role with the 9:34:34AM 6 University of California? 6 Q Okay. 7 MS KLEIN: Objection; form 8 THE WITNESS: He's a he was a professor 9 of neurology 9 Did he teach there at the University of 10 BY MS DOAN: 9:34:47AM 10 What did you research as an assistant researcher? 11 Q Did he teach there at the University of 12 California, San Francisco? 13 A And clinician He was a teacher and clinician, yes 14 Q When you completed your duties as a assistant researcher, did you stay on with the University of P:34:54AM 16 California, San Francisco as a professor? 17 A At this time, no 18 Where is Phil Weinstein currently A I don't know. It's been 10 years since at San Francisco campus, but I'm not sure. 2 at San Francisco campus, but I'm not sure. 2 at San Francisco campus, but I'm not sure. 3 Q When was the last time you saw or sponsor at San Francisco campus, but I'm not sure. 4 Dr. Weinstein? 5 A Not since I left his lab. 9:36 6 Q Okay. 5 O about 10 years ago? 8 A Uh-huh. Yes. 9 Q What was What did you research as an assistant researcher? 12 A Same area, role of heat shock proteins in stress and stroke. 14 Q When you completed your duties as a assistant researcher, did you stay on with the University of California, San Francisco? 16 University of California, San Francisco? 17 A While I was an assistant researcher, I did you stay and with the University of California, San Francisco?	
Page 18 Q Who did you report to when you were doing your postdoctoral fellowship? Who was responsible for you? A Dr Frank Sharp Q And what is Dr. Sharp's role with the your saw or sponsible University of California, San Francisco? BY MS DOAN: BY MS DOAN: Q Did he teach there at the University of California, San Francisco? A And clinician, yes Q Is Dr. Sharp still with the University of Yalifornia, San Francisco as a professor? A At this time, no A I don't know. It's been 10 years since of the possion	
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5 Q And what is Dr. Sharp's role with the 9:34:34AM 6 University of California? 6 Q Okay. 7 MS KLEIN: Objection; form 8 THE WITNESS: He's a he was a professor 9 of neurology 9 Q What was 10 BY MS DOAN: 9:34:47AM 10 What did you research as an assistant 11 Q Did he teach there at the University of 12 California, San Francisco? 13 A And clinician He was a teacher and 14 clinician, yes 15 Q Is Dr. Sharp still with the University of 9:34:54AM 16 California, San Francisco as a professor? 17 A At this time, no 18 A Not since I left his lab. 9:36 Q Okay. 19 Q What was 10 BY MS DOAN: 10 What did you research as an assistant 11 researcher? 12 A Same area, role of heat shock proteins in stress and stroke. 14 University of Q When you completed your duties as a assistant researcher, did you stay on with the University of 9:34:54AM 15 A Same area, role of heat shock proteins in stress and stroke. 14 University of California, San Francisco? 15 A While I was an assistant researcher, I did	ke to
6 University of California? 7 MS KLEIN: Objection; form 8 THE WITNESS: He's a he was a professor 9 of neurology 9 Q What was 10 BY MS DOAN: 11 Q Did he teach there at the University of 12 California, San Francisco? 13 A And clinician He was a teacher and 14 clinician, yes 15 Q Is Dr. Sharp still with the University of 16 California, San Francisco as a professor? 17 A At this time, no 18 Q Okay. 7 So about 10 years ago? 8 A Uh-huh. Yes. 9 Q What was 10 What did you research as an assistant researcher? 11 researcher? 12 A Same area, role of heat shock proteins in stress and stroke. 14 Q When you completed your duties as a assistant researcher, did you stay on with the University of 9:34:54AM 15 assistant researcher, did you stay on with the University of California, San Francisco? 16 University of California, San Francisco? 17 A While I was an assistant researcher, I did	
MS KLEIN: Objection; form THE WITNESS: He's a he was a professor of neurology Py Ms DOAN: Objection; form So about 10 years ago? A Uh-huh. Yes. What was Objection; form Objection; for	53AM
THE WITNESS: He's a he was a professor of neurology BY MS DOAN: California, San Francisco? A And clinician He was a teacher and clinician, yes Q Is Dr. Sharp still with the University of A At this time, no A Uh-huh. Yes. What did you research as an assistant researcher? A Same area, role of heat shock proteins in stress and stroke. Q When you completed your duties as a assistant researcher, did you stay on with the University of 9:34:54AM A At this time, no A While I was an assistant researcher, I did	
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13 A And clinician He was a teacher and 14 clinician, yes 15 Q Is Dr. Sharp still with the University of 9:34:54AM 16 California, San Francisco as a professor? 17 A At this time, no 18 stress and stroke. 19 Q When you completed your duties as a assistant researcher, did you stay on with the University of California, San Francisco? 10 Diversity of California, San Francisco? 11 A While I was an assistant researcher, I did	
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16 California, San Francisco as a professor? 17 A At this time, no 18 University of California, San Francisco? 19 A While I was an assistant researcher, I di	
17 A At this time, no 17 A While I was an assistant researcher, I di	9:37:22A
18 O Is he still alive?	
15 G is no sun anve.	ent.
19 A Yes 19 Q Were you paid for your internship wi	the
Q Where does Dr. Sharp practice now? 9:35:09AM 20 Office of Technology Management?	9:37:49AN
21 MS KLEIN: Objection; form 21 A Not in the beginning.	
THE WITNESS: As far as I know, at Davis, 22 Q Okay.	
23 UC Davis 23 So what year are we talking about? St	I
24 BY MS DOAN: 24 1998 to 2000?	
Q When was the last time you spoke with 9:35:18AM 25 A I started internship in September 2000.	
Page 19	9:37:57AM

1	Q How long did your internship go? 9:38:01AM	1	you were an assistant researcher there for 9:39:55AM
2	A So I joined full time in September 2002 as	2	approximately two years; and then at some time
	licensing officer. Before that, for a while I was	3	period you were a contract employee with the Office
	contract employee with the Office of Technology	4	of Technology Management, part of that time you're
5 M	Management for a few months, and that's the time I 9:38:18AM	[5	paid, part of the time you're not paid; and then you 9:40:06AM
6 w	vas paid for.	6	become a full-time employee in September of 2002
7	Q Tell me how many two or three months?	7	with the Office of Technology Management.
8	A Maybe six months.	8	Do I have that right?
9	Q Maybe from March to September 2002,	9	MS KLEIN: I'm going to object to the
10 ro	oughly? Sound about right? 9:38:36AM	10	form of the question 9:40:15AM
11	A It might have actually been I know I	11	BY MS DOAN:
12 di	idn't get paid for a few months before	12	Q Do I have that right?
13 Se	eptember 2002, because the contract position had	13	MS KLEIN: Objection; form
14 ra	an out. So it was sometimes during that period,	14	THE WITNESS: Sounds yes It was a
15 bu	ut I don't remember exactly when. 9:38:49AM	15	combination of internship and contract employee, 9:40:21AM
16	Q Okay.	16	yes And I took some time off, as well, during that
17	But you think about six months before	17	time, so
18 S	eptember 2002, you were paid as a sort of a	18	BY MS DOAN:
19 c c	ontract employee with the Office of Technology	19	Q I want to know when you first started to
20 M	Ianagement for the University of California, 9:39:01A	M 20	work for the Office of Technology Management in any 9:40:35
21 S a	an Francisco.	21	role, whether it's an internship or whether it's
22	Do I have that right?	22	contract and whether you're paid or not. When did
23	A Yes, I was paid for six six to seven	23	you start work there?
24 m	nonths during the period of 2001, 2002.	24	A September 2000
25	Q Okay. 9:39:12AM	25	Q Who did you report to with the Office of 9:40:51AM
	Page 22		Page 24
1	And then there is a time period that you 9:39:13AM	1	Technology Management? 9:40:52AM
2 c c	ontinued to stay on with the Office of Technology	2	A Dr. Joel Kirschbaum.
	Ianagement, but you weren't paid?	3	MS. KLEIN: Can you spell his last name,
4	A Yes	4	please?
5	Q And then you became an employee 9:39:19AM	5	THE WITNESS: K-I-R-S-C-H-B-A-U-M. 9:41:01.
6	A Yes	6	BY MS. DOAN:
7	Q of the Office of Technology Management.	7	Q Kirschbaum?
8	Do I have that right?	8	A Yes.
9	A Yes	9	Q What was Dr. Kirschbaum's role for the
10	MS KLEIN: Try to let her finish her 9:39:24AM	10	Office of Technology Management? 9:41:12AM
	-	11	A Can I correct that?
11 qu 12	THE WITNESS: Okay, Sorry	12	
	THE WITNESS: Okay Sorry		Q Sure.
	Y MS DOAN:	13	A He was the director of the office, but my
14	Q Sorry, I'm trying to get it together.	14	mentor was a licensing officer at that time
	orry about that. 9:39:29AM	15	Q Okay. 9:41:25AM
16	And then at the same time, you're also	16	A whose name was Jennifer Cygan.
17	Well, at the same time, are you also doing	17	Q Okay.
•	our you're also having an assistant research	18	What's Jennifer's last name?
-	osition at the University of California,	19	A Cygan, C-Y-G-A-N.
20 S a	an Francisco, as well? 9:39:44AM	20	Q Okay. 9:41:37AM
21	A No I left that in early 2001	21	Joel Kirschbaum, what was his role with
22	Q Okay.	22	the Office of Technology Management when you started
23	So as far as your progression through the	23	in your internship in September 2000?
24 U	niversity of California, San Francisco, you were	24	A In 2000, he was the interim director.
	ou had a fellowship there for three years and then 9:39:53A	VI 25	Q Did he become the director? 9:41:50AM
25 y (Page 23		Q Did no become the director.

1	A Yes. 9:41:51AM	1	I started full time in September 2002, so two years. 9:43:35AM
2	Q When did he become the director?	2	Q Okay.
3	A I do not remember.	3 4	So you were an intern from September 2000 to September 2002?
5	Q Is he currently still the director? A Yes. 9:41:58AM	5	MS. KLEIN: Object to the form of the 9:43:51AM
6		6	3
7	Q How long has he been the director,	7	question; asked and answered. THE WITNESS: Yes, intern plus contract
8	approximately? More than five years?	8	employee in between.
9	MS. KLEIN: And I'm going to object to the form of the question. Are you asking her in her	9	1 3
10	individual capacity as a 30(b)(1)? Because this is 9:42:10Al		MS. DOAN: Are you familiar with the Eastern District rules, Counsel? I know you are. 9:43:59AM
11	outside the scope of the 30(b)(6).	11	Can you please keep it to the form of the question?
12		12	I'd appreciate it. Thank you.
13	MS. DOAN: I'm just asking I think I	13	BY MS. DOAN:
14	have leeway to figure out sort of where her role is. So if she knows the answer, she can answer. You can	14	
	•		Q So with respect to the
15	object to the scope of the question, Counsel. 9:42:20AM		I'm trying to figure out: You're you 9:44:07AM
16	MS. KLEIN: I'm going to object to the	16 17	keep telling me that you're an intern and then
17	question and I'll allow you to answer in your		you're also a contract employee.
18	capacity of your individual knowledge, but not on	18	How long were you an intern and how long
19	behalf of the University.	19	were you a contract employee is my question.
20	THE WITNESS: He's been there since the 9:42:31A		MS. KLEIN: Objection; form. 9:44:18AM
21	office started.	21	THE WITNESS: I do not recall exactly. I
22	BY MS. DOAN:	22	was an intern for about eight months.
23	Q Okay.	23	BY MS. DOAN:
24	And he's still the current director?	24	Q Okay.
25	A I don't know if he started as a director, 9:42:37AM Page 26	25	A And then I think after that time, we 9:44:23AM Page 28
1 2	but he's been director since 2000, since I joined 9:42:39AM the office, and he's still the director.	2	realized that I was contributing a lot to the office 9:44:26AM and there was a contract position available I
3	Q Okay.	3	joined the contract position, so I was paid for I
4	What was Jennifer is it Cygan?	4	don't remember exactly six to eight months
5	A Cygan (pronounced differently). 9:42:48AM	5	Q Okay. 9:44:37AM
6	Q Cygan.	6	A And then the money ran out, so then for a
7	What was her role as your mentor when you	7	couple of months I was not getting paid, and then a
8	started in your internship?	8	position opened up and I joined the office full
9	A She was a licensing officer.	9	time
10	Q When you started your internship in 9:42:57A	M 10	Q Okay. 9:44:46AM
11	September 2000, what was your role at the Office of	11	And have you been with the Office of
12	Technology Management?	12	Technology Management ever since September 2002?
13	A I was helping Jennifer Cygan.	13	A Yes
14	Q Did you have a job title?	14	Q When you started out as a full-time
15	A Licensing assistant. 9:43:09AM	15	employee in September 2002, what was your role 9:44:53A
16	Q Were you paid as an intern?	16	there?
17	A Not initially. Our internships are	17	A Licensing officer
18	usually not paid.	18	Q And now you're a senior licensing officer?
19	Q Right.	19	A Yes
20	So I'm just trying to figure out: How 9:43:25AM	20	Q Are there any other job titles you have 9:45:11AM
21	long did your internship last?	21	had besides licensing officer and senior licensing
22	MS. KLEIN: Objection; asked and answered.	22	officer with the Office of Technology Management for
23	BY MS. DOAN:	23	the University of California, San Francisco?
24	Q You can answer.	24	A No
25	A I answered that. I think I answered that. 9:43:32AM Page 27	25	Q Before September of 2000, had you ever had 9:45:24AM Page 29

1	any type of legal training? 9:45:27AM	1	September 2002? 9:47:28AM
2	A No.	2	A Four.
3	MS. KLEIN: Objection; form.	3	Q And how many licensing officers or senior
4	BY MS. DOAN:	4	licensing officers are there now with the Office of
5	Q As you sit here today, have you ever had 9:45:30AM	I 5	Technology Management at the University of 9:47:36A
6	any type of legal training?	6	California, San Francisco?
7	A No.	7	A We have a few vacant positions, but at
8	Q Before September of 2000, had you ever had	8	this time we have two senior licensing officers
9	any type of training with respect to licensing?	9	three senior licensing officers, sorry; four
10	A No. 9:45:42AM	10	licensing officers; one licensing associate and one 9:48:00AM
11	Q What made you decide to go into licensing	11	contract licensing associate, so two licensing
12	from receiving your Ph.D. in neurology?	12	associates.
13	A I was looking into alternative careers and	13	Q One's just full time and one's contract?
14	I really enjoy knowing, in general, about the	14	A Uh-huh. Yes.
15	science. So on bench, I was just getting focused 9:45:58AM	15	Q How many people report to you as a senior 9:48:26A
16	more and more on narrow area, so I was just	16	licensing officer?
17	investigating what are the other options available	17	A Talking about the dotted line or direct
18	for me if I didn't want to continue doing bench	18	line?
19	research. And Technology Transfer office had	19	
20	internships, so that was one of the areas that I 9:46:12AM	20	·
	* '	21	
21	really found interesting.		A No one directly reports to me officially.
22	I took a course from UC Berkeley extension	22	Q With respect to the indirect dotted line,
23	about I think it's called "Leaving the Ivory	23	how many people report to you?
24	Tower" or something like that or exploring	24	A One licensing associate.
25	alternative careers, and Technology Transfer seemed 9:46:25A	M 25	Q And who is that? 9:48:51AM
	Page 30		Page 32
1	like a good fit for my skills. 9:46:28AM	1	A So this licensing associate reports to two 9:48:55AM
2	Q Okay.	2	senior licensing officers
3	A Because I just like to learn a lot about	3	Q Okay.
4	what's going on, in general, in science area, and	4	A so 50 percent.
5	this allows me to still utilize my training, because 9:46:35AM	5	Dior Baumjohann. 9:49:01AM
6	I have to understand the technologies, and learn a	6	Q Can you spell the last name?
7	lot of new skills that I really enjoy.	7	A No, I can't. B-A-U I'm going to mess
8	Q Okay.	8	it up. B-A-U-M-J-O-H-A-N [sic].
9	When did you take a course at the	9	O It's Dior?
10	University of California, Berkeley? 9:46:47AM	10	
11 12	A Pardon?	11	Q D-I-O-R?
	Q When was that course at the University of	12	A D-I-O-R.
13	California, Berkeley?	13	Q And he reports to you or she reports to
14	A It was in 2000 sometime. I don't remember	14	you?
15	the exact date. 9:46:55AM	15	A She reports she. 9:49:26AM
16	Q Okay.	16	Q She indirectly reports
17	When you started working full time in	17	A Yes.
18	September of 2002, who did you report to?	18	Q about 50 percent to you; is that right?
19	A Dr. Joel Kirschbaum.	19	A Yes. It's a complicated structure. She
20	Q Was there a senior licensing officer that 9:47:12AM	20	indirectly reports to me 50 percent of the time and 9:49:35A
21	you reported to in between your role as a licensing	21	then I have the contract associate also who reports
22	officer and Joel Kirschbaum as the director?	22	to me 50 percent of the time.
23	A No.	23	Q And who is the contract associate?
24	Q How many licensing officers were there at	24	A Darya, D-A-R-Y-A, Darya, Bubman,
25	the Office of Technology Management in 9:47:24AN	1 25	B-U-B-M-A-N. 9:49:47AM

Q Do you have any licensing officers that 9:49:57AM	1	THE WITNESS: Yes. 9:51:55AM
2 report to you?	2	BY MS. DOAN:
3 A Not directly.	3	Q Okay.
Q And other than the three senior licensing	4	And what department was that?
officers and the four licensing officers and the two 9:50:10AM	5	MS. KLEIN: Objection; form. 9:51:57AM
6 associates and the director, Dr. Kirschbaum, are	6	THE WITNESS: So it has four units
7 there any other employees or workers at the	7	BY MS. DOAN:
8 University of California, San Francisco in the	8	Q Okay.
9 Office of Technology Management?	9	A Office of Technology Management. So
O A So it's undergoing a big reorganization 9:50:26AM	10	there is the licensing group that's Office of 9:52:04AM
right now, so I there is Office of Technology	11	Technology Management, then there is an industry
2 Management, which used to be Office of Technology	12	contracts group.
Management, is part of a bigger office now, which is	13	Q And what were they previously, the
4 called Office of Innovation, Alliances, and	14	industry contracts group?
5 Technology. 9:50:38AM	15	A They were industry contracts division 9:52:16AM
6 Q Okay.	16	Q Okay.
7 Tell me that again, the Office of	17	A of the Office of Sponsored Research.
8 Innovation	18	•
		Q All right.
A Alliances and Technology. ITA.	19	A So this ITA was created to have one
Q Okay. 9:51:01AM	20	industry portal at UCSF, so most of the units that 9:52:29A
Is the Office of Innovation, Alliances,	21	interact with the industry are now part of this ITA
2 and Technology?	22	office.
3 A Yes.	23	So there is licensing group, which was
4 Q And it goes by ITA?	24	OTM, and there is industry contracts group and then
5 A Yes. 9:51:08AM	25	there is the Center of BioEntrepreneurship, CBE 9:52:41.
Page 34		Page 36
Q If I refer to ITA, will you understand 9:51:08AM		Q Center of BioEntrepreneurship? 9:52:50AM
2 that I'm talking about the Innovation, Alliances and	2	A Yes.
Technology Department at the University of	3	Q Okay.
4 California, San Francisco?	4	MS. KLEIN: I'm going to object to this
5 A Yes. 9:51:16AM	5	line of questioning as beyond the 30(b)(6). 9:52:54AM
Q And how large is that office?	6	THE WITNESS: which provides education
7 (Whereupon, Sasha Rao with	7	to UCSF faculty and students.
8 Ropes & Gray entered the	8	DV MC DOAN.
		BY MS. DOAN:
9 conference room.)	9	Q Okay.
conference room.) THE WITNESS: I'm sorry, can I correct 9:51:24AM		
	9	Q Okay.
THE WITNESS: I'm sorry, can I correct 9:51:24AM	9 10	Q Okay. Is it the Office of Business and 9:53:15AM
THE WITNESS: I'm sorry, can I correct 9:51:24AM that? Might be Technology and Alliances. Just ITA.	9 10 11	Q Okay. Is it the Office of Business and 9:53:15AM Entrepreneurship?
THE WITNESS: I'm sorry, can I correct 9:51:24AM that? Might be Technology and Alliances. Just ITA. BY MS. DOAN:	9 10 11 12	Q Okay. Is it the Office of Business and 9:53:15AM Entrepreneurship? MS. KLEIN: Objection to form; beyond the
THE WITNESS: I'm sorry, can I correct 9:51:24AM that? Might be Technology and Alliances. Just ITA. BY MS. DOAN: Q The Office of Innovation, Technology and	9 10 11 12 13	Q Okay. Is it the Office of Business and 9:53:15AM Entrepreneurship? MS. KLEIN: Objection to form; beyond the 30(b)(6). MS. DOAN: Actually, I believe it goes to
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THE WITNESS: I'm sorry, can I correct 9:51:24AM that? Might be Technology and Alliances. Just ITA. BY MS. DOAN: Q The Office of Innovation, Technology and Alliance? A Some yes. It just formed a few months 9:51:33AM ago, so	9 10 11 12 13 14	Q Okay. Is it the Office of Business and 9:53:15AM Entrepreneurship? MS. KLEIN: Objection to form; beyond the 30(b)(6). MS. DOAN: Actually, I believe it goes to Supplemental Topic Number 4, Counsel. 9:53:26AM
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THE WITNESS: I'm sorry, can I correct 9:51:24AM that? Might be Technology and Alliances. Just ITA. BY MS. DOAN: Q The Office of Innovation, Technology and Alliance? A Some yes. It just formed a few months 9:51:33AM ago, so Q Is the Office of Innovation, Technology and Alliance larger than the Office of Technology Management for the University of California, San Francisco? 9:51:49AM	9 10 11 12 13 14 15 16 17 18 19	Q Okay. Is it the Office of Business and 9:53:15AM Entrepreneurship? MS. KLEIN: Objection to form; beyond the 30(b)(6). MS. DOAN: Actually, I believe it goes to Supplemental Topic Number 4, Counsel. 9:53:26AM BY MS. DOAN: Q So I want to make sure that I've got this right. With respect to the new ITA office at the University of California, San Francisco, it's made 9:53:34
THE WITNESS: I'm sorry, can I correct 9:51:24AM that? Might be Technology and Alliances. Just ITA. BY MS. DOAN: Q The Office of Innovation, Technology and Alliance? A Some yes. It just formed a few months 9:51:33AM ago, so Q Is the Office of Innovation, Technology and Alliance larger than the Office of Technology Management for the University of California, San Francisco? 9:51:49AM A Yes.	9 10 11 12 13 14 15 16 17 18 19 20 21	Q Okay. Is it the Office of Business and 9:53:15AM Entrepreneurship? MS. KLEIN: Objection to form; beyond the 30(b)(6). MS. DOAN: Actually, I believe it goes to Supplemental Topic Number 4, Counsel. 9:53:26AM BY MS. DOAN: Q So I want to make sure that I've got this right. With respect to the new ITA office at the University of California, San Francisco, it's made 9:53:34. up of basically four departments: One is the former
THE WITNESS: I'm sorry, can I correct 9:51:24AM that? Might be Technology and Alliances. Just ITA. BY MS. DOAN: Q The Office of Innovation, Technology and Alliance? A Some yes. It just formed a few months 9:51:33AM ago, so Q Is the Office of Innovation, Technology and Alliance larger than the Office of Technology Management for the University of California, San Francisco? 9:51:49AM A Yes. MS. KLEIN: Objection; form.	9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q Okay. Is it the Office of Business and 9:53:15AM Entrepreneurship? MS. KLEIN: Objection to form; beyond the 30(b)(6). MS. DOAN: Actually, I believe it goes to Supplemental Topic Number 4, Counsel. 9:53:26AM BY MS. DOAN: Q So I want to make sure that I've got this right. With respect to the new ITA office at the University of California, San Francisco, it's made 9:53:34 up of basically four departments: One is the former Office of Technology Management, the second is the
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1	MS VI EIN. I'm gains to shingt to the O.52.51.11	-1	University of California systems 9 0.55,13,13
1	MS. KLEIN: I'm going to object to the 9:53:51AM	1	University of California system? 9:55:12AM
	rm of the question. I'm going to object as beyond	2	A Yes.
	e scope of the 30(b)(6). Supplemental Topic	3	Q So, for example, somebody would have your
	imber 4 does not relate to this. YMS, DOAN: 9:53:57AM	4	role at another University of California campus; is
		5	that fair? 9:55:22AM
6	Q Is that right?	6 7	MS. KLEIN: Objection; form.
7	A That sums it up. The names are still		THE WITNESS: Yes.
	der consideration, so It's a brand-new office.	8	BY MS. DOAN:
9		9	Q Do you know how many other campuses there
10	Q And how many people are, roughly, in this 9:54:03A		are with the University of California? 9:55:27AM
11 off	MC KI FINE Come abjections	11 12	A Including San Francisco, ten campuses,
	MS. KLEIN: Same objections.		three national labs.
13	THE WITNESS: I'd have to count.	13	Q Is there something equivalent to a
	Y MS. DOAN:	14	licensing department in each of the University of
15	Q More than 10? 9:54:10AM	15	California campuses that you know of? 9:55:52Al
16	A Yes.	16	MS. KLEIN: Objection; form of the
17	MS. KLEIN: Same objections.	17	question, beyond the scope of the 30(b)(6).
	Y MS. DOAN:	18	BY MS. DOAN:
19	Q More than 50? MS VI EIN: Some objections 0:54:14AM	19	Q You can answer.
20	MS. KLEIN: Same objections. 9:54:14AM	20	A Most of the campuses have it. I'm not 9:56:02AM
21	THE WITNESS: Probably not more than 50.	21 22	sure about Merced, UC Merced.
	Y MS. DOAN:		Q Do you know who Joel Kirschbaum reports
23	Q Okay.	23	to?
24	A I'll have to count. It's going to take me	24	A At this point, Erik Lium.
25 av	while. I'm not that 9:54:24AM Page 38	25	Q Can you spell Lium for me? 9:56:16AM Page 40
1	So there is because I'll have to count 9:54:27AM	1	A E-R-I-K, Erik, Lium, L-I-U-M 9:56:18AM
2 all	the staff that we have, administrative people	2	Q And who is Erik Lium?
	at we have. So I'm going to ballpark and guess at	3	A He's the assistant vice chancellor for
4 arc	ound 30.	4	research at San Francisco campus
5	MS. KLEIN: Don't speculate, Dr. Rajdev. 9:54:36AM	5	Q Dr. Rajdev, what is your role currently as 9:56:49AM
6 Do	on't speculate.	6	a senior licensing officer?
7 BY	Y MS. DOAN:	7	A I manage the technologies developed by
8	Q Does the	8	UCSF faculty, staff, and students
9	Are there different	9	Q What does that mean to the everyday
10	Do you know for the 9:54:44AM	10	person? So if you were telling your grandmother 9:57:12A
11	With respect to the setups of the	11	what you do for a living, what would you say?
12 lic	ensing departments of the University of	12	MS KLEIN: Objection; form
	alifornia system, do you know whether the	13	THE WITNESS: So if a UCSF faculty or
	niversity of California, San Francisco manages the	14	student comes up with a useful invention or a
	enses for all of the Regents of the University of 9:54:56AN	1 15	material that can be useful for other people, then 9:57:24AM
	alifornia?	16	we would handle the transfer of that technology
17	MS. KLEIN: I'm going to object; beyond	17	from on behalf of UCSF to either other
18 the	e scope of the 30(b)(6).	18	universities or other commercial organizations So
19	You may answer in your individual	19	we're there to facilitate and promote the transfer
20 ca ₁	pacity. 9:55:03AM	20	of technology from UCSF 9:57:40AM
21	THE WITNESS: No.	21	BY MS DOAN:
	Y MS. DOAN:	22	Q So you handle the transfer of technology
23	Q Okay.	23	from UCSF; do I have that right?
24	So there are other licensing departments	24	A Yes
25 at	other universities of other campuses of the 9:55:08AN	1 25	MS KLEIN: Objection; form 9:57:51AM
	Page 39		Page 41

1	BY MS, DOAN: 9:57:52AM	1	O And that's only one phone conversation? 9:59:18AM
2		2	Q And that's only one phone conversation? 9:59:18AM A As far as I recall
3	Q Okay. So UCSF is going to pass that technology	3	Q So the only time that you have directly
4	to another university or to another institution or	4	interacted with the Patent and Trademark Office is
5	•		this one phone conversation that you had that you 9:59:28A
6	, ,	6	
7	fair?	7	listened to, but you actually weren't a participant
	MS. KLEIN: Objection; form.		in; do I have that correct?
8	THE WITNESS: Please restate that	8	A Yes
9	question.	9	MS KLEIN: Objection; form
10	BY MS. DOAN: 9:58:03AM	10	If you could let me lodge my objection 9:59:37AM
11	Q Sure.	11	Objection; form
12	Do you handle the process of passing the	12	BY MS DOAN:
13	technology from the UCSF faculty and students?	13	Q Is that correct?
14	A Yes.	14	A Yes
15	Q From the University to another 9:58:11AM	15	Q Have you 9:59:51AM
16	institution	16	Have you individually ever attained
17	MS. KLEIN: Objection; form.	17	ever obtained any type of licenses? Have you ever
18	BY MS. DOAN:	18	licensed any type of technology?
19	Q or company?	19	MS KLEIN: Objection; form
20	A Yes. 9:58:16AM	20	THE WITNESS: By buying some I don't 10:00:02AM
21	Q Do you also work with licensing the	21	know I might have signed some end user license
22	technology on behalf of the University of	22	agreements, but I've not actively licensed anything
23	California?	23	BY MS DOAN:
24	A Yes.	24	Q Have you ever licensed anything from the
25	Q Do you have any patents? 9:58:30AM Page 42	25	University of California system, any of the 10:00:13AM Page 44
1	A I do not. 9:58:32AM	1	campuses? 10:00:14AM
2	Q Have you ever applied for any patents?	2	MS. KLEIN: Objection; form.
3	A No.	3	THE WITNESS: No, unless you call material
4	Q Have you ever spoken to anybody at the	4	transfer agreement a license. Because sometimes we
5	Patent and Trademark Office? 9:58:37AM	5	transfer materials to other campuses under a 10:00:21AM
6	A Directly, no.	6	material transfer agreement, which is sort of a
7	Q When you say, "Directly, no," have you	7	license.
8	spoken to them indirectly somehow?	8	BY MS. DOAN:
9	A I participated in a couple of phone	9	Q Okay.
10	conferences with the outside counsel. 9:58:48AM	10	And have you done that personally or are 10:00:29AN
11	Q Let me make sure I've got that right.	11	you talking about in your role in your job?
12	When you're participating with phone	12	A No, in my role in my job. Sorry.
13	conferences with outside counsel, is somebody from	13	Personally, I have not done anything.
14	the Patent and Trademark Office on the phone calls	14	Q Have you signed an assignment of
15	or you're just talking to your counsel about a 9:59:00AN		technology with respect to the University of 10:00:45AM
16	situation?	16	California system?
17	A No, I participated in one where the our	17	MS. KLEIN: Objection; form.
18	· • •	18	•
	counsel was having a phone conference with the		THE WITNESS: Are you referring to the
19	examiner.	19	patent acknowledgement form?
20	Q Okay. 9:59:09AM	20	BY MS. DOAN: 10:00:54AM
21	And you were	21	Q Is that what you call it there, the patent
22	You listened in on that conversation, but	22	acknowledgement form, that if you develop any type
23	you didn't speak during that conversation; do I have	23	of technologies or inventions while you're an
24	that right?	24	employee of the University of California, that you
25	A Yes. 9:59:17AM Page 43	25	agree to assign those to the University of 10:01:01AM Page 45

1 (California? 10:01:03AM	1	her deposition, which has been our agreement 10:02:46AM
2	A Yes, I have.	2	throughout this entire case, which we have complied
3	Q Okay.	3	with with respect to Eolas
4	And you call that the what there?	4	MS KLEIN: I believe that we have done a
5	A Patent acknowledgement form. 10:01:06AM	5	substantial search There was a deposition 10:02:54AM
6	Q Is it the practice of the University of	6	yesterday about the search that we have done and we
	· · · · · · · · · · · · · · · · · · ·	7	have responded fully and completely to your document
	California for all of their faculty members to sign a patent acknowledgement form?	8	
9	A Yes.	9	requests BY MS DOAN:
10	Q Okay. 10:01:21AM	10	Q Dr. Rajdev, do you know if your patent 10:03:00AM
11	Is that one of the things that the former	11	acknowledgement form has been produced in this
	Office of Technology Management handles on behalf of	12	litigation, either one of them, either one or if you
	the University?	13	signed two or three of them?
14	A No.	14	MS KLEIN: Objection; form
15	Q What what department handles that? 10:01:32A		THE WITNESS: I do not know 10:03:10AM
16	MS. KLEIN: Objection; form.	16	BY MS DOAN:
17	THE WITNESS: I would think the individual	17	Q Okay.
18 d	departments who do the hiring.	18	Is it the practice of the University of
19 E	BY MS. DOAN:	19	California to require anyone other than a faculty
20	Q Okay. 10:01:43AM	20	member to sign a patent acknowledgement form? 10:03:22A
21	When did you sign the patent	21	MS KLEIN: Objection; form Object;
22 a	acknowledgement form?	22	beyond the scope of the 30(b)(6) deposition
23	A I believe I signed one initially when I	23	THE WITNESS: All employees are expected
24 j	oined as a postdoctoral fellow	24	to sign a patent acknowledgement form
25	Q Okay. 10:02:05AM	25	
	Page 46		Page 48
1	A and then probably again when I rejoined 10:02:05AM	1	BY MS DOAN: 10:03:36AM
	as a licensing officer. I signed many forms, so	2	Q And with res
3	MS. DOAN: Counsel, do you know if either	3	And does your office deal with the wording
	one of these forms have been produced in this	4	of the patent acknowledgement form?
	itigation, the patent acknowledgement form that 10:02:16AM	5	MS KLEIN: Objection; form 10:03:53AM
	Dr. Rajdev has signed?	6	THE WITNESS: No
7	MS. KLEIN: I don't believe you are	7	BY MS DOAN:
	deposing me, Counsel.	8	Q Do you know which office on behalf of the
9	MS. DOAN: We're just asking if they have	9	-
	, , ,		University of California system deals with the wording in the particular patent acknowledgement 10:03:58A
	already been produced or not. Could you give us 10:02:25AM		s
	would you agree to give us the Bates stamp number,	11	form?
	as your other counsel we've done for your other	12	MS KLEIN: Objection; form Object;
	counsel throughout this entire litigation?	13	beyond the scope of the 30(b)(6) deposition
14	MS. KLEIN: If they have been produced, we	14	BY MS DOAN:
	can give you the Bates stamp number. 10:02:33AM	15	Q You can answer. 10:04:06AM
16	MS. DOAN: Excellent. And if they have	16	A Office of General Counsel
	not been produced, of course, we would request a	17	Q Okay.
	copy.	18	Do you know if anyone other than the
19 E	BY MS. DOAN:	19	employees of the University of California system are
20	Q Dr. Rajdev 10:02:38AM	20	required to sign a patent acknowledgement form 10:04:21A
21	MS. KLEIN: If they have been requested,	21	MS KLEIN: Objection; form
22 c	of course, we would produce them.	22	BY MS DOAN:
23	MS. DOAN: I think anything that's	23	Q with the University of California?
24 r	relevant to this litigation, including this	24	A Work-for-hire people or visiting fellows
25 d	deponent, should have been produced a week before 10:02:44A	M 25	or scientists 10:04:36AM
	Page 47		Page 49

1 O V	What about students? Are any students 1	0.04.47 A M	1	research, where we have obligations to third parties, 10:06:02 AM
	•	0:04:47AM	1	research, where we have obligations to third parties 10:06:03AM
-	d to sign some type of patent acknowledgemen	nt	2	for the work that they might create
3 form?	C WIEDL OL: C OL:			BY MS DOAN:
	S KLEIN: Objection; form Object;		4	Q Okay. So make sure I've got this right.
•	the scope of the 30(b)(6) 10:04:54.	AM	5	With respect to undergraduate students, 10:06:18AM
	DOAN:		6	your understanding is those students don't have
_	You can answer.		7	to are not required to sign a patent
	S KLEIN: If you know		8	acknowledgement form.
	HE WITNESS: If they are involved in		9	Do I have that right?
10 sponsor-	funded research or if they are using 10:04	4:58AM	10	A As far as I know 10:06:25AM
11 Universi	ity resources So I would expect graduate		11	Q Okay.
12 students	to sign, because they usually are getting		12	And with respect to any graduate students
13 paid thro	ough the fellowships		13	that may be conducting sponsor-funded research, are
14 BY MS	DOAN:		14	you positive they have to sign a patent
15 Q I	Oo you know when that practice came into	10:05:09AM	15	acknowledgement form or you just don't know? 10:06:37
16 being w	ith the University of California?		16	MS KLEIN: Objection
17 M	S KLEIN: Object; beyond the scope of		17	THE WITNESS: I
18 the 30(b)(6)		18	MS KLEIN: form
19 TI	HE WITNESS: No, I do not		19	THE WITNESS: don't know
20 BY MS	DOAN: 10:05:16AM	1	20	BY MS DOAN: 10:06:41AM
21 O	Okay.		21	Q Okay. I think you-all were talking over
_	nd I'm asking you specifically		22	each other and just make sure we've got a good
	know your counsel is objecting. If you		23	record. I apologize for that. Let me restate the
	now the answer to a question, you can tell me		24	question.
	• • • • • • • • • • • • • • • • • • • •):05:23AM	25	With respect to sponsored funding 10:06:51AM
Jou don		ge 50	20	Page 52
1 A (Okay. 10:05:25AM		1	sorry. 10:06:52AM
	All right.		2	With respect to graduate students that may
	.nd but if you know the answer, I need		3	be conducting sponsor-funded research, are you
	give me the answer.		4	positive they have to sign a patent acknowledgement
	s that okay? 10:05:29AM	í	5	form or you just don't know? 10:07:00AM
	· ·		6	MS KLEIN: Object to the form of the
	Okay.		7	
	IS. KLEIN: Objection; form.			question
	. DOAN:		8	THE WITNESS: I'm not positive
_	Okay.		9	BY MS DOAN:
	•	0:05:31AM	10	Q Thank you. 10:07:06AM
	sity of California are required to sign a		11	You just don't know; is that fair?
-	acknowledgement form when they are a stu	ıdent	12	MS KLEIN: Objection; form
13 here?			13	THE WITNESS: Yes
	IS. KLEIN: Objection to form. Object;		14	BY MS DOAN:
15 beyond	the scope of the 30(b)(6). 10:05:	:38AM	15	Q Do you know of any undergraduate student 10:07:16AN
16 T	HE WITNESS: I do not know.		16	that's ever had to sign a patent acknowledgement
	. DOAN:		17	form with respect to the University of California?
			18	A No
17 BY MS	Fair to state that most of the students at	I .	19	Q Do you know of any graduate student that's
17 BY MS 18 Q	Fair to state that most of the students at versity of California actually pay to attend			
17 BY MS 18 Q 1 19 the Uni	versity of California actually pay to attend)5:51AM	20	ever had to sign a patent acknowledgement form with 10:07:29
17 BY MS 18 Q 1 19 the Uni 20 the Uni	versity of California actually pay to attend			ever had to sign a patent acknowledgement form with 10:07:29 respect to the University of California?
17 BY MS 18 Q 1 19 the Uni 20 the Uni 21 M	versity of California actually pay to attend versity of California, right? 10:0 IS. KLEIN: Objection; form. Object;		20	ever had to sign a patent acknowledgement form with 10:07:29 respect to the University of California? A Yes
17 BY MS 18 Q 1 19 the Uni 20 the Uni 21 M 22 beyond	versity of California actually pay to attend versity of California, right? 10:0 1S. KLEIN: Objection; form. Object; the scope of the 30(b)(6).		20 21	respect to the University of California?
17 BY MS 18 Q 1 19 the Uni 20 the Uni 21 M 22 beyond 23 T	versity of California actually pay to attend versity of California, right? 10:0 IS. KLEIN: Objection; form. Object; the scope of the 30(b)(6). HE WITNESS: So I do not think that		20 21 22	respect to the University of California? A Yes Q Who?
17 BY MS 18 Q 1 19 the Uni 20 the Uni 21 M 22 beyond 23 T 24 undergr	versity of California actually pay to attend versity of California, right? 10:0 1S. KLEIN: Objection; form. Object; the scope of the 30(b)(6). HE WITNESS: So I do not think that aduate students are required to sign. It's		20 21 22 23	respect to the University of California? A Yes

1	THE WITNESS: I don't recall the name I 10:07:40AM	1	BY MS DOAN: 10:09:13AM
2	have had a few cases in the office I know there	2	Q Okay.
3	are some graduate students who are coinventors on	3	So with respect to the questions I asked
4	some of the patents that we manage, but I can't	4	about a patent assignment form or patent
5	recall the names 10:07:51AM	5	acknowledgement form, that would be the same thing 10:09:17A
6	BY MS DOAN:	6	as you just mentioned about the invention assignment
7	Q And I want to make sure I understand the	7	form?
8	basis of your of your testimony here.	8	A There are two forms There is a patent
9	You know that there are some graduate	9	acknowledgement form that's signed at the time of
10	students that are coinventors on some patents that 10:07:59A	M 10	the employment, under which you agree to assign your 10:09:29AM
11	are owned by the University of California.	11	rights and inventions to the Regents of the
12	Do I have that right?	12	University of California
13	A Yes	13	Q Okay.
14	Q Do you know for sure under oath that those	14	A Then there is a technology disclosure
15	graduate students had to sign a patent 10:08:08AM	15	form, which you fill out when you made an invention 10:09:39AM
16	acknowledgement form, or could it be that they just	16	and you disclose that invention to the Office of
17	went ahead and signed those inventions over to the	17	Technology Management, in which you say, "I assign
18	University of California?	18	my rights to the Regents of the University of
19	MS KLEIN: Objection; form	19	California "
20	THE WITNESS: I do not know if they 10:08:20AM	20	Q Okay. Thank you for the clarification. I 10:09:49AM
21	actually signed the patent acknowledgement form or	21	think that helped me out.
22	not	22	And the first one is called the patent
23	BY MS DOAN:	23	acknowledgement form?
24	Q Okay. So let me rephrase my question	24 25	A Yes
25	again with respect to the other ones. 10:08:27AM Page 54	25	Q The other one is called the invention 10:10:01AM Page 56
1	Do you know of any graduate student that's 10:08:29A	M 1	technology form? 10:10:04AM
2	ever had to sign a patent acknowledgement form on	2	A Technology disclosure form
3	behalf of the University of California?	3	Q The patent acknowledgement form is a form
4	MS. KLEIN: Objection; form.	4	that an employee signs when they come to work for
5	THE WITNESS: I do not know. 10:08:38AM	5	the University of California that they agree to turn 10:10:22A
6	BY MS. DOAN:	6	over any inventions or anything like that to the
7		7	
	Q Okay. Thank you.		University; is that right?
8	A Sorry, I was referring to the invention	8	MS KLEIN: Objection; form
9	assignment form.	9	THE WITNESS: Yes
10	Q Yeah, that's fine. 10:08:43AM	10	BY MS DOAN: 10:10:29AM
11	Do you know of any undergraduate student	11	Q And the difference between that form and
12	that's ever had to sign the invention assignment	12	the invention technology disclosure form is under
13	form?	13	the invention technology disclosure form, an
14	MS. KLEIN: Objection; form, asked and	14	employee just lists the different technologies that
15	answered several times. 10:08:56AM	15	they have developed while they are at the 10:10:39AM
16	THE WITNESS: No. UCSF does not have any	16	University?
17	undergraduate students.	17	A Yes
18	BY MS. DOAN:	18	Q So now that we understand the
19	Q Okay.	19	difference or I understand the difference between
20	So is the invention assignment form the 10:09:03AM	20	the two forms, is there anything that you want to 10:10:47A
21	same thing as a patent assignment form? Are we	21	change about the prior testimony that you gave me?
22	talking about the same thing?	22	MS KLEIN: Objection; form
23	MS. KLEIN: Objection; form.	23	THE WITNESS: Not that I can think of
24	THE WITNESS: Yes.	24	right now
25		25	
-	Page 55	-	Page 57
	1490 00	I	iage or

1	BY MS DOAN: 10:10:57AM	1	A The topics listed on page 2 "Decente! 10:12:22 AM
2	Q Okay.	1 2	A The topics listed on page 3, "Regents' 10:13:23AM licensing practices."
	- "	3	
3	Now, Dr. Rajdev, you understand that you		Q Okay.
4	have been designated on behalf of the University of	4	Topic Number 1?
5	California system, the Regents of the University of 10:11:10AM		A Yes. 10:13:29AM
6	California system, to testify today with respect to	6	Topic Number 2.
7	certain topics? Do you understand that?	7	Q Okay.
8	A Yes	8	A I don't remember exactly which other
9	Q Okay.	9	topics.
10	And you understand that you there is a 10:11:19AM	10	Q It's not a memory test. 10:13:57AM
11	notice outstanding for your deposition? Do you	11	A Okay.
12	understand that?	12	Q I'm just trying to make sure that we're
13	A Yes	13	okay on this.
14	MS KLEIN: Objection; form	14	You're prepared to testify today on behalf
15	I'm sorry, Jennifer, I never received a 10:11:29AM	15	of Topics Number 1 and 2; is that fair? 10:14:01A
16	notice for Dr Rajdev's deposition personally	16	A Yes.
17	MS DOAN: I'll be happy to give you a	17	Q Now, your counsel has also advised us that
18	copy I think it was served on you in April	18	you're appearing today on behalf of Topics Numbers
19	(Defendants' Exhibit 1 marked	19	3, 4, and 5.
20	for identification) 10:11:46AM	20	Is that your understanding, as well? 10:14:11AM
21	BY MS DOAN:	21	A Yes.
22	Q Dr. Rajdev, have you seen a copy of this	22	Q And you're familiar with those topics to
23	document?	23	speak on behalf of the Regents of the entire
24	A I don't believe I've seen exactly the same	24	University of California system; is that correct?
25	one, but I have seen something that had topics like 10:12:30AM	25	A Yes. 10:14:27AM
	Page 58		Page 60
1	this. 10:12:32AM	1	Q You seem to hesitate. 10:14:33AM
2	Q Okay.	2	Is there somebody else that you think will
3	And what I've marked as Exhibit Number 1	3	have more knowledge about Topics 3, 4, and 5 on
4	is a document marked the Defendants' Notice of	4	behalf of the University of California system other
5	Subpoena to the Regents of the University of 10:12:38AM		than you? 10:14:41AM
6	California, and it looked like it was served for a	6	A I have reviewed the files, so I could
7	deposition originally scheduled for May 18th, 2011.	7	address those
8		8	Q Okay.
9	Do you see that? A Yes.	9	And it's also our understanding that
		10	G
10	Q And do you see there are certain topics 10:12:51AM		you're speaking on behalf of Topics 9, 10, 11, 12, 10:14:49AM
11	that are attached to Exhibit Number 1?	11	and 13.
12	A Are you at Exhibit A?	12	Is that also your understanding?
13	Q Yes, ma'am.	13	A Yes
14	A Yes.	14	Q And are you the person with the most
15	Q And it looks like they start on page 3 of 10:13:08AM	15	knowledge on behalf of the University of California 10:15:16A
16	Exhibit Number 1.	16	system to speak on behalf of Topics 9, 10, 11, 12,
17	Do you see that?	17	and 13?
18	A Yes.	18	A To the extent they relate to UCSF
19	Q And do you have an understanding of what	19	Q I don't believe that's the the that
20	topics that you're speaking on behalf of the 10:13:13AM	20	that's the limit on this deposition. 10:15:33AM
21	Univer the Regents of the University of	21	A Can I speak to counsel?
22	California here today?	22	Q Sure. So it's
23	A Yes.	23	Let me make sure I got your answer right
24	Q Okay.	24	or make sure I understand your answer.
25	What topics are they, please, ma'am? 10:13:19AM	25	It's your testimony that you think you're 10:15:49AM

1	the best person to speak on these Topics 9, 10, 11, 10:15:51AM	1	Counsel? 10:17:13AM
2	12, and 13 for the University of California,	2	MS. DOAN: Sure. Let's go off the record.
3	San Francisco campus; is that correct?	3	THE VIDEOGRAPHER: Going off the record at
4	A Yes.	4	10:17.
5	Q All right. 10:16:03AM	5	(Recess taken.) 10:17:17AM
6	But you may not be on behalf of the	6	THE VIDEOGRAPHER: On the record at 10:40.
7	Regents for the Univ whole entire University of	7	BY MS. DOAN:
8	California system; is that what you're telling me?	8	Q Dr. Rajdev, do you understand we're
9	MS. KLEIN: Object to the form of the	9	resuming your deposition after a brief break?
10	question. Counsel, she answered your question. She 10:16:10AM	10	A Yes. 10:40:18AM
11	would like to confer with counsel before she answers	11	Q You understand, of course, you're still
12	the question.	12	under oath?
13	THE WITNESS: I would like to talk to	13	A Yes.
14	counsel.	14	Q Okay.
15	MS. DOAN: Okay. Let me just finish this 10:16:17AM	15	And you know you've been designated on 10:40:21A
16	line of questioning, then you-all can go off and	16	behalf of the Regents of the University of
17	we'll take a break.	17	California to speak on certain topics that we have
18	MS. KLEIN: Actually, let's take a break	18	noticed the University here for today, right?
19	now. She answered your question, so	19	A Yes.
20	MS. DOAN: I don't believe she answered my 10:16:25AM	20	Q Okay. 10:40:31AM
	- I	21	- •
21	question.		So you understand when you give an answer,
22	MS. KLEIN: She did answer your question.	22	that you're speaking on behalf of the entire
23	She answered it both times.	23	University of California system? Do you understand
24	MS. DOAN: I asked her if she was the	24	that?
25	person with the most knowledge on behalf of the 10:16:30AM Page 62	25	A Yes. 10:40:38AM Page 64
1	Regents of the University of California system to 10:16:32AM	1	MS. KLEIN: Objection; form. 10:40:39AM
2	answer Topics 9, 10, 11, 12, and 13	2	BY MS. DOAN:
3	MS KLEIN: No, Counsel, that's not what	3	Q And you're not speaking on just behalf of
4	the record reflects She answered your question	4	the University of California, San Francisco campus.
5	MS DOAN: Well, let me ask this question, 10:16:40AM	5	Do you understand that? 10:40:43AM
6	Counsel I'm not I'm not engaging with you,	6	A Yes.
7	Counsel	7	Q So if at any time you don't know an answer
8	MS KLEIN: You just did	8	on behalf of the entire University of California
9	BY MS DOAN:	9	system, it's fine for you to tell me, "I don't
10	Q So, Dr. Rajdev, with respect to Topics 9, 10:16:45AM	10	know," okay? 10:40:50AM
11	10, 11, 12, and 13, are you the best person to speak	11	A Okay.
12	on those topics with respect to the Regents of the	12	Q I'd rather you say, "I don't know," and
13	entire University of California system?	13	
14	-	14	we'll get another witness, rather than guess at
	MS KLEIN: Object to the form BY MS DOAN: 10:16:55AM		something and be incorrect, okay? MS_VI_FIN_Objection to the form of the10:40:58AM.
15		15	MS. KLEIN: Objection to the form of the 10:40:58AM
16	Q You can answer.	16	question.
17	A I don't know	17	BY MS. DOAN:
18	Q Okay.	18	Q Is that all right?
19	And so I don't have to say a mouthful	19	A Yes.
20	going forward, if I say "UCSF," will you know I'm 10:17:04AM		Q And again, if you think that you know the 10:41:02A
21	talking about the University of California,	21	answer on behalf of the University of California,
22	San Francisco? Is that okay?	22	San Francisco, but you're not sure on behalf of the
23	A Yes	23	entire University of California system, that's okay
24	Q Okay.	24	with me, too. Just let me know for sure, "I can
25	MS KLEIN: Now may we take a break, 10:17:11AM	25	speak for the University of California, San 10:41:13AM Page 65

1	Francisco; I'm not sure on behalf of the entire 10:41:13AM	1	Q And you are qualified to speak on each of 10:43:17AM
2	University of California."	2	these topics on behalf of the entire University of
3	Is that okay?	3	California system; is that correct?
4	MS KLEIN: Objection; form and	4	A Yes
5	BY MS DOAN: 10:41:19AM	5	Q I'm now handing you what I've marked as 10:43:26AN
6	Q Is that okay?	6	Exhibit Number 2. It's Adobe Systems' Supplemental
7	A Yes	7	Notice of Deposition to the Regents of University of
8	MS KLEIN: Objection; form	8	California.
9	THE WITNESS: Yes	9	
			(Defendants' Exhibit 2 marked for identification.) 10:43:35AM
10		10	
11	Q So if you know the answer on behalf of the	11	BY MS DOAN:
12	UCSF, but you don't know for the entire University	12	Q Have you seen this document?
13	of California system, will you make sure that I know	13	A Not exactly this document, but some form
14	that for the record?	14	of it
15	MS KLEIN: Objection; form 10:41:30AM	15	Q Okay. 10:44:15AM
16	BY MS DOAN:	16	I'm assuming that you've seen the topics
17	Q Is that okay?	17	that are attached to this document; is that correct?
18	A Yes	18	A Yes
19	Q Okay.	19	Q And those topics, again, would be attached
20	Because we only get to speak to you today, 10:41:34AM	20	to Exhibit Number 2 as Exhibit A and begin on 10:44:26AN
21	since you're not coming to trial, and I want to make	21	page 3; is that correct?
22	sure that I don't misunderstand you and the answer	22	A Yes
23	reads for the entire University of California system	23	Q Do you have an understanding of what
24	when you are only speaking for UCSF.	24	topics that you have been designated to speak on on
25	Do you understand where I'm coming from? 10:41:47AI	1 25	behalf of the University of California with respect 10:44:39AM
	Page 66		Page 68
1	MS KLEIN: Objection; form 10:41:49AM	1	to Exhibit Number 2? 10:44:42AM
2	THE WITNESS: Yes	2	A Yes.
3	MS DOAN: Okay Thank you	3	Q And what are they?
4	(Discussion held off record)	4	
5	THE VIDEOGRAPHER: Off the record at 10:42:09AM	5	A 1 through 5. MS. KLEIN: I'm going to cut in here and 10:44:52AM
6	10:42	6	MS. KLEIN: I'm going to cut in here and 10:44:52AM it's subject to our objections. And this is not a
			3
7	(Recess taken)	7	memory test and we have provided you with the topics
8	THE VIDEOGRAPHER: On the record at 10:42	8	that Ms. Rajdev has been noticed
9	BY MS DOAN:	9	MS. DOAN: You can object, Counsel. It's
10	Q Dr. Rajdev, you understand we're back on 10:42:48AM		my time on the record and we've got a limited time 10:45:09AM
11	the record after a brief break?	11	today. If you want to object, that's absolutely
	A Yes	12	fine.
12		13	MS. KLEIN: That's true, you're
12 13	Q You understand, of course, you're still		
12	Q You understand, of course, you're still under oath?	14	BY MS. DOAN:
12 13			
12 13 14	under oath?	14	BY MS. DOAN:
12 13 14 15	under oath? A Yes 10:42:54AM	14 15	BY MS. DOAN: Q Dr. Rajdev, my understanding is that you 10:45:12AM
12 13 14 15 16	under oath? A Yes 10:42:54AM Q Are there any other topics in Exhibit	14 15 16	BY MS. DOAN: Q Dr. Rajdev, my understanding is that you 10:45:12AN have been designated on Topics 2, 4, and 5.
12 13 14 15 16 17	under oath? A Yes 10:42:54AM Q Are there any other topics in Exhibit Number 1 that you understand that the University of	14 15 16 17	BY MS. DOAN: Q Dr. Rajdev, my understanding is that you 10:45:12AN have been designated on Topics 2, 4, and 5. Does that sound right?
12 13 14 15 16 17	under oath? A Yes 10:42:54AM Q Are there any other topics in Exhibit Number 1 that you understand that the University of California has designated to for you to speak on	14 15 16 17 18	BY MS. DOAN: Q Dr. Rajdev, my understanding is that you 10:45:12AN have been designated on Topics 2, 4, and 5. Does that sound right? A I'm going to say yes. I
12 13 14 15 16 17 18	under oath? A Yes 10:42:54AM Q Are there any other topics in Exhibit Number 1 that you understand that the University of California has designated to for you to speak on here today?	14 15 16 17 18	BY MS. DOAN: Q Dr. Rajdev, my understanding is that you 10:45:12AN have been designated on Topics 2, 4, and 5. Does that sound right? A I'm going to say yes. I Q You don't know?
12 13 14 15 16 17 18 19 20	under oath? A Yes 10:42:54AM Q Are there any other topics in Exhibit Number 1 that you understand that the University of California has designated to for you to speak on here today? A Apart from what you mentioned? 10:43:04AM	14 15 16 17 18 19 20	BY MS. DOAN: Q Dr. Rajdev, my understanding is that you 10:45:12AN have been designated on Topics 2, 4, and 5. Does that sound right? A I'm going to say yes. I Q You don't know? A don't recall. 10:45:33AM
12 13 14 15 16 17 18 19 20 21	under oath? A Yes 10:42:54AM Q Are there any other topics in Exhibit Number 1 that you understand that the University of California has designated to for you to speak on here today? A Apart from what you mentioned? 10:43:04AM Q Yes, ma'am. A No	14 15 16 17 18 19 20 21	BY MS. DOAN: Q Dr. Rajdev, my understanding is that you 10:45:12AN have been designated on Topics 2, 4, and 5. Does that sound right? A I'm going to say yes. I Q You don't know? A don't recall. 10:45:33AM Q Is that okay. Is it fair to say that you have reviewed
12 13 14 15 16 17 18 19 20 21 22	under oath? A Yes 10:42:54AM Q Are there any other topics in Exhibit Number 1 that you understand that the University of California has designated to for you to speak on here today? A Apart from what you mentioned? 10:43:04AM Q Yes, ma'am. A No Q Other than Topics 1, 2, 3, 4, 5, 9, 10,	14 15 16 17 18 19 20 21 22	BY MS. DOAN: Q Dr. Rajdev, my understanding is that you 10:45:12AN have been designated on Topics 2, 4, and 5. Does that sound right? A I'm going to say yes. I Q You don't know? A don't recall. 10:45:33AM Q Is that okay. Is it fair to say that you have reviewed all the topics on Exhibit Number 2?
12 13 14 15 16 17 18 19 20 21 22 23	under oath? A Yes 10:42:54AM Q Are there any other topics in Exhibit Number 1 that you understand that the University of California has designated to for you to speak on here today? A Apart from what you mentioned? 10:43:04AM Q Yes, ma'am. A No	14 15 16 17 18 19 20 21 22 23	BY MS. DOAN: Q Dr. Rajdev, my understanding is that you 10:45:12AN have been designated on Topics 2, 4, and 5. Does that sound right? A I'm going to say yes. I Q You don't know? A don't recall. 10:45:33AM Q Is that okay. Is it fair to say that you have reviewed

1	And you're prepared to talk about at least 10:45:39AM	1	Q Okay. 10:47:17AM
2	Exhibits at least Supplemental Topics 2, 4, and	2	When was that, approximately?
3	5; is that correct?	3	A 2007.
4	A Yes	4	Q So what had you
5	Q Are you also familiar with Topics Number 1 10:45:53AM	I 5	When you say you had read the 10:47:30AM
6	and 3?	6	announcement, there has been several announcements
7	A I've looked at	7	that have been in the press over the decade.
8	MS KLEIN: Objection; form	8	Which announcement are you talking about?
9	THE WITNESS: the agreement, but I'm	9	A There was a press release upon the verdict
10	not familiar 10:46:00AM	10	and then the settlement. 10:47:44AM
11	BY MS DOAN:	11	Q Okay.
12	Q Okay.	12	A I remember reading something in press
13	You have looked at the agreement and	13	release about that
14	you're familiar; is that correct?	14	O Okav.
15	MS KLEIN: Objection; form 10:46:04AM	15	A but I don't recall the exact exact 10:47:50AM
16	THE WITNESS: I've looked at the	16	press release that I'm referring to.
17	agreement	17	Q Okay.
18	BY MS DOAN:	18	But in general, you remember reading a
19	Q Thank you.	19	press release about Eolas and Microsoft and the
20	Are there any other topics that you are 10:46:12AM	20	conclusion or the settlement of that litigation; is 10:48:06A
21	prepared to testify today here on behalf of the	21	that correct?
22	University of California?	22	A Yes.
23	A No	23	Q Okay.
24	Q When did you first learn of the	24	Is that the first time you ever heard of
25	'906 patent? 10:46:24AM	25	Eolas? 10:48:12AM
	Page 70		Page 72
1	A Of wheel 10.46.25 AM	1	A V 10.40.124M
1	A Of what? 10:46:25AM	1	A Yes. 10:48:12AM
2	Q The '906 patent.	2	Q And you think that was around early 2008?
3	A When I inherited the portfolio in early		MS. KLEIN: Objection; form.
4 5	2008	4 5	THE WITNESS: 2007.
	Q And do you know what 10:46:33AM	6	BY MS. DOAN: 10:48:21AM
6 7	When I refer to the '906 patent, you	7	Q 2007, 2008, does that sound about right?
8	understand that I'm talking about the '906 patent	8	MS. KLEIN: Objection; form. THE WITNESS: Yes.
	that's one of the patents at issue in this lawsuit?		BY MS. DOAN:
9	A Yes	9	
10	Q Do you also refer to it as the '906 patent 10:46:44AM	10	Q Before you read the press release 10:48:31AM
11	or do you have a different name?	11	regarding the announcement of the conclusion of the
12	A '906 patent is fine	12	Microsoft matter, had you ever met Michael Doyle?
13	Q Okay.	13	A No.
1 /	And that's the the patent with respect	14	Q When was the first time that you met
14	to embedded interactive technology that Michael 10:46:51AM		Michael Doyle? 10:48:43AM
15		16	A I think it was around April 2008.
15 16	Doyle is an inventor on? We're on the same page?		O. H
15 16 17	Doyle is an inventor on? We're on the same page? A Yes	17	Q Have you ever met David Martin, one of the
15 16 17 18	Doyle is an inventor on? We're on the same page? A Yes Q Okay.	17 18	other inventors on the patent?
15 16 17 18 19	Doyle is an inventor on? We're on the same page? A Yes Q Okay. When you inherited the portfolio, when was	17 18 19	other inventors on the patent? A No, I have not.
15 16 17 18 19 20	Doyle is an inventor on? We're on the same page? A Yes Q Okay. When you inherited the portfolio, when was that? 10:47:00AM	17 18 19 20	other inventors on the patent? A No, I have not. Q Have you ever spoken to David Martin, 10:48:57.
15 16 17 18 19 20 21	Doyle is an inventor on? We're on the same page? A Yes Q Okay. When you inherited the portfolio, when was that? 10:47:00AM A Early 2008	17 18 19 20 21	other inventors on the patent? A No, I have not. Q Have you ever spoken to David Martin, 10:48:57A David C. Martin, one of the other inventors on the
15 16 17 18 19 20 21 22	Doyle is an inventor on? We're on the same page? A Yes Q Okay. When you inherited the portfolio, when was that? 10:47:00AM A Early 2008 Q Had you ever heard of Eolas before early	17 18 19 20 21 22	other inventors on the patent? A No, I have not. Q Have you ever spoken to David Martin, 10:48:57A David C. Martin, one of the other inventors on the patent?
15 16 17 18 19 20 21 22 23	Doyle is an inventor on? We're on the same page? A Yes Q Okay. When you inherited the portfolio, when was that? 10:47:00AM A Early 2008 Q Had you ever heard of Eolas before early 2008?	17 18 19 20 21 22 23	other inventors on the patent? A No, I have not. Q Have you ever spoken to David Martin, 10:48:57A David C. Martin, one of the other inventors on the patent? A I've had one communication and I don't
15 16 17 18 19 20 21 22	Doyle is an inventor on? We're on the same page? A Yes Q Okay. When you inherited the portfolio, when was that? 10:47:00AM A Early 2008 Q Had you ever heard of Eolas before early	17 18 19 20 21 22	other inventors on the patent? A No, I have not. Q Have you ever spoken to David Martin, 10:48:57A David C. Martin, one of the other inventors on the patent?

1	With David C. Martin? 10:49:10AM	1	all. I'm only asking about your communications with 10:50:34A
2	A Yes.	2	David C. Martin.
3	Q What was that communication about?	3	Are we clear?
4	A It was during the process when we were	4	A Yes
5	doing the restated agreement. 10:49:17AM	5	Q Okay. All right. 10:50:39AM
6	Q Okay.	6	A I just wanted to update him on what we
7	And that would be the restated license	7	were doing and what was going on with the license
8	agreement between Eolas and the University of	8	agreement, which is our usual practice, to make sure
9	California; is that right?	9	the inventors know
10	A Yes. 10:49:30AM	10	Q Okay. 10:50:49AM
11	Q And during the negotiations for that, you	11	A And he just wanted to know if he
12	had a communication with David C. Martin?	12	knew explain to him what the restated agreement
13	A Yes.	13	was and if he was okay with that
14	Q You don't remember the substance of that	14	Q Okay.
15	conversation? 10:49:40AM	15	And did you send him a copy of the 10:50:58AM
16	A It was under the advisement of counsel.	16	original license agreement?
17	MS. KLEIN: If there was a lawyer	17	A I provided him a summary of it
18	participating in the call and it was at the	18	Q Okay.
19	direction of counsel, then	19	And he had requested that, correct?
20	THE WITNESS: It was at the direction of 10:49:51AN	1 20	A No I contacted him 10:51:05AM
21	counsel, but there was no counsel present at the	21	Q All right.
22	time.	22	You contacted him and he asked you for the
23	BY MS. DOAN:	23	original license agreement or a summary of it before
24	Q Okay.	24	he would give consent to this or acknowledge it; is
25	And the University of California is 10:49:56AM	25	that right? 10:51:16AM
23	Page 74	20	Page 76
	3		
1	negotiating with Eolas at this time for this 10:49:59AM	1	MS KLEIN: Objection; form 10:51:17AM
2	agreement; is that correct?	2	THE WITNESS: Something like that I
3	A Yes.	3	might have written an e-mail summarizing what we
4	Q You're not on the same side, you're	4	were doing
5	actually negotiating the agreement, right? 10:50:08AM	5	BY MS DOAN: 10:51:21AM
6	A I was negotiating it, yes.	6	Q Okay.
7	Q On behalf of the University of	7	And then you actually told him about the
8	California	8	original license agreement and what the restated
9	A Yes.	9	agreement said; is that correct?
10	Q right? 10:50:12AM	10	A Yes 10:51:28AM
11	You didn't represent Eolas during that	11	Q And then what did he say?
12	time period, correct?	12	A He said he was fine with it
13	A No.	13	Q Did you need David C. Martin's consent to
14	Q Okay.	14	proceed with the second restated license agreement?
15	Can you tell me about the conversation or 10:50:15AM	15	A I don't think we needed his consent; we 10:51:43AM
16	the communication you had with David C. Martin?	16	just want to make sure that our inventors know what
17	MS. KLEIN: And I'm going to object to the	17	is happening with their technologies
18	form of this question and allow the witness to	18	Q Right.
19	answer, subject to not waiving any privilege with	19	Other than this one communication with
20	respect to any other conversations. 10:50:24AM	20	David C. Martin, have you ever spoken with him or 10:51:53A
21	BY MS. DOAN:	21	written with him written him at any time?
22		22	A No
23	Q Okay.	23	
23	Just for the record, I want to make really	23	Q Do you know what relationship, if any, David C. Martin has with the University of
2.4		7.4	DAVID VA MALLIII HAS WILLI DIE UTIIVETSILV OI
24 25	clear I'm not asking about any communication you had with a University of California's counsel, okay, at 10:50:31A		California at this time? 10:52:06AM

1	A No. 10:52:07AM	1	'906 patent? 10:53:57AM	
2	Q Have you ever spoken with or written or	2	A After I inherited the portfolio, which was	
3	communicated in any way to the other inventor,		about maybe March or early April 2008.	
4	Cheong Ang?	4	Q When did you first learn of the '985	
5	A Exactly once for the similar situation 10:52:18AM	5	patent? 10:54:18AM	
6	that I had with David Martin.	6	A It issued when it issued. It was	
7	Q Okay.	7	issued when I had the portfolio, I think, in 2009.	
8	And did Cheong Ang also acknowledge or say	8	Q Okay.	
9	it was okay?	9	And do you know when it issued in 2009?	
10	A Yes. 10:52:28AM	10	A October 2009. Don't know the exact date. 10:54:26AM	
11	Q And they are not a party to either of	11	Q Have you read the '985 patent?	
12	these to the second restated license agreement	12	A I have not read. I know what it covers,	
13	with respect to Eolas and the University of	13	but I have not read it.	
14	California	14	Q Same thing with respect to the '906	
15	A No. 10:52:36AM	15	patent. Have you actually read that patent or do 10:54:44A	
16	Q are they?	16	you know what it covers?	
17	Neither David C. Martin or Cheong Ang are	17	A I've looked at it.	
18	a party to the second restated license agreement	18	Q Okay.	
19	between the University of California and Eolas,	19	Have you read it from cover to cover?	
20	correct? 10:52:45AM	20	A No. 10:54:51AM	
21	MS. KLEIN: Objection; form.	21	Q Have you read	
22	THE WITNESS: They are not.	22	I know you've looked at it. I'm assuming	
23	BY MS. DOAN:	23	that you know what it someone's explained to you	
24	Q Have you ever spoken to the technical	24	what this lawsuit's about, correct?	
25	expert, David M. Martin, in this case? 10:52:56AI	ит 25	A Yes. 10:55:03AM	
	Page 78		Page 80	
1	A Notabo incompany 10,52,01AM	1	0.01	
1	A Not the inventor? 10:53:01AM	1	Q Okay. 10:55:03AM	
2	Q There is two David Martins: One is	2	Other than that, have you ever read the	
3	David C. Martin and one is David M. Martin.	3	'906 patent?	
4	A I have not spoken to David M Martin	4 M =	A No.	
5	Q And you have not communicated with him in 10:53:08A		Q You mentioned that the '985 patent, when 10:55:18A	
6	any way? A No	6 7	it was issued, it came into your portfolio; is that	
7			correct?	
8	Q What about with respect to and there is	8	MS. KLEIN: Objection; form.	
9	several other people I'm going to ask you about.	9	THE WITNESS: It was a part of my	
10	I'm assuming you haven't talked to any of them, 10:53:14AN		portfolio. 10:55:26AM	
11	okay?	11	BY MS. DOAN:	
12	A Dr. Weinstein he is the damages	12	Q Okay.	
13	expert for Eolas in this case have you ever	13	When the patent issued; is	
14	spoken with him?	14	A Yes.	
15	A No 10:53:23AM	15	Q that correct? 10:55:30AM	
16	Q Has Dr	16	Before the patent issued, when it was	
17	Has anybody contacted you about any type	17	being applied for by the before the Patent and	
18	of strike that.	18	Trademark Office, were you involved with the	
19	Have you ever spoken with a Lawrence	19	prosecution of the '985 patent in any way?	
20	Goffney in this case? 10:53:38AM	20	MS. KLEIN: Objection; form. 10:55:43AM	
21	A No	21	THE WITNESS: I was copied on	
22	Q Have you ever spoken with John Bari in	22	correspondence and I had spoken to Charles Krueger,	
23	this case?	23	who is the attorney who was handling the patent	
	A NT.	24	prosportion	
24	A No	24	prosecution.	
24 25	Q When is the first time you read the 10:53:55AM Page 79	25	Page 81	

1	DV MC DOAN:	1	asking her since you're directing these questions 10.57.21 AM
1 2	BY MS. DOAN: 10:55:54AM	1 2	asking her since you're directing these questions 10:57:31AM
	Q Did you ever speak to anyone at the Patent	3	to "you," you're asking Ms. Rajdev in her personal
3	and Trademark Office with respect to the patent	4	capacity.
4	application which eventually became the '985 patent?		BY MS. DOAN:
5	A No. 10:56:03AM	5	Q When I say "you," I'm speaking on behalf 10:57:37A
6	Q Have you ever spoken with anybody at the	6	of the University of California with respect to the
7	patent office with respect to the '985 patent?	7	patents-in-suit.
8	A No.	8	Do you understand that, ma'am?
9	Q Have you ever spoken to anybody at the	9	A So you're asking me if anyone at the
10	patent office with respect to the application that 10:56:12AM		University of California looked at those documents? 10:57:48AN
11	became the '906 patent?	11	Q Do you know who at the University of
12	MS. KLEIN: Objection; form.	12	California looked at those documents?
13	THE WITNESS: No.	13	A I don't believe the case was in my
14	BY MS. DOAN:	14	portfolio at that time.
15	Q Were you involved in any either of the 10:56:19AM	15	Q Okay. 10:57:56AM
16	reexaminations of the '906 patent?	16	Was the '985 patent application in your
17	MS. KLEIN: Objection; form.	17	portfolio?
18	THE WITNESS: No.	18	A The '985 is the second
19	BY MS. DOAN:	19	Q Yes, ma'am.
20	Q Did you ever speak to anyone at the United 10:56:28A	M 20	A patent? 10:58:05AM
21	States Patent and Trademark Office with respect to	21	It issued after it had been transferred to
22	the first reexamination of the '906 patent?	22	me. It was transferred to me in 2008 and, if I
23	A No.	23	recall correctly, it issued in 2009. So it was
24	MS. KLEIN: Objection; form.	24	there for the last few months.
25	THE WITNESS: No. 10:56:39AM	25	Q Sure. 10:58:19AM
	Page 82		Page 84
1	BY MS, DOAN: 10:56:39AM	1	And while the '985 the application that 10:58:19AM
2	Q Thank you.	2	became the '985 patent and issued as as of that
3	Did you ever speak to anybody at the	3	was in your portfolio, did you review any of the
4	United States patent office with respect to the	4	pleadings or the filings or papers that were
5	second reexamination of the '906 patent? 10:56:45AM	5	submitted to the patent office before they were 10:58:33A
6	MS. KLEIN: Objection; form.	6	submitted to the patent office?
7	THE WITNESS: No.	7	MS. KLEIN: Objection; form.
8	BY MS. DOAN:	8	THE WITNESS: I might have. I was copied
			2
9	Q Did you ever review any of the pleadings	9	on the correspondence, so I might have.
10	that were or papers that were filed in the patent 10:56:55A		BY MS. DOAN: 10:58:40AM
11	office with respect to the prosecution of the '985	11	Q Okay.
12	patent before they were filed in the patent office?	12	And that's I'm trying to make sure I
13	A No.	13	understand. Did you read them before they went to
14	Q Did you review any of the pleadings or the	14	the patent office or were you copied on the
15	papers that were sent to the patent office in either 10:57:15A		correspondence? 10:58:46AM
16	the first reexamination or the second reexamination	16	MS. KLEIN: Objection; form.
17	of the '906 patent	17	THE WITNESS: I don't recall.
18	MS. KLEIN: Objection; form.	18	BY MS. DOAN:
19	THE WITNESS: No.	19	Q Okay.
20	BY MS. DOAN: 10:57:25AM	20	Is there anything about the questions that 10:58:53AM
	Q before they were sent to the patent	21	I just asked you that you want to change your answer
21	office?	22	for?
21 22	onice:		
	MS. KLEIN: Objection; form.	23	MS. KLEIN: Objection; form.
22		23 24	MS. KLEIN: Objection; form. BY MS. DOAN:
22 23	MS. KLEIN: Objection; form.		•

1	make sure.	10:59:00AM	1	patent; is that correct?	11:00:40AM
2	MS. KLEIN: Objectio	n; form.	2	A Yes	
3	THE WITNESS: No.	I'm just telling you	3	MS KLEIN: Objection; form	
4	the process, that usually when	n the attorney prepares	4	BY MS DOAN:	
5	the draft documents, they cop	by us. 10:59:04AM	5	Q Do you know how many claims	are included 11:00:42A
6	And depending on if I	need to give an	6	in the '906 patent?	
7	input, I would look at it and g	give an input. But if	7	A I do not	
8	we have a licensee and if I'm	totally trust my	8	Q Okay.	
9	outside counsel, then I would	be not spending time	9	Do you know how many claims	are in the
10	on reviewing the documents	that closely. 10:59:20AM	10	'985 patent?	11:00:50AM
11	BY MS. DOAN:		11	A No, I do not	
12	Q Sure.		12	Q Do you know what technologie	s are covered
13	And with respect to the	ne '985 patent that	13	by the '985 patent?	
14	was the application of wh	ich was in your	14	A It's the use of plug-ins	
15	portfolio, you don't recall h	aving any input in the 10:59:29A	M 15	Q Okay. 1	1:01:01AM
16	patent office with respect to	the prosecution of the	16	And what what about with res	spect to the
17	'985 patent; is that correct?		17	use of plug-ins?	
18	MS. KLEIN: Objectio	n	18	A I do not know the details It's the	use
19	THE WITNESS: That	's	19	of specific Ajax and plug-in, and I do no	t know the
20	MS. KLEIN: form.	10:59:37AM	20	specific details 1	1:01:11AM
21	THE WITNESS: co	rrect.	21	Q Can you tell me the difference	between
22	BY MS. DOAN:		22	strike that.	
23	Q Is that correct?		23	Tell me the difference between t	he
24	A Yes, that's		24	technology involved in the '906 patent	and the
25	MS. KLEIN: Objectio	n 10:59:40AM	25	'985 patent. 1	1:01:36AM
		Page 86			Page 88
1	THE WITNESS: co	orrect. 10:59:40AM	1	MS. KLEIN: Objection; form.	11:01:37AM
2	MS. KLEIN: form.	10.59.10/11/1	2	THE WITNESS: So '906 is the	
3	MS. DOAN: I'm sorry	Can you-all not	3	itself and then '985 is the use of plug-	•
4	speak over each other? I'm j	•	4	with that interactive platform in intera	-
5	make a good record since	10:59:44AM	5	applications. So you can use the plug	
6	MS. KLEIN: I'm sorry		6	that interactive applications.	11.01.0711
7	a good record, too. Please do		7	BY MS. DOAN:	
8	witness.	one oudger une	8	Q Okay.	
9	MS. DOAN: Could yo	ou wait until your	9	And when you say the '906 pa	tent is the
10	counsel if she's going to ol	•	10	platform itself, is that the Web plat	
11	question, if you can just paus		11	MS. KLEIN: Objection; form.	
12	Is that okay?		12	THE WITNESS: From what I	understand
13	MS. KLEIN: Objection	on: mischaracterization	13	BY MS. DOAN:	
14	of the record.	,	14	Q Okay.	
15	THE WITNESS: Yes.	that's correct. 10:59:57AM	15	Do you know if either the '90-	the 11:02:15AM
16	BY MS. DOAN:		16	claims that are	
17	Q Do you know what t	echnology is claimed in	17	Do you know how many clain	is are in the
18	the '906 patent?	- 60	18	'985 patent?	
19	A So it claims the abilit	y of a browser to	19	MS. KLEIN: Objection; form.	
20	host interactive and embedde		20	THE WITNESS: Could you re	peat that? 11:02:23AM
21	Q The ability of the W	**	21	BY MS. DOAN:	
22	A It allows the Web to l		22	Q Do you know how many clai	ms are in the
23	interactive applications.		23	'985 patent?	
	TT		1	-	
24	Q Okay.		24	MS. KLEIN: Objection; form.	
	Q Okay. And that's your unde	rstanding of the '906 11:00:37A		MS. KLEIN: Objection; form. THE WITNESS: I do not recal	l right now. 11:02:27AM

1	BY MS DOAN: 11:02:28AM	1	asserting against my client, Amazon? 11:03:57AM
2	Q Do you know which claims or strike	2	MS. KLEIN: Same objections.
3	that.	3	THE WITNESS: I do not recall.
4	Which claims is the University of	4	BY MS. DOAN:
5	California pursuing against my clients, Amazon and 11:02:38A	M 5	Q Has the University of California ever 11:04:06AM
6	Yahoo, in the '906 patent?	6	attempted to license the '906 patent to Yahoo?
7	MS KLEIN: Objection; form Objection;	7	A It's exclusively licensed to Eolas.
8	beyond the scope of the	8	Q Before the exclusive license to Eolas, did
9	BY MS DOAN:	9	the University of California ever attempt to license
10	O You can answer. 11:02:49AM	10	the '906 patent to Yahoo? 11:04:25AM
11	MS KLEIN: 30(b)(6)	11	MS. KLEIN: Objection; form.
12	THE WITNESS: You're asking me to do a	12	THE WITNESS: I know there was a lot of
13	technical analysis?	13	marketing done. I don't specifically recall if
14	BY MS DOAN:	14	Yahoo was in that list or even Yahoo existed at that
15	Q No, ma'am. I'm asking you: Do you know 11:02:53AM	15	time. I don't know. 11:04:36AM
16	which claims in the '906 patent the University of	16	BY MS. DOAN:
17	California is asserting in this lawsuit against my	17	Q Okay.
18	clients, Amazon and Yahoo?	18	You don't know of any communications
19	MS KLEIN: Same objections	19	between the University of California and Yahoo with
20	THE WITNESS: I do not 11:03:06AM	20	respect to licensing the '906 patent; is that fair? 11:04:44AM
21	BY MS DOAN:	21	
22		22	MS. KLEIN: Objection; form. THE WITNESS: Yes, I'm not aware of any.
23	Q Do you know which claims I think I	23	BY MS. DOAN:
24	misstated that. Sorry.	23	
	Which claims of the '906 patent is the	25	Q Did the University of California attempt
25	University of California asserting against my 11:03:15AM Page 90		to license the '906 patent to my client, Amazon, 11:04:57Al Page 92
1	client, Yahoo? 11:03:19AM	1	prior to granting the exclusive license to Eolas? 11:05:00A
2	MS. KLEIN: Objection; form. Objection;	2	A There was general marketing done to
3	beyond the scope of the 30(b)(6).	3	several Web companies at that time. I don't know if
4	THE WITNESS: I don't exactly recall.	4	Amazon existed at that time and I don't know if
5	BY MS. DOAN: 11:03:24AM	5	Amazon was specifically contacted. 11:05:13AM
6	Q Which claims of the '906 patent is the	6	Q Do you know of any communications between
7	University of California asserting against my	7	the University of California and Amazon prior to the
8	client, Amazon?	8	granting of the exclusive license to Eolas about
9	MS. KLEIN: Same objections.	9	licensing the '906 patent?
10	THE WITNESS: Same answer. I do not 11:03:31Al	1 10	A No. 11:05:26AM
11	recall. Sorry.	11	Q What efforts did Eolas go go to to
12	BY MS. DOAN:	12	license the '906 patent to Yahoo prior to filing
13	Q Thank you. It's a different client and,	13	suit in October 2009?
14	I'm sorry, I have to ask them separately. And I do	14	MS. KLEIN: Objection; form.
15	apologize. I know it gets a little bit redundant 11:03:38A	1 15	BY MS. DOAN: 11:05:49AM
16	and I apologize for that.	16	Q You can answer.
17	A Okay.	17	A Can you repeat your question, please?
18	Q Which claims of the '985 patent is the	18	Q Sure.
19	University of California asserting against my	19	What what efforts did Eolas go to to
20	client, Yahoo? 11:03:47AM	20	try to license the '906 patent to Yahoo prior to 11:06:00AN
21	MS. KLEIN: Same objections.	21	filing the lawsuit in October of 2009?
22	THE WITNESS: I do not recall.	22	MS. KLEIN: Objection; form.
23	BY MS. DOAN:	23	THE WITNESS: I do not know.
		24	BY MS. DOAN:
24	O which civillis of the 30 385 barent is		
24 25	Q Which claims of the '90 '985 patent is my client is the University of California 11:03:54AM	25	Q What efforts did Eolas go to to try to 11:06:08AM

_	license the '906 patent to Amazon before filing suit 11:06:12A	M 1	THE WITNESS: I do not. 11:08:06AM
2	in October 2009?	2	BY MS. DOAN:
3	MS. KLEIN: Objection; form.	3	Q Do you know of anybody at the University
4	THE WITNESS: I do not know.	4	of California that ever reached out to Amazon about
5	BY MS. DOAN: 11:06:17AM	5	the '985 or '98 '906 patent in any way prior to 11:08:17A
6	Q What efforts did did Eolas go to to	6	October 2009?
7	license the '985 patent to Amazon prior to filing	7	A Not to my knowledge.
8	the lawsuit in October 2009?	8	Q Do you know of anybody from the University
9	MS. KLEIN: Objection	9	of California that reached out to Yahoo prior to
10	THE WITNESS: I 11:06:26AM	10	filing suit in 19 in 2009 about the '906 patent 11:08:32AM
11	MS. KLEIN: form.	11	or the '985 patent, about anything about those
12	THE WITNESS: do not know. I do not	12	patents?
13	know.	13	A Again, it was licensed, so I'm not aware.
14	BY MS. DOAN:	14	I do not know of anybody from directly from
15	Q And what efforts did Eolas go to to try to 11:06:29AM	15	University of California contacting Yahoo. 11:08:46AM
16	license the '985 patent to Yahoo prior to filing	16	Q Okay.
17	suit in 2009?	17	Do you know if anyone from Eolas reached
18	MS. KLEIN: Objection; form.	18	out to Amazon about any aspect of the '906 or '985
19	THE WITNESS: I do not know.	19	patents prior to filing suit in October 2009?
20	BY MS. DOAN: 11:06:41AM	20	MS. KLEIN: Objection to the form. 11:09:00AM
21	Q Did the University of California ever	21	THE WITNESS: I do not know.
22	provide notice to Yahoo that it was that the	22	BY MS. DOAN:
23	University of California contended that it was	23	Q Do you know if anyone from Eolas reached
24	infringing the '985 or '906 patents prior to filing	24	out to Yahoo about anything about the '906 or '985
25	suit in October 2009? 11:06:56AM	25	patents or advised them of the patents prior to 11:09:10A
20	Page 94	23	Page 96
1	A Not University of California directly, 11:07:00AM	1	filing suit in October of 2009? 11:09:13AM
2	because it's exclusively licensed, so we defer that	2	MS. KLEIN: Objection to the form of the
3	to our licensee	3	question.
4	Q Sure.	4	THE WITNESS: I do not.
5	So the University of California never 11:07:06AM	5	BY MS. DOAN: 11:09:16AM
6	reached out to to Yahoo any time before	6	Q Fair to state that the University of
7	October 2009 to say, "Hey, we think that you may be	7	California has never offered to license the
8	practicing this technology," or, "We may own the	8	patents-in-suit to anybody the the '906 and
9	patent the '906 and '985 patents"; is that fair?	9	'985 patents to anyone other than Eolas; is that
10	• •	10	
11	A It was well known to everyone, but I do 11:07:21AM not know of any exact communication between the	11	correct? 11:09:35AM MS. KLEIN: Objection; form.
	-	12	•
1 2	University of California and Yahoo		THE WITNESS: Once it's licensed to Eolas
12	Q Did the University of California ever	13	exclusively, the University of California cannot
13			00 :44 1 1 1
13 14	reach out to Amazon and provide it notice, prior to	14	offer it to anybody else.
13 14 15	filing the lawsuit in October 2009, that Amazon may 11:07:36A	M 15	BY MS. DOAN: 11:09:43AM
13 14 15 16	filing the lawsuit in October 2009, that Amazon may 11:07:36A be practicing the teachings of the technol of	M 15 16	BY MS. DOAN: 11:09:43AM Q And that's not my question.
13 14 15 16 17	filing the lawsuit in October 2009, that Amazon may 11:07:36A be practicing the teachings of the technol of the '906 or '985 patent or may be allegedly	M 15 16 17	BY MS. DOAN: 11:09:43AM Q And that's not my question. A Okay.
13 14 15 16 17	filing the lawsuit in October 2009, that Amazon may 11:07:36A be practicing the teachings of the technol of the '906 or '985 patent or may be allegedly infringing in any way?	M 15 16 17 18	BY MS. DOAN: 11:09:43AM Q And that's not my question. A Okay. Q Has the University of California ever had
13 14 15 16 17 18	filing the lawsuit in October 2009, that Amazon may 11:07:36A be practicing the teachings of the technol of the '906 or '985 patent or may be allegedly infringing in any way? A Again, the technology was well known and I	M 15 16 17 18 19	BY MS. DOAN: 11:09:43AM Q And that's not my question. A Okay. Q Has the University of California ever had discussions or reached out to anybody else other
13 14 15 16 17 18 19	filing the lawsuit in October 2009, that Amazon may be practicing the teachings of the technol of the '906 or '985 patent or may be allegedly infringing in any way? A Again, the technology was well known and I do not know of any specific communication from the 11:07:50AM	M 15 16 17 18 19	BY MS. DOAN: 11:09:43AM Q And that's not my question. A Okay. Q Has the University of California ever had discussions or reached out to anybody else other than Eolas about licensing the '906 and '985 11:09:51AD
13 14 15 16 17 18 19 20 21	filing the lawsuit in October 2009, that Amazon may 11:07:36A be practicing the teachings of the technol of the '906 or '985 patent or may be allegedly infringing in any way? A Again, the technology was well known and I do not know of any specific communication from the 11:07:50AM University of California to Amazon	M 15 16 17 18 19 [20 21	BY MS. DOAN: 11:09:43AM Q And that's not my question. A Okay. Q Has the University of California ever had discussions or reached out to anybody else other than Eolas about licensing the '906 and '985 11:09:51A: patents?
13 14 15 16 17 18 19 20 21 22	filing the lawsuit in October 2009, that Amazon may be practicing the teachings of the technol of the '906 or '985 patent or may be allegedly infringing in any way? A Again, the technology was well known and I do not know of any specific communication from the 11:07:50AM	M 15 16 17 18 19 1 20 21 22	BY MS. DOAN: 11:09:43AM Q And that's not my question. A Okay. Q Has the University of California ever had discussions or reached out to anybody else other than Eolas about licensing the '906 and '985 11:09:51AD
13 14 15 16 17 18 19 20 21	filing the lawsuit in October 2009, that Amazon may 11:07:36A be practicing the teachings of the technol of the '906 or '985 patent or may be allegedly infringing in any way? A Again, the technology was well known and I do not know of any specific communication from the 11:07:50AM University of California to Amazon	M 15 16 17 18 19 [20 21	BY MS. DOAN: 11:09:43AM Q And that's not my question. A Okay. Q Has the University of California ever had discussions or reached out to anybody else other than Eolas about licensing the '906 and '985 11:09:51AI patents?
13 14 15 16 17 18 19 20 21	filing the lawsuit in October 2009, that Amazon may 11:07:36A be practicing the teachings of the technol of the '906 or '985 patent or may be allegedly infringing in any way? A Again, the technology was well known and I do not know of any specific communication from the 11:07:50AM University of California to Amazon Q Do you know who was the number one	M 15 16 17 18 19 1 20 21 22	BY MS. DOAN: 11:09:43AM Q And that's not my question. A Okay. Q Has the University of California ever had discussions or reached out to anybody else other than Eolas about licensing the '906 and '985 11:09:51AI patents? A Prior to licensing to Eolas?

		1	
1	lot of interest in the technology. 11:10:02AM	1	MS. KLEIN: Objection; form. 11:12:10AM
2	Q Who else did the University of California	2	THE WITNESS: As I understand it, they
3	have conversations with or have any communications	3	never reached to a point where someone was actually
4	with about licensing the application which became	4	starting to negotiate the terms for a license, and
5	the '906 patent other than Eolas? 11:10:13AM	5	then the University decided to move forward with 11:12:19AN
6	A I've reviewed the files, and the licensing	6	Eolas.
7	associate at that time was managing the case I think	7	BY MS. DOAN:
8	had discussions with Motorola and Farallon, if I	8	Q Okay.
9	remember correctly, and maybe one VC group at that	9	MS. KLEIN: I'm very sorry. Ladies, your
10	time, venture capital group. 11:10:36AM	10	discussion is quite can you take it outside? 11:12:25AM
11	Q I'm sorry, you mentioned Motorola, a	11	BY MS. DOAN:
12	venture capital group, and somebody else.	12	Q What about with respect to Farallon?
13	A Farallon. I could be remembering	13	A Yes. Sorry.
14	totally	14	Q What about with respect to Farallon? Is
15	Q How do you spell that? 11:10:48AM	15	it accurate that the University of California had 11:12:39A
16	A I thought it was F-A-R-A-L-O-N [sic].	16	discussions with Farallon about an offer to license
17	It's probably	17	the '906 patent?
18	1	18	•
	MS. KLEIN: Couple of extra Ls in there.		A So again, I don't know if it was an offer
19	THE WITNESS: Couple of extra Ls, maybe	19	to license; it was they were interested. They
20	double L. 11:11:01AM	20	might have signed a CDA to get more information 11:12:53A
21	BY MS. DOAN:	21	about the technology, but I don't think the
22	Q The University of California reached	22	discussions progressed to the point where they were
23	out	23	discussing terms for a license.
24	Is it is it accurate that the	24	Q Okay.
25	University of California had discussions with Page 98	M 25	And none of the negotiations with 11:13:02AM Page 100
1	Motorola about licensing the application which 11:11:08AM	1	Motorola, Farallon, or any venture capitalist group, 11:13:07A
2	became the '906 patent to Motorola before it	2	including Vanguard, came to fruition with respect to
3	licensed the technology to Eolas?	3	University of California and those entities over the
4	MS KLEIN: Objection; form	4	technology in the '906 patent; is that correct?
5	THE WITNESS: Motorola was interested I 11:11:20AM	5	MS KLEIN: Objection; form 11:13:19AM
6		6	THE WITNESS: That's what I understand,
7	think there were discussions about they were more		,
	interested in learning more about the technology I	7	yes
8	don't know if it actually reached at a point where	8	BY MS DOAN:
9	they were discussing terms for a license	9	Q Did anyone
10	BY MS DOAN: 11:11:34AM	10	Did any entity other than Eolas ever to 11:13:28AM
11	Q Okay.	11	offer the ever offer to license the '906 patent
12	Which venture capitalist group did the	12	from the University of California?
13	University of California have any communications	13	A Not that I know of
14	with about the '906 patent prior to licensing the	14	Q Did any other entity other than Eolas
15	application which became the '906 patent to Eolas? 11:11:46A	M 15	offer to license the '985 patent other than Eolas? 11:13:46AM
16	A If I recall correctly, the files indicated	16	MS KLEIN: Objection; form
17	it was Vanguard	17	BY MS DOAN:
18	Q Is that V-A-N-G-A-R-D?	18	Q Let me restate that. I'm sorry, she's
19	A G-U-A-R-D	19	right.
20	Q Are there any other venture capitalist 11:12:01AM	20	Did any other entity other than the 11:14:01AM
21	groups other than Vanguard?	21	office other than strike that.
22	MS KLEIN: Objection; form	22	Did any other entity other than Eolas
23	THE WITNESS: Not that I know of	23	offer to license the '985 patent from the University
24	BY MS DOAN:	24	of California?
25	Q And what happened to those communications? 11:12:07		MS KLEIN: Objection; form 11:14:11AM
	Page 99		Page 101

1	THE WITNESS: It was already included in 11:14:13AM	1	BY MS. DOAN: 11:15:36AN
2	the previous license, but I'm not aware of anybody	2	Q Who are they?
3	approaching us for a license to '985 patent.	3	A I know it was J.P. Morgan, Oracle,
4	BY MS. DOAN:	4	Playboy, Apple, a few others. I don't recall the
5	Q Okay. 11:14:22AM	5	names. 11:15:50AM
6	And as we sit here today, neither Motorola	6	MS. KLEIN: And we'll designate that
7	nor Farallon have any type of license with either	7	portion as attorneys' eyes only.
8	the University of California or with Eolas for the	8	* * *
9	technologies that are described in the '985 '906	9	
10	and '985 patents; is that right? 11:14:40AM	10	11:15:54AM
11	A I do not know about Eolas, but I know that	11	
12	there is no license with University of California.	12	
13	Q Do you know what licenses Eolas has	13	
14	entered into with respect to the '985 and '906	14	
15	patents other than the licenses with the University 11:14:54A	M 15	11:15:54AM
16	of California?	16	11110.0
17	A I know there have been some sublicenses to	17	
18	certain entities.	18	
19	Q And do you know who they are?	19	
20	A There was Microsoft. 11:15:06AM	20	11:15:54AM
21	Q Okay.	21	11.13.34/11
22	Any others?	22	
23	A There was some other Plaintiffs	23	
24	Defendants recently who there was some settlement	24	
25	with some defendants, and it was part of the 11:15:18AM	25	11:15:54AM
	Page 102	20	Page 104
1	license part of the settlement was the license 11:15:22A	M 1	BY MS DOAN: 11:15:55AM
2	agreement with those entities.	2	Q Has the University of California ever
3	Q Do you know who those entities are?	3	suggested to Eolas who may be a potential Defendant
4	THE WITNESS: Am I allowed to disclose the	4	in a lawsuit with Eolas over the '906 or '985
5	names? 11:15:30AM	5	technologies? 11:16:09AM
6	BY MS. DOAN:	6	A Not that I know of
		7	
7	Q Yes. I know who they are. Do you know	8	Q Has the University of California ever
8	who they are is the question, ma'am.		approached Eolas about suing Yahoo or Amazon? A No
9	A Yes, I know who they are.	9	
10	(Whereupon, the following 11:15:36AM	10	Q Has the University of California ever 11:16:18AM
11	testimony was deemed attorneys'	11	approached Eolas about suing any of the Defendants
12	eyes only.)	12	in this case?
13		13	A No
14	******	14	Q Has the University of California ever
15	11:15:36AM	15	approached Eolas about suing Google or YouTube? 11:16:27
16		16	A No, again, not that I know of
17		17	Q Has the University of Calif
18		18	Have the Regents of the University of
19		19	California ever approached Eolas about suing Adobe?
20	11:15:36AM	20	A No 11:16:41AM
21		21	Q Does the Re
22		22	Does the University of California believe
23		23	that Yahoo is infringing the claims of the '906 or
24		24	the '985 patent?
		l	. The training of the control of the training
25	11:15:36AM Page 103	25	A The University of California is supporting 11:17:00AM

1	its licensee, who believes that Yahoo is infringing 11:17:02AM	1	Q Does the University of California believe 11:18:34AM
2	the claims.	2	that Yahoo is practicing the technologies described
3	Q That's not my question.	3	in the '98 '985 and '906 patents?
4	A That's my answer.	4	MS. KLEIN: Objections same objections.
5	Q Okay. 11:17:11AM	5	THE WITNESS: I do not know. 11:18:45AM
6	So with respect to my question, does the	6	BY MS. DOAN:
7	University of California believe that Yahoo is	7	Q Does the University of California believe
8	infringing the claims of the '905 '906 or '985	8	that Amazon is practicing the technologies described
9	patents in this lawsuit?	9	in the '906 and '985 patents?
10	MS. KLEIN: Objection; form. 11:17:22AM	10	MS. KLEIN: Objection to the form of the 11:18:53AM
11	THE WITNESS: It's not up to me to do the	11	question, beyond the scope of the 30(b)(6).
12	analysis.	12	THE WITNESS: I do not know.
13	BY MS. DOAN:	13	BY MS. DOAN:
14	Q I understand that, but you're a Plaintiff	14	Q Does the University of California believe
15	in this lawsuit suing my client, Yahoo, for multiple 11:17:29A	M 15	that Google or YouTube are practicing the 11:18:58A
16	hundreds of millions of dollars.	16	technologies that are described in the '985 and '906
17	Do you understand that?	17	patents?
18	A Yes.	18	MS. KLEIN: Same objections.
19	Q And you understand that you're not going	19	THE WITNESS: I do not know. I have not
20	to be in court, so we're going to play this 11:17:36AM	20	done the complete analysis. 11:19:09AM
21	testimony in front of the jury.	21	BY MS. DOAN:
22	* *	22	
	MS. KLEIN: Objection; form. BY MS. DOAN:		Q And does the University of California
23		23	believe that Adobe is practicing the technologies
24	Q Do you understand that? Do you understand	24	described in the '906 or '985 patents?
25	that, ma'am? 11:17:39AM Page 106	25	MS. KLEIN: Same objections. 11:19:18AM Page 108
	A V 11:17:41AM	1	THE WITNESS A Language and Lang
1	A Yes 11:17:41AM	1	THE WITNESS: I do not know 11:19:20AM
2	Q Does the University of California believe	2	Can I add something?
3	that my client, Yahoo, is infringing the claims of	3	BY MS DOAN:
4	the '906 and '985 patents?	4	Q Sure. I'm going to let you answer. Let
5	A If Yahoo is practicing the technology 11:17:57AM	5	me ask one other question to follow up on this line 11:19:43A
6	that's covered by the '906 and '985 patents, then,	6	of questioning if that's okay.
7	yes, they are infringing the technology they are	7	Did the Uni
8	infringing the '906 and '985 patents	8	Do you know how much money the University
9	Q That's fair. My question wasn't very	9	of California is seeking against Google in this
10	good. Okay. And if you don't know the answer to my 11:18:13A	M 10	case? 11:19:57AM
11	question, it's totally fine.	11	MS KLEIN: Objection; form, beyond the
12	A Okay	12	scope of the $30(b)(6)$
13	Q Does the University of California believe	13	THE WITNESS: I don't know the exact
14	that Yahoo is practicing any of the technologies	14	amount
15	that are covered by the '906 and '985 patents? 11:18:19AM	15	BY MS DOAN: 11:20:03AM
16	MS KLEIN: Objection to the form of the	16	Q Can you ballpark it for me?
17	question Objection; outside the scope of the	17	A I don't know the exact amount
18	30(b)(6)	18	Q Okay.
	BY MS DOAN:	19	Do you know if it's more than a million
19		20	dollars? 11:20:12AM
	O You can answer. 11:18:26AM	1 -	
20	Q You can answer. 11:18:26AM A Again to the extent that Yahoo is	21	A Yes
20 21	A Again, to the extent that Yahoo is	21	A Yes O Do you know if it's more than \$10 million?
20 21 22	A Again, to the extent that Yahoo is practicing those technologies, yes	22	Q Do you know if it's more than \$10 million?
20 21 22 23	A Again, to the extent that Yahoo is practicing those technologies, yes Q And I my question is a little bit	22 23	Q Do you know if it's more than \$10 million? MS KLEIN: Objection; form
20 21 22	A Again, to the extent that Yahoo is practicing those technologies, yes	22	Q Do you know if it's more than \$10 million?

1	BY MS. DOAN: 11:20:20AM	1	MS. KLEIN: Objection; form. Objection; 11:21:53AM
2	Q Do you know if it's more than \$50 million?	2	beyond the 30(b)(6).
3	MS. KLEIN: Objection; form.	3	THE WITNESS: What do you mean by "harm"?
4	THE WITNESS: I do not know the exact	4	BY MS. DOAN:
5	number. Sorry. 11:20:26AM	5	Q Well, what do you 11:21:57AM
6	BY MS. DOAN:	6	You understand the definition of "harm";
7	Q That's okay.	7	is that fair?
8	Do you know does strike that.	8	MS. KLEIN: Objection; form.
9	How much money is the University of	9	THE WITNESS: I don't know what you mean
10	California seeking against Amazon in this case? 11:20:3		by "harm." Physical harm? Emotional harm? 11:22:05
11	MS. KLEIN: Objection; form. Objection;	11	BY MS. DOAN:
12	beyond the scope of the 30(b)(6).	12	Q How would you define "harm," ma'am? What
13	THE WITNESS: Again, I do not know the	13	do you mean by
14	exact amount.	14	What does "harm" mean to you?
15	BY MS. DOAN: 11:20:42AM	15	A It means different depending on the case 11:22:12AN
16	Q Can you ballpark it for me, whether it's	16	that you're referring to. So if you can describe a
17	less than or greater than \$100 million?	17	little bit more to me what you mean by "harm," then
18	MS. KLEIN: Same objections.	18	I could address your question.
19	THE WITNESS: I do not know.	19	Q Has Google or YouTube financially harmed
20	BY MS. DOAN: 11:20:50AM	20	the University of California in any way? 11:22:24A
21	Q Fair to state you would know if it was	21	MS. KLEIN: Objection; form. Object;
	-	22	beyond the scope of the 30(b)(6).
22	more than \$100 million; is that fair?	23	THE WITNESS: If they knew that they
24	MS. KLEIN: Objection; form. THE WITNESS: No. I just know that we're	24	should have taken a license to the IP that's owned
25	looking for a fair share of the revenues that came 11:21:00AN		
23	Page 11.0		by the University of California and they didn't, 11:22:33AN Page 112
1	in if there were if there was practice of the 11:21:07AM	1	then probably yes But I don't know if that would 11:22:36AM
2	technology that's covered by our patent.	2	be defined as harm
3	BY MS. DOAN:	3	BY MS DOAN:
4	Q I understand that.	4	Q Do you know how much money Google and
5	Do you know how much 11:21:14AM	5	YouTube have given to the University of California 11:22:45.
6	Do you understand that the University of	6	in the last five years?
7	California is a Plaintiff in this lawsuit	7	MS KLEIN: Objection; form
8	independent of Eolas? Do you understand that?	8	THE WITNESS: I'm presuming a lot
9	A Yes.	9	BY MS DOAN:
10	Q Okay. 11:21:24AM	10	Q Okay. 11:22:51AM
11	How much is the University of California	11	Would you presume it's more than a million
12	seeking against my client, Yahoo?	12	dollars?
13	MS. KLEIN: Object to the form.	13	A Again, I do not know the number
14	Objection; beyond the 30(b)(6).	14	Q Okay.
15	THE WITNESS: I do not know. 11:21:34AN	[15	Would you presume it's more than 11:22:58AM
16	BY MS. DOAN:	16	\$50 million?
17	Q Has Yahoo harmed the University of	17	MS KLEIN: Objection; form
18	California in any way?	18	THE WITNESS: I do not know the exact
19	MS. KLEIN: Objection to form.	19	number
20	THE WITNESS: It's not a question of harm. 11:21:45		BY MS DOAN: 11:23:03AM
21	No.	21	Q Do you know how much money my client,
22	BY MS. DOAN:	22	Yahoo, has given to the University of California
	Q Okay.	23	system in the last five years?
/ 3	y July.		
23	Has Google or VouTube harmed the	24	MS KLEIN: Objection: form
24 25	Has Google or YouTube harmed the University of California in any way? 11:21:51A	24 M 25	MS KLEIN: Objection; form THE WITNESS: Again, I do not know the 11:23:13AM

1	exact number. 11:23:14AM	1	MS KLEIN: You cut the witness off 11:24:45AM
2	BY MS. DOAN:	2	Please let her finish her response
3	Q Do you know how much money my client,	3	MS DOAN: This is a little bit different
4	Amazon, has given to the University of California	4	question
5	system in the last five years? 11:23:21AM	5	BY MS DOAN: 11:24:49AM
6	MS. KLEIN: Objection; form.	6	Q With respect to notice, okay, if an entity
7	THE WITNESS: Do not know the exact	7	such as Yahoo is giving multiple millions of dollars
8		8	
	number.		to the University of California, do you think it's
9	BY MS. DOAN:	9	fair for the University of California to turn around
10	Q Do you know whether the University of 11:23:29Al		and sue Yahoo on a separate subject matter without 11:25:01
11	California is suing my clients, Amazon and Yahoo,	11	trying to work it out or tell Yahoo first that it's
12	for more money than they have given to the	12	su going to sue them?
13	University in the last five years? Do you know	13	MS KLEIN: Objection; form and beyond the
14	where that spread is?	14	scope of the 30(b)(6)
15	MS. KLEIN: Objection to form. Object; 11:23:44AM	15	THE WITNESS: But trying to do that can 11:25:13AM
16	beyond the 30(b)(6).	16	have implications that could be financially
17	THE WITNESS: No, and I don't think that	17	different for the University
18	matters because those are two completely different	18	BY MS DOAN:
19	issues.	19	Q Tell me what those financial implications
20	BY MS. DOAN: 11:23:51AM	20	could be. 11:25:25AM
21	Q Absolutely.	21	THE WITNESS: Can I answer this as a
22	So when we have a donor to the University	22	MS KLEIN: To the extent that your
23	of California that's giving, say, upwards of	23	understanding comes from your practices as a
24	\$50 million, is that somebody that you think the	24	licensing officer, yes To the extent your
25	University of California should sue without 11:23:59AM	I 25	knowledge comes from conversations you had with 11:25:36AN
	Page 114		Page 116
1	providing notice to? 11:24:02AM	1	counsel, I'll instruct you not to answer 11:25:38AM
2	MS KLEIN: Objection; form Objection;	2	THE WITNESS: So I will just say that if
3	beyond the scope of the 30(b)(6)	3	there is a possibility that the Plaintiff using
4	THE WITNESS: But the donor is I mean,	4	the term right Defendant could file a declaratory
5	why is that different from any other company 11:24:10AM	5	judgment against the University and Eolas, and then 11:25:52AM
6	that's yeah	6	they would have to have a lawsuit where they don't
7	BY MS DOAN:	7	want to have So that could be a consequence of
8		8	providing notices
9	Q Okay.	9	BY MS DOAN:
10	So do you think it's fair for the		
	University of California to sue Yahoo for more money 11:24:17		Q Do you know whether Yahoo has ever filed a 11:26:03A
11	or for more than \$50 million if the Univ if	11	declaratory judgment action anywhere in the United
12	Yahoo has provided multiple millions of dollars to	12	States against any inventor or any patent holder
13	the University of California over the last five	13	that's approached them about taking a license, ever?
14	years?	14	A I have no idea, but I do not know that
15	A Again 11:24:31AM	15	they would never, ever do that if they have never 11:26:21AM
16	MS KLEIN: Objection; form and beyond the	16	done that
17	scope of the 30(b)(6)	17	Q Does the University of California have a
1.0	BY MS DOAN:	18	practice of licensing its technologies, other than
18	Q You can answer.	19	the patents-in-suit?
19	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	20	A Repeat the question, please 11:26:38AM
	A Again, I think you're mixing two different 11:24:35AM	1	
19	issues: One is donation and one is respecting the	21	Q Sure.
19 20		21 22	Q Sure. Does the University of California have a
19 20 21	issues: One is donation and one is respecting the		
19 20 21 22	issues: One is donation and one is respecting the intellectual property rights So those are two	22	Does the University of California have a

	The state of the s		
1	A Okay. 11:26:51AM	1	licensing attorneys in other campuses, and I do not 11:28:21AM
2	Q I'm focusing on the Regents of University	2	directly know of any licensing attorneys
3	of California licensing practices.	3	Q Where is the main University of
4	Are you with me?	4	California? Is it University of California,
5	A Yes. 11:26:56AM	5	San Francisco or is there another main campus? 11:28:33A
6	Q Okay.	6	MS KLEIN: Objection; form
7	Does the University of California have a	7	THE WITNESS: There's a central office,
8	practice to license patents?	8	Office of the President, in Oakland
9	A Yes.	9	BY MS DOAN:
10	Q And does that practice involve always 11:27:03AM	10	Q Okay. 11:28:39AM
11	hauling off and filing a lawsuit?	11	And that's the Berkeley campus, right?
12	A No.	12	A No
13	MS. KLEIN: Objection; form.	13	MS KLEIN: Objection; form
14	BY MS. DOAN:	14	BY MS DOAN:
15	Q Does the University of California 11:27:10AM	15	Q The main office is in Oakland? 11:28:47AM
16	If you think an entity is actually	16	A In Oakland, yes
17	practicing the technology upon which the University	17	Q Is it separate and apart from any of the
18	of California is a patent holder, is it the	18	campuses?
19	University's practice to reach out to that entity	19	A Yes
20	and make them aware of it before filing suit? 11:27:23AM	20	Q What was the first University of 11:28:54AM
21	MS. KLEIN: Objection; form.	21	California campus?
22	THE WITNESS: It's in consultation with	22	A I believe it was Berkeley
23	the counsel and it depends on the case.	23	Q Do you know whether the there are any
24	BY MS. DOAN:	24	licensing attorneys at the central office for the
25	Q Okay. 11:27:34AM	25	University of California? 11:29:13AM
	Page 118		Page 120
1	So does the University have a policy to 11:27:34AM	1	MS. KLEIN: Objection; form. 11:29:15AM
2	notify the any party that's potentially	2	THE WITNESS: Yes.
3	practicing on its technologies before it files a	3	BY MS. DOAN:
4	lawsuit?	4	Q And is that where the three or four
5	MS. KLEIN: Objection; form. 11:27:47AM	5	licensing attorneys that you're referring to are? 11:29:17A
6	THE WITNESS: I'm not aware of a policy.	6	A Yes.
7	BY MS. DOAN:	7	Q How many patents are owned by the
8	Q But you're aware of circumstances where	8	University of California?
9	that has happened?	9	MS. KLEIN: Objection; form. Objection;
10	MS. KLEIN: Objection; form. 11:27:53AM	10	beyond the scope of the 30(b)(6). 11:29:26AM
11	THE WITNESS: It could have happened, yes.	11	THE WITNESS: I do not know the exact
12	BY MS. DOAN:	12	number, but it's 4- or 5,000.
13	Q How many licensing attorneys does the	13	BY MS. DOAN:
14	University of California system have?	14	Q Do you know how many
15	A Licensing attorneys? 11:28:04AM	15	Does your office apply for patents with 11:29:36AM
16	Q Yes, ma'am.	16	the the Patent and Trademark Office?
17	A I know of three or four in Marty Simpson's	17	A Yes.
18	group.	18	Q How many patents did your office, the
19	Q Okay.	19	Office of Technology Management, apply for within
20	And I'm talking about the University of 11:28:13AM		the last year on behalf of the University of 11:29:49AM
21	California, not just UCSF.	21	California?
22	Are we on apples to apples?	22	MS. KLEIN: Object to the form, beyond the
23		23	scope of the 30(b)(6).
	A Yes.	24	* * * * * * * * * * * * * * * * * * * *
24 25	Q Okay. A I'm trying to think if I know of any 11:28:19AM	25	THE WITNESS: So we get about 150 disclosures and we usually file on about 25 percent 11:29:59AM
25	A I'm trying to think if I know of any 11:28:19AM Page 119	۷3	Page 121

1	of those. Don't know how much that comes to. 11:30:01AM		is that fair? 11:31:40AM
2	MS. KLEIN: You understood she was asking	2	MS. KLEIN: Objection; form. Objection;
3	on behalf of the entire University, not just your	3	beyond the scope of the 30(b)(6).
4	campus?	4	BY MS. DOAN:
5	THE WITNESS: I thought you said UCSF. 11:30:10AN		Q You can answer. 11:31:44AM
6	BY MS. DOAN:	6	A I do not know.
7	Q I did say UCSF.	7	Q Now, you told me about your office.
8	MS. KLEIN: Didn't come out on the record.	8	How many patents did the University of
9	BY MS. DOAN:	9	California apply for in the last two years?
10	Q Does your office 11:30:20AM	10	A I do not know the exact number. Usually 11:32:02/
11	Anyway, you're talking about the UCSF	11	have about, total, I think 1400 disclosures, and it
12	campus, right?	12	would be about similar percentage.
13	A Yes.	13	Q Okay.
14	Q And you get about 150 disclosures and your	14	But you don't know for sure; is that fair?
15	office applies for about 25 percent of those; is 11:30:28AM	15	A Yes. 11:32:14AM
L6	that right?	16	Q How many applications for a patent does
.7	A Yes.	17	the University of California currently have pending
18	Q I think that's 38 to me. Is that about	18	before the patent office?
19	right?	19	MS. KLEIN: Objection; form. Objection;
20	MS. KLEIN: You're asking a bunch of 11:30:37AM	20	beyond the 30(b)(6). 11:32:50AM
21	lawyers?	21	THE WITNESS: I do not know.
22	BY MS. DOAN:	22	BY MS. DOAN:
23	Q We're obviously not mathematicians in this	23	Q Has the University of California ever
24	office.	24	directed Eolas to enforce the patents-in-suit,
25	A But not all of them go on to become 11:30:44AM Page 122	25	period? 11:33:21AM Page 124
1	retents Frontielly some of their out should not 11,20,46 AV	1	MS VIEIN: Objection: form Objection: 11:22:22AM
1 2	patents. Eventually, some of them get abandoned. 11:30:46AM	1 2	MS KLEIN: Objection; form Objection; 11:33:23AM beyond the 30(b)(6)
3	Q And some of them are rejected; is that fair?	3	THE WITNESS: Not that I know of
4	A Yes.	4	BY MS DOAN:
5		5	
	Q Does your office practice 11:30:58AM Does your office, the Office of Technology	6	
6 7	·	7	And you understand, of course, and you're prepared to talk about this topic under Topic Number
8	Management, University of California, San Francisco,	8	• • •
9	practice with just one patent prosecuting attorney	9	1 where it talks about the Regents' your role in
.0	before the patent office or several?	10	licensing or enforcing the patents-in-suit? A Yes 11:33:42AM
11	A Several. 11:31:09AM Q Okay.	11	MS DOAN: Okay Let's take a break one
12	-	12	second
13	Is Charles Krueger still one of them? A Yes.	13	THE VIDEOGRAPHER: This is the end of Disk
14		13	1 Off the record at 11:34
15	Q How many patents would you say that Mr. Krueger prosecutes for the University of 11:31:17AM		(Recess taken) 11:34:23AM
L6	California in the last two years?	16	THE VIDEOGRAPHER: This is the beginning
17	MS. KLEIN: Objection; form.	17	of Disk 2 On the record at 11:41
18	THE WITNESS: I'm aware of only this	18	BY MS DOAN:
19	particular Eolas portfolio. I'm not aware of any	19	Q Dr. Rajdev, you understand, of course,
20		20	
20 21	other patent that he's handling. 11:31:31AM BY MS. DOAN:	21	we're resuming your deposition after a brief break? 11:41:14 A Yes
21		22	
23	Q Okay. Other than the Foles patents you're not	23	Q You understand, of course, you're still under oath?
23 24	Other than the Eolas patents, you're not	23	A Yes
24 25	aware of Charles Krueger handling any handling		
_ J	any other patents for the University of California; 11:31:38AN Page 123	11 43	Q Tell me what training you've had in 11:41:20AM Page 125

1	licensing. 11:41:24AM	1	THE WITNESS: Informal for degree, no 11:43:39AM
2	A I've had training in the office as an	2	BY MS DOAN:
3	intern working with the licensing offices.	3	Q But you have received
4	I've done licensing courses with an	4	You did attend a one-week course with
5		:34AM 5	respect to the Association of University Technology 11:43:45A
6	University Technology Managers.	6	Managers; is
7	Q How do you spell that, AUTM?	7	A I
8	A A-U-T-M. It's all caps. It's Association	8	Q that right?
9	of University Technology Managers.	9	A I've done other courses Done a course in
10	Q Got it. Okay. 11:41:47AM	10	startup startup business development course, 11:43:52AM
11	Did you receive any formal training in	11	
12		12	again offered by AUTM
	licensing in receiving your undergraduate degree?	13	Q Okay.
13	A No.		A and I've I've been trained on the
14	Q Did you receive any type of training in	14	job with very qualified people around me
15		06AM 15	Q How did your role change between the 11:44:13AM
16	A No.	16	senior licensing manager from a licensing manager?
17	Q Did you receive any training in licensing	17	A Officer
18	with respect to your Ph.D.?	18	Q Sorry. Let me try to say that again. I'm
19	A No.	19	struggling with that.
20	Q Do you hold any other degrees? 11:42:17A		How did your role change, if at all, 11:44:25AM
21	A No.	21	between a senior licensing officer and a licensing
22	Q Do you have any type of certificate with	22	officer?
23	respect to licensing?	23	A So as a senior licensing officer, your
24	MS. KLEIN: Object to the form.	24	case load is a little bit larger and you handle a
25	THE WITNESS: I do not have certificate. 11:42:30/ Page 12		little bit more complex cases which have problems 11:44:36AM Page 128
1	I have completion of basic licensing course. I 11:42:31	AM 1	associated with them and you're also involved in 11:44:41A
2	don't know if that's called a certificate. They	2	more collaboration with other units in the other
3	give you a little document that you've completed	3	units that interact with industry.
4	this course.	4	For example, we interact with the industry
5	BY MS. DOAN: 11:42:43AM	5	contracts division that does a lot of sponsored 11:44:54AM
6	Q And where did you take this course?	6	research agreements, so we work with them on master
7	A Where?	7	sponsored research agreements that we would give
8	Q Yes, ma'am.	8	them input on IP terms in there.
9	A It was in Dallas, I think, at one of the	9	Q Okay.
10	annual meetings for AUTM. 11:42:48AM	i 10	What is the largest license in your 11:45:07AM
11	Q How long was the course?	11	portfolio?
12	A I don't remember. It was early in my	12	A What do you mean by "largest"?
13	career. It's, I want to say, about a week.	13	Q As far as financial revenues that the
14	Q Was there a test or anything that you had	14	University may potentially receive.
15	to take? 11:43:14AM	15	A There is no way for me to judge that. I 11:45:20AM
16	A No. They have mock sessions, but no test.	16	have a few for which there are clinical products
17	Q Is there any type of state board or State	17	right now in the clinical trial, so it depends on
18	of California requirement you have to pass to be	18	if one of them succeeds, that could be a huge case.
19	able to perform your duties with licensing at the	19	But right now, I wouldn't be able to guess.
20	University of California, San Francisco? 11:43:3		Q That's medical products? 11:45:36AM
21	A No.	21	A Yes. UCSF is a medical center, primarily.
22	Q Is it fair to state that you have received	22	Q What product does Eolas make, medical
23	no formal training with respect to licensing? Is	23	product?
24	that fair?	24	A At this time, I'm aware that they have a
25	MS. KLEIN: Objection; form. 11:43:38AN		product called AnatLab. 11:45:48AM
2.5	Page 12	I	Page 129

1 MC DOAN, A NA TI A D 11.45.52AM	1	O. V. h
1 MS. DOAN: A-N-A-T-L-A-B. 11:45:53AM	1 2	Q You haven't seen it yourself; is that 11:47:26AM
2 BY MS. DOAN:		fair?
3 Q Have you ever seen the AnatLab product?	3	MS KLEIN: Objection; form
4 A I have.	4	THE WITNESS: The demo of the product or
5 Q Do you know of any institution that 11:46:01AM	5	any other university using it? 11:47:31AM
6 teaches with the AnatLab product?	6	BY MS DOAN:
7 MS. KLEIN: Objection; form.	7	Q Any other university using it.
8 THE WITNESS: I know they are doing	8	A No, I have not seen it
9 testing. I learned from Eolas that they are doing	9	Q University of California is not aware of
testing at University of Illinois and maybe some 11:46:11AM		any nursing school or nursing institution using the 11:47:40A
other nursing school, but I don't remember the name.	11	AnatLab product other than what Eolas has told them;
But I don't know if someone is using it to teach it.	12	is that fair?
13 BY MS. DOAN:	13	MS KLEIN: Objection; form
14 Q Yes, that's my question.	14	THE WITNESS: That's fair
Do you know of any university or 11:46:21AM	15	BY MS DOAN: 11:47:51AM
16 institution that is teaching with the AnatLab	16	Q What did
17 product?	17	Did you have the conversation with Eolas
MS. KLEIN: Objection; form.	18	directly or is it somebody else?
19 THE WITNESS: I do not know.	19	A I did have conversations with my counsel
20 BY MS. DOAN: 11:46:27AM	20	Q Sure. 11:48:00AM
Q Do you know if the AnatLab product has	21	Were you talking directly with somebody at
been used by any entity?	22	Eolas?
23 MS. KLEIN: Objection; form.	23	A Yes
24 THE WITNESS: For what purpose?	24	Q Who?
25	25	A Jim Stetson and Mike Doyle 11:48:08AM
Page 130		Page 132
1 BY MS DOAN: 11:46:36AM	1	Q And what did Jim Stetson and Mike Doyle 11:48:10A
2 Q For anything.	2	tell you about the nursing school that was using the
3 MS KLEIN: Objection; form	3	AnatLab product?
4 THE WITNESS: I know that some entities	4	MS KLEIN: And I'm going to caution you
5 have used it for beta testing 11:46:41AM	5	not to reveal the source of conversations you had 11:48:21AM
6 BY MS DOAN:	6	with Mr Stetson and Mr Doyle to the extent that
7 Q Okay.	7	counsel was present and it related to this lawsuit
8 Other than the beta testing of the AnatLab	8	If it did not relate to this lawsuit or if
9 product, is there any other entity that you know of	9	counsel was not present, you may answer
10 that uses the AnatLab product for any purposes 11:46:49AM	10	THE WITNESS: The counsel was present, but 11:48:38AN
11 whatsoever?	11	all I know is that they would really like to get
MS KLEIN: Objection; form	12	that product out and they are testing it with
13 THE WITNESS: I think in my last	13	different institutions that they can so they can
discussions, they said there was a nursing school,	14	eventually get the product out in the market
but I can't recall where, that was using the product 11:47:00AM	15	BY MS DOAN: 11:48:52AM
and they were really happy with it But I don't	16	Q Do you know if there is any other
know in what capacity they are using the product	17	institutions, groups, entities that have products
18 BY MS DOAN:	18	very similar, if not identical, to the AnatLab's
19 Q Okay.	19	products that are completed?
And fair to say that you personally and 11:47:10AM	20	MS KLEIN: Objection; form 11:49:05AM
21 the University of California doesn't have any type	21	THE WITNESS: I do not
of knowledge of whether the AnatLab product is being	22	BY MS DOAN:
23 used by another entity other than what Eolas has	23	Q Do you know if Google has a product
24 told them? Is that fair?	24	already on the market that's very similar to the
25 A Yes 11:47:24AM	25	AnatLab product? 11:49:12AM
		Page 133

1	MS. KLEIN: Objection; form. 11:49:13AM	1	BY MS DOAN: 11:50:34AM
2	THE WITNESS: I do not know. What is it	2	Q And I don't want to get into that
3	called?	3	situation.
4	BY MS. DOAN:	4	Let me ask this: Do you know of any
5	Q Do you AnatLab? 11:49:19AM	5	nursing school that's using the AnatLab product that 11:50:40
6	A No, Google's product.	6	is not on a confidential basis?
7	Q Do you know of any other entity that has	7	A No
8	any product that is very similar to or identical to	8	Q What type of licensing training does the
9	the AnatLab product?	9	University of California provide to its professors
10	MS. KLEIN: Objection; form. 11:49:29AM	10	or its employees? 11:50:59AM
11	THE WITNESS: I do not know.	11	A Licensing training?
12	BY MS. DOAN:	12	Q Yes, ma'am.
13	Q Fair to state that's just something that	13	And I guess my question maybe I could
14	the University of California hasn't looked into? Is	14	rephrase that one a little bit better.
15	that fair? 11:49:36AM	15	What type of training after strike 11:51:08AM
16	MS. KLEIN: Objection; form, beyond the	16 17	that.
17	scope of the 30(b)(6).		After an employee for the University of
18	THE WITNESS: Yes.	18 19	California signs a patent acknowledgement form, what
19	BY MS. DOAN:		type of training does the University of California
20	Q They didn't give you the name of this 11:49:40AN		provide to its professors or employees that when 11:51:17AN
21	nursing school?	21	they have a new technology, they should advise the
22	MS. KLEIN: Objection; form.	22	University of California? What kind of training do
23	THE WITNESS: I do not recall. BY MS. DOAN:	24	they goes on there?
24 25		25	MS KLEIN: Objection; form THE WITNESS: So we provide training and 11:51:28AM
23	Q Do you know? 11:49:47AM Page 134	23	Page 136
1	A And I wouldn't probably tell you because 11:49:48AM		education on intellectual property matters, which is 11:51:30AM
2	it's probably I don't know if it's confidential	2	what is handled by the Center of
3	information or not.	3	BioEntrepreneurship
4	Q Okay.	4	BY MS DOAN:
5	A It's a nursing school; I just don't 11:49:55AM	5	Q And that's part of the larger part of 11:51:39AM
6	know	6	your office at this point?
7	Q So you can't tell us of any nursing school	7	A Yes
8	in the United States that uses the AnatLab product;	8	And Office of Technology Management
9	is that fair?	9	sometimes holds seminars for the faculty where we
10	MS. KLEIN: Objection; form. 11:50:06AM	10	discuss our intellectual property I mean, they are 11:51:49AM
11	THE WITNESS: I said that they are working	11	not allowed to directly license anything, so they
12	with a nursing school. That's what they told us in	12	don't get licensing training
13	their last meeting.	13	Q Okay. So that might not have been a good
14	But I do not remember the name and even if	14 1 1 5	question.
15	I knew, I don't know if I can disclose that name to 11:50:15AN		But if they've got an invention, do you 11:51:58AM
16	you.	16	provide training to the employees or the professors
17	BY MS. DOAN:	17 18	about how to actually assign that invention on to
18	Q Because it may be so confidential that no	19	the University or how to approach the University or
19 20	one knows that they are actually using it or not; is	20	what type of training do you provide with respect to
	that fair? 11:50:24AM		further entrepreneurship of their own invention 11:52:12A
21	MS. KLEIN: Objection; form.	21	through the University of California?
22	THE WITNESS: No, it's business plan and	22 23	MS KLEIN: Objection; form
23 24	business it's plan for Eolas, what they are	24	BY MS DOAN:
	doing, so I should not be disclosing information		Q You can answer. MS VI EIN: If you understand the multiple 11:52:18AM
25	that's 11:50:33AM	25	MS KLEIN: If you understand the multiple 11:52:18AM
	Page 135		Page 137

1	questions 11:52:19AM	1	D 11.54.1941
2	questions 11:52:19AM THE WITNESS: So we have courses that are	1	Do you know of any product that Eolas 11:54:18AN
		2	currently has on the market?
3	offered by the Center of BioEntrepreneurship For	3	MS. KLEIN: Objection; form.
4	example, there is one going on right now which is	4	THE WITNESS: Actually on the market?
5	called "Idea to IPO," where basically you discuss 11:52:29AM	5	BY MS. DOAN: 11:54:32AM
6	how you identify an invention and how you take it	6	Q Yes, ma'am.
7	forward and how you and during that process, they	7	A No.
8	have discussions about intellectual property and	8	Q Okay.
9	inventions and patents and	9	So with respect to the license of the
10	BY MS DOAN: 11:52:41AM	10	University of California, the exclusive license it 11:54:40Al
11	Q Okay.	11	has given to Eolas, has the University of California
12	And is that patents in general or	12	ever seen the University of California's business
13	basically is it is it directed towards, "If	13	plans?
14	you've got a patent acknowledgement form, this is	14	MS. KLEIN: Objection; form.
15	how you would market your own product through the 11:52:49A	M 15	THE WITNESS: Eolas' business plans? 11:54:51AM
16	University of California"? Do you see the	16	BY MS. DOAN:
17	difference?	17	Q Yes, ma'am.
18	MS KLEIN: Objection; form	18	A I think you need to repeat the question
19	THE WITNESS: Well, they're told that if	19	again. Sorry.
20	they make an invention at the University, that they 11:52:58AM	20	Q Sure. Absolutely. 11:54:59AM
21	have an obligation to assign the rights to the	21	In connection with the license that the
22	University and that they should approach the Office	22	University of California has given to Eolas, has the
23	of Technology Management And we would then sit	23	University of California ever seen Eolas' business
24	down with them and explain them the whole process,	24	plans?
25	how it works 11:53 09AM	25	A Yes. 11:55:07AM
	Page 138		Page 140
1	BY MS DOAN: 11:53:12AM	1	Q Okay. 11:55:07AM
2	Q Who advises	2	So you're aware that Eolas has business
3	Who tells the	3	plans to monetize the patents through filing
4	What department is in charge of telling	4	lawsuits?
5	the employees and the professors that information? 11:53:16A		
6		6	MS. KLEIN: Objection; form. 11:55:16AM THE WITNESS: I don't think that's what
7	MS KLEIN: Objection; form	7	
	THE WITNESS: They learn from their		their plan was in the beginning.
8	colleagues They we have a website We go out	8	BY MS. DOAN:
9	in the field, so to say, and meet with the	9	Q Have you ever seen a business plan of
10	investigators, meet with the postdoctoral fellows 11:53:30AM	10	Eolas where they specifically state that they are 11:55:22Al
11	And there's we already work with so	11	going to monetize the patents by filing lawsuits?
12	many investigators, so it's easy to for them to	12	MS. KLEIN: Objection; form.
13	find out who the contact is We have meetings with	13	THE WITNESS: I have not seen personally a
14	the department administrators, as well, to let them	14	business plan indicating that they are going to file
15	know that if there is an invention, who they can 11:53:45AM	15	a lawsuit and that's how they are going to make 11:55:34AM
16	approach	16	money.
17	BY MS DOAN:	17	BY MS. DOAN:
18	Q Other than Eolas, does the University of	18	Q Have you ever read any of Eolas' business
19	California license any other technologies that it is	19	plans?
20	a patent holder on to other groups that may wish to 11:53:58A	M 20	A I have not read them word to word, because 11:55:41AM
20	monetize the patents?	21	the license was already done.
21	•	22	Q Sure.
	MS KLEIN: Objection; form		
21	MS KLEIN: Objection; form THE WITNESS: I'm not sure I understand	23	
21 22	THE WITNESS: I'm not sure I understand	23	Do you know anybody at the University of
21 22 23			

A WATER OF THE STATE OF THE STA		
1 MS KLEIN: Objection; form 11:55:53AM	1	and '985 patents, a sublicense, that's not been in 11:57:40Al
THE WITNESS: Ex-employee who used to	2	connection with filing a lawsuit?
3 manage the case at that time, they must have	3	MS. KLEIN: Objection; form.
4 reviewed it when they made a decision to license the	4	THE WITNESS: No.
5 technology to Eolas 11:56:00AM	5	BY MS. DOAN: 11:57:52AM
6 BY MS DOAN:	6	Q So your understanding is the University
7 Q Since the Eolas patents, the '906 and the	7	strike that.
8 '985 patents, have been in your portfolio, have you	8	Your understanding is that Eolas' only
9 reviewed any of the business plans for Eolas?	9	sublicenses are entities for which it has sued
10 A I have not 11:56:12AM	10	before the license were entered into; is that 11:58:03AM
11 MS KLEIN: Objection; form	11	correct?
12 THE WITNESS: I have not	12	A My understanding is that before, that
13 BY MS DOAN:	13	Eolas did try to go and talk to a lot of different
14 Q Have you extended or entered into any of	14	companies in order to do a sublicense before
the entered into any agreement with respect to 11:56:19A	1 15	Q Tell me who. 11:58:16AM
on behalf of the University of California with	16	MS. KLEIN: Please don't cut off the
respect to the Eolas licenses since they have been	17	witness. She was in the middle of an answer.
18 in your portfolio?	18	BY MS. DOAN:
19 A I did the restated agreement	19	Q You can answer. Tell me who.
20 Q Okay. 11:56:33AM	20	A I don't know. I just know that Eolas had 11:58:22AM
21 And then there was another agreement	21	a lot of discussions with a lot of entities. I
22 that I believe that was dated like last	22	don't know who.
23 September 2011.	23	Q Who gave you that information? Eolas?
You're familiar with that, as well?	24	A I learned it from the file.
25 A Yes 11:56:40AM	25	Q Okay. 11:58:31AM
Page 142		Page 144
1 Q In connection with entering into the 11:56:40AM	1	And the file would be something that you 11:58:32AM
2 one-page agreement from September 2011 or the second	2	have in your file?
3 restated agreement, did you review any of Eolas'	3	A The file that I'm sure you have copies of
4 business plans?	4	Q I know. I have a hard drive and 430,000
5 A We did not review the business plans, but 11:56:53AM	5	documents that was dumped on me by the University of 11:58:40A
6 we had discussions about what they planned to do	6	California this last month, okay?
7 Q But the University of California never	7	So what I'm asking you with respect to
8 looked at any of the business plans in connection	8	your file: Are you telling me that there is
9 with those two licenses, the restated second amended	9	entities that Eolas has said they have contacted
license and the one-page license for September of 11:57:06AM		about receiving a license? 11:58:51AM
11 2011 with respect to Eolas; is that fair?	11	MS KLEIN: Objection; form and move to
12 MS KLEIN: Objection; form	12	strike the argumentative comment
,	13	THE WITNESS: If I recall correctly, those
13 THE WITNESS: Not business plan 14 BY MS DOAN:	14	were discussions while the patent was still pending,
		not when the patent issued 11:58:59AM
Q Do you know of any license that Eolas has 11:57:14AM	15	•
ever entered into on behalf of the '906 or '985	16	BY MS DOAN:
patents that were not sought in connection with or	17	Q Okay.
18 after filing a lawsuit?	18	After the '906 patent issued, okay, do you
MS KLEIN: Objection; form	19	know of any entity that Eolas has ever approached to
THE WITNESS: Could you restate the 11:57:32AM	20	take a license before suing the entity? 11:59:11AM
21 question?	21	A You would need to ask Eolas
22 BY MS DOAN:	22	Q I will.
23 Q Sure.	23	A I do not know
24 Do you know of any license that Eolas has	24	Q Thank you.
ever received from anyone with respect to the '906 11:57:37AM Page 143	1 25	I want to get make sure I'm clear on 11:59:25AM Page 145

this thing. You talked to me about the courses that 11:59:27AM 1 THE WITNESS: No Yes,	it's fair 12:01:30PM
2 the University provides with respect to licensing 2 BY MS DOAN:	
3 and entrepreneurship and IPOs, et cetera. 3 Q Okay.	
4 You provide those courses to everybody, 4 A I don't know it's not train	O ²
5 not just employees and professors, correct? 11:59:35AM 5 that's why I'm not sure what you're	· ·
6 A Yes 6 Q Information in some way	
7 Q Okay. 7 A It's available on the public	·
8 Provide them to students and people 8 you could certainly go and read or	ur patent
9 I could sign up for one, correct? 9 acknowledgement form	
10 A You could 11:59:40AM 10 Q Okay.	12:01:45PM
11 Q Okay. 11 But because I'm not requi	red to sign one
12 A You would need to pay 12 as a student, I wouldn't have to	that wouldn't be
13 Q Exactly. 13 something the University would	reach out to its
So with respect to 14 students to give them some type	of additional
Are there any particular courses that 11:59:47AM 15 training or information of how to	to take any invention 12:01:58P
professors or employees who have signed a patent 16 through the University; is that f	air?
17 acknowledgement form take or have access to or can 17 MS KLEIN: Objection; for	rm
take for free, perhaps, that the University would 18 THE WITNESS: I guess	
19 provide certain training? 19 BY MS DOAN:	
20 A So there are no I'm not aware of any 12:00:03PM 20 Q Okay.	12:02:07PM
21 courses, but there is tons of information available 21 Do you know whether the	students at the
22 on our Office of the President website, on our 22 University of California were re	equired to sign a
23 website, the UCSF website, that takes them to 23 patent acknowledgement form to	oack in 1992, 1993,
24 different sections 24 1991?	
So you can you can find a lot of 12:00:17PM 25 A I don't know	12:02:21PM
Page 146	Page 148
1 materials I'm not aware of any specific courses 12:00:19PM 1 MS. KLEIN: Objection; for	form. Objection; 12:02:21PM
2 that are offered 2 beyond the scope of the 30(b)(6)	
3 Q And so if I'm a if I'm a professor or 3 BY MS. DOAN:	
4 an employee at the University, I can go to those 4 Q Were there any type of	patent policies or
5 websites and receive additional information or 12:00:28PM 5 invention policies or invention	assignment policies 12:02:28P
6 training about how to capitalize on an invention 6 that the University had with re	•
7 that I may have that the University of California 7 from 1990 to 1993?	•
8 would own; is that fair? 8 A Specifically with regards	to students?
9 MS KLEIN: Objection; form 9 Q Yes, ma'am.	
THE WITNESS: Yes, or you could contact 12:00:42PM 10 A No.	12:02:41PM
or sometimes we try to set up if we can get in 11 Q How about any time in the can get in 11 Q How about any time in 11 Q	
	17005. Did till
	ny tyne of policies
touch with the new faculties joining, we would go 12 University of California have a 13 meet with them so we can introduce our office to	
meet with them so we can introduce our office to 13 or practices that pertain to assi	ignment of students'
meet with them so we can introduce our office to 13 or practices that pertain to assi 14 them and give them all the information that they 14 inventions to the University of	ignment of students' California?
meet with them so we can introduce our office to 13 or practices that pertain to assi 14 them and give them all the information that they 15 would need 12:00:54PM 13 or practices that pertain to assi 14 inventions to the University of 15 MS. KLEIN: Objection; for	ignment of students' California?
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meet with them so we can introduce our office to them and give them all the information that they would need 12:00:54PM 15 BY MS DOAN: 16 BY MS DOAN: 17 Q Sure. 18 And I'm assuming that since - 19 The Joe Q. general public person like me 20 or a student would not that would be something 21 that since I don't sign a patent acknowledgement 22 form, that would be something that we would not 13 or practices that pertain to assine inventions to the University of Deyond the 30(b)(6). 17 THE WITNESS: Not that BY MS. DOAN: 19 Q Any time from 1990 to 10 University of California have a or practices with requiring the assign their inventions to the University of California to the University of California that was a sign their inventions to the University of California to the University of California that was a sign their inventions to the University of California that was a sign their inventions to the University of California that was a sign their inventions to the University of California that was a sign their inventions to the University of California that was a sign their inventions to the University of California that was a sign their inventions to the University of California that was a sign their inventions to the University of California that was a sign their inventions to the University of California that was a sign their inventions to the University of California that was a sign their inventions to the University of California that was a sign that was a	ignment of students' California? form. Objection; 12:02:55PM I know of. 1995, did the my type of policies 12:03:08P. the students to
meet with them so we can introduce our office to them and give them all the information that they would need 12:00:54PM 15 BY MS DOAN: 16 BY MS DOAN: 17 Q Sure. 18 And I'm assuming that since 19 The Joe Q. general public person like me 20 or a student would not that would be something 21 that since I don't sign a patent acknowledgement 22 form, that would be something that we would not 23 receive training for from the University of 13 or practices that pertain to assi inventions to the University of 14 inventions to the University of beyond the 30(b)(6). 17 THE WITNESS: Not that BY MS. DOAN: 19 Q Any time from 1990 to 10 University of California have a 21 or practices with requiring the 22 assign their inventions to the University of 23 California?	ignment of students' California? form. Objection; 12:02:55PM I know of. 1995, did the ny type of policies 12:03:08PI the students to inversity of
meet with them so we can introduce our office to them and give them all the information that they would need 12:00:54PM 15 MS. KLEIN: Objection; for the Witness: Not that BY MS DOAN: 16 BY MS DOAN: 17 Q Sure. 18 And I'm assuming that since 19 The Joe Q. general public person like me 20 or a student would not that would be something 21 that since I don't sign a patent acknowledgement 22 form, that would be something that we would not 23 or practices that pertain to assis inventions to the University of 14 inventions to the University of 15 MS. KLEIN: Objection; for beyond the 30(b)(6). 17 THE WITNESS: Not that 18 BY MS. DOAN: 19 Q Any time from 1990 to 10 University of California have at or practices with requiring the assign their inventions to the University of California that would not that wou	ignment of students' California? form. Objection; 12:02:55PM I know of. 1995, did the ny type of policies 12:03:08PI the students to inversity of

1 b	oreak? 12:03:26PM	1	Q Okay. 12:57:55PM
2	MS. KLEIN: Sure.	2	When you talked about the undergraduate
3	THE VIDEOGRAPHER: Off the record at	3	students, I want to make sure we're still on the
4 1	12:03.	4	same page, because I think we are.
5	(Lunch recess taken.) 12:03:29PM	5	You're not aware of any graduate student 12:58:08PM
6	THE VIDEOGRAPHER: On the record at 12:56.	6	that's ever attended a University of California
7 E	BY MS. DOAN:	7	campus that was required to sign a patent
8	Q Dr. Rajdev, do you understand that we're	8	acknowledgement form, were you?
9 r	resuming your deposition after a lunch break?	9	MS KLEIN: Objection; form
10	A Yes. 12:56:38PM	10	THE WITNESS: I'm not aware of any 12:58:20PM
11	Q Do you understand, of course, you're still	11	BY MS DOAN:
12 u	under oath?	12	Q Yes, ma'am.
13	A Yes.	13	And you're not aware of any graduate
14	Q You work for what used to be the Office of	14	student that attended any University of California
15 T	Fechnology Management? 12:56:46PM	15	campus that was required to assign over his or her 12:58:27PM
16	A Well, before we start, there were two	16	rights to any invention while they were at the
17 tl	things that we wanted to clarify	17	University of California; is that correct?
18	Q Okay.	18	A I am aware
19	A from before.	19	MS KLEIN: Objection
20	Q Sure. 12:56:51PM	20	THE WITNESS: Sorry I'm aware if they 12:58:39PM
21	A One was that when we were talking about	21	were if they made an invention that involved
22 s	students, there were a few questions that you had	22	third-party obligations, then they have to assign
23 a	about students.	23	their rights
24	And because we had previous discussion	24	BY MS DOAN:
25 a	about undergraduate student, my answers were 12:56:59PM	25	Q Okay. 12:58:47PM
	Page 150		Page 152
1 p	orimarily for undergraduate students, who were not 12:57:03PM	1	But you're not aware of whether they 12:58:48PM
•	nvolved with any sponsor-related research.	2	actually signed a patent acknowledgement form; is
3	Q Okay.	3	that what you're telling me?
4	A And the second clarification was that I	4	A Yes.
5 tl	hink you asked me about the amount of damages that 12:57:12PM	1 5	Q Okay. 12:58:54PM
	UC is asking in the lawsuit. I know the total	6	And then, of course, that's since you have
	amount is greater than \$500 million, but I don't	7	worked at the Office of Technology Management from
	know the I think you were asking me for	8	the year 2000 to the present; is that correct?
	ndividual	9	MS. KLEIN: Objection; form.
10	Q Yes, ma'am. 12:57:30PM	10	THE WITNESS: I would say 2002 to present. 12:59:13P
11	A and I don't know the individual	11	BY MS. DOAN:
	amounts.	12	Q Right, 2002 to present.
13	Q Okay.	13	A Yes.
14	And you have been able to clarify the	14	Q Before 2002, you don't know of any student
	record. Is there anything else you want to clarify 12:57:39PM		that assigned over whether it's a graduate 12:59:22PN
	the record about?	16	student or undergraduate student that signed a
17	A Those are the only two things.	17	patent acknowledgement form; is that fair?
18	Q And you have been able to clarify the	18	MS. KLEIN: Objection; form.
	record after speaking with your counsel during the	19	THE WITNESS: Yes, I do not know.
	unch break; is that correct? 12:57:47PM	20	BY MS. DOAN: 12:59:30PM
21	A Pardon? Say that again.	21	Q Okay.
22	Q You were able to clarify the record after	22	And you don't know of any student that was
	speaking with your counsel during the lunch break;	23	required to assign over any type of invention they
1	s that correct?	24	may have worked on at the University of California,
25	A Yes. 12:57:55PM	25	is that fair, from before 2002? 12:59:39PM
		-	

4	MC VIENI, Okiovina Company		DVMC DOAN.
1 2	MS KLEIN: Objection; form 12:59:44PM	1	BY MS. DOAN: 1:01:54PM
	THE WITNESS: No, I do not know	2	Q I'm sorry, you're exactly right. Bad
3 4	BY MS DOAN:	3	question. Let me rephrase.
5	Q Okay. You currently work for the ITA department, 12:59:53PM		What date did Dr. Martin and Dr. Cheong [sic] and Michael Doyle tell the University of 1:01:59PM
6		6	
7	correct, the office of the ITA; is that right? A Yes	7	California that they first conceived of the
8	Q Okay.	8	invention which later became the '906 patent? A I think it was sometime in 1994, but I
9	Which the Office of Technology Man and	9	can't recall the exact date.
10	Management became part of the ITA, correct? 1:00:02PM		Q Okay. 1:02:19PM
11	A Yes	11	Do you know the date of first reduction to
12	Q What is the difference between the Center	12	practice of the invention which later became the
13	For Knowledge and Technology and the Office of	13	'906 patent?
14	Technology Management?	14	MS. KLEIN: Objection; form.
15	A So as I understand it, Center of Knowledge 1:00:12PM	15	THE WITNESS: From what I can read in the 1:02:33PM
16	and Technology is part of the library, where they	16	files, it seems like that they had the system
17	are working on developing more software, more	17	running, they could actually do a demo at the time
18	training systems in how to do things in the medical	18	they disclosed or very close to it. So I would
19	field using computers	19	believe that it was conceived and reduced to
20	Q Okay. 1:00:30PM	20	practice at that time. 1:02:45PM
21	A Whereas Office of Technology Management	21	BY MS. DOAN:
22	is really doesn't manage high-tech, but all the	22	O In 1994?
23	technologies that are created by the University of	23	A Yes.
24	California, San Francisco researchers And they	24	Q Okay.
25	could be patented or nonpatented, but any 1:00:45PM	25	And have you ever seen this demonstrative? 1:02:48PA
	Page 154		Page 156
1	technologies. 1:00:48PM	1	A I have seen the AnatLab. 1:02:52PM
2	Q Okay.	2	Q Okay.
3	A We don't develop technologies, per se, in	3	And when did you see the AnatLab?
4	our office.	4	A The first time I saw it was, I want to
5	Q Okay. 1:00:54PM	5	say, about a year ago. 1:03:02PM
6	And the Center for Knowledge in Technology	6	Q Okay. I think I'm focused on something a
7	is more part of the library field, where they are	7	little bit differently.
8	actually looking at different types of medical field	8	A Okay.
9	technologies and developing those; is that fair?	9	Q Have you ever seen a demonstrative that
10	MS. KLEIN: Objection; form. 1:01:06PM	10	Michael Doyle says that he did in 1994 prior to 1:03:11PA
11	THE WITNESS: Developing training systems	11	filing for the patent application the '906 patent
12	or programs, Web-based programs or	12	application?
13	BY MS. DOAN:	13	MS. KLEIN: Objection; form.
14	Q Okay.	14	THE WITNESS: So if you're asking me
15	And and your office deals more with 1:01:12PM	15	personally, I have not seen it. But I 1:03:23PM
16	licensing of those products?	16	BY MS. DOAN:
17	A Yes.	17	Q Do you know if anybody at the University
18	Q Do you know strike that.	18	of California ever saw any type of demonstration by
19	What date did Eolas tell the University of	19	Michael Doyle of the invention that later became the
20	California that it first conceived of the invention 1:01:32PM	20	'906 patent? 1:03:36PM
21	which led or became the '906 patent?	21	A I believe so. There is graphic
22	MS. KLEIN: Objection; form.	22	description in the file about this fetal being
23	THE WITNESS: It wasn't Eolas, it was	23	sliced into different parts and people looking at
24	Dr. Doyle while he was still a UCSF employee and	24	how you could look at the sections of it.
25	Martin Dr. Martin and Cheong Ang. Sorry. 1:01:49PM	25	So I would presume that that was the 1:03:48PM

reduction to practice in demo of the technology that 1:03:49PM	1 1	there was another line of questions about students, 1:05:50PM
2 he disclosed.	2	but I didn't think that it was clarified at that
3 Q Do you know the date of when anybody at	3	time whether it was undergraduate students or
4 the University of California ever saw that demo, if	4	graduate students It was just students
5 indeed they did? 1:03:59PM	5	Q And what was that line of questioning that 1:05:59PM
6 MS. KLEIN: Objection; form.	6	you
7 THE WITNESS: From the records, it appears	7	Do you want to change your testimony on
8 in fall of 1994.	8	that question?
9 BY MS. DOAN:	9	MS KLEIN: Objection; form
10 Q Okay. 1:04:04PM	10	THE WITNESS: I have to look at the 1:06:04PM
11 And do you know who at the University of	11	questions
12 California saw this demonstration?	12	BY MS DOAN:
13 A Martha Leur Leuhrmann? I don't know	13	Q Okay.
14 the last name. Sorry.	14	A I think it was something to do with if I
15 Q That's okay. 1:04:17PM	15	knew whether they were required to assign 1:06:07PM
16 Martha how do you spell it?	16	Q Okay.
17 A The licensing associate at that time who	17	A their rights
18 was managing the case.	18	Q Okay.
19 Q Okay.	19	If a graduate student is not working on
And can you spell either the first or last 1:04:23PM	20	sponsored research that requires an assignment of 1:06:171
21 name for me? Sorry.	21	rights, okay, do you know of any graduate student
A M-A-R-T-H-A. I can't spell the last name.	22	that has to sign either an assignment of invention
Q Starts with an L?	23	rights or a patent acknowledgement form?
24 A Yes.	24	MS KLEIN: Objection; form
25 MS. KLEIN: L-E-U-H-R-M-A-N-N. 1:04:35PM	25	THE WITNESS: I do not know 1:06:31PM
Page 158		Page 160
1 BY MS DOAN: 1:04:43PM	1	BY MS. DOAN: 1:06:32PM
2 Q And have you ever talked to Martha	2	Q Does the University of California require
3 Leuhrmann about the '906 or '985 patents?	3	its graduate students who are not working on
4 A No, I have not	4	sponsored projects, okay, by third parties who would
5 Q Have you ever talked to Martha Leuhrmann 1:04:50PM		require it, okay, does the University of 1:06:41PM
6 about any invention that Dr. Doyle claims that he	6	California strike that. Hold on a second. Make
7 invented?	7	sure I get the scenario right.
8 A No, I have not	8	Putting aside any third-party sponsored
9 Q I want to make sure I'm fully	9	research, which would require a patent assignment
10 understanding this. When you tell me that 1:05:21PM	10	form, okay, does the University of California 1:06:53Pl
		ivini viati uvis ini viitvisitty vi valiiviilla 1.00.331 l
	11	
11 When you came back from the break and you	11 12	require its graduate students to sign some type of
11 When you came back from the break and you 12 told me you were focusing on students about you	12	require its graduate students to sign some type of patent acknowledgement form or an assignment of
11 When you came back from the break and you 12 told me you were focusing on students about you 13 were more focused on undergraduate students	12 13	require its graduate students to sign some type of patent acknowledgement form or an assignment of invention rights?
11 When you came back from the break and you 12 told me you were focusing on students about you 13 were more focused on undergraduate students 14 A Yes	12 13 14	require its graduate students to sign some type of patent acknowledgement form or an assignment of invention rights? A So I know, being a past graduate student,
When you came back from the break and you told me you were focusing on students about you were more focused on undergraduate students A Yes O Okay. 1:05:31PM	12 13 14 15	require its graduate students to sign some type of patent acknowledgement form or an assignment of invention rights? A So I know, being a past graduate student, I know most of the graduate students are paid on 1:07:08PM
When you came back from the break and you told me you were focusing on students about you were more focused on undergraduate students A Yes Q Okay. 1:05:31PM Is there any answer that you want to	12 13 14 15	require its graduate students to sign some type of patent acknowledgement form or an assignment of invention rights? A So I know, being a past graduate student, I know most of the graduate students are paid on 1:07:08PM a some sort of fellowship from a grant, which is
When you came back from the break and you told me you were focusing on students about you were more focused on undergraduate students A Yes Q Okay. 1:05:31PM Is there any answer that you want to change from the previous part of your deposition? I	12 13 14 15 16	require its graduate students to sign some type of patent acknowledgement form or an assignment of invention rights? A So I know, being a past graduate student, I know most of the graduate students are paid on a some sort of fellowship from a grant, which is either a grant by NIH or something, in which case
When you came back from the break and you told me you were focusing on students about you were more focused on undergraduate students A Yes Q Okay. 1:05:31PM Is there any answer that you want to change from the previous part of your deposition? I thought we clarified between undergraduate and	12 13 14 15 16 17	require its graduate students to sign some type of patent acknowledgement form or an assignment of invention rights? A So I know, being a past graduate student, I know most of the graduate students are paid on a some sort of fellowship from a grant, which is either a grant by NIH or something, in which case automatically the sponsor obligation kicks in.
When you came back from the break and you told me you were focusing on students about you were more focused on undergraduate students A Yes Q Okay. 1:05:31PM Is there any answer that you want to change from the previous part of your deposition? I thought we clarified between undergraduate and graduate students, so I'm trying to figure out is	12 13 14 15 16 17 18	require its graduate students to sign some type of patent acknowledgement form or an assignment of invention rights? A So I know, being a past graduate student, I know most of the graduate students are paid on a some sort of fellowship from a grant, which is either a grant by NIH or something, in which case automatically the sponsor obligation kicks in. Q Put those aside.
When you came back from the break and you told me you were focusing on students about you were more focused on undergraduate students A Yes Q Okay. 1:05:31PM Is there any answer that you want to change from the previous part of your deposition? I thought we clarified between undergraduate and graduate students, so I'm trying to figure out is there something specifically that you're thinking of 1:05:41PM	12 13 14 15 16 17 18 19	require its graduate students to sign some type of patent acknowledgement form or an assignment of invention rights? A So I know, being a past graduate student, I know most of the graduate students are paid on a some sort of fellowship from a grant, which is either a grant by NIH or something, in which case automatically the sponsor obligation kicks in. Q Put those aside. A But I do not know if there was 1:07:20PM
When you came back from the break and you told me you were focusing on students about — you were more focused on undergraduate students — A Yes Q Okay. 1:05:31PM Is there any answer that you want to change from the previous part of your deposition? I thought we clarified between undergraduate and graduate students, so I'm trying to figure out is there something specifically that you're thinking of 1:05:41PM that you need to change?	12 13 14 15 16 17 18 19 20 21	require its graduate students to sign some type of patent acknowledgement form or an assignment of invention rights? A So I know, being a past graduate student, I know most of the graduate students are paid on a some sort of fellowship from a grant, which is either a grant by NIH or something, in which case automatically the sponsor obligation kicks in. Q Put those aside. A But I do not know if there was 1:07:20PM absolutely if they were paying their way through the
When you came back from the break and you told me you were focusing on students about you were more focused on undergraduate students A Yes Q Okay. 1:05:31PM Is there any answer that you want to change from the previous part of your deposition? I thought we clarified between undergraduate and graduate students, so I'm trying to figure out is there something specifically that you're thinking of 1:05:41PM that you need to change? A So there were two instances when we	12 13 14 15 16 17 18 19 20 21	require its graduate students to sign some type of patent acknowledgement form or an assignment of invention rights? A So I know, being a past graduate student, I know most of the graduate students are paid on a some sort of fellowship from a grant, which is either a grant by NIH or something, in which case automatically the sponsor obligation kicks in. Q Put those aside. A But I do not know if there was 1:07:20PM absolutely if they were paying their way through the graduate school and just doing the research. They
When you came back from the break and you told me you were focusing on students about you were more focused on undergraduate students A Yes Q Okay. 1:05:31PM Is there any answer that you want to change from the previous part of your deposition? I thought we clarified between undergraduate and graduate students, so I'm trying to figure out is there something specifically that you're thinking of 1:05:41PM that you need to change? A So there were two instances when we discussed the students There were there was	12 13 14 15 16 17 18 19 20 21 22 23	require its graduate students to sign some type of patent acknowledgement form or an assignment of invention rights? A So I know, being a past graduate student, I know most of the graduate students are paid on a some sort of fellowship from a grant, which is either a grant by NIH or something, in which case automatically the sponsor obligation kicks in. Q Put those aside. A But I do not know if there was 1:07:20PM absolutely if they were paying their way through the graduate school and just doing the research. They do utilize University resources for doing those
When you came back from the break and you told me you were focusing on students about you were more focused on undergraduate students A Yes Q Okay. 1:05:31PM Is there any answer that you want to change from the previous part of your deposition? I thought we clarified between undergraduate and graduate students, so I'm trying to figure out is there something specifically that you're thinking of 1:05:41PM that you need to change? A So there were two instances when we	12 13 14 15 16 17 18 19 20 21	require its graduate students to sign some type of patent acknowledgement form or an assignment of invention rights? A So I know, being a past graduate student, I know most of the graduate students are paid on a some sort of fellowship from a grant, which is either a grant by NIH or something, in which case automatically the sponsor obligation kicks in. Q Put those aside. A But I do not know if there was 1:07:20PM absolutely if they were paying their way through the graduate school and just doing the research. They

1	and any other sponsor-related grant. 1:07:35PM	1	California just because they used their computers? 1:09:09PN
1	,	1	• • • • • • • • • • • • • • • • • • • •
2	So I don't know exactly if there is a	2	That's not what you're saying, is it?
3	requirement for graduate students to sign assign	3	MS KLEIN: Objection; form Objection;
4	their rights, so I would say I do not know.	4	asked and answered and objection; beyond the scope
5	Q All right. 1:07:45PM	5	of the 30(b)(6) 1:09:17PM
6	The University of California is not	6	THE WITNESS: I do not know
7	requiring its graduate students to assign any rights	7	BY MS DOAN:
8	to any inventions that those graduate students come	8	Q Okay.
9	up with while they are a student at the University	9	Wouldn't that surprise you, that if I
10	of California separate and apart from any 1:07:56PM	10	was an undergraduate or graduate student and just 1:09:23F
11	third-party grant, which may require, obviously, the	11	because I'm using your computer, you think you own
12	assignments of those rights; is that fair?	12	my invention in my brain?
13	MS. KLEIN: Objection; form.	13	MS KLEIN: Objection; form
14	THE WITNESS: If it's in their own time	14	THE WITNESS: I don't believe that they
15	and without using any University resources, without 1:08:06PM	15	are required to, so I don't know that there was a 1:09:32PM
16	collaborating with someone else, then probably not.	16	specific policy addressing that I don't believe
17	It's a case specific. I do not know the answer.	17	there is
18	BY MS. DOAN:	18	BY MS DOAN:
19	Q Okay.	19	Q What products is the University contending
20	Is the University of California requiring 1:08:16PM	20	that Yahoo makes that infringe any of the claims of 1:09:51PM
21	its undergraduate students who attend the University	21	the '906 or '985 patents?
22	and pay good money to attend that institution, who	22	MS KLEIN: Objection to form Objection;
23	use the computers of the institution, are they	23	beyond the scope of the 30(b)(6)
24	requiring their grad their undergraduate	24	BY MS DOAN:
25	students to assign any rights they may have to any 1:08:29P	M 25	Q You can answer. 1:10:02PM
	Page 162		Page 164
1	invention they may have thought about during that 1:08:32P	M 1	A I'm not in a position to comment on that. 1:10:02PM
2	time period?	2	Q Okay.
3	MS KLEIN: Objection; form	3	Do you know any of the Yahoo products that
4	THE WITNESS: I don't believe so	4	the University is claiming infringing any claim of
5	BY MS DOAN: 1:08:36PM	5	the '985 or '906 patent? 1:10:11PM
6	Q Okay.	6	MS. KLEIN: Objection; form. Objection;
7	For example, Berkeley doesn't have	7	beyond the 30(b)(6).
8	anything like that that you know of, does it?	8	THE WITNESS: I cannot comment on that.
9		9	
	MS KLEIN: Objection; form		BY MS. DOAN:
10	THE WITNESS: I do not know of any campus 1:08:41PM	10	Q Okay. 1:10:17PM
11	that had anything like that	11	And I know you're saying you can't comment
12	BY MS DOAN:	12	on it. Do you know of any?
13	Q Okay.	13	MS. KLEIN: Same objections.
14	So, for example, the Experimental	14	THE WITNESS: I do not know.
15	Computing Facility 1:08:47PM	15	BY MS. DOAN: 1:10:25PM
16	You've heard of XCF at Berkeley?	16	Q Okay.
17	A Yes	17	Do you know of any Amazon products that
18	Q The XCF, are you familiar with what I'm	18	the University of California is claiming infringe
19	talking about?	19	any of the claims of the '906 or '985 patents?
20	A I don't know the exact name, but I know 1:08:55PM	20	MS. KLEIN: Objection; form of the 1:10:36PM
21	they have computing facility	21	question. Objection; beyond the 30(b)(6).
22	Q You don't know of any requirement that it	22	THE WITNESS: I cannot analyze that. I do
23	had for any of its graduate or undergraduate	23	not have that expertise.
24	students in the 1980s or 1990s to assign the	24	BY MS. DOAN:
25	_		
25	inventions they came up with to the University of 1:09:07PM Page 163	25	Q And I'm not asking for your expertise. 1:10:4 Page 16

1 You understand the University of 1:10:45PM	1	agreement and I'm not sure you need an agreement, 1:12:04P
2 California is making certain claims in this lawsuit,	2	because it's a service that Yahoo provides to the
3 right?	3	community, not specifically to UC.
4 A Uh-huh.	4	BY MS. DOAN:
5 Q Do you understand that? 1:10:50PM	5	Q Right. And I'm I'm asking a separate 1:12:11PM
6 A Yes.	6	question now.
7 Q Okay.	7	I'm asking about the specific agreements
8 And you understand they are suing my	8	between the University of California and Yahoo,
9 clients for a lot of money, right?	9	okay? And I'm hearing you say that you're not aware
10 A Yes. 1:10:54PM	10	of any; is that fair? 1:12:17PM
11 Q Okay.	11	A I don't know.
12 And you understand that they are claiming	12	MS. KLEIN: Objection to form, beyond the
in this lawsuit that certain products that Yahoo and	13	scope of the 30(b)(6).
14 Amazon make actually do infringe part of the '906	14	BY MS. DOAN:
and '985 patents. That's your University's 1:11:03PM	15	Q Is that fair? 1:12:23PM
16 position.	16	A I don't know.
Do you understand that?	17	Q What agreements does University of
18 A Yes.	18	California have with Amazon with respect to
19 Q Okay.	19	period?
So I'm asking you: What products does the 1:11:09PM	20	MS. KLEIN: Objection to form of the 1:12:31PM
21 University claim that Yahoo makes or uses that	21	question. Objection, beyond the scope of the
infringe the '906 and '985 patents?	22	30(b)(6).
MS. KLEIN: Objection to the form of the	23	Counsel, you have asked on the same topics
question. Objection; beyond the 30(b)(6) scope.	24	four different times and now you're going to
25 THE WITNESS: Again, I do not know 1:11:22PM	25	MS. DOAN: Counsel, I'm going to call the 1:12:39PM
Page 166		Page 168
1 specific products, but I know a lot of that both 1:11:23PM	1	hotline on you if you don't quit these 1:12:39PM
2 companies provide a lot of services that are based	2	MS. KLEIN: Call the hotline on me, then.
3 on interactive platforms. So I do not know what	3	MS. DOAN: speaking objections.
4 aspects of those infringe on the claims.	4	Absolutely.
5 BY MS. DOAN: 1:11:35PM	5	Are you ready? 1:12:43PM
6 Q Have you ever been	6	MS. KLEIN: Sure. You're asking this
7 Have you, individually, ever been to the	7	witness about topics she's not been designated on.
8 Yahoo website?	8	MS. DOAN: She is designated on these
9 A Yes, I have been.	9	topics, Counsel.
10 Q Okay. 1:11:41PM	10	MS. KLEIN: She's not designated on 1:12:51PM
Do you know of any agreements that the	11	agreements and you look, that's the objection I'm
12 University of California has with Yahoo with respect	12	trying to make.
•	13	
13 to using Yahoo's technology?		MS. DOAN: That's fine, but I'm asking
MS. KLEIN: Objection to the form of the	14	it's a different client. I have different clients
question, beyond the scope of the 30(b)(6). 1:11:47PM	15	and I'm entitled to ask the question. You can make 1:12:59Pl
16 THE WITNESS: I do not know.	16	an objection without speaking.
17 BY MS. DOAN:	17	Can we get back to my questioning?
Q Okay. Let me rephrase that one a little	18	MS. KLEIN: That's actually impossible.
19 bit.	19	MS. DOAN: For you.
What agreements does the University of 1:11:53PM		THE WITNESS: I do not know. 1:13:07PM
21 California have with Yahoo with respect to using	21	BY MS. DOAN:
22 Yahoo's technology?	22	Q Okay. So let me rephrase the question
MS. KLEIN: Objection to the form of the	23	again so I can get it on the record.
question, beyond the scope of the 30(b)(6).	24	Is that okay?
25 THE WITNESS: I do not know of any 1:12:03PM	25	A (Nods head.) 1:13:12PM
Page 167		Page 169

1	Q What agreements does the University of 1:13:12PM	1	infringes one of the University of California's 1:14:43PM
2	California have with Amazon?	2	patents"?
3	MS. KLEIN: Objection; beyond the scope of	3	MS. KLEIN: Beyond the scope of the
4	the 30(b)(6), witness not designated on this topic.	4	30(b)(6). Objection; form.
5	You may answer in your personal capacity. 1:13:20PM	5	THE WITNESS: It allows a lot of 1:14:49PM
6	THE WITNESS: I do not know.	6	interactivity, but I don't know if that specifically
7	BY MS. DOAN:	7	infringes the claims.
8	Q Do you have a Yahoo mail address e-mail	8	BY MS. DOAN:
9	address?	9	Q Okay.
10	A I don't use it, but I have it. 1:13:31PM	10	Do you know what type or what specific 1:14:55PI
11	Q Okay.	11	interactive products that the University of
12	And this is addressed to you personally,	12	California is claiming that Yahoo makes or uses or
13	okay, not to the University: Have you ever seen	13	serves up that somehow infringe or practice the '906
14	anything while you were on any of the Yahoo websites	14	or '985 patents?
15	that you think is covered by any of the claims of 1:13:45PM	15	MS. KLEIN: Objection; beyond the scope of 1:15:16PI
16	the '906 or '985 patents?	16	the 30(b)(6).
17	A I'm not I can't address that. I don't	17	THE WITNESS: I do not know.
18	know.	18	BY MS. DOAN:
19	Q Okay.	19	Q Okay.
20	And I have the same question with respect 1:13:57PM	20	Have you ever spoken to an individual 1:15:29PM
21	to Amazon. Have you ever been on the Amazon website	21	named Pei Wei?
22	and bought something?	22	A No.
23	A Of course.	23	Q Have you ever spoken to an individual
24	Q Okay.	24	named Scott Silvey?
25	And has your experience been good on the 1:14:02PM	25	A No. 1:15:39PM
	Page 170		Page 172
1	Amazon website? 1:14:05PM	1	Q Do you know who Pei Wei is? 1:15:39PM
2	A Of course, but that's totally unrelated	2	A I read in the files that he was a student
3	Q It is.	3	at University of Berkeley University of
4	So has your experience also been good with	4	California, Berkeley.
5	respect to the Yahoo website? 1:14:13PM	5	Q Okay. 1:15:48PM
6	A I don't use it much, but, yes, I can't	6	And do you know that he is claiming that
7	I mean, there is nothing that is not	7	he invented the Viola browser, which was prior art
8	Q You have no complaints against	8	to the '906 patent?
9	A Yes	9	MS. KLEIN: Object to the form of the
10	Q Yahoo; is that fair? 1:14:21PM	10	question. 1:15:59PM
11	A Yes	11	THE WITNESS: I've seen that's what he
12	Q Okay.	12	claims.
13	With respect to the Amazon website, have	13	BY MS. DOAN:
14	you ever been on a web page that you feel like	14	O Yes.
15	somehow infringed one of the claims in the '906 or 1:14:26PM	15	When did the University of California 1:16:03PM
16	'985 patents?	16	first become aware of Pei Wei?
17	MS KLEIN: Objection; beyond the scope	17	A The administrators in the Technology
18	and outside the 30(b)(6)	18	Transfer who were managing the case became aware of
19	BY MS DOAN:	19	it during the Microsoft trial.
20	Q You can answer. 1:14:33PM	20	But Dr. Doyle had communications with Pei 1:16:15PM
21	A That's not up to me to determine	21	Wei prior to that and he had forwarded those
	Q I understand that.	22	communications to our outside counsel, who was
2.2	-	23	representing University of California, and he looked
22 23	But I'm just asking you in your nersonal		
23	But I'm just asking you in your personal capacity: Have you ever been to the Amazon website		
	But I'm just asking you in your personal capacity: Have you ever been to the Amazon website and saw something you thought, "Hey, I think that 1:14:41PM	24	at those communications and Q Was Dr. Doyle the director for the Center 1:16:29P!

1	of Knowledge and Technology at the University of 1:16:32PM	1 1	to anybody at all, either within the University or 1:19:21PM
2	California, San Francisco campus while he was having	2	outside the University, about Topic Number 1 to
3	those communications with Pei Wei?	3	learn the information to be able to testify on
4	MS KLEIN: Objection; form	4	behalf of the University of California?
5	THE WITNESS: I do not know 1:16:42PM	5	MS. KLEIN: Objection to the form. 1:19:32PM
6	BY MS DOAN:	6	THE WITNESS: No.
7	Q Does the University have a policy that if	7	BY MS. DOAN:
8	a professor or an employee is going to seek a patent	8	Q When you say the depositions in the
9	to the University of California and it knows that a	9	Microsoft case, what are they?
10	student has claimed to invent the same thing first, 1:16:58PM	10	A They were for the previous two licensing 1:19:41PM
11	does the University of California have a policy that	11	associate and associate director who had managed the
12	that should be reported to the University?	12	case prior to it was transferred to me.
13	MS KLEIN: Objection; form	13	Q Okay.
14	THE WITNESS: There is no policy, but you	14	So the licensing individuals at University
15	would expect them to report it 1:17:12PM	15	of California in the Microsoft case, that's what you 1:19:53P
16	BY MS DOAN:	16	reviewed?
17	Q Okay.	17	A The licensing individuals who were
18	And if a director of one of the units at	18	managing the Eolas case at the University before it
19	the University indeed has this knowledge, that	19	was transferred to our office.
20	should be reported to the University. 1:17:23PM	20	Q Okay. 1:20:05PM
21	Would you agree with that?	21	A It was being managed by the central
22	MS KLEIN: Objection; form	22	office, the office University of California had a
23	THE WITNESS: It should be reported	23	Central Office of Technology Transfer, which used to
24	BY MS DOAN:	24	manage all of UC technologies. And then slowly,
25	Q The University would would require it 1:17:29PM Page 174	25	each campus evolved to have its own Technology 1:20:16PN Page 176
1	to be reported, would they not? 1:17:31PM	1	Transfer office. 1:20:20PM
2	A It should be reported to the University.	2	Q And prior to this file being transferred
3	MS. KLEIN: Objection; form.	3	to your office in 2008, it was located at the UC
4	BY MS. DOAN:	4	Central Office of Technology Transfer; is that
5	Q What documents is the University aware of 1:18:06P	M 5	right? 1:20:29PM
6	that Pei Wei provided to Dr. Doyle prior to the	6	A Yes.
7	University of California applying for the '906	7	Q And you reviewed the two depositions of
8	patent?	8	other licensing agents that worked at the Central
9	MS. KLEIN: Objection; form.	9	Office of Technology Transfer to prepare for today
10	THE WITNESS: Prior to the University 1:18:23PM	10	with respect to Topic Number 1; is that right? 1:20:40P.
11	applying?	11	A Yes, and
12	BY MS. DOAN:	12	MS. KLEIN: Objection; form.
13	Q Yes, ma'am.	13	THE WITNESS: Alan Bennett.
14	A I do not know.	14	BY MS. DOAN:
15	Q On Topic 1 and 2 of Exhibit Number 1 1:18:37PM	I 15	Q And Alan Bennett. 1:20:45PM
	On Topic Number 1	16	Anybody else?
16	A Yes.	17	A That's it.
16 17		18	Q What case files did you review to prepare
	Q just Number 1, Topic Number 1, Exhibit		
17	Q just Number 1, Topic Number 1, Exhibit Number 1, what documents did you review in order to	19	yourself for Topic Number 1?
17 18	- • •	19 20	yourself for Topic Number 1? A So I had some important the relevant 1:20:56PM
17 18 19	Number 1, what documents did you review in order to		
17 18 19 20	Number 1, what documents did you review in order to be able to testify on behalf of the University of 1:18:58PM	2.0	A So I had some important the relevant 1:20:56PM
17 18 19 20 21	Number 1, what documents did you review in order to be able to testify on behalf of the University of 1:18:58PM California here today?	20 21	A So I had some important the relevant 1:20:56PM documents that were prepared for the files, so I
17 18 19 20 21 22	Number 1, what documents did you review in order to be able to testify on behalf of the University of 1:18:58PM California here today? A I reviewed the depositions that were done	20 21 22	A So I had some important the relevant 1:20:56PM documents that were prepared for the files, so I looked at those.
17 18 19 20 21 22 23	Number 1, what documents did you review in order to be able to testify on behalf of the University of California here today? A I reviewed the depositions that were done in Microsoft trial, I reviewed the case files, and I	20 21 22 23 24	A So I had some important the relevant 1:20:56PM documents that were prepared for the files, so I looked at those. In the relevant documents, there was some

1	efforts, and then the license agreement and 1:21:09PM	1	okay? We'll refer to the whole thing as your file. 1:22:50PM
	amendments.	2	Is that okay with you?
3	Q You say "marketing of the case." What do	3	A Yes.
	you mean by that?	4	Q In your file, you contain all the copies
5	A So when we usually receive a disclosure, 1:21:21PM	5	of the licenses that Eolas has with the University 1:22:56PM
	•		·
	we always first want to make sure that the public is	6	of California; is that correct?
	aware of the invention, because it's generated with	7	A Yes.
	public funds. So we write up a nonconfidential	8	Q And does it also have a copy of the li
	summary of the invention and we approach as many	9	the sublicenses that Eolas has with respect to other
	companies as we can identify who would be interested 1:21:37F		entities? 1:23:05PM
	in licensing that technology, and that's called	11	MS. KLEIN: Objection; form.
	marketing.	12	THE WITNESS: It has I want to say it
13	Q That's what you were telling me before	13	has the it doesn't have a complete copy, because
14	about the venture capitalist group and Motorola?	14	a lot of them are associated with the settlements.
15	A Yes. 1:21:49PM	15	BY MS. DOAN: 1:23:20PM
16	Q Okay.	16	Q Okay.
17	So you reviewed the the marketing of	17	A But I saw something related to Microsoft
18	the case, the license agreement, and you mentioned	18	in there.
19	the prior licensing efforts?	19	Q Okay.
20	A So I reviewed the important documents 1:22:01PM	20	Why wouldn't it have a complete copy if 1:23:24PM
21	related to that, not the entire files.	21	part of it was related to a settlement? Is it
22	Q Okay.	22	somehow divided out somewhere else?
23	How big is the Eolas file that you have in	23	A It would not it's just they would
24	your office?	24	give us the relevant sections maybe later on,
25	MS. KLEIN: Objection; form. 1:22:11PM	25	because these settlements have just happened 1:23:40PM
	Page 178		Page 180
1	THE WITNESS: How big? 1:22:12PM	1	recently. 1:23:42PM
2	BY MS. DOAN:	2	Q When you say "they," so does someone else
3	Q Yes, ma'am.	3	at the University campus provide part of your file
4	A I have a box full of files.	4	or does Eolas provide these documents directly to
5	Q Okay. 1:22:16PM	5	you? 1:23:53PM
6	One box?	6	A Eolas provides documents to me and counsel
7	A Yes.	7	is copied on that.
8		8	*
	Q And that contains all of the license		Q Okay.
	agreements that University of California has with	9	What other documents would be within your
	Eolas? 1:22:22PM	10	file? 1:24:01PM
11	MS. KLEIN: Objection; form.	11	A So we would have a file that's there
12	THE WITNESS: So we have paper files,	12	would be disclosure where they actually made the
	which were from OTT before they were transferred,	13	disclosure and there would be negotiations with the
	which is the Central Office of Technology Transfer,	14	companies, depending on how far the negotiations
15	and then later on when it was transferred to our 1:22:30PM	15	went, and then there would be drafts of license 1:24:15PM
	office, we currently only keep electronic documents	16	agreements and terms that were negotiated, and then
17	because of lack of space.	17	there would be an executed license agreement.
18	BY MS. DOAN:	18	Q Okay.
19	Q Okay.	19	And when you're talking about the drafts
20	So you have one box of paper documents and 1:22:39P	M 20	of license agreements, that would all be with Eolas, 1:24:27P
21	then an electronic file, as well; is that right?	21	right, from, you know, 1994 to the present, correct?
22	A Yes.	22	A That's right. That's the only company
23	Q So with respect to whether it's and I'm	23	that we negotiated the actual terms and license
24	going to refer to both of them. I don't care	24	with.
25	whether it's printed or whether it's electronic, 1:22:48PM	25	Q Who else 1:24:41PM
	Page 179	l	Page 181

1	What also would be in that file? 1.24.43DM	1	with souncel 1.36.19DM
1 2	What else would be in that file? 1:24:42PM A That's it	1 2	with counsel? 1:26:18PM A With counsel and there was a little bit of
3	Q Is there any correspondence between Yahoo	3	communication in the file
4	and the University of California in that file?	4	Q Okay.
5	MS KLEIN: Objection; form 1:24:50PM	5	What communication did you review that was 1:26:23P
6	THE WITNESS: Not that I've seen	6	in the file?
7	BY MS DOAN:	7	A It was a copy of e-mail exchange between
8	Q Is there any correspondence between Amazon	8	Mike Doyle and Pei Wei
9	and the University of California in that file?	9	Q And those e-mails are from the '93, '94,
10	MS KLEIN: Objection; form 1:24:57PM	10	'95 timeframe 1:26:40PM
11	THE WITNESS: Not that I've seen any	11	MS KLEIN: Objection; form
12	BY MS DOAN:	12	BY MS DOAN:
13	Q Is there any correspondence between Google	13	Q is that fair?
14	or YouTube and the University of California in your	14	A Yes
15	case files? 1:25:06PM	15	Q Did you see anything after that timeframe, 1:26:43PM
16	MS KLEIN: Objection; form	16	like more recently, between Michael Doyle and Pei
17	THE WITNESS: Not in my case files	17	Wei or any correspondence involving Pei Wei that
18	BY MS DOAN:	18	was, say, more recent, within the last maybe 10
19	Q Are there any files that you have that	19	years?
20	contain any correspondence between the University of 1:25:12	PM 20	A I have not seen any 1:26:55PM
21	California and any of the Defendants in this case?	21	Q Have you ever seen a copy of the Viola
22	MS KLEIN: Objection; form	22	browser?
23	THE WITNESS: I know that Google's counsel	23	A No, I have not
24	had called our counsel and there was a discussion	24	Q Have you ever used the Viola browser?
25	I did not participate in that 1:25:24PM	25	A No, I have not 1:27:04PM
	Page 182		Page 184
1	BY MS DOAN: 1:25:26PM	1	Q Were you aware of the Viola browser before 1:27:05P
2	Q And when was that?	2	this lawsuit?
3	A About a month or two months ago, something	3	A Before the current lawsuit?
4	like that	4	Q Yes, ma'am.
5	Q Other than that, is there anything else 1:25:35PM	5	A It was in the files, because it came up 1:27:13PM
6	located in those files between the University of	6	during the Microsoft trial
7	California and any of the Defendants?	7	Q Okay.
8	·	8	-
	A I'm not aware of any		Do you know if the University of
9	MS KLEIN: Objection; form	9	California was aware of the Viola browser prior to
10	BY MS DOAN: 1:25:44PM	10	the Microsoft trial? 1:27:22PM
11	Q Let's go to Topic Number 3, 4, and 5.	11	MS KLEIN: Objection; form
12	What files did you review to prepare	12	THE WITNESS: The outside counsel had some
13	well, strike that.	13	communications, so he knew about it, I guess
14	What did you do to prepare for Topics 3,	14	BY MS DOAN:
15	4, and 5 to be able to testify here today? 1:26:01PM	15	Q When did the University of California 1:27:31PM
16	A I talked to my counsel	16	first learn about the Viola browser?
17	Q Okay.	17	MS KLEIN: Objection; form
18	A and	18	THE WITNESS: If you consider the outside
19	Q Is all the information you learned from	19	counsel, I don't know the exact date, but the
20	Topics 3, 4 1:26:10PM	20	University of California administrators came to know 1:27:41PM
21	MS KLEIN: Objection; form Please let	21	during the Microsoft trial
22	her finish her answer	22	BY MS DOAN:
23	BY MS DOAN:	23	Q Okay.
24	Q Is all the information that you learned	24	Is it the University of California's
25	from Topics 3, 4, and 5 from conversations you had 1:26:15F	M 25	testimony that they did not know about the Viola 1:27:48Pl
23	Page 183	W1 23	Page 18

	browser prior to the dispute with Microsoft in 1999 1:27:51PM	1	MS. KLEIN: Objection; form. 1:29:51PM
2	to 2005?	2	THE WITNESS: I do not know.
3	MS KLEIN: Objection; form	3	BY MS. DOAN:
4	THE WITNESS: The administrators didn't	4	Q Have you ever seen any documents that the
5	know about it 1:28:04PM	5	University of California submitted to the patent 1:29:58P
6	BY MS DOAN:	6	office during the patent prosecution of the '906
7	Q I'm sorry?	7	patent that would reflect disclosure of Pei Wei's
8	A The administrators who were managing the	8	invention or the Viola browser?
9	case did not know about it	9	MS. KLEIN: Objection to the form of the
10	Q Do you know who Tim Berners-Lee is? 1:28:16PM	10	question. 1:30:11PM
11	A Who?	11	THE WITNESS: I do not know.
12	O Tim Berners-Lee.	12	BY MS. DOAN:
13	A No	13	Q What review have the Regents of the
14	Q Do you know if Pei Wei has	14	University of California conducted with respect to
15	Have you ever read anything about Pei Wei 1:28:26PM	15	when the Viola browser was invented? 1:30:30PM
16	other than the correspondence that you have in your	16	A I don't know if you need to do we have
17	file between Pei Wei and Michael Doyle?	17	not done any review, at least that I'm aware of, and
18	A No	18	I don't know why we would need to do a review of it.
19	Q Do you know where Pei Wei was when he	19	Q I'm not asking you why you would need to,
20	developed the Viola browser? 1:28:45PM	20	okay? 1:30:49PM
21	MS KLEIN: Objection; form	21	•
22	THE WITNESS: No	22	A Okay.
			Q I'm on Topic Number 4, which
23	BY MS DOAN:	23	A Okay.
24	Q I'm assuming that the University of	24	Q asks about the review or analysis,
25	California doesn't know anything about Pei Wei's 1:28:53PM	25	okay? 1:30:52PM
	Page 186		Page 188
1	employment history; is that fair? 1:28:54PM	1	A Okay 1:30:53PM
2	A I know that he was enrolled at UC	2	Q So what review has the University of
3	Berkeley.	3	California done with respect to the invention or the
4	Q Right.	4	development of the Viola browser?
5	A But I don't know if he specifically 1:29:00PM	5	MS KLEIN: Objection; form 1:31:01PM
6	invented the allegedly invented the Viola browser	6	THE WITNESS: I'm not aware of any I
7	when he was there. I don't know that.	7	don't think we were ever contacted directly by Pei
8	Q Does the University of California contend	8	Wei
	that somebody else other than Pei Wei invented the	9	BY MS DOAN:
9	Viola browser or developed the Viola browser? 1:29:14PM	10	Q The second part of my question 1:31:15PM
9	viola browser of developed the viola browser.		Q The second part of my question 1.51.131.11
10	MS_KLEIN: Objection: form_beyond the	11	I asked you about your review so the
10 11	MS. KLEIN: Objection; form, beyond the	11 12	I asked you about your review, so the
10 11 12	scope of the 30(b)(6).	12	second part of the question is: What analysis has
10 11 12 13	scope of the 30(b)(6). THE WITNESS: I don't know.	12 13	second part of the question is: What analysis has the University of California engaged in with respect
10 11 12 13 14	scope of the 30(b)(6). THE WITNESS: I don't know. BY MS. DOAN:	12 13 14	second part of the question is: What analysis has the University of California engaged in with respect to the Viola browser
10 11 12 13 14 15	scope of the 30(b)(6). THE WITNESS: I don't know. BY MS. DOAN: Q You said "allegedly invented the Viola 1:29:23PM	12 13 14 15	second part of the question is: What analysis has the University of California engaged in with respect to the Viola browser MS KLEIN: Object 1:31:27PM
10 11 12 13 14 15	scope of the 30(b)(6). THE WITNESS: I don't know. BY MS. DOAN: Q You said "allegedly invented the Viola 1:29:23PM browser." I just didn't know	12 13 14 15 16	second part of the question is: What analysis has the University of California engaged in with respect to the Viola browser MS KLEIN: Object 1:31:27PM BY MS DOAN:
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10 11 12 13 14 15 16 17 18 19 20 21	scope of the 30(b)(6). THE WITNESS: I don't know. BY MS. DOAN: Q You said "allegedly invented the Viola 1:29:23PM browser." I just didn't know A I just have no idea if he invented it. He claims to say that he invented it, but I don't know if you've done any specific analysis or had	12 13 14 15 16 17 18 19 20 21	second part of the question is: What analysis has the University of California engaged in with respect to the Viola browser MS KLEIN: Object 1:31:27PM BY MS DOAN: Q and when it was first developed? MS KLEIN: I'm going to object to the form of the question THE WITNESS: So again, we've not done any 1:31:32PM analysis, but patent office did the analysis, I
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10 11 12 13 14 15 16 17 18 19 20 21 22	scope of the 30(b)(6). THE WITNESS: I don't know. BY MS. DOAN: Q You said "allegedly invented the Viola 1:29:23PM browser." I just didn't know A I just have no idea if he invented it. He claims to say that he invented it, but I don't know if you've done any specific analysis or had discussions with him about it, and I believe that it 1:29:35PM was submitted to the patent office for review. Q Do you know if the Viola browser or any	12 13 14 15 16 17 18 19 20 21	second part of the question is: What analysis has the University of California engaged in with respect to the Viola browser MS KLEIN: Object 1:31:27PM BY MS DOAN: Q and when it was first developed? MS KLEIN: I'm going to object to the form of the question THE WITNESS: So again, we've not done any 1:31:32PM analysis, but patent office did the analysis, I believe

1	prosecution with respect to the Viola browser? 1:31:43PM	1	publishing? 1:33:35PM
2	MS. KLEIN: Objection; form.	2	A No, I'm not.
3	THE WITNESS: I do not know.	3	Q Has the University of California ever
4	BY MS. DOAN:	4	spoken with Dale Dougherty or Tim O'Reilly about the
5	Q Did the University of California ever tell 1:31:49PM	5	Viola browser or the its priority to the '906 1:33:44PM
6	the United States Patent Office that Pei Wei told	6	patent?
7	Michael Doyle and claimed to have invented the	7	A I do not know.
8	technology of the '906 patent first?	8	Q How many documents would you say that you
9	MS. KLEIN: Objection to the form of the	9	reviewed with respect to Topics 3, 4, and 5?
10	question. 1:32:03PM	10	I know you were talking about 1:34:06PM
11	THE WITNESS: I do not know, but it's been	11	correspondence and
12	through patent office. Patent office has	12	A Just specifically with 3, 4, and 5?
13	reviewed	13	Q Yes, ma'am, just those three topics.
14	BY MS. DOAN:	14	A There were just a few e-mails and few
15	Q I understand. 1:32:08PM	15	pages. It wasn't a lot. 1:34:20PM
16	A the Viola browser.	16	Q Those are the ones we're talking about
17	Q Did the University of California ever tell	17	from the '93 to '95 timeframe?
18	the patent office during the patent prosecution of	18	A Yes.
19	the '906 patent, as opposed to reexamination	19	Q Is there anything else that you did to
20	A I do not know. 1:32:17PM	20	prepare for Topics 3, 4, and 5? 1:34:26PM
21	MS. KLEIN: Objection; form, beyond the	21	MS. KLEIN: Objection; form.
22	scope of the 30(b)(6).	22	THE WITNESS: That was all the information
23	THE WITNESS: I do not know.	23	we had, so that's all the information I looked at.
24	BY MS. DOAN:	24	BY MS. DOAN:
25	Q I'm trying to state it for the record if 1:32:23PM Page 190	25	Q Did you look at any of the documents from 1:34:36F Page 192
1	that's okay, because I think we're all breaking up. 1:32:25PM	[1	the XCF lab at University of California, Berkeley to 1:34:391
2	Did the University of California ever tell	2	prepare for Topics 3, 4, and 5?
3	the United States Patent Office that Pei Wei claimed	3	MS KLEIN: Objection; form
4	to have invented the technology that Michael Doyle	4	THE WITNESS: I did not
5	is claiming is in the '906 patent during the patent 1:32:35PM	5	BY MS DOAN: 1:34:51PM
6	prosecution of the '906 patent?	6	Q Are you prepared, as you sit here today,
7	MS. KLEIN: Object to the form of the	7	to testify on behalf of the University of California
8	question and beyond the scope of the 30(b)(6).	8	with respect to the documents that the University of
9	THE WITNESS: I do not know.	9	California has produced on Topics 3, 4, and 5?
10	BY MS. DOAN: 1:32:47PM	10	MS KLEIN: Objection; form, beyond the 1:35:03PM
11	Q Have the University of California Regents	11	scope of the 30(b)(6)
12	ever conducted a review or analysis as to whether	12	THE WITNESS: I have done my best to
13	Pei Wei invented the Viola browser before Michael	13	review the documents, but I have not looked at
14	Doyle applied for the '906 patent?	14	specific documents that were generated at the
15	MS. KLEIN: Objection; form. 1:33:05PM	15	Berkeley computing facility 1:35:17PM
16	THE WITNESS: Not that I know of.	16	BY MS DOAN:
17	BY MS. DOAN:	17	Q And I'm just trying to figure out what you
18	Q Has the University of California ever	18	reviewed and not reviewed.
19	spoken to anyone at O'Reilly book publishing about	19	A Okay
20	the Viola browser or Pei Wei or Scott Silvey's 1:33:21PM	20	Q Have you talked to anybody else other than 1:35:23PM
21	invention?	21	your counsel about Topics 3, 4, and 5 to learn the
22	A O'Reilly	22	information about whether Pei Wei invented the Viola
23	Q O'Reilly book publishing.	23	browser prior to the '906 patent application?
	- + 1 5		
24	A I don't know that. I don't know.	24	A I've talked to my counsel

1	A No. 1:35:44PM	1	Q What did the University 1:38:19PM
2	Q Have you ever talked to Michael Doyle?	2	What did you do to testify on behalf of
3	A No.	3	the University? You understand you're testifying on
4	Q Have you ever talked to Dick Phillips?	4	behalf of the University, correct?
5	A No. Who is Dick Phillips? 1:35:50PM	5	A Yes. 1:38:25PM
6	Q Have you ever spoken with someone named	6	Q Okay.
7	Eric Bina?	7	So what did you do today to familiarize
8	A No.	8	yourself with Topics 9, 10, and 11 to be able to
9	MS. KLEIN: B-I-N-A.	9	testify on behalf of the University of California
10	BY MS. DOAN: 1:36:20PM	10	system? 1:38:32PM
11	Q Is it the University of California's	11	A I looked through the files and talked to
12	position that the first time they heard about the	12	the counsel and looked at the information about
13	Viola browser was during the Microsoft litigation?	13	retention policy that's actually available publicly
14	Is that fair?	14	on our president's website.
15	MS. KLEIN: Objection; form. 1:36:29PM	15	Q Okay. 1:38:41PM
16	THE WITNESS: The administrators, the	16	You say that you looked through the files.
17	people managing the case, yes.	17	The same files we talked about earlier
18	BY MS. DOAN:	18	A Yes.
19	Q Okay. Let me rephrase that.	19	Q or is there a different file?
20	Is it the University of California's 1:36:38PM	20	A Yes, same files. 1:38:45PM
21	position that the first time its administration ever	21	Q All right.
22	heard about the Viola browser or Pei Wei was during	22	So we've covered looking at the files.
23	the Microsoft dispute?	23	You talked to your counsel.
24	A Yes.	24	Is there anybody other than your counsel
25	Q And that would be in the timeframe of 1:36:50Pl Page 194	VI 25	that you talked to with respect to Topics 9, 10, and 1:38:52P. Page 196
1	2000-2005? 1:36:54PM	1	11? 1:38:54PM
2	MS KLEIN: Objection; form	2	A In preparation of this deposition, no.
3	THE WITNESS: Something like that During	3	Q Did you talk to John Kirschman [sic]?
4	the trial I don't know exactly when	4	A No. I don't know that name.
5	BY MS DOAN: 1:37:00PM	5	Kirschbaum? Joel 1:39:09PM
6	Q Was it during the actual trial itself?	6	Q Kirschbaum?
7	That was in 2003, so I'm trying to get a timeframe	7	A Kirschbaum?
8	on it.	8	Q Joel Kirschbaum.
9	MS KLEIN: Objection; form	9	A Okay.
10	THE WITNESS: It was brought up during the 1:37:06PM	10	Q I'm so sorry. 1:39:11PM
11	trial, so I don't know exactly when	11	Have you talked to Joel Kirschbaum in
12	BY MS DOAN:	12	order to prepare yourself for today's topics?
13	Q Is it the University of California's	13	MS. KLEIN: Objection; form.
14	position that the first time the administration of	14	THE WITNESS: I talked in general there
15	the University of California heard about Pei Wei or 1:37:15P	M 15	was a deposition, but we didn't look at the topics. 1:39:21P
16	the Viola browser was in 2003 during that dispute?	16	So we didn't discuss the specific topics.
17	MS KLEIN: Objection; form	17	BY MS. DOAN:
18	THE WITNESS: Yes	18	Q Have you ever discussed with Dr.
19	BY MS DOAN:	19	Kirsch
20	Q Let me ask you a couple of topic a 1:37:31PM	20	Is it Dr. Kirschbaum? 1:39:28PM
21	couple of questions about Topics 9, 10, and 11.	21	A Yes.
22	What did you do to prepare today to	22	Q Did you ever discuss with Dr. Kirschbaum
23	testify on behalf of the University of California	23	the retention policy of the University of
24	with respect to Topics 9, 10, and 11?	24	California?
25	A What did I do personally? 1:38:17PM	25	MS. KLEIN: Objection; form. 1:39:35PM
	Page 195		Page 197

1	THE WITNESS: Yes, we have. It has come 1:39:36PM	1 1	hold notice on behalf of the University of 1:41:18PM
2	up because of sometimes you need documents for cases	2	California with respect to the Eolas matters?
3	and the inventors are gone, so you are looking for	3	A So the counsel identified all the relevant
4	documents. Or sometimes it's H.R. matters, so you	4	people. There were people in the library, there was
5	look into that. 1:39:46PM	5	some people in H.R., there were people in my office, 1:41:28PM
6	So it has come up repeatedly, but we have	6	as well as at other campuses that somehow were
7	not discussed specifically with this related to	7	related to the case.
8	this case.	8	Q Do you know of any other campuses that are
9	BY MS. DOAN:	9	related to the Eolas litigation other than the
10	Q What is the University of California's 1:39:55PM	10	University of California, San Francisco? 1:41:43PM
11	document retention policy?	11	MS. KLEIN: Objection; form.
12	MS. KLEIN: Object to the form of the	12	THE WITNESS: Can I disclose that?
13	question.	13	MS. KLEIN: You can disclose the
14	THE WITNESS: Which exact documents you're	14	BY MS. DOAN:
15	talking about? Because it's different in H.R. as 1:40:03PM	15	Q You can answer the question. 1:41:50PM
16	compared to in our office, where the if there is	16	MS. KLEIN: campuses to which the
17	a patent, the documents are retained for much longer	17	She's asking because it's based on
18	time. There is different depending on what	18	conversations with counsel.
19	documents you're talking about.	19	You may disclose the campuses to which
20	BY MS. DOAN: 1:40:17PM	20	litigation hold notices were sent. 1:41:57PM
21	Q With respect to the matters that would be	21	THE WITNESS: It was UC Berkeley and
22	affected in the Eolas litigation, what is the	22	Los Alamos Laboratory.
23	University of California's document retention	23	BY MS. DOAN:
24	policy?	24	Q UC Berkeley received a litigation hold
25	A The document retention policy would be to 1:40:27PM	25	notice, Los Alamos Laboratories received a hold 1:42:08P
	Page 198		Page 200
1	retain the documents related to the license 1:40:30PM	1	notice, and who else? 1:42:11PM
2	agreement and patent prosecution as long as the	2	A And UCSF.
3	patent is active and the license agreement is still	3	Q Are there any other University of
4	effective.	4	California campuses that received a litigation hold
5	Q Does the University of California maintain 1:40:41PM		notice? 1:42:17PM
6	all of its files from the Microsoft litigation?	6	A I can't recall.
7	MS. KLEIN: Object to the form of the	7	Q Have you rec
8	question.	8	Have you, yourself, viewed the litigation
9	THE WITNESS: I do not know. Do we	9	hold notices that were issued to the University of
10	have we work through the outside counsel, so I'm 1:40:51PM	10	California, Berkeley? 1:42:26PM
11	presuming that the files would be with outside	11	A It was the same litigation notice that
12	counsel.	12	went to everyone.
13	BY MS. DOAN:	13	Q Have you seen it yourself, the
14	Q Do you know of any documents the	14	A Yes.
15	University of California has destroyed that were 1:40:59PM		Q one that went to the University of 1:42:33PM
16	related to or created during the Microsoft	16	California, Berkeley?
17	litigation?	17	A I have seen the litigation notice on which
18	A No.	18	everyone was copied, yes, I have seen that.
19	Q Have you received a litigation hold	19	Q When was the litigation hold notice sent
20	notice? 1:41:09PM	20	to Los Alamos National Laboratories? 1:42:43P
21	A Yes.	21	A So there was one sent out by our by
22		22	Marty Simpson in I want to say right after the
23	Q And is it contained in the documents that	23	subpoena was served on June 2010, and then there
24	you have reviewed?	23	•
	A Yes. O How many people have received a litigation 1:41:16PA		was one sent by the outside counsel sometime in
25	Q How many people have received a litigation 1:41:16PM	1 23	2011. I don't recall when. So there were two 1:43:02PM

different hingation hold notices Q Did the University of California is the patent holder in October 2009? Iffed upon which the University of California is the question. THE WITINESS: Not that I'm aware of, Not in October 2009. BY MS, DANN: THE WITINESS: Not that I'm aware of, Not in October 2009. BY MS, DANN: California is the patent holder of the '96 and '985 in October 2009. BY MS, DANN: California is the patent holder of the '96 and '985 in October 2009. BY MS, DANN: California is the patent holder of the '96 and '985 in October 2009. A Yes. L43.3PM B Defendants in October 2009; that correct? A Yes. California did not send out a hold notice until 2010? A Yes. California did not send out a hold notice until 2010? A That's when I saw it first, yes. A That's when I saw it first, yes. G Do you know if the Office of Charitable Giving? MS, KLEIN: Objection, forn. THE WITINESS: I do not know any relationship between the University of California and Vahoo? MS, KLEIN: Object on the form, beyond the scope of the 300(b)0. He Would have to look at the lingation notice. I don't remember: the activation and a ready to the promotion of the went through hole kirschbaum, who actually doesn't manage the case, but sometimes I dof now a relationship letter in the Cliniversity of California and Vahoo? MS, KLEIN: Objection to the form, beyond the scope of the 300(b)0. He WITNESS: I do not know any relationship between the University of California and Vahoo? MS, KLEIN: Objection to the form, beyond the scope of the 300(b)0. He WITNESS: I do not know any relationship between the University of California and Vahoo? MS, KLEIN: Objection to the form, beyond the scope of the 300(b)0. MS, KLEIN: Objection to the form of the question, beyond the scope of the 300(b)0. MS, KLEIN: Objection to the form of the question, beyond the scope of the 300(b)0. MS, KLEIN: Objection to the form of the question, beyond the scope of the 300(b)0. MS,				
any litigation hold notices when this lawsuit was filled upon which the University of California is the patent holder in October 2009? MS. KLEIN. Object to the form of the question. THE WITNESS: Not that I'm aware of. Not in October 2009. BY MS. DOAN: THE WITNESS: Not that I'm aware of. Not in October 2009. BY MS. DOAN: THE WITNESS: Not that I'm aware of. Not in October 2009. BY MS. DOAN: THE WITNESS: Not that I'm aware of. Not in October 2009. BY MS. DOAN: THE WITNESS: Not that I'm aware of. Not in October 2009. BY MS. DOAN: THE WITNESS: Not that I'm aware of. Not in October 2009. BY MS. DOAN: THE WITNESS: A year. A Yes. The A yes. The A yes. The A yes. The Witness of the University of California is the patent holder of the '906 and '985' patents?' I hard swhat the University of California is the patent holder of the '906 and '985' patents?' I hard swhat the University of California is the patent holder of the '906 and '985' patents?' I hard swhat the University of California is the patent holder of the '906 and '985' patents?' I hard swhat the University of California is the patent holder of the '906 and '985' patents?' I hard swhat the University of California is the patent holder of the '906 and '985' patents?' I hard swhat the University of California hired? A Yes. The WITNESS office of Charitable Giving? A Was would take the thinkersity of Laidsignia has received a subpocan? THE WITNESS I do not know any relationship between the University of California and Yahoo? MS KLEIN: Objection to the form, beyond THE WITNESS: I do not know any relationship between the University of California and Yahoo? MS KLEIN: Objection to the form of the question, beyond the scope of the 30(b)(c). THE WITNESS: I note to form of the question, beyond the scope of the 30(b)(c). THE WITNESS: I note to form of the question, beyond the scope of the 30(b)(c). THE WITNESS: I note to form of the question, beyond the scope of the 30(b)(c). THE WITNESS: I note to form of the question, beyond the scope of the 3	1	different litigation hold notices. 1:43:05PM	1	consultant after that to collect all the documents 1:44:45PM
4 filed upon which the University of California is the patent holder in October of 2009? 1:43:15PM 5 patent K.LEEN: Object to the form of the question. 7 question. 8 THE WITNESS: Not that I'm aware of. Not 9 in October 2009. 10 BY MS DOAN: 1:43:26PM 11 Q Vou understand the University of California is the patent holder of the '906 and '985 12 California is the patent holder of the '906 and '985 13 patents? That's what the University of California is claiming, correct? 14 is claiming, correct? 15 A Yes. 1:43:33PM 16 Q Okay. 17 A And you understand that the lawsuit was filled against my clients and the rest of the 19 Defendants in October 2009; is that correct? 19 A Yes. 10 Q And you're telling — 21 Q And you're telling — 22 A Yes. 23 A That's when I saw it first, yes. 24 2010? 25 A That's when I saw it first, yes. 26 Q Do you know if the Office of Charitable Giving? 27 A Yes 28 Q Do you know if the Office of Charitable Giving? 29 I would have to look at the hitigation notice. 1 20 Do you know if the Office of Charitable Giving? 30 That's when I saw it first, yes. 31 THE WITNESS: Office of Charitable Giving? 32 A That's when I saw it first, yes. 33 THE WITNESS: Office of Charitable Giving? 34 Day you know if the Office of Charitable Giving? 35 THE WITNESS: Office of Charitable Giving? 36 THE WITNESS: Office of Charitable Giving? 37 Day you know if the Office of Charitable Giving? 38 THE WITNESS: Office of Charitable Giving? 39 I would have to look at the hitigation notice. 1 30 On you know of any relationship between 31 THE WITNESS: Office of Charitable Giving? 31 THE WITNESS: Office of Charitable Giving? 32 O Day you know if the Office of Charitable Giving? 33 THE WITNESS: Office of Charitable Giving? 34 THE WITNESS: Office of Charitable Giving? 35 THE WITNESS: Office of Charitable Giving? 36 THE WITNESS: Office of Charitable Giving? 37 THE WITNESS: Office of Charitable Giving? 38 THE WITNESS: Office of Charitable Giving?	2	Q Did the University of California send out	2	and I don't believe that the consultant felt that
patent holder in October of 2009? MS. KLEIN. Object to the form of the question. THE WITNESS. Not that I'm aware of. Not in October 2009. BY MS. DOAN: 1.43:26PM Q Vou understand the University of California is the patent holder of the '906 and '985 patents? That's what the University of California is the patent holder of the '906 and '985 patents? That's what the University of California is is claiming, correct? A Yes. Q Okay. A We would take it very seriously who was the consultant that the University of California is the patent holder of the '906 and '985 patents? That's what the University of California is is claiming, correct? A Yes. A Yes. Q Okay. A Yes. A Yes. A Yes. O Do you know what steps Mr. Baker went to 1:45:13P to ensure that the litigation hold notice was consultant that the University of California did not send out a hold notice until 22010? A Yes. A That's when I saw it first, yes. 1:43:51PM Page 202 A That's when I saw it first, yes. 1:43:53PM California did not send out a hold notice until 230 A That's when I saw it first, yes. 1:44:35PM Page 202 Q And it wasn't until the University of California did notice? A That's when I saw it first, yes. 1:44:35PM Page 202 1 Q And it wasn't until the University of California has received 1:44:92PM a litigation hold notice? A That's when I saw it first, yes. 1:44:35PM Page 202 1 Q And it wasn't until the University of California has received 1:44:92PM a litigation hold notice? MS KLEIN: Objection; form THE WITNESS: Office of Charitable Giving? I would have to look at the fligation notice. I own through hold Kirishbaum's computer, as well, and our business manager, who does all the patent prosecution and financial stiff. So he went through for the went through fold Kirishbaum's computer, as well, and our business manager, who does all the patent prosecution and financial stiff. So he went through fold Kirishbaum's computer, as well, and our business manager, who does all the patent prosecution and financial stiff. So he went th	3	any litigation hold notices when this lawsuit was	3	there was any sort of noncompliance with the notice
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9 A Bill Baker 10 Q Vou understand the University of California is the patent holder of the '906 and '985 13 patents? That's what the University of California is the patent holder of the '906 and '985 13 patents? That's what the University of California is claiming, correct? 15 A Yes. 1:43:33PM 15 16 Q Okay. 17 And you understand that the lawsuit was flied against my clients and the rest of the 18 18 filed against my clients and the rest of the 18 19 Defendants in October 2009; is that correct? 20 A Yes. 1:43:41PM 20 21 Q And you're telling — 4:14:41PM 21 22 You're testifying that the University of California did not send out a hold notice until 22 23 California did not send out a hold notice until 23 24 2010? 25 A That's when I saw it first, yes. 1:43:51PM Page 202 1 Q And it wasn't until the University of 1:43:53PM Page 202 1 Q And it wasn't until the University of 1:43:53PM 2 California received a subpoena? 144:04PM 25 Giving at the University of California has received 1:44:02PM 25 In Would have to look at the litigation notice 1 don't remember. 1:44:14PM 10 the University of California and Yahoo? 19 In Would have to look at the litigation notice. 1 don't remember. 1:44:14PM 10 the University of California and Yahoo? 19 In Would have to look at the litigation notice. 1 don't remember. 1:44:14PM 10 the University of California and Yahoo? 19 In Would have to look at the litigation hotice is sent, 1:44:21PM 11 the University of California and Yahoo? 19 In Would have to look at the litigation notice. 1 don't remember. 1:44:14PM 10 the University of California and Yahoo? 19 In Would have to look at the litigation hotice is sent, 1:44:21PM 11 the University of California and Yahoo? 19 In Would have to look at the litigation hot hotice with the California and Yahoo? 19 In Would have to look at the litigation hot hotice with the California and Yahoo? 19 In Would have to look at the litigation hot hotice with the California has received litigation hot hotice with the California has received litigation hot hotice w	7	question.	7	Q Who was the consultant that the University
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15 Q Okay. 16 Q Okay. 17 And you understand that the lawsuit was 17 filed against my clients and the rest of the 19 Defendants in October 2009; is that correct? 19 complied with? 18 MS KLEIN: Object to the form of the 19 Defendants in October 2009; is that correct? 19 complied with? 19 A Yes. 1:43:41PM 20 THE WITNESS: He looked through all the 1:45:21PM files that we had, both the hard-copy files and he went through the computers of everyone in the office who would every have received any Eolas communication at all, including Joel Kirschbaum, who actually doesn't manage the case, but sometimes I do forward 1:45:39PM Page 202 1 Q And it wasn't until the University of 20 A That's when I saw it first, yes. 1:43:51PM Page 202 2 California received a subpoena? 2 A That's what I know of, yes. 3 A That's what I know of, yes. 3 A That's what I know of, yes. 4 Q Do you know if the Office of Charitable 6 Giving at the University of California has received 1:44:02PM a litigation hold notice? 4 MS, KLEIN: Objection, form. 5 MS, KLEIN: Objection to the form, beyond 10 MS, KLEIN: Objection to the form, beyond 11 MS, KLEIN: Objection to the form, beyond 12 MS, KLEIN: Objection to the form of the question, beyond the scope of the 30(b)(6). 144:21PM 15 MS, KLEIN: Objection to the form of the question, beyond the scope of the 30(b)(6). 144:21PM 15 MS, KLEIN: Objection to the form of the question, beyond the scope of the 30(b)(6). 144:21PM 15 MS, KLEIN: Objection to the form of the question, beyond the scope of the 30(b)(6). 144:21PM 15 MS, KLEIN: Objection to the form of the question, beyond the scope of the 30(b)(6). 144:21PM 15 MS, KLEIN: Objection to the form of the question, beyond the scope of the 30(b)(6). 144:21PM 15 MS, KLEIN: Objection to the form of the question, beyond the scope of the 30(b)(6). 144:21PM 15 MS, KLEIN: Objection to the form of the question, beyond the scope of the 30(b)(6). 144:21PM 15 MS, KLEIN: Objection to the form of the question, beyond the scope of the 30(b)(6). 144:24PM 15 MS, KLEIN: Objec	14	is claiming, correct?	14	A Yes
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19 Q How does the University of California 20 determine, when a litigation hold notice is sent, 1:44:32PM 21 whether indeed it's been complied with? 22 MS. KLEIN: Object to the form of the 23 question, beyond the scope of the 30(b)(6). 24 THE WITNESS: I mean, you would know that 25 everyone would respect that, because we hired a 1:44:43PM 26 testified about yesterday with Mr. Baker. 27 THE WITNESS: The documents are available 1:46:26P 28 any time. 29 BY MS. DOAN: 20 Okay. 21 A They are in the office. 20 Q And I'm hearing you say I think I'm 1:46:32PM		•		•
determine, when a litigation hold notice is sent, 1:44:32PM 20 THE WITNESS: The documents are available 1:46:26P whether indeed it's been complied with? 21 any time. MS. KLEIN: Object to the form of the question, beyond the scope of the 30(b)(6). 23 Q Okay. THE WITNESS: I mean, you would know that 24 A They are in the office. THE WITNESS: The documents are available 1:46:26P any time. A They are in the office. Q And I'm hearing you say I think I'm 1:46:32PM				
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MS. KLEIN: Object to the form of the question, beyond the scope of the 30(b)(6). THE WITNESS: I mean, you would know that the everyone would respect that, because we hired a 1:44:43PM 25 Q And I'm hearing you say I think I'm 1:46:32PM				
question, beyond the scope of the 30(b)(6). 23 Q Okay. 24 THE WITNESS: I mean, you would know that 25 everyone would respect that, because we hired a 1:44:43PM 25 Q And I'm hearing you say I think I'm 1:46:32PM		•		
THE WITNESS: I mean, you would know that 24 A They are in the office. 25 everyone would respect that, because we hired a 1:44:43PM 25 Q And I'm hearing you say I think I'm 1:46:32PM		•		
everyone would respect that, because we hired a 1:44:43PM 25 Q And I'm hearing you say I think I'm 1:46:32PM				- · · · · ·
		· ·		•
	25	everyone would respect that, because we hired a 1:44:43PM Page 203	25	Q And I'm hearing you say I think I'm 1:46:32PM Page 205

talking about something a little bit different, 1:46:33PM		California was directed to preserve the documents? 1:47:49F
2 okay?	2	MS KLEIN: Object to the form of the
So you're telling me about Bill Baker	3	question
4 going through and reviewing the documents and	4	THE WITNESS: When the first litigation notice hold went out? 1:47:58PM
5 getting them ready to be produced in this 1:46:38PM	1 5 6	notice hold went out? 1:47:58PM BY MS DOAN:
6 litigation. 7 A Yes.	7	
8 Q Okay.	8	Q Yes, Topic Number 10. Do you know the first date the University
9 And he ensured that the litigation hold	9	of California was directed to preserve documents?
notice was complied with? 1:46:44PM	10	MS KLEIN: Object to the form 1:48:07PM
11 A Yes.	11	THE WITNESS: If I recall correctly, it
	12	was in June 2010, but I do not know the exact date
Q When did he have the documents ready to be produced?	13	BY MS DOAN:
MS. KLEIN: Object to the form, beyond the	14	Q So University of California was directed
15 scope of the 30(b)(6). 1:46:50PM	15	to hold documents in roughly June 2010, is that 1:48:17PM
16 THE WITNESS: I don't understand, because	16	with respect to this litigation?
the documents were there in the office, so	17	A As far as I know
18 BY MS. DOAN:	18	MS KLEIN: Object to form
19 Q When did Mr. Baker gather the documents	19	BY MS DOAN:
20 and have them ready for production? 1:47:00PM		Q Do you know of any reason why the 1:48:25PM
21 MS. KLEIN: Object to the form of the	21	University of California withheld documents and
question, beyond the scope of the 30(b)(6).	22	produced 350,000 documents from the University of
23 BY MS. DOAN:	23	California, Berkeley in December 2011?
Q If you don't know, it's okay.	24	MS KLEIN: Object to the form of the
25 A I don't remember the exact date. 1:47:06PM	25	question and beyond the scope of the 30(b)(6) 1:48:35PM
Page 206	20	Page 208
1 Q Okay. 1:47:07PM	1	THE WITNESS: I do not. 1:48:37PM
2 Do you know why the University of	2	BY MS. DOAN:
3 California produced 350,000 documents last month	3	Q Do you know what or strike that.
4 from the XCF laboratories from the University of	4	What steps were taken by the University of
5 California, Berkeley? 1:47:17PM	5	California to ensure that no documents were 1:48:471
6 MS. KLEIN: Object to the form of the	6	destroyed at the University of California, Berkeley
question, beyond the scope of the 30(b)(6).	7	with respect to this litigation?
8 THE WITNESS: I do not know.	8	A By sending out the litigation hold from
9 BY MS. DOAN:	9	the Office of General Counsel.
Q Do you know when the University of 1:47:23PM	10	Q What steps did the University of 1:49:05PM
California, Berkeley's files were indeed searched	11	California engage in to look for prior art to be
12 for responsive documents?	12	submitted to the United States Patent Office with
MS. KLEIN: Object to the form of the	13	respect to the '906 and '985 patents?
14 question.	14	MS. KLEIN: Object to the form of the
THE WITNESS: I would presume that Bill 1:47:29PM	15	question, beyond the scope of the 30(b)(6). 1:49:15PM
Baker, at the time he did collect documents at UCSF,	16	BY MS. DOAN:
that he would have gone to UC Berkeley, as well.	17	Q You can answer.
18 BY MS. DOAN:	18	A So that would be done by the outside
19 Q Do you know what documents were gathered	19	counsel or by the inventors if they became aware of
20 from the University of California, Berkeley? 1:47:39PM	20	the prior art. They would obviously, after that, 1:49:24PM
MS. KLEIN: Object to the form of the	21	you disclose it to the patent office.
	22	Q Sure.
question, beyond the scope of the 30(b)(6).		
question, beyond the scope of the 30(b)(6). THE WITNESS: No, I do not know.	23	Who applied for the patent? Was it the
1 , 3	23 24	Who applied for the patent? Was it the University of California? The '906 patent.

1	Q What steps or what prior 1:49:36PM	1	the outside counsel. I don't know if University of 1:51:32PM
2	What steps did the University of	2	California itself has all the documents relating to
3	California engage in to look for prior art when it	3	the Microsoft litigation.
4	applied for the '906 patent?	4	BY MS. DOAN:
5	MS. KLEIN: Object to the form of the 1:49:44PM	5	Q Are they within the University of 1:51:40PM
6	question, beyond the scope of the 30(b)(6).	6	California's possession, custody, or control?
7	THE WITNESS: I do not know.	7	They're
8	BY MS. DOAN:	8	A I
9	Q At any time, did the University of	9	Q They're in your counsel's possession?
10	California direct that the files from the Microsoft 1:50:02P		A I do not know. 1:51:47PM
11	litigation should be destroyed?	11	Q Did the University of California retain
12	MS. KLEIN: Object to the form of the	12	all prior art documents?
13	question.	13	A If we had any, we would retain them, of
14	THE WITNESS: I don't believe so.	14	course.
15	BY MS. DOAN: 1:50:14PM	15	
16		16	
	Q What efforts did the University of		California go to to produce documents from
17	California engage in to retain documents from the	17	Los Alamos National Laboratories?
18	from Microsoft dispute?	18	MS. KLEIN: Object to the form of the
19	MS. KLEIN: Object to the form of the	19	question.
20	question, beyond the scope of the 30(b)(6). 1:50:21PM	20	THE WITNESS: Los Alamos National 1:52:14PM
21	MS. DOAN: It's Topic Number 13.	21	Laboratory?
22	BY MS. DOAN:	22	BY MS. DOAN:
23	Q Are you prepared to talk about Topic	23	Q The Los Alamos campus.
24	Number 13 today, ma'am? I understand you're your	24	A I do not know. I'm sure the counsel
25	counsel is rattling off objections over here. 1:50:29PM Page 210	25	contacted the appropriate people there, who produced 1:52:21PN Page 212
	raye 210		raye 212
1	MS. KLEIN: I object to the sidebar. 1:50:32PM	1	the documents that they had 1:52:24PM
2	That's inappropriate. You have been asking about so	2	Q Is it the University of California's
3	many things that are inappropriate today. I	3	testimony that the Los Alamos National Labs also
4	withdraw my objection.	4	received a document retention notice in June 20
5	THE WITNESS: I know that the documents 1:50:51P.	M 5	2010? 1:52:33PM
6	were retained by the outside counsel for the	6	A Yes, to the extent that I can recall
7	University, so that would be I guess the	7	Q When did the University of California
8	University's step would be to make sure that the	8	direct that the Los Alamos documents should be
9	outside counsel has retained those documents.	9	produced?
10	BY MS. DOAN: 1:51:02PM	10	MS KLEIN: Object to the form of the 1:52:47PM
11	Q When did the University of California	11	question, beyond the scope of the 30(b)(6)
12	direct that documents from the Eolas/Microsoft	12	THE WITNESS: I don't know the exact date
13	dispute should be destroyed?	13	BY MS DOAN:
14	MS. KLEIN: Object to the form of the	14	Q Do you know why the the Los Alamos
15	question. 1:51:11PM	15	campus did not produce documents until November of 1:53:03PM
16	THE WITNESS: I don't believe that	16	2011?
17	University of California would direct anyone to	17	MS KLEIN: Object to the form of the
18	destroy the documents, but I do not know of if	18	question, beyond the scope of the 30(b)(6)
19	and when anyone did that.	19	THE WITNESS: I do not know
	•	20	
20	BY MS. DOAN: 1:51:23PM		
21	Q Is it the University of California's	21	Q When did the University of California
22	testimony that it has retained all documents from	22	decide to become a party to this litigation?
23	the Microsoft dispute?	23	A It would need to be in papers I can't
24	MS. KLEIN: Objection; form.	24	remember the exact date
25	THE WITNESS: They were to be retained by 1:51:31P	IMI 25	Q Does October 2009 sound about right? 1:53:35PM

1	MS KLEIN: Objection to form 1:53:38PM	1	MS. DOAN: No. 1:55:14PM
2	THE WITNESS: 2009? I don't believe so	2	BY MS. DOAN:
3	It was not 2009	3	Q I'm referring to Roman Numeral III, Part
4	BY MS DOAN:	4	A, on page 3 of 8.
5	Q Do you know what year it was? 1:53:44PM	5	MS. KLEIN: I'm going to object to the 1:55:20PM
6	A I don't know I want to say it was 2010	6	questioning of a witness about a document that
7	or later than that, but I don't know the exact date	7	hasn't been marked.
8	Q So you don't know	8	BY MS. DOAN:
9	On behalf of the University of California,	9	Q Can you review that document, please,
10	you don't know when the University of California 1:53:57P	M 10	ma'am? 1:55:29PM
11	decided to become a Plaintiff in this litigation; is	11	A Sorry. Which one are you asking?
12	that fair?	12	Q Sure. It's page 3 of 8, and I'm talking
13	MS KLEIN: Objection to form	13	about paragraph Roman Numeral III. A.
14	BY MS DOAN:	14	A III. A.?
15	Q Have I got that right? 1:54:03PM	15	Q Yes, ma'am. 1:55:36PM
16	MS KLEIN: You asked for a document	16	A Okay.
17	THE WITNESS: I could I could look at	17	Q And do you see there where the document
18	my e-mails and figure out, but I don't remember the	18	states
19	exact date right now	19	And this is the UC policies on patents and
20	BY MS DOAN: 1:54:11PM	20	copyrights; is that correct? 1:55:51PM
21	Q Do you think you have an e-mail that	21	A Yes.
22	states when the University of California decided to	22	Q Okay.
23	become a Plaintiff in this case?	23	And it says:
24	A I don't I know that there were	24	"Pursuant to Regents' Standing
25	communications with the counsel where they decided, 1:54:19PN Page 214	1 25	Order 100.4(mm), the President has 1:55:56PM Page 216
1	because they had to go through a process to 1:54:21PM	1	responsibility for all matters 1:56:00PM
2	determine. So there has to be a date, but I just	2	relating to patents in which the
3	don't know which one it is, exactly the date.	3	University of California is in any
4	Q Were you part of those communications?	4	way concerned."
5	A That was done by the counsel. 1:54:32PM	5	Do you see that? 1:56:07PM
6	Q My question is: Were you part of those	6	A Yes.
7	communications?	7	Q (Reading)
8	A I was not.	8	"This policy is an exercise of
9	Q Who on behalf of the University of	9	that responsibility, and the
10	California made the decision to sue Yahoo in this 1:54:40P	M 10	President may make changes to any 1:56:12PM
11	Eolas case?	11	portion [sic] of this policy from
12	A That would be done by the Office of	12	time to time, including the
13	General Counsel.	13	percentage of net royalties paid to
14	Q Who is in charge of the patents for the	14	inventors."
15	University of California? 1:54:51PM	15	Do you see that? 1:56:18PM
16	MS. KLEIN: Objection; form, beyond the	16	A Yes.
17	scope of the 30(b)(6).	17	Q Okay.
18	THE WITNESS: In what form?	18	Who is the president of the University of
19	BY MS. DOAN:	19	California?
20	Q Who has responsibility for all patent 1:54:56PM	20	A Yudof. 1:56:22PM
21	matters?	21	Q Is it Mark Yudof?
22	A In what way?	22	A Yes.
23	Q I'm showing you a document, the UC	23	Q When did Mark Yudof decide to sue Yahoo in
24	policies on patents and copyrights.	24	the Eolas litigation?
25	MS. KLEIN: Are you going to mark this? 1:55:12PM	25	MS. KLEIN: Objection to the form of the 1:56:29PM

1	question, beyond the scope of the 30(b)(6). 1:56:30PM	1	between the Regents and Eolas. 2:09:16PM
2		2	5
3	THE WITNESS: I do not know the exact	3	Q And what's the date of the agreement?
	date.		A What is the date? It's 1 August 1995.
4	BY MS. DOAN:	4	Q And if you'll look at pages
5	Q Who made the decision at the University of 1:56:34PM	5	This document, Exhibit 3, is Bates stamped 2:09:31Pl
6	California to sue Yahoo?	6	EOLASTX-, and there's a bunch of zeros and -185746
7	A I do not know. I know that it has to be	7	through -185791; is that correct?
8	approved by the Regents, but I do not know who	8	A Yes.
9	exactly made the decision.	9	Q And if you'll look at page -185787. Do
10	Q And is Mark Yudof one of the standing 1:56:47PM	10	you have it open to that page? 2:10:12PM
11	Regents on behalf of the University of California?	11	A I have.
12	A Would he be a Regent?	12	Q And do you see where it looks appears
13	Q Isn't the president of the University one	13	to be signed by Michael Doyle on behalf of Eolas
14	of the standing Regents?	14	Technologies and by Terence Feuerborn on behalf of
15	A Yes, I would presume. 1:56:56PM	15	the Regents of the University of California? 2:10:22PM
16	Q Did Mark Yudof also was he part of the	16	A Yes.
17	decision to sue Amazon in the Eolas litigation?	17	Q And they say
18	MS. KLEIN: Objection to form.	18	Both signatures are dated August of 1995.
19	THE WITNESS: Again, I do not know.	19	Do you see that?
20	BY MS. DOAN: 1:57:07PM	20	A Yes. 2:10:29PM
21	O And was Mark Yudof also as the	21	Q And on the next page starts the first
22	president of the University of California, also on	22	amendment to the exclusive license agreement between
23	the decision making to sue Google, YouTube, and	23	the Regents of the University of California and
24	Adobe?	24	Eolas.
25	MS. KLEIN: Objection; form. 1:57:15PM	25	Do you see that? 2:10:37PM
	Page 218		Page 220
1	THE WITNESS: I do not know 1:57:15PM	1	A Yes. 2:10:38PM
2	MS KLEIN: When you get to a good	2	Q And that document bears Bates Number I
3	stopping point, I'd like a five-minute break	3	believe it's -185788 through -185791.
4	MS DOAN: Sure This is a good stop	4	Do you see that?
5	a good place to stop Let's stop right now 1:57:32PM	5	A Yes. 2:10:47PM
6	THE VIDEOGRAPHER: We're going off the	6	Q And if you'll look at the last page of the
7	record at 1:57	7	document, -185791, do you see again it appears to be
8	(Defendants' Exhibit 3 marked	8	, , ,
	(signed on behalf of Eolas Technologies and the
9	for identification)	9	Regents of the University of California?
10	THE VIDEOGRAPHER: We're on the record at 2:08:38PM		A Yes. 2:11:00PM
11	2:08	11	Q With Dr. Doyle signing it in June of 1997
12	BY MS DOAN:	12	and the Regents signing it in July 1st, 1997.
13	Q Dr. Rajdev, you understand we're resuming	13	Do you see that?
14	your deposition after a brief break?	14	A Yes.
15	A Yes 2:08:53PM	15	Q If you'll turn to paragraph 2.4 of the 2:11:14P
16	Q And you understand, of course, you're	16	original document. I believe it's EOLASTX-185755.
17	still under oath?	17	MS. KLEIN: -1875
18	A Yes	18	BY MS. DOAN:
19	Q Before the break, I gave you what we've	19	Q -5.
20	marked as Exhibit Number 3. 2:09:08PM	20	A Yes. 2:11:29PM
21	A Yes	21	Q Are you with me?
22	Q Do you recognize this document?	22	A I have it open.
23	A Yes	23	Q Paragraph 2.4, do you see that?
24	Q What is it?	24	A Yes.
25	A It's the original license agreement 2:09:14PM	25	Q Do you see where it says: 2:11:37PM
	Page 219	-	Page 221

1	"Nothing in this agreement 2:11:38PM	1	Q Actually, it appears there's two documents 2:14:03PM
2	will be construed as," and 2.4.1	2	attached here, through E 001721.
3	reads, "a warranty or	3	Do you see that?
4	representation by the Regents as to	4	A Yes It goes much beyond that
5	the validity, enforceability, or 2:11:47PM	5	Q It does. I'm sorry, I'm trying to make 2:14:15PM
6	scope of any patent rights or	6	sure we make this right for the record for which
7	copyrights."	7	document is what.
8	A Yes.	8	All right. Exhibit Number 5 contains
9	Q Do you see that?	9	several documents, okay, because there are
10	A Yes. 2:11:57PM	10	amendments to the main document. 2:14:23PM
11	Q You can put the document aside, please,	11	A Yes
12	ma'am.	12	Q All right.
13	I'm handing you what I've now marked as	13	So the first one I want to talk about is
14	Exhibit Number 4.	14	the exclusive license agreement between the Regents
15	(Defendants' Exhibit 4 marked 2:12:12PM	I 15	of University of California and Eolas Technologies, 2:14:31P
16	for identification.)	16	which is Bates stamped E 001676 through E 001717.
17	BY MS. DOAN:	17	A Yes
18	Q Have you seen Exhibit Number 4?	18	Q And again, it appears to be signed by
19	A Yes.	19	Michael Doyle and Terence Feuerborn on behalf of
20	Q What is this document? 2:12:29PM	20	Eolas and the Regents of the University, 2:14:53PM
21	A It's an amendment to the license	21	respectively, in August of 1995.
22	agreement.	22	Do you see that?
23	Q What's the date of this doc this	23	A Yes, I do
24	document, Exhibit 4?	24	Q And the next document is which follows
25	A 18th August 1998. 2:12:36PM	25	it is E 001718 through E 001721. 2:15:04PM
	Page 222		Page 224
1	Q And do you see this document is Bates 2:12:38PM	1	Do you see that? 2:15:12PM
2	numbered E 3621 through E 3630?	2	A Yes
3	A Yes	3	Q And it appears to be signed by Michael
4	Q And page E 3630 appears to be signed on	4	Doyle and Candace Voelker in June and July 1997,
5	behalf of Eolas Technologies and the Regents of the 2:12:51P	M 5	respectively. 2:15:20PM
6	University of California again in August 1998?	6	Do you see that?
7	A Yes	7	A Yes
8	Q Have you read Exhibit Number 3?	8	Q And the next document, which is also part
9	A Exhibit Number 3 is the license agreement?	9	of Exhibit Number 5, is Bates stamped DM 000773
10	Q The original license agreement, yes, 2:13:18PM	10	through DM 00782 [sic]. 2:15:36PM
11	ma'am.	11	Do you see that?
12	A Yes I had to go through it to do the	12	A Yes
13	restated agreement Yes, I have looked at it	13	Q This document appears to be signed and
14	O Did you read the entire agreement?	14	dated by Michael Doyle on August 1998 on behalf
15	A I did 2:13:26PM	15	of Eolas Technologies and Terence Feuerborn in 2:15:48PN
16	Q Have you read Exhibit Number 4?	16	August 1998 on behalf of the Regents of the
17	A I don't remember	17	University of California; is
18	Q Thank you.	18	A Yes
19	I'm handing you what I've marked as	19	Q that right?
20	Exhibit Number 5. 2:13:40PM	20	A Yes 2:15:56PM
21	(Defendants' Exhibit 5 marked	21	Q And the next document is another agreement
22	for identification.)	22	between the Regents and Eolas, still on Exhibit
23	BY MS DOAN:	23	Number 5, and it is Bates stamped RUC 001336 through
	•		
23		25	•
24 25	Q It's a document Bates stamped E 001676. A Yes 2:13:53PM Page 223	24 25	RUC 001338. Do you see that? 2:16:19PM Page 22

7	A Yes. 2:16:20PM	1	will be construed as I and it care 2.10.2003
1 2	Q And that document is signed and dated by	2	will be construed as," and it says 2:18:29PN
			2.4.1, "a warranty or
	Michael Doyle in February of 1999 on behalf of Eolas	3	representation by the Regents as to
	and Terence Feuerborn on behalf of the Regents in	4	the validity, enforceability, or
5	January 1999. 2:16:31PM	5	scope of any patent rights or 2:18:38PM
6	Do you see that?	6	copyrights."
7	A Yes.	7	Do you see that?
8	Q Then following that document is a cover	8	A Yes, I do.
9	letter and another agreement Bates stamped E 026750	9	(Defendants' Exhibit 6 marked
10	through E 026755. 2:16:59PM	10	for identification.) 2:18:42PM
11	Do you see that?	11	BY MS. DOAN:
12	A Yes.	12	Q Handing you what I've marked as Exhibit
13	Q And it appears to be dated in 2001 on	13	Number 6.
14	behalf of Eolas by Michael Doyle and by Alan Bennett	14	A Is it different? It's already there in
15	on behalf of the Regents of University of 2:17:12PM	15	this 2:19:02PM
16	California.	16	Q And Exhibit Number 6 appears to be the
17	Do you see that?	17	last document that we identified in Exhibit
18	A Yes.	18	Number 5, the only addition being the Eolas Bates
19	Q Have you reviewed each of these documents,	19	stamp numbers at the bottom.
20	all of which are part of Exhibit Number 5 to your 2:17:18P	M 20	A Okay. 2:19:38PM
21	deposition?	21	Q Is that correct?
22	A I have looked at them, yes.	22	MS. KLEIN: Objection; form.
23	Q Have you read all of these documents?	23	THE WITNESS: Yes.
24	A At some point.	24	(Defendants' Exhibit 7 marked
25	Q And do they appear to be true and correct 2:17:28PM	I 25	for identification.) 2:20:09PM
	Page 226		Page 228
1	copies of the originals held by the University of 2:17:32PM	1	BY MS. DOAN: 2:20:11PM
2	California?	2	Q Handing you what I've marked as Exhibit
3	A They appear to be.	3	Number 7.
4	Q Is there any reason that Eolas that	4	Have you seen this document?
5	University of California doubts their authenticity? 2:17:40F	M 5	A Yes. 2:20:20PM
6	A I don't have the originals to compare,	6	O What is it?
7	so	7	A It's the amended and restated agreement.
8	Q Any reason as you sit here today you doubt	8	Q And it bears Bates Stamp Numbers
	it's authentic? It was produced to you by by	9	EOLASTX-293345 through -29333 sorry, -293377.
10	to us by you guys, so just 2:17:54PM	10	A Yes. 2:20:38PM
11	A No.	11	Q And it's dated by Mark Swords on behalf of
12	Q Okay.	12	Eolas and Joel Kirschbaum on behalf of the Regents
13	Gray. If you'll look at page E 001685	13	of University of California, both in September of
14	MS. KLEIN: On Exhibit 5?	14	1998 [sic]; is that correct?
15	MS. DOAN: Yes, ma'am. 2:18:03PM	15	A Yes. 2:20:50PM
1 (THE WITNESS: -1685?	16	Q Is this the document that you were
16	BY MS. DOAN:	17	testifying earlier that you had prepared on behalf
17	0. **	18	of the University of California?
17 18	Q Yes, ma'am.		
17 18 19	All right. And do you see the top of the	19	A Yes.
17 18 19 20	All right. And do you see the top of the page, it says "Limited Warranty"? 2:18:20PM	19 20	
17 18 19	All right. And do you see the top of the		
17 18 19 20	All right. And do you see the top of the page, it says "Limited Warranty"? 2:18:20PM	20	Q And Joel Kirschbaum that signed this 2:21:02P
17 18 19 20 21	All right. And do you see the top of the page, it says "Limited Warranty"? 2:18:20PM A Yes.	20 21	Q And Joel Kirschbaum that signed this 2:21:02P document is — is who you report to?
17 18 19 20 21 22	All right. And do you see the top of the page, it says "Limited Warranty"? 2:18:20PM A Yes. Q And do you see paragraph 2.4?	20 21 22	Q And Joel Kirschbaum that signed this 2:21:02Pl document is — is who you report to? A Yes.
17 18 19 20 21 22 23	All right. And do you see the top of the page, it says "Limited Warranty"? 2:18:20PM A Yes. Q And do you see paragraph 2.4? A Yes.	20 21 22 23	Q And Joel Kirschbaum that signed this 2:21:02P. document is is who you report to? A Yes. Q If you would look at

1	this was signed in September of '98. It's actually 2:21:20PM	1	signed copy? 2:23:53PM
2	2008.	2	MS KLEIN: Objection; form
3	MS. DOAN: I'm sorry, I meant to say 2008.	3	THE WITNESS: I would presume that we
4	MS. KLEIN: Thank you.	4	would
5	THE WITNESS: I thought it was 2008. 2:21:28PM	5	MS DOAN: And, Counsel, we'd request 2:24:03PM
6	MS. DOAN: I said I thought I said it	6	either a signed copy or, if you have produced a
7	was two exhibits, so let's just get for the	7	signed copy, if you can just give us the Bates stamp
8	record purposes, Exhibit Number 7 is dated in 2008.	8	numbers for this We couldn't find it in the
9	BY MS. DOAN:	9	production
10	Q Exhibit 7, is it dated dated 2:21:42PM	10	(Defendants' Exhibit 9 marked 2:24:14PM
11	A Yes.	11	for identification)
12	Q in 2008?	12	BY MS DOAN:
13	And if you'll look at page EOLASTX-293353.	13	Q Handing you what I've marked as Exhibit
14	A Yes.	14	Number 9.
15	Q Do you see Exhibit paragraph 2.4? 2:21:59PM	1 15	Dr. Rajdev, if you have a signed copy 2:24:18PM
16	A I do.	16	within the University of California's possession,
17	Q It says:	17	custody, or control, do you have any reason why you
18	"Nothing in this agreement	18	wouldn't produce that in this litigation?
19	will be construed as," and 2.4.1	19	MS KLEIN: Objection; form
20	says again, "a warranty or 2:22:08PM	20	THE WITNESS: No, there is no reason 2:24:27PM
21	representation by the Regents as to	21	BY MS DOAN:
22	the validity, enforceability, or	22	Q I've put before you Exhibit Number 9.
23	scope of any patent rights or	23	Have you seen this document?
24	copyrights."	24	A Yes
25	Do you see that? 2:22:15PM	25	Q It's Bates Stamp Number EOLASTX-10352 2:24:38
	Page 230		Page 232
1	A Yes. 2:22:16PM	1	through EOLASTX-10380. 2:24:43PM
2	(Defendants' Exhibit 8 marked	2	What is this document?
3	for identification.)	3	A It's the second amended and restated
4	BY MS. DOAN:	4	agreement.
5	Q Handing you what I've marked as Exhibit 2:22:55P		Q Who prepared this document? 2:24:57PM
6	Number 8.	6	A It's between James Stetson and me. One of
7	Do you recognize this document?	7	us.
8	A Yes, I do.	8	Q If you'll turn to page EOLASTX-10359
9	O What is it?	9	A Yes.
10	A It's the first amendment to the amended 2:23:06PM	10	Q and look at paragraph 2.4. 2:25:17PM
11	and restated agreement.	11	A Still there.
12	<u> </u>	12	O It says:
13	Q Are you familiar with this document? A I am.	13	"Nothing in this agreement
		14	will be construed as," and again it
14		15	
15	,		says 2.4.1, "a warranty or 2:25:25PM
16	it. I'm not sure if it was drafted by Eolas or	16	representation by the Regents as
17	drafted by me.	17	to as to the validity,
18	Q Do you have any reason to doubt that it's	18	enforceability, or scope of any
19	a it's a true and accurate and authentic copy of	19	patent rights or copyrights."
20	a business record of University of California? 2:23:41PM		Do you see that? 2:25:34PM
21	MS. KLEIN: Objection to the form of the	21	A Yes.
22	question.	22	MS. DOAN: Let's go off for one second.
23	THE WITNESS: It's an unsigned copy.	23	THE VIDEOGRAPHER: Off the record at 2:25.
24	BY MS. DOAN:	24	(Discussion held off record.)
25	Q Does the University of California have a 2:23:51PM	25	THE VIDEOGRAPHER: On the record at 2:27:12
	Page 231		Page 233

1 2:27 p.m.	2:27:13PM	1	BY MS. DOAN: 2:28:53PM
2 BY MS. D	OAN:	2	Q And are Exhibits 3 through 11 [sic] true
3 Q Dr	. Rajdev, you know we're resuming your	3	and correct copies of records from the University of
4 deposition	after a brief break where I lost a	4	California's files?
5 document	? 2:27:23PM	5	MS. KLEIN: Object to the form of the 2:29:02PM
6 A I d	0.	6	question. You mean 10?
7 Q Y 0	u understand, of course, you're still	7	MS. DOAN: I'm sorry. Let me restate
8 under oat	h?	8	that.
9 A Ye	s.	9	BY MS. DOAN:
10 Q H a	inding you what I've marked as Exhibit 2:27:271	M 10	Q Are Exhibits 3 through 10 true and correct 2:29:08Pl
11 Number 1	0.	11	copies of business records from the University of
12	(Defendants' Exhibit 10 marked	12	California's files?
13	for identification.)	13	MS. KLEIN: Objection; form.
14 BY MS. D	•	14	THE WITNESS: They appear to be.
15 O W	hat is this document? 2:27:34PM	15	BY MS. DOAN: 2:29:19PM
•	oplemental agreement regarding entry of	16	Q And do you have any reason to dispute the
	s of the University of California into	17	authenticity of Exhibits 3 through 10?
-	las Technologies, Inc. versus Adobe	18	A No.
19 System, Ir	9 /	19	Q Now, we talked about a certain paragraph
,	d it's Bates Stamp Number 2:27:55PM	20	about each of these exhibits. 2:29:32PM
-	•	21	A Yes.
	DLAS1000000562; is that correct?		
22 A Ye		22	Q Does the University of California have any
-	d it's signed again by Mark Swords in	23	position as to whether the '906 or '985 patents are
•	r 2011 and Joel Kirschbaum in	24	valid?
25 Septembe		25	MS. KLEIN: Objection; form, outside the 2:29:40PM
	Page 234		Page 236
1 Do y	ou see that? 2:28:15PM	1	scope of the deposition 30(b)(6). 2:29:41PM
2 A Yes	3	2	BY MS. DOAN:
3 Q Di o	l you	3	Q You can answer.
4 Did	you prepare this document?	4	A No. This is just a general warranty that
5 A Ag	ain, either me or Jim Stetson 2:28:19PM	5	we have in our license agreement. It has no, it 2:29:48PM
6 Q An	d you've reviewed this document and	6	doesn't indicate University's position.
7 you're fan	niliar with it?	7	Q Okay.
8 A Yes	3	8	Does the University of California have any
9 Q Ok	av.	9	position that the '906 and '985 patents are valid?
	I'm going to ask you some questions 2:28:27PM	10	MS. KLEIN: Objection to the form, outside 2:30:02PM
- 14.1	collection of documents	11	the scope of the 30(b)(6).
12 A Ok		12	BY MS. DOAN:
13 Q - 0		13	Q You can answer.
_	I know we have some duplicates in	14	A There is no reason to say that it's not
	2:28:32PM	15	valid. 2:30:09PM
		16	Q Okay.
	ll right, so it's not supposed to be a	17	So is it the position of the University of
18 trick ques		18	California that it's not going to comment on the
	right. Are do Exhibits Number 3	19	validity of the '906 and '985 patents?
_	0 include all of the agreements between the 2:28:37P		A I would say 2:30:17PM
•	of California and Eolas with respect to	21	MS. KLEIN: Objection; form, outside the
	nd '985 patents?	22	scope of the 30(b)(6).
23 MS	KLEIN: Object to the form of the	23	Go ahead.
24 question		24	THE WITNESS: I would say after going
25 THE	WITNESS: I believe so 2:28:51PM	25	through few reexaminations and other procedures, 2:30:24P
	Page 235		Page 237

1	it's still valid, so I would say that it's valid. 2:30:28PN		A Of course I understand what's prior art 2:31:41PM
2	BY MS. DOAN:	2	Q All right.
3	Q Has the University of California reviewed	3	Has the University of California reviewed
4	all of the prior art that's been submitted in this	4	the prior art that's been produced by the Defendants
5	piece of litigation? 2:30:37PM	5	in this litigation in which the University of 2:31:48PM
6	MS. KLEIN: Objection; form of the	6	California is suing my clients for multiple millions
7	question, outside the scope of the 30(b)(6).	7	of dollars?
8	THE WITNESS: The outside counsel for the	8	MS KLEIN: Object to the form, outside
9	University and the patent office has done so.	9	the scope of the 30(b)(6)
10	BY MS. DOAN: 2:30:48PM	10	THE WITNESS: The University's counsel 2:31:57PM
11	Q Okay. My question is a little bit	11	probably has done so University as represented by
12	different, because I'm not talking about prior art	12	me, since I'm managing the case, I have not done it
13	that's submitted to the patent office	13	BY MS DOAN:
14	A Yes.	14	Q Okay.
15	Q okay? 2:30:54PM	15	Do you know who at the University of 2:32:06PM
16	Is the University of California aware that	16	California, separate and apart from its counsel, has
17	there is prior art in this litigation that's not	17	reviewed the prior art that's been produced by the
18	gone before the patent office	18	Defendants in this litigation?
19	MS. KLEIN: Objection	19	MS KLEIN: Object to the form
20	BY MS. DOAN: 2:30:58PM	20	Objection; outside the scope of the 30(b)(6) 2:32:17PM
21	Q with respect to the '906 and '985	21	THE WITNESS: I do not know
22	patents?	22	BY MS DOAN:
23	MS. KLEIN: Objection; form.	23	Q If you'll turn back to Exhibit Number 5.
24	THE WITNESS: I'm not aware of it.	24	Actually, I think we have let's go with
25	THE WITHESS. THI NOT AWARD OF IT.	25	Exhibit Number 3, because it's the Bates numbers for 2:32:59
20	Page 238		Page 240
1	BY MS. DOAN: 2:31:02PM	1	this case. I think it's the same document. It's 2:33:03PM
2	Q Okay.	2	the first document, Exhibit Number 3 being two
3	So it's fair for me to assume the	3	documents, the first being the original license
4	University of California has not reviewed all the	4	between the University and Eolas and the second
5	prior art that's been submitted in this litigation; 2:31:08PM	5	document being the first amendment, which is also 2:33:21PM
6	is that fair?	6	attached to Exhibit Number 3.
7		7	
	MS. KLEIN: Objection; form, outside the	8	Do you see that?
8	scope of the 30(b)(6).	9	A Yes
9	THE WITNESS: You'll have to rephrase the		Q Okay.
10	question. What is the prior art that's been 2:31:17PM	10	Do you see that the original document is 2:33:28PM
11	submitted?	11	dated 1995?
12	BY MS. DOAN:	12	A Yes
13	Q Sure.	13	Q How long was the original agreement in
14	So has the University of California	14	place between the Regents and Eolas with all of its
15	reviewed all the prior art that's been produced in 2:31:22P		subsequent amendments before it was finally redone 2:33:43P
16	this litigation, separate and apart from what's	16	to a separate agreement again, before the amended
17	been gone in front of the patent office in the	17	and restated agreement, Exhibit Number 7?
18	'906 and '985 patents?	18	A So the agreement was signed in 2008
	MS. KLEIN: Objection to the form of the	19	Q Okay.
19		20	So Exhibit Number 3, the original license, 2:34:19PM
20	question, outside the scope of the 30(b)(6). 2:31:35PM		I.
	question, outside the scope of the 30(b)(6). 2:31:35PM THE WITNESS: I'm not sure I understand	21	was dated in 1995?
20	* ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' '	21 22	was dated in 1995? A Yes
20 21	THE WITNESS: I'm not sure I understand		
20 21 22	THE WITNESS: I'm not sure I understand the question. Sorry.	22	A Yes
20 21 22 23	THE WITNESS: I'm not sure I understand the question. Sorry. BY MS. DOAN:	22 23	A Yes Q And it was in effect and in place,

	until 2008, when the entire agreement was amendment 2:34:33F	M 1	over from 1995 until 2008, when it was amended and 2:36:19
2	and restated; is that fair?	2	restated, correct?
3	A Yes	3	A Yes
4	Q So look at Exhibit Number 3 for me,	4	Q At any time from 1995 to 2008, did the
5	please. 2:34:40PM	5	University of California advise Eolas that it 2:36:32PM
6	And that's the document dated 1995,	6	thought that Amazon was infringing the '906 patent?
7	correct?	7	MS KLEIN: Objection to the form of the
8	A Yes	8	question
9	Q And if you'll look at page -185778.	9	THE WITNESS: Not that I'm aware of
10	A Page what? 2:34:56PM	10	BY MS DOAN: 2:36:45PM
11	Q It's EOLASTX-185778.	11	Q At any time from 1995 to 2008, did the
12	A Sorry Which exhibit is that?	12	University of California advise Eolas that it
13	Q Exhibit Number 3.	13	thought Yahoo may be infringing the '906 patent?
14	A -157	14	MS KLEIN: Objection to the form of the
15	Q -185778. 2:35:11PM	15	question 2:36:59PM
16	A -78 Okay Yes	16	THE WITNESS: Not that I know of
17	Q And I'm on paragraph 16, "Infringement."	17	BY MS DOAN:
18	Do you see where I am?	18	Q At any time from 1995 to 2008, did the
19	A Yes	19	University of California advise Eolas that it
20	Q And this document states it was in place 2:35:26PM	20	thought Google or YouTube were infringing the '906 2:37:071
21	from 1995 to 2008.	21	patent?
22	"16.1. In the event that	22	MS KLEIN: Objection to the form of the
23	either party responsible for	23	question
24	administering this agreement learns	24	THE WITNESS: I don't know
25	of substantial infringement of any 2:35:38PM	25	
	Page 242		Page 244
1	patent or copyright licensed under 2:35:41PM	1	BY MS DOAN: 2:37:14PM
2	this agreement, the informed party	2	Q Okay.
3	shall call such infringement to the	3	And at any time between 1995 and 2008, did
4	attention of the other party	4	the University of California advise Eolas that it
5	thereto in writing and shall 2:35:47PM	5	thought Adobe was infringing the '906 patent? 2:37:21PM
6	provide the other party with	6	MS KLEIN: Objection to the form of the
7	reasonable evidence of such	7	question
8	infringement."	8	THE WITNESS: Again, I don't know
9	_	9	BY MS DOAN:
10	Do you see that? A Yes 2:35:53PM	10	Q And you understand that paragraph 16.1 of 2:37:26P
11	MS KLEIN: Objection to the form of the	11	
T T		12	Exhibit Number 3 would require the University of
10	question PV MS DOAN-		California to tell Eolas if it thought, indeed, that
12	BY MS DOAN:	13	my client, Yahoo, was infringing the '906 patent?
13		1 /	A Voc
13 14	Q And this document was in effect, with its	14 DM 15	A Yes MS VIEDS Objection form 2:27:40DM
13 14 15	Q And this document was in effect, with its amendments that we've gone over, from 2005 to 1998, 2:35:59	PM 15	MS KLEIN: Objection; form 2:37:40PM
13 14 15 16	Q And this document was in effect, with its amendments that we've gone over, from 2005 to 1998, 2:35:59 when it was amended and restated, correct?	PM 15	MS KLEIN: Objection; form 2:37:40PM THE WITNESS: If we knew it, yes
13 14 15 16 17	Q And this document was in effect, with its amendments that we've gone over, from 2005 to 1998, when it was amended and restated, correct? MS KLEIN: Objection to the form of the	PM 15 16 17	MS KLEIN: Objection; form 2:37:40PM THE WITNESS: If we knew it, yes MS DOAN: Okay Let's take a break for
13 14 15 16 17	Q And this document was in effect, with its amendments that we've gone over, from 2005 to 1998, 2:35:59 when it was amended and restated, correct? MS KLEIN: Objection to the form of the question	PM 15 16 17 18	MS KLEIN: Objection; form 2:37:40PM THE WITNESS: If we knew it, yes MS DOAN: Okay Let's take a break for one second
13 14 15 16 17 18	Q And this document was in effect, with its amendments that we've gone over, from 2005 to 1998, 2:35:59 when it was amended and restated, correct? MS KLEIN: Objection to the form of the question THE WITNESS: Yes	PM 15 16 17 18 19	MS KLEIN: Objection; form 2:37:40PM THE WITNESS: If we knew it, yes MS DOAN: Okay Let's take a break for one second THE VIDEOGRAPHER: This is the end of Disk
13 14 15 16 17 18 19 20	Q And this document was in effect, with its amendments that we've gone over, from 2005 to 1998, 2:35:59 when it was amended and restated, correct? MS KLEIN: Objection to the form of the question THE WITNESS: Yes MS DOAN: I got the dates totally screwed 2:36:11PM	PM 15 16 17 18 19 20	MS KLEIN: Objection; form 2:37:40PM THE WITNESS: If we knew it, yes MS DOAN: Okay Let's take a break for one second THE VIDEOGRAPHER: This is the end of Disk 2 Off the record at 2:38 p m 2:38:09PM
13 14 15 16 17 18 19 20 21	Q And this document was in effect, with its amendments that we've gone over, from 2005 to 1998, 2:35:59 when it was amended and restated, correct? MS KLEIN: Objection to the form of the question THE WITNESS: Yes MS DOAN: I got the dates totally screwed 2:36:11PM up Thank you, Counsel	PM 15 16 17 18 19 20 21	MS KLEIN: Objection; form 2:37:40PM THE WITNESS: If we knew it, yes MS DOAN: Okay Let's take a break for one second THE VIDEOGRAPHER: This is the end of Disk Off the record at 2:38 p m 2:38:09PM (Recess taken)
13 14 15 16 17 18 19 20 21	Q And this document was in effect, with its amendments that we've gone over, from 2005 to 1998, 2:35:59 when it was amended and restated, correct? MS KLEIN: Objection to the form of the question THE WITNESS: Yes MS DOAN: I got the dates totally screwed 2:36:11PM up Thank you, Counsel BY MS DOAN:	PM 15 16 17 18 19 20 21 22	MS KLEIN: Objection; form 2:37:40PM THE WITNESS: If we knew it, yes MS DOAN: Okay Let's take a break for one second THE VIDEOGRAPHER: This is the end of Disk 2 Off the record at 2:38 p m 2:38:09PM (Recess taken) THE VIDEOGRAPHER: This is Disk 3 of
13 14 15 16 17 18 19 20 21 22 23	Q And this document was in effect, with its amendments that we've gone over, from 2005 to 1998, 2:35:59 when it was amended and restated, correct? MS KLEIN: Objection to the form of the question THE WITNESS: Yes MS DOAN: I got the dates totally screwed 2:36:11PM up Thank you, Counsel BY MS DOAN: Q All right.	PM 15 16 17 18 19 20 21 22 23	MS KLEIN: Objection; form 2:37:40PM THE WITNESS: If we knew it, yes MS DOAN: Okay Let's take a break for one second THE VIDEOGRAPHER: This is the end of Disk 2 Off the record at 2:38 p m 2:38:09PM (Recess taken) THE VIDEOGRAPHER: This is Disk 3 of Sunita Rajdev, Ph D On the record at 2:47
13 14 15 16 17 18 19 20 21 22	Q And this document was in effect, with its amendments that we've gone over, from 2005 to 1998, 2:35:59 when it was amended and restated, correct? MS KLEIN: Objection to the form of the question THE WITNESS: Yes MS DOAN: I got the dates totally screwed 2:36:11PM up Thank you, Counsel BY MS DOAN:	PM 15 16 17 18 19 20 21 22	MS KLEIN: Objection; form 2:37:40PM THE WITNESS: If we knew it, yes MS DOAN: Okay Let's take a break for one second THE VIDEOGRAPHER: This is the end of Disk 2 Off the record at 2:38 p m 2:38:09PM (Recess taken) THE VIDEOGRAPHER: This is Disk 3 of

1	resuming your deposition after a brief break? 2:48:07P	M 1	A I'm not aware of it, but I can't say it 2:50:03PM
2	A Yes.	2	never happened. I don't know.
3		3	Q If you'll look at Supplemental Topic
4	Q You understand, of course, you're still under oath?	4	Number 5 on Exhibit Number 2.
5	A Yes. 2:48:12PM	5	A Exhibit 2. Okay. 2:50:21PM
6	Q Does the University of California take	6	Q What did you do to prepare yourself today
7	this lawsuit seriously?	7	to speak on behalf of the University of California
8	MS. KLEIN: Objection; form.	8	with respect to Supplemental Topic Number 5?
9	THE WITNESS: Of course.	9	A I discussed with the counsel, who is aware
10	BY MS. DOAN: 2:48:17PM	10	of who would be aware of any instances where UC 2:50:43PN
11	Q Do you personally take this lawsuit	11	was involved directly in any reexamination or
12	seriously?	12	challenging the validity of any patent, and we're
13	A To the extent I'm involved in it, yes, I	13	not aware of any.
14	do.	14	Q Okay.
15	Q What efforts have the Regents of the 2:48:29PM	15	Have the University of California Regents 2:50:55PM
16	University of California gone to to educate students	16	ever requested a reexamination of one of its own
17	about the patents-in-suit, the '906 and the '985	17	patents?
18	patents?	18	A I do not know.
19	A We don't routinely educate students about	19	Q Has the University of California ever
20	specific patents. 2:48:47PM	20	taken the position in any lawsuit that a patent was 2:51:07PM
21	Q Okay.	21	invalid?
22	What efforts has the University of	22	A I'm not aware of it.
23	California gone to to educate the Worldwide Web	23	Q Do you know of any instance in which the
24	community about the '906 or the '985 patents?	24	University of California has challenged the validity
25	A I'm not aware of any specific efforts by 2:48:59PM	25	of any patent in any context? 2:51:27PM
	Page 246		Page 248
1	the by UC 2:49:02PM	1	A I do not know of any. 2:51:32PM
2	Q Was the Uni	2	Q And you understand that you're speaking on
3	Separate and apart from Eolas, okay, did	3	behalf of the University with respect to
4	the University of California submit anything to the	4	Supplemental Topic Number 5?
5	United States Patent Office in connection with the 2:49:11PM	5	A Yes. 2:51:39PM
6	first or second reexamination of the '906 patent?	6	
7	•	7	Q So it's your testimony that the
	A Whether the University of California did,		University you don't know of any instance in
8	I do not know You would need to ask the outside	8	which the University of California has ever
9	counsel I do not know	9	challenged the validity of any patent in any
10	Q Okay. 2:49:26PM	10	context; is that fair? 2:51:50PM
11	As you sit here today, you don't know of	11	A Not today, no, I do not know.
12	any document that the University of California	12	(Defendants' Exhibit 11 marked
13	submitted to the patent office separate and apart	13	for identification.)
14	from Eolas; is that fair?	14	BY MS. DOAN:
15	MS KLEIN: Objection to the form of the 2:49:39PM	15	Q I'm handing you what I've marked Exhibit 2:52:14PM
16	question, outside the scope of the 30(b)(6)	16	Number 11.
17	THE WITNESS: Yes, I do not know	17	Do you recognize this document?
18	BY MS DOAN:	18	A Yes.
19	Q Has the University of California ever	19	Q And it's Bates Stamp Number UCAL-EOLAS,
20	sought a reexamination from the United States Patent 2:49:51F	M 20	and the Bates stamp number is cut off for some 2:52:27PM
21	Office?	21	reason. I believe there is a hole punch there.
22	A For?	22	Sorry about that. It's it's got a Bates stamp on
23	Q Any patent.	23	it, -1, bunch of zeros, and -10, and something else;
20	A Reexamination?	24	is that fair?
24			
24 25	Q Yes, ma'am. 2:50:00PM	25	A Yes. 2:52:41PM

1	Q And we're going to mark it as Exhibit 2:52:41PN		Q And that's what you were talking about 2:54:23PM
2]	Number 11 to your deposition and we'll get the Bates	2	earlier, the "Hypermedia Program Objects" was the
3 9	stamp numbers later.	3	technology description?
4	Is that cool?	4	A Yes.
5	A Yes. 2:52:47PM	5	Q The invention category would be "Internet 2:54:29P
6	Q All right.	6	Browser Technology"?
7	What is this document?	7	A Yes.
8	A It lists the UC inventions grossing more	8	Q And the campus is "SF." Is that the UCSF
	than 5 million in income over their lifetime.	9	campus we've been talking about?
10	Q And are the '906 and '985 inventions or 2:52:56P		A That's right. 2:54:40PM
-	patents on this Exhibit Number 11?	11	Q And it has a year of disclosure of 1994.
12	MS. KLEIN: Objection; form.	12	Do you see that?
13	THE WITNESS: Is that the Number 12? I	13	A Yes.
	think it's Number 12.	14	Q And the year of the first license of 1996.
	BY MS. DOAN: 2:53:20PM	15	Do you see that? 2:54:51PM
16	Q Okay.	16	A Yes.
17	Have you reviewed this document before	17	Q And the year of disclosure for the '90
18 (today?	18	what became the '906 patent, was it indeed 1994?
19	A I've looked at it, yes, previously.	19	MS. KLEIN: Object to the form of the
20	Q Are you prepared to testify on the 2:53:32PM	20	question. 2:55:03PM
21 I	behalf of this document on behalf of the University?	21	THE WITNESS: The year of technology
22	MS. KLEIN: Objection; form of the	22	disclosure? Yes.
23 (question, beyond the scope of the 30(b)(6).	23	BY MS. DOAN:
24	THE WITNESS: Depends on what your	24	Q Okay.
25 (question is. 2:53:43PM	25	And the year of the first license, was 2:55:06PM
	Page 250		Page 252
1]	BY MS. DOAN; 2:53:43PM	1	that indeed 1996? 2:55:08PM
2	Q Sure.	2	MS. KLEIN: Object to the form of the
3	So you understand that, of course, you're	3	question.
	identified on Supplemental Topic Number 2:	4	THE WITNESS: I would have to look at the
5	"The amount of money the 2:53:47PM	5	date. Says 1995, so I don't know. 2:55:16PM
6	Regents received from Eolas as a	6	BY MS. DOAN:
7	result of the license agreement."	7	O What month does it have in 1995?
8	Do you see that?	8	A August.
-	A Yes.	9	Q Okay.
9			
9	O Okav. 2:53:53PM	10	•
10		10 11	So that might need to be 2:55:29PM
10 11	And you're prepared to testify about that		So that might need to be 2:55:29PM A So that would be fiscal year 1996, yes.
10 11 12	And you're prepared to testify about that subject here today, correct?	11 12	So that might need to be 2:55:29PM A So that would be fiscal year 1996, yes. Q Okay.
10 11 12 13	And you're prepared to testify about that subject here today, correct? A Yes.	11 12 13	So that might need to be 2:55:29PM A So that would be fiscal year 1996, yes. Q Okay. And that's why it has a 1996 date?
10 11 12 13 14	And you're prepared to testify about that subject here today, correct? A Yes. MS. KLEIN: Objection to the form of the	11 12 13 14	So that might need to be 2:55:29PM A So that would be fiscal year 1996, yes. Q Okay. And that's why it has a 1996 date? A I think so, yes.
10 11 12 13 14 15	And you're prepared to testify about that subject here today, correct? A Yes. MS. KLEIN: Objection to the form of the question, mischaracterizes the notice. 2:53:59PM	11 12 13 14 15	So that might need to be 2:55:29PM A So that would be fiscal year 1996, yes. Q Okay. And that's why it has a 1996 date? A I think so, yes. Q The total revenue is \$32,279,193. 2:55:38PM
10 11 12 13 14 15 (16	And you're prepared to testify about that subject here today, correct? A Yes. MS. KLEIN: Objection to the form of the question, mischaracterizes the notice. 2:53:59PM BY MS. DOAN:	11 12 13 14 15	So that might need to be 2:55:29PM A So that would be fiscal year 1996, yes. Q Okay. And that's why it has a 1996 date? A I think so, yes. Q The total revenue is \$32,279,193. 2:55:38PM Do you see that?
10 11 12 13 14 15 16 17	And you're prepared to testify about that subject here today, correct? A Yes. MS. KLEIN: Objection to the form of the question, mischaracterizes the notice. 2:53:59PM BY MS. DOAN: Q And what have you done to prepare yourself	11 12 13 14 15 16	So that might need to be 2:55:29PM A So that would be fiscal year 1996, yes. Q Okay. And that's why it has a 1996 date? A I think so, yes. Q The total revenue is \$32,279,193. 2:55:38PM Do you see that? A Yes.
10 11 12 13 14 15 6 16 17 18	And you're prepared to testify about that subject here today, correct? A Yes. MS. KLEIN: Objection to the form of the question, mischaracterizes the notice. 2:53:59PM BY MS. DOAN: Q And what have you done to prepare yourself to testify about Supplemental Topic Number 2?	11 12 13 14 15 16 17	So that might need to be 2:55:29PM A So that would be fiscal year 1996, yes. Q Okay. And that's why it has a 1996 date? A I think so, yes. Q The total revenue is \$32,279,193. 2:55:38PM Do you see that? A Yes. Q Is that amount accurate of the amount of
10 11 12 13 14 15 6 17 18 1	And you're prepared to testify about that subject here today, correct? A Yes. MS. KLEIN: Objection to the form of the question, mischaracterizes the notice. 2:53:59PM BY MS. DOAN: Q And what have you done to prepare yourself to testify about Supplemental Topic Number 2? A About the amount of money received from	11 12 13 14 15 16 17 18	So that might need to be 2:55:29PM A So that would be fiscal year 1996, yes. Q Okay. And that's why it has a 1996 date? A I think so, yes. Q The total revenue is \$32,279,193. 2:55:38PM Do you see that? A Yes. Q Is that amount accurate of the amount of revenue that the University of California,
10 11 12 13 14 15 (16 17 18 19 20	And you're prepared to testify about that subject here today, correct? A Yes. MS. KLEIN: Objection to the form of the question, mischaracterizes the notice. 2:53:59PM BY MS. DOAN: Q And what have you done to prepare yourself to testify about Supplemental Topic Number 2? A About the amount of money received from Eolas as a result of license agreement, I looked at 2:54:10P.	11 12 13 14 15 16 17 18 19 M 20	So that might need to be 2:55:29PM A So that would be fiscal year 1996, yes. Q Okay. And that's why it has a 1996 date? A I think so, yes. Q The total revenue is \$32,279,193. 2:55:38PM Do you see that? A Yes. Q Is that amount accurate of the amount of revenue that the University of California, San Francisco has received with respect to UC's 2:55:50I
10 11 12 13 14 15 (16 17 18 19 20 21	And you're prepared to testify about that subject here today, correct? A Yes. MS. KLEIN: Objection to the form of the question, mischaracterizes the notice. 2:53:59PM BY MS. DOAN: Q And what have you done to prepare yourself to testify about Supplemental Topic Number 2? A About the amount of money received from Eolas as a result of license agreement, I looked at 2:54:10Pl our financial records.	11 12 13 14 15 16 17 18 19 M 20 21	So that might need to be 2:55:29PM A So that would be fiscal year 1996, yes. Q Okay. And that's why it has a 1996 date? A I think so, yes. Q The total revenue is \$32,279,193. 2:55:38PM Do you see that? A Yes. Q Is that amount accurate of the amount of revenue that the University of California, San Francisco has received with respect to UC's 2:55:50E invention
10 11 12 13 14 15 6 17 18 19 20 1	And you're prepared to testify about that subject here today, correct? A Yes. MS. KLEIN: Objection to the form of the question, mischaracterizes the notice. 2:53:59PM BY MS. DOAN: Q And what have you done to prepare yourself to testify about Supplemental Topic Number 2? A About the amount of money received from Eolas as a result of license agreement, I looked at 2:54:10Pl our financial records. Q Okay.	11 12 13 14 15 16 17 18 19 M 20 21 22	So that might need to be 2:55:29PM A So that would be fiscal year 1996, yes. Q Okay. And that's why it has a 1996 date? A I think so, yes. Q The total revenue is \$32,279,193. 2:55:38PM Do you see that? A Yes. Q Is that amount accurate of the amount of revenue that the University of California, San Francisco has received with respect to UC's 2:55:50F invention MS. KLEIN: Object
10 11 12 13 14 15 6 17 18 19 20 21 22 23	And you're prepared to testify about that subject here today, correct? A Yes. MS. KLEIN: Objection to the form of the question, mischaracterizes the notice. 2:53:59PM BY MS. DOAN: Q And what have you done to prepare yourself to testify about Supplemental Topic Number 2? A About the amount of money received from Eolas as a result of license agreement, I looked at 2:54:10Pl our financial records. Q Okay. So if you'll look at looks like line 12	11 12 13 14 15 16 17 18 19 M 20 21 22 23	So that might need to be 2:55:29PM A So that would be fiscal year 1996, yes. Q Okay. And that's why it has a 1996 date? A I think so, yes. Q The total revenue is \$32,279,193. 2:55:38PM Do you see that? A Yes. Q Is that amount accurate of the amount of revenue that the University of California, San Francisco has received with respect to UC's 2:55:50F invention MS. KLEIN: Object BY MS. DOAN:
10 11 12 13 14 15 6 17 18 19 20 21 6 22 23	And you're prepared to testify about that subject here today, correct? A Yes. MS. KLEIN: Objection to the form of the question, mischaracterizes the notice. 2:53:59PM BY MS. DOAN: Q And what have you done to prepare yourself to testify about Supplemental Topic Number 2? A About the amount of money received from Eolas as a result of license agreement, I looked at 2:54:10Pl our financial records. Q Okay.	11 12 13 14 15 16 17 18 19 M 20 21 22	So that might need to be 2:55:29PM A So that would be fiscal year 1996, yes. Q Okay. And that's why it has a 1996 date? A I think so, yes. Q The total revenue is \$32,279,193. 2:55:38PM Do you see that? A Yes. Q Is that amount accurate of the amount of revenue that the University of California, San Francisco has received with respect to UC's 2:55:50P invention MS. KLEIN: Object

	question 2.55.57DM	1	A Yes 2:57:31PM
1 2	question. 2:55:57PM THE WITNESS: To the date this was	2	
		3	Q Are any of those technologies within the
3	printed, yes.		invention category of "Internet Browser Technology"?
4	BY MS. DOAN:	4	MS KLEIN: Object to the form of the
5	Q Is that the amount of money that the 2:56:02PM	5	question 2:57:39PM
6	University of California has received or the	6	THE WITNESS: It's not specifically
7	University of California, San Francisco has	7	Internet browser, but there is a lot of different
8	received?	8	categories There is devices, there is tools, there
9	A So this would be the University of	9	is diagnostics, plant varieties
10	California, but most of it, because it was a 2:56:14PM	10	BY MS DOAN: 2:57:50PM
11	San Francisco invention, that's where the money ends	11	Q It looks like there is some type of key on
12	up.	12	"Invention Category," whether it's so I see like
13	Q Okay.	13	2 and 3 some type of key with respect to
14	So the amount of money that goes to the	14	"Invention Category." It appears to be like Numbers
15	University of California is the \$32 million over the 2:56:21P	M 15	2 and 3 both fall under the "Vaccine" category and, 2:58:00Pl
16	life of the patent to date, and then a portion of	16	for example, 7, 8, and 9 fall within "Human
17	that goes to the San Francisco campus; is that fair?	17	Therapeutic" category.
18	A Yes. So it would be distributed as per	18	Do you see that?
19	the patent policy. Some of it would go to the	19	A Yes
20	inventors and the rest would go to the campus. 2:56:39PM	20	MS KLEIN: Objection to the form of the 2:58:10PM
21	Q Okay.	21	question
22	It would be whatever the patent policy was	22	BY MS DOAN:
23	or whatever was described in the agreement?	23	Q So these are categories that the
24	A Yes.	24	University of California has set up with respect to
25	Q And does the University of California have 2:56:46P		its different inventions; is that fair? 2:58:14PM
20	Page 254	1	Page 256
1	a patent policy that's sort of changed over the 2:56:49PM		MS. KLEIN: Objection to the form of the 2:58:17P
2	years about how much goes to the inventors and how	2	question, outside the scope of the 30(b)(6).
3	much goes to different campuses, et cetera?	3	THE WITNESS: Yes, it describes which
4	A Yes, it has.	4	field the invention is in.
5	Q If you'll look at Inventions 1 through 11 2:56:57PM	5	BY MS. DOAN: 2:58:21PM
6	in front of that.	6	Q Right.
7	Do you see that?	7	And with respect to what's ranked to be 13
8	A Yes.	8	through 39, none of those are in the "Internet
9	Q Are any of those other inventions, 1	9	Browser Technology" category; is that right?
10	through 11, within the category the invention 2:57:05P	M 10	MS. KLEIN: Objection to the form of the 2:58:31P
11	category of "Internet Browser Technology"?	11	question, outside the scope of the 30(b)(6).
12	MS. KLEIN: Object to the form of the	12	THE WITNESS: Yes.
13	question.	13	BY MS. DOAN:
14	THE WITNESS: I don't believe so.	14	Q And again, they all appear to be in the
15	BY MS. DOAN: 2:57:14PM	15	medical field or medical device field or 2:58:39Pl
16	Q Indeed, most of those are dealing with	16	pharmaceutical field or something to do with
17	some type of vaccine or medical device or something	17	medicine; is that correct?
18	in the medical industry; is that correct?		MS. KLEIN: Objection; form.
	• *	18	•
1 0	MS. KLEIN: Objection; form of the	19	THE WITNESS: Not necessarily. There is a
19	question. 2:57:24PM	20	veterinary product, which is milk production 2:58:48P
20	TELLIC MATERIALISM, Mag	21	enhancer.
20 21	THE WITNESS: Yes.		
20 21 22	BY MS. DOAN:	22	BY MS. DOAN:
20 21 22 23		23	BY MS. DOAN: Q That would be a veterinary product?
20 21 22 23 24	BY MS. DOAN:		Q That would be a veterinary product?A Yes.
20 21 22 23	BY MS. DOAN: Q And if you'll look at what's ranked to be	23	Q That would be a veterinary product?

	1		
1	Anything else that you see? 2:58:54PM	1	THE WITNESS: It can be used to 3:00:38PM
2	A There is human health promotion, nicotine	2	BY MS. DOAN:
3	patch.	3	Q Are they limited in any way to the medical
4	Q And that would be in the health-related	4	field?
5	field again, correct? 2:59:03PM	5	MS. KLEIN: Excuse me. Let the witness 3:00:44PM
6	A There is medical software, which is speech	6	please finish her answer.
7	recognition.	7	BY MS. DOAN:
8	Q And that would be, again, in the medical	8	Q You can answer.
9	or health field, correct?	9	MS. KLEIN: Go ahead and finish your
10	MS. KLEIN: Objection; form. 2:59:11PM	10	answer. 3:00:47PM
11	THE WITNESS: There is plant variety and	11	THE WITNESS: It depends on what you call
12	there are different new plant varieties. That's not	12	medical field. If you call medical education
13	in health field.	13	medical field, then it could be linked to medical
14	BY MS. DOAN:	14	education. For example, AnatLab is a product that's
15	Q Okay. 2:59:17PM	15	made for medical education. 3:00:57PM
16	A Then there is agricultural chemical	16	BY MS. DOAN:
17	<u> </u>	17	Q And we've covered the AnatLab product by
18	variety. So there are many different types of inventions.	18	questions earlier, correct?
			•
19	Q Okay.	19	A Yes, we have.
20	Is it fair to state that the Internet 2:59:25PM	20	Q And the AnatLab product has never been 3:01:03P
21	browser technology, which is what's described for	21	released; is that correct?
22	the '906 patent as Category Number 12, that is the	22	MS. KLEIN: Objection to the form of the
23	only category that deals with anything dealing with	23	question.
24	the Internet? Is that correct?	24	THE WITNESS: So far, no.
25	MS. KLEIN: Objection to the form, outside 2:59:42P	M 25	
	Page 258		Page 260
1	the scope of the 30(b)(6). 2:59:43PM	1	BY MS. DOAN: 3:01:07PM
2	THE WITNESS: Without looking at all the	2	Q And do you know how long that the Eolas
3	cases	3	has supposedly been working on the AnatLab produc
4	BY MS. DOAN:	4	MS. KLEIN: Objection to the form of the
5	Q On this page alone, Exhibit Number 11. 2:59:48PM		question. 3:01:14PM
6	A It appears to be, but without looking at	6	THE WITNESS: Not exactly. For a few
7	all the details, I don't know if any of these	7	years.
8	sometimes medical devices are associated with some	8	BY MS. DOAN:
9	sort of software technology or so unless I've	9	Q So let's talk about the '906 and '985
10	reviewed all of them, I wouldn't know. 3:00:00PM	10	
11	Q Okay.	11	patents. 3:01:20PM
12	But it appears to be that Line Number 12	12	Are any of the claims of those patents
13	• •		limited in any way to the medical field?
	is the only one described to be "Internet Browser Technology", is that correct?	13	MS. KLEIN: Objection; form.
14	Technology"; is that correct?	14	THE WITNESS: I don't believe so.
15	MS. KLEIN: Objection to the form of the 3:00:11PM	15	BY MS. DOAN: 3:01:29PM
16	question.	16	Q Are any of those claims in any way limited
17	THE WITNESS: It appears to be.	17	in any way to the plant variety field or farming
18	BY MS. DOAN:	18	field or anything like that?
19	Q With respect to the University of	19	A I would have to look at the claims, but I
20	California's understanding of the '906 and '985 3:00:23PI		don't believe so. 3:01:39PM
21	patents, do either one of those patents, the claims	21	Q And you haven't read the claims before
22	of the patents, cover anything to do with the	22	today; is that fair?
23	medical field?	23	MS. KLEIN: Objection; form.
24	MS. KLEIN: Objection to the form of the	24	THE WITNESS: No.
25	question. 3:00:36PM	25	
	Page 259		Page 261

1	BY MS. DOAN: 3:01:45PM	1	Q And then it looks like it's got an 3:04:04PM
2	Q That's not fair?	2	adjusted gross income of the same amount; is that
3	A No, I have not looked at them word by word	3	correct?
4	recently. I've looked at them at some point when I	4	A Yes
5	inherited the case. 3:01:54PM	5	Q And then there is some mandatory 3:04:11PM
6	Q Okay. I think I asked a bad question.	6	distributions, inventor shares of November 2007, of
7	I'm sorry.	7	a total of \$12,914,273.
8	So the question was: You have not looked	8	What is that?
9	at the claims word by word before today; is that	9	A That is the share that was distributed to
10	fair? 3:02:03PM	10	the inventors 3:04:29PM
11	MS. KLEIN: Objection; form.	11	Q And that was after the
12	THE WITNESS: Yes, that's fair.	12	A After the out-of-pocket costs were taken
13	BY MS. DOAN:	13	out
14	Q I'm handing you what I've marked as	14	Q Let me make sure I understand this.
15	Exhibit Number 12. 3:02:21PM	15	So, obviously, the amount that was paid in 3:04:41PM
16	(Defendants' Exhibit 12 marked	16	by the Microsoft dispute was more than 32 million,
17	for identification.)	17	correct?
18	BY MS. DOAN:	18	MS KLEIN: Objection; form
19	Q And I put it over on the side to make sure	19	BY MS DOAN:
20	not to cover up anything. 3:02:25PM	20	Q Do you know how much Microsoft paid to 3:04:48Pl
21	Are you familiar with this document?	21	resolve that piece of litigation?
22	A Yes, I've seen it.	22	A I don't know the exact amount
23	O What is it? What is it?	23	Q Okay.
24	A It's the financial summary for	24	So I have a sort of a general question.
25	distribution of income related to 1994-108 case. 3:02:39PM		It's overall, sort of not specific to dollars. 3:04:56PM
20	Page 262		Page 264
1	Q And what is the 1994-108 case? 3:02:45PM	1	But in general, when the money came in 3:04:59PM
2	A That is the case that describes the '906	2	from the Microsoft dispute, the inventors took a
3	and '985 patents.	3	portion of that and a portion went to the University
4	Q And after it says the 1994-108 in the	4	of California; is that correct?
5	title, it's got a parentheses, "(SF 1994-B08)." 3:02:59PM		MS. KLEIN: Objection; form. 3:05:05PM
6	What does that mean?	6	THE WITNESS: Yes.
7	A So 94-108 was the number that was assigned	7	BY MS. DOAN:
8	to the case when it was being managed by the Central	8	Q And then of the amount of money that went
9		9	-
10	Office of Technology Transfer.	10	to University of California, it was less some expenses, is that correct, to get an adjusted gross 3:05:11PN
	And once it was transferred to our campus, 3:03:12PM		· · · · · · · · · · · · · · · · · · ·
11	it was assigned a new number to avoid any confusion	11	income?
12	with preexisting cases that we might have had which	12	MS. KLEIN: Objection; form.
13	would have been labeled 1994-108. So to avoid the	13	THE WITNESS: So depends on which policy
14	confusion, we created a numbering system so once it	14	it was distributed under. Because it appears that
15	moved to San Francisco, it was 1994-B08. 3:03:28PM	15	this this was distributed under the old policy, 3:05:23PM
16	Q Okay.	16	where 15 percent is taken for the the inventors
17	And the year fiscal year 2008 to 2009,	17	get 42-1/2 percent, actually, after 15 percent is
18	would that have been when the disbursements from the	18	taken off.
19	Microsoft dispute were transferred to the University	19	BY MS. DOAN:
20	of California? 3:03:43PM	20	Q And I'm not asking for a specific 3:05:38PM
21	A It was transferred early 2008, yes.	21	percentage and that's okay. I'm just
22	Q And looking here at the first page of	22	A Yeah.
23	Exhibit Number 12, "Income from Royalties and Fees"	23	Q So the inventors get a certain amount and
24	equals the \$32,073,750; is that right?	24	the University gets a certain amount, correct?
25	A Yes. 3:04:04PM	25	A That's true. 3:05:44PM
l	Page 263		Page 265

_	Q And of the amount the University gets, 3:05:45PM	I 1	paid out for research allocation; is that correct? 3:07:14P
2	certain expenses are taken out to an adjusted	2	A Yeah.
3	number; is that correct?	3	Q That line is blank; is that correct?
4	MS. KLEIN: Objection; form.	4	A Yeah. I don't know why it's blank.
5	THE WITNESS: The amounts are taken out 3:05:51P	M 5	Q If you'll look at the next page, it deals 3:07:36PM
6	before it's distributed.	6	with the UCSF's shares, the University of
7	BY MS. DOAN:	7	California, San Francisco shares, of settlement
8	Q Okay.	8	income received from Eolas; is that correct?
9	And then of the amount that's distributed	9	A Yes.
10	to the University, it looks like the inventors get 3:05:56PM	10	MS. KLEIN: Objection; form. 3:07:51PM
11	an additional portion of that of an additional	11	BY MS. DOAN:
12	\$12 million; is that correct?	12	Q Has the University of California ever
13	MS. KLEIN: Objection; form.	13	received any funds from Eolas for marketing any
14	THE WITNESS: That is the only amount they	14	particular product?
15	get. 3:06:05PM	15	A Revenues from? 3:08:02PM
16	BY MS. DOAN:	16	Q Yes.
17	Q Okay.	17	A Based on sales of the products?
18	A Because I'm not I'm not seeing where	18	Q Any product.
19	you're seeing it seems like the way you said it	19	A I don't believe so.
20	that they receive double. 3:06:11PM	20	Q Are all the monies of the University of 3:08:08PM
21	So let's say money comes in. 15 percent	21	California received from Eolas to date from
22	is taken off under the old policy and then the rest	22	settlement of lawsuits or yes, from settlement of
23	of the money, some goes to the inventors and some	23	lawsuits?
24	goes to the campus.	24	MS. KLEIN: Objection; form.
25	Q So it's your understanding that from the 3:06:24PM	/ 1 25	THE WITNESS: So there are two types: 3:08:20PM
	Page 266		Page 268
	M: 6.1: 4.4.1 2.0(200)	4 1	The six of
1	Microsoft dispute, the total amount paid to either 3:06:27PI		There is settlement of lawsuits and there were some 3:08:21PM
0			
2	the inventors or the University was 32,073,750; is	2	obligations to pay minimum annual royalty payments
3	that correct?	3	under the license agreements So it received those
3 4	that correct? A That's my understanding.	3 4	under the license agreements So it received those BY MS DOAN:
3 4 5	that correct? A That's my understanding. Q And of that 32 million, it looks like the 3:06:39PM	3 4 5	under the license agreements So it received those BY MS DOAN: Q Okay. 3:08:29PM
3 4 5 6	that correct? A That's my understanding. Q And of that 32 million, it looks like the 3:06:39PM University of California, San Francisco received	3 4 5 6	under the license agreements So it received those BY MS DOAN: Q Okay. 3:08:29PM Does the University currently receive
3 4 5 6 7	that correct? A That's my understanding. Q And of that 32 million, it looks like the 3:06:39PM University of California, San Francisco received about 14.2 million, roughly that amount; is that	3 4 5 6 7	under the license agreements So it received those BY MS DOAN: Q Okay. 3:08:29PM Does the University currently receive minimum annual royalties from Eolas?
3 4 5 6 7 8	that correct? A That's my understanding. Q And of that 32 million, it looks like the 3:06:39PM University of California, San Francisco received about 14.2 million, roughly that amount; is that correct?	3 4 5 6 7 8	under the license agreements So it received those BY MS DOAN: Q Okay. 3:08:29PM Does the University currently receive minimum annual royalties from Eolas? A Yes
3 4 5 6 7	that correct? A That's my understanding. Q And of that 32 million, it looks like the 3:06:39PM University of California, San Francisco received about 14.2 million, roughly that amount; is that correct? A Yes.	3 4 5 6 7	under the license agreements So it received those BY MS DOAN: Q Okay. 3:08:29PM Does the University currently receive minimum annual royalties from Eolas?
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3 4 5 6 7 8 9 10	that correct? A That's my understanding. Q And of that 32 million, it looks like the 3:06:39PM University of California, San Francisco received about 14.2 million, roughly that amount; is that correct? A Yes. Q A portion paid in October of '07 and a 3:06:50PM portion paid later in 2 fiscal year 2008?	3 4 5 6 7 8 9 10	under the license agreements So it received those BY MS DOAN: Q Okay. 3:08:29PM Does the University currently receive minimum annual royalties from Eolas? A Yes Q Is that in addition to settlements or after the settlements received reached a certain amount, is it different?
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3 4 5 6 7 8 9 10 11 12 13 14 15 16	that correct? A That's my understanding. Q And of that 32 million, it looks like the 3:06:39PM University of California, San Francisco received about 14.2 million, roughly that amount; is that correct? A Yes. Q A portion paid in October of '07 and a 3:06:50PM portion paid later in 2 fiscal year 2008? A Yes. Q And if you'll look there at the middle of the page where the mandatory distributions are Do you see that? 3:07:02PM A Yes.	3 4 5 6 7 8 9 10 11 12 13 14 15 16	under the license agreements So it received those BY MS DOAN: Q Okay. 3:08:29PM Does the University currently receive minimum annual royalties from Eolas? A Yes Q Is that in addition to settlements or after the settlements received reached a certain amount, is it different? A It's in addition to the settlement It's creditable against the royalty payments, so if they made any royalty payments, it would be credited Q If you'll look back at Exhibit Number 10. 3:08:59PM A Did you say Exhibit Number
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	that correct? A That's my understanding. Q And of that 32 million, it looks like the 3:06:39PM University of California, San Francisco received about 14.2 million, roughly that amount; is that correct? A Yes. Q A portion paid in October of '07 and a 3:06:50PM portion paid later in 2 fiscal year 2008? A Yes. Q And if you'll look there at the middle of the page where the mandatory distributions are Do you see that? A Yes. Q there is a mandatory amount that goes to inventor shares. Do you see that? A Yes. 3:07:06PM Q And an amount an amount that goes to	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	under the license agreements So it received those BY MS DOAN: Q Okay. 3:08:29PM Does the University currently receive minimum annual royalties from Eolas? A Yes Q Is that in addition to settlements or after the settlements received reached a certain amount, is it different? A It's in addition to the settlement It's creditable against the royalty payments, so if they made any royalty payments, it would be credited Q If you'll look back at Exhibit Number 10. A Did you say Exhibit Number Q 10. A What is 10? I'll get that page Q Should be the last document on the stack of agreements. 3:09:29PM A I think I mixed them up Sorry
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	that correct? A That's my understanding. Q And of that 32 million, it looks like the 3:06:39PM University of California, San Francisco received about 14.2 million, roughly that amount; is that correct? A Yes. Q A portion paid in October of '07 and a 3:06:50PM portion paid later in 2 fiscal year 2008? A Yes. Q And if you'll look there at the middle of the page where the mandatory distributions are Do you see that? 3:07:02PM A Yes. Q there is a mandatory amount that goes to inventor shares. Do you see that? A Yes. 3:07:06PM Q And an amount an amount that goes to research allocation of 15 percent.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	under the license agreements So it received those BY MS DOAN: Q Okay. 3:08:29PM Does the University currently receive minimum annual royalties from Eolas? A Yes Q Is that in addition to settlements or after the settlements received reached a certain amount, is it different? A It's in addition to the settlement It's creditable against the royalty payments, so if they made any royalty payments, it would be credited Q If you'll look back at Exhibit Number 10. A Did you say Exhibit Number Q 10. A What is 10? I'll get that page Q Should be the last document on the stack of agreements. 3:09:29PM A I think I mixed them up Sorry Here it is Okay

1	A Yes, along with the counsel 3:09:41PM	1	to seek an injunction against Yahoo? 3:11:13PM
2	Q Did you prepare it?	2	MS. KLEIN: Objection to the form of the
3	A I do not remember	3	question. To the extent it calls for
4	Q Did you help negotiate it?	4	attorney/client-privileged information, I'll
5	A Yes 3:09:49PM	5	instruct you not to answer. 3:11:20PM
6			THE WITNESS: It's a discussion with the
_	Q If you'll look at Paragraph Number 2, it	6	
	says:	7	counsel.
8	"In view of the public	8	BY MS. DOAN:
9	university status of The Regents,	9	Q Does the University of California intend
10	The Regents may decline to 3:09:54PM	10	to seek an injunction against Yahoo in this case? 3:11:25F
11	participate in the enforcement of	11	MS. KLEIN: Same objection and same
12	an injunction in the Suit, as an	12	instruction.
13	exception to Eolas' sole control of	13	THE WITNESS: I'm not going to answer
14	the suit."	14	that. I don't know.
15	Do you see that? 3:10:04PM	15	BY MS. DOAN: 3:11:31PM
16	A Yes	16	Q Do you know if
17	Q And this document is dated September 2011.	17	A I don't know. I'm sorry, I shouldn't have
18	Do you see that?	18	said that. I do not know.
19	A Yes	19	Q Do you know if the University of
20	Q Now, shortly after, the University of 3:10:11PM	20	California is currently seeking an injunction 3:11:37PM
21	California came in as a Plaintiff to sue the	21	against Yahoo in this case?
22	Defendants, including my client, Yahoo, correct?	22	MS. KLEIN: Objection to the form of the
23	A Yes	23	question.
24	Q And do you see "the lawsuit" is the	24	THE WITNESS: Not that I know of. I don't
	lawsuit in which we're testifying today pending here 3:10:24PM		know. I'm sorry. 3:11:46PM
	Page 270		Page 272
1	in Tyler, Eolas Technologies versus Adobe Systems, 3:10:27PM	1	BY MS. DOAN: 3:11:47PM
	et al.?	2	Q That's okay.
3	Do you see that?	3	So is it the University of California's
4	A Yes	4	·
5			position that it doesn't know whether it's going to
	Q So did you help negotiate Paragraph Number 3:10:33PM		seek an injunction against Yahoo? 3:11:51PM
	2?	6	MS. KLEIN: Objection to the form of the
7	A No This was done through the Office of	7	question, outside the scope of the 30(b)(6).
	General Counsel	8	THE WITNESS: I need to consult with my
9	Q And this states that because the Regents	9	counsel, because I need to
	is a public university, it doesn't want to be 3:10:44PM	10	MS. KLEIN: It's outside the scope of the 3:11:59PM
	publicly known as seeking an injunction against my	11	30(b)(6), so I'll just instruct you not to answer.
12	client, Yahoo, does it?	12	THE WITNESS: Okay.
13	MS KLEIN: Objection to the form of the	13	MS. DOAN: You can't instruct her not to
14	question	14	answer.
	And I'll caution you not to reveal the 3:10:53PM	15	THE WITNESS: I don't know. 3:12:06PM
15	substance of any attorney/client communications	16	BY MS. DOAN:
		17	Q Okay.
16	BY MS DOAN:		Do you know whether the Plaintiffs are
16	BY MS DOAN: Q I'm not asking for any attorney/clients	18	Do you know whether the Fiantifis are
16 17 18		18 19	seeking an injunction against Yahoo in this case?
16 17 18 19	Q I'm not asking for any attorney/clients communications; I'm asking for what this document		seeking an injunction against Yahoo in this case?
16 17 18 19 20	Q I'm not asking for any attorney/clients communications; I'm asking for what this document says. 3:11:02PM	19 20	seeking an injunction against Yahoo in this case? MS. KLEIN: Objection; form, outside the 3:12:20PM
16 17 18 19 20 21	Q I'm not asking for any attorney/clients communications; I'm asking for what this document says. 3:11:02PM MS KLEIN: Objection; form	19 20 21	seeking an injunction against Yahoo in this case? MS. KLEIN: Objection; form, outside the 3:12:20PN scope of the 30(b)(6).
16 17 18 19 20 21	Q I'm not asking for any attorney/clients communications; I'm asking for what this document says. 3:11:02PM MS KLEIN: Objection; form THE WITNESS: It says the Regents may	19 20 21 22	seeking an injunction against Yahoo in this case? MS. KLEIN: Objection; form, outside the 3:12:20PM scope of the 30(b)(6). THE WITNESS: If you need me to answer, I
16 17 18 19 20 21 22 23	Q I'm not asking for any attorney/clients communications; I'm asking for what this document says. 3:11:02PM MS KLEIN: Objection; form THE WITNESS: It says the Regents may decline to participate	19 20 21 22 23	seeking an injunction against Yahoo in this case? MS. KLEIN: Objection; form, outside the 3:12:20PM scope of the 30(b)(6). THE WITNESS: If you need me to answer, I would need to talk to the counsel.
16 17 18 19 20 21 22 23	Q I'm not asking for any attorney/clients communications; I'm asking for what this document says. 3:11:02PM MS KLEIN: Objection; form THE WITNESS: It says the Regents may	19 20 21 22	seeking an injunction against Yahoo in this case? MS. KLEIN: Objection; form, outside the 3:12:20PM scope of the 30(b)(6). THE WITNESS: If you need me to answer, I

1	that fair? 3:12:26PM	1	Q Because it may not publicly want to come 3:13:53PM
2	A Yes.	2	out against Yahoo in that type of fashion; is that
3	Q Do you know what an injunction is?	3	fair?
4	A I need to discuss that. I understand it,	4	A Yes
5	but I want to make sure that I understand it 3:12:35PM	5	Q And that's why it negotiated this 3:13:58PM
6	correctly.	6	paragraph with Eolas; is that correct?
7	Q What is your understanding of the word	7	MS KLEIN: Objection to form
8	"injunction"?	8	I'll instruct you not to answer to the
9	MS. KLEIN: Objection; form.	9	extent your understanding is based upon
10	THE WITNESS: I would rather not explain 3:12:39PM	10	conversations with counsel 3:14:06PM
11	it. I don't know very well. I need to talk to the	11	THE WITNESS: It is based upon it was
12	counsel.	12	negotiated by the Office of General Counsel
13	BY MS. DOAN:	13	BY MS DOAN:
14	Q Okay.	14	Q Do you know if the University of
15	Do you want to take a break and talk to 3:12:44PM	15	California is seeking an injunction against Amazon? 3:14:15PM
16	your lawyer?	16	MS KLEIN: Objection to the form of the
17	A Sure, if that's what you want to if you	17	question, outside the scope of the 30(b)(6)
18	need an answer, I would need to talk to her.	18	THE WITNESS: I do not know
19	Q I think I understand what your counsel's	19	BY MS DOAN:
20	definition of "injunction" is. I want to know what 3:12:56P	M 20	Q This paragraph of Exhibit Number 10 that 3:14:23PM
21	your definition of "injunction" is.	21	you helped negotiate and draft, does it allow the
22	MS. KLEIN: I object and I move to strike	22	Regents of the University of California, because
23	that question. Please rephrase your question.	23	it's a public university, to decide not to seek an
24	BY MS. DOAN:	24	injunction against Amazon or not to be part of any
25	Q Do you understand what an injunction is? 3:13:04Pl		injunction against Amazon? 3:14:38PM
	Page 274		Page 276
1	What is your definition of "injunction"? 3:13:07PM	1	MS. KLEIN: Objection; form, outside the 3:14:40PM
2	MS. KLEIN: Objection; form.	2	scope of the 30(b)(6).
3	THE WITNESS: I'm blanking out. Sorry.	3	THE WITNESS: It seems that Regents can
4	BY MS. DOAN:	4	decide that if they would like to.
5	Q That's okay. 3:13:17PM	5	BY MS. DOAN: 3:14:46PM
6		6	Q Is it your understanding that the Regents
7	Do you understand an injunction to be that	7	
8	Yahoo would no longer be serving up web pages on the	8	of the University of California are trying to stop
	Internet?		Yahoo and Amazon from conducting business on the
9	MS. KLEIN: Objection; form, outside the	9	Internet?
10	scope of the 30(b)(6). 3:13:27PM	10	MS. KLEIN: Same objections, outside the 3:14:54PM
11	THE WITNESS: No, I did not know that.	11	scope.
12	BY MS. DOAN:	12	THE WITNESS: I don't believe so.
13	Q Okay.	13	BY MS. DOAN:
14	Is it your understanding that the	14	Q But if it was going to happen, they want
15	University of California is seeking an injunction, 3:13:32P.		to make sure that that Eolas can pursue that, but 3:15:05PN
16	with that definition, against Yahoo in this case?	16	they don't want their name associated with it; is
17	MS. KLEIN: Object to form, outside the	17	that fair?
18	scope of the 30(b)(6).	18	MS. KLEIN: Objection; form, outside the
19	THE WITNESS: I do not know.	19	scope of the 30(b)(6).
20	BY MS. DOAN: 3:13:41PM	20	BY MS. DOAN: 3:15:16PM
21	Q And this paragraph allows the Regents,	21	Q Is that your understanding?
22	since it's publicly a public university, to	22	MS. KLEIN: Objection; form.
23	decide to step aside and not seek an injunction,	23	THE WITNESS: Say that again. Sorry.
24	right?	24	BY MS. DOAN:
25	A Yes. 3:13:52PM	25	Q If anybody decides to pursue an injunction 3:15:21PM
			Page 277

as a Plaintiff in this case against my client, 3:15:25PM	1	Microsoft agreement. If you'll look, it says: 3:17:00P!
2 Yahoo okay?	2	"The amount of money the
3 A Yes	3	Regents received from Eolas as a
4 Q the University has negotiated with	4	result of the license agreement
5 Eolas that it doesn't have to be a part of that 3:15:32PM	5	identified in Supplemental Topic 3:17:06PM
6 because it's a public institution; is that correct?	6	Number 1 above."
7 MS KLEIN: Objection; form	7	MS. DOAN: Fine.
8 And to the extent your understanding as to	8	MS. KLEIN: This is not part of her
9 why the point was negotiated comes from counsel,	9	topics. To the extent you want her to review a
10 I'll instruct you not to answer 3:15:44PM	10	document, it goes against the time. 3:17:15PM
11 THE WITNESS: That's what it states	11	THE WITNESS: It's a financial statement
12 BY MS DOAN:	12	that details out the patent income.
13 Q Okay.	13	MS. DOAN: Yeah, we'll go back on the
14 That's what the document, Exhibit	14	record here in a second.
15 Number 12, says, right? 3:15:50PM	15	MS. KLEIN: No, we're still on the record. 3:18:03F
16 A Yes		· · · · · · · · · · · · · · · · · · ·
	16	MS. DOAN: No, we're off the record. I
17 (Defendants' Exhibit 13 marked 18 for identification)	17 18	control the deposition. MS. KLEIN: You do not, Counsel.
,		,
19 BY MS DOAN:	19	THE VIDEOGRAPHER: I don't know what to
Q I'm handing you what's been marked Exhibit 3:15:52PM		do. 3:18:08PM
Number 13.	21	THE REPORTER: We're still on the record.
Are you familiar with this document?	22	I'm writing everything that everybody says. I can't
A I have not seen this one	23	go off unless both counsel agree.
Q Does it appear to be a distribution of	24	MS. DOAN: You can. You can go off for
patent income and loss for fiscal year 2009-2010? 3:16:15PM Page 278	25	the party that noticed the deposition. 3:18:20PM Page 280
1 MS. KLEIN: Objection; form. Witness says 3:16:19Pi		MS. KLEIN: No. 3:18:21PM
2 she hasn't seen it.	2	MS. DOAN: Yeah. We're in the Eastern
3 THE WITNESS: It appears to be, but I have	3	District of Texas and you don't practice there,
4 not seen it before.	4	apparently, Counsel.
5 BY MS. DOAN: 3:16:32PM	5	MS. KLEIN: I do practice there and 3:18:25PM
6 Q Okay.	6	apparently you choose to not go by your 30(b)(6)
7 Do you want to take a minute to review it?	7	deposition notice.
8 A Yes.	8	THE WITNESS: All right. What's your
9 MS. DOAN: Okay. Let's go off the record	9	question?
10 while she reviews it. 3:16:39PM	10	BY MS. DOAN: 3:18:40PM
THE VIDEOGRAPHER: Off the record at 3:16.	11	Q Okay.
MS. KLEIN: Actually, I don't agree with	12	Have you now had a chance to review
going off the record. I want this to count against	13	Exhibit Number 13?
14 the time.	14	A I know what it is
MS. DOAN: I'm sorry. I control when we 3:16:49PM	1 15	Q Okay. 3:18:46PM
are on the record and off the record. We're off the	16	A so once you ask me
17 record while she reviews it.	17	Q And what is it?
18 MS. KLEIN: Actually, you don't, because	18	A It appears it's a financial statement
19 if you're taking up time for her to review this,	19	that it tells the allocation of 2009-2010 patent
she's allowed to use the time. You can't start 3:16:54PM	20	income and expenses which were managed by the 3:18:56
21 MS. DOAN: It's part of her topics,	21	Central Office of the Technology Transfer.
22 Counsel. She's supposed to be prepared on it.	22	Q And you're getting that from the first
MS. KLEIN: It's not part of her topics.	23	sentence on page 1 of Exhibit
	24	A Yes.
24 MS. DOAN: It totally is.	24	A 163.
MS. DOAN: It totally is. MS. KLEIN: The topic is limited to the 3:16:59PM	25	Q Number 13? 3:19:03PM

Do you know if it has anything else other 3:19:04PM	1	A Yes. 3:21:57PM
2 than fiscal year 2009-2010 numbers in here?	2	MS. KLEIN: Objection; form.
3 MS. KLEIN: Objection; form.	3	BY MS. DOAN:
4 BY MS. DOAN:	4	Q And it shows for fiscal year '08-'09 a
5 Q Have you looked at the document itself? 3:19:10P!	1 5	loss that was distributed to the San Francisco 3:22:01PM
6 I'm going to ask about the Microsoft	6	campus.
7 distribution from this document. I expect you to be	7	Do you see that?
8 prepared on this document.	8	MS. KLEIN: Objection; form.
9 MS. KLEIN: Objection; form,	9	THE WITNESS: Yes.
argumentative, badgering the witness. Counsel, 3:19:22PM	10	BY MS. DOAN: 3:22:08PM
please don't yell at the witness.	11	Q Okay.
MS. DOAN: Keep it within the form.	12	And it's a it's
MS. KLEIN: Well, don't raise your voice	13	The number is in parentheses, correct?
14 to my	14	A Uh-huh, yes.
MS. DOAN: Keep it within 3:19:30PM	15	Q And what does the number in parentheses 3:22:14F
16 MS. KLEIN: witness.	16	indicate to you that was distributed to the
17 MS. DOAN: the form. I will stand by	17	University of San Francisco campus?
18 this record on this video whether I raised my voice.	18	MS. KLEIN: Objection; form.
19 MS. KLEIN: You can do that.	19	THE WITNESS: That indicates that we had a
20 BY MS. DOAN: 3:20:44PM	20	negative balance. 3:22:25PM
	21	BY MS. DOAN:
Q Are you ready to talk about this document? A Yes.	22	Q In the amount of \$6,582,885; is that
	23	correct?
£	24	
g		A Yes.
25 of Exhibit Number 13; is that correct? 3:20:49PM Page 282	25	MS. KLEIN: Objection; form. 3:22:32PM Page 284
1 MS. KLEIN: Objection; form. 3:20:51Pl	M 1	BY MS, DOAN: 3:22:32PM
THE WITNESS: Yes. It describes the	2	Q And then for fiscal year '09-'010, the
	3	University of San Francisco campus received
1	4	\$1,181,731; is that right?
	5	
	6	3
6 Q Okay.		THE WITNESS: Yes.
7 The "Innovati Innovation, Alliances	7	BY MS. DOAN:
and Services, formerly known as the Office of	8	Q And does this particular page show any
9 Technology Transfer," do you see that?	9	amount that went to research with respect to the
10 A Yes. 3:21:11PM	10	San Francisco campus 3:22:51PM
Q And if you'll look at the page at the	11	MS. KLEIN: Objection; form.
top it says "University of California Innovation,	12	BY MS. DOAN:
13 Alliances and Services, San Francisco Campus."	13	Q in fiscal year '08-'09?
Do you see that?	14	MS. KLEIN: Objection; form.
MS. KLEIN: Objection; form. 3:21:25Pl		THE WITNESS: It's under "Mandatory 3:22:58PM
16 THE WITNESS: Yes.	16	Distribution." There is a research allocation.
17 BY MS. DOAN:	17	BY MS. DOAN:
18 Q And do you see it also has fiscal year	18	Q And is that \$139 for the entire year
19 2008-2009 and 2009 to 2010? Do you see that?	19	fiscal year '08-'09?
20 A Yes. 3:21:44PM	20	MS. KLEIN: Objection; form. 3:23:08PM
Q And this is the amount that's distributed	21	THE WITNESS: That's what it appears to
22 to the San Francisco campus with a note at the	22	be.
•	1 22	BY MS. DOAN:
bottom about the report includes IAS, formerly	23	BT Mb. BOAT.
 bottom about the report includes IAS, formerly Office of Technology Transfer, managed inventions 	24	Q And for fiscal year 2009-2010, the

1	correct? 3:23:37PM	1	payments are 3:25:03PM
2	MS. KLEIN: Objection; form.	2	MS. KLEIN: Objection to form, move to
3	THE WITNESS: You have to remember that	3	strike
4	this is just for cases that were managed by the	4	BY MS. DOAN:
5	central office. There is several cases or equal 3:23:42PM	5	Q the amount? 3:25:04PM
6	number of cases that are managed by the UCSF campus.	6	A There were minimum annual royalty payments
7	BY MS. DOAN:	7	that are required in the agreement itself. So I
8	Q Right. And I think we saw the amount that	8	don't remember exactly which year what what was
9	was allocated to research on those. Okay.	9	the payment. It was a couple hundred thousand
10	So now I'm just focusing on this 3:23:53PM	10	dollars. I don't know. 3:25:14PM
11	particular sheet that's \$691.	11	Q Roughly \$250,000 or something like that?
12	Is that correct?	12	A Something it was ranging depending
13	A Yes.	13	on which year it was, it could be \$150,000 to
14	MS. KLEIN: Objection; form.	14	\$500,000.
15	BY MS. DOAN: 3:23:57PM	15	Q And do you think it's recently been 3:25:23PM
16	Q Are there any	16	received by the University of California at
17	Have you	17	San Francisco or the University of California as a
18	Have we now talked about all the monies	18	whole?
19	that the Regents have received with respect to the	19	A University of California, San Francisco in
20	settlement of either the Microsoft dispute and/or 3:24:06Pl	M 20	the last couple of years. 3:25:32PM
21	the settlements of either the the Defendants	21	Q Do you think the University of California
22	that used to be in this case?	22	as a whole has received more monies than the
23	MS. KLEIN: Objection; form, outside the	23	University of California than the disbursements
24	scope of the $30(b)(6)$.	24	just to the University of California, San Francisco
25	THE WITNESS: Repeat your question. I'm 3:24:18PM	25	campus? 3:25:43PM
	Page 286		Page 288
1	sorry. 3:24:20PM	1	MS. KLEIN: Objection; form. 3:25:43PM
2	BY MS. DOAN:	2	THE WITNESS: So the money only goes to
3	Q Sure.	3	University of California, San Francisco, because the
4		4	invention is from San Francisco campus. So the
5	Are there any other documents that would reflect the amount that the University has received, 3:24:21P		money comes in to San Francisco, of which then it's 3:25:50P
6	either the entire University of California or the	6	distributed according to the patent policy.
7	•	7	
8	University of San Francisco campus, from the		So I'm not sure what you're saying if it
	disbursements from the Eolas Technologies?	8	goes to the whole UC as such.
9	MS. KLEIN: Objection; form.	9	BY MS. DOAN:
10	THE WITNESS: There was some recent 3:24:33PM	10	Q Okay. 3:26:00PM
11	payments that are not reflected here.	11	Well, speaking on behalf of the entire
12	BY MS. DOAN:	12	University of California, are there additional
13	Q Okay.	13	payments that have been made by Eolas that were
14	Have those been produced in this	14	recently came in that have not been reflected on the
15	litigation? 3:24:38PM	15	documents we've gone over? 3:26:09PM
16	A I do not know.	16	MS. KLEIN: Objection; form of the
17	Q Have you given them to your counsel?	17	question.
18	A I'll have to check.	18	THE WITNESS: Only the ones that I
19	MS. DOAN: Okay. Counsel, we'd request	19	mentioned to you, which came in to UCSF, not to any
20	that the recent payments that were provided to the 3:24:48PM	20	other campus. 3:26:16PM
21	University of California be produced, and we'll	21	BY MS. DOAN:
22	reserve any questions on those recent payments to	22	Q Right.
23	the extent what they are.	23	And we don't have those documents as we
24	BY MS. DOAN:	24	sit here today, do we?
25	Q Do you know, ballpark, what these recent 3:25:02PM	I 25	MS. KLEIN: Objection; form. 3:26:23PM
	Page 287		Page 289

THE WITNESS: I have not seen them here 3:26:23PM	1	MS. KLEIN: I you can make the record 3:27:55PM
2 BY MS DOAN:	2	of whatever you want to say. I'm going to instruct
3 Q Okay.	3	the witness not to answer until I've had the
4 Did you review them in preparing for your	4	opportunity to review the document.
5 deposition? 3:26:26PM	5	MS. DOAN: That's absolutely fine. 3:28:02PM
6 A I looked at them, yes	6	BY MS. DOAN:
7 MS DOAN: Okay Counsel, we ask that	7	Q The document is entitled "More Hilarity!";
8 either the Bates stamp numbers be provided or a copy	8	is that correct?
9 of those documents be provided	9	MS. KLEIN: I'm going to object and I'm
10 BY MS DOAN: 3:26:46PM	10	going to instruct you 3:28:10PM
Q Who is Rita Hao, H-A-O?	11	THE WITNESS: I'm not going to
12 A She's a counsel in Office of General	12	MS. KLEIN: Excuse me.
13 Counsel	13	I'm going to instruct you not to answer
Q And does she practice with your	14	until I've had the opportunity to review the
representative of the Office of General Counsel who 3:27:02PM		document. So if you'll just sit there for just a 3:28:15PM
16 is here today?	16	moment while I have the opportunity to review it and
17 A Yes	17	the question can pend, okay?
18 Q And his name is Marty Simpson? 19 A Yes	18 19	BY MS. DOAN:
20 Q Remember earlier when I asked you if you 3:27:14PM	20	Q And the document goes on to say:
21 took this litigation seriously?	21	"This gets funnier and 3:28:24PM
22 A Yes	22	funnier. Marty came by to ask if I
23 Q You told me that you did, right? Is that	23	can come to this meeting tomorrow, too. I guess he's looking for some
24 correct?	24	backup help on Eolas! Ha ha ha"
25 A Yes 3:27:25PM	25	MS. KLEIN: Wait a second. Before you 3:28:35Pl
Page 290	23	Page 292
1 (Defendants' Exhibit 14 marked 3:27:26PM	1	MS_DOAN: I'm make please don't 3:28:36PM
2 for identification)	2	interrupt, Counsel
3 BY MS DOAN:	3	MS KLEIN: Actually, I'm about to snap
4 Q I'm handing you what I've marked as	4	this back, because she just testified
5 Exhibit Number 14, and it's a document to you to 3:27:28PM	1 5	MS DOAN: That's totally fine 3:28:41PM
6 Rita Hao from you.	6	MS KLEIN: Ms Hao is a
7 A It's a personal e-mail It shouldn't have	7	MS DOAN: And it says: "I'm"
8 been disclosed	8	MS KLEIN: So don't put it on the
9 Q Right.	9	record
Can you please read this e-mail into the 3:27:40PM	10	MS DOAN: "bringing a brown bag 3:28:41PM
11 record, please	11	lunch"
12 A It's a	12	MS KLEIN: any more You know your
13 Q ma'am?	13	obligations
14 A personal e-mail That's that's just	14	I'm snapping this document back I'm
15 not fair 3:27:44PM	15	moving to strike on the record and I'm telling you, 3:28:46PM
16 Q We've had lots of	16	Ms Doan, you understood before you asked questions
17 MS KLEIN: If you will just give me a	17	on the record that Ms Hao was an attorney and so
18 minute with her	18	I'm moving to strike the record and I hope you will
19 BY MS DOAN:	19	agree with that But I'm snapping this document
Q We've had lots of personal e-mails in this 3:27:46PM	20	back and I would like all copies of it 3:28:58PM
counsel in this case, ma'am, and the e-mail says:	21	BY MS DOAN:
22 "This gets funnier and funnier"	22	Q Now, Dr. Rajdev, I'm asking you again: Do
23 MS KLEIN: Excuse me I want to take a	23	you take this this lawsuit seriously?
24 moment	24	A Yes, I do
MS DOAN: I'm making the record 3:27:54PM	25	Q Have you ever written a document where you 3:29:14P
Page 291		Page 293

1	didn't take this lawsuit seriously? 3:29:15PM	1	asked you today, ma'am? 3:30:48PM
2	A I don't recall.	2	A Yes, and I'm saying I don't recall.
3	Q Do you think you just looked at one where	3	Q Have you answered them truthfully?
4	you where you didn't take this lawsuit very	4	A Yes.
5	seriously? 3:29:22PM	5	MS. DOAN: Thank you. Pass the witness. 3:30:55PM
6	MS. KLEIN: I object. I instruct you not	6	Let's take a break.
7	to answer.	7	THE VIDEOGRAPHER: Off the record at 3:31.
8	Counsel, you know I just snapped this	8	(Recess taken.)
9	document back and you're not allowed to ask any	9	THE VIDEOGRAPHER: On the record at 3:44.
10	questions about it. 3:29:29PM	10	EXAMINATION 3:44:15PM
11	MS. DOAN: I expect her to testify	11	BY MS. ROBINSON:
12	truthfully under oath.	12	Q And, Dr. Rajdev, you understand that we're
13	MS. KLEIN: Are you implying she didn't?	13	resuming now after a break and you're still under
14	Because you're not complying with your ethical	14	oath?
15	obligations. 3:29:35PM	15	A Yes. 3:44:24PM
16	BY MS. DOAN:	16	Q Which claims of the '906 patent is the
17	Q Dr. Rajdev, have you ever written an	17	University of California asserting against Google?
18	e-mail where you didn't take this lawsuit seriously?	18	MS. KLEIN: Objection to the form of the
19	MS. KLEIN: I object and I instruct you	19	question, outside the scope of the 30(b)(6).
20	not to answer. I instruct you not to answer, so you 3:29:40P	M 20	THE WITNESS: Again, you would need to 3:44:34P
21	can just sit there and stare at her until the next	21	talk to outside counsel, our counsel.
22	question comes.	22	BY MS. ROBINSON:
23	BY MS. DOAN:	23	Q Is the answer that you don't know?
24	Q Are you refusing to answer the question?	24	A I don't know.
25	You can answer that question. 3:29:51PM	25	MS. KLEIN: Objection; form. 3:44:40PM
	Page 294		Page 296
1	A Yes 3:29:54PM	1	BY MS ROBINSON: 3:44:41PM
2	Q Okay.	2	Q Which claims of the '985 patent is the
3	Other than the coun the e-mails that	3	University of California asserting against Google?
4	you may have written to the Office of General	4	MS KLEIN: Objection to the form of the
5	Counsel, putting those aside and whatever they say, 3:29:59P	M 5	question, outside the scope of the 30(b)(6) 3:44:47PM
6	have you ever written any other e-mails in which you	6	THE WITNESS: I do not know
7	have made fun of Eolas Technology suing my clients,	7	BY MS ROBINSON:
8	Yahoo and Amazon?	8	Q Which claims of the '906 patent is the
9	MS KLEIN: I object to the form of the	9	University of California asserting against YouTube?
10	question I instruct you not to answer to the 3:30:11PM	10	MS KLEIN: Objection to the form of the 3:44:55PM
11	extent it references an e-mail that I have already	11	question, outside the scope of the 30(b)(6)
12	snapped back and, Ms Rajdev, I instruct you not to	12	THE WITNESS: I don't know
13	answer that question as phrased	13	BY MS ROBINSON:
14	BY MS DOAN:	14	Q Which claims of the '985 patent is the
15	Q Are you refusing 3:30:24PM	15	University of California asserting against YouTube? 3:45:04P
16	Are you refusing to answer the question?	16	MS KLEIN: Objection to the form of the
	A Yes	17	question, outside the scope of the 30(b)(6)
17	Q Okay.	18	THE WITNESS: I don't know
17 18		1.0	BY MS ROBINSON:
	Putting aside any e-mails you may have	19	
18	•		Q Prior to the filing of this lawsuit in 3:45:17PM
18 19	Putting aside any e-mails you may have		Q Prior to the filing of this lawsuit in 3:45:17PM October 2009, did the University of California ever
18 19 20	Putting aside any e-mails you may have with counsel okay? All right? have you ever 3:30:29PM	20	9
18 19 20 21	Putting aside any e-mails you may have with counsel okay? All right? have you ever written any e-mail in which you made fun of the	20	October 2009, did the University of California ever
18 19 20 21 22	Putting aside any e-mails you may have with counsel okay? All right? have you ever written any e-mail in which you made fun of the allegations that were brought against my clients,	20 21 22	October 2009, did the University of California ever reach out to Google regarding the '906 patent?
18 19 20 21 22 23	Putting aside any e-mails you may have with counsel okay? All right? have you ever written any e-mail in which you made fun of the allegations that were brought against my clients, Yahoo and Amazon?	20 21 22 23	October 2009, did the University of California ever reach out to Google regarding the '906 patent? A The patent is exclusively licensed, so

_			
1	Q It's up to Eolas to do that? 3:45:33PM	1	question. Object; outside the scope of the 3:47:28PM
2	A Yes	2	30(b)(6).
3	Q Prior to the filing of this lawsuit in	3	THE WITNESS: I do not know.
4	October of 2009, did the University of California	4	BY MS. ROBINSON:
5	ever reach out to Google regarding the '985 patent? 3:45:40PM	1 5	Q What products or services is the 3:47:33Pl
6	A The University cannot directly do that	6	University of California contending that YouTube
7	because it's exclusively licensed So it's up to	7	makes or uses that infringe the '906 or '985 patent?
8	our licensee to do that	8	MS. KLEIN: Object to the form of the
9	Q So the answer is "no"?	9	question. Object; outside the scope of the
10	MS KLEIN: Objection; form 3:45:52PM	10	30(b)(6). 3:47:45PM
11	THE WITNESS: The answer is no	11	THE WITNESS: I specifically don't know,
12	BY MS ROBINSON:	12	but there is a lot of interactive applications in
13	Q The answer is also "no" with regard to the	13	those programs. But I don't specifically know which
14	'906 patent?	14	products and which specific claims are related to
15	MS KLEIN: Objection; form 3:46:00PM	15	each other. 3:47:53PM
16	THE WITNESS: The answer is no	16	BY MS. ROBINSON:
17	BY MS ROBINSON:	17	Q And when you say "those programs," what
18	Q Prior to the filing of this lawsuit in	18	programs are you referring to?
19	October 2009, did the University of California ever	19	A I'm talking to YouTube and Google. They
20	provide notice to Google that it was infringing the 3:46:14PM	20	provide a lot of services that are or a lot of 3:48:01PM
21	'906 patent?	21	web browser-based applications that are interactive.
22	A Not that I'm aware of	22	Q But you don't know which, if any, of those
23	Q Prior to the filing of this lawsuit in	23	applications the University of California is
24	October of 2009, did the University of California	24	•
	· · · · · · · · · · · · · · · · · · ·		contending infringe the '906 or the '985 patent?
25	ever provide notice to Google that it was infringing 3:46:26PM Page 298	25	A No, not specifically. 3:48:17PM Page 300
1	the '985 patent? 3:46:28PM	1	Q What agreements does the University of 3:48:23P
2	A I don't know I'm not aware of it	2	California have with Google?
3	Sorry	3	MS. KLEIN: Object to the form of the
4	Q Prior to the filing of this lawsuit in	4	question. Object; outside the scope of the
5	October 2009, did the University of California ever 3:46:38PM	5	30(b)(6). 3:48:29PM
6	provide notice to YouTube that it was infringing the	6	THE WITNESS: I do not know.
7	'906 patent?	7	BY MS. ROBINSON:
8	A Not that I know of	8	Q What agreements does the University of
9	Q Prior to the filing of this lawsuit in	9	California have with Google regarding the University
	October 2009, did the University of California ever 3:46:48PM	10	of California's use of Google products? 3:48:37PM
10			<i>S</i> 1
10 11	provide notice to YouTube that it was infringing the	11	MS. KLEIN: Object to the form of the
	-	11 12	9 1
11	provide notice to YouTube that it was infringing the		MS. KLEIN: Object to the form of the
11 12	provide notice to YouTube that it was infringing the '985 patent?	12	MS. KLEIN: Object to the form of the question. Object; outside the scope of the
11 12 13	provide notice to YouTube that it was infringing the '985 patent? A I don't know of any	12 13 14	MS. KLEIN: Object to the form of the question. Object; outside the scope of the 30(b)(6).
11 12 13 14	provide notice to YouTube that it was infringing the '985 patent? A I don't know of any Q What products is the University of	12 13 14	MS. KLEIN: Object to the form of the question. Object; outside the scope of the 30(b)(6). THE WITNESS: I do not know.
11 12 13 14 15	provide notice to YouTube that it was infringing the '985 patent? A I don't know of any Q What products is the University of California contending that Google makes or uses that 3:47:06PM	12 13 14 1 15	MS. KLEIN: Object to the form of the question. Object; outside the scope of the 30(b)(6). THE WITNESS: I do not know. BY MS. ROBINSON: 3:48:44PM
11 12 13 14 15	provide notice to YouTube that it was infringing the '985 patent? A I don't know of any Q What products is the University of California contending that Google makes or uses that 3:47:06PN infringe the '906 patent?	12 13 14 1 15 16	MS. KLEIN: Object to the form of the question. Object; outside the scope of the 30(b)(6). THE WITNESS: I do not know. BY MS. ROBINSON: 3:48:44PM Q What e-mail program does the University of
11 12 13 14 15 16	provide notice to YouTube that it was infringing the '985 patent? A I don't know of any Q What products is the University of California contending that Google makes or uses that 3:47:06PM infringe the '906 patent? MS KLEIN: Object to the form of the	12 13 14 1 15 16 17	MS. KLEIN: Object to the form of the question. Object; outside the scope of the 30(b)(6). THE WITNESS: I do not know. BY MS. ROBINSON: 3:48:44PM Q What e-mail program does the University of California use?
11 12 13 14 15 16 17	provide notice to YouTube that it was infringing the '985 patent? A I don't know of any Q What products is the University of California contending that Google makes or uses that infringe the '906 patent? MS KLEIN: Object to the form of the question Object; outside the scope of the 30(b)(6) Object; asked sorry	12 13 14 1 15 16 17 18	MS. KLEIN: Object to the form of the question. Object; outside the scope of the 30(b)(6). THE WITNESS: I do not know. BY MS. ROBINSON: 3:48:44PM Q What e-mail program does the University of California use? MS. KLEIN: Object; outside the scope of
11 12 13 14 15 16 17 18 19 20	provide notice to YouTube that it was infringing the '985 patent? A I don't know of any Q What products is the University of California contending that Google makes or uses that 3:47:06PN infringe the '906 patent? MS KLEIN: Object to the form of the question Object; outside the scope of the 30(b)(6) Object; asked sorry THE WITNESS: Again, I don't know 3:47:19PM	12 13 14 1 15 16 17 18 19 20	MS. KLEIN: Object to the form of the question. Object; outside the scope of the 30(b)(6). THE WITNESS: I do not know. BY MS. ROBINSON: 3:48:44PM Q What e-mail program does the University of California use? MS. KLEIN: Object; outside the scope of the 30(b)(6). You can answer as to your personal 3:48:57PM
11 12 13 14 15 16 17 18	provide notice to YouTube that it was infringing the '985 patent? A I don't know of any Q What products is the University of California contending that Google makes or uses that 3:47:06PM infringe the '906 patent? MS KLEIN: Object to the form of the question Object; outside the scope of the 30(b)(6) Object; asked sorry THE WITNESS: Again, I don't know 3:47:19PM BY MS ROBINSON:	12 13 14 1 15 16 17 18 19	MS. KLEIN: Object to the form of the question. Object; outside the scope of the 30(b)(6). THE WITNESS: I do not know. BY MS. ROBINSON: 3:48:44PM Q What e-mail program does the University of California use? MS. KLEIN: Object; outside the scope of the 30(b)(6). You can answer as to your personal 3:48:57PM knowledge.
11 12 13 14 15 16 17 18 19 20 21	provide notice to YouTube that it was infringing the '985 patent? A I don't know of any Q What products is the University of California contending that Google makes or uses that 3:47:06PM infringe the '906 patent? MS KLEIN: Object to the form of the question Object; outside the scope of the 30(b)(6) Object; asked sorry THE WITNESS: Again, I don't know 3:47:19PM BY MS ROBINSON: Q What products is the University of	12 13 14 1 15 16 17 18 19 20 21 22	MS. KLEIN: Object to the form of the question. Object; outside the scope of the 30(b)(6). THE WITNESS: I do not know. BY MS. ROBINSON: 3:48:44PM Q What e-mail program does the University of California use? MS. KLEIN: Object; outside the scope of the 30(b)(6). You can answer as to your personal 3:48:57PM knowledge. THE WITNESS: Outlook.
11 12 13 14 15 16 17 18 19 20 21 22 23	provide notice to YouTube that it was infringing the '985 patent? A I don't know of any Q What products is the University of California contending that Google makes or uses that 3:47:06PM infringe the '906 patent? MS KLEIN: Object to the form of the question Object; outside the scope of the 30(b)(6) Object; asked sorry THE WITNESS: Again, I don't know 3:47:19PM BY MS ROBINSON: Q What products is the University of California contending that Google makes or uses that	12 13 14 1 15 16 17 18 19 20 21 22 23	MS. KLEIN: Object to the form of the question. Object; outside the scope of the 30(b)(6). THE WITNESS: I do not know. BY MS. ROBINSON: 3:48:44PM Q What e-mail program does the University of California use? MS. KLEIN: Object; outside the scope of the 30(b)(6). You can answer as to your personal 3:48:57PM knowledge. THE WITNESS: Outlook. BY MS. ROBINSON:
11 12 13 14 15 16 17 18 19 20 21	provide notice to YouTube that it was infringing the '985 patent? A I don't know of any Q What products is the University of California contending that Google makes or uses that 3:47:06PM infringe the '906 patent? MS KLEIN: Object to the form of the question Object; outside the scope of the 30(b)(6) Object; asked sorry THE WITNESS: Again, I don't know 3:47:19PM BY MS ROBINSON: Q What products is the University of	12 13 14 1 15 16 17 18 19 20 21 22	MS. KLEIN: Object to the form of the question. Object; outside the scope of the 30(b)(6). THE WITNESS: I do not know. BY MS. ROBINSON: 3:48:44PM Q What e-mail program does the University of California use? MS. KLEIN: Object; outside the scope of the 30(b)(6). You can answer as to your personal 3:48:57PM knowledge. THE WITNESS: Outlook.

1	Q Do you use Outlook in your position here 3:49:03PN	I 1	MS KLEIN: Object to the form of the 3:50:59PM
2	at the University of California?	2	question Object; outside the scope of the
3	A Yes.	3	30(b)(6)
4	Q Does the University of California use any	4	THE WITNESS: I do not know
5	Google products? 3:49:12PM	5	(Defendants' Exhibit 15 marked 3:51:17PM
6	MS. KLEIN: Object to the form of the	6	for identification)
7	question. Object; outside the scope of the	7	BY MS ROBINSON:
8	30(b)(6).	8	Q I'm handing you what I've marked
9	You may answer in your personal capacity.	9	Exhibit 15. It's a document that bears the Bates
10	THE WITNESS: Are you talking about just 3:49:18PM	10	stamp beginning on the first page GOOGLE_04853364. 3:51:31F
11	the browser?	11	Have you ever seen this document?
12	BY MS. ROBINSON:	12	A I have not
13	Q I'm talking about any Google product.	13	Q Can I direct you to the first paragraph on
14	MS. KLEIN: Same objections.	14	the top of the first page.
15	THE WITNESS: Define some products. 3:49:24PM	15	A Do you want me to read it? 3:52:02PM
16	BY MS. ROBINSON:	16	Q You can or I can.
17	Q What products are you aware of that the	17	A Okay Go ahead Sorry
18	University of California uses, what Google products?	18	Q (Reading)
19	MS. KLEIN: Object to the form of the	19	"This Google Apps Education
20	question. Object; outside of the 30(b)(6). 3:49:33PM	20	Edition Agreement ('the Agreement') 3:52:10PM
21	You may answer as to the products you	21	is entered into by and between
22	personally use.	22	Google, Inc.," and then it goes on
23	THE WITNESS: I personally use Google	23	to give the corporate information
24	browser.	24	for Google, "and The Regents of The
25	olowsel.	25	University of California." 3:52:19PM
25	Page 302	23	Page 304
1	DV MC DODDICON 2.40.41DM	1	D 1 4 14 4 4 D 4 2 52 22D
1	BY MS. ROBINSON: 3:49:41PM	1	Do you understand that's the same Regents 3:52:22P
2	Q When you say "Google browser," are you	2	of the University of California that you're
3	referring	3	testifying on behalf of here today?
4	A Search engine. Sorry.	4	MS. KLEIN: Object to the form of the
5	Q Oh, okay. 3:49:46PM	5	question. Object; outside the scope of the 3:52:29PM
6	So Google Search?	6	30(b)(6), particularly with what Ms. Rajdev has been
7	A Yes.	7	designated to testify about.
8	Q Are there any others that you use?	8	BY MS. ROBINSON:
9	A I have Google Maps on my iPhone. Came	9	Q Is that your understanding?
10	with it. 3:49:57PM	10	A Yes. 3:52:38PM
11	Q Any others?	11	Q And if you go down to Section 1.4 under
12	A I have Gmail account.	12	"Definitions:"
13	Q Is that your personal e-mail account?	13	"'End Users' means [the]
14	A That's my personal e-mail account.	14	Customer's students, alumni,
15	Q Is that a complete list? 3:50:18PM	15	faculty, and staff who are 3:52:50PM
16	A Yes.	16	registered to use the Services."
17	And I received an invitation from Google	17	Do you see that?
18	to open it, so	18	A Yes.
19	Q How long have you had the Gmail account?	19	MS. KLEIN: Objection; form.
20	A A few years. 3:50:30PM	20	BY MS. ROBINSON: 3:52:55PM
21	Q Prior to 2009?	21	Q And it says customer
22	A Yes, I believe so.	22	If you look up in that first paragraph
23	Q Are you aware of the University of	23	again, you will see after the Regents," it defines
24	California entering an agreement with Google to use	24	the Regents as the customer.
25	Google products on the campuses? 3:50:57P.		Do you see that? 3:53:04PM
	Soogie produces on the campuses. S.SV.S/I	20	20 Jou see that. 2.33.071 111

1 MS KLEIN: Objection; form	3:53:05PM	1	BY MS. ROBINSON: 3:54:38PM
2 THE WITNESS: Yes, I do		2	Q Do you see that?
3 BY MS ROBINSON:		3	MS. KLEIN: the 30(b)(6).
4 Q Do you understand this to b	e an agreement	4	THE WITNESS: Yes, I do.
5 between Google and the Regents of	f the University of 3:53:09P	M 5	MS. KLEIN: Let me complete my objection. 3:54:41PM
6 California?		6	Same objections.
7 MS KLEIN: Objection; form		7	BY MS. ROBINSON:
8 THE WITNESS: It appears to	be	8	Q And the signatory on behalf of Google on
9 BY MS ROBINSON:		9	June 4th, 2008?
10 Q And if you turn to the secon	nd-to-last 3:53:18PM	10	MS. KLEIN: Objection; form. 3:54:50PM
page, the page ending in -4853374		11	THE WITNESS: Yes, I see.
12 A I have it		12	BY MS. ROBINSON:
Q do you see two signatures	there?	13	Q On the last page, Exhibit A of Deposition
14 A Yes		14	Exhibit 15, ends in the Bates number -4853375.
Q One signature on behalf of	Google? 3:53:35PM	15	A Yes. 3:55:10PM
16 A Yes	8	16	O It lists customer domain names.
Q And who is that that signed	on behalf of	17	MS. KLEIN: Objection; form.
18 the Regents?	on seman or	18	THE WITNESS: Yes.
19 MS KLEIN: Objection; form		19	BY MS. ROBINSON:
20 THE WITNESS: I can't read		20	Q BerkeleyLab.org, do you know what that 3:55:17P.
21 What's the name?	Wile is that: 5.55.151 M	21	refers to?
22 BY MS ROBINSON:		22	MS. KLEIN: Objection; form.
23 Q I was asking if you knew wh	a that was	23	THE WITNESS: Yes, I do.
24 MS KLEIN: Objection; form	io that was.	24	BY MS. ROBINSON:
· ·	Hisulon? 3:53:51PM	25	
25 THE WITNESS: No, I don't	Page 306	25	Q What does it refer to? 3:55:22PM Page 308
1 BY MS ROBINSON:	3:53:55PM	1	A That's the one of the labs that the 3:55:23PM
		2	
		3	Regents manage. It's Lawrence Livermore Berkeley
<i>•</i> •	of the Regents		Laboratories.
4 of the University of California?	Object: 2.54.02DM	4 5	Q So that's a part of the University of
5 MS KLEIN: Objection; form	Object; 3:54:02PM		California? 3:55:34PM
outside the scope of the 30(b)(6)	d . T'	6	A It's DOE's lab, Department of Energy, and
7 THE WITNESS: I'm not sayi	-	7	it's managed by the Regents.
8 don't know who this person is who s	-	8	Q Okay.
9 it's a huge university and a lot of peo	•	9	The next one looks like LBL.gov.
authority to sign agreements	3:54:12PM	10	MS. KLEIN: Objection; form. 3:55:47PM
11 BY MS ROBINSON:		11	BY MS. ROBINSON:
12 Q Understood. Understood.		12	Q Do you know what that refers to?
Do you have any reason to b	elieve that	13	A Lawrence Berkeley Livermore. It seems to
14 this document is not an accurate -		14	be the same, unless there is Berkeley lab something
15 accurate copy of this agreement en	itered between 3:54:21Pl	M 15	that's in University of Berkeley that I don't know 3:55:53PM
16 Google and YouTube [sic]?		16	about.
17 MS KLEIN: Objection; form	Object;	17	Q Okay.
outside the scope of the 30(b)(6)		18	So it could be that those are just two
19 THE WITNESS: No		19	different domain names for that Lawrence Berkeley
20 BY MS ROBINSON:	3:54:27PM	20	Lab? 3:56:00PM
Q And you see the date here?	Looks like	21	MS. KLEIN: Objection; form and objection
this was signed June 2nd, 2008 on	behalf of the	22	to this line of questioning as outside the scope of
23 Regents?		2.3	the 30(b)(6).
	Object	24	THE WITNESS: Could be, unless Berkeley
24 MS KLEIN: Objection; form	Object,	27	
24 MS KLEIN: Objection; form 25 outside the scope of	3:54:37PM	25	lab is something specific at UC Berkeley campus. 3:56:05P

1	BY MS ROBINSON: 3:56:08PM	1	Q Okay. 3:57:39PM
2	Q Understood.	2	(Defendants' Exhibit 16 marked
3	UCDavis.edu, you understand that to refer	3	for identification.)
4	to University of California at Davis?	4	BY MS ROBINSON:
5	A Yes 3:56:17PM	5	Q So I'm handing you what's been marked as 3:58:02PM
6	Q UCI.edu you understand to refer to	6	Exhibit 16 to this deposition. In the top
7	University of California at Irvine?	7	right-hand corner
8	MS KLEIN: Objection; form	8	So this is a printout from an Internet web
9	THE WITNESS: Yes	9	•
10	BY MS ROBINSON: 3:56:23PM	10	page. A Okay 3:58:21PM
11	Q UCLA.edu, you understand that to refer to	11	Q And in the top right-hand corner, you can
12	the University of California at Los Angeles?	12	see the URL, the address, NewsCenter.Berkeley.edu?
13	MS KLEIN: Objection; form	13	A Yes
14	THE WITNESS: Yes	14	•
15	BY MS ROBINSON: 3:56:29PM	15	Q Do you understand that to be University of
			California at Berkeley? 3:58:31PM
16	Q UCSC.edu you understand to refer to the	16	A Yes
17	University of California at Santa Cruz?	17	MS KLEIN: Objection; form
18	MS KLEIN: Objection; form	18	BY MS ROBINSON:
19	BY MS ROBINSON:	19	Q This first story listed, "Campus Selects
20	Q And UCSD.edu, you understand that to refer 3:56:401		Google as New E-mail and Calendar Solution," do you 3:58:411
21	to the University of California at San Diego?	21	see that?
22	MS KLEIN: Objection; form	22	MS KLEIN: Objection; form
23	THE WITNESS: Yes	23	THE WITNESS: Yes, I do
24	BY MS ROBINSON:	24	BY MS ROBINSON:
25	Q If you could turn back to the first page 3:56:53PM Page 310	25	Q And it's dated December 21st, 2011? 3:58:46PM Page 312
1	under 1.6: 3:56:56PM	1	MS KLEIN: Objection; form 3:58:50PM
2	"'Service(s)' means the	2	THE WITNESS: Yes, I see it
3	services referred to by Google as	3	BY MS ROBINSON:
4	• •		
	'Google Apps Education Edition' or	4	Q Do you understand that as of
5	'Google Apps Education Edition' or 'Google Apps' that are hosted by 3:57:05PM	4 5	Q Do you understand that as of December 21st, 2011, UC Berkeley selected Google 3:58:56P
5 6			
	'Google Apps' that are hosted by 3:57:05PM	5	December 21st, 2011, UC Berkeley selected Google 3:58:56P
6	'Google Apps' that are hosted by Google and used by Customer"	5	December 21st, 2011, UC Berkeley selected Google Apps for Education, including e-mail and calendar,
6	'Google Apps' that are hosted by Google and used by Customer" that's the Regents "under this	5 6 7	December 21st, 2011, UC Berkeley selected Google Apps for Education, including e-mail and calendar, to be used on that campus?
6 7 8	'Google Apps' that are hosted by Google and used by Customer" that's the Regents "under this Agreement."	5 6 7 8	December 21st, 2011, UC Berkeley selected Google Apps for Education, including e-mail and calendar, to be used on that campus? MS KLEIN: Object to the form of the
6 7 8 9	'Google Apps' that are hosted by Google and used by Customer" that's the Regents "under this Agreement." Do you see that?	5 6 7 8 9	December 21st, 2011, UC Berkeley selected Google Apps for Education, including e-mail and calendar, to be used on that campus? MS KLEIN: Object to the form of the question Object; outside the scope of the
6 7 8 9	'Google Apps' that are hosted by Google and used by Customer" that's the Regents "under this Agreement." Do you see that? MS. KLEIN: Objection; form. 3:57:11PM	5 6 7 8 9	December 21st, 2011, UC Berkeley selected Google Apps for Education, including e-mail and calendar, to be used on that campus? MS KLEIN: Object to the form of the question Object; outside the scope of the 30(b)(6) 3:59:08PM
6 7 8 9 10	'Google Apps' that are hosted by Google and used by Customer" that's the Regents "under this Agreement." Do you see that? MS. KLEIN: Objection; form. 3:57:11PM THE WITNESS: Yes. BY MS. ROBINSON:	5 6 7 8 9 10	December 21st, 2011, UC Berkeley selected Google Apps for Education, including e-mail and calendar, to be used on that campus? MS KLEIN: Object to the form of the question Object; outside the scope of the 30(b)(6) 3:59:08PM THE WITNESS: That's what it says
6 7 8 9 10 11	'Google Apps' that are hosted by Google and used by Customer" that's the Regents "under this Agreement." Do you see that? MS. KLEIN: Objection; form. 3:57:11PM THE WITNESS: Yes. BY MS. ROBINSON: Q Is it your understanding that Google Apps	5 6 7 8 9 10 11 12	December 21st, 2011, UC Berkeley selected Google Apps for Education, including e-mail and calendar, to be used on that campus? MS KLEIN: Object to the form of the question Object; outside the scope of the 30(b)(6) 3:59:08PM THE WITNESS: That's what it says BY MS ROBINSON:
6 7 8 9 10 11 12 13	'Google Apps' that are hosted by Google and used by Customer" that's the Regents "under this Agreement." Do you see that? MS. KLEIN: Objection; form. 3:57:11PM THE WITNESS: Yes. BY MS. ROBINSON: Q Is it your understanding that Google Apps Education Edition or Google Apps was licensed for	5 6 7 8 9 10 11 12 13 14	December 21st, 2011, UC Berkeley selected Google Apps for Education, including e-mail and calendar, to be used on that campus? MS KLEIN: Object to the form of the question Object; outside the scope of the 30(b)(6) 3:59:08PM THE WITNESS: That's what it says BY MS ROBINSON: Q Did were you aware of that before
6 7 8 9 10 11 12 13	'Google Apps' that are hosted by Google and used by Customer" that's the Regents "under this Agreement." Do you see that? MS. KLEIN: Objection; form. 3:57:11PM THE WITNESS: Yes. BY MS. ROBINSON: Q Is it your understanding that Google Apps Education Edition or Google Apps was licensed for the University of California, particularly the 3:57:21P	5 6 7 8 9 10 11 12 13 14	December 21st, 2011, UC Berkeley selected Google Apps for Education, including e-mail and calendar, to be used on that campus? MS KLEIN: Object to the form of the question Object; outside the scope of the 30(b)(6) 3:59:08PM THE WITNESS: That's what it says BY MS ROBINSON: Q Did were you aware of that before today? A No 3:59:13PM
6 7 8 9 10 11 12 13 14	'Google Apps' that are hosted by Google and used by Customer" that's the Regents "under this Agreement." Do you see that? MS. KLEIN: Objection; form. 3:57:11PM THE WITNESS: Yes. BY MS. ROBINSON: Q Is it your understanding that Google Apps Education Edition or Google Apps was licensed for the University of California, particularly the campuses listed on Exhibit A of this exhibit?	5 6 7 8 9 10 11 12 13 14	December 21st, 2011, UC Berkeley selected Google Apps for Education, including e-mail and calendar, to be used on that campus? MS KLEIN: Object to the form of the question Object; outside the scope of the 30(b)(6) 3:59:08PM THE WITNESS: That's what it says BY MS ROBINSON: Q Did were you aware of that before today? A No 3:59:13PM
6 7 8 9 10 11 12 13 14 15 16	'Google Apps' that are hosted by Google and used by Customer" that's the Regents "under this Agreement." Do you see that? MS. KLEIN: Objection; form. 3:57:11PM THE WITNESS: Yes. BY MS. ROBINSON: Q Is it your understanding that Google Apps Education Edition or Google Apps was licensed for the University of California, particularly the campuses listed on Exhibit A of this exhibit? MS. KLEIN: Objection; form. Object;	5 6 7 8 9 10 11 12 13 14 15 16	December 21st, 2011, UC Berkeley selected Google Apps for Education, including e-mail and calendar, to be used on that campus? MS KLEIN: Object to the form of the question Object; outside the scope of the 30(b)(6) 3:59:08PM THE WITNESS: That's what it says BY MS ROBINSON: Q Did were you aware of that before today? A No 3:59:13PM Q Do you have any reason to doubt that that's the case?
6 7 8 9 10 11 12 13 14 15 16 17	'Google Apps' that are hosted by Google and used by Customer" that's the Regents "under this Agreement." Do you see that? MS. KLEIN: Objection; form. 3:57:11PM THE WITNESS: Yes. BY MS. ROBINSON: Q Is it your understanding that Google Apps Education Edition or Google Apps was licensed for the University of California, particularly the campuses listed on Exhibit A of this exhibit? MS. KLEIN: Objection; form. Object; outside the scope of the 30(b)(6).	5 6 7 8 9 10 11 12 13 14 VI 15 16 17 18	December 21st, 2011, UC Berkeley selected Google Apps for Education, including e-mail and calendar, to be used on that campus? MS KLEIN: Object to the form of the question Object; outside the scope of the 30(b)(6) 3:59:08PM THE WITNESS: That's what it says BY MS ROBINSON: Q Did were you aware of that before today? A No 3:59:13PM Q Do you have any reason to doubt that that's the case? MS KLEIN: Objection; form
6 7 8 9 10 11 12 13 14 15 16 17 18	'Google Apps' that are hosted by Google and used by Customer" that's the Regents "under this Agreement." Do you see that? MS. KLEIN: Objection; form. 3:57:11PM THE WITNESS: Yes. BY MS. ROBINSON: Q Is it your understanding that Google Apps Education Edition or Google Apps was licensed for the University of California, particularly the campuses listed on Exhibit A of this exhibit? MS. KLEIN: Objection; form. Object; outside the scope of the 30(b)(6). THE WITNESS: I believe so, but, I mean,	5 6 7 8 9 10 11 12 13 14 14 15 16 17 18 19	December 21st, 2011, UC Berkeley selected Google Apps for Education, including e-mail and calendar, to be used on that campus? MS KLEIN: Object to the form of the question Object; outside the scope of the 30(b)(6) 3:59:08PM THE WITNESS: That's what it says BY MS ROBINSON: Q Did were you aware of that before today? A No 3:59:13PM Q Do you have any reason to doubt that that's the case? MS KLEIN: Objection; form THE WITNESS: No
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	'Google Apps' that are hosted by Google and used by Customer" that's the Regents "under this Agreement." Do you see that? MS. KLEIN: Objection; form. 3:57:11PM THE WITNESS: Yes. BY MS. ROBINSON: Q Is it your understanding that Google Apps Education Edition or Google Apps was licensed for the University of California, particularly the campuses listed on Exhibit A of this exhibit? MS. KLEIN: Objection; form. Object; outside the scope of the 30(b)(6). THE WITNESS: I believe so, but, I mean, I'm not familiar with this agreement, so I don't 3:57:32PM	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	December 21st, 2011, UC Berkeley selected Google Apps for Education, including e-mail and calendar, to be used on that campus? MS KLEIN: Object to the form of the question Object; outside the scope of the 30(b)(6) 3:59:08PM THE WITNESS: That's what it says BY MS ROBINSON: Q Did were you aware of that before today? A No 3:59:13PM Q Do you have any reason to doubt that that's the case? MS KLEIN: Objection; form THE WITNESS: No BY MS ROBINSON: 3:59:19PM
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	'Google Apps' that are hosted by Google and used by Customer" that's the Regents "under this Agreement." Do you see that? MS. KLEIN: Objection; form. 3:57:11PM THE WITNESS: Yes. BY MS. ROBINSON: Q Is it your understanding that Google Apps Education Edition or Google Apps was licensed for the University of California, particularly the campuses listed on Exhibit A of this exhibit? MS. KLEIN: Objection; form. Object; outside the scope of the 30(b)(6). THE WITNESS: I believe so, but, I mean, I'm not familiar with this agreement, so I don't really know.	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	December 21st, 2011, UC Berkeley selected Google Apps for Education, including e-mail and calendar, to be used on that campus? MS KLEIN: Object to the form of the question Object; outside the scope of the 30(b)(6) 3:59:08PM THE WITNESS: That's what it says BY MS ROBINSON: Q Did were you aware of that before today? A No 3:59:13PM Q Do you have any reason to doubt that that's the case? MS KLEIN: Objection; form THE WITNESS: No BY MS ROBINSON: 3:59:19PM Q If you look in this just short blurb here,
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	'Google Apps' that are hosted by Google and used by Customer" that's the Regents "under this Agreement." Do you see that? MS. KLEIN: Objection; form. 3:57:11PM THE WITNESS: Yes. BY MS. ROBINSON: Q Is it your understanding that Google Apps Education Edition or Google Apps was licensed for the University of California, particularly the campuses listed on Exhibit A of this exhibit? MS. KLEIN: Objection; form. Object; outside the scope of the 30(b)(6). THE WITNESS: I believe so, but, I mean, I'm not familiar with this agreement, so I don't really know. BY MS. ROBINSON:	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	December 21st, 2011, UC Berkeley selected Google Apps for Education, including e-mail and calendar, to be used on that campus? MS KLEIN: Object to the form of the question Object; outside the scope of the 30(b)(6) 3:59:08PM THE WITNESS: That's what it says BY MS ROBINSON: Q Did were you aware of that before today? A No 3:59:13PM Q Do you have any reason to doubt that that's the case? MS KLEIN: Objection; form THE WITNESS: No BY MS ROBINSON: 3:59:19PM Q If you look in this just short blurb here, the last sentence:
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	'Google Apps' that are hosted by Google and used by Customer" that's the Regents "under this Agreement." Do you see that? MS. KLEIN: Objection; form. 3:57:11PM THE WITNESS: Yes. BY MS. ROBINSON: Q Is it your understanding that Google Apps Education Edition or Google Apps was licensed for the University of California, particularly the campuses listed on Exhibit A of this exhibit? MS. KLEIN: Objection; form. Object; outside the scope of the 30(b)(6). THE WITNESS: I believe so, but, I mean, I'm not familiar with this agreement, so I don't really know. BY MS. ROBINSON: Q Okay.	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	December 21st, 2011, UC Berkeley selected Google Apps for Education, including e-mail and calendar, to be used on that campus? MS KLEIN: Object to the form of the question Object; outside the scope of the 30(b)(6) 3:59:08PM THE WITNESS: That's what it says BY MS ROBINSON: Q Did were you aware of that before today? A No 3:59:13PM Q Do you have any reason to doubt that that's the case? MS KLEIN: Objection; form THE WITNESS: No BY MS ROBINSON: 3:59:19PM Q If you look in this just short blurb here, the last sentence: "Migration to the new platform
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	'Google Apps' that are hosted by Google and used by Customer" that's the Regents "under this Agreement." Do you see that? MS. KLEIN: Objection; form. 3:57:11PM THE WITNESS: Yes. BY MS. ROBINSON: Q Is it your understanding that Google Apps Education Edition or Google Apps was licensed for the University of California, particularly the campuses listed on Exhibit A of this exhibit? MS. KLEIN: Objection; form. Object; outside the scope of the 30(b)(6). THE WITNESS: I believe so, but, I mean, I'm not familiar with this agreement, so I don't really know. BY MS. ROBINSON:	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	December 21st, 2011, UC Berkeley selected Google Apps for Education, including e-mail and calendar, to be used on that campus? MS KLEIN: Object to the form of the question Object; outside the scope of the 30(b)(6) 3:59:08PM THE WITNESS: That's what it says BY MS ROBINSON: Q Did were you aware of that before today? A No 3:59:13PM Q Do you have any reason to doubt that that's the case? MS KLEIN: Objection; form THE WITNESS: No BY MS ROBINSON: 3:59:19PM Q If you look in this just short blurb here, the last sentence:

1	timeline will be available in 3:59:33PM	1	Q Do you understand that to refer to the 4:01:44P
2	January."	2	University of California at Berkeley?
3	If this case goes to trial in February of	3	A Yes.
4	2012, at the same time, will the University of	4	MS. KLEIN: Objection; form.
5	California, Berkeley be migrating its students and 3:59:47PN		BY MS. ROBINSON: 4:01:48PM
6	faculty to the Gmail program for e-mail?	6	Q And the title is "Campus Selects Google as
7	MS. KLEIN: Object to the form of the	7	New E-mail and Calendar Solution."
8	question. Object; outside the scope of the	8	
9	1	9	Do you see that?
	30(b)(6).		A Yes.
10	THE WITNESS: I don't understand the 3:59:56PM	10	Q And it says: 4:02:04PM
11	relevance. Yes, I mean, that's true, but I don't	11	"Breaking news! After several
12	understand the relevance.	12	months of detailed evaluationthe
13	BY MS. ROBINSON:	13	campus has completed the selection
14	Q But it is true?	14	process for a new campus calendar
15	MS. KLEIN: Object to the form. Object; 4:00:03PM	15	and e-mail program." 4:02:12PM
16	outside the scope of the 30(b)(6).	16	Do you see where it says that?
17	THE WITNESS: Seems like it.	17	MS. KLEIN: Objection; form.
18	BY MS. ROBINSON:	18	THE WITNESS: I see that.
19	Q Okay.	19	BY MS. ROBINSON:
20	In that second sentence in that same 4:00:14PM	20	Q (Reading) 4:02:15PM
21	blurb, it says:	21	"We are pleased to announce
22	"The decision, finalized on	22	that today we have signed a
23	Wednesday, followed months of	23	contract toenable the campus to
24	detailed evaluation"	24	migrate all students, faculty, and
25	A Yes. 4:00:26PM Page 314	25	staff to the new service during 4:02:25PM Page 316
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		2090 220
1	Q Was either the '906 or the '985 patent 4:00:34PM	1 2	2012." 4:02:27PM
2	considered as part of that evaluation?	3	A Yes.
3	MS. KLEIN: Object to the form of the		MS. KLEIN: Objection; form.
4	question. Object; outside the scope of the	4	BY MS. ROBINSON:
5	30(b)(6). 4:00:40PM	5	Q Then below that, you can see that there is 4:02:33PM
6	THE WITNESS: I do not know.	6	some bullet points under that paragraph?
7	BY MS. ROBINSON:	7	MS. KLEIN: Objection; form.
8	Q Would you know if it had been?	8	THE WITNESS: Yes, I see them.
9	MS. KLEIN: Object to the form. Object;	9	BY MS. ROBINSON:
10	outside the scope. 4:00:45PM	10	Q Google Apps for Education was selected as 4:02:41P
11	THE WITNESS: I'm the case manager, so if	11	the new calendar and e-mail platform?
12	it happened, they would have contacted me or the	12	MS. KLEIN: Objection; form.
13	counsel. But I have not heard anything about it, so	13	THE WITNESS: Yes.
14	I do not know.	14	BY MS. ROBINSON:
15	BY MS. ROBINSON: 4:00:54PM	15	Q The entire campus community, students, 4:02:49Pl
16	Q Okay.	16	faculty and staff, will be moved during the calendar
17	(Defendants' Exhibit 17 marked	17	year of 2012?
18	for identification.)	18	MS. KLEIN: Objection; form.
19	BY MS. ROBINSON:	19	THE WITNESS: I see that.
20	Q I'm handing you what's been marked 4:01:22PN		MS. KLEIN: Counsel, we're willing to 4:02:59PM
21	Exhibit 17 to this deposition, and again it's a	21	stipulate that the document says what it says. It's
22	printout from a web page. The URL is in the top	22	the best evidence rule. You don't have to ask the
23	right corner and it refers to	23	witness, who has never seen it, a million questions.
24	"Technology.Berkeley.edu."	24	BY MS. ROBINSON:
25	A I see that. 4:01:42PM	25	Q And that reference to students, faculty, 4:03:09PM
	Page 315		Page 317

1	and staff being moved during calendar year 2012 4:03:11PM	1	primary search engine? 4:05:20PM
2	MS KLEIN: Objection; form	2	A I don't remember.
3	BY MS ROBINSON:	3	Q Has it been more than a year? More than
4	Q do you understand that to mean that	4	two years?
5	students, faculty, and staff will be moved to the 4:03:18PM	5	A Couple of years. Few years. I don't 4:05:38PM
6	Gmail calendar and or the Google Calendar and	6	know.
7	Gmail programs during 2012?	7	Q Why do you use Google Search as your
8	MS KLEIN: Objection; form	8	primary search engine?
9	THE WITNESS: That's what it says	9	A I don't know. I sometimes use Yahoo, too,
10	BY MS ROBINSON: 4:03:33PM	10	still, so it's just I like the way the results 4:05:53PM
11	Q Then if you look down, there is another	11	come up.
12	heading that says "Announcement to Campus."	12	Q When you say "the way the results come
13	A Yes	13	up," what are you referring to?
14	Q (Reading)	14	A The search results.
15	"The following is the text of 4:03:39PM	15	Q The way they come up is the 4:06:05PM
16	the December 21st, 2011, Calmessage	16	A It finds good things for me. I mean, I
17	that was sent to campus faculty,	17	don't know. It's just one of the search engines
18	students, and staff, announcing the	18	that's widely use, and to be compatible with other
19	new e-mail and calendar solution"?	19	people in the office, I use the same system that
20	MS KLEIN: Objection; form 4:03:50PM	20	usually people would use. 4:06:18PM
21	THE WITNESS: Yes, I see that	21	But everyone has different ways of doing
22	BY MS ROBINSON:	22	things, so I'm not saying that everyone uses that,
23	Q And that's as of December 21st, 2011?	23	but I've just used that because it serves my
24	MS KLEIN: Objection; form	24	purpose.
25	THE WITNESS: Yes 4:03:57PM	25	Q Fair enough. 4:06:29PM
20	Page 318	23	Page 320
1	BY MS. ROBINSON: 4:03:58PM	1	When you say the results it delivers, are 4:06:31PM
2	Q That's several months after the Regents	2	you referring to the relevance of the results?
3	joined this litigation against Google and YouTube,	3	A Yes.
4	correct?	4	Q Okay.
5	MS. KLEIN: Objection; form. 4:04:06PM	5	And you also testified that you use Gmail 4:06:42P
6	THE WITNESS: Yes. I don't know exactly	6	personally?
7	when we joined, but it seems to be after.	7	A Personal, not work.
8	BY MS. ROBINSON:	8	Q Not work.
9	Q And I just want to make sure I understood	9	A Yes.
10	your prior testimony correctly. 4:04:44PM	10	Q I apologize if I'm repeating myself. 4:06:51PM
11	Do you use, in your role here at the	11	How long have you used Gmail?
12	University of California, any Google products	12	A A few years.
13	professionally?	13	Q A few years.
14	MS. KLEIN: Objection; form.	14	And when did you take over the case file
15	THE WITNESS: I sometimes use the search 4:05:00PM	15	for the Eolas patents? 4:07:00PM
16	engine.	16	A 2008.
17	BY MS. ROBINSON:	17	Q Did you start using Gmail before or after
18	Q Okay.	18	you took over the Eolas case file?
19	When is the first time that you used	19	A I don't remember. I have a Hotmail
20	Google Search? 4:05:07PM	20	
21	A Oh, I have no idea. Whenever it became	21	account, as well, which I primarily use, so 4:07:17PM Q Has it ever occurred to you that Gmail
22	available. I don't know.	22	·
23			might infringe the patents-in-suit?
	Q Is it your primary search engine?	23	A No. I haven't thought about it.
	A As of now yes		
24 25	A As of now, yes. Q How long has Google Search been your 4:05:18PM	24	Q And you also said that you use Google Maps on your iPhone; is that right? 4:07:33PM

1	A Yes. 4:07:35PM	1	Q Has it ever occurred to you that Google 4:10:09PM
2	Q How long have you been using Google Maps?	2	Documents might infringe the '985 or the '906
3	A Since I got my iPhone, which is about a	3	patents?
4	year ago, I think.	4	A No.
5	Q Has it ever occurred to you that Google 4:07:45PM		Q Have you ever used Google Spreadsheets? 4:10:17PV
6	Maps might infringe the '985 or the '906 patent?	6	A No.
7	A I hadn't thought about it. It hadn't	7	Q Have you ever used Google Presentation?
8	occurred to me, let me put it this way in answering	8	A No.
9	your question.	9	Q Has Google induced you to use Gmail?
10	Q Do you use YouTube? 4:08:03PM	10	MS. KLEIN: Objection to the form of the 4:10:33PM
11	A My son uses it a lot. Not me personally.	11	question.
12	Q What does your son use it for?	12	THE WITNESS: "Induced" in the mean
13	A I don't know. I wish I knew. Some crappy	13	that, yes, I was getting some when I would open
14	things that I get mad at him all the time about.	14	up the Google browser, that open a Gmail account.
15	Q Has it ever occurred to you that YouTube 4:08:24P	M 15	So it's that inducement. 4:10:44PM
16	might infringe the '906 or the '985 patents?	16	BY MS. ROBINSON:
17	MS. KLEIN: Objection; form.	17	Q Can you define what you understand
18	THE WITNESS: I have not thought about it.	18	"inducement" to mean?
19	I know that it's one of the Defendants in the trial.	19	MS. KLEIN: Objection to the form of the
20	BY MS. ROBINSON: 4:08:37PM	20	question. 4:10:53PM
21	Q Have you ever used Google Video?	21	THE WITNESS: Pardon?
22	A I have not.	22	MS. KLEIN: I objected to the form of the
23	Q Have you ever used Google Finance?	23	question.
24	A No.	24	THE WITNESS: "Inducement" means that if
25	Q Have you ever used Google News? 4:08:51PM	25	I you unknowingly would infringe patents based on 4:10:58PM
	Page 322		Page 324
1	A I have used Google News, yes. 4:08:54PM	1	somebody else's actions. 4:11:05PM
2	Q When was your first use of Google News, if	2	BY MS. ROBINSON:
3	you remember?	3	Q Has Google encouraged you to use Gmail?
4	A I don't remember.	4	A It's a good e-mail system, so I would call
5	Q Was it more than a year ago? 4:09:04PM	5	that encouraging. If it was crappy, I wouldn't use 4:11:16PM
6	A Most likely.	6	it.
7	Q And how often have you used Google News?	7	Q Has Google ever well, strike that.
8	A I don't use it very often. Sometimes when	8	Aside from your opinion that it's a good
9	I'm in the airplane or something and I want to catch	9	e-mail program, has Google done anything to
10	up on the news, but it's not something that I use 4:09:23PM	10	encourage you to use Gmail? 4:11:34PM
11	every day.	11	MS. KLEIN: Objection; form.
12		12	THE WITNESS: Personally?
13	Q And you just mentioned catching up on the news. Would you say that's your primary use of	13	BY MS. ROBINSON:
14	Google News?	14	Q Yes.
15	A If I yes. If I'm looking for some 4:09:39PM	15	A No, no one from Google approached me, gave 4:11:39PN
	specific news, yes.	16	, , , , , , , ,
16	1		me presents to use it.
17	Q Okay.	17	Q Similarly, has Google ever encouraged you
18	Has it ever occurred to you that Google	18	to use Google Maps?
19	News might infringe the '985 or the '906 patents?	19	MS. KLEIN: Objection; form.
20	A No. 4:09:52PM	20	THE WITNESS: No. 4:11:51PM
21	Q Do you use Picasa?	21	BY MS. ROBINSON:
22	A No. I've heard about it, but I don't know	22	Q Has Google encouraged you to use any
23	what it is.	23	Google product?
24	Q Have you ever used Google Documents?	24	MS. KLEIN: Objection; form.
25	A I might have used Google Documents, yes. 4:10:06PN	1 25	THE WITNESS: No. 4:12:01PM
	Page 323		Page 325

1	BY MS. ROBINSON: 4:12:08PM	1	Q Has the University of California ever been 4:14:11PM
2	Q When you use Gmail, do you believe that	2	a member of the W3C?
3	your use of Gmail infringes the '985 or the '906	3	MS KLEIN: Object to the form of the
4	patents?	4	question Object; outside the scope of the
5	MS. KLEIN: Objection; form. 4:12:16PM	5	30(b)(6) 4:14:17PM
6	THE WITNESS: That's for Google to think,	6	THE WITNESS: I don't believe so I think
7	right, not for me to think, because Google is	7	you have to pay to be a member, right?
8	providing that service.	8	BY MS ROBINSON:
9	BY MS. ROBINSON:	9	Q Do the Regents of the University of
10	Q Well, so I'm asking a slightly different 4:12:24PM	10	California have a view on the W3C? 4:14:24PM
11	question, so let me rephrase to make sure that we're	11	MS KLEIN: Object to the form of the
12	talking about the same thing.	12	question Object; outside the scope of the
13	When you were using Gmail, do you believe	13	30(b)(6)
14	that your use of Gmail infringes the '906 or the	14	THE WITNESS: No
15	'985 patents? 4:12:38PM	15	BY MS ROBINSON: 4:14:31PM
16	MS. KLEIN: Objection; form.	16	Q Have you ever heard of Dave Raggett?
17	THE WITNESS: Not my use of the e-mail,	17	MS KLEIN: R-A-G-G-E-T-T
18	because if I get a product that's supplied free to	18	THE WITNESS: Was he the founder of
19	me, I presume that all the proper licenses are in	19	Worldwide Web?
20	place. If Google is letting me use the e-mail 4:12:47PM	20	BY MS ROBINSON: 4:14:47PM
21	program, I would presume that Google has proper	21	Q I'm just asking if you have ever heard of
22	licenses in place for letting me use the program.	22	him.
23	That's all I have to say.	23	A I don't know Maybe it sounds vaguely
24	BY MS. ROBINSON:	24	familiar, but I'm not sure
25		25	r e e e e e e e e e e e e e e e e e e e
23	Q So my question is slightly different. I 4:13:02PM Page 326	23	Q Have you ever heard of Mark Andreessen? 4:14:53PN Page 328
1	understand your answer, but my question is slightly 4:13:04PM		A No. 4:14:55PM
2	different.	2	MS. ROBINSON: And that's
3	I'm asking about the way that you use	3	A-N-D-R-E-E-S-E-E-N [sic].
4	Gmail. So when you log in to your Gmail account and	4	THE REPORTER: Thank you.
5	you use the Gmail program for e-mail, do you believe 4:13:18PM	1 5	MS. ROBINSON: I have no more questions. 4:15:33PM
6	that your use of Gmail infringes the '906 or the	6	THE WITNESS: Thank you.
7	'985 patents?	7	MS. ROBINSON: Do you want to go off the
8	MS KLEIN: Objection; form	8	record really quick?
9	THE WITNESS: I don't know Again, it's	9	THE VIDEOGRAPHER: Off the record at 4:15.
10	not my use; it's a product that's supplied to me 4:13:32PM	10	(Brief pause in proceedings.) 4:15:46PM
11	So I don't know, okay? Let me put it that way I	11	THE VIDEOGRAPHER: On the record at 4:19.
12	don't know	12	EXAMINATION
13	BY MS ROBINSON:	13	BY MR. FLOREY:
14	Q Okay.	14	Q Good afternoon, Dr. Rajdev.
15	Have you ever heard of an organization 4:13:45PM	15	A Good afternoon. 4:19:16PM
16	called the W3C?	16	Q My name is Michael Florey and I'm here and
17	A I read about it	17	I'll be asking you some questions on behalf of
18	Q Do you understand that "W3C" refers to the	18	Defendant Adobe Systems, Inc , okay?
	Worldwide Web Consortium?	19	A Okay.
19	A Yes 4:13:55PM	20	Q And you understand that you're still under 4:19:29P
19 20		∠ ∪	And you understand that you're suil under 4:19:29F
20		21	ooth and all the same vules that Ms Doon want
20 21	Q When did you first hear of the W3C?	21	oath and all the same rules that Ms. Doan went
20 21 22	Q When did you first hear of the W3C? A A few days ago	22	through with you apply to my questions, as well,
20 21 22 23	 Q When did you first hear of the W3C? A A few days ago Q Is the University of California a member 	22 23	through with you apply to my questions, as well, okay?
20 21 22 23 24	Q When did you first hear of the W3C? A A few days ago Q Is the University of California a member of the W3C?	22 23 24	through with you apply to my questions, as well, okay? A Yes.
20 21 22 23	 Q When did you first hear of the W3C? A A few days ago Q Is the University of California a member 	22 23	through with you apply to my questions, as well, okay?

1	licensed the '906 patent to Eolas, did the Regents 4:19:47PM	1	MS. KLEIN: Objection; outside the scope 4:21:37Pl
2	try and license the '906 patent to Adobe?	2	of the 30(b)(6).
3	MS. KLEIN: Objection; form.	3	THE WITNESS: I do not.
4	THE WITNESS: I don't specifically know,	4	BY MR. FLOREY:
5	but they contacted the licensing office contacted 4:19:59PM	5	Q And it's true, is it not, that when this 4:21:41PM
6	all relevant companies that they knew of at that	6	suit was originally filed, it was filed only by
7	time.	7	Eolas and the Regents did not join as a Plaintiff?
8	BY MR, FLOREY:	8	Is that your understanding?
9	Q But do you know specifically whether they	9	A Yes.
10	contacted Adobe or not? 4:20:08PM	10	Q And in fact, the Regents joined this case 4:21:53F
11	A I do not recall. There is a long list of	11	as a Plaintiff recently, shortly before trial, at
12	companies that they contacted. I do not know if	12	Eolas' request, true?
13	Adobe is in there or not.	13	MS. KLEIN: Object to the form of the
14	Q Dr. Rajdev, did the Regents give Adobe any	14	question.
15	notice that they believed Adobe was using the 4:20:23PM		THE WITNESS: Yes. 4:22:04PM
16	technology of the '906 or '985 patents before Eolas	16	BY MR. FLOREY:
17	filed this lawsuit?	17	
18	A Again, Eolas is the licensee. The Regents	18	Q Dr. Rajdev, would you grab Exhibit 3 with me, please?
19	did not I don't believe that the Regents gave any	19	A Sure.
20	specific notice. 4:20:38PM		
	•	20	Q And this is the original exclusive license 4:22:21Pl
21	Q Okay.	21	agreement between the Regents and Eolas; is that
22	So the answer is no, before Eolas sued,	22	correct?
23	the Regents, who owned the patents, did not give any	23	A Yes, it is.
24	notice to Adobe that they believed that Adobe was	24	Q Would you turn with me to page 31.
25	using the technology; is that fair? 4:20:50PM Page 330	25	A Yes. 4:22:44PM Page 332
1	MS KLEIN: Objection; form 4:20:52PM	1	Q And do you see at the bottom of page 31, 4:22:44P
2	THE WITNESS: The Regents own the patent,	2	there is a Section 16 entitled "Infringement"?
3	but it's exclusively licensed to Eolas	3	A I do.
4	BY MR FLOREY:	4	Q And do you recall that Ms. Doan asked you
5	Q Okay. 4:20:58PM	5	some questions about this section? 4:22:54PM
6	I understand that Eolas is the exclusive	6	A Yes, I do.
7	licensee, but I need to simply get an answer to my	7	Q I believe that you testified and agreed
8	question, which is: Before Eolas filed this	8	with Ms. Doan that this section was was
9	lawsuit, did the Regents give Adobe any notice that	9	applicable between the years 1995 and 2008.
10	they believed Adobe was using the technology of the 4:21:12PM		Do you recall that? 4:23:09PM
11	patents that they owned?	11	MS. KLEIN: Object to the form of the
	MS KLEIN: Objection; form	12	question.
12	THE WITNESS: I don't believe so	13	THE WITNESS: Yes.
12 13		± 0	111L W111NLDD. 103.
13		1 /	BV MR ELOREV:
13 14	BY MR FLOREY:	14 15	BY MR. FLOREY: O And I'm looking at Section 16.1, and it 4:23:13PA
13 14 15	BY MR FLOREY: Q Okay. 4:21:18PM	15	Q And I'm looking at Section 16 1, and it 4:23:13PM
13 14 15 16	BY MR FLOREY: Q Okay. 4:21:18PM And do you know what Adobe products the	15 16	Q And I'm looking at Section 16 1, and it 4:23:13PM reads:
13 14 15 16 17	BY MR FLOREY: Q Okay. And do you know what Adobe products the University of California is accusing of infringement	15 16 17	Q And I'm looking at Section 16 1, and it 4:23:13PM reads: "In the event that either
13 14 15 16 17	BY MR FLOREY: Q Okay. 4:21:18PM And do you know what Adobe products the University of California is accusing of infringement in this case?	15 16 17 18	Q And I'm looking at Section 16 1, and it 4:23:13PM reads: "In the event that either party responsible for
13 14 15 16 17 18	BY MR FLOREY: Q Okay. 4:21:18PM And do you know what Adobe products the University of California is accusing of infringement in this case? MS KLEIN: Objection; outside the scope	15 16 17 18 19	Q And I'm looking at Section 16 1, and it 4:23:13PM reads: "In the event that either party responsible for administrating this agreement
13 14 15 16 17 18 19	BY MR FLOREY: Q Okay. 4:21:18PM And do you know what Adobe products the University of California is accusing of infringement in this case? MS KLEIN: Objection; outside the scope of the 30(b)(6) 4:21:27PM	15 16 17 18 19 20	Q And I'm looking at Section 16 1, and it 4:23:13PM reads: "In the event that either party responsible for administrating this agreement learns of substantial infringement 4:23:24PM
13 14 15 16 17 18 19 20 21	BY MR FLOREY: Q Okay. 4:21:18PM And do you know what Adobe products the University of California is accusing of infringement in this case? MS KLEIN: Objection; outside the scope of the 30(b)(6) 4:21:27PM THE WITNESS: I do not	15 16 17 18 19 20 21	Q And I'm looking at Section 16 1, and it 4:23:13PM reads: "In the event that either party responsible for administrating this agreement learns of substantial infringement 4:23:24PM of any patent or copyright licensed
13 14 15 16 17 18 19 20 21 22	BY MR FLOREY: Q Okay. 4:21:18PM And do you know what Adobe products the University of California is accusing of infringement in this case? MS KLEIN: Objection; outside the scope of the 30(b)(6) THE WITNESS: I do not BY MR FLOREY:	15 16 17 18 19 20 21 22	Q And I'm looking at Section 16 1, and it 4:23:13PM reads: "In the event that either party responsible for administrating this agreement learns of substantial infringement 4:23:24PM of any patent or copyright licensed under this agreement, the informed
13 14 15 16 17 18 19 20 21 22 23	BY MR FLOREY: Q Okay. 4:21:18PM And do you know what Adobe products the University of California is accusing of infringement in this case? MS KLEIN: Objection; outside the scope of the 30(b)(6) 4:21:27PM THE WITNESS: I do not BY MR FLOREY: Q Do you know which claims of the patents	15 16 17 18 19 20 21 22 23	Q And I'm looking at Section 16 1, and it reads: "In the event that either party responsible for administrating this agreement learns of substantial infringement of any patent or copyright licensed under this agreement, the informed party shall call such infringement 4:23:24PM
13 14 15 16 17 18 19 20 21	BY MR FLOREY: Q Okay. 4:21:18PM And do you know what Adobe products the University of California is accusing of infringement in this case? MS KLEIN: Objection; outside the scope of the 30(b)(6) THE WITNESS: I do not BY MR FLOREY:	15 16 17 18 19 20 21 22	Q And I'm looking at Section 16 1, and it 4:23:13PM reads: "In the event that either party responsible for administrating this agreement learns of substantial infringement 4:23:24PM of any patent or copyright licensed under this agreement, the informed

1 pro	vide the other party with 4:23:38PM	1	these patents by Adobe? 4:25:	36PM
2 reas	onable evidence of such	2	A I do not know.	
3 infr	ingement."	3	Q You have no such information?	
4 Do :	you see that?	4	A No.	
5 A Ye	s. 4:23:42PM	5	MS. KLEIN: Objection; form. 4:25	5:45PM
6 Q Ar	d so the Regents were under a	6	BY MR. FLOREY:	
	al obligation between 1995 and 2008 that if	7	Q And can I assume, then, that the Regents	
-	ved Adobe was infringing the licensed	8	never received from Eolas any request in writing	•
•	ney had to notify Eolas, correct?	9	including any reasonable evidence outlining	
	KLEIN: Objection; form. 4:23:57PM	10	allegations of infringement against Adobe?	4:25:56P
	E WITNESS: Yes.	11	MS. KLEIN: Objection; form. Objection;	
12 BY MR. F		12	outside the scope of the 30(b)(6).	
-	d at no time between 1995 and 2008 did	13	THE WITNESS: There could have been some	e
_	ts ever indicate to Eolas that they	14	discussions, but I don't remember specific notice.	
	8 8 1	7PM 15	BY MR. FLOREY: 4:26:0	7PM
-	atents, true?	16	Q Well, you say there could have been some	
	t to my knowledge.	17	discussions. Are you speculating or do you actua	lly
-	u have no knowledge of any such notice?	18	know of discussions?	
19 A No		19	A I don't know of them. I was speculating.	
	rould ask you to turn to page 32, and do 4:24:18		Sorry. 4:26:14PM	
·	ection 16.2?	21	Q Okay.	
22 A Ye		22	So as far as you know, Eolas, between 1995	
	d in this agreement, Eolas is the	23	and 2008, never orally or in writing made any	
24 licensee, o		24	suggestion to the Regents that it believed Adobe v	
25 A It i	s, yes. 4:24:39PM Page 33	25	1 /	4:26:25PM ge 336
1 O Th	e Regents are the licensor and Eolas is 4:24:40PM	1 1	MS. KLEIN: Object to the form of the	4:26:27PN
	e; is that fair?	2	question. Objection; outside the scope of the	4.20.2711
3 A Tha		3	30(b)(6).	
4 Q Ok		4	THE WITNESS: Not to me directly. Yes,	
	Section 16.2 says: 4:24:46PM	5	it's fair. I don't know. 4:26:34	РМ
	Licensee may request that the	6	BY MR. FLOREY:	
	ents take legal action against	7	Q And you haven't heard that from anybo	odv
_	nfringement of patent rights	8	else within your office?	, u.j
	pyrights. Such request shall	9	A No.	
	nade in writing and shall 4:25:01PM	10	Q Okay. 4:26:39P.	М
	de reasonable evidence of such	11	And in 2008, you were responsible for	
	ngement and damages to	12	you took over responsibility for the Eolas file?	
	see."	13	A Yes.	
	ou see that?	14	Q Ms. Rajdev, do you use the Adobe Flash	1
15 A Ye		15		: 5:57PM
	KLEIN: And before you continue on,	16	A I use the reader, Acrobat Reader, and	
	you could please not confer It's	17	Flash Player sometimes in the Web when you	
	to me and the witness	18	Q So I'll get to Acrobat in a moment, but	ī
Č	head	19	want to start with Flash.	_
20 BY MR F		20	Do you use the Flash Player as part of	4:27:13F
	I read that correctly, Dr. Rajdev?	21	your job?	
22 A Ye	· · · · · · · · · · · · · · · · · · ·	22	A I don't remember specifically. I don't	
	d so between 1995 and 2008, did Eolas	23	know. I don't think so.	
-	est that the Regents take any legal action	24	Q Do you have Flash enabled on your	
•	lobe because of any alleged infringement of 4:25:		computer? 4:27:25]	РМ
25 against Ac				

1	A It may be I don't know I think it is 4:27:28PM	1	Do you recall that? 4:29:14PM
2	Q Do you know	2	A Which part?
3	Have you ever been to the Adobe website to	3	Q Just generally. Did you not say that you
4	download either Flash or Acrobat?	4	had read some trial testimony from the Microsoft
5	A So it's handled by our IT department, so 4:27:38PM	5	trial? 4:29:24PM
6	they download everything that's needed I don't	6	A Yes. I read the depositions.
7	download directly on my work computer any programs	7	Q Okay.
8	Q Okay.	8	And the University was also a Plaintiff in
9	Do you believe that the University's IT	9	that case; is that true?
10	department goes to the Adobe website to download the 4:27:49F	M 10	A Yes. 4:29:33PM
11	Flash Player?	11	Q And do you know
12	MS KLEIN: Object to the form of the	12	It's true, isn't it, that counsel for the
13	question Object; outside the scope of the	13	University and Eolas used the Flash products as
14	30(b)(6)	14	evidence in the Microsoft trial?
15	You may answer in your personal capacity 4:27:57PM	15	MS. KLEIN: Object to the form of the 4:29:48P
16	THE WITNESS: I do not know	16	question.
17	BY MR FLOREY:	17	THE WITNESS: I do not know.
18	Q You said that though, that you do use	18	BY MR. FLOREY:
19	the Adobe Acrobat Reader?	19	Q You didn't see that in your review of the
20	A Yes 4:28:05PM	20	transcripts? 4:29:52PM
21	Q And that's enabled on your work computer?	21	A No.
22	A Yes	22	Q Okay.
23	Q Do you believe that the University's IT	23	A I didn't read the trial transcripts; I
24	department went and downloaded that from Adobe's	24	read the deposition transcripts.
25	website? 4:28:17PM	25	Q Okay. I'm sorry, I may have 4:30:00PM
	Page 338	20	Page 340
1	MS. KLEIN: Object to the form. Object; 4:28:17PM	1	misunderstood. 4:30:02PM
2	outside the scope of the 30(b)(6).	2	So you didn't read the actual trial
3	You may answer in your personal capacity.	3	transcript, you read depositions of particular
4	THE WITNESS: It's on my computer, so it	4	witnesses?
5	was downloaded, but I don't know how it was 4:28:24PM		A Yes. 4:30:08PM
6	downloaded and what took place for it to get	6	Q Okay.
7	downloaded.	7	Do you remember which witnesses you read?
8	BY MR. FLOREY:	8	A Yes. The original licensing associate who
9		9	initially started handling the case, Martha
10	Q Okay. Do you know what licenses the University 4:28:30P		-
	,	VI 10	, , , , , , , , , , , , , , , , , , , ,
11	has with Adobe to use Adobe technology?		handled the case, and Alan Bennett, who was the
12	MS. KLEIN: Object; outside the scope of	12 13	University representative.
13	the 30(b)(6).		Q Thank you.
14	THE WITNESS: I do not.	14	Would you take
15	BY MR. FLOREY: 4:28:38PM	15	MS. KLEIN: And just so you are aware, I 4:30:32PM
16	Q Do you ever open PDF documents on the	16	believe that Dr. Bennett's testimony was trial
17	Internet from your work computer?	17	transcript testimony, not deposition testimony.
18	A On the Internet. Yes, sometimes.	18	THE WITNESS: Oh, it was?
	Q And when you do that, do you believe that	19	MR. FLOREY: Okay. Thank you.
19	you're infringing the '906 or the '985 patents? 4:28:54P	M 20	THE WITNESS: Sorry, I didn't realize. 4:30:42PM
20			Vac
20 21	MS. KLEIN: Objection; form.	21	Yes.
20 21 22		22	BY MR. FLOREY:
20 21 22 23	MS. KLEIN: Objection; form.		
20 21 22	MS. KLEIN: Objection; form. THE WITNESS: I don't know.	22	BY MR. FLOREY:

1	Q Do you recall the subject matter of 4:30:48PM	1	this early this morning, but I've lost track of it. 4:33:09PM
2	Dr. Bennett's testimony?	2	When did you first begin working in the
3	A It was generally about University of	3	University of California system?
4	California's licensing practices and how we	4	A April no, May around May 1995, May
5	distribute the income and what we do with the 4:30:58PM	5	or June, something like that 4:33:23PM
6	income.	6	Q Okay.
7	Q Thank you.	7	And do you recall, were you using the
8	Would you grab Exhibit 2, please?	8	Adobe Acrobat Reader product back in May or June of
9	A I have it.	9	1995?
10	Q I'm going to direct you to the list of 4:31:23PM	10	MS KLEIN: Objection to the form 4:33:35PM
11	topics on the very last page.	11	THE WITNESS: I don't specifically recall
12	And do you see Topic 3? It reads:	12	BY MR FLOREY:
13	"The first knowledge and use,	13	Q How about the Flash Player? Do you recall
14	including the dates and scope of	14	using the Flash Player when you joined the
15	said use, by the Regents of the 4:31:44PM	15	University system? 4:33:46PM
16	technologies alleged to be	16	A I don't specifically recall I mean, if
17	infringing at any time in this	17	there were PDF documents at that time, I'm sure we
18	litigation, as well as the Regents'	18	used them, but I don't remember
19	relationship with each of the	19	O So if the PDF documents were available
20	Defendants in this lawsuit." 4:31:52PM	20	back then, you believe you would have been using 4:34:03P
21	Do you see that?	21	them?
22	A Yes.	22	MS KLEIN: Objection; form
23	Q Do you know when the Regents first became	23	THE WITNESS: If the Reader was available
24		24	and if the PDF documents were available and if that
25	aware of the Adobe technology that's being accused of infringement in this case? 4:32:08PM	25	was the only way to read the PDF documents, yes 4:34:11PM
23	of infringement in this case? 4:32:08PM Page 342	23	Page 344
1	MS. KLEIN: I'm going to object to the 4:32:11PM	1	But I don't remember 4:34:13PM
1 2	5 5 3	2	BY MR FLOREY:
3	form of this question as being outside the scope of	3	
	the 30(b)(6) to which this witness has been	4	Q But you agree with me, Dr. Rajdev, that
4	designated to testify.		the Adobe Acrobat and PDF system has been out on the
5	You may answer in your personal capacity 4:32:17PM	5	market for at least over 10 years? 4:34:24PM
6	if you know.	6	MS KLEIN: Object to the form of the
7	THE WITNESS: First ever?	7	question Object; outside the scope of the
8	BY MR. FLOREY:	8	30(b)(6)
9	Q Yes.	9	You may answer in your personal capacity
10	A No, I have no idea. 4:32:23PM	10	THE WITNESS: I don't know exactly how 4:34:34PM
11	MR. FLOREY: And I would note that it	11	long it's been available, but since I've been in the
12	appears that the Regents have not designated anyone	12	Technology Management, which was since 2002, I've
13	on this topic. We believe, in light of the	13	used them
14	willfulness allegations in the case, that the first	14	BY MR FLOREY:
15	knowledge of a Plaintiff of the infringing 4:32:37PM	15	Q So you have used the Adobe Acrobat product 4:34:42Pl
16	alleged infringing use is clearly relevant, so we	16	since you joined the Technology office in 2002; is
17	would request a witness on this topic.	17	that correct?
18	I am correct that this witness has not	18	MS KLEIN: Object to the form of the
19	been designated; is that right?	19	question
20	MS. KLEIN: That is correct. 4:32:51PM	20	THE WITNESS: Because we usually share PDF 4:34:52PM
21	MR. FLOREY: Okay. So we do request a	21	versions of the agreements
22	witness on this topic. I think it's clearly	22	BY MR FLOREY:
23	relevant.	23	Q So the various agreements that we've been
24	BY MR. FLOREY:	24	looking at here were created and transmitted in the
25	Q And I apologize, I'm sure that you said 4:33:06PM	25	PDF format; is that what you're saying? 4:35:01PM
	Page 343		Page 345

1 A Some of them. 4:35:03PM	1	"The Regents state that those 4:37:59PM
2 Q No one in your office ever suggested that	2	documents are excerpts from a
3 that use was an infringement of the '985 or '906	3	publication maintained in a library
4 patents; is that true?	4	on one of the University of
5 MS. KLEIN: Objection to the form of the 4:35:23PM	5	California system campuses. Should 4:38:07PM
6 question.	6	this response not resolve the
7 THE WITNESS: No. I mean that's true,	7	issue, the Regents designate Sunita
8 yes.	8	Rajdev to testify in response to
9 BY MR. FLOREY:	9	this topic."
10 Q Thank you. 4:35:26PM	10	So I guess, Counsel, I'd just ask: Are 4:38:16PM
11 I'm going to hand you what's been marked	11	the Regents willing to stipulate that these
12 as Exhibit 18, Dr. Rajdev.	12	documents are authentic and that the dates printed
MR. FLOREY: And to make everybody's life	13	on them are authentic and accurate dates?
easier, I put some little flags on the document.	14	MS. KLEIN: Yes, we are.
15 (Defendants' Exhibit 18 marked 4:35:46PM	15	MR. FLOREY: Okay. 4:38:30PM
16 for identification.)	16	BY MR. FLOREY:
17 BY MR. FLOREY:	17	Q Ms. Rajdev, to the best of your knowledge,
Q This is a notice a deposition notice	18	the documents were maintained in a publication
19 served by Adobe. I believe it's identical to	19	library on the University one of the University
Exhibit 1 except it added one topic, Topic 14. And 4:35:56PM	1 20	campuses? 4:38:41PM
21 I'd ask you to turn to Topic 14 with me, which is on	21	MS. KLEIN: And to be clear, I believe
22 page 6.	22	it's Exhibits E and F.
23 Are you there?	23	MR. FLOREY: Okay.
24 A I am.	24	BY MR. FLOREY:
25 Q Okay. 4:36:20PM	25	Q You would agree that Exhibits E and F are 4:38:47
Page 346		Page 348
1 And the topic is: 4:36:21PM	1	excerpts from a publication maintained in a library 4:38:50
2 "The authenticity of documents	2	on one of the University of California system
and copies of the same attached	3	campuses?
hereto as Exhibits D, E, and F."	4	A It appears to be
5 Do you see that? 4:36:31PM	5	Q Okay. 4:38:58PM
6 A Yes.	6	Ms. Rajdev, do you recall that Ms. Doan
7 Q And I will	7	
8 I will represent to you that the little		asked you a couple of questions about the one-page
- Marie Specialist of your annual services	8	agreement between Eolas and the Regents that
9 blue flags I've put there for your convenience are	9	agreement between Eolas and the Regents that referenced the injunction issue?
9 blue flags I've put there for your convenience are 10 tagged on to Exhibits D, E, and F, and I would ask 4:36:39PM	9 1 10	agreement between Eolas and the Regents that referenced the injunction issue? A Yes 4:39:54PM
blue flags I've put there for your convenience are tagged on to Exhibits D, E, and F, and I would ask you to take a minute and look at those documents.	9 1 10 11	agreement between Eolas and the Regents that referenced the injunction issue? A Yes 4:39:54PM Q And am I correct that
blue flags I've put there for your convenience are tagged on to Exhibits D, E, and F, and I would ask you to take a minute and look at those documents. MS. KLEIN: Counsel, did our response not	9 1 10 11 12	agreement between Eolas and the Regents that referenced the injunction issue? A Yes 4:39:54PM Q And am I correct that She asked you some questions about her
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blue flags I've put there for your convenience are tagged on to Exhibits D, E, and F, and I would ask you to take a minute and look at those documents. MS. KLEIN: Counsel, did our response not resolve your issues with respect to this? MR. FLOREY: I think it most likely did, but I just want to make sure that there is no disagreement from the witness. MS. KLEIN: I don't think that's the one he was intending you to look at. MR. FLOREY: This. THE WITNESS: This is marked D. 4:37:14PM MR. FLOREY: Yeah. It's D, E, and F.	9 1 10 11 12 13 14 15 16 17 18 19 20 21	agreement between Eolas and the Regents that referenced the injunction issue? A Yes 4:39:54PM Q And am I correct that She asked you some questions about her clients, Yahoo and Amazon. Do you recall that? A Yes 4:40:04PM Q So I'm going to ask you the same question for Adobe. Is it the case Am I right that the Regents put in that agreement the fact that they may not join an injunction because they didn't want to publicly go
blue flags I've put there for your convenience are tagged on to Exhibits D, E, and F, and I would ask you to take a minute and look at those documents. MS. KLEIN: Counsel, did our response not resolve your issues with respect to this? MR. FLOREY: I think it most likely did, but I just want to make sure that there is no disagreement from the witness. MS. KLEIN: I don't think that's the one he was intending you to look at. MR. FLOREY: This. THE WITNESS: This is marked D. MR. FLOREY: Yeah. It's D, E, and F. THE WITNESS: Seems to be a customer	9 1 10 11 12 13 14 15 16 17 18 19 20 21 22	agreement between Eolas and the Regents that referenced the injunction issue? A Yes 4:39:54PM Q And am I correct that She asked you some questions about her clients, Yahoo and Amazon. Do you recall that? A Yes 4:40:04PM Q So I'm going to ask you the same question for Adobe. Is it the case Am I right that the Regents put in that agreement the fact that they may not join an injunction because they didn't want to publicly go on the record for trying to stop Adobe from
blue flags I've put there for your convenience are tagged on to Exhibits D, E, and F, and I would ask you to take a minute and look at those documents. MS. KLEIN: Counsel, did our response not resolve your issues with respect to this? MR. FLOREY: I think it most likely did, but I just want to make sure that there is no disagreement from the witness. MS. KLEIN: I don't think that's the one he was intending you to look at. MR. FLOREY: This. THE WITNESS: This is marked D. MR. FLOREY: Yeah. It's D, E, and F. THE WITNESS: Seems to be a customer agreement. These are photocopies of some articles.	9 1 10 11 12 13 14 15 16 17 18 19 20 21 22 23	agreement between Eolas and the Regents that referenced the injunction issue? A Yes 4:39:54PM Q And am I correct that She asked you some questions about her clients, Yahoo and Amazon. Do you recall that? A Yes 4:40:04PM Q So I'm going to ask you the same question for Adobe. Is it the case Am I right that the Regents put in that agreement the fact that they may not join an injunction because they didn't want to publicly go on the record for trying to stop Adobe from operating its websites and distributing its

1	question. 4:40:34PM	1	Q And had there been any such 4:47:03PM
2	And I'll counsel you that to the extent	2	communications, would you expect them to have been
3	your understanding as to why something was put in	3	in your file?
4	the agreement came from counsel, I'll instruct you	4	A Yes.
5	not to answer. 4:40:41PM	5	Q Okay. 4:47:09PM
6	THE WITNESS: That's what the agreement	6	With respect to your the licensing
7	says.	7	materials you reviewed, you testified earlier today
8	BY MR. FLOREY:	8	about UC's licensing efforts prior to granting
9	Q And so	9	exclusive license to Eolas.
10	MR. FLOREY: Thank you for your time. I 4:40:59P	M 10	Do you recall that testimony? 4:47:26PM
11	have no further questions.	11	A Yes.
12	THE WITNESS: Thank you.	12	Q And you testified about marketing efforts
13	MS. KLEIN: I probably have a few	13	to members I'm sorry, marketing efforts to
14	questions if you want to take a five-minute break.	14	companies that you believed let me strike the
15	MR. FLOREY: Sure. 4:41:06PM	15	whole question. 4:47:37PM
16	THE VIDEOGRAPHER: Off the record at 4:41.	16	You testified earlier today about the
17	(Recess taken.)	17	University's marketing efforts to companies that it
18	THE VIDEOGRAPHER: On the record at	18	had identified as potentially being interested in
19	4:45 p.m.	19	the technology.
20	EXAMINATION 4:45:57PM	20	A Yes. 4:47:48PM
21	BY MS. KLEIN:	21	Q Would you categorize those efforts as the
22	Q Good afternoon, Dr. Rajdev. I just have a	22	University's efforts to educate the Web community
23	few follow-up questions for you.	23	about the technology that's at issue in this case?
24	Are you an expert in damages?	24	MS. DOAN: Objection; form, leading.
25	A No. 4:46:09PM	25	THE WITNESS: Yes, that would be one way 4:48:00
	Page 350		Page 352
1	Q Do you have any expertise in valuing 4:46:10PM	1	of how Web community would learn about the 4:48:01P
2	Internet technology?	2	technology.
3	A No	3	BY MS. KLEIN:
4	Q You heard Ms. Doan ask you a variety of	4	Q Let me reask my question, given that I
5	questions about a gentleman named Pei Wei today. 4:46:21P		want a clean record. 4:48:13PM
6	Do you recall that?	6	How would you categorize the University's
7	A Yes	7	efforts with respect to the Web community with its
8	Q Do you recall her asking questions about	8	marketing efforts on the technology?
9	when the University administration first became	9	MS. DOAN: Objection; form.
10	aware of Mr. Wei's claims about his Viola browser? 4:46:29P		You can answer. 4:48:23PM
11	Do you recall that?	11	
	A Yes		THE WITNESS: That's one way of letting
12		12	people know that we have this technology, so
13	Q To prepare for your deposition today, you	13	that's if they want more information, they can
14	testified that you reviewed the entire case file; is	14	then contact the University and learn more about it
15	that correct? 4:46:39PM	15	and know what the technology is all about. 4:48:33PM
16	A All the relevant portions, yes	16	BY MS. KLEIN:
17	Q And did you review portions related to	17	Q When do you believe that the Web community
18	Viola and Mr. Wei?	18	first learned about the '906 patent?
19	A Yes	19	MS. DOAN: Objection; form.
20	Q And did you see any communications 4:46:49PM	20	THE WITNESS: I believe at the time, it 4:48:46PM
21	whatsoever from Mr. Wei to the University	21	was marketed by the University.
22	administration claiming that he had invented what	22	BY MS. KLEIN:
23	Dr. Doyle and his team now claim to be the '906	23	Q And why do you believe that?
24	technology?	24	A Because I don't know of any events before
25	A I did not 4:47:03PM	25	that, and I know that subsequently after that, 4:48:55PM
	Page 351	1	Page 353

	Dr. Doyle did some demonstration at some 4:48:57Pl		this lawsuit, do you? 4:50:53PM
	conferences, et cetera, but that there were a couple	2	A I have some in my records, but not all of
	of companies that signed the confidentiality	3	them.
	agreement and that's how they learned more details	4	Q For example, have you read Yahoo's answer
5	about the technology. 4:49:10PM	5	that it filed in this lawsuit and the counterclaim 4:50:59PM
6	Q How many active cases do you have in your	6	against the University of California?
	caseload today?	7	A I have not read it. My counsel might
8	A Close to 300.	8	have; I have not.
9	Q And how many technologies does that	9	Q So when you say the entire case file,
10	encompass? 4:49:19PM	10	you're talking about the case file that you 4:51:10PM
11	A More than 300.	11	specifically described to me with respect to the
12	Q Do you sit around in your daily life	12	licenses, the communications about the licenses, the
13	wondering if the things that you use infringe upon	13	sublicenses, et cetera, correct?
14	any patents covered by those technologies?	14	A Yes.
15	A I don't have time or resources to do that. 4:49:34PM	15	Q Not the case file as in the lawsuit case 4:51:19PM
16	That's what we rely on licensees.	16	file; am I right?
17	Q And was this current lawsuit pending	17	A Yes.
18	against the Defendants that remain in this lawsuit	18	Q Okay.
19	in 2008?	19	With respect to the e-mails that you
20	A No. 4:49:50PM	20	talked about from with between Pei Wei and 4:51:29P
21	MS. KLEIN: Those are all the questions I	21	Michael Doyle
2.2	have.	22	A Yes.
23	MS. DOAN: I have a few follow-ups.	23	Q I think we covered those for that time
24	///	24	period.
25	/// 4:49:57PM	25	Is there any other e-mails that you have 4:51:37PM
	Page 354		Page 356
1	FURTHER EXAMINATION 4:49:57PM	[1	reviewed or correspondence or documents from Pei 4:51:40P
2	BY MS. DOAN:	2	Wei?
3	Q Dr. Rajdev, I just have a few follow-up	3	A No
4	questions.	4	Q Have you ever gone on
5	You were talking with Ms. Klein about 4:50:21Pl	M 5	Has the University of California ever gone 4:51:47PM
6	reviewing the entire case file.	6	online to look to see what the Viola browser is
7	Is the case file what you talked to me	7	about and to view the demonstrations of the Viola
8	about earlier?	8	browser?
9	A Those are the case files.	9	MS KLEIN: Object to the form of the
10	Q Okay. 4:50:30PM	10	question 4:51:56PM
11	You haven't reviewed like the case file	11	THE WITNESS: I have not
	from this lawsuit?	12	BY MS DOAN:
13	A Where the Defendants provided the	13	Q The e-mails that you did review from Pei
	materials?	14	Wei, did you notice that he was a student at the
14	materials:		, ,
		M 15	University of California when he was sending those 4:52:04PM
15	Q Yes, with respect to all the pleadings and 4:50:37P	M 15	·
15 16	Q Yes, with respect to all the pleadings and 4:50:37P all the documents that we've produced and all the	16	e-mails?
15 16 17	Q Yes, with respect to all the pleadings and 4:50:37P all the documents that we've produced and all the prior art, et cetera.	16 17	e-mails? A I don't know if at the bottom it said
15 16 17 18	Q Yes, with respect to all the pleadings and 4:50:37P all the documents that we've produced and all the prior art, et cetera. A No.	16 17 18	e-mails? A I don't know if at the bottom it said "Student" I don't recall
15 16 17 18 19	Q Yes, with respect to all the pleadings and 4:50:37P all the documents that we've produced and all the prior art, et cetera. A No. Q Okay.	16 17 18 19	e-mails? A I don't know if at the bottom it said "Student" I don't recall Q Do you recall that his e-mail address
15 16 17 18 19 20	Q Yes, with respect to all the pleadings and 4:50:37P all the documents that we've produced and all the prior art, et cetera. A No. Q Okay. So you only have like a banker's box full 4:50:43PM	16 17 18 19 [20	e-mails? A I don't know if at the bottom it said "Student" I don't recall Q Do you recall that his e-mail address comes from an XCF UC Berkeley address? 4:52:16PM
15 16 17 18 19 20 21	Q Yes, with respect to all the pleadings and 4:50:37P all the documents that we've produced and all the prior art, et cetera. A No. Q Okay. So you only have like a banker's box full 4:50:43PN plus what's on your electronic file, right?	16 17 18 19 I 20 21	e-mails? A I don't know if at the bottom it said "Student " I don't recall Q Do you recall that his e-mail address comes from an XCF UC Berkeley address? 4:52:16PM A The Berkeley address, you can maintain
15 16 17 18 19 20 21	Q Yes, with respect to all the pleadings and 4:50:37P all the documents that we've produced and all the prior art, et cetera. A No. Q Okay. So you only have like a banker's box full 4:50:43PN plus what's on your electronic file, right? A Yes.	16 17 18 19 1 20 21 22	e-mails? A I don't know if at the bottom it said "Student " I don't recall Q Do you recall that his e-mail address comes from an XCF UC Berkeley address? A The Berkeley address, you can maintain those addresses even after you have left the
15 16 17 18 19 20 21 22 23	Q Yes, with respect to all the pleadings and 4:50:37P. all the documents that we've produced and all the prior art, et cetera. A No. Q Okay. So you only have like a banker's box full 4:50:43PM plus what's on your electronic file, right? A Yes. Q Okay.	16 17 18 19 I 20 21 22 23	e-mails? A I don't know if at the bottom it said "Student " I don't recall Q Do you recall that his e-mail address comes from an XCF UC Berkeley address? A The Berkeley address, you can maintain those addresses even after you have left the University 4:52:16PM
15 16 17 18 19 20 21	Q Yes, with respect to all the pleadings and 4:50:37P all the documents that we've produced and all the prior art, et cetera. A No. Q Okay. So you only have like a banker's box full 4:50:43PN plus what's on your electronic file, right? A Yes.	16 17 18 19 1 20 21 22	e-mails? A I don't know if at the bottom it said "Student " I don't recall Q Do you recall that his e-mail address comes from an XCF UC Berkeley address? A The Berkeley address, you can maintain those addresses even after you have left the

	1	
1 California ever reached out to Pei Wei to do some 4:52:26P	M 1	Q What you do know is that the University of 4:53:56Pl
2 type of analysis as to whether, indeed, the Viola	2	California has never reached out to Pei Wei,
3 browser predates the claimed invention of the '906	3	correct?
4 patent?	4	MS. KLEIN: Objection; form.
5 MS. KLEIN: Object to the form of the 4:52:37PM	5	THE WITNESS: That's right, not that I 4:54:00PM
6 question.	6	know of.
7 THE WITNESS: No, but the analysis was	7	BY MS. DOAN:
8 done by the patent office.	8	Q We were talking about the companies that
9 BY MS. DOAN:	9	signed a confidentiality agreement. I just want to
10 Q I understand that. 4:52:41PM	10	make sure we're talking apples to apples, okay? 4:54:10P
One of the topics that you're talking	11	We're talking about Motorola, Farallon,
about here today or you're designated on is the	12	and the venture capitalist group, and you gave me
analysis that the Regents of California have done.	13	the name of it.
14 That's why I'm asking you this, okay?	14	A Vanguard.
15 A I don't know. 4:52:49PM	15	Q Yes, Vanguard. 4:54:20PM
16 Q Okay.	16	A So those were the companies that actually
So let me ask my question again: Has	17	had more discussions and wanted to learn more about
anybody from the University of California ever	18	the technology, but there could have been more
reached out to Pei Wei to do some type of analysis	19	companies that signed the confidentiality agreement
as to whether, indeed, the Viola browser dates the 4:52:57P	M 20	but then after they reviewed the information, they 4:54:28PM
claimed invention of the '906 patent?	21	never got back.
22 A Not that I know of.	22	Q Do you know of any other companies that
23 MS. KLEIN: Objection.	23	signed any type of confidentiality agreement with
24 BY MS. DOAN:	24	the University of California over the claimed
25 Q Has anybody from the University of 4:53:04PM	25	invention that became the '906 patent? 4:54:38PM
Page 358		Page 360
1 California ever conducted any type of analysis or 4:53:06P	M 1	A I don't have a list right now. 4:54:41PM
2 examination about the Viola browser where they have	2	Q Do you know if any other companies even
3 reached out to Pei Wei?	3	exist?
4 MS. KLEIN: Objection; form.	4	A I don't know.
5 THE WITNESS: No. 4:53:17PM	5	Q Is there anything that Ms. Klein asked you 4:54:48P.
6 BY MS. DOAN:	6	about that would in any way make you want to give
7 Q Indeed, hasn't the University of	7	the testimony that you gave to this jury under oath
8 California consistently taken the position against	8	earlier today?
9 its former student, Pei Wei, that the University of	9	MS. KLEIN: Objection to form.
·	10	BY MS. DOAN: 4:55:01PM
The state of the s		
invention and he did not invent it first? Is that	11	Q You can answer.
not the position the University of California took	12	A No.
in the Microsoft lawsuit?	13	MS. DOAN: Thank you, ma'am.
MS. KLEIN: Objection; form.	14	Pass the witness.
THE WITNESS: He never contacted the 4:53:39PM	15	MS. KLEIN: One question. 4:55:05PM
16 University.	16	MS. DOAN: Sure.
3	17	FURTHER EXAMINATION
17 BY MS. DOAN:		BY MS. KLEIN:
17 BY MS. DOAN: 18 Q I understand that.	18	
 BY MS. DOAN: Q I understand that. Is that the position the University of 	19	Q Dr. Rajdev, Ms. Doan just asked you
17 BY MS. DOAN: 18 Q I understand that. 19 Is that the position the University of 20 California took in the Microsoft lawsuit directly 4:53:44PM	19 1 20	Q Dr. Rajdev, Ms. Doan just asked you
 BY MS. DOAN: Q I understand that. Is that the position the University of 	19 1 20 21	Q Dr. Rajdev, Ms. Doan just asked you
17 BY MS. DOAN: 18 Q I understand that. 19 Is that the position the University of 20 California took in the Microsoft lawsuit directly 4:53:44PM	19 1 20	Q Dr. Rajdev, Ms. Doan just asked you questions about the analysis conducted by the 4:55:15P
BY MS. DOAN: Q I understand that. Is that the position the University of California took in the Microsoft lawsuit directly 4:53:44PM against what Pei Wei was claiming?	19 1 20 21	Q Dr. Rajdev, Ms. Doan just asked you questions about the analysis conducted by the University with respect to Mr. Wei.
BY MS. DOAN: Q I understand that. Is that the position the University of California took in the Microsoft lawsuit directly against what Pei Wei was claiming? A I don't know.	19 1 20 21 22	Q Dr. Rajdev, Ms. Doan just asked you questions about the analysis conducted by the University with respect to Mr. Wei. With respect to those questions, were you
BY MS. DOAN: Q I understand that. Is that the position the University of California took in the Microsoft lawsuit directly against what Pei Wei was claiming? A I don't know. Q You don't know any position the University	19 1 20 21 22 23	Q Dr. Rajdev, Ms. Doan just asked you questions about the analysis conducted by the University with respect to Mr. Wei. With respect to those questions, were you considering the University's outside patent counsel

1	University administrators. 4:55:37PM	1	STATE OF CALIFORNIA)
2	Q And do you know what the University's) :ss
3	outside patent counsel, Mr. Krueger, did with	2	COUNTY OF SAN FRANCISCO)
4	respect to Mr. Wei's claims?	3	
5	A I do not know. 4:55:43PM	4	I, KELLI COMBS, CSR NO. 7705, a Certified Shorthan
6	Q So we'd have to ask him?	5	Reporter of the State of California, do hereby certify:
7	A Yes.	6	That the foregoing proceedings were taken before me
8	FURTHER EXAMINATION	7	at the time and place herein set forth; that any
9	BY MS. DOAN:	8	witnesses in the foregoing proceedings, prior to
10	Q And just to follow up on that, Dr. Rajdev, 4:55:48PM	9	testifying, were placed under oath; that the verbatim
11	you know that you were designated here today to talk	10	record of the proceedings was made by me using machine
12	about any analysis that the Regents have the	11	shorthand which was thereafter transcribed under my
13	Regents of the University of California have done	12	direction; further, that the foregoing is an accurate
	·	13	transcription thereof.
14	with respect to the Viola browser and whether it was	14	I further certify that I am neither financially
15	invented before the claimed invention of the '906 4:56:03P	M 15	interested in the action nor a relative or employee of
16	patent?	16	any attorney of any of the parties.
17	MS. KLEIN: Objection; form.	17	IN WITNESS WHEREOF, I have this date subscribed m
18	THE WITNESS: That was the topic, yes.	18	name.
19	BY MS. DOAN:	19	
20	Q And you have given your truthful 4:56:08PM	20	Dated: 1/16/12
21	statements under oath on behalf of the University of	21	
22	California; is that correct?	22	
23	A Yes.	23	
24	MS. DOAN: Okay. Thank you.	24	KELLI COMBS, CSR NO. 7705
25	Anybody else? Thank you. 4:56:18PM	25	,
	Page 362		Page 364
1	THE VIDEOGRAPHER: This is the end of Disk 4:56:201	PM 1	INDEX
2	3 of Sunita Rajdev, Ph D. Off the record at 4:56.	2	JANUARY 13, 2012
3	* '	3	JANOART 13, 2012
	(Time noted: 4:56 p.m.)	4	SUNITA RAJDEV
4		5	EXAMINATION PAGE
5		6	
6		7	(BY MS. DOAN) 6, 355, 362
7		8	(BY MS. ROBINSON) 296
8		9	(BY MR. FLOREY) 329
9		10	(BY MS. KLEIN) 350, 361
10		11	
11		12	
12		13	OLIECTIONS NOT ANSWERED BAGE LINE
13		14	QUESTIONS NOT ANSWERED: PAGE LINE
14		15	9 5 271 25
15		16	271 25 276 5
16		10	294 3
17		17	294 17
18			295 3
19		18	-
20		19	
21		20	
		21	TESTIMONY DESIGNATED ATTORNEYS' EYES ONI
22		22	PAGES
23		23	104
24		24	
25		25	
	Page 363		Page 365

1 INDEX 2 EXHIBITS FOR IDENTIFICATION 3 DEFENDANTS' PAGE 4 Exhibit 1 Defendants' Notice of 58 5 Subpoena to the Regents of the University of California 6 California 7 Exhibit 2 Adobe Systems' Supplemental 68 8 Regents of University of California 8 Regents of University of California 9 Exhibit 3 Original license agreement 219 10 between the Regents of the University of California 11 and Eolas, bearing Bates 11 bearing Bates Number 12 INDEX 2 EXHIBITS FOR IDENTIFICATION 3 DEFENDANTS' PAGE 4 Exhibit 10 Supplemental Agreement 234 Regarding Entry of the Regents of the University of California 10 Versus Adobe System, Inc, et al, bearing Bates Number 10 Laviersity of California 10 UCAL-EOLAS-1000000562 11 bearing Bates Number 12 bearing Bates Number 13 INDEX 2 EXHIBITS FOR IDENTIFICATION 2 EXHIBITS FOR IDENTIFICATION 3 DEFENDANTS' PAGE 4 Exhibit 10 Supplemental Agreement 234 Regarding Entry of the Regents of the University of California 10 UCAL-EOLAS-1000000562 11 bearing Bates Number 12 EXHIBITS FOR IDENTIFICATION 2 EXHIBITS FOR IDENTIFICATION 3 DEFENDANTS' PAGE 4 Exhibit 10 Supplemental Agreement 234 Regarding Entry of the Exhibit 10 Supplemental Agreement 234 Regarding Entry of the Exhibit 10 Supplemental Agreement 234 Regarding Entry of the Exhibit 10 Supplemental Agreement 234 Regarding Entry of the Exhibit 10 Supplemental Agreement 234 Regarding Entry of the Exhibit 10 Supplemental Agreement 234 Regarding Entry of the Exhibit 10 Supplemental Agreement 234 Regarding Entry of the Exhibit 10 Supplemental Agreement 234 Regarding Entry of the Exhibit 10 Supplemental Agreement 234 Regarding Entry of the Exhibit 10 Supplemental Agreement 234 Regarding Entry of the Exhibit 10 Supplemental Agreement 234 Regarding Entry of the Exhibit 10 Supplemental Agreement 234 Regarding Entry of the Exhibit 10 Supplemental Agreement 234 Regarding Entry of the Exhibit 10 Supplemental Agreement 234 Regarding Entry of the Exhibit 10 Supplemental Agreement 234 Regarding Entry of the Exhibit 10 Supplemental Agreement 234 Regarding Entry of		
2 EXHIBITS FOR IDENTIFICATION 3 DEFENDANTS' PAGE 4 Exhibit 1 Defendants' Notice of 58 5 Subpoena to the Regents of the University of California 6 California 7 Exhibit 2 Adobe Systems' Supplemental 68 8 Regents of University of California 8 Regents of University of California 9 Exhibit 3 Original license agreement 219 10 between the Regents of the University of California 11 and False between the Regents of the University of California 11 and False between the Regents of the University of California 2 EXHIBITS FOR IDENTIFICATION 3 DEFENDANTS' PAGE 4 Exhibit 10 Supplemental Agreement 234 Regarding Entry of the Exhibit 10 Supplemental Agreement 234 Regarding Entry of the University of California 10 California 10 California 10 California 10 California 11 California 12 California 12 California 12 California 13 California 14 California 14 California 15 California 15 California 16 California 17 California 17 California 17 California 17 California 18 California 18 California 18 California 18 California 19 California		
3 DEFENDANTS' PAGE 4 Exhibit 1 Defendants' Notice of 58 5 Subpoena to the Regents of the University of California 6 California 7 Exhibit 2 Adobe Systems' Supplemental 68 8 Regents of University of California 8 Regents of University of California 9 Exhibit 3 Original license agreement 219 10 between the Regents of the University of California 11 and Ealer bearing Page 3 DEFENDANTS' PAGE 4 Exhibit 10 Supplemental 234 Regarding Entry of the Supplemental 234 Regarding Entry of the University of California Into Lawsuit 6 Eolas Technologies, Inc versus Adobe System, Inc , et al , bearing Bates Number 10 VIOLAL-EOLAS-1000000562 9 Exhibit 1 Document entitled "UC's 249 Inventions grossing more than \$5 million in income over their lifetime,"		
4 Exhibit 1 Defendants' Notice of 58 5 Subpoena to the Regents of the University of the University of the University of California 6 California 7 Exhibit 2 Adobe Systems' Supplemental 68 8 Regents of University of California 8 Regents of University of California 9 Exhibit 3 Original license agreement 219 10 between the Regents of the University of California 11 and Ealer bearing Pates 1234 14 Exhibit 10 Supplemental Agreement 234 15 Regarding Entry of the Regents of the University of California 16 Exhibit 10 Supplemental Agreement 234 18 Regarding Entry of the Regents of the University of California 19 Exhibit 10 Supplemental Agreement 234 18 Regarding Entry of the Regents of the University of California 234 234 234 234 234 234 234 234 234 234		
Exhibit 1 Defendants' Notice of 58 Subpoena to the Regents of the University of California California Exhibit 2 Adobe Systems' Supplemental 68 Notice of Deposition to the Regents of University of California Exhibit 3 Original license agreement 219 Exhibit 3 Original license agreement 219 Exhibit 3 Original license agreement 219 Determine the Regents of the University of California Exhibit 3 Original license agreement 219 Exhibit 3 Original license agreement 219 Determine the Regents of the University of California Exhibit 3 Original license agreement 219 Determine the Regents of the University of California Determine the Regents of the University of California Determine the Regents of the University of California over their lifetime,"		
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Numbers EOLASTX-0000185746 UCAL-FOLAS-10000010 (cut		
12 through -/91 12 off)		
13 Exhibit 4 Amendment to the license 222 13 Exhibit 12 Document entitled 262		
agreement bearing Bates "Financial Summary for OTT		
-630 Case 1994-108		
(SF1994-B08)," bearing no		
Exhibit 5 Documents hearing Bates 223 15 Bates number		
16 Numbers E 001676 through		
-/21, DM 000//3 tillough		
17 -/82, RUC 001336 through		
-338, and E 026750 through 18 -755 18 no Bates numbers		
19 Exhibit 6 Document hearing Bates 228 19 Exhibit 14 E-mail with the subject 291		
Numbers E 026750 through "More Hilarity!" (clawed		
20 -755 and EOLASTX-0000185799 20 back document)		
through -803 21 Exhibit 15 Document bearing Bates 304		
21 Numbers GOOGLE_04853364		
22 through -375		
24 25 25 25		
Page 366	Page	368
Lage 300		
1 INDEX 1 INDEX		
2 EVHIDITS FOR IDENTIFICATION	22.1	
3 DEFENDANTS! PAGE 2 EARIBITS FOR IDENTIFICATION		
3 DEFENDANTS' PAGE		
5 Exhibit 7 Amended and Restated 228 4 Exhibit 16 Printout from website 312	2	
Agreement between The Regents of the University NewsCenter.Berkeley.edu		
6 Regents of the University of California and Eolas 5 entitled "Campus Selects		
7 Technologies, Incorporated Google as New E-mail and		
for Embedded Program 6 Calendar Solution." bearing		
8 Objects in Distributed no Bates numbers		
Hypermedia Systems, bearing		
	_	
9 Bates Numbers)	
9 Bates Numbers EOLASTX-0000293345 through Exhibit 17 Printout from website 315)	
9 Bates Numbers EOLASTX-0000293345 through 10 -377 11 Exhibit 8 First Amendment to Amended 231 Exhibit 9 Exhibit 17 Printout from website 315 Technology. Berkeley. edu entitled "Campus Selects"	>	
9 Bates Numbers EOLASTX-0000293345 through 10 -377 11 Exhibit 8 First Amendment to Amended 231 and Restated Agreement Part	>	
9 Bates Numbers EOLASTX-0000293345 through 10 -377 11 Exhibit 8 First Amendment to Amended 231 and Restated Agreement 12 between The Regents of the 13 Exhibit 8 First Amendment to Amended 24 entitled "Campus Selects Google as New E-mail and	•	
9 Bates Numbers FOLASTX-0000293345 through 10 -377 11 Exhibit 8 First Amendment to Amended 231 and Restated Agreement 12 between The Regents of the University of California Bates Numbers Exhibit 17 Printout from website 315 8 Technology. Berkeley. edu entitled "Campus Selects entitled "Campus Selects 9 Google as New E-mail and Calendar Solution," bearing	o	
9 Bates Numbers EOLASTX-0000293345 through 10 -377 11 Exhibit 8 First Amendment to Amended 231 and Restated Agreement 12 between The Regents of the University of California 13 and Eolas Technologies, 14 Exhibit 17 Printout from website 315 Technology.Berkeley.edu entitled "Campus Selects 9 Google as New E-mail and Calendar Solution," bearing no Bates numbers		
9 Bates Numbers EOLASTK-0000293345 through 10 -377 11 Exhibit 8 First Amendment to Amended 231 and Restated Agreement 12 between The Regents of the University of California 13 and Eolas Technologies, Incorporated for Embedded 14 Program Objects in 15 Exhibit 17 Printout from website 315 8 Technology.Berkeley.edu entitled "Campus Selects 9 Google as New E-mail and Calendar Solution," bearing no Bates numbers 10 no Bates numbers 11 Exhibit 18 Adobe's Notice of Subpoena	346	
9 Bates Numbers EOLASTX-0000293345 through 10 -377 11 Exhibit 8 First Amendment to Amended 231 and Restated Agreement between The Regents of the University of California 13 and Eolas Technologies, Incorporated for Embedded 14 Program Objects in Distributed Hypermedia 15 Exhibit 18 Adobe's Notice of Subpoena to the Regents of the 15 Exhibit 18 Adobe's of the 16 Exhibit 18 Exhibit 18 Adobe's notice of Subpoena to the Regents of the		
9 Bates Numbers EOLASTX-0000293345 through 10 -377 11 Exhibit 8 First Amendment to Amended 231 and Restated Agreement between The Regents of the University of California 13 and Eolas Technologies, Incorporated for Embedded Program Objects in Distributed Hypermedia 15 Systems, bearing no Bates PExhibit 17 Printout from website 315 Rechnology, Berkeley, edu entitled "Campus Selects of Google as New E-mail and Calendar Solution," bearing no Bates numbers 10 no Bates numbers 11 Exhibit 18 Adobe's Notice of Subpoena to the Regents of the University of California		
9 Bates Numbers EOLASTX-0000293345 through 10 -377 11 Exhibit 8 First Amendment to Amended 231 and Restated Agreement 2 between The Regents of the University of California 13 and Eolas Technologies, 10 calendar Solution," bearing 11 no Bates numbers 14 Program Objects in Distributed Hypermedia 15 Systems, bearing no Bates numbers 16 Exhibit 17 Printout from website 315 8 Technology. Berkeley.edu entitled "Campus Selects of California entitled "Campus Selects of Calendar Solution," bearing no Bates numbers 10 no Bates numbers 11 Exhibit 18 Adobe's Notice of Subpoena to the Regents of the University of California numbers 12 University of California		
9 Bates Numbers EOLASTX-0000293345 through 10 -377 11 Exhibit 8 First Amendment to Amended 231 and Restated Agreement 12 between The Regents of the University of California 13 and Eolas Technologies, Incorporated for Embedded 14 Program Objects in Distributed Hypermedia 15 Systems, bearing no Bates numbers 16 Exhibit 17 Printout from website 315 8 Technology. Berkeley.edu entitled "Campus Selects Google as New E-mail and Calendar Solution," bearing no Bates numbers 11 Exhibit 18 Adobe's Notice of Subpoena to the Regents of the University of California 13 14		
9 Bates Numbers EOLASTK-0000293345 through 10 -377 11 Exhibit 8 First Amendment to Amended 231 and Restated Agreement 12 between The Regents of the University of California 13 and Eolas Technologies, Incorporated for Embedded 14 Program Objects in Distributed Hypermedia 15 Systems, bearing no Bates numbers 16 Exhibit 17 Printout from website 315 8 Technology. Berkeley. edu entitled "Campus Selects Google as New E-mail and Calendar Solution," bearing no Bates numbers 11 Exhibit 18 Adobe's Notice of Subpoena to the Regents of the University of California 13		
9 Bates Numbers EOLASTK-0000293345 through 10 -377 11 Exhibit 8 First Amendment to Amended 231 and Restated Agreement between The Regents of the University of California 13 and Eolas Technologies, Incorporated for Embedded Program Objects in Distributed Hypermedia Systems, bearing no Bates numbers 15 Systems, bearing no Bates numbers 16 Exhibit 9 Second Amended and Restated 232 17 Agreement between The Regents of the University 16 Exhibit 9 Second Amended and Restated 232 18 Technology. Berkeley.edu entitled "Campus Selects Google as New E-mail and Calendar Solution," bearing no Bates numbers 10 no Bates numbers 11 Exhibit 18 Adobe's Notice of Subpoena to the Regents of the University of California 13 Exhibit 9 Second Amended and Restated 232 14 Technology. Berkeley.edu entitled "Campus Selects of Google as New E-mail and Calendar Solution," bearing no Bates numbers 11 Exhibit 18 Adobe's Notice of Subpoena to the Regents of the University of California 13 Technology. Berkeley.edu entitled "Campus Selects of Google as New E-mail and Calendar Solution," bearing no Bates numbers 14 Program Objects in 12 Exhibit 18 Adobe's Notice of Subpoena to the Regents of the University of California 15 Systems, bearing no Bates 12 University of California 16 ******		
Bates Numbers EOLASTX-0000293345 through 10 -377 11 Exhibit 8 First Amendment to Amended 231 and Restated Agreement between The Regents of the University of California 13 and Eolas Technologies, Incorporated for Embedded 15 Systems, bearing no Bates numbers 15 Systems, bearing no Bates numbers 16 Exhibit 9 Second Amended and Restated 232 17 Agreement between The Regents of the University of California 15 Second Amended and Restated 232 18 Exhibit 9 Second Amended and Restated 232 19 Exhibit 9 Second Amended and Restated 232 10 Exhibit 9 Second Amended and Restated 232 11 Second Amended and Restated 232 12 Second Amended and Restated 232 13 Second Amended and Restated 232 14 Second Amended and Restated 232 15 Second Amended and Restated 232 16 Second Amended and Restated 232 17 Agreement between The Regents of the University 16 Second Amended and Eolas 17		
9 Bates Numbers EOLASTX-0000293345 through 10 -377 11 Exhibit 8 First Amendment to Amended 231 and Restated Agreement between The Regents of the University of California and Eolas Technologies, Incorporated for Embedded 15 Systems, bearing no Bates numbers 16 Exhibit 9 Second Amended and Restated 232 17 Agreement between The Regents of the University of California and Eolas Technologies, Incorporated for Embedded 16 Exhibit 9 Second Amended and Restated 232 18 Exhibit 18 Adobe's Notice of Subpoena 17 Exhibit 19 Second Amended and Restated 232 18 Exhibit 19 Second Amended and Restated 232 19 Exhibit 19		
Bates Numbers FOLASTX-0000293345 through -377 11 Exhibit 8 First Amendment to Amended 231 and Restated Agreement between The Regents of the University of California 13 and Eolas Technologies, Incorporated for Embedded Program Objects in University of California 15 Systems, bearing no Bates numbers 16 Exhibit 9 Second Amended and Restated 232 17 Agreement between The Regents of the University of California and Eolas Technologies, Incorporated for Embedded 15 Systems, bearing no Bates numbers 16 Exhibit 9 Second Amended and Restated 232 17 Agreement between The Regents of the University of California no Exhibit 9 Second Amended and Restated 232 18 of California and Eolas Technologies, Incorporated 17 Technologies, Incorporated 17 Technologies, Incorporated 17 Technologies, Incorporated 18 for Embedded Program		
Bates Numbers FOLASTK-0000293345 through -377 11 Exhibit 8 First Amendment to Amended 231 and Restated Agreement between The Regents of the University of California 13 and Eolas Technologies, Incorporated for Embedded Program Objects in Distributed Hypermedia Systems, bearing no Bates numbers 15 Second Amended and Restated 232 16 Exhibit 9 Second Amended and Restated 232 17 Agreement between The Regents of the University of California and Eolas Technologies, Incorporated for Embedded The Program Objects in Distributed Hypermedia Systems, bearing no Bates numbers 16 Exhibit 9 Second Amended and Restated 232 17 Agreement between The Regents of the University of California Of California The Regents Of the Univer		
Bates Numbers EOLASTK-0000293345 through -377 11 Exhibit 8 First Amendment to Amended 231 and Restated Agreement between The Regents of the University of California 13 and Eolas Technologies, Incorporated for Embedded Program Objects in numbers 15 Systems, bearing no Bates numbers 16 Exhibit 9 Second Amended and Restated 232 17 Agreement between The Regents of the University of California and Eolas Technologies, Incorporated for Embedded 15 Systems, bearing no Bates numbers 16 Exhibit 9 Second Amended and Restated 232 17 Agreement between The Regents of the University 16 Regents of the University 17 Printout from website 315 Exhibit 17 Printout from website 315 Exhibit 17 Printout from website 315 Exhibit 17 Printout from website 315 Exhibit 17 Printout from website 315 Exhibit 17 Printout from website 315 Exhibit 17 Printout from website 315 Exhibit 17 Printout from website 315 Exhibit 17 Printout from website 315 Exhibit 17 Printout from website 315 Exhibit 17 Printout from website 315 Exhibit 17 Printout from website 315 Exhibit 9 Google as New E-mail and Calendar Solution," bearing no Bates numbers 11 Exhibit 17 Printout from website 315 Exhibit 9 Google as New E-mail and Calendar Solution," bearing no Bates numbers 12 University of California to the Regents of the University of California 13		
Bates Numbers EOLASTX-0000293345 through -377 10 -377 11 Exhibit 8 First Amendment to Amended and Restated Agreement between The Regents of the University of California 12 Detection of the University of California 13 and Eolas Technologies, Incorporated for Embedded Program Objects in unmbers 14 Program Objects in Exhibit 9 Second Amended and Restated 232 15 Agreement between The Regents of the University of California and Eolas Technologies, Incorporated for Embedded Incorporated Incorp		
Bates Numbers EOLASTX-0000293345 through -377 11 Exhibit 8 First Amendment to Amended and Restated Agreement between The Regents of the University of California 12 between The Regents of the University of California 13 and Eolas Technologies, Incorporated for Embedded 15 Systems, bearing no Bates numbers 14 Program Objects in Calendar Solution, bearing no Bates numbers 15 Systems, bearing no Bates numbers 16 Exhibit 9 Second Amended and Restated 232 17 Agreement between The Regents of the University of California and Eolas Technologies, Incorporated for Embedded 15 of California no Bates numbers 15 systems, bearing no Bates numbers 15 systems, bearing no Bates numbers 16 leshibit 9 Second Amended and Restated 232 18 of California and Eolas 17 Technologies, Incorporated 17 Technologies, Incorporated 17 Technologies, Incorporated 19 for Embedded Program Objects in Distributed 19 Hypermedia Systems, bearing Bates Numbers 20 Hypermedia Systems, bearing Bates Numbers 20 Bates Numbers 20 Bates Numbers 21 EOLASTX-0000010352 through 22 EDLASTX-0000010352 through 22 EDLASTX-0000010352 through 22 EDLASTX-0000010352 through 22 ENLASTX-0000010352 through 23 Exhibit 17 Printout from website 315 Exhibit 17 Printout dentitled Entitled Entitled "Campus Selects of Coogle as New E-mail and Calendar Solution," bearing and Eolas Technologies, no Bates numbers 10		
Bates Numbers EOLASTX-0000293345 through -377 11 Exhibit 8 First Amendment to Amended 231 and Restated Agreement between The Regents of the University of California and Eolas Technologies, Incorporated for Embedded Program Objects in Distributed Hypermedia Systems, bearing no Bates numbers Exhibit 9 Second Amended and Restated 232 Agreement between The Regents of the University of California and Eolas Technologies, incorporated for Embedded Program Objects in Distributed Hypermedia Systems, bearing Bates Numbers Exhibit 17 Printout from website 315 Technology.Berkeley.edu entitled "Campus Selects Google as New E-mail and Calendar Solution," bearing no Bates numbers Exhibit 18 Adobe's Notice of Subpoena to the Regents of the University of California 13 Exhibit 9 Second Amended and Restated 232 14 Agreement between The Regents of the University 16 17 Agreement between The Regents of the University 17 19 for Embedded Program Objects in Distributed Hypermedia Systems, bearing Bates Numbers 20 Bates Numbers 21 EOLASTX-0000010352 through -380 22 23		
9 Bates Numbers EOLASTX-0000293345 through 377 11 Exhibit 8 First Amendment to Amended 231 and Restated Agreement between The Regents of the University of California and Eolas Technologies, Incorporated for Embedded Program Objects in Distributed Hypermedia Systems, bearing and Eolas Technologies, Incorporated for Embedded 18 Of California 19 Of California 10 Exhibit 9 Second Amended and Restated 232 17 Agreement between The Regents of the University of California and Eolas Technologies, Incorporated for Embedded 19 Exhibit 9 Second Amended and Restated 232 18 Of California and Eolas Technologies, Incorporated for Embedded 19 Exhibit 9 Second Amended and Restated 232 19 Of California and Eolas Technologies, Incorporated 19 Objects in Distributed 19 Hypermedia Systems, bearing Bates Numbers 20 EDLASTX-0000010352 through 22 23 23 24		
Bates Numbers EOLASTX-0000293345 through -377 11 Exhibit 8 First Amendment to Amended 231 and Restated Agreement between The Regents of the University of California and Eolas Technologies, Incorporated for Embedded Program Objects in Distributed Hypermedia Systems, bearing no Bates numbers Exhibit 9 Second Amended and Restated 232 Agreement between The Regents of the University of California and Eolas Technologies, incorporated for Embedded Program Objects in Distributed Hypermedia Systems, bearing Bates Numbers Exhibit 17 Printout from website 315 Technology.Berkeley.edu entitled "Campus Selects Google as New E-mail and Calendar Solution," bearing no Bates numbers Exhibit 18 Adobe's Notice of Subpoena to the Regents of the University of California 13 Exhibit 9 Second Amended and Restated 232 14 Agreement between The Regents of the University 16 17 Agreement between The Regents of the University 17 19 for Embedded Program Objects in Distributed Hypermedia Systems, bearing Bates Numbers 20 Bates Numbers 21 EOLASTX-0000010352 through -380 22 23		

abandoned (1) 123:1 ability (2) 87:19 21 able (9) 127:19 129:19 151:14 18 151:22 175:20 176:3 183:15 194.8 absolutely (6) 69:11 114 21 140:20 161:21 169:4 292:5 access (1) 146:17 account (7) 303:12 13 14 19 321:20 324:14 327:4 accurate (9) 7:22 98 24 100:15 231:19 253:18 307:14 15 348:13 364:12 accused (1) 342:24 accusing (1) 331:17 acknowledge (2) 76:24 78:8 acknowledgement (37) 45:19 22 46:5 8 22 47:5 48:11 20 24 49:4 49:10 20 50 2 51:12 52:8 15 53:4 16 20 54:16 21 55:2 56 5 9 56:23 57 3 136:18 138:14 146:17 147:21 148:9 23 152 8 153:2 17 160:23 161:12 acrobat (7) 337:16 18 338:4 19 344:8 345:4 15 action (4) 117:11 335:7 24 364:15 actions (1) 325:1 active (2) 199:3 354:6 actively (1) 44:22 actual (3) 181 23 195 6 341:2 add (1) 109:2 added (1) 346:20 addition (3) 228:18 269:9 12 additional (5) 147 5 148:14 266:11 11 289:12 address (10) 6 21 61:7 112:18 170:8 9 17 312:12 357:19 20 21 addressed (1) 170:12 addresses (1) 357 22 addressing (1) 164:16 adjusted (3) 264:2 265:10 266 2 administering (1) 242:24 administrating (1) 333:19 administration (4) 194:21 195:14 administrative (1) 39 2 administrators (7) 139:14 173:17 185:20 186:4 8 194:16 362:1 **adobe (43)** 1:9 4:3 6:3 68:6 105:19 108:23 218:24 234:18 245:5 271:1 329:18 330:2 10 13 330:14 15 24 24 331:9 10 16 25 334:8 15 335:25 336:1 10 24 337:14 338:3 10 19 339:11 11 342:24 344:8 345:4 15 346:19 349:17 22 366:7 368:6 adobes (2) 338:24 369:11 advise (5) 136:21 244:5 12 19 advised (2) 60:17 96 25 advisement (1) 74:16 advises (1) 139:2 afternoon (3) 329:14 15 350:22 agents (1) 177:8 ago (10) 10:13 15:9 21 7 35:16 157:5 183:3 229:25 322:4 323 5 327:22 agree (11) 45 25 47:11 56:10 57:5 174:21 279:12 280:23 293:19 341:23 345:3 348 25 agreed (1) 333 7 agreement (91) 45:4 6 48:1 70:9 70:13 17 74 5 8 75:2 5 76:8 12 76:16 23 77 8 9 14 78:12 18 103:2 142:15 19 21 143:2 3 168:1 1 178:1 18 181:17 199:2 199:3 219:25 220 2 22 222:1 22 223:9 10 13 14 224:14 225:21 226:9 227:25 229 7 230:18 231:11 233:4 13 234:16 237 5 241:13 16 17 18 242:1 24 243 2 251:7 20 254:23 280:1 4 288:7 303:24 304:20 20 306:4 307:15 311:8 20 332:21 333:19 22 334:23 347:23 349:8 20 350:4 6 354:4 360:9 19 23 366:9 13 367:5 11 17 368:4

agreements (21) 44 22 129:6 7 167:11 20 168 7 17 169:11 170:1 175:24 179:9 181:16 20 235 20 269:3 20 301:1 8 307:10 345 21 23 agricultural (1) 258:16 ahead (5) 54:17 237:23 260:9 304:17 335:19 airplane (1) 323:9 aiax (1) 88:19 al (4) 1:11 234:19 271:2 368:7 alamos (9) 200:22 25 201:20 212:17 20 23 213:3 8 14 alan (4) 177:13 15 226:14 341:11 alive (1) 19:18 allegations (3) 295:22 336:10 alleged (3) 335:25 342:16 343:16 allegedly (3) 95:17 187:6 15 alliance (3) 35:14 18 37:24 alliances (7) 34:14 19 21 35:2 11 283 7 13 allocated (1) 286:9 allocation (5) 267 22 268:1 281:19 285:16 25 allow (7) 15:13 18 16:20 20 26:17 75:18 276:21 allowed (4) 103:4 137:11 279:20 294.9 allows (5) 15:15 31 5 87:22 172 5 **alternative (2)** 30:13 25 alto (1) 3:17 alumni (1) 305:14 amazon (43) 1:10 4:11 5:22 24 90:5 18 91 8 92:1 25 93:4 5 7 94:1 7 95:14 15 21 96:4 18 105 8 108:8 110:10 114:4 11 165:17 166:14 168:18 170:2 21 170 21 171:1 13 24 182:8 218:17 244:6 276:15 24 25 277 8 295:8 23 349:13 amended (10) 143:9 229:7 231:10 233:3 241:16 243:16 244:1 367:5 11 16 amendment (7) 220:22 222:21 231:10 241:5 242:1 366:13 amendments (7) 178:2 224:10 241:15 24 24 243:15 25 amount (35) 109:14 17 110:14 151 5 7 251:5 19 253:18 18 254 5 14 264:2 15 22 265:8 23 265 24 266:1 9 14 267:1 7 17 267 21 21 25 269:11 280 2 283 21 284:22 285:9 25 286:8 287.5.288:5 amounts (2) 151:12 266:5 analysis (16) 90:13 106:12 108:20 187:19 188:24 189:12 21 21 191:12 358:2 7 13 19 359:1 361 20 362:12 analyze (1) 165 22 anatlab (22) 129 25 130:1 3 6 16 130 21 131:8 10 22 132:11 133 3 25 134:5 9 135 8 136:5 157:1 3 260:14 17 20 261:3 anatlabs (1) 133:18 andreeseen (1) 329 3 andreessen (1) 328:25 ang (4) 78:48 17 155:25 angeles (1) 310:12 announce (1) 316:21 announcement (5) 71:24 72:6 8 73:11 318:12 announcements (1) 72 6 announcing (1) 318:18 annual (4) 127:10 269:2 7 288:6 answer (98) 8:15 9:16 18 12:22 13:8 16 6 21 17:5 26:14 14 17 27:24 39:19 40:19 49:15 50:7 50:24 51:3 4 61:23 24 62 22 63:2 16 64 21 65:7 21 66:11 22 75:19 85:21 87:11 90:10 91:10 93:16 106:4 107:10 20 109:4 115:19 116:21 117:1 124 5 133:9 137:24 144:17 19 159:16 162:17 164:25 170:5 171 20

183 22 200:15 209:17 237:3 13

260:6 8 10 272 5 13 273:11 14 273:22 274:18 276 8 278:10 292:3 13 294 7 20 20 24 25 295:10 13 16 296:23 298:9 11 298:13 16 301:20 302:9 21 327:1 330:22 331:7 338:15 339:3 343:5 345:9 350:5 353:10 356:4 361:11 24 answered (13) 27:22 25 25 28:6 55:15 62:10 19 20 23 63:4 164:4 296:3 365:14 answering (2) 8:17 322 8 answers (3) 16:2 62:11 150:25 anybody (29) 10:21 12:15 13:3 43:4 79:17 82:6 9 83:3 96 3 8 96:14 97:8 14 19 102:2 141 23 157:17 158 3 176:1 177:16 193:20 25 196:24 277 25 337 7 357:25 358:18 25 362 25 anyway (1) 122:11 apart (8) 67:20 117:24 120:17 162:10 239:16 240:16 247:3 13 **apologize (5)** 52 23 91:15 16 321:10 343 25 apparently (2) 281:46 **appear (6)** 226:25 227:3 236:14 257:14 267 25 278 24 appearance (2) 3:1 4:1 appearing (2) 9 5 60:18 appears (21) 158:7 220:12 221 7 223:4 224:1 18 225:3 13 226:13 228:16 256:14 259 6 12 17 265:14 279 3 281:18 285:21 306:8 343:12 349:4 apple (2) 1:10 104:4 apples (4) 119 22 22 360:10 10 applicable (1) 333:9 application (11) 82:4 10 84:16 85:1 86:14 98:4 99:1 15 157:11 157:12 193 23 applications (8) 87:20 23 89:5 6 124:16 300:12 21 23 applied (6) 43:2 81:17 191:14 209:23 25 210:4 applies (1) 122:15 apply (6) 8:5 6 121:15 19 124:9 applying (2) 175 7 11 appreciate (1) 28:12 approach (4) 137:18 138 22 139:16 178:9 approached (7) 105 8 11 15 19 117:13 145:19 325:15 approaching (1) 102:3 appropriate (1) 212:25 approved (1) 2188 approximately (4) 15:9 24:2 26:7 apps (7) 304:19 311:4 5 13 14 313:6 317:10 april (4) 58:18 73:16 80:3 344:4 area (4) 18:7 21:12 30:16 31:4 areas (1) 30 20 argumentative (2) 145:12 282:10 art (16) 173:7 209:11 20 210:3 212:12 238:4 12 17 239 5 10 15 239:25 240:1 4 17 355:17 articles (1) 347 23 aside (8) 117 25 161:8 19 222:11 275:23 295 5 19 325 8 **asked (23)** 27 22 28:6 55:14 56:3 62 24 76:22 85 21 151:5 164:4 168:23 189:11 214:16 229:25 262:6 290:20 293:16 296:1 299:19 333:4 349:7 12 361:5 19 asking (39) 26:9 12 47:9 50 22 75 24 76:1 84:1 2 9 90:12 15 122:2 20 145 7 151:6 8 157:14 165:25 166 20 168 5 7 169:6 13 171:23 188:19 200:17 211:2 216:11 265 20 271:18 19 293:22 306 23 326:10 327:3

138:21 149:22 152:15 22 153:23 160:15 162:3 7 25 163:24 assigned (3) 153:15 263:7 11 assignment (13) 45:14 55:9 12 20 55:21 56:4 6 149:5 13 160 20 160:22 161:9 12 assignments (1) 162:12 assistant (13) 18:14 20:3 5 6 11 20:17 21:10 15 17 23:18 24:1 associate (11) 32:10 11 24 33:1 33:21 23 98 7 158:17 176:11 11 associated (4) 129:1 180:14 259:8 277: associates (2) 32:12 34:6 association (3) 126:58 128 5 assume (4) 8:15 83:25 239:3 336:7 assuming (7) 12:6 14:7 68:16 79:10 80:22 147:18 186:24 attached (6) 59:11 68:17 19 224:2 241 6 347:3 attachment (1) 368:17 attained (1) 44:16 attempt (2) 92:9 24 attempted (1) 92:6 attend (5) 9:1 51:19 128:4 162:21 162:22 attended (3) 13 22 152:6 14 attention (2) 243:4 333:24 attorney (8) 81:23 86:4 123:8 271:16 18 272:4 293:17 364:16 attorneys (9) 103:11 104 7 119:13 119:15 120:1 2 24 121 5 365:21 audible (2) 16:6 16 august (8) 220 3 18 222:25 223:6 224:21 225:14 16 253:8 authentic (4) 227:9 231:19 348:12 348:13 authenticity (3) 227:5 236:17 347:2 authority (1) 307:10 autm (5) 126:5 7 8 127:10 128:11 automatically (1) 161:18 available (12) 29 2 30:17 146 21 148:7 196:13 205 20 314:1 319:22 344:19 23 24 345:11 avenue (1) 3:16 avoid (2) 263:11 13 aware (50) 67 25 92:22 96:13 102:2 118 20 119 6 8 123:18 19 123:24 129:24 132:9 141:2 146:20 147:1 152 5 10 13 18 20 153:1 168:9 173:16 18 175:5 178:7 183 8 185:1 9 188:17 189:6 202 8 209:19 238:16 24 244:9 246 25 248:1 9 10 13 22 298:22 299:2 302:17 303:23 313:13 341:15 342:24 351:10 В 39.18.40.17.48.22.49.13.50.5 50:18 51:15 22 53:25 90:11 91:3 95:25 107:18 108:11 121:23 124:3 20 125 2 134:17 149:2 16 164:5 23 165 7 21

b (126) 1:15 26:10 11 37:5 13 38 3 109:12 110:12 111:14 112 2 22 114:16 115:3 17 116:14 121:10 166:24 167:15 24 168:13 22 170:4 171:18 172:4 16 187:12 190:22 191:8 193:11 203:15 23 205:18 204:15 22 207:7 22 208:25 209:15 210:6 20 213:11 213:18 215:17 218:1 237:1 11 237:22 238:7 239 8 20 240:9 20 247:16 250:23 257:2 11 259:1 273:7 11 21 275:10 18 276:17 277:2 19 281:6 286 24 296:19 297.5 11 17 299.19 300.2 10 301:5 13 19 302:8 20 304:3 305:6 307 6 18 308 3 309:23 311:18 313:10 314:9 16 315 5 328:5 13 331:20 332 2 336:12 337:3 338:14 339 2 13 343:3 345.8

bachelors (1) 13:19 back (18) 15 22 67:10 148:23 159:11 169:17 240:23 269:15 280:13 293:4 14 20 294:9 295:12 310:25 344:8 20 360:21 368 20 backup (1) 292:24 bad (2) 156:2 262 6 **badger (1)** 87 7 badgering (1) 282:10 bag (1) 293:10 **baker (6)** 204:9 15 205:19 206:3 206:19 207:16 balance (1) 284:20 **ballpark (5)** 39:3 109:16 110:16 205:16 287:25 bankers (1) 355:20 bari (1) 79:22 base (1) 8:11 based (6) 167 2 200:17 268:17 276:9 11 324:25 basic (1) 127:1 basically (4) 37:21 138:5 13 basis (3) 9:11 54:8 136:6 bates (37) 47:11 15 220 5 221:2 223:1 24 224:16 225:9 23 226:9 228:18 229:8 232:7 25 234 20 240 25 249:19 20 22 250 2 290 8 304:9 308:14 366:11 13 366:15 19 367:9 15 20 368 7 11 368:15 18 21 369:6 10 bau (1) 33 7 baumjohan (1) 33:8 baumjohann (1) 33:5 **bearing (14)** 366:11 13 15 19 367 8 15 20 368 7 11 14 17 21 369 6 9 587 6 7 bears (3) 221 2 229:8 304:9 beckwith (1) 368:16 beginning (5) 15 22 21:21 125:16 141 7 304:10 **behalf (75)** 2 8 12:17 26:19 41:17 42:22 46:12 49:8 55:3 58:4 59:20 60:14 18 23 61:4 10 15 61:16 62 6 25 64:16 22 65:3 8 65:21 22 66:1 11 68:2 25 70:21 75:7 84 5 121:20 122 3 142:16 143:16 175:20 176:4 193 7 195 23 196:2 4 9 200:1 205:15 214:9 215:9 218:11 220:13 14 221 8 223:5 224:19 225:14 16 226 3 4 14 15 229:11 12 17 248 7 249:3 250 21 21 289:11 305 3 306:15 17 307:3 22 308:8 329:17 362:21 believe (61) 37:14 46 23 47:7 48:4 58 24 61:19 62:20 84:13 105 22 106:7 107:2 13 108:1 7 108:14 23 120 22 142:22 156:19 157:21 163:4 164:14 16 187 20 189:22 204:2 210:14 211:16 214:2 221:3 16 231:15 235 25 249:21 255:14 261:14 261 20 268:19 277:12 303:22 307 2 13 311:19 326:2 13 327:5 328 6 330:19 331:13 333 7

338:9 23 339:19 341:16 343:13 344 20 346:19 348:21 353:17 353 20 23 **believed (7)** 330:15 24 331:10 334 8 15 336:24 352:14

believes (1) 106:1 bench (2) 30:15 18 bennett (4) 177:13 15 226:14

bennetts (2) 341:16 342:2 berkeley (38) 30:22 31:10 13 120:11 22 163 7 16 173:3 4 187 3 193:1 15 200:21 24 201:10 16 207 5 17 20 208 23 209 6 309:2 13 14 15 19 24 25 312:12 15 313 5 314:5 315 24 316 2 357:20 21 369:4 8

berkeleylab (1) 308 20 berkeleys (1) 207:11 bernerslee (2) 186:10 12 best (5) 62:1 63:11 193:12 317:22

328:21 329:17 351 8 358:14

asserting (10) 90:17 25 91:7 19 92:1 296:17 297:3 9 15 331 24

assign (14) 45:25 56:10 17 137:17

asks (1) 188 24

aspect (1) 96:18

aspects (1) 167:4

completely (3) 48:7 114:18

beta (2) 131 58 better (2) 16:25 136:14 beyond (67) 37:5 12 38:2 39:17 40:17 48 22 49:13 50 5 17 51:15 22 53 24 90:8 91:3 95 25 108:11 109:11 110:12 111:14 112:2 22 114:16 115:3 16 116:13 121:10 22 124:3 20 125:2 134:16 149 2 16 164:4 23 165:7 21 166:24 167:15 24 168:12 21 170:3 171:17 172 3 172:15 187:11 190:21 191 8 193:10 203:14 23 205:18 206:14 22 207:7 22 208:25 209:15 210:6 20 213:11 18 215:16 218:1 224:4 250:23 big (3) 34:10 178:23 179:1 bigger (1) 34:13 bill (3) 204:9 206:3 207:15 bina (2) 194:7 9 binder (1) 123 binders (1) 12:3 bioentrepreneurship (4) 36:25 37:1 137 3 138:3 bit (12) 91:15 107:23 112:17 116 3 128:24 25 136:14 157:7 167:19 184:2 206:1 238:11 blank (2) 268 3 4 blanking (1) 2753blue (1) 347:9 blurb (2) 313:21 314:21 board (1) 127:17 book (3) 191:19 23 25 bottom (4) 228:19 283:23 333:1 bought (1) 170:22 box (4) 179:4 6 20 355:20 brain (1) 164:12 brandnew (1) 38:9 break (24) 17:4 7 62:17 18 63:25 64:9 67:11 125:11 20 150:1 9 151:20 23 159:11 219:3 14 19 234:4 245:17 246:1 274:15 296:6 13 350:14 breaking (2) 191:1 316:11 brief (8) 64:9 67:11 125 20 219:14 234:4 241:24 246:1 329:10 bringing (1) 293:10 brought (2) 195:10 295 22 brown (1) 293:10 browser (46) 87:19 21 173:7 184:22 24 185:1 9 16 186:1 20 187:6 10 10 16 22 188 8 15 189:4 14 190:1 16 191:13 20 192:5 193:23 194:13 22 195:16 252:6 255:11 256 3 7 257:9 258:21 259:13 302:11 24 303:2 324:14 351:10 357:6 8 358:3 20 359:2 362:14 browserbased (1) 300:21 bryant (1) 3:6 **bubman (2)** 33 24 25 bullet (1) 317:6 bunch (3) 122 20 220 6 249:23 business (23) 37:10 23 42:5 128:10 135:22 23 140:12 15 23 141:29 14 18 24 142:9 143:4 5 143:8 13 205:3 231 20 236:11 277:8 buying (1) 44:20 С c (10) 73:21 74:1 12 75:16 76:2 77:13 20 24 78:17 79:3 calendar (12) 312:20 313:6 316:7 316:14 317:11 16 318:1 6 6 19 369:69 calif (1) 105:17 california (478) 1:16 2:10 3:17 4 24 5:12 20 6:25 7:1 4 7 11 9:6 12:10 16 18 25 13:13 17:16 19 18:17 19 6 12 16 21:16 22 20 23:19 24 29 23 31:10 13 32:6 34:8 35:4 19 37 20 39:13 14 16 40:1 4 10 15 42 23 44:25 45:16 45:24 46:1 7 48:19 49:9 19 23

50:16 51:11 19 20 53:17 21

54:11 18 55 3 56:12 19 57 5

318:17 369 5 8 campuses (21) 39:25 40:9 11 15 40 20 45:1 5 120:1 18 200:6 8 200:16 19 201:4 255 3 283:3 303:25 311:16 348 5 20 349:3 candace (1) 225:4 candy (1) 341:10 cant (17) 9:12 33:7 54:4 131:15 135:7 156:9 158:22 165:11 170:17 171 6 201:6 213 23 248:1 273:13 279:20 280:22 306:20 capacity (12) 26:10 18 39:20 84 3 131:17 170:5 171:24 302:9 338:15 339 3 343:5 345:9 capital (2) 98:10 12 capitalist (5) 99:12 20 101:1 178:14 360:12 capitalize (1) 147:6 caps (1) 126:8 **captioned (1)** 5:13 card (1) 15:14 care (1) 179:24 career (1) 127:13 careers (2) 30:13 25 carolina (1) 6:23 case (79) 5:13 9:2 48:2 78:25 2:13 20 23 84:13 98:7 105:12 109:10 110:10 112:15 118:23 128:24 129:18 142 3 158:18 161:17 162:17 173:18 175:23 176:9 12 15 18 177:18 24 178:3 178:18 182:15 17 21 186:9 194:17 198 8 200:7 204 25 214:23 215:11 240:12 241:1 262:5 25 263:1 2 8 272:10 21 273:19 275:16 278:1 286:22 291:21 313:17 314 3 315:11 321:14 18 331:18 25 332:10 340:9 341:9 11 342:25 343:14 349:18 351:14 352 23 355:6 7 9 355:11 356:9 10 15 15 368:14 caseload (1) 354:7 cases (10) 54 2 128:25 198:2 259:3 263:12 283:3 286:4 5 6 354.6 catch (1) 323:9 catching (1) 323:12 categories (2) 256:8 23 categorize (2) 352:21 353 6 category (11) 252 5 255:10 11 256:3 12 14 15 17 257:9 258:22 258:23 caution (2) 133:4 271:15 cbe (1) 36:25 cda (1) 100 20 center (11) 2:10 5:12 36:25 37:1 129:21 137 2 138:3 154:12 15 155:6 173:25 **central (12)** 10:19 120:7 24 176:21 23 177:4 8 179:14 263:8 281:21 283:4 286:5 **certain (13)** 10:25 58 7 59:10 64:17 102:18 146:19 166:2 13 236:19 265 23 24 266 2 269:10 certainly (1) 148:8 certificate (3) 126:22 25 127:2 certified (1) 364:4 certify (2) 364 5 14 **cetera (5)** 146:3 255 3 354:2 355:17 356:13 challenged (2) 248:24 249:9 challenging (1) 248:12 chance (1) 281:12 chancellor (1) 41 3 chancellors (1) 368:16 change (7) 57:21 85 21 128:15 128:20 159:17 21 160 7 changed (1) 255:1 changes (1) 217:10 chapel (1) 6 22 charge (2) 139:4 215:14 charitable (2) 203:48 charles (3) 81 22 123:12 24 check (1) 287:18 chemical (1) 258:16

circumstances (1) 1198 citizen (2) 15 6 8 citizens (1) 15:15 citizenship (4) 15:11 13 19 20 claim (3) 165:4 166:21 351 23 claimed (9) 87:17 174:10 190 7 191:3 358 3 21 359:10 360:24 362:15 **claiming (9)** 165:4 18 166:12 172:12 173:6 191 5 202:14 351:22 359:21 claims (42) 87:19 88 5 9 89:16 17 89:22 90:2 4 16 22 24 91:6 18 91:24 105 23 106 2 8 107:3 159:6 164 20 165:19 166:2 167:4 170:15 171:15 172:7 173:12 187:18 259:21 261:11 261:16 19 21 262:9 296:16 297:28 14 300:14 331 23 351:10 362:4 clarification (3) 56:20 151:4 341:24 clarified (3) 159:18 24 160 2 clarify (6) 8:12 150:17 151:14 15 151:18 22 clawed (1) 368:19 clean (1) 353 5 **clear (5)** 75 24 76:3 145 25 229:25 348:21 clearly (2) 343:16 22 client (18) 91:1 8 13 20 25 92:1 25 106:15 107:3 111:12 113:21 114:3 169:14 245:13 270:22 271:12 16 278:1 clientprivileged (1) 272:4 clients (11) 90 5 18 114:11 166:9 169:14 202:18 240:6 271:18 295:7 22 349:13 clinic (1) 21:1 clinical (2) 129:16 17 clinician (2) 19:13 14 **close (2)** 156:18 354 8 **closely (1)** 86:10 coinventors (2) 54 3 10 collaborating (1) 162:16 collaboration (1) 129:2 collaborations (1) 161 24 colleagues (1) 1398 collect (2) 204:1 207:16 collection (1) 235:11 college (1) 13:16 com (7) 1:10 3:9 19 4:9 11 18 19 combination (1) 24:15 combs (4) 2:12 5:9 364:4 24 come (10) 57:4 122:8 162:8 198:1 198:6 276:1 292:22 320:11 12 320:15 comes (10) 9:9 41:14 116 23 25 122:1 266 21 278:9 289:5 294:22 357:20 coming (2) 66:21 25 commencing (1) 2:10 comment (5) 145:12 165:1 8 11 237:18 commercial (1) 41:18 communicated (2) 78 3 79:5 communication (11) 73:23 74 3 74:12 75:16 24 77:19 95:11 20 184:3 5 204 23 communications (19) 76:1 92:18 93:6 98:3 99:13 25 173:20 22 173:24 174:3 185:13 214:25 215:4 7 271:16 19 351 20 352 2 356:12 community (7) 168:3 246 24 317:15 352:22 353:1 7 17 companies (15) 93:3 144:14 167:2 178:10 181:14 330:6 12 352:14 17 354:3 360 8 16 19 22 361:2 company (3) 42:19 115:5 181:22 compare (1) 227:6 compared (1) 198:16 compatible (1) 320:18 complaints (1) 171:8 complete (8) 7 22 17:5 18:12

115 23 completion (1) 127:1 complex (1) 128:25 complicated (1) 33:19 complied (4) 48:2 203 21 204:17 206:10 complying (1) 294:14 computer (8) 164:11 205 2 5 337 25 338:7 21 339:4 17 computers (4) 154:19 162:23 164:1 204:22 computing (3) 163:15 21 193:15 conceived (3) 155:20 156 6 19 concerned (1) 217:4 conclusion (2) 72 20 73:11 conducted (4) 188:14 191:12 359:1 361:20 conducting (3) 52:13 53:3 277 8 confer (2) 62:11 335:17 conference (2) 35:9 43:18 conferences (3) 43:10 13 354 2 confidential (3) 135:2 18 136 6 confidentiality (4) 354 3 360:9 19 360.23 confusion (2) 263:11 14 connection (6) 140 21 143:18 17 144 2 247 consent (3) 76:24 77:13 15 consequence (1) 117:7 consider (1) 185:18 consideration (1) 38:8 **considered (1)** 315:2 considering (1) 361 23 consistently (1) 359:8 consortium (1) 327:19 construed (4) 222:2 228:1 230:19 consult (1) 273:8 consultant (3) 204:1 2 7 consultation (1) 118:22 contact (3) 139:13 147:10 353:14 contacted (13) 76:20 22 79:17 93:5 145:9 189:7 212 25 315:12 330 5 5 10 12 359:15 contacting (1) 96:15 contain (2) 180:4 182:20 contained (1) 199:22 contains (2) 179:8 224 8 contend (1) 187:8 contended (1) 94:23 contending (5) 164:19 299:15 23 300 6 24 context (2) 248 25 249:10 continue (2) 30:18 335:16 continued (2) 4:1 23 2 contract (16) 22:4 13 19 24 3 15 24:22 28 7 17 19 29:2 3 32:11 32:13 33 21 23 316:23 contracts (6) 36:12 14 15 24 37:25 129:5 contractual (1) 334:7 contributing (1) 29:1 control (5) 212 6 232:17 270:13 279:15 280:17 convenience (1) 347:9 conversation (8) 11:10 43:22 23 44:1 5 74:15 75:15 132:17 onversations (8) 75:20 98:3 116 25 132:19 133:5 183 25 200:18 276:10 cool (1) 250:4 copied (5) 81:21 85 8 14 181:7 201:18 copies (7) 145:3 180:4 227:1 236 3 11 293:20 347:3 **copy (18)** 47:18 58:18 22 76:15 86:5 180 8 13 20 184 7 21 231:19 23 232:1 6 7 15 290:8 307:15 copyright (2) 243:1 333 21 copyrights (7) 215:24 216 20 222 7 228:6 230 24 233:19 335.9 corner (3) 312:7 11 315:23 corporate (1) 304:23 108:20 180:13 20 303:15 308:5 correct (100) 6:16 19 25:11 35:10 44:7 13 60 24 62:3 68:3 17 21 completed (5) 18:13 21:14 127:3 70:3 14 72 21 75:2 12 76:19

cheong (5) 78:4 8 17 155 25

choose (1) 281:6

77:9 78:20 80 24 81:7 15 86:17 86:21 23 87:1 15 88:1 97:10 101:4 144:11 146 5 9 151:20 24 152:17 153:8 154 6 10 180:6 181:21 196:4 202:14 19 216 20 220:7 226:25 228 21 229:14 234:21 236:3 10 242:7 243:16 244:2 251:12 255:18 257:17 258:5 9 24 259:14 260:18 21 264:3 17 265:4 10 24 266:3 12 267:3 8 268:1 3 8 270:22 276:6 278:6 282:25 283 25 284:13 23 286:1 12 290:24 292:8 319:4 332:22 334:9 24 343:18 20 345:17 349:11 24 351:15 356:13 360:3 362 22 correctly (8) 84 23 98:9 99:16 145:13 208:11 274:6 319:10 335:21 correspondence (11) 81 22 85:9 85:15 182:3 8 13 20 184:17 186:16 192:11 357:1 costs (1) 264:12 couldnt (1) 232:8 coun (1) 295:3 counsel (126) 3:1 4:1 24 5:15 20 10:4 12:23 13:1 26:15 28:10 37:15 43:10 13 15 18 47 3 8 12 47:13 49:16 50:23 60:17 61:21 62:10 11 14 63:3 6 7 64:1 69:9 74:16 19 21 21 75:25 83 25 86:9 87:10 117:1 118 23 132:19 133:7 9 10 151:19 23 168:23 25 169:9 173:22 175 25 181:6 182:23 24 183:16 184:1 2 185:12 19 193:21 24 196:12 23 196:24 199:10 12 200:3 18 201:24 209:9 19 210:25 211 6 9 212:1 24 214:25 215:5 13 229:24 232:5 238 8 240:10 16 243:21 247:9 248:9 270:1 271 8 272:7 273:9 23 274:12 276:10 276:12 278:9 279 22 280:18 23 281:4 282:10 287:17 19 290 7 290:12 13 15 291 21 293:2 294:8 295:5 20 296 21 21 315:13 317:20 335:17 340:12 347:12 348:10 350:2 4 356:7 361:23 362:3 counsels (3) 212:9 274:19 341:23 count (4) 38:13 24 39:1 279:13 counterclaim (1) 356:5 county (1) 364:2 couple (13) 10:12 12:4 29:7 43:9 98:18 19 195:20 21 288:9 20 320:5 349:7 354:2 course (28) 30:22 31:9 12 47:17 47:22 64:11 67:13 125:6 19 22 127:1 4 6 11 128:4 9 10 150:11 153:6 170:23 171 2 212:14 219:16 234:7 240:1 246:3 9 courses (8) 126:4 128:9 138:2 146:1 4 15 21 147:1 court (7) 1:1 5:9 8:5 24 16:1 22 courtesv (1) 16 21 cover (5) 80:19 19 226 8 259:22 covered (9) 88:12 107:6 15 111:2 170:15 196:22 260:17 354:14 covers (2) 80:12 16 crappy (2) 322:13 325:5 create (1) 52:2 created (5) 36:19 154 23 199:16 263:14 345:24 creditable (1) 269:13 credited (1) 269:14 cruz (1) 310:17 csr (3) 2:12 364:4 24 current (4) 6:21 26 24 185:3 354:17 currently (10) 7:2 20 24 26:4 41:5 124:17 140:2 154 5 179:16 269:6 272:20 custody (2) 212:6 232:17 customer (5) 305:21 24 308:16

customers (1) 305:14 cut (5) 69:5 116:1 144:16 249:20 cygan (7) 25:16 19 19 27:4 5 6 13 D **d (24)** 1:17 2:8 5:1 7 14:15 17 19 17:11 23 24 25 30:12 126:18 245 23 347:4 10 20 21 363 2 365:1 366:1 367:1 368:1 369:1 daily (1) 354:12 dale (1) 192:4 dallas (1) 127:9 damages (4) 79:12 151:5 335:12 darya (3) 33:24 24 24 date (33) 10:12 13:14 31:15 80:10 155:19 156:49 11 158:3 185:19 205:9 13 206:25 207:25 208:8 208:12 213:12 24 214:7 19 215 2 3 218:3 220 2 3 222:23 253 5 13 254:2 16 268:21 307 21 364:17 dated (16) 142:22 220:18 225:14 226 2 13 229:11 230:8 10 10 241:11 21 242 6 270:17 312:25 364 20 368:17 dates (5) 243 20 342:14 348:12 348:13 358:20 dave (1) 328:16 david (17) 73:17 20 21 74:1 12 75:16 76:2 77:13 20 24 78:6 17 78:25 79:2 3 3 4 davis (3) 19 22 23 310:4 day (1) 323:11 days (1) 327 22 deal (1) 49:3 dealing (2) 255:16 258:23 deals (4) 49:9 155:15 258:23 decade (1) 72 7 **december (5)** 208:23 312:25 313 5 318:16 23 **decide (6)** 30:11 213:22 217 23 275 23 276:23 277:4 decided (4) 100:5 214:11 22 25 decides (1) 277:25 **decision (7)** 142:4 215:10 218:5 9 218:17 23 314 22 declaratory (2) 117:4 11 decline (2) 270:10 271:23 deemed (1) 103:11 defendant (6) 3:12 4:3 11 105:3 117:4 329:18 defendants (40) 1:12 2:9 58:19 59:4 68:9 102:24 25 105:11 182 21 183:7 202:19 219 8 222:15 223:21 228:9 24 231:2 232:10 234:12 240:4 18 249:12 262:16 270:22 278:17 286:21 291:1 304:5 312 2 315:17 322:19 342:20 346:15 354:18 355:13 366:3 4 367:3 368:3 369.3 defer (1) 95:2 define (3) 112:12 302:15 324:17 defined (1) 1132 defines (1) 305:23 definition (5) 112:6 274 20 21 definitions (1) 305:12 **degree (7)** 13:17 18 14:8 17:23 126:12 15 128:1 degrees (1) 126:20 delhi (2) 14:3 14 delivers (1) 321:1 demo (4) 132:4 156:17 158:1 4 demonstration (3) 157:18 158:12 354:1 demonstrations (1) 357:7 demonstrative (2) 156:25 157:9 department (14) 18:15 20:20 35:3 24 36:4 40:14 46:15 139:4 139:14 154:5 309:6 338:5 10 24 departments (4) 37:21 39:12 24 46:18 depending (5) 86:6 112:15

181:14 198:18 288:12

depends (5) 118 23 129:17 250:24 260:11 265:13 deponent (2) 6:4 47 25 deposing (1) 47 8 deposition (49) 1:15 2:8 5:7 10 11 7:14 17 10:1 5 8 11 11:25 12:4 15 23 25 16:19 48:1 5 22 49:13 58:11 16 59:7 61 20 64:9 68:7 125:20 150:9 159:17 197:2 15 219:14 226 21 234:4 237:1 246:1 250:2 280:17 25 281:7 290:5 308:13 312:6 315 21 340:24 341:17 346:18 351:13 depositions (5) 175 22 176 8 177:7 340:6 341:3 describe (1) 112:16 described (9) 102:9 108 2 8 16 108:24 254 23 258 21 259:13 356:11 describes (3) 257:3 263:2 283:2 description (2) 157:22 252:3 designate (2) 104:6 348:7 designated (17) 11:1 58:4 64:15 67:18 68:24 69:16 169:7 8 10 170:4 305:7 343:4 12 19 358:12 362:11 365 21 designee (1) 1:17 destroy (1) 211:18 destroyed (4) 199:15 209:6 210:11 211:13 detailed (2) 314:24 316:12 **details (6)** 88:18 20 259 7 280:12 313:25 354:4 determine (3) 171 21 203:20 215.2 develop (2) 45 22 155 3 developed (5) 41 7 57:15 186 20 187:10 189:17 developing (3) 154:17 155:9 11 development (2) 128:10 189:4 device (2) 255:17 257:15 devices (2) 256 8 259:8 diagnostics (1) 256:9 dick (2) 194:45 didnt (21) 22:12 30:18 43 23 75:11 112:25 122:8 134 20 160:2 186:4 187:16 197:15 16 294:1 4 13 18 340:19 23 341:2 341:20 349 21 diego (1) 310:21 **difference (7)** 57:11 19 19 88:21 88 23 138:17 154:12 different (39) 39:9 57:14 71:11 91:13 107:24 112:15 114:18 115:5 20 23 25 116:3 17 133:13 144.13 146 24 155 8 157:23 168:24 169:14 14 196:19 198:15 18 202:1 206:1 228:14 238:12 255 3 256:7 25 258:12 258:17 269:11 309:19 320:21 326:10 25 327:2 differently (2) 27:5 157 7 dior (5) 33 5 9 10 11 12 direct (8) 32:17 19 210:10 211:12 211:17 213 8 304:13 342:10 directed (5) 124:24 138:13 208:1 208:9 14 directing (1) 84:1 direction (3) 74:19 20 364:12 directly (18) 32 21 34:3 43:6 7 44 3 95:1 96:14 120:2 132:18 132:21 137:11 181:4 189:7 248:11 298 6 337:4 338 7 359:20 director (15) 25:13 24 25 26:2 4 6 26 24 25 27:1 2 31:22 34:6

143:6 144 21 145:14 187:20 336:14 17 18 360:17 disk (5) 125:13 17 245:19 22 dispute (12) 186:1 194:23 195:16 210:18 211:13 23 236:16 263:19 264:16 265:2 267:1 286:20 distracting (1) 335:18 distribute (1) 342 5 distributed (13) 254:18 264:9 265:14 15 266:6 9 283 21 284 5 284:16 289:6 367 8 14 19 distributing (1) 349 23 distribution (5) 262 25 278:24 282:7 283 3 285:16 distributions (2) 264:6 267:14 district (4) 1:1 2 28:10 281:3 divided (1) 180:22 division (3) 1:2 36:15 129:5 dm (3) 225:9 10 366:16 doan (541) 4:12 13 5:21 21 6:6 8 23 9:13 17 21 11:11 12:21 13:7 14:1 19:10 24 23:13 24:11 24:18 25:6 26:12 22 27:23 28:9 28:13 23 30:4 35:12 23 36 2 7 37:8 14 16 38 5 14 18 22 39:7 39:22 40:8 18 41:21 42:1 10 18 44:12 23 45 8 20 46:19 47 3 9 47:16 19 23 48:9 16 49:1 7 14 49:22 50:6 14 20 51:8 17 52 3 52:20 53:9 14 54:6 23 55:6 18 56:1 57:10 58:1 17 21 62:15 20 62:24 63:5 9 15 64 2 7 65:2 17 66:5 10 16 67 3 9 68:11 69:9 14 70:11 18 73 5 9 74 23 75:21 77:5 78:23 81:11 82:1 14 19 83:1 8 20 84:4 85:10 18 24 86:11 22 87 3 9 16 88:4 89:7 13 89:21 90:1 9 14 21 91:5 12 23 92:4 16 23 93:15 24 94:5 14 20 96:2 22 97:5 15 98 21 99:10 24 100:7 11 101:8 17 102:4 103:6 104:1 105:1 106:13 23 107:19 108:6 13 21 109:3 15 110:1 6 110:15 20 111:3 16 22 112:4 11 113:3 9 20 114:2 9 20 115 7 18 116:3 5 18 117:9 118:14 24 119:7 12 120:9 14 121 3 13 122:6 9 22 123:21 124:4 22 125:4 11 18 127:5 128 2 130:1 130:2 13 20 131:1 6 18 132:6 132:15 133:15 22 134:4 12 19 134:24 135:17 136:1 137:4 23 138:10 139:1 17 24 140:5 16 141:8 17 142:6 13 143:14 22 144:5 18 145:16 147:16 148 2 148:19 149:3 18 25 150:7 152:11 24 153:11 20 154:3 155:13 156:1 21 157:16 158:9 159:1 160:12 161:1 162:18 163:5 12 164:7 18 24 165:9 15 165:24 167:5 17 168:4 14 25 169:3 8 13 19 21 170:7 171:19 172:8 18 173:13 174 6 16 24 175:4 12 176:7 177:14 179:2 18 180:15 182:7 12 18 183:1 10 23 184:12 185:14 22 186:6 23 187:14 188:3 12 189:9 16 23 190:4 14 24 191:10 17 192:24 193:5 16 194:10 18 195:5 12 19 197:17 198:9 20 199:13 200:14 200:23 202:10 203:11 18 204:4 205:7 22 206:18 23 207:9 18 24 208:6 13 19 209:2 16 210:8 15 210:21 22 211:10 20 212:4 22 213:13 20 214:4 14 20 215:19 216:1 2 8 218:4 20 219:4 12 221:18 222:17 223:23 227:15

discuss (8) 10 25 11:5 9 137:10

discussed (5) 11:6 159:23 197:18

discussing (2) 99:9 100:23 discussion (6) 67:4 100:10 150 24

discussions (17) 97:19 25 98:8 25 99:6 100:16 22 131:14 138:8

138:5 197:16 22 274:4

182:24 233:24 272:6

198:7 248:9

227:17 228:11 229:1 230 3 6 9 231:4 24 232:5 12 21 233:22 234 2 14 236:1 7 9 15 237:2 12 238 2 10 20 239:1 12 23 240:13 240 22 243:13 20 22 244:10 17 245:1 9 17 24 246:10 247:18 249:14 250:15 251:1 16 252:23 253 6 23 254:4 255:15 22 256:10 22 257 5 13 22 258:14 259:4 18 260:2 7 16 261:1 8 15 262:1 13 18 264:19 265:7 19 266 7 16 268:11 269:4 271:17 271 24 272:8 15 273:1 13 16 24 274:13 24 275:4 12 20 276:13 276:19 277:5 13 20 24 278:12 278:19 279:5 9 15 21 24 280:7 280:13 16 24 281:2 10 282:4 12 282:15 17 20 283:5 17 284 3 10 284 21 285:1 7 12 17 23 286:7 286:15 287:2 12 19 24 288:4 289:9 21 290:2 7 10 291:3 19 291 25 292:5 6 18 293:1 5 7 10 293:16 21 294:11 16 23 295:14 296 5 329:21 333:4 8 349:6 351:4 352:24 353:9 19 354 23 355 2 357:12 358:9 24 359 6 17 360 7 361:10 13 16 19 362:9 19 362 24 365:7 doc (1) 222:23 doctorate (1) 14:10 document (92) 48 7 58 23 59:4 68:12 13 17 127 3 198:11 23 25 213:4 214:16 215:23 216 6 9 17 219 22 220:5 221:2 7 16 222:11 222 20 24 223:1 24 224:7 10 24 225 8 13 21 226 2 8 228:17 229:4 16 21 231 7 12 232:23 233 2 5 234:5 15 235:4 6 241:1 241 2 5 10 242:6 20 243:14 24 247:12 249:17 250:7 17 21 262 21 269:19 25 25 270:17 271:19 278:14 22 280:10 282:5 282 7 8 21 291:5 292:4 7 15 19 293:14 19 25 294:9 304:9 11 307:14 317:21 346:14 366:19 368.9 13 20 21 documents (90) 9:25 11:14 24 12:2 4 84:10 12 86:5 10 145:5 175 5 19 177:21 23 178:20 179:16 20 181:4 6 9 188:4 189 25 192:8 25 193:8 13 14 198 2 4 14 17 19 199:1 14 22 204:1 205:14 20 206:4 12 17 19 207 3 12 16 19 208:1 9 15 21 208 22 209:5 210:17 211 5 9 12 211:18 22 212 2 12 16 213:1 8 213:15 224:1 9 226:19 23 235:11 241:3 287:4 289:15 23 290:9 323:24 25 324:2 339:16 344:17 19 24 25 347:2 11 348 2 348:12 18 355:16 357:1 366:15 doesnt (13) 15:13 16 22 131:21 154 22 163:7 180:13 186 25 204 25 237:6 267:25 271:10 273:4 278:5 doing (14) 18:20 22 19:1 23:17 30:18 74 5 76:7 77:4 130 8 9 135 24 161:22 23 320:21 dollars (8) 106:16 109:20 113:12 115:12 116:7 240:7 264:25 288:10 domain (2) 308:16 309:19 donation (1) 115:21 donor (2) 114 22 115:4 dont (241) 8 8 10:12 13:14 15:2 3 15:18 16 25 20:2 25 22:15 26:25 29:4 31:14 39:5 6 44 20 47:7 50 24 25 52:6 15 19 53:5 53:11 54:1 58:24 60:8 61:19 62:20 63:17 19 65 7 9 12 66:12 66:22 69:19 20 72:15 73:23 74:14 77:15 80:10 84:13 85:17 85:25 86:15 87:7 91:4 92:13 15 92:18 93 3 4 99:8 100:18 21 104:4 107:10 109:13 17 112:9 113:1 114:17 117:6 122:1 124:14 127:2 12 130:11 12 131:16 135:2 5 15 136:2 137:12 141 6 144:16 20 22 147:21

173:25 174:18 176:11

disbursements (3) 263:18 287:8

disclose (7) 56:16 103:4 135:15

200:12 13 19 209:21 disclosed (3) 156:18 158:2 291 8 disclosing (1) 135 24

disclosure (11) 56:14 57 2 12 13

disclosures (3) 121 25 122:14

178:5 181:12 13 188 7 252:11

disagreement (1) 347:16

288:23

252:17 22

148:4 25 151:7 11 153:14 22 155:3 158:13 162 2 163:4 20 22 164:14 15 16 168:11 16 169:1 170:10 17 171:6 172:6 179:24 185:19 187:5 7 13 18 188:16 18 189:7 191:24 24 195:4 11 197:4 201:25 203:10 204:2 205:9 206:16 24 25 210:14 211:16 212:1 213:12 214 2 6 7 8 10 18 214:24 215:3 223:17 227:6 244:24 245:8 246:19 247:11 248:2 249:7 253:5 255:14 259 7 261:14 20 264:22 268:4 19 272:14 17 24 273:15 25 274:11 277:12 16 279:12 18 280:19 281:3 282:11 13 288:8 10 289:23 293:1 8 294 2 295:24 296:2 23 24 297:12 18 299:2 13 299:20.300:11.13.22.306:25 307:8 309:15 311 20 24 314:10 314:11 317:22 319:6 22 320 2 5 320:9 17 321:19 322:13 323:4 8 323:22 327:9 11 12 25 328:6 23 330:4 19 331:13 336:14 19 337:5 22 22 23 338:1 6 339:5 339:22 344:11 16 18 345:1 10 347:17 353:24 354:15 355 24 355:25 357:17 18 358:15 359:22 23 25 361:1 4 dotted (2) 32:17 22

double (2) 98:20 266:20 doubt (3) 227:8 231:18 313:16 doubts (1) 227:5 dougherty (1) 192:4 download (4) 338:4 6 7 10

downloaded (4) 338:24 339:5 6 7 doyle (31) 71:16 73:12 15 132:25 133:1 6 155 24 156 5 157:10 19 159:6 173:20 25 175:6 184:8 16 186:17 190:7 191:4 14 194:2 220:13 221:11 224:19 225:4 14 226:3 14 351:23 354:1 356:21 dr (67) 6:10 20 7:3 13 13:11 19:4 5

19:15 20 20:1 19 19 21:4 25 2 9 31:19 34 6 39 5 41:5 47:6 20 48:10 58 3 16 22 63:10 64 8 67:10 69:15 79:12 16 125:19 150:8 155:24 25 156:4 4 159:6 173:20 25 175:6 197:18 20 22 219:13 221:11 232:15 234 3 245:25 293:22 294:17 296:12 329:14 25 330:14 332:17 335:21 341:16 342:2 345:3 346:12 350:22 351:23 354:1 355:3 361:19 362:10

draft (2) 86:5 276 21 drafted (2) 231:16 17 drafts (2) 181:15 19 drive (2) 6:22 145:4 dual (3) 15:11 13 18 duly (1) 5:2 dumped (1) 145:5 duplicates (1) 235:14 duties (3) 21:1 14 127:19

e (27) 4 5 223:2 2 4 24 224 2 16 224:16 25 25 226:9 10 227:13 347:4 10 21 348:22 25 365:1 366:1 14 16 17 19 367:1 368:1 369:1

ear (1) 16:15 earlier (10) 196:17 229:17 252:2 260:18 290:20 339:24 352 7 16 355.8 361.8

early (12) 18:17 20:16 23:21 71:3 71:21 22 73 2 80:3 127:12 205:12 263:21 344:1

easier (1) 346:14 east (1) 3:17 eastern (3) 1:2 28:10 281:2 easy (1) 139:12 edition (3) 304:20 311:4 14 edu (9) 310 3 6 11 16 20 312:12 315:24 369:4 8

educate (4) 246:16 19 23 352:22 education (12) 14:12 17:10 37:6 137:1 260:12 14 15 304:19

311:4 14 313:6 317:10 effect (3) 241:23 243:14 25 effective (1) 199:4 efforts (20) 93:11 19 25 94:6 15 178:1 19 210:16 212:15 246:15 246 22 25 352 8 12 13 17 21 22

353 7 8 eight (2) 28 22 29:4 either (26) 32:19 41:17 47:3 48:12 48:12 78:11 82:15 83:15 89:15 102 7 158:20 160:22 161:17 176:1 232:6 235 5 242:23 259 21 267:1 286:20 21 287:6 290 8 315:1 333:17 338:4

electronic (4) 179:16 21 25 355 21

elses (1) 325:1 email (31) 73:24 77:3 170:8 184:7 214 21 291:7 10 14 21 294:18 295:11 21 301:16 303:13 14 312 20 313:6 314:6 316:7 15 317:11 318:19 325:4 9 326:17 326 20 327:5 357:19 368:19 369 5 9

emails (12) 184:9 192:14 205:1 214:18 291:20 295:3 6 19 356:19 25 357:13 16

embarcadero (2) 2:9 5:12 embedded (6) 71:15 87 20 22 367 7 13 19

emotional (1) 112:10 **emphasis (1)** 18:7

employee (18) 22:4 19 23 5 24:3 24:6 15 28 8 17 19 29:15 45:24 57:4 14 136:17 147:4 155:24 174 8 364:15

employees (9) 34 7 48:23 49:19 136:10 20 137:16 139:5 146:5 146:16

employment (2) 56:10 187:1 enable (1) 316:23 **enabled (2)** 337:24 338:21 encompass (1) 354:10 encourage (1) 325:10 encouraged (3) 325:3 17 22 encouraging (1) 325:5 ends (2) 254:11 308:14 energy (1) 309:6 enforce (1) 124:24 enforceability (4) 222 5 228:4

230 22 233:18 enforcement (1) 270:11 enforcing (1) 125:9 engage (3) 209:11 210:3 17 engaged (1) 189:13

engaging (1) 63:6 engine (5) 303:4 319:16 23 320:1 320.8

engines (1) 320:17 enhancer (1) 257 21 enjoy (2) 30:14 31:7 enrolled (1) 187:2 **ensure (2)** 204:16 209 5

ensured (1) 206:9 entered (8) 35:8 102:14 142:14 142:15 143:16 144:10 304:21 307:15

entering (2) 143:1 303:24 entire (24) 7 7 47:13 48:2 60 23 62:7 63:13 64:22 65 8 23 66:1 66:12 23 68:2 122 3 178:21 223:14 242:1 285:18 287 6 289:11 317:15 351:14 355:6 356:9

entities (10) 101:3 102:18 103 2 3 131:4 133:17 144:9 21 145:9

180:10 entitled (7) 169:15 292:7 333 2 368:9 13 369:5 8

entity (14) 42:5 101:10 14 20 22 116 6 118:16 19 130:22 131:9 131 23 134:7 145:19 20

entrepreneurship (4) 37:11 23 137 20 146:3

entry (2) 234:16 368:4 eolas (175) 1:5 5:13 12:9 17 48:3 71:22 25 72:19 25 74 8 75:1 11 78:13 19 79:13 92 7 8 93:1 8 11 93:19 25 94:6 15 96:17 23 97:9

97:12 20 22 98 5 99 3 15 100 6 101:10 14 15 22 102:8 11 13 105:3 4 8 11 15 19 111:8 117:5 123:19 23 124:24 129 22 130:9 131:23 132:11 17 22 135:23 139:18 140:1 11 15 22 23 141:2 141:10 18 24 142:5 7 9 17 143:3 11 15 24 144:8 13 20 23 145:9 19 21 155:19 23 176:18 178:23 179:10 180 5 9 181:4 6 181:20 198 22 200 2 9 204:23 211:12 215:11 217 24 218:17 220:1 13 24 221:8 223:5 224:15 224:20 225:15 22 226 3 14 227:4 228:18 229:12 231:16 234:18 235 21 241:4 14 244:5 244:12 19 245:4 12 247 3 14 251:6 20 253 24 261 2 268:8 13 268:21 269 7 270:13 271:1 276:6 277:15 278:5 280 3 287:8 289:13 292 24 295 7 298:1 321:15 18 330:1 16 18 22 331:3 331:68 332:7 12 21 334:9 14 334:23 335:1 23 336 8 22 337:12 340:13 349 8 352:9 366:11 367 6 13 18 368 6

eolastx (1) 220 6 eolastx0000010352 (1) 367:21 eolastx0000185746 (1) 366:11 eolastx0000185799 (1) 366:20 eolastx0000293345 (1) 367:9 eolastx10352 (1) 232:25 eolastx10359 (1) 233:8 eolastx10380 (1) 233:1 eolastx185755 (1) 221:16

eolastx185778 (1) 242:11 eolastx293345 (1) 229:9 eolastx293353 (1) 230:13 equal (1) 286 5 equals (1) 263:24 equivalent (1) 40:13

eric (1) 194:7 erik (4) 40:24 41:1 1 2 esq (6) 3 5 14 15 4:5 13 14 et (9) 1:11 146 3 234:19 255:3 271:2 354:2 355:17 356:13

368:7 ethical (1) 294:14 evaluation (3) 314 24 315:2

316:12

event (2) 242:22 333:17 events (1) 353:24 eventually (3) 82:4 123:1 133:14 everybody (2) 146:4 280:22 everybodys (1) 346:13

everyday (2) 16:12 41:9 evidence (6) 243 7 317:22 334 2 335:11 336:9 340:14

evolved (1) 176:25 exact (30) 10:12 13:14 31:15 72:15 15 80:10 95:11 109:13 17 110:4 14 113:18 114:1 7 121:11 124:10 156:9 163:20 185:19 198:14 205:9 13 206 25 208:12 213:12 24 214:7 19 218 2 264:22

exactly (19) 22:15 28:21 29:4 58 24 60:8 68:13 78:5 91:4 146:13 156 2 162:2 195:4 11 215:3 218:9 261:6 288:8 319:6 345:10

examination (9) 6 5 296:10 329:12 350 20 355:1 359:2 361:17 362 8 365:5

examiner (1) 43:19 example (8) 40 3 129:4 138:4 163:7 14 256:16 260:14 356:4 excellent (1) 47:16

exception (1) 270:13 excerpts (2) 348:2 349:1 exchange (1) 1847 exclusive (9) 92:8 93:1 8 140:10

220:22 224:14 331 6 332:20 352.9 exclusively (7) 92 7 95:2 97:13

297:23 298 7 329:25 331:3 excuse (3) 260:5 291:23 292:12 executed (1) 181:17 exemployee (1) 142:2

exercise (1) 217:8

exhibit (113) 58:19 59:3 11 12 16 67:16 68:6 9 20 20 69:1 23 175:15 18 219:8 20 220:5 222:14 15 18 24 223 8 9 16 20 223:21 224:8 225:9 22 226:20 227:14 228:9 12 16 17 24 229:2 230:8 10 15 231:2 5 232:10 13 232:22 234:10 12 240:23 25 241:2 6 17 20 242:4 12 13 243:24 245:11 248:4 5 249:12 249:15 250:1 11 251 24 259 5 262:15 16 263:23 269:15 16 276:20 278:14 17 20 281:13 23 282:25 291:1 5 304 5 9 308:13 308:14 311:16 16 312:2 6 315:17 21 332:17 342:8 346:12 346:15 20 366:4 7 9 13 15 19 367:5 11 16 368:4 9 13 16 19

368:21 369:47 11 exhibits (15) 70:2 230 7 235:19 236:2 10 17 20 347:4 10 348:22 348:25 366:2 367 2 368:2 369 2

exist (1) 361:3 existed (2) 92:14 93:4

exit (1) 18:16 expect (5) 50:11 174:15 282:7 294:11 352:2

expected (1) 48:23 expenses (3) 265:10 266 2 281:20

experience (2) 170 25 171:4 experimental (1) 163:14 experiments (1) 18 20 expert (3) 78 25 79:13 350:24 expertise (3) 165 23 25 351:1 explain (3) 76:12 138:24 274:10 **explained (1)** 80:23 exploring (1) 30:24 extended (1) 142:14 extension (1) 30 22

extent (15) 9:9 61:18 107:21 116:22 24 133:6 213 6 246:13 272:3 276:9 278:8 280:9 287:23 295:11 350:2

extra (2) 98:18 19 eyes (3) 103:12 104 7 365:21

f (5) 347:4 10 21 348 22 25 facilitate (1) 41:19 facility (3) 163:15 21 193:15 fact (2) 332:10 349:20 faculties (1) 147:12

faculty (16) 20:7 9 37:7 41:8 13 42:13 46:7 48:19 137:9 305:15 314:6 316 24 317:16 25 318 5 318:17

fair (70) 40:5 42:6 51:18 53:11 60:15 69:22 92:20 95:9 97 6 107:9 110 21 22 25 112:7 115:9 116:9 123 3 124:1 14 127:22 24 131:20 24 132:2 12 14 134:13 134:15 135:9 20 143:11 147 8 147:24 148:1 6 16 153:17 25 155:9 162:12 168:10 15 171:10 184:13 187:1 194:14 214:12 239:3 6 242 2 247:14 249:10 24 254:17 256:25 258:20 261 22 262:2 10 12 274:1 276 3 277:17 291:15 320:25 330:25 335 2 3 336:25 337:5

fall (3) 158 8 256:15 16 familiar (17) 12:13 15 13:3 28:9 60:22 70:5 10 14 142:24 163:18 191:25 231:12 235:7 262:21 278:22 311:20 328:24 familiarize (1) 1967

far (9) 19:22 23:23 44:2 52:10 129:13 181:14 208:17 260 24 336:22 farallon (8) 98 8 13 100:12 14 16

101:1 102 7 360:11 faralon (1) 98:16 farming (1) 261:17 fashion (1) 276:2 february (3) 9:2 226:3 314:3 feel (2) 18 20 171:14

fees (1) 263:23 fellow (1) 46:24 fellows (2) 49 24 139:10 fellowship (11) 17:20 21 18:2 5 8 18:12 16 19 19:2 23:25 161:16 fellowships (1) 50:13 felt (1) 204:2 fetal (1) 157:22 feuerborn (4) 220:14 224:19 225:15 226:4 field (18) 139:9 154:19 155:7 8 257:4 15 15 16 258 5 9 13 259 23 260:4 12 13 261:12 17 261:18 figure (7) 11:13 26:13 27 20 28:15 159:19 193:17 214:18

144 24 145:1 2 3 8 157 22 177 2 178:23 179:21 180:1 4 181 3 10 11 182:1 4 9 184:3 6 186:17 196:19 321:14 18 337:12 351:14 352:3 355 6 7 355 21 356:9 10 15 16 filed (10) 83:10 12 117:10 202:4

file (37) 117:4 121 25 141:14

202:18 330:17 331:8 332 6 6 356.5

files (32) 61 6 98 6 99:16 119 3 156:16 173:2 175:23 177:18 21 178 21 179:4 12 182:15 17 19 183 6 12 185:5 196:11 16 17 20 196 22 199:6 11 204:21 21 207:11 210:10 236:4 12 355:9

filing (23) 93:12 21 94:1 7 16 24 95:15 96:10 19 97:1 118:11 20 141 3 11 143:18 144:2 157:11 297 20 298:3 18 23 299:4 9

filings (1) 85:4 fill (1) 56:15 finalized (1) 314 22 finally (1) 241:15 finance (1) 322:23

financial (8) 116:19 129:13 205:4 251 21 262:24 280:11 281:18 368:13

financially (3) 112:19 116:16 364.14

find (3) 139:13 146:25 232 8 finds (1) 320:16 fine (11) 50:25 55:10 65:9 69:12 71:12 77:12 107:11 169:13

280 7 292:5 293 5 finish (8) 16 20 21 23:10 62:15 116 2 183:22 260:6 9

first (61) 6:13 10:10 13 21 17:18 24:19 56 22 70:24 72 24 73:14 79:25 80:4 82:22 83:16 116:11 120 20 155:20 156:6 11 157:4 158 20 173:16 174:10 178:6 185:16 189:17 190:8 194:12 21 195:14 202:25 208:4 8 220 21 224:13 231:10 241:2 3 5 247 6 252:14 25 263 22 281:22 304:10 13 14 305:22 310 25 312:19 319:19 323:2 327 21 342:13 23 343 7 14 344:2 351:9

353:18 359:11 367:11 fiscal (11) 253:11 263:17 267:11 278 25 282:2 283:18 284:4 285 2 13 19 24

fish (2) 4:4 6:2 fit (1) 31:1

five (6) 26:7 113:6 23 114 5 13 115.13

fiveminute (2) 219 3 350:14 flags (2) 346:14 347:9 flash (10) 337:14 17 19 20 24 338:4 11 340:13 344:13 14

floor (3) 2:10 3 6 16 florey (48) 4:5 9 6:2 2 329:13 16 330 8 331:4 14 22 332:4 16 333:14 334:12 335:20 336:6 15 337 6 338:17 339:8 15 23 340:18 341:19 22 343:8 11 21 343 24 344 12 345 2 14 22 346:9 13 17 347:14 19 21 24 348:15 16 23 24 350:8 10 15

365:9 focused (3) 30:15 157:6 159:13 focusing (3) 118:2 159:12 286:10

follow (2) 109:5 362:10 followed (1) 314:23 following (3) 103:10 226:8 318:15 follows (2) 5:2 224 24 followup (2) 350 23 355 3 followups (1) 354:23 foregoing (3) 364:6 8 12 forget (2) 16:12 13 form (516) 12 20 13:6 19:7 21 24:10 13 26:9 28:5 11 20 30 3 35:22 25 36 5 37:12 38:2 40 6 40:16 41:12 25 42:7 17 44:9 11 44:19 45 2 17 19 22 46:5 8 16 46:22 47 5 48:11 14 20 21 24 49:4 5 11 12 20 21 50:3 4 51:7 51:12 14 21 52:8 15 18 53 5 6 53:12 17 20 54:16 19 21 55:2 4 55:9 13 14 20 21 23 56:4 5 7 9 56:15 23 57:1 2 3 3 8 11 12 13 57:22 58:14 62:9 63:14 65:1 15 66:48 15 67:1 68:13 70:8 15 73:3 7 75:18 77:1 78 21 81:8 20 82:12 17 24 83:6 18 23 85 7 16 85:23 86 2 20 87:2 88:3 89:1 5 89:11 19 24 90:7 91:2 92:11 21 93:14 22 94 3 11 18 95:24 96:20 97 2 11 99:4 22 100:1 101:5 16 25 106:10 22 107:16 108:10 109:11 23 110:3 11 23 111:13 19 112:1 8 21 113:7 17 113:24 114:6 15 115:2 16 116:13 118:13 21 119:5 10 120:6 13 121:1 9 22 123:17 124:2 19 125:1 126 24 127:25 130:7 18 23 131:3 12 132:3 13 133:20 134:1 10 16 22 135:10 135:21 136:18 24 137:22 138:14 18 139:6 22 140:3 14 141:5 12 142:1 11 143:12 19 144:3 145:11 146:17 147:9 22 147:25 148:9 17 23 149:1 15 152:8 9 153 2 9 17 18 154:1 155:10 22 156:14 157:13 158:6 160:9 23 24 161:10 12 162:13 163:3 9 164 3 13 22 165 6 20 166:23 167:14 23 168:12 20 172:4 173:9 174:4 13 22 175:3 175:9 176:5 177:12 178:25 179:11 180:11 182:5 10 16 22 183:9 21 184:11 185:11 17 186:3 21 187:11 188:1 9 189:5 189:19 190:2 9 21 191 7 15 192:21 193:3 10 194:15 195 2 9 195:17 197:13 25 198:12 199:7 200:11 202:6 203 7 14 22 204:18 205:17 206:14 21 207:6 207:13:21:208:2:10:18:24 209:14 210:5 12 19 211:14 24 212:18 213:10 17 214:1 13 215:16 18 217:25 218:18 25 228:22 231:21 232:2 19 235 23 236:5 13 25 237:10 21 238:6 23 239:7 19 240:8 19 243:11 17 244:7 14 22 245:6 15 246:8 247:15 250:12 22 251:14 252:19 253:2 25 255:12 19 256:4 20 257:1 10 18 258:10 25 259:15 24 260:22 261:4 13 23 262:11 264:18 265:5 12 266:4 266:13 268:10 24 271:13 21 272:2 22 273:6 20 274:9 275:2 275:9 17 276:7 16 277:1 18 22 278:7 279:1 282:3 9 12 17 283:1 15 284:2 8 18 25 285:5 285:11 14 20 286 2 14 23 287:9 288:2 289:1 16 25 295:9 296:18 296:25 297:4 10 16 298:10 15 299:17 25 300:8 301:3 11 302 6 302:19 304:1 305:4 19 306:1 7 306:19 24 307:5 17 24 308:10 308:17 22 309:10 21 310:8 13 310:18 22 311:10 17 312:17 22 313:1 8 18 314:7 15 315 3 9 316:4 17 317:3 7 12 18 318:2 8 318:20 24 319:5 14 322:17 324:10 19 22 325:11 19 24 326:5 16 327:8 328 3 11 330:3 331:1 12 332:13 333:11 334:10 336:5 11 337:1 338:12 339:1 21

340:15 343:2 344:10 22 345:6 345:18 346:5 349:25 352 24 353:9 19 357:9 358:5 359:4 14 360:4 361:9 362:17 formal (2) 126:11 127 23 formally (1) 14 23 format (1) 345:25 formed (1) 35:15 former (3) 37:21 46:11 359:9 formerly (2) 283:8 23 forms (4) 47:2 4 56:8 57:20 forth (1) 364:7 forward (4) 63:20 100:5 138 7 204 25 forwarded (1) 173:21 found (1) 30:21 founder (1) 328:18 four (9) 15:9 32:2 9 34 5 36 6 37:21 119:17 121:4 168:24 fourth (1) 37 24 fr (1) 4:9 francisco (54) 2:10 5:12 6:24 7:11 13:13 18:17 19:12 16 21:2 16 22:21 23:20 24 29 23 32:6 34:8 35:4 20 37 20 39:14 40:11 41:4 62:3 63 22 65:4 22 66:1 120:5 123 7 127:20 154:24 174 2 200:10 253:20 254:7 11 17 263:15 267:6 268:7 283:13 22 284 5 17 285:3 10 287:7 288:17 288:19 24 289 3 4 5 364:2 frank (3) 19:4 20:19 21 free (2) 146:18 326:18 front (4) 8 5 106:21 239:17 255 6 fruition (1) 101 2 full (9) 6:7 20:8 22:2 28:1 29 8 31:17 32:13 179:4 355:20 fulltime (2) 24:6 29:14 fully (2) 48 7 159:9 fun (2) 295:7 21 funding (1) 52:25 funds (2) 178:8 268:13 funnier (4) 291:22 22 292:20 21 further (7) 137:20 350:11 355:1 361:17 362:8 364:12 14

G gather (1) 206:19 gathered (2) 205:14 207:19 gayle (4) 3 5 5:17 10:16 11:19 general (21) 5 20 11:4 7 30:14 31:4 49:16 72:18 93 2 138:12 147:19 197:14 209:9 215:13 237:4 264:24 265:1 271:8 276:12 290:12 15 295:4 generally (2) 340:3 342:3 generated (2) 178:7 193:14 gentleman (1) 351:5 getting (6) 29 7 30:15 50:12 206:5 22 324:13

give (26) 6 20 7:21 15:19 16:6 47:10 11 15 51:4 58:17 64:21 76:24 86:6 7 127:3 129 7 134 20 147:14 148:14 180:24 232 7 291:17 304:23 330:14 23 331:9 361:6

given (9) 113 5 22 114:4 12 140:11 22 287:17 353:4 362:20 giving (5) 17:6 114:23 116:7 203 5 8

gklein (1) 3:9

gmail (21) 303:12 19 314:6 318 6 318 7 321:5 11 17 21 324:9 14 325 3 10 326:2 3 13 14 327:4 4 327 5 6

go (40) 13:16 15:16 22 18 21 22:1 30:11 62:16 64:2 93:11 11 19 93:25 94:6 15 122 25 139:8 144:13 147:4 12 148:8 183:11 212:16 215:1 223:12 233 22 237 23 240:24 254:19 20 260:9 279:9 280:13 23 24 281:6 304:17 305:11 329:7 335:19 349 21

goes (19) 34 24 37:14 136:23 224:4 254:14 17 255:2 3 266 23 266 24 267:17 21 280:10 289:2 289 8 292:19 304:22 314 3

338:10 goffney (1) 79 20 going (64) 7:20 8:9 9:8 20 12:19 13 5 15:25 16:1 24:9 26 8 16 31:4 33:7 37:4 38:1 2 24 39 3 39:17 42:3 63:20 64:3 69:5 18 75:17 76:7 79:9 87:10 106:19 106:20 109:4 116:12 133:4 138:4 141:11 14 15 168 24 25 174:8 179:24 189:18 206:4 215:25 216 5 219:6 235:10 237:18 24 250:1 272:13 273:4 277:14 279:13 282 6 292:2 9 10 292:11 13 342:10 343:1 346:11 349.16 good (20) 5:5 31:1 52 22 87:5 7 107:10 137:13 149 25 162:22 170:25 171:4 219:2 4 5 320:16 325:48 329:14 15 350:22 google (92) 3:12 5:14 25 105:15 108:15 109:9 111:24 112:19 113:4 133:23 182:13 218:23 244:20 296:17 297 3 22 298:5 298:20 25 299:15 23 300:19 301:29 10 302 5 13 18 23 303:2 6 9 17 24 25 304:10 19 304:22 24 306:5 15 307:16 308:8 311:3 4 5 6 13 14 312:20 313:5 316:6 317:10 318 6 319:3 319:12 20 25 320:7 321 24 322:2 5 21 23 25 323:1 2 7 14 323:18 24 25 324:1 5 7 9 14 325:3 7 9 15 17 18 22 23 326:6 326:7 20 21 368:21 369 5 9 googles (2) 134:6 182 23

gov (1) 309:9 grab (2) 332:17 342:8 grad (1) 162 24 graduate (26) 14:5 50:11 52:12 53 2 19 54:3 9 15 55:1 152:5 13 153:15 159:19 160:4 19 21 161:3 11 14 15 22 162:3 7 8 163:23 164:10 grandmother (1) 41:10

grant (4) 161:16 17 162:1 11 granting (3) 93:1 8 352:8 grants (1) 161 25 graphic (1) 157:21 gray (3) 2:9 3:13 35:8 greater (2) 110:17 151:7 gross (2) 264 2 265:10 grossing (2) 250 8 368:9 group (15) 36:10 12 14 23 24 37 24 25 98:9 10 12 99:12

101:1 119:18 178:14 360:12 groups (3) 99:21 133:17 139:20 guard (1) 99:19 guess (9) 39:3 65:13 129:19

136:13 148:18 185:13 211:7 292:23 348:10 guys (1) 227:10

h (3) 198:4 15 200:5

ha (3) 292:24 24 24

hadnt (2) 322 7 7

half (1) 20:14

haltom (1) 4:12

haltomdoan (2) 4:18 19 hand (1) 346:11 handing (15) 68:5 222:13 223:19 228:12 229 2 231:5 232:13 234:10 249:15 262:14 278:20 291:4 304:8 312:5 315:20 handle (4) 41:16 22 42:12 128:24 handled (3) 137:2 338 5 341:11 handles (2) 46:12 15 handling (5) 81:23 123:20 24 24 341:9 hao (5) 290:11 11 291:6 293 6 17 happen (1) 277:14 happened (6) 99:25 119:9 11 180:25 248 2 315:12 happening (1) 77:17 happy (2) 58:17 131:16 hard (1) 145:4 hardcopy (1) 204:21

112:10 12 14 17 113 2 harmed (3) 111:17 24 112:19 hasnt (4) 134:14 216 7 279:2 hauling (1) 118:11 havent (6) 79:10 132:1 261:21 321:23 337:7 355:11 head (2) 15:5 169 25 heading (1) 318:12 health (3) 258:2 9 13 healthrelated (1) 258:4 hear (2) 8:19 327 21 heard (15) 9:19 71 22 72:24 163:16 194:12 22 195:15 315:13 323:22 327:15 328:16 328:21 25 337:7 351:4 hearing (2) 168:9 205:25 heat (3) 18:9 10 21:12 held (4) 5:11 67:4 227:1 233:24 help (3) 270:4 271:5 292:24 helped (2) 56:21 276:21 helping (1) 27:13 hereto (1) 347:4 hes (8) 19:8 26:20 24 27:1 2 41:3 123:20 292:23 hesitate (1) 61:1 hey (2) 95 7 171:25 hibdon (2) 4:23 5:8 hightech (1) 154 22 hilarity (2) 292:7 368:19 hill (1) 6:22 hired (2) 203:25 204 8 hiring (1) 46:18 history (1) 187:1 hisulon (1) 306:25 hold (20) 126:20 161:6 199:19 200:1 20 24 25 201:4 9 19 202:1 3 23 203:6 20 204:16 206:9 208 5 15 209 8 holder (6) 117:12 118:18 139:20 202:5 12 359:10 holds (1) 137:9 hole (1) 249:21 hope (1) 293:18 host (2) 87 20 22 hosted (1) 311 5 hotline (2) 169:1 2 hotmail (1) 321:19 hours (1) 10:24 huge (2) 129:18 307:9 huhuh (2) 16 7 13 human (2) 256:16 258:2 hundred (1) 288:9 hundreds (1) 106:16 hypermedia (4) 252 2 367:8 14 367:20

idea (5) 117:14 138:5 187:17 319:21 343:10 identical (3) 133:18 134:8 346:19 identification (22) 58:20 68:10 231:3 232:11 234:13 249:13 262:17 278:18 291:2 304:6 312:3 315:18 346:16 366:2 367:2 368 2 369:2 280:5 352:18 identify (3) 5:15 138 6 178:10 iii (3) 216:3 13 14 272:4 273:11 276 8 278:10 illinois (1) 130:10

id (6) 28:12 38:13 65:12 219:3

ias (1) 283:23

346:21 348:10

219:9 222:16 223 22 228:10 25 identified (5) 200:3 228:17 251:4 **ill (18)** 16:14 20 26:17 38 24 39:1 58:17 117:1 269:18 271:15 287:18 329:17 337:18 350 2 4 im (222) 7:5 20 8:9 9:8 19 11:13 12:6 19 13:5 14 7 22 15:25 21 2 23:14 24:9 26 8 12 16 27:20 28:15 33:7 35 2 10 37:4 38:1 2 38:25 39:3 17 40:20 50:22 53:8 58:15 60:12 63:6 6 20 66:1 25 67:25 68:5 16 69:5 18 70:9 71 7 72:16 75:17 24 76:1 79:9 10 80:22 84:5 85:12 25 86:3 8 87 3

87:4 6 6 90:15 91:14 92:22 96:13 98:11 100:9 101:18 102:2 109:4 113:8 118 2 119:6 20 25 123:18 19 128:18 129:24 133:4 139 23 145:3 7 25 146:20 147:1 147 3 3 18 148:5 11 152:10 20 156 2 157:6 159:9 19 163:18 164:11 165:1 25 166:20 168:1 5 168 5 7 9 25 169:11 13 15 170:17 171:23 179:23 183:8 186 7 24 188:17 19 22 189 6 18 190 25 192:2 193:17 195 7 197:10 199:10 202:8 205:12 25 205 25 212:24 215:23 216:3 5 216:12 222:13 223:19 224:5 5 230 3 231:16 235:10 236 7 238:12 24 239 21 240:12 242:17 244:9 246:13 25 248:1 248 22 249:15 262:7 14 265:20 265 21 266:18 18 271:18 19 272:13 17 25 275:3 278:20 279:15 280:22 282:6 286:10 25 289 7 291:4 25 292:2 9 9 11 13 293:1 3 7 14 14 15 18 19 22 296 2 298:22 299:2 300:19 302:13 304:8 307:7 311:20 312 5 315:11 20 320:22 321:10 323:9 15 326:10 327:3 328 21 328 24 329:16 333:15 340:25 342:10 343:1 25 344:17 346:11 349:16 352:13 358:14 implications (2) 116:16 19 implying (1) 294:13 important (3) 16:5 177 20 178:20 impossible (1) 169:18 inappropriate (2) 211:23 include (2) 235:20 335:11 included (2) 88 5 102:1 includes (1) 283 23 including (9) 40:11 47 24 101:2 204 24 217:12 270:22 313:6 336:9 342:14 income (13) 250:9 262 25 263:23 264 2 265:11 268:8 278:25 280:12 281:20 283:3 342 5 6 368:10 incorporated (4) 1 6 367:7 13 18 incorrect (1) 65:14 independent (2) 18 21 111:8 independently (1) 18:22 india (12) 13:20 23 14 2 13 14 15:1 4 11 13 15 19 20 indicate (3) 237:6 284:16 334:14 indicated (1) 99:16 indicates (1) 284:19 indicating (1) 141:14 indirect (1) 32:22 indirectly (3) 33:16 20 43 8 individual (8) 26:10 18 39:19 46:17 151:9 11 172:20 23 individually (2) 44:16 167:7 individuals (2) 176:14 17 induced (2) 324:9 12 inducement (3) 324:15 18 24 industry (10) 36:11 14 15 20 21 24 37:25 129:3 4 255:18 informal (1) 128:1 information (25) 100 20 135:3 24 139 5 144:23 146:21 147 5 14 148 6 15 176:3 177:24 25 183:19 24 187 23 192:22 23 193 22 196:12 272:4 304 23 336 3 353:13 360:20 informed (2) 243:2 333:22 infringe (17) 164:20 165:18 166:14 22 167:4 172:13 299:16 299 24 300:7 24 321:22 322:6 322:16 323:19 324:2 25 354:13 infringed (1) 171:15 infringement (15) 242:17 25 243 3 8 331:17 333:2 20 23 334 3 335:8 12 25 336:10 342 25 346:3

infringes (5) 172:1 7 326:3 14

infringing (25) 94:24 95:18 105:23

106:1 8 107:3 7 8 165:4 244:6

244:13 20 245 5 13 298:20 25

299 6 11 334:8 15 336:25

harm (10) 111:20 112:3 6 10 10

```
339:20 342:17 343:15 16
inherited (4) 71:3 19 80 2 262:5 initially (4) 27:17 46:23 159:24
injunction (22) 270:12 271:11
    272:1 10 20 273:5 19 274:3 8
    274:20 21 25 275:1 6 15 23
    276:15 24 25 277 25 349:9 21
innovati (1) 283:7
innovation (8) 34:14 18 21 35:2
    35:13 17 283:7 12
input (4) 86:7 7 15 129:8 instance (2) 248:23 249 7
instances (2) 159 22 248:10
institute (3) 13 20 23 14:13
institution (8) 42:4 16 130 5 16
    132:10 162:22 23 278:6
institutions (2) 133:13 17
instruct (16) 9:9 117:1 272 5
273:11 13 276:8 278:10 292 2
    292:10 13 294:6 19 20 295:10
    295:12 350:4
instruction (1) 272:12
intellectual (4) 115:22 137:1 10
    138.8
intend (2) 271:25 272:9
intending (1) 347:18
interact (3) 36:21 129:3 4
interacted (1) 44:4
interactive (10) 71:15 87 20 23
89:4 4 6 167:3 172:11 300:12
    300:21
interactivity (1) 172:6
interest (1) 98:1
interested (6) 99 5 7 100:19
    178:10 352:18 364:15
interesting (1) 30 21 interim (1) 25 24
intern (7) 27:16 28 3 7 16 18 22
    126:3
internet (15) 95:23 252:5 255:11
   256:3 7 257 8 258:20 24 259:13
275:8 277:9 312:8 339:17 18
internship (10) 21:18 19 25 22:1
24:15 21 25 23 27:8 10 21 internships (2) 27:17 30 20
interrupt (1) 293:2
introduce (1) 147:13
invalid (1) 248:21
invent (2) 174:10 359:11
invented (15) 159:7 173:7 187:6 6
187:9 15 17 18 188:15 190:7
    191:4 13 193:22 351:22 362:15
invention (52) 41:14 55:8 12 20
    56:6 15 16 25 57:12 13 137:15
    137:17:20 138:6:20 139:15
    147:6 148:15 149 5 5 152:16 21
    153:23 155:20 156:7 12 157:19
    159:6 160:22 161:13 163:1
    164:12 178:7 9 188 8 189:3
    191:21 252:5 253 21 24 254:11
    255:10 256:3 12 14 257:4 289:4
    358:3 21 359:11 360:25 362:15
inventions (17) 45:23 54:17 56:11
    57:6 138:9 149:14 22 162:8
    163:25 250:8 10 255:5 9 256:25
    258:18 283:24 368:9
inventor (6) 71:16 78 3 79:1
    117:12 264:6 267:18
inventors (16) 73:18 21 76:9
    77:16 198:3 209:19 217:14
   254:20 255:2 264:10 265:2 16
265:23 266:10 23 267:2
investigating (1) 30:17
investigators (2) 139:10 12
invitation (1) 303:17 involve (1) 118:10
involved (10) 50:9 51:25 81:18
   82:15 88 24 129:1 151:2 152:21
246:13 248:11
involving (1) 184:17
ip (2) 112 24 129:8
iphone (3) 303:9 321:25 322 3 ipo (1) 138:5
ipos (1) 146:3
irvine (1) 310 7
isnt (2) 218:13 340:12
issue (4) 71:8 348 7 349:9 352 23
```

```
issued (13) 80 6 6 7 9 81 6 13 16
84:21 23 85:2 145:15 18 201:9 issues (4) 114:19 115:21 23
ita (10) 34:19 24 35:1 11 36:19 21
37:19 154:5 6 10 ive (47) 6:18 37:17 43:11 44:22
    52:4 58 24 59:3 68:5 70:7 16
    73:23 80:17 98:6 126:2 4 128:9 128:13 13 173:11 182:6 11
    193 24 222:13 223:19 228:12
    229 2 231:5 232:13 22 234:10
    249:15 250:19 259:9 262:4 14
    262 22 291:4 292:3 14 295 25
    304 8 320:23 323:22 344:1
    345:11 12 347:9
ivory (1) 30:23
j(1) 104:3
james (1) 233:6
january (7) 1:18 2:11 5:6 226:5
314 2 365:2 368:17
idoan (1) 4:18
jennifer (6) 4:13 5 21 25:16 27:4
```

27:13 58:15 jennifers (1) 25:18 jim (3) 132:25 133:1 235:5 job (8) 1:23 17:18 27:14 29 20 45:11 12 128:14 337:21 ioe (1) 147:19 joel (13) 25:2 21 31:19 22 40:22 197 5 8 11 204:24 205:2 229:12 229 20 234:24 john (3) 10:16 79:22 197:3 join (2) 332:7 349:20 joined (10) 22 2 27:1 29:3 8 46:24 319 3 7 332:10 344:14 345:16 joining (1) 147:12 josh (1) 5:23 joshua (1) 4:14 ithane (1) 4:19 judge (2) 8 6 129:15 judgment (2) 117:5 11 iuly (2) 221:12 225:4 june (10) 201:23 208:12 15 213:4 221:11 225:4 307:22 308:9 344 5 8 jury (3) 8:6 106:21 361 7

Κ

keep (6) 18:20 28:11 16 179:16

282:12 15 kelli (4) 2:11 5:9 364:4 24

key (2) 256:11 13

kicks (1) 161:18

kind (1) 136:22

kill (1) 16:22

kirsch (1) 197:19 kirschbaum (19) 25 2 5 7 21 31:19 22 34:6 40:22 197:5 6 7 8 197:11 20 22 204:24 229:12 20 234 24 kirschbaums (2) 25:9 205:2 kirschman (1) 1973 klein (602) 3:5 5:17 17 8:19 22 9:8 10:16 11:5 9 12:19 13:5 21 19:7 19:21 23:10 24:9 13 25 3 26:8 26:16 27:22 28:5 20 30 3 35:22 35:25 36:5 37:4 12 38:1 12 17 38:20 39:5 17 40:6 16 41:12 25 42:7 17 44:9 19 45:2 17 46:16 47:7 14 21 48:4 14 21 49 5 12 49:21 50:48 17 51:7 14 21 52:16 18 53:6 12 24 54:19 55:4 55:14 23 57:8 22 58:14 62:9 18 62:22 63:3 8 14 25 65:1 15 66:4 66:8 15 67:1 69:5 13 70:8 15 73:3 7 74:17 75:17 77:1 78 21 81:8 20 82:12 17 24 83 6 18 23 83:25 85:7 16 23 86:2 18 20 25 87:261388389:1111924 90:7 11 19 91:2 9 21 92:2 11 21 93:14 22 94:3 9 11 18 95 24 96:20 97:2 11 98:18 99:4 22 100:1 9 101:5 16 25 104:6 106:10 22 107:16 108:4 10 18 108 25 109:11 23 110:3 11 18

110:23 111:13 19 112:1 8 21 113.7 17 24 114.6 15 115 2 16 116:1 13 22 118:13 21 119:5 10 120:6 13 121:1 9 22 122:2 8 20 123:17 124 2 19 125:1 126:24 127:25 130 7 18 23 131 3 12 132:3 13 133:4 20 134:1 10 16 134:22 135:10 21 136 24 137:22 25 138:18 139 6 22 140:3 14 141 5 12 142:1 11 143:12 19 144:3 16 145:11 147:9 25 148:17 149:1 15 150:2 152:9 19 153:9 18 154:1 155:10 155:22 156:14 157:13 158:6 25 160:9 24 162:13 163 3 9 164:3 164:13 22 165:6 13 20 166:23 167:14 23 168:12 20 169:2 6 10 169:18 170 3 171:17 172:3 15 173:9 174:4 13 22 175:3 9 176:5 177:12 178:25 179:11 180:11 182 5 10 16 22 183:9 21 184:11 185:11 17 186 3 21 187:11 188:1 9 189:5 15 18 190:2 9 21 191 7 15 192:21 193:3 10 194:9 15 195:2 9 17 197:13 25 198:12 199 7 200:11 200:13 16 202:6 203 7 14 22 204:18 205:17 206:14 21 207 6 207:13 21 208:2 10 18 24 209:14 210 5 12 19 211:1 14 24 212:18 213:10 17 214:1 13 16 215:16 25 216:5 217 25 218:18 218:25 219 2 221:17 227:14 228:22 229 24 230:4 231:21 232:2 19 235 23 236 5 13 25 237:10 21 238:6 19 23 239:7 19 240:8 19 243:11 17 244 7 14 22 245:6 15 246 8 247:15 250:12 250:22 251:14 252:19 253:2 22 253:25 255:12 19 256:4 20 257:1 10 18 258:10 25 259:15 259:24 260 5 9 22 261:4 13 23 262:11 264:18 265 5 12 266:4 266:13 268:10 24 271:13 21 272:2 11 22 273:6 10 20 274:9 274:22 275 2 9 17 276:7 16 277:1 10 18 22 278:7 279:1 12 279:18 23 25 280:8 15 18 281:1 281:5 282:3 9 13 16 19 283:1 283:15 284 2 8 18 25 285 5 11 285:14 20 286:2 14 23 287:9 288:2 289:1 16 25 291:17 23 292:1 9 12 25 293:3 6 8 12 294:6 13 19 295:9 296:18 25 297:4 10 16 298:10 15 299:17 299:25 300 8 301:3 11 18 302:6 302:14 19 304:1 305:4 19 306:1 306:7 19 24 307:5 17 24 308:3 308:5 10 17 22 309:10 21 310:8 310:13 18 22 311:10 17 312:17 312:22 313:1 8 18 314:7 15 315:39 316:4 17 317:37 12 18 317:20 318 2 8 20 24 319 5 14 322:17 324:10 19 22 325:11 19 325:24 326 5 16 327 8 328:3 11 328:17 330 3 331:1 12 19 332:1 332:13 333:11 334:10 335:16 336:5 11 337:1 338:12 339:1 12 339:21 340:15 341:15 343:1 20 344:10 22 345:6 18 346 5 347:12 17 348:14 21 349:25 350:13 21 353:3 16 22 354:21 355:5 357:9 358:5 23 359:4 14 360:4 361:5 9 15 18 362:17 365:10

knew (9) 76:12 112:23 135:15 160:15 185:13 245:16 306:23 322:13 330 6

know (455) 9 5 15 13:9 16:11 17 6
19 22 20:25 22:11 24:19 26 25
28:10 39:10 13 40:9 15 22
44 21 47:3 48:10 15 49:8 18
50 8 15 23 24 25 51 3 10 16
52:10 15 19 53 5 11 15 19 54:2
54:9 14 20 55:1 5 11 63:17 20
64:15 65:7 10 12 20 24 66:11
66:12 13 69:19 71:5 76:9 11
77:16 23 80:9 10 12 16 22 23
84:11 87:17 88 5 9 12 18 19

Minowing (1) 39: 926:18 61:3 61:15 62:25 96:7 116 25 131:22 154:13 15 155:6 174:1 19 301:21 334:17 18 342:13 343:15 348:17

known (4) 95:10 19 271:11 283:8 knows (3) 26:14 135:19 174:9 krueger (5) 81:22 123:12 15 24

I (2) 98:20 158:23 lab (6) 21:5 193:1 309:6 14 20 25 labeled (1) 263:13 laboratories (5) 200 25 201:20 207:4 212:17 309 3 laboratory (2) 200:22 212:21 labs (3) 40:12 213 3 309:1 lack (1) 179:17 ladles (1) 100:9 language (1) 16:12 large (1) 35:6 largest (2) 129:10 12 lauren (3) 3:14 19 5:25 law (2) 8 5 24 lawrence (4) 79:19 309:2 13 19 lawsuit (55) 71:8 25 90:17 93 21 94:8 95:15 105:4 106:9 15 111 7 117:6 118:11 119:4 133:7 133 8 141:15 143:18 144 2 151 6 166:2 13 185:2 3 202:3 202:17 234:18 246:7 11 248:20 270 24 25 293 23 294:1 4 18 297 20 298:3 18 23 299:4 9 330:17 331:9 342:20 354:17 18 355:12 356:1 5 15 359:13 20 24 359 25 368:5 lawsuifs (6) 80:24 141:4 11 268:22

268 23 269:1 lawyer (3) 9:10 74:17 274:16 lawyers (1) 122 21 lbl (1) 309:9

leading (1) 352 24 learn (11) 31:3 6 70:24 80:4 139:7 176 3 185:16 193:21 353:1 14 360:17

learned (6) 130:9 144 24 183:19 183 24 353:18 354:4 learning (1) 99:7

learns (2) 242:24 333 20 leaving (1) 30 23 led (1) 155 21 leeway (1) 26:13 left (4) 21:1 5 23:21 357 22 legal (4) 30:1 6 335:7 22 legal (4) 22:26:9 368:16 letting (3) 326:20 22 353:11

leuhrmann (5) 158:13 25 159 3 5 341:10 leur (1) 158:13

li (1) 180:8 library (6) 154:16 155:7 200:4 348 3 19 349:1

license (86) 44:21 45:4 7 7 4 7 76:7 16 23 77:8 14 78:12 18 92:6 8 9 25 93:1 8 12 20 94:1 7 94:16 97 7 99:9 100:4 16 19 23 101:11 15 23 102:2 3 7 12 103:1 1 112:24 117:13 118 8 129:10 137:11 139:19 140:9 10 140 21 141:21 142:4 143:10 10 143:15 24 144:10 145:10 20 175 24 178:1 18 179:8 181:15 181:17 20 23 199:1 3 219:25 220 22 222:21 223:9 10 224:14 237 5 241:3 20 25 251:7 20 252:14 25 269 3 280:4 330 2 332 20 352:9 366:9 13

licensed (18) 44:18 22 24 92:7 95:2 96:13 97:12 99:3 243:1 297 23 298:7 311:14 330:1 331 3 333:21 334:8 16 336 25

licensee (11) 86:8 95:3 106:1 297 24 298:8 330:18 331 7 334 24 335:2 6 13

licensees (1) 354:16 licenses (16) 12 7 13 16 13:4 39:15 44:17 102:13 15 142:17 143:9 180:5 326:19 22 339:10 356-12 12

licensor (1) 335:1 life (3) 254:16 346:13 354:12 lifetime (2) 250:9 368:10 light (1) 343:13 limit (2) 18:19 61:20 limited (6) 69:10 227 20 260:3 261:12 16 279 25

line (14) 32:17 18 20 22 37:5 62:16 109:5 160:1 5 251:23 259:12 268:3 309:22 365:14 linked (1) 260:13

246:4 294:12 296:14 329 21

object (130) 9:8 12:19 13:5 24:9

26:8 15 16 28:5 37:4 38:1 2

39:17 48 21 49:12 50:4 17

51:14 21 53:6 24 62:9 63:14

69:9 11 75:17 87:10 111:13

198:12 199:7 202:6 203:22

213:17 216:5 235:23 236 5

240 8 19 252:19 253:2 22 25

255:12 256:4 274:22 275:17

112 21 114:15 121:22 126:24

147 25 173.9 189.15 18 191.7

204:18 206:14 21 207:6 13 21

208 2 10 18 24 209:14 210 5 12

210:19 211:1 14 212:18 213:10

292:9 294:6 19 295:9 299:17 18

299:19 25 300:1 8 9 301:3 4 11

301:12 18 302 6 7 19 20 304:1 304 2 305:4 5 307 5 17 24

311:17 313:8 9 314:7 8 15 15

332:13 333:11 337:1 338:12 13

339:1 1 12 340:15 343:1 345 6

345 7 18 349:25 357:9 358 5

315 3 4 9 9 328:3 4 11 12

objected (1) 324:22

361 7 362:21 364:9

list (5) 92:14 303:15 330:11 342:10 listed (3) 60:1 311:16 312:19 listened (2) 43:22 44:6 lists (3) 57:14 250 8 308:16 litigation (50) 5:10 47:5 13 24 48:12 72 20 194:13 198:22 199:6 17 19 25 200:9 20 24 201:48 11 17 19 202:1 3 203 6 203:9 20 204:16 206:6 9 208:4 208:16 209:7 8 210:11 212:3 213:22 214:11 217:24 218:17 232:18 238:5 17 239:5 16 240 5 240:18 264:21 287:15 290 21 319:3 342:18 little (15) 91:15 107 23 112:17 116:3 127:3 128:24 25 136:14 157:7 167:18 184 2 206:1 238:11 346:14 347:8 lium (5) 40:24 25 41:1 1 2 livermore (2) 309:2 13 living (1) 41:11 Ilp (3) 2:9 3:4 13 load (1) 128:24 located (2) 177:3 183:6 lodge (1) 44:10 log (1) 327:4 long (20) 10:23 11 20 13:11 18:4 20:11 22:1 26 6 27:21 28:18 18 127:11 199:2 241:13 261:2 303:19 319:25 321:11 322 2 330:11 345:11 longer (2) 198:17 275 7 look (38) 86 7 157:24 160:10 169:11 192:25 197:15 198 5 203:9 209:11 210 3 214:17 220:4 9 221 6 227:13 229:23 230:13 233:10 242:4 9 248:3 251:23 253:4 255 5 23 261:19 267:13 268:5 269:15 270:6 280:1 283:11 305 22 313:21 318:11 347:11 18 357:6 looked (29) 12:11 59:6 70:7 13 16 80:17 22 84:10 12 134:14 143 8 173:23 177:22 192:23 193:13 196:11 12 16 204 20 223:13 226:22 250:19 251:20 262 3 4 8 282:5 290:6 294:3 looking (13) 30:13 110 25 155:8 157:23 196:22 198:3 259:2 6 263:22 292:23 323:15 333:15 345.24 looks (9) 59:15 220:12 251 23 256:11 264:1 266:10 267:5 307:21 309:9 los (10) 200:22 25 201:20 212:17 212:20 23 213:38 14 310:12 loss (2) 278 25 284 5 lost (2) 234:4 344:1 lot (24) 29:1 31:3 7 92:12 97:24 98:1 113 8 129:5 144:13 21 21 146:25 166:9 167:1 2 172:5 180:14 192:15 256:7 300:12 20 300:20 307:9 322:11 lots (2) 291:16 20 Is (2) 98:18 19 lunch (5) 150:5 9 151 20 23 M m (10) 2:11 5 6 17:23 78:25 79:3 4 234-1 245-20 350-19 363-3 maam (35) 13:18 59:13 25 67 21 84:8 19 90:15 97:23 103 8 106:25 112:12 119:16 127 8 136:12 140:6 17 149:9 151:10 152:12 175:13 179:3 185:4 192:13 210:24 216:10 15

222:12 223:11 227:15 18 247:25 291:13 21 296:1 361:13 machine (1) 364:10 mad (1) 322:14 mail (1) 170 8 main (4) 120 3 5 15 224:10 maintain (2) 199 5 357:21 maintained (3) 348:3 18 349:1 making (3) 166:2 218 23 291 25 man (1) 154:9

manage (7) 41:7 54:4 142:3 154 22 176:24 204:25 309:2 managed (9) 176:11 21 263:8 281 20 283:4 24 286:4 6 309 7 management (37) 21:18 20 22:5 22:20 23:3 7 24:4 7 20 25:1 10 25:22 27:12 29:12 22 31:25 32:5 34:9 12 13 35:19 36:9 11 37:22 24 46:12 56:17 121:19 123 7 137:8 138 23 150:15 153 7 154:10 14 21 345:12 manager (4) 128:16 16 205:3 315:11 managers (3) 126:6 9 128:6 manages (1) 39:14 managing (7) 98:7 158:18 173:18 176:18 186:8 194:17 240:12 mandatory (4) 264 5 267:14 17 285:15 maps (5) 303:9 321:24 322:2 6 march (2) 22:9 80:3 mark (10) 215:25 217 21 23 218:10 16 21 229:11 234 23 250:1 328:25 marked (39) 58:19 59 3 4 68:5 9 216 7 219:8 20 222:13 15 223:19 21 228:9 12 24 229 2 231 2 5 232:10 13 234:10 12 249:12 15 262:14 16 278:17 20 291:1 4 304:5 8 312 2 5 315:17 315 20 346:11 15 347:20 market (6) 133:14 24 138:15 140 2 4 345:5 marketed (1) 353:21 marketing (12) 92:13 93 2 97:24 177 24 178:3 12 17 268:13 352:12 13 17 353:8 martha (6) 158:13 16 22 159 2 5 341:9 martin (19) 4 24 73:17 20 21 74:1 74:12 75:16 76:2 77 20 24 78:6 78:17 25 79:3 3 4 155:25 25 156:4 martins (2) 77:13 79 2 marty (8) 5:19 10:17 11:19 13:1 119:17 201:22 290:18 292:21 master (1) 129:6 masters (3) 14:13 21 126:15 material (3) 41:15 45 3 6 materials (4) 45 5 147:1 352 7 355:14 mathematicians (1) 122 23 matter (3) 73:12 116:10 342:1 matters (7) 114:18 137:1 198:4 21 200 2 215:21 217:1 mckool (1) 3:4 mckoolsmith (1) 3:9 mean (24) 16:15 41:9 112 3 9 13 112:14 17 115:4 129:12 137:10 171 7 178:4 203 24 236:6 263:6 307 8 311:19 314:11 318:4 320:16 324:12 18 344:16 346:7 means (4) 112:15 305:13 311 2 meant (1) 230:3 medical (23) 13 20 24 14:14 129 20 21 22 154:18 155 8 255:17 18 257:15 15 258 6 8 259 8 23 260:3 12 12 13 13 15 261:12 medicine (1) 257:17 meet (4) 10:4 139:9 10 147:13 meetandgreet (1) 11:15 meeting (17) 10:10 15 18 21 22 10:23 11:3 4 6 8 14 15 17 18 20 135:13 292:22 meetings (3) 10:7 127:10 139:13 member (4) 48:20 327 23 328 2 7 members (2) 46 7 352:13 memory (2) 60:10 69:7 mentioned (7) 56 6 67:20 81:5 98:11 178:18 289:19 323:12 mentor (2) 25:14 27:7

merced (2) 40:21 21

merely (1) 285 25

met (3) 73:12 14 17

merge (1) 35:24 mess (1) 33:7

minimum (3) 269 2 7 288:6 minneapolis (1) 47 minnesota (1) 47 minute (3) 279 7 291:18 347:11 mischaracterization (1) 87:13 mischaracterizes (1) 251:15 misstated (1) 90:23 misunderstand (1) 66:22 misunderstood (1) 341:1 mixed (1) 269:21 mixing (1) 115:20 mm (1) 216:25 mock (1) 127:16 moment (3) 291:24 292:16 337:18 monetize (3) 139 21 141:3 11 money (23) 29:6 109 8 110:9 113:421 1143 12 115:10 141:16 162 22 166:9 251:5 19 254:5 11 14 265:1 8 266:21 23 280:2 289:2 5 monies (3) 268 20 286:18 288:22 month (5) 9 3 145:6 183 3 207:3 months (17) 10:13 22:5 7 8 12 17 22 24 28:22 29:4 7 35:15 84:24 183:3 313:24 314:23 316:12 morgan (1) 1043 morning (3) 5:5 11:22 344:1 motorola (9) 98 8 11 99:1 2 5 101:1 102:6 178:14 360:11 mouthful (1) 63:19 move (4) 100:5 145:11 274 22 moved (5) 14:23 263:15 317:16 318:1.5 moving (2) 293:15 18 multiple (5) 106:15 115:12 116 7 137:25 240 6 Ν n (5) 365:1 366:1 367:1 368:1 name (28) 5 8 6:7 10 13 16 13:21 20:4 25:3 16 18 33:6 54:1 71:11 130:11 134 20 135:14 15 158:14 21 22 163:20 197:4 277:16 290:18 306 21 329:16 360:13 364:18 named (4) 172 21 24 194 6 351:5 names (6) 38:7 54:5 103:5 104:5 308:16 309:19 narrow (1) 30:16 national (6) 5:10 40:12 201:20 212:17 20 213:3 necessarily (1) 257:19 need (29) 7 21 16:15 17:4 51:3 77:13 86:6 140:18 145:21 146:12 147:15 159 21 168:1 188:16 18 19 198:2 213 23

michael (22) 4:5 6:2 71:15 73:12

73:15 156:5 157:10 19 184:16 186:17 190 7 191:4 13 194:2

220:13 224:19 225 3 14 226:3

microsoft (36) 71:25 72:19 73:12 102:20 173:19 175 23 176:9 15

194:13 23 199:6 16 210:10 18

211:12 23 212:3 263:19 264:16

264:20 265 2 267:1 280:1 282:6

286:20 339 25 340:4 14 359:13

180:17 185 6 10 21 186:1

middle (4) 6:10 20:16 144:17

mike (3) 132:25 133:1 184 8 milk (1) 257 20

267:5 7 317:23 368:10

million (18) 109:19 22 110:2 17 22

250:9 254:15 264:16 266:12

millions (4) 106:16 115:12 116:7

113:11 16 114:24 115:11 151 7

226:14 329:16 356 21

359:20 24

migrate (1) 316:24

migrating (1) 314 5 migration (1) 313:23

240:6

mine (1) 205:5

247:8 253:10 273 8 9 22 23 274:4 11 18 18 296:20 331:7 needed (2) 77:15 338 6 negative (1) 284:20 negotiate (5) 100:4 269 25 270:4 271:5 276 21 negotiated (6) 181:16 23 276:5 276:12 278:4 9 negotiating (4) 75:1 5 6 269:24 negotiations (4) 74:11 100:25 neither (3) 78:17 102 6 364:14 net (1) 217:13 neurology (4) 17:22 19:9 20:21 neurosurgery (2) 20:20 22 never (16) 18:13 58:15 95 5 97:7 100:3 117:15 15 143 7 248:2 260:20 317:23 336:8 23 359:15 360:221 new (20) 3:7 7 14:3 14 31 7 37:19 136:21 147:12 258:12 263:11 312:20 313:23 25 316:7 14 25 317:11 318:19 369:5 9 ws (10) 316:11 322:25 323:1 2 323:7 10 13 14 16 19 newscenter (2) 312:12 369:4 nicotine (1) 258 2 nih (2) 161:17 25 nods (1) 169:25 noncompliance (1) 2043 nonconfidential (1) 1788 nonpatented (1) 154:25 north (1) 6:22 northern (1) 7:1 note (2) 283:22 343:11 noted (1) 363:3 notice (43) 58:11 16 59:4 68:7 94:22 95:14 115:1 116 6 199:20 200:1 25 201:1 5 11 17 19 202:23 203:6 9 20 204 3 16 206:10 208:5 213:4 251:15 281:7 298 20 25 299 6 11 330:15 20 24 331:9 334:18 336:14 346:18 18 357:14 366:4 366.7 369.11 noticed (3) 64:18 69 8 280:25 notices (5) 117:8 200 20 201:9 202:13 notify (2) 119:2 334:9 november (2) 213:15 264:6 number (115) 37:15 38:4 47:11 15 59:3 11 16 60:4 6 15 67:17 68:6 68:20 69:1 23 70:5 95:22 110:5 113:13 19 114:1 8 121:12 124:10 125:7 175:15 16 18 18 175:19 176:2 177:10 19 183:11

188:22 204:10 13 208:7 210 21

210:24 219:20 221:2 222:14 18

223:8 9 16 20 224:8 225:9 23

226:20 228:13 16 18 229:3

234:11 20 235:19 240:23 25

241:2 6 17 20 242:4 13 243:24

245:11 248:4 4 8 249:4 16 19

249:20 250:2 11 13 14 251:4 18

251:24 258:22 259:5 12 262:15 263:7 11 23 266:3 269:15 16

270:6 271 5 276:20 278:15 21

284:15 286:6 291 5 308:14

numbers (20) 60:18 228:19 229:8

232:8 240 25 250 3 256:14 282:2 290 8 366:11 14 16 19

nursing (10) 130:11 131:14 132:10

0

o0o (2) 1 3 5:3 oakland (4) 10:19 120:8 15 16

oath (15) 7:25 54:14 64:12 67:14

125:23 150:12 219:17 234 8

367:9 15 20 368:18 21 369:6 10

132:10 133:2 134 21 135:5 7 12

368:7 11 15

numbered (1) 223:2

numbering (1) 263:14

numeral (2) 216:3 13

136:5

280:6 281:13 25 282 25 284:13

230:8 231 6 232:14 22 25

objecting (1) 50:23 objection (421) 19 7 21 24:13 27:22 28 20 30:3 35:22 25 36:5 37:12 40 6 16 41:12 25 42:7 17 44:9 10 11 19 45:2 17 46:16 48:14 21 49:5 12 21 50:4 51:7 51:14 21 52:16 53:12 54:19 55:4 14 23 57:8 22 58:14 65:1 65:15 66:4 8 15 67:1 70:8 15 73:3 7 77:1 78 21 81:8 20 82:12 82:17 24 83:6 18 23 85 7 16 23 86:2 18 25 87:13 88:3 89:1 11 89:19 24 90:7 7 91:2 2 92:11 21 93:14 22 94:3 9 18 95:24 24 96:20 97 2 11 99:4 22 100:1 101 5 16 25 106:10 22 107:16 107:17 108:10 109:11 23 110:3 110:11 11 23 111:14 19 112:1 1 112 8 21 113:7 17 24 114:6 15 115 2 2 16 116:13 118:13 21 119 5 10 120:6 13 121:1 9 9 123:17 124:2 2 19 19 125:1 1 127 25 130:7 18 23 131:3 12 132 3 13 133:20 134:1 10 16 22 135:10 21 136 24 137:22 138:18 139:6 22 140:3 14 141:5 141:12 142:1 11 143:12 19 144 3 145:11 147:9 148:17 149:1 1 15 15 152:9 19 153:9 153:18 154:1 155:10 22 156:14 157:13 158:6 160:9 24 162:13 163 3 9 164:3 3 4 13 22 22 165 6 6 20 21 166:23 24 167:14 167 23 168:12 20 21 169:11 16 170 3 171:17 172:4 15 174:4 13 174 22 175:3 9 176:5 177:12 178 25 179:11 180:11 182:5 10 182:16 22 183:9 21 184:11 185:11 17 186 3 21 187:11 188:1 9 189:5 190 2 9 21 191:15 192:21 193:3 10 194:15 195 2 9 17 197:13 25 200:11 203 7 14 205:17 211:4 24 214:1 214:13 215:16 217:25 218:18 218 25 228:22 231:21 232:2 19 236:13 25 237:10 21 238 6 19 238 23 239:7 19 240:20 243:11 243:17 244:7 14 22 245:6 15 246 8 247:15 250:12 22 251:14 255:19 256:20 257:1 10 18 258:10 25 259:15 24 260 22 261:4 13 23 262:11 264:18 265 5 12 266:4 13 268:10 24 271:13 21 272 2 11 22 273 6 20 274:9 275:2 9 276 7 16 277:1 277:18 22 278 7 279:1 282 3 9 283:1 15 284:2 8 18 25 285:5 285:11 14:20 286:2 14:23 287:9 288 2 289:1 16 25 296:18 25 297:4 10 16 298:10 15 305:19 306:1 7 19 24 307:5 17 24 308 5 10 17 22 309:10 21 21 310 8 13 18 22 311:10 17

```
312:17 22 313:1 18 316:4 17
   317:37 12 18 318:28 20 24
   319:5 14 322:17 324:10 19
   325:11 19 24 326 5 16 327:8
   330:3 331:1 12 19 332:1 334:10
   336:5 11 11 337:2 339 21
   344:10 22 346:5 352:24 353:9
   353:19 358:23 359:4 14 360:4
   361.9 362.17
objections (19) 38:12 17 20 69 6
   90:19 91:9 21 92:2 108:4 4 18
   108:25 110:18 165:13 169 3
   210:25 277:10 302:14 308 6
objects (4) 252 2 367:8 14 19
obligation (3) 138:21 161:18
   334:7
obligations (5) 52:1 152:22 269:2
   293:13 294:15
obtained (1) 44:17
obviously (5) 14:7 122:23 162:11 209:20 264:15
occur (1) 313:24
occurred (6) 321:21 322 5 8 15
   323:18 324:1
oci (1) 15:14
october (22) 80:10 93:13 21 94:2
   94:8 25 95:7 15 96:6 19 97:1
   202:5 9 19 213:25 267:10
   297:21 298:4 19 24 299:5 10
offer (7) 97:14 100:16 18 101:11
   101:11 15 23
offered (4) 97 7 128:11 138:3
   147:2
office (156) 5 20 10:19 21:18 20
   22:4 19 23:2 7 24 3 7 20 25
   25:10 13 22 26:21 27:2 11 29:1
   29:8 11 22 30:19 31:25 32:4
   34:9 11 12 13 14 17 21 35 6 13
   35:17 18 36:9 10 17 22 37:10
   37:19 22 23 38:9 11 43:5 14
   44:4 46:12 49 3 8 16 54:2 56:16
   81:18 82 3 7 10 21 83:4 11 12
   83:15 22 85 5 6 14 86:16
101:21 120:7 8 15 24 121:15 16
   121:18 19 122:10 15 24 123 5 6
   123.6 9 124 7 18 126.2 137.6 8
   138:22 146:22 147:13 150:14
    153:7 154:6 9 13 21 155:4 15
   176:19 22 22 23 177:1 3 4 9
   178:24 179:14 16 187:21 24
   188:6 189:21 190 6 12 12 18
   191:3 198:16 200 5 203:4 8
   204:22 205:24 206:17 209:9 12
   209:21 215:12 238:9 13 18
   239:17 247:5 13 21 263:9 271 7
   276:12 281:21 283:4 8 24 286 5
   290:12 15 295:4 320:19 330 5
   337:8 345:16 346 2 358:8
officer (20) 7:5 6 13:12 22 3 25:14
   27:9 29:17 18 21 22 31:20 22
   32:16 41 6 47 2 116:24 128:17
   128:21 22 23
officers (10) 31:24 32 3 4 8 9 10 33:2 34:1 5 5
offices (1) 126:3
officially (1) 32:21
oh (5) 20:2 229 24 303 5 319:21
okay (398) 7:19 8:14 22 9:14 24
    10:3 14 11:16 12:5 12 24 13:10
   14:4 15:17 16 3 4 8 9 17 23
   17:2 7 8 18:23 20:10 21:6 22
   22:16 25 23:12 22 25:15 17 20
   26:23 27 3 28 2 24 29:5 10 31 2
   31:8 16 33:3 34:16 20 36:3 8 16
   37:3 9 38:23 39 23 42:2 43:20
   45:9 46:3 10 20 25 48:17 49:17
   50:21 25 51:1 5 6 9 52:4 11 21
   54:24 55 7 19 56:2 13 20 58 2 9
   59:2 24 60:3 7 11 13 61:8 62:15
   63:18 22 24 64:14 20 65:10 11
   65:14 23 66 3 6 17 19 67:3
   68:15 69 21 25 70:12 71:13 18
   72:1 11 14 17 23 73:25 74 6 24
   75:14 22 25 76:5 10 13 14 18
   77:6 78:7 9 79:11 80 8 18 81:1
   81:12 84:15 85:11 19 87:12 24
   88:8 15 89:8 14 91:17 92:17
```

96:16 97:17 99:11 100:8 24

```
102 5 21 106:5 107:10 12 109:6
    109:18 110:7 111:10 23 113:10
    113:14 115:8 116:6 117:25
    118:1 6 25 119:19 24 120:10
    123:11 22 124:13 125:5 11
    126:10 128:12 129:9 131 7 19
    135:4 137:13 138:11 139 25
    140 8 141:1 142 20 144:25
    145 6 17 18 146 7 11 148:3 10
    148 20 150:18 151:3 13 152:1
    152 25 153:5 21 154:4 8 20
    155 2 5 14 156:10 24 157:2 6 8
    158:10 15 19 159:15 160:13 16
    160:18 21 161:4 5 10 162:19
    163 6 13 164:8 165:2 10 16
    166 7 11 19 167:10 18 168:9
    169 22 24 170:11 13 19 24
    171:12 172:9 19 173:5 174:17
    176:13:20 178:16:22 179:5 19
    180:1 2 16 19 181 8 18 183:17
    184:4 185:7 23 188:20 21 23 25
    189:1 191:1 193:19 194:19
    196 6 15 197:9 202:16 205 23
   206 2 8 24 207:1 216:16 22
   217:17 224:9 227:12 228 20
   235:9 12 13 237 7 16 238:11 15
   239 2 24 240:14 241:9 19
    242:16 245:2 17 246:21 247:3
   247:10 248:5 14 250:16 251:10
   251 22 252:24 253:9 12 254:13
    254 21 257:25 258:15 19
    259:11 262:6 263:16 264 23
   265 21 266:8 17 269:5 22 23
   273 2 12 17 274:14 275:5 13
    278 2 13 279:6 9 281:11 15
   283 6 284:11 286:9 287:13 19
   289:10 290:3 7 292:17 295 2 18
    295 20 303:5 304:17 309 8 17
   311 23 312:1 10 314:19 315:16
   319:18 321:4 323:17 327:11 14
    329:18 19 23 330:21 331 5 15
    335:4 336:21 337:10 338 8
   339:9 340:7 22 25 341:6 19
    343 21 344:6 346:25 347 24
    348:15 23 349 5 352:5 355:10
   355:19 23 356:18 357:24
    358:14 16 360:10 362:24
old (2) 265:15 266 22
once (7) 10:9 18:20 78:5 97:12
   263:10 14 281:16
onepage (4) 143:2 10 349:7
ones (5) 32:13 13 54 25 192:16
   289:18
oneweek (1) 128:4
online (1) 357:6
open (6) 220:10 221 22 303:18
324:13 14 339:16
opened (1) 29:8
operating (1) 349 23 opinion (1) 325:8
opportunity (3) 292:4 14 16
opposed (2) 16:7 190:19 options (1) 30:17
oracle (1) 104:3
orally (1) 336 23
order (4) 144:14 175:19 197:12
   2162
oreilly (5) 191:19 22 23 25 192:4
org (1) 308:20
organization (2) 126 5 327:15
organizations (1) 41:18
original (14) 76:16 23 77:8 219:25 221:16 223:10 241:3 10 13 20
   241 25 332:20 341:8 366:9
originally (2) 59 7 332:6
originals (2) 227:1 6
otm (1) 36:24
ott (2) 179:13 368:13
outlining (1) 336:9
outlook (3) 301:22 24 302:1
outofpocket (1) 264:12
outside (80) 26:11 43:10 13 86:9
100:10 107:17 171:18 173:22
    176 2 185:12 18 199:10 11
   201 24 209:18 211:6 9 212:1
   236 25 237:10 21 238:7 8 239:7
```

239 20 240:8 20 247:8 16 257:2

257:11 258:25 273:7 10 20

```
338:13 339 2 12 343 2 345:7
   361.23.362.3
outstanding (1) 58:11
overall (1) 264 25
overseas (1) 15:14
owned (5) 54:11 112:24 121:7
   330:23 331:11
p (6) 4:24 104:3 234:1 245:20
   350:19 363 3
page (46) 59:15 60:1 68:21 71:16
    152:4 171:14 216:4 12 220:9 10
    220:21 221 6 223:4 227:13 20
    230:13 233 8 242:9 10 259:5
    263:22 267:14 268 5 269:18
   281:23 283:11 285 8 304:10 14
    306:11 11 308:13 310 25 312:9
    315:22 332 24 333:1 334:20
    342:11 346 22 365 5 14 366:3
   367:3 368:3 369:3
pages (5) 1 24 192:15 220:4
   275:7 365:22
paid (22) 21:19 22 6 12 18 23
   23 3 24:5 5 22 27:16 18 29:3 7
    50:13 161:15 217:13 264:15 20
   267:1 10 11 268:1
palo (1) 3:17
paper (2) 179:12 20
papers (4) 83:10 15 85:4 213:23
paragraph (17) 216:13 221:15 23 227:22 230:15 233:10 236:19
    242:17 245:10 270 6 271:5
   275:21 276 6 20 304:13 305:22
   317:6
pardon (4) 14:18 31:11 151:21
   324:21
parentheses (3) 263:5 284:13 15
parents (2) 15:2 16
park (1) 3:6
part (34) 24:4 5 34:13 36:21 81:9
    102:25 103:1 137:5 5 154:10 16
    155:7 159:17 166:14 180:21
    181:3 189:10 12 215:4 6 216:3
    218:16 225 8 226:20 276:24
    278:5 279:21 23 280 8 309:4
   315:2 337:20 340:2 361 24
participant (1) 44.6
participate (3) 182 25 270:11
participated (2) 43:9 17
participating (2) 43:12 74:18
particular (7) 49:10 123:19
    146:15 268:14 285 8 286:11
   341:3
particularly (2) 305 6 311:15
parties (3) 52:1 161:4 364:16 parts (1) 157:23
party (13) 78:11 18 119:2 213 22
    242:23 243 2 4 6 280:25 333:18
   333:23 24 334:1
pass (4) 42 3 127:18 296:5 361:14
passing (1) 42:12
passport (1) 6:11
patch (1) 258:3
patent (258) 43:5 14 44:4 45:19
   45 21 46:5 8 21 47:5 48:10 20
    48 24 49:4 10 20 50 2 51:12
    52 7 14 53:4 16 20 54:15 21
    55 2 21 56:4 4 8 22 57:3 70 25
   71 2 6 7 10 12 14 73:18 22 80:1
   80 5 11 15 15 81 3 5 13 16 17
   81:19 23 82:2 3 4 7 7 10 11 16
   82 21 22 83:4 5 10 12 12 15 17
   83 21 84:16 20 85:2 5 6 14
   86:13 16 17 87:18 88:1 6 10 13
   88 24 25 89:9 18 23 90:6 16 24
   91 6 18 24 92:6 10 20 25 93:9
93:12 20 94:1 7 16 95:9 17 96:5
    96:10 11 98:5 99 2 14 15
    100:17 101:4 11 15 23 102:3
```

275:9 17 276:17 277:1 10 18

299:18 300:1 9 301:4 12 18

307:25 309 22 311:18 313:9

314:8 16 315:4 10 328:4 12

331:19 332:1 336:12 337:2

286:23 296:19 21 297 5 11 17

302:7 20 304 2 305:5 307 6 18

```
105:24 111:2 117:12 118:18
    121:16 123:8 9 20 124:16 18
    136:18 138:14 139:20 145:14
    145:15 18 146:16 147:21 148:8
    148:23 149:4 152 7 153:2 17
    155:21 156:7 13 157:11 11 20
    160:23 161:9 12 165 5 173:8
    174:8 175 8 187:21 24 24 24 25
    188:5 6 7 189 21 25 190 6 8 12
    190:12 18 18 19 191 3 5 5 6 14
    192:6 193 23 198:17 199:2 3
   202:5 12 205:3 209:12 21 23 24
   210:4 215 20 222 6 228:5
   230:23 233:19 238:9 13 18
   239:17 243:1 244 6 13 21 245 5
   245:13 247:5 6 13 20 23 248:12
   248:20 25 249:9 252:18 254:16
   254:19 22 255:1 258 22 278 25
   280:12 281:19 289:6 296:16
   297:28 14 22 23 298:5 14 21
   299:1 7 12 16 24 300:7 24
   315:1 322 6 330:1 2 331 2
333:21 335:8 353:18 358:4 8 21
   359:10 360:25 361:23 362 3 16
patented (1) 154:25
patents (94) 42 25 43:2 54:4 10
71:8 94:24 95:9 96:12 19 25 25
   97:9 21 102:10 15 106:9 107:4
    107:68 15 108:39 17 24
    117:25 118:8 121 7 15 18 123:1
    123:14 23 25 124 8 138:9 12
    139:21 141:3 11 142 7 8 143:17
    144:1 159 3 164:21 165:19
    166:15 22 170:16 171:16 172:2
    172:14 202:13 209:13 215:14
   215:24 216:19 217:2 235:22
   236:23 237:9 19 238 22 239:18
   246:18 20 24 248:17 250:11
   259:21 21 22 261:10 11 263 3
   321:15 322:16 323:19 324 3 25
   326:4 15 327:7 330:16 23
   331:11 23 334:9 16 336:1 25
   339:20 346:4 354:14
patentsinsuit (8) 84:7 97:8 117:19
   117:24 124:24 125:9 246:17
   321.22
paul (1) 4:23
pause (2) 87:11 329:10
pay (5) 51:19 146:12 162 22
269:2 328 7
paying (1) 161 21
payment (1) 288:9
payments (9) 269:2 13 14 287:11
287:20 22 288:1 6 289:13
pdf (8) 339:16 344:17 19 24 25
    345:4 20 25
pei (35) 172 21 173:1 16 20 174:3
    175:6 184 8 16 17 186:14 15 17
    186:19 25 187:9 23 188:7 189 7
    190:6 191 3 13 20 193 22
    194:22 195:15 351:5 356:20
   357:1 13 358:1 19 359 3 9 21
   360.2
penalties (1) 8:4
pend (1) 292:17
pending (4) 124:17 145:14
   270:25 354:17
pennsylvania (2) 14:16 17:12
people (21) 32:15 23 38:10 39:2
    41:15 49:24 79:9 128:14 146:8
    157:23 194:17 199:25 200:4 4 5
   200:5 212 25 307:9 320:19 20
   353:12
percent (11) 33:4 18 20 22
    121:25 122:15 265:16 17 17
   266:21 267:22
percentage (3) 124:12 217:13
   265:21
perform (2) 18:1 127:19
period (9) 22:14 24 23:1 24 3 75:12 124 25 163 2 168:19
   356:24
perjury (1) 8 5
person (7) 41:10 61:14 62:1 25 63:11 147:19 307 8
personal (15) 84:2 170:5 171:23
   291:7 14 20 301:20 302:9
   303:13 14 321:7 338:15 339 3
```

```
personally (15) 15 3 45:10 13
   58:16 131:20 141:13 157:15
170:12 195:25 246:11 302:22
    302 23 321:6 322:11 325:12
pertain (1) 149:13
peter (1) 5:8
ph (14) 1:17 2:8 5:1 7 14:15 17 19
17:11 24 25 30:12 126:18
   245 23 363.2
pharmaceutical (1) 257:16
pharmacology (1) 14:15
phil (3) 20:19 21 24
phillips (2) 194:45
phone (8) 11:19 43:9 12 14 18
   44:1 5 73:24
photocopies (1) 347:23
phrased (1) 295:13
physical (1) 112:10
picasa (1) 323:21
piece (2) 238:5 264:21
pis (1) 161:25
pittsburgh (2) 14:16 17:12
place (8) 219:5 241:14 23 242:20
326 20 22 339 6 364:7
placed (1) 364:9
plaintiff (13) 1:7 3:3 106:14 111:7
117 3 214:11 23 270:21 278:1
   332 7 11 340:8 343:15
plaintiffs (3) 5:18 102:23 273:18
plan (7) 9:1 135:22 23 141:7 9 14
   143:13
planned (1) 143 6
plans (10) 140:13 15 24 141 3 19 141 25 142:9 143:4 5 8
plant (4) 256:9 258:11 12 261:17
platform (6) 89:2 4 10 10 313:23
   317:11
platforms (1) 167:3
play (1) 106:20
playboy (1) 104:4
player (6) 337:15 17 20 338:11
pleadings (6) 83:9 14 85:4 355:15
   355 24 25
please (26) 5:15 6:7 20 14:12
   25:4 28:11 42:8 59:25 87 7 93:17 116:2 117 20 144:16
    183 21 216:9 222:11 242 5
   260 6 274:23 282:11 291:10 11
293:1 332:18 335:17 342 8
pleased (1) 316:21
plugin (1) 88:19
plugins (4) 88:14 17 89:3 5
plus (2) 28 7 355:21
point (9) 40 24 99:8 100 3 22
    137 6 219:3 226 24 262:4 278:9
points (1) 317 6
policies (7) 149:4 5 5 12 20
   215 24 216:19
policy (20) 119:1 6 164:16 174:7
174:11 14 196:13 197:23
    198:11 24 25 217:8 11 254:19
   254 22 255:1 265:13 15 266:22
   289.6
portal (1) 36:20
portfolio (14) 71:3 19 80 2 7 81 6
81:10 84:14 17 85 3 86:15
    123:19 129:11 142:8 18
portion (8) 104:7 217:11 254:16
   265 3 3 266:11 267:10 11
portions (2) 351:16 17
position (22) 7 3 22:13 23:19 29:2
   29:3 8 165:1 166:16 194:12 21
    195:14 236:23 237:6 9 17
    248 20 273:4 302:1 359:8 12 19
   359 23
positions (1) 32:7
positive (3) 52:14 53:4 8
possession (3) 212 6 9 232:16
possibility (1) 117 3 possible (1) 7 23
postdoctoral (6) 17:20 18:2 4
   19:2 46 24 139:10
postgraduate (2) 14:8 11
potential (1) 105:3
potentially (3) 119:2 129:14
   352:18
practice (20) 19:20 46 6 48:18
   50:15 76 8 111:1 117:18 23
```

118:8 10 19 123:5 8 156:12 20 158:1 172:13 281 3 5 290:14 practices (6) 60:2 116 23 118:3 149:13 21 342:4 practicing (11) 95:8 16 107 5 14 107:22 108:2 8 15 23 118:17 predates (1) 358:3 preexisting (1) 263:12 preliminary (1) 97:25 preparation (1) 197:2 prepare (21) 9:25 10 5 8 11 11:25 177:9 18 183:12 14 192:20 193:2 195:22 197:12 231:14 235:4 248:6 251:17 269:24 25 270:2 351:13 prepared (14) 60:14 70:1 21 125:7 177:21 193 6 204:12 210:23 229:17 233:5 250:20 251:11 279:22 282:8 prepares (1) 86:4 preparing (1) 290:4 present (12) 4:22 10:15 21 11:18 74:21 133:7 9 10 153:8 10 12 181.21 presentation (1) 324:7 presents (1) 325:16 preserve (2) 208:1 9 president (8) 10:20 120 8 146:22 216:25 217:10 18 218:13 22 presidents (1) 196:14 press (6) 72:7 9 12 16 19 73:10 presume (8) 113:11 15 157 25 207:15 218:15 232:3 326:19 21 presuming (2) 113 8 199:11 previous (4) 102 2 150:24 159:17 176:10 previously (2) 36:13 250:19 primarily (3) 129:21 151:1 321 20 primary (4) 319:23 320:1 8 323:13 printed (3) 179 25 254:3 348:12 printout (4) 312:8 315 22 369:4 7 prior (54) 10:7 57:21 93:1 7 12 20 94:7 16 24 95:14 96:5 9 19 25 97:22 99:14 157:10 173:7 21 175.6 10 176.12 177.2 25 178:19 185:9 186:1 193:23 209:11 20 210:1 3 212:12 238:4 238:12 17 239:5 10 15 25 240:1 240:4 17 297:20 298:3 18 23 299:49 303 21 319:10 352:8 355:17 364:8 priority (1) 192:5 privilege (2) 9:11 75:19 probably (9) 38:21 47:1 98:17 113:1 135:1 2 162:16 240:11 350.13 problems (1) 128:25 procedures (1) 237 25

proceed (1) 77:14

proceedings (4) 329:10 364 6 8

process (7) 42:12 74:4 86:4 138 7 138:24 215:1 316:14

produce (4) 47 22 212:16 213:15

produced (22) 47:4 10 14 17 25

207:3 208:22 212 25 213:9

product (40) 129:22 23 25 130 3

130:6 17 21 131:9 10 15 17 22 132:4 11 133:3 12 14 23 25

134:6 8 9 135 8 136:5 138:15

140:1 257:20 23 260:14 17 20

261:3 268:14 18 302:13 325 23

133:19 155:16 164:19 165 3 17

166:13 20 167:1 172:11 268:17

326:18 327:10 344:8 345:15

production (3) 206:20 232:9

products (28) 129:16 20 133:17

299.14.22.300.5.14.301.10

319:12 331:16 340:13 349 24

professionally (1) 319:13 professor (4) 19:8 16 147:3 174:8

professors (6) 136:9 20 137:16

302:5 15 17 18 21 303 25

257:20

287:14 21 355:16

227:9 232:6 239:15 240:4 17

48:11 193:9 205:15 206:5 13

Q aualified (2) 68:1 128:14 question (191) 8:9 12 15 16 9:17 12:20 13:6 16:20 23:11 24:10 26:9 15 17 28:6 11 19 38 2 40:17 42:9 50:24 52 24 53:7 54:24 62:10 10 12 19 21 22 63:4 5 65:16 75:18 87:11 93:17 97:3 16 103:8 106 3 6 107:9 11 107:17 23 108:11 109:5 111:20 112:18 116:4 117:20 130:14 136:13 137:14 140:18 143:21 156 3 160:8 165 21 166:24 167:15 24 168 6 21 169:15 22 170 20 173:10 188:10 189:10 189:12 19 190:10 191:8 198:13 199 8 200:15 202:7 203:23 204:19 205:18 206:22 207:7 14 207 22 208:3 25 209:15 210:6 210:13 20 211:15 212:19 213:11 18 215 6 218:1 231 22 235:18 24 236 6 238:7 11 239:10 20 22 243:12 18 244:8 244:15 23 245 7 247:16 250:23 250 25 251:15 252:20 253:3 254:1 255:13 20 256:5 21 257:2 257:11 259:16 25 260:23 261:5 262 6 8 264:24 271:14 272 3 23 273 7 274:23 23 276:17 281:9 286 25 289:17 292:17 294:22 294 24 25 295:10 13 16 296:19 297 5 11 17 299:18 300:1 9 301:4 12 302:7 20 304:2 305 5 313:9 314:8 315:4 322:9 324:11 324 20 23 326:11 25 327:1 328:4 12 331:8 332:14 333:12 337 2 338:13 340:16 343 2 345 7 19 346:6 349:16 350:1 352:15 353:4 357:10 358 6 17

139 5 146:5 16

327 5 367:7 14 19

progressed (1) 100:22

progression (1) 23 23

projects (1) 161:4 promote (1) 41:19

promotion (1) 258:2

pronounced (1) 27:5

proper (2) 326:19 21

137:1 10 138:8

prosecutes (1) 123:15

191 6 199:2 205:4

proteins (3) 18:9 10 21:12

299 6 11 300:20 334:1

provided (8) 69:7 76:17 115:12 175 6 287:20 290:8 9 355:13

providing (3) 115:1 117:8 326:8 **public (9)** 147:19 148 7 178:6 8

publication (3) 348:3 18 349:1

publishing (3) 191:19 23 192:1 punch (1) 249:21

purpose (3) 7:16 130:24 320:24 purposes (2) 131:10 230 8 pursuant (1) 216 24

pursuing (1) 90:5 put (12) 117:25 161:19 222:11

putting (3) 161 8 295:5 19

232 22 262:19 293:8 322 8

327:11 346:14 347:9 349:19

270 8 271:10 275:22 276 23

provides (4) 37:6 146 2 168:2

181.6

278 6

276:1 349:21

pursue (2) 277:15 25

3503

property (7) 7:1 15:1 3 115:22

prosecuting (1) 123:8 prosecution (11) 81:19 24 83:11

86:16 187:25 188:6 190:1 18

program (12) 18:16 252 2 301:16 314 6 316:15 325:9 326:21 22

programs (7) 155:12 12 300:13

300:17 18 318 7 338:7

quite (1) 100:10 r (4) 4:14 198:4 15 200 5 raggett (2) 328:16 17 raise (1) 282:13 raised (1) 282:18 rajdev (53) 1:17 2:8 5:1 7 6:9 10 6:16 20 7 3 13 13:11 39 5 41:5 **provide (20)** 94:22 95:14 136:9 20 136 25 137:16 19 146:4 8 19 47 6 20 48:10 58 3 22 63:10 167 2 181:3 4 243 6 298:20 25 64 8 67:10 69:8 15 84 2 125:19 150:8 219:13 232:15 234:3 245:23 25 293:22 294:17 295:12 296:12 305 6 329:14 25 330:14 332:17 335 21 337:14 345:3 346:12 348:8 17 349:6 350:22 355 3 361:19 362:10 363:2 365:4 rajdevs (1) 58:16 ran (2) 22:14 29:6 ranging (1) 288:12 rani (2) 6:11 12 publicly (5) 196:13 271:11 275:22 ranked (2) 255 23 257:7 rao (2) 3:15 35:7 rattling (1) 210 25 reach (5) 95:14 118:19 148:13 297:22 298 5 reached (14) 95 6 96:4 9 17 23 97:19 98:22 99 8 100:3 269:10 358:1 19 359 3 360:2 read (38) 71 24 72:5 73:10 79 25 80:11 12 13 15 19 21 81:2 85:13 141:18 20 148 8 156:15 173:2 186:15 223:8 14 16 226:23 261 21 291:10 304:15 306:20 327:17 335 21 340:4 6 340:23 24 341:2 3 7 344:25 356.47 reader (5) 337:16 16 338:19 reading (6) 72:12 18 217:7 304:18 316:20 318:14 reads (5) 66 23 222 3 333:16 342:12 347 25 ready (7) 18 21 169:5 205:14 206:5 12 20 282:21 realize (1) 341:20 realized (1) 29:1 really (10) 16:5 30:14 21 31:7 75 23 131:16 133:11 154:22 311:21 329 8 reask (1) 353:4 reason (12) 208:20 227:4 8 231:18 232:17 20 236:16 237:14 249 21 307 2 13 313:16 reasonable (4) 243 7 334:2 335:11 336:9 rec (1) 201:7 recall (46) 28:21 44 2 54:1 5 69 20 72:15 73 24 84:23 85:17 86:15 89:25 91:4 11 22 92:3 13 99:16 104:4 131:15 134 23 145:13 156:9 201:6 25 208:11 213:6 294:2 295:24 296 2 330:11 333:4 10 340:1 342:1 344:7 11 13 16 349:6 14 351:6 351:8 11 352:10 357:18 19 receive (13) 14:17 19 21 17:23 126:11 14 17 129:14 147:5 23 178:5 266:20 269:6 received (33) 17:11 58:15 127:22 128:3 143:25 199:19 25 200:24 200:25 201:4 203:2 5 204 23 213:4 251:6 19 253:20 254:6 8 267:6 268:8 13 21 269:3 10

361:15

quick (1) 329:8 quickly (1) 8:10 quit (1) 169:1

questioning (7) 37:5 62:16 109:6 160:5 169:17 216:6 309 22

questions (34) 7:21 16:1 56 3 84:1

85 20 138:1 150:22 160:1 11

195:21 229 24 235:10 260:18

287:22 293:16 294:10 295:25

349:12 350:11 14 23 351:5 8

317:23 329 5 17 22 333 5 349:7

354:21 355:4 361:20 22 365:14

280:3 285 3 286:19 287:5 288:16 22 303:17 336:8 receiving (3) 30:12 126:12 145:10 recess (7) 64 5 67 7 125:15 150:5 245:21 296:8 350:17 recognition (1) 258:7 recognize (3) 219:22 231:7 record (69) 5:6 6:8 16:25 52 23 63:4 64:2 3 6 66:14 67:4 5 8 11 69:10 75:23 87:5 7 14 122 8 125:14 17 150:3 6 151:15 16 19 151:22 169:23 190:25 219 7 10 224:6 229 25 230 8 231:20 233:23 24 25 245 20 23 279:9 279:11 13 16 16 17 280:14 15 280:16 21 282:18 291:11 25 292:1 293:9 15 17 18 296:7 9 329:8 9 11 349:22 350:16 18 353:5 363 2 364:10 records (5) 158:7 236 3 11 251:21 356:2 redone (1) 241:15 reduced (1) 156:19 reduction (2) 156:11 158:1 redundant (1) 91:15 reexamination (10) 82:22 83:5 16 83:16 190:19 247 6 20 24 248:11 16 reexaminations (2) 82:16 237 25 refer (12) 35:1 71 6 10 179:24 180:1 308 25 310 3 6 11 16 20 316:1 reference (1) 317:25 referenced (1) 349:9 references (1) 295:11 referred (1) 311:3 referring (11) 45:18 55 8 72:16 112:16 121:5 148 5 216:3 300:18 303:3 320:13 321:2 refers (4) 308:21 309:12 315 23 reflect (2) 188:7 287:5 reflected (2) 287:11 289:14 reflects (1) 63:4 refusing (4) 9:15 294:24 295:15 16 regard (1) 298:13 regarding (6) 73:11 234:16 297:22 298:5 301:9 368:4 reaards (1) 149:8 regent (1) 218:12 regents (107) 1:16 5:19 39:15 56:11 18 58 5 59:5 21 60:1 23 62:7 63:1 12 64:16 68:7 105:18 118:2 125 8 188:13 191:11 216:24 218:8 11 14 220:1 15 23 221.9 12 222.4 223 5 224.14 20 225:16 22 226:4 15 228:3 229:12 230:21 233:16 234:17 241:14 246:15 248:15 251 6 270:9 10 271:9 22 275 21 276:22 277:3 6 280 3 286:19 304:24 305:1 23 24 306:5 18 307:3 23 309:2 7 311:7 319:2 328:9 329 25 330:1 14 18 19 23 331:29 332 7 10 21 334 6 14 335:1 7 24 336:7 24 342:15 18 342:23 343:12 348:1 7 11 349 8 349:19 358:13 362:12 13 366:5 366:8 10 367:6 12 17 368:5 369:11 registered (1) 305:16 rejected (1) 123 2 rejoined (1) 47:1 relate (3) 38:4 61:18 133 8 related (12) 133:7 178 21 180:17 180:21 198:7 199:1 16 200:7 9 262:25 300:14 351:17 relating (2) 212:22172

relationship (4) 77:23 203:12 17

release (5) 72:9 13 16 19 73:10

relevance (3) 314:11 12 321 2

180:24 200:3 330 6 343:16 23

relevant (9) 47 24 177:20 23

342:19

351:16

rely (1) 354:16

relative (1) 364:15

released (1) 260 21

remain (1) 354:18 remember (34) 10:12 13:14 20:2 22:15 26 3 29:4 31:14 60 8 72:12 18 74:14 98:9 127:12 130:11 135:14 203:10 205:9 206 25 213:24 214:18 223:17 270 3 286:3 288 8 290:20 320:2 321:19 323:3 4 336:14 337 22 341 7 344:18 345:1 remembering (1) 98:13 reorganization (1) 34:10 repeat (5) 89:20 93:17 117 20 140:18 286:25 repeatedly (1) 198:6 repeating (1) 321:10 rephrase (9) 54 24 136:14 156:3 167:18 169:22 194:19 239:9 274 23 326:11 report (10) 19:1 20:17 24:25 31:18 32:15 23 34:2 174:15 229:21 283 23 reported (6) 31:21 174:12 20 23 175:1 2 reporter (6) 5:9 16:1 22 280 21 reports (9) 32:21 33:1 13 13 15 16 33:20 21 40:22 represent (3) 5:16 75:11 347 8 representation (4) 222:4 228:3 230 21 233:16 representative (2) 290:15 341:12 represented (1) 240:11 representing (1) 173 23 request (10) 47:17 232:5 287:19 332:12 335:6 9 24 336:8 343:17 343 21 requested (3) 47 21 76:19 248:16 requests (1) 48:8 require (8) 48:19 161:2 5 9 11 162:11 174:25 245:11 required (13) 49:20 50:2 51:11 24 52:7 148:11 22 152:7 15 153 23 160:15 164:15 288:7 requirement (3) 127:18 162 3 requires (1) 160 20 requiring (4) 149:21 162:7 20 24 res (1) 49 research (25) 18:22 20 3 21:1 10 23:18 30:19 36:17 41:4 50:10 52:1 13 53 3 129:6 7 151 2 160 20 161:9 22 24 267:22 268:1 285:9 16 25 286:9 researcher (9) 18:14 20:5 6 11 18 21:11 15 17 24:1 researchers (1) 154:24 reserve (1) 287 22 residence (2) 6 21 25 resolve (3) 264:21 347:13 348:6 resources (4) 50:11 161:23 162:15 354:15 respect (103) 18 8 28:14 30:9 32:22 37:19 39:11 45:15 48:3 52:5 12 25 53:2 17 21 54 25 56:3 58 6 63:10 12 68:25 71:14 75:20 78:13 79:8 80:14 82:3 7 82:10 21 83:4 11 84:6 86:13 16 88:16 92 20 100:12 14 101 2 102:14 106:6 116:6 126:15 18 126 23 127:23 128:5 137:19 140:9 142:15 17 143:11 25 145 7 146:2 14 149:6 167:12 21 168:18 170:20 171:5 13 177:10 179 23 180:9 188:14 189 3 13 189 25 190:1 192:9 193:8 195 24 196:25 198:21 200:2 203 25 208:16 209:7 13 235:21 238 21 248:8 249:3 253:20 24 256:13 24 257 7 259:19 285:9 286:19 347:13 352:6 353 7 355:15 356:11 19 361:21 22 respecting (1) 115:21 respectively (2) 224:21 225 5 respond (2) 9:10 12 responded (1) 48 7

response (6) 16:16 116:2 347:12 347 24 348:6 8

responses (1) 7 22

responsibility (4) 215 20 217:1 9 secondtolast (1) 306:10 roman (2) 216:3 13 short (1) 313:21 room (1) 35:9 ropes (3) 2:9 3:13 35:8 **section (7)** 305:11 333 2 5 8 15 334:21 335 5 337.12 responsible (4) 19:2 242:23 333:18 337:11 ropesgray (1) 3:19 sections (3) 146:24 157:24 180:24 responsive (1) 207:12 rosenstein (1) 3:5 see (91) 59:8 10 17 138:16 157:3 roughly (5) 22:10 38:10 208:15 267 7 288:11 rest (3) 202:18 254:20 266:22 184:15 204:10 216:17 217:5 15 restate (5) 42 8 52:23 101:18 220:12 19 25 221:47 13 23 25 routinely (1) 246:19 222:9 223:1 224:3 22 225:1 6 restated (21) 74:5 7 76:12 77 8 14 royalties (3) 217:13 263 23 269:7 royalty (4) 269:2 13 14 288:6 225:11 25 226:6 11 17 227:19 227:22 24 228:7 230:15 25 78:12 18 142:19 143:3 9 223:13 229:7 231:11 233 3 241:17 ruc (3) 225:23 24 366:17 233:20 235:1 241:7 10 242:18 242:2 243:16 244 2 367:5 11 16 result (3) 251:7 20 280:4 rule (1) 317:22 rules (3) 15 22 28:10 329:21 243:9 251:8 252:12 15 253:16 255:7 25 256:12 18 258:1 results (5) 320:10 12 14 321:1 2 running (1) 156:17 267:15 19 23 270:15 18 24 resuming (7) 64:9 125:20 150:9 271:3 283:9 14 18 19 284 7 219:13 234:3 246:1 296:13 305:17 23 25 306:13 307:21 retailer (1) 95:23 308:2 11 311:9 312:12 21 313:2 s(1) 311:2 retain (4) 199:1 210:17 212:11 13 315:25 316 8 16 18 317 5 8 19 sales (1) 268:17 retained (5) 198:17 211:6 9 22 25 retention (6) 196:13 197 23 198:11 23 25 213:4 318:21 333:1 334:4 21 335:14 san (55) 2:10 5:12 6 24 7:11 13:13 340:19 342:12 21 347 5 351:20 18:17 19:12 16 21 2 16 22:21 357:6 23:20 24 29:23 32 6 34 8 35:4 reveal (3) 11:10 133:5 271:15 revenue (2) 253:15 19 seeing (2) 266:18 19 seek (6) 174 8 272:1 10 273 5 275:23 276 23 35:20 37:20 39:14 40:11 41:4 62:3 63 22 65:4 22 25 120:5 revenues (3) 110 25 129:13 123 7 127:20 154:24 174 2 268:15 seeking (8) 109:9 110:10 111:12 200:10 253:20 254:7 11 17 review (34) 9:25 11:14 24 12:2 271:11 272 20 273:19 275:15 263:15 267:6 268:7 283:13 22 83:9 14 85:3 143:3 5 175:19 276:15 284 5 17 285:3 10 287:7 288:17 seen (37) 6:18 58:22 24 25 68:12 177:18 183:12 184:5 187:21 360:19 23 288:19 24 289 3 4 5 310:21 188:13 17 18 24 189 2 11 68:16 130:3 132:1 8 140:12 23 3642 141:9 13 156 25 157:1 9 15 191:12 193:13 216:9 279:7 19 santa (1) 310:17 170:13 173:11 182 6 11 184:20 280:9 281:12 290:4 292:4 14 16 sasha (2) 3:15 35:7 saw (9) 21 3 157:4 18 158:4 12 340:19 351:17 357:13 184:21 188:4 201:13 17 18 reviewed (33) 12:6 61:6 69 22 98:6 141 24 142:4 9 175 22 23 222:18 229:4 232:23 262:22 171 25 180:17 202:25 286:8 278:23 279 2 4 290:1 304:11 134:8 saying (7) 164 2 165:11 289:7 296 2 307:7 320 22 345:25 175:24 176:16 177:7 178:17 20 317:23 190:13 192:9 193:18 18 199 23 selected (2) 313:5 317:10 says (34) 157:10 216:23 221:25 selection (1) 316:13 selects (4) 312:19 316 6 369:5 8 226:19 235:6 238 3 239:4 15 227 20 24 228:1 230:17 20 240:3 17 250:17 259:10 351:14 233:12 15 253 5 263:4 270 7 seminars (1) 137:9 send (3) 76:15 202:2 23 352:7 355:11 357:1 360:20 271 20 22 278:15 279:1 280:1 reviewing (3) 86:10 206:4 355:6 reviews (2) 279:10 17 280 22 283:12 291:21 293:7 sending (2) 209:8 357:15 305 21 313:11 314:21 316:10 316:16 317:21 21 318:9 12 senior (16) 7 5 6 13:12 29:18 21 31 20 32:3 8 9 15 33:2 34:4 richardson (2) 4:4 6:3 right (110) 11:12 12:10 16:10 18 17:9 20:15 22:10 22 23:8 24 8 335 5 341:25 350:7 41 6 128:16 21 23 scenario (1) 161 7 24:12 27:19 33:18 34:11 36:18 sense (1) 18:14 sixth (1) 4:6 scheduled (2) 9 2 59 7 sent (9) 83:15 21 187:23 200:20 201:19 21 24 203:20 318:17 37:18 25 38 6 41:23 43:11 24 school (10) 130:11 131:14 132:10 51:2 20 52:4 9 54:12 57:7 24 133 2 134:21 135:5 7 12 136 5 61:23 62 5 64:18 65:18 69:17 sentence (3) 281 23 313 22 161 22 73:6 24 74:9 75 5 10 76:5 21 25 314:20 327: science (2) 30:15 31:4 separate (10) 116:10 117:23 77:18 89 25 101:19 102:10 sciences (4) 13:19 20 24 14:14 115:24 117:4 120:11 122:12 16 120:17 162:10 168 5 239:16 scientists (1) 49:25 122:19 128:8 129:17 19 138:4 240:16 241:16 247 3 13 snap (1) 293:3 scope (120) 26:11 15 38 3 39:18 153:12 154:6 156 2 161:7 162 5 separately (1) 91:14 40:17 48:22 49:13 50 5 17 166:3 9 168 5 177:5 10 179:21 september (26) 21:25 22 2 9 13 51:15 22 53:24 90 8 91 3 95:25 181:21 22 187:4 196:21 201 22 22:18 24:6 24 25 23 27:11 28:1 107:17 108:11 109:12 110:12 213:25 214:15 19 219:5 224 6 8 28 3 4 29:12 15 25 30 8 31:18 112 22 115:3 17 116:14 121:10 224-12 225-19 227-19 235-17 32.1 142.23 143.2 10 229.13 121 23 124:3 134:17 149 2 230:1 234:24 25 270:17 235:19 239:25 240:2 243:23 164:4 23 166:24 167:15 24 250:6 252:10 257 6 9 263:24 series (2) 7:21 15:25 369:69 168:13 21 170 3 171:17 172:3 seriously (8) 204 6 246:7 12 290:21 293 23 294:1 5 18 275:24 278:15 281:8 282:23 172:15 187:12 190:22 191:8 285:4 286:8 289:22 290:23 193:11 203:15 23 205:18 206:15 22 207 7 22 208:25 291:9 295:20 315 23 321:25 served (4) 58:18 59 6 201:23 325:1 326:7 328:7 343:19 349:19 355:21 356:16 360:5 361:1 346.19 209:15 210:6 20 213:11 18 serves (2) 172:13 320:23 215:17 218:1 222:6 228:5 righthand (2) 312:7 11 service (4) 168 2 311:2 316 25 230 23 233:18 237:1 11 22 rights (19) 56:11 18 115 22 138:21 326:8 238 7 239:8 20 240:9 20 247:16 services (8) 5:10 167 2 283:8 13 300:5 20 305:16 311 3 152:16 23 160:17 21 23 161:13 250 23 257:2 11 259:1 273 7 10 162:47 12 25 222:6 228 5 273 21 275:10 18 276:17 277:2 230:23 233:19 335:8 serving (1) 275 7 277:11 19 286 24 296:19 297:5 sessions (1) 127:16 set (3) 147:11 256:24 364 7 rita (2) 290:11 291:6 297:11 17 299:18 300:1 9 301:4 road (1) 4:15 301:12 18 302 7 304:2 305 5 robinson (82) 3:14 19 5:25 25 settlement (11) 72:10 20 102:24 307 6 18 25 309 22 311:18 296:11 22 297:1 7 13 19 298:12 298:17 299:21 300:4 16 301 7 103:1 180:21 268:7 22 22 269:1 269:12 286 20 313:9 314:8 16 315:4 10 328:4 328:12 331:19 332:1 336:12 301:15 23 302:12 16 303:1 settlements (5) 180:14 25 269:9 337 2 338:13 339:2 12 342:14 343 2 345:7 304:7 305:8 20 306 3 9 22 269:10 286 21 307:1 11 20 308:1 7 12 19 24 setups (1) 39:11 scott (2) 172:24 191:20 309:11 310:1 10 15 19 24 264:24 25 seven (1) 22 23 screwed (1) 243:20 sd129591 (1) 1 23 311:12 22 312:4 18 24 313:3 12 sf (2) 252:8 263 5 313:20 314:13 18 315:7 15 19 316:5 19 317:4 9 14 24 318:3 sf1994b08 (1) 368:14 se (1) 155:3 shakes (1) 15 5 share (3) 110 25 264:9 345:20 search (13) 48:5 6 303:4 6 319:15 318:10 22 319:1 8 17 322:20 319 20 23 25 320 1 7 8 14 17 324:16 325:2 13 21 326:1 9 24 shares (4) 264:6 267:18 268 6 7 south (1) 4:6 searched (1) 207:11 sharp (6) 19:4 15 20 20:1 19 21 sharps (1) 19:5 327:13 328:8 15 20 329:2 5 7 second (23) 37:22 77:14 78:12 18 83:5 16 84:18 125:12 143:2 9 151:4 161:6 189:10 12 233 3 22 role (19) 19:5 20:4 21:12 24:21 sheet (1) 286:11 25:9 21 26:13 27:7 11 29:15 shes (8) 87:10 101:18 169 7 10 200:17 279 20 22 290:12 241:4 245:18 247:6 280:14 31:21 40:4 41 5 45:11 12 125:8 292 25 314:20 367:16 shock (3) 18:9 10 21:12 128:15 20 319:11

65:3 66 24 84:5 151:19 23 shorthand (2) 364:4 11 169 3 16 249:2 289:11 specific (21) 88:19 20 95:20 shortly (2) 270:20 332:11 shouldnt (2) 272:17 291:7 147:1 162:17 164:16 167:1 show (1) 285:8 168 7 172:10 187:19 193:14 showing (1) 215:23 shows (1) 284:4 197:16 246:20 25 264:25 265 20 300:14 309:25 323:16 sic (10) 33:8 98:16 156:5 197 3 330 20 336:14 specifically (21) 50:22 92:13 93:5 141:10 149:8 159:20 168 3 217:11 225:10 229:14 236 2 307:16 329:3 side (2) 75:4 262:19 172 6 187:5 192:12 198:7 256:6 sidebar (1) 211:1 300:11 13 25 330:4 9 337:22 sign (26) 46 7 21 48:20 24 49:20 50:2 12 51:11 24 52:7 14 53:4 344:11 16 356:11 speculate (2) 39:5 6 53:16 20 54:15 55:2 12 146:9 speculating (2) 336:17 19 147:21 148:11 22 152:7 160 22 speech (1) 258:6 spell (9) 13:21 25:3 33:6 40:25 98:15 126:7 158:16 20 22 161:11 162:3 307:10 signatory (1) 308 8 signature (1) 306:15 spelled (1) 6:13 signatures (2) 220:18 306:13 spending (1) 86:9 spoke (2) 19:25 21:3 signed (37) 44 21 45:14 46 23 47:2 6 48:13 54:17 21 56:9 100:20 146:16 153:2 16 220:13 spoken (18) 43:4 8 73:20 77:20 78:2 24 79:4 14 19 22 81 22 221:8 223:4 224:18 225:3 13 82:6 9 172 20 23 191:19 192:4 226:2 229 20 230:1 232:1 6 7 1946 232:15 234:23 241:18 306:17 sponsor (1) 161:18 307:3 8 22 316:22 354 3 360:9 sponsored (7) 36:17 52:25 129 5 129 7 160:20 161:48 signing (2) 221:11 12 sponsorfunded (4) 50:10 51 25 signs (2) 57:4 136:18 52:13 53 3 silvey (1) 172:24 sponsorrelated (2) 151 2 162:1 silveys (1) 191:20 spread (1) 114:14 similar (5) 78:5 124:12 133:18 24 spreadsheets (1) 324:5 ss (1) 364:1 similarly (1) 325:17 stack (1) 269:19 simply (1) 331 7 simpson (8) 4:24 5:19 19 10:17 11:19 13:1 201:22 290:18 staff (8) 39:2 41:8 305:15 316:25 317:16 318:1 5 18 stamp (13) 47:11 15 228:19 229:8 232 7 25 234:20 249:19 20 22 250 3 290:8 304:10 simpsons (1) 119:17 sit (11) 30:5 102 6 138:23 193:6 227:8 247:11 273 25 289:24 stamped (6) 220:5 223 24 224:16 225:9 23 226:9 stand (1) 282:17 292:15 294:21 354:12 **situation (3)** 43:16 78:5 136:3 **six (5)** 22:8 17 23 23 29:4 standing (3) 216:24 218:10 14 stare (1) 294 21 skills (2) 31:1 7 sliced (1) 157:23 start (9) 17:15 18 22 24:23 32:19 59:15 150:16 279:20 321:17 slightly (4) 115:24 326:10 25 337:19 started (11) 21:25 24:19 25:22 26:21 25 27:8 10 28:1 29:14 slowly (2) 8:10 176:24 smith (1) 3:4 31:17 341:9 starting (1) 100:4 snapped (2) 294:8 295:12 starts (2) 158:23 220:21 snapping (2) 293:14 19 startup (2) 128:10 10 software (3) 154:17 258:6 259:9 state (15) 5:16 6:7 51:18 97:6 sole (1) 270:13 solely (1) 9:10 solution (5) 312:20 316:7 318:19 110 21 127:17 17 22 134:13 141.10 190.25 258.20 348.1 364:1 5 statement (2) 280:11 281:18 somebody (9) 40:3 43:13 61 2 statements (1) 362:21 states (18) 1:1 14:24 15 6 12 98:12 114 24 132:18 21 187:9 82:21 83:4 117:12 135:8 190 6 someones (1) 80 23 191 3 209:12 214:22 216:18 son (2) 322:11 12 242 20 247:5 20 271:9 278:11 sorry (53) 14:22 23:12 14 15 32:9 status (1) 270:9 35:10 45:12 53:1 55:8 58:15 stay (2) 21:15 23 2 step (4) 18:21 20:7 211:8 275:23 87:3 6 90:23 91:11 14 98:11 steps (5) 204:15 209:4 10 210:1 2 100:9 13 101:18 110 5 128:18 140:19 152:20 155:25 156 2 stetson (5) 132 25 133:1 6 233 6 158:14 21 186:7 197:10 216:11 235.5 224:5 229:9 230:3 236 7 239:22 steven (1) 368:16 242:12 249:22 262:7 269:21 stipulate (2) 317:21 348:11 272:17 25 275:3 277 23 279:15 stop (6) 8:11 219:4 5 5 277:7 287:1 299 3 19 303:4 304:17 349 22 336:20 340:25 341:20 352:13 stopping (1) 219 3 sort (10) 18:13 22:18 26:13 45:6 story (1) 312:19 161:16 204:3 255:1 259:9 street (1) 4 6 stress (1) 21:13 sought (2) 143:17 247:20 strike (18) 79:18 88:22 90 2 sound (4) 22:10 69:17 73:6 213:25 sounds (2) 24:14 328:23 101 21 110:8 136:15 144 7 145:12 155:18 161:6 183:13 source (1) 133 5 209 3 274:22 288:3 293:15 18 325 7 352:14 stroke (3) 18:9 11 21:13 strokes (1) 18:10 space (1) 179:17 speak (19) 8:10 17:1 43:23 60:23 61:16 21 62:1 63:11 64:17 structure (1) 33:19 65:25 66:20 67:18 68:1 24 82:2 struggling (1) 128:19 student (25) 41:14 51:12 53:15 19 82:20 83:3 87:4 248:7 speaking (12) 59:20 61:10 64:22 55:1 11 147:20 148:12 150 25

152:5 14 153:14 16 16 22 160:19 21 161:14 162:9 164:10 173:2 174:10 357:14 18 359:9 students (55) 37:7 41:8 42:13 50:1 50:1 12 51:10 18 24 52:5 6 12 53:2 54:3 10 15 55:17 146 8 148:14 21 149:6 8 13 21 150:22 150:23 151:1 152 3 159:12 13 159:19 23 25 160:1 3 4 4 161 3 161:11 15 162:3 7 8 21 25 163:24 246:16 19 305:14 314:5 316:24 317:15 25 318:5 18 stuff (1) 205:4 su (1) 116:12 subject (6) 69:6 75:19 116:10 251:12 342:1 368:19 sublicense (2) 144:1 14 sublicenses (4) 102:17 144:9 180.9 356.13 submit (2) 189:25 247:4 submitted (10) 85:5 6 187:21 188:5 209:12 238:4 13 239:5 11 247:13 subpoena (5) 59:5 201 23 203 2 366:5 369:1 subscribed (1) 364:17 subsequent (1) 241:15 subsequently (2) 341:10 353:25 substance (3) 11:10 74:14 271:16 substantial (3) 48 5 242:25 333:20 succeeds (1) 129:18 sue (10) 114 25 115:10 116:10 12 215:10 217:23 218:6 17 23 270:21 sued (2) 144:9 330 22 suggested (2) 105:3 346:2 suggestion (1) 336:24 suing (10) 105 8 11 15 19 106:15 114:11 145:20 166:8 240:6 295:7 suit (11) 93:13 94:1 17 25 96:10 19 97:1 118 20 270:12 14 332:6 summarizing (1) 77:3 summary (5) 76:17 23 178:9 262:24 368:13 summerville (1) 4:15 sums (1) 38:7 sunita (10) 1:17 2:8 5:1 7 6:9 14 245:23 348:7 363 2 365:4 supplemental (13) 37:15 38:3 68:6 70:2 234:16 248 3 8 249:4 251:4 18 280:5 366 7 368:4 supplied (2) 326:18 327:10 supporting (1) 105:25 supposed (2) 235:17 279:22 supposedly (1) 261 3 sure (79) 6:19 8:13 9:20 21 2 25:12 37:17 40:21 42:11 43:11 52:4 22 54:7 14 60:12 61:22 23 61:24 64 2 65 22 24 66:1 13 22 76:8 77:16 84 25 85:12 86:1 12 93:18 95:4 109:4 117 21 124:14 132:20 139:23 140:20 141 22 143:23 145:3 25 147:17 148 5 150:2 20 152:3 159:9 161:7 168:1 169:6 178:6 205:13 209:22 211:8 212 24 216:12 219:4 224:6 231:16 239:13 21 251:2 262:19 264:14 274:5 17 277:15 287:3 289 7 319:9 326:11 328:24 332:19 343 25 344:17 347:15 350:15 360:10 361:16 surprise (1) 164:9 swords (2) 229:11 234 23 sworn (2) 5:2 6:4 system (37) 7:7 17:16 39:13 40:1 44:25 45:16 49:9 19 58:5 6 60:24 61:4 16 62:8 63:1 13 64:23 65:9 23 66:13 23 68 3 113:23 114:5 119:14 156:16 196:10 234:19 263:14 320:19 325:4 344:3 15 345:4 348:5 349.2 368.6 systems (11) 1:9 4:3 68 6 154:18 155:11 271:1 329:18 366:7 367:8 15 20

tagged (1) 347:10 take (38) 15:16 16:1 17:4 6 18:21 31:9 38 24 62:17 18 63 25 100:10 117:24 125:11 127:6 15 138 6 145:20 146:17 18 148:15 204 6 245:17 246:6 11 274:15 279 7 291:23 293:23 294:1 4 18 296 6 321:14 335:7 24 341:14 347:11 350:14 taken (21) 2:8 7:14 25 64 5 67 7 112 24 125:15 150:5 209:4 245 21 248:20 264:12 265:16 265:18 266:2 5 22 296:8 350:17 359 8 364:6 takes (1) 146:23 talk (17) 11:4 8 62:13 70:1 125:7 144:13 197:3 210:23 224:13 261:9 273:23 274:11 15 18 282 21 296:21 362:11 talked (22) 79:10 146:1 152:2 159 2 5 175:25 183:16 193 20 193 24 25 194 2 4 196:11 17 23 196 25 197:11 14 236:19 286:18 355:7 356:20 talking (38) 17:10 21 23 32:17 35:2 43:15 45:11 52 21 55:22 63:21 71:7 72:8 119 20 122:11 132 21 150:21 159:24 163:19 181:19 192:10 16 198:15 19 206:1 216:12 238:12 252:1 9 300:19 302:10 13 326:12 355:5 356:10 358:11 360:8 10 11 361 25 talks (1) 1258 teach (2) 19:11 130:12 teacher (1) 19:13 teaches (1) 130:6 teaching (1) 130:16 teachings (1) 95:16 team (1) 351 23 technical (2) 78 24 90:13 technol (1) 95:16 technologies (41) 1:5 5:13 31:6 41:7 45 23 57:14 77:17 88:12 102:9 105:5 107:14 22 108 2 8 108:16 23 117:18 23 119 3 139:19 154:23 155:1 3 9 176 24 220:14 221:8 223:5 224:15 225:15 234:18 256:2 271:1 287 8 342:16 354:9 14 367 7 13 367:18 368:6 technology (125) 21:18 20 22:4 22:19 23:2 7 24:4 7 20 25:1 10 25:22 27:12 29:12 22 30:19 25 31:25 32:5 34:9 11 12 15 19 22 35:3 11 13 17 18 36:9 11 37 22 41:16 20 22 42:3 13 22 44:18 45:15 46:12 56:14 17 57:1 2 12 57:13 71:15 87:17 88 24 95:8 95:19 98:1 99:3 7 100:21 101:4 107 5 7 111:2 118:17 121:19 123 6 126:6 9 128 5 136:21 137 8 138:23 142:5 150:15 153 7 154:9 13 14 16 21 155 6 158:1 167:13 22 173:17 174:1 176 23 25 177 4 9 178 11 179:14 190:8 191:4 252:3 6 21 255:11 256:3 257:9 258:21 259:9 14 263:9 281:21 283:9 24 295 7 315:24 330:16 25 331:10 339:11 342:24 345:12 16 351:2 351 24 352:19 23 353:2 8 12 15 354 5 360:18 369:8 tell (26) 8:1 13:11 14:11 22:7 34:17 50:24 65:9 75:15 88:21 88:23 116:11 19 125:25 133:2 135:1 7 144:15 19 155:19 156:5 159:10 190:5 17 191:2 245:12 282 24 telling (11) 28:16 41:10 62:8 86:3 139:4 145:8 153 3 178:13 202 21 206:3 293:15

tells (2) 139 3 281:19

terence (4) 220:14 224:19 225:15

ten (1) 40:11

226:4

term (1) 117:4

terms (6) 99:9 100:4 23 129 8 181:16 23 test (4) 60:10 69:7 127:14 16 testified (10) 5:2 8:24 205:19 293:4 321:5 333:7 351:14 352:7 352:12 16 testify (19) 11:1 58 6 60:14 70:21 175:20 176 3 183:15 193:7 195:23 196 2 9 204:12 250:20 251:11 18 294:11 305 7 343:4 testifying (6) 196:3 202:22 229:17 270:25 305 3 364:9 testimony (20) 54:8 57:21 61 25 103:11 106 21 160 7 185:25 211:22 213 3 249:6 319:10 339:24 340:4 341:16 17 17 342:2 352:10 361:7 365 21 testing (5) 130:9 10 131 58 133:12 texarcana (1) 4:16 texas (4) 1 2 4:16 9:7 281:3 text (1) 318:15 thane (3) 4:14 5:23 23 thank (24) 28:12 53:10 55:7 56:20 67 3 70:19 83:2 91:13 145:24 223:18 230:4 243:21 296:5 329:4 6 341:13 19 342:7 346:10 350:10 12 361:13 362 24 25 thats (153) 12:15 16:15 20:6 22:5 36:10 44:1 47:23 50:25 53:16 53:19 55:1 10 12 56:9 61:19 20 63 3 65:23 69:11 13 71:8 14 85:12 86:19 24 87:15 25 97:16 101:6 106:3 4 107:6 9 109:6 110:7 111:2 112:24 114 23 115:6 117:13 119:2 120:11 122:18 127 2 129:20 130:14 132:14 133 24 134:13 135:12 135:25 136 5 137:5 141 6 15 144:1 148:5 152:6 153:6 158:15 164:2 166:15 169:11 13 18 171:2 21 173:11 176:15 177:17 178:11 13 181:11 22 22 182:2 191:1 192:23 196:13 202:13 25 203:3 205:1 5 211:2 238:4 13 238:17 239 5 10 15 24 240:4 17 242:6 252:1 10 253:13 254:11 255:1 258:12 260:14 262:2 12 265:21 25 266:9 267:4 273:2 274:17 275 5 276:5 278:11 14 283:21 285 21 286:11 291:14 291:14 292 5 293:5 303:14 305:1 309:1 4 15 311:7 313:11 313:17 314:11 318:9 23 319:2 320:18 323:13 326 6 18 23 327:10 329 2 338:6 21 342:24 346:7 347:17 350:6 352 23 353:11 13 354:4 16 358:14 360:5 therapeutic (1) 256:17 thereof (1) 364:13 theres (4) 120:7 139:11 220 6 thereto (2) 243:5 333:25 theyre (3) 138:19 212:7 9 theyre (1) 137:15 thing (8) 55:21 22 56 5 80:14 146:1 174:10 180:1 326:12 things (9) 46:11 150:17 151:17 154:18 211 3 320:16 22 322:14 think (77) 9:18 21:1 22:17 26:12 27 25 28:25 30 23 46:17 47 23 51 23 52:21 56 21 57:23 58:18 61 2 25 65:20 73 2 16 77:15 80 7 85:25 90:22 95:7 98:7 99:6 100:21 114:17 24 115:9 20 116:8 118:16 119:25 122:18 124.11 127.9 131.13 140.18 141:6 151:5 8 152:4 156:8 157:6 159:25 160:2 14 164:11

thought (15) 98:16 122:5 159:18 163:1 171 25 230 5 6 244:6 13 244:20 245:5 12 321 23 322 7 thousand (1) 288:9 three (13) 2:9 5:11 10:24 18 6 22:7 23:25 32:9 34:4 40:12 48:13 119:17 121:4 192:13 tim (3) 186:10 12 192:4 time (92) 8:10 16:11 13 13 17:5 18:18 19:17 25 21:3 22:2 5 23:1 23:16 17 24 2 4 5 16 17 25:14 28:1 25 29:9 31:17 32:8 13 33:20 22 44 3 56:9 65:7 69:10 69:10 72:24 73:14 74:22 75:1 75:12 77:21 25 79:25 84:14 86:9 92:15 93 3 4 95 6 98:7 10 107:24 129:24 142:3 149:11 19 149:25 156:17 20 157:4 158:17 160:3 162:14 163 2 194:12 21 195:14 198:18 205:21 207:16 210:9 217:12 12 244:4 11 18 245:3 279:14 19 20 280:10 314:4 319:19 322:14 330:7 334:13 342:17 344:17 350:10 353:20 354:15 356:23 363 3 364:7 timeframe (5) 184:10 15 192:17 194:25 195:7 timeline (1) 314:1 times (3) 55:15 62 23 168:24 title (3) 27:14 263:5 316:6 titles (1) 29 20 today (48) 8:1 6 10:1 11:2 30:5 58:6 59:22 60:14 18 64:18 66:20 67:19 69:11 70:21 102:6 175:21 177:9 183:15 193:6 195:22 196:7 204:13 210:24 211:3 227 8 247:11 248:6 249:11 250:18 251:12 261 22 262:9 270 25 273 25 289:24 290:16 296:1 305 3 313:14 316:22 351:5 13 352 7 16 354 7 358:12 361:8 362:11 todays (1) 197:12 told (10) 77:7 124 7 131:24 132:11 135:12 138:19 159:12 190 6 205:1 290 23 tomorrow (1) 292 22 tons (1) 146:21 tools (2) 256 8 313:25 top (6) 227:19 283:12 304:14 312.6 11 315.22 topic (38) 37:15 38 3 60:4 6 125:7 125:7 170:4 175:15 16 18 176 2 177:10 19 183:11 188:22 195:20 204:10 12 208:7 210 21 210:23 248:3 8 249:4 251:4 18 279:25 280:5 342:12 343:13 17 343:22 346:20 20 21 347:1 348:9 362:18 topics (55) 10 25 58:7 25 59:10 20 59:25 60:1 9 15 18 22 61:3 10 61:16 62:1 63 2 10 12 64:17 67:16 23 68 2 16 19 24 69 7 16 69:23 70:2 5 20 168:23 169:7 9 183:14 20 25 192:9 13 20 193:2 193:9 21 195:21 24 196:8 25 197:12 15 16 279 21 23 280:9 342:11 358:11 total (5) 124:11 151 6 253:15 264:7 267:1 totally (8) 50 25 86:8 98:14 107:11 171:2 243 20 279:24 293:5 touch (1) 147:12 tower (1) 30:24 track (1) 344:1 trademark (7) 43:5 14 44:4 81:18 82:3 21 121:16 trained (1) 128:13 training (26) 30:1 6 9 31:5 125:25 126:2 11 14 17 127:23 136:8 11 136:15 19 22 25 137:12 16 19 337:23 338:1 343:22 347:14 17 146:19 147:6 23 148:4 15

thinking (1) 159:20

third (3) 37 23 52:1 161:4

thirdparty (3) 152:22 161 8

154:18 155:11 transcribed (1) 364:11 transcript (2) 341:3 17 transcription (1) 364:13 transcripts (3) 340:20 23 24 transfer (18) 30:19 25 41:16 19 22 45:4 5 6 173:18 176:23 177:1 4 177:9 179:14 263:9 281:21 283.9 24 transferred (10) 84 21 22 176:12 176:19 177:2 179:13 15 263:10 263:19.21 transmitted (1) 345:24 treymore (1) 6:22 trial (22) 9:1 6 66:21 129:17 173:19 175:23 185:6 10 21 195:4 6 11 314:3 322:19 332:11 339 25 340:4 5 14 23 341:2 16 trick (1) 235:18 true (16) 69:13 226:25 231:19 236 2 10 265:25 307:14 314:11 314:14 332:5 12 334:16 340:9 340:12 346:4 7 trust (1) 86:8 truth (1) 8:1 truthful (2) 7:22 362:20 truthfully (2) 294:12 296 3 try (9) 16:20 23:10 93:20 25 94:15 128:18 144:13 147:11 330:2 trying (20) 11:13 23:14 27 20 28:15 60:12 85:12 25 87:4 6 116:11 15 119 25 159:19 169:12 190:25 193:17 195:7 224 5 277:7 349 22 tuesday (2) 1:18 2:11 tug (1) 16:15 turn (10) 57:5 116:9 221:15 233:8 240 23 306:10 310:25 332:24 334 20 346:21 **two (37)** 10:24 12:3 20:12 14 22:7 24:2 28:1 32 8 11 33:1 34:5 48:13 56 8 57:20 79:2 114:18 115 20 22 117 24 123:16 124:9 143:9 150:16 151:17 159 22 176:10 177:7 183:3 201:25 224:1 229:24 230:7 241:2 268 25 306:13 309:18 320:4 tyler (3) 1:2 9:6 271:1 type (33) 30:1 6 9 44:17 18 45:22 50:2 79:17 102:7 126:14 22 127:17 131:21 136:8 15 19 137:19 148:14 149:4 12 20 153 23 157:18 161:11 172:10 255:17 256:11 13 276:2 358:2 358:19 359:1 360:23 types (3) 155:8 258:17 268:25 U uc (20) 19:23 30:22 40:21 151 6 168 3 176:24 177:3 187:2 200 21 24 207:17 215:23 216:19 247:1 248:10 250 8 289 8 309:25 313:5 357:20 ucaleolas (1) 249:19 ucaleolas 1000000562 (2) 234 21 3688 ucaleolas10000010 (1) 368:11 ucdavis (1) 310:3 uci (1) 310:6 ucla (1) 310:11 ucs (3) 253 20 352:8 368:9 ucsc (1) 310:16 ucsd (1) 310:20 ucsf (29) 7:9 10 18:3 36 20 37:7 41:8 13 17 20 23 42:3 13 55:16 61:18 63 20 66:12 24 119:21 122 5 7 11 129:21 146:23 155 24 201:2 207:16 252 8 286 6 289:19 ucsfs (1) 268:6 **uhhuh (8)** 15:21 16 7 12 20:23 21.8 32.14 166.4 284.14 undergoing (1) 34:10 undergraduate (20) 13:17 18 51:24 52 5 53:15 55:11 17 126:12 150:25 151:1 152 2 153:16 159:13 18 25 160 3 162 21 24 163 23 164:10

170:15 171 25 189 7 191:1

205:25 214 21 240 24 241:1

250:14 253:14 262 6 269:21

322:4 326:6 7 327:25 328 6

274:19 286 8 288:15 21 294:3

```
understand (98) 7:16 20 25 8:4 9
   8:16 31:6 35:1 54 7 57:18 19
   58:3 7 10 12 61 24 64:8 11 21
   64:23 65 5 66 25 67:10 13 17
   71:7 84:8 85:13 89:12 100 2
   101:6 106:14 17 19 24 24 111:4
    111:68 112 6 125:6 19 22
    137:25 139:23 150:8 11 154:15
    166:1 5 8 12 17 171:22 190:15
   196:3 202:11 17 206:16 210 24
   219:13 16 234:7 239:21 25
   240:1 245:10 25 246:3 249:2
   251:3 264:14 274:4 5 19 25
   275:6 296:12 305:1 306:4 310 3
   310:6 11 16 20 312:14 313:4
   314:10 12 316:1 318:4 324:17
   327:1 18 329:20 331:6 358:10
   359:18
understanding (27) 52:6 59:19
   60:20 61:9 12 68:23 69:15
   87:25 116:23 144 6 8 12 159:10
   259:20 266:25 267:4 274:7
275:14 276:9 277 6 21 278:8
   282:24 305:9 311:13 332:8
   350:3
understood (7) 122:2 293:16
295:25 307:12 12 310:2 319:9
uni (2) 109 7 247:2
united (13) 1:1 14:23 15:6 12
   82:20 83:4 117:11 135:8 190:6
    191:3 209:12 247 5 20
units (5) 36:6 20 129 2 3 174:18
univ (2) 62:7 115:11
univer (1) 59 21
universities (2) 39:25 41:18
university (591) 1:16 3:16 4 24
5 20 7:4 7 10 9:6 12:9 16 18 25
    13:12 22 14:16 17:12 16 19
    18:17 19 6 11 15 21:16 22 20
   23:19 24 26:19 29:23 31:10 12
   32:5 34:8 35:3 19 37 20 39:12
   39:14 15 40:1 4 10 14 42:4 15
   42:22 44 25 45:15 24 25 46:6
   46:13 48:18 49:9 19 23 50:11
   50:16 51:11 19 20 53:17 21
   54:11 18 55 3 56:12 18 57 5 7
   57:16 58:4 5 59 5 21 60:24 61:4
   61:15 62 2 7 63:1 13 21 64:16
   64:18 23 65:4 8 21 23 25 66 2
   66:12 23 67:17 68:2 7 25 70 22
   74:8 25 75:7 25 77:24 78:13 19
   84:6 10 11 90:4 16 25 91:7 19
   91:25 92 5 9 19 24 93:7 94:21
   94:23 95:1 5 12 13 21 96:3 8 15
   97:6 13 18 98 2 22 25 99:13
    100:5 15 101:3 12 23 102:8 12
    102:15 105:2 7 10 14 17 18 22
    105:25 106:7 107 2 13 108:1 7
    108:14 22 109:8 110:9 111:6 11
    111:17 25 112:20 25 113:5 22
    114:4 10 13 22 25 115:10 13
    116:8 9 17 117:5 17 22 118:2 7
    118:15 17 119:1 14 20 120:3 4
    120:20 25 121:8 20 122:3 123 7
    123:15 25 124:8 17 23 126:6 9
   127:20 128:5 129:14 130:10 15 131:21 132:5 7 9 134:14 136:9
    136:17 19 22 137:18 18 21
    138:16 20 22 139:18 140:10 11
    140:12 22 23 141 23 142:16
    143:7 144:6 145:5 146:2 18
    147:47 23 148:13 16 22 149:6
    149:12 14 20 22 152 6 14 17
    153:24 154:23 155:19 156 5
    157:17 158:4 11 161:2 5 10 23
    162:6 9 15 20 21 163:25 164:19
    165:4 18 166:1 21 167:12 20
    168:8 17 170:1 13 172:1 11
    173:3 3 15 23 174:1 7 9 11 12
    174:19 20 25 175 2 5 7 10 20
    176:1 2 4 14 18 22 179:9 180 5
    181:3 182:4 9 14 20 183 6
    185:8 15 20 24 186 24 187:8
    188:5 14 189:2 13 24 190:5 17
    191:2 11 18 192:3 193:1 7 8
    194:11 20 195:13 15 23 196:1 3
    196:49 197 23 198:10 23 199 5
    199:15 200:1 10 201:3 9 15
   202:2 4 11 13 22 203:1 5 13 19
```

```
204 7 205:15 207:2 4 10 20 25
   208 8 14 21 22 209:4 6 10 24
   209 25 210:2 9 16 211:7 11 17
   211 21 212:1 5 11 15 213:2 7
   213 21 214:9 10 22 215:9 15
   217 3 18 218:5 11 13 22 220:15
   220 23 221:9 223:6 224:15 20
   225:17 226:15 227:1 5 229:13
   229:18 231:20 25 232:16
   234:17 235:21 236:3 11 22
   237 8 17 238:3 9 16 239:4 14
   240 3 5 11 15 241:4 244:5 12
   244:19 245:4 11 246:6 16 22
   247:47 12 19 248 7 15 19 24
   249 3 7 8 250:21 253:19 254 6
   254 7 9 15 25 256 24 259:19
   263:19 265:3 9 24 266:1 10
   267 2 6 268:6 12 20 269:6
   270:9 20 271:10 25 272:9 19
   273 3 275:15 22 276:14 22 23
   277 7 278:4 283:12 284:17
   285 3 287:5 6 7 21 288:16 17
   288:19 21 23 24 289:3 12
   296:17 297:3 9 15 21 24 298:4
   298 6 19 24 299 5 10 14 22
   300 6 23 301:1 8 9 16 302:2 4
   302:18 303:23 304:25 305:2
   306 5 307:4 9 309:4 15 310:4 7
   310:12 17 21 311:15 312:14
   314:4 316:2 319:12 327:23
   328:1 9 331:17 24 339:10 340:8
   340:13 341:12 342:3 344 3 15
   347 25 348:4 19 19 349:2 351:9
   351 21 353:14 21 356:6 357:5
   357:15 23 25 358:18 25 359:7 9
   359:12 16 19 23 360:1 24
   361 21 362:1 13 21 366:5 8 10
   367 6 12 17 368 5 369:12
universitys (12) 118:19 166:15
   211 8 237:6 240:10 338:9 23
352:17 22 353 6 361:23 362:2
unknowingly (1) 324:25
unrelated (1) 171:2
unsigned (1) 231:23
```

unsigned (1) 231:23 update (1) 76:6 upwards (1) 114:23 url (2) 312:12 315:22 use (63) 6:11 88:14 17 18 89 3 5 162 23 170:10171:6 279 20 301:10 17 302:1 4 22 23 303 8 303 24 305:16 319:11 15 320:7 320:9 18 19 20 321 5 20 24 322:10 12 323 2 8 10 13 21 324:9 325:3 5 10 16 18 22 326 2 3 14 17 20 22 327:3 5 6 327:10 337:14 16 20 338:18 339:11 342:13 15 343:16 346:3

useful (2) 41:14 15 user (1) 44:21 users (1) 305:13 uses (10) 131:10 135:8 166:21 172:12 299:15 23 300:7 302:18 320 22 322:11 usual (1) 76:8

usually (8) 27:18 50:12 86:4 121 25 124:10 178:5 320 20 345 20

utilize (2) 31:5 161:23

vacant (1) 32 7 vaccine (2) 255:17 256:15 vaguely (1) 328:23 valid (5) 236 24 237: 915 238:1 1 validity (8) 222:5 228:4 230:22 233:17 237:19 248:12 24 249:9 valuing (1) 351:1 vangard (1) 99:18 vanguard (5) 99:17 21 101 2 360:14 15

varieties (2) 256:9 258:12 variety (4) 258:11 17 261:17

various (1) 345:23 vc (1) 98:9 venture (7) 98:10 12 99:12 20 101:1 178:14 360:12 verbatim (1) 364:9 verdict (1) 72:9 veritext (1) 5:10 versions (1) 345:21 versus (4) 5:13 234:18 271:1 368:6 veterinary (2) 257:20 23 vice (1) 41:3 video (4) 5 7 8 20 282:18 322:21 videographer (26) 4:23 5:5 8:21 64 3 6 67 5 8 125:13 16 150:3 6 219:6 10 233 23 25 245:19 22 279:11 280:19 296 7 9 329:9 11 350:16 18 363:1 videotaped (1) 1:15 view (3) 270:8 328:10 357 7

viewed (1) 201:8 viola (34) 173:7 184 21 24 185:1 9 185:16 25 186:20 187 6 10 10 187:15 22 188:8 15 189:4 14 190:1 16 191:13 20 192 5 193:22 194:13 22 195:16 351:10 18 357:6 7 358:2 20 359:2 362:14

visa (1) 15:16 visit (1) 15:16 visiting (1) 49:24 voelker (2) 225:4 341:10 voice (2) 282:13 18 vs (1) 1:8

W w3c (6) 327:16 18 21 24 328:2 10

waif (2) 87:9 292:25
waiving (1) 75:19
want (53) 10:24 15:16 24:19 30:18
37:17 54:7 57:20 66:21 69:11
75 23 77:16 85 21 117:7 127:13
136:21 45:25 15:1:15 15:23
157:4 159:9 16 160:7 178 6
180:12 201 22 205:12 214:6
224:13 271:10 274 5 15 17 20
276:1 277:14 16 279 7 13 280:9
291:23 292 2 304:15 319:9
323:9 329:7 337:19 347:15
349:21 350:14 353 5 13 360:9
361:6

wanted (5) 6:18 76 6 11 150:17 360:17

warranty (6) 222:3 227 20 228 2 230:20 233:15 237:4 wasnt (4) 107:9 155:23 192:15

way (31) 16:21 32:19 78:3 79:6 81:19 75:18 96 5 111:18 25 112:20 129:15 148 6 161:21 215:22 217:4 260:3 261:12 16 261:17 266:19 311 24 320:10 320:12 15 322:8 327 3 11 344:25 352 25 353:11 361:6

ways (2) 6:18 320:21 web (17) 87:21 22 89:10 93 3 171:14 246 23 275 7 300:21 312:8 315:22 327:19 328:19 337:17 352 22 353:1 7 17

webbased (1) 155:12 website (17) 139:8 146:22 23 23 148:7 167:8 170:21 171:1 5 13 171:24 196:14 338 3 10 25 369:4 7

websites (3) 147 5 170:14 349:23 wed (3) 232:5 287:19 362 6 wednesday (1) 314:23 week (2) 47:25 127:13

wei (3è) 172:21 173:1 16 21 174:3 175:6 184:8 17 17 186:14 15 17 186:19 187:9 23 189 8 190:6 191:3 13 20 193:22 194 22 195:15 351 5 18 21 356 20 357:2 14 358:1 19 359:3 9 21 360:2 361:21

weinstein (5) 20:19 22 24 21:4 79:12 weis (4) 186 25 188:7 351:10

weis (4) 186 25 188:7 351:10 362:4 went (16) 54:17 85:13 181:15

went (16) 54:17 85:13 181:15 201:12 15 204:15 22 205:2 4 5 208:5 265:3 8 285:9 329:21 338:24 weve (16) 47:12 52 22 69:10 189:20 196:22 219:19 241 25 243:15 25 252:9 260:17 289:15

291:16 20 345:23 355:16 whats (17) 20:4 25:18 31:4 220:2 222:23 239:16 240:1 255:23 257:7 258 21 278 20 281:8 306:21 312:5 315 20 346:11 355:21

whatsoever (2) 131:11 351 21 whereof (1) 364:17 widely (1) 320:18 willfulness (1) 343:14 willing (2) 317:20 348:11 wish (2) 139 20 322:13 withdraw (1) 211:4 withheld (1) 208 21

witness (471) 9:12 19 11 7 13:23 19:8 22 23:12 24:14 25:5 26 20 28:7 21 35:10 36:1 6 37:6 38:13 38:21 39:21 40:7 41:13 42 8 44:20 45:3 18 46:17 48:15 23 49:6 50:9 19 51:16 23 52:17 19 53:8 13 54:1 20 55 5 16 24 57:9 57:23 62:13 65:13 66:9 67 2 70:9 16 73:4 8 74 20 75:18 77 2 78:22 81:9 21 82:13 18 25 83 7 83:19 24 85 8 17 86:3 19 21 87:1 8 15 89:2 12 20 25 90:12 90:20 91:4 10 22 92:3 12 22 93:23 94:4 10 12 19 96:1 21 97:4 12 98:19 99:5 23 100 2 101:6 102:1 103:4 106:11 108 5 108:12 19 109:1 13 24 110:4 13 110:19 24 111:15 20 112:3 9 23 113:8 18 25 114:7 17 115:4 116:1 15 21 117:2 118 22 119 6 119:11 120:7 121 2 11 24 122 5 123:18 124:21 125:3 126:25 128:1 130 8 19 24 131:4 13 132:4 14 133:10 21 134:2 11 18 134:23 135:11 22 136:25 138:2 138:19 139:7 23 140:4 15 141 6 141:13 142:2 12 143:13 20 144:4 17 145:13 147:10 148:1 148:18 149:17 152:10 20 153:10 19 154:2 155:11 23 156:15 157:14 158:7 160:10 25 162:14 163:4 10 164 6 14 165 8 165:14 22 166:25 167:16 25 169:7 20 170:4 6 172:5 17 173:11 174:5 14 23 175:10 176:6 177:13 179:1 12 180:12 182:6 11 17 23 185:12 18 186:4 186:22 187:13 188:2 11 189 6 189:20 190:3 11 23 191:9 16 192:22 193:4 12 194:16 195 3 195:10 18 197:14 198:1 14 199:9 200:12 21 202 8 203:8 16 203:24 204:20 205:20 206:16 207:8 15 23 208:4 11 209:1 210:7 14 211:5 16 25 212:20 213:12 19 214:2 17 215:18 216:6 218 2 19 219:1 227:16 228:23 230:5 231 23 232:3 20 235:25 236:14 237:24 238 8 24 239:9 21 240:10 21 243:19 244:9 16 24 245:8 16 246:9 247:17 250:13 24 252:21 253:4 254:2 255:14 21 256 6 257:3 12 257:19 258:11 259:2 17 260:1 5 260:11 24 261:6 14 24 262:12 265:6 13 266:5 14 268 25 271:22 272:6 13 24 273:8 12 15 273:22 274:10 275:3 11 19 276:11 18 277:3 12 23 278:11 279:1 3 280:11 281 8 282:10 11 282:16 283:2 16 284:9 19 285 6 285:15 21 286:3 25 287:10 289:2 18 290:1 292 3 11 296:5 296:20 297:6 12 18 298:11 16 299:20 300:3 11 301 6 14 22 302:10 15 23 304:4 306:2 8 20 306:25 307:7 19 308:4 11 18 23 309:24 310:9 14 23 311:11 19 312:23 313:2 11 19 314:10 17 315:6 11 316:18 317 8 13 19 23

318:9 21 25 319:6 15 322:18

324:12 21 24 325:12 20 25 326 6 17 327:9 328:6 14 18 329 6 330:4 331 2 13 21 332 3 332:15 333:13 334:11 335:18 336:13 337:4 338:16 339:4 14 339 22 340:17 341:18 20 343:3 343 7 17 18 22 344:11 23 345:10 20 346 7 347:16 20 22 350 6 12 352:25 353:11 20 357:11 358:7 359:5 15 360 5 361:14 362:18 364:17

witnesses (3) 341:47 364:8 wondering (1) 354:13 word (7) 141:20 20 262:3 3 9 9 274 7

wording (2) 49 3 10 work (18) 18:4 24 20 23 42:21 52:2 57:4 116:11 129 6 139:11 150:14 154:5 199:10 321 7 8 337:15 338:7 21 339:17

worked (4) 153:7 24 177:8 231:15 workers (1) 34 7 workforhire (1) 49:24 working (10) 17:15 31:17 126:3 135:11 154:17 160:19 161:3 25

261 3 344:2 works (1) 138:25 world (1) 95:23

worldwide (3) 246:23 327:19 328:19 wouldnt (9) 129:19 135:1 148:12

wouldnt (9) 129:19 135:1 148:12 148:12 164:9 180:20 232:18 259:10 325:5

write (1) 178:8 writing (6) 243:5 280:22 333 25 335:10 336:8 23 written (9) 77:3 21 21 78:2 293:25

written (9) 77:3 21 21 78:2 293:2 294:17 295:4 6 21

x (5) 365:1 366:1 367:1 368:1 369:1 **xcf (5)** 163:16 18 193:1 207:4

357 20

Y yahoo (78) 4:11 5:21 23 90 6 18 91:1 20 92 6 10 14 14 19 93:12 93:20 94:16 22 95 6 12 96:9 15 96:24 105:8 23 106:1 7 15 107 3 5 14 21 108:2 111:12 17 113 22 114:11 115:10 12 116:7 116:10 11 117:10 164:20 165:3 166:13 21 167 8 12 21 168 2 8 170 8 14 171:5 10 172:12 182:3 203:13 215:10 217:23 218:6 244:13 245:13 270:22 271:12 272:1 10 21 273 5 19 275:7 16 276 2 277:8 278 2 295:8 23

yahoos (3) 167:13 22 356:4 yeah (9) 20:16 55:10 115:6 265 22 268:2 4 280:13 281 2 347 21

320.9 349.13

year (34) 14:17 19 21 21 23 121 20 153:8 157:5 205:10 214 5 252:11 14 17 21 25 253:11 263:17 17 267:11 278 25 282:2 283:18 284:4 285 2 13 18 19 24 288:8 13 317:17 318:1 320:3 322:4 323:5

years (29) 15:9 18 6 20:12 14 25 21:7 23 25:24:2 26:7 28:1 113:6 113 23 114:5 13 115:14 123:16 124:9 184:19 255:2 261:7 288 20 303:20 320:4 5 5 321:12 321:13 333:9 345:5

321:13 333:9 345:5 yell (1) 282:11 yesterday (10) 10:2 3 4 8 11:17

11:18 20 24 48:6 205:19 york (2) 3 77 youall (3) 52:21 62:16 87:3 youll (21) 220:4 9 221:6 15 227:13 230:13 233:8 239:9 240:23 242:9 248:3 251 23 255:5 23 267:13 268:5 269:15 270 6

280:1 283:11 292:15 youre (98) 8:16 9:15 17 6 18 20

23:16 18 24:4 5 22 28:15 16 17 29:18 43:12 15 45:23 59 20 60:14 18 22 61:10 25 62 8 64:11 22 65 3 22 66:21 67:13 69:13 70:1 14 75:4 4 83:25 84:1 84:2 9 90:12 106:14 19 112:16 115:20 119:8 121 5 122:11 20 123:23 125:6 22 129:1 141:2 142:24 148:5 150:11 152:5 13 153:1 3 156 2 157:14 159:20 164:2 165:11 168:9 24 169:6 181:19 191:25 196:3 198:14 19 202:21 22 204:12 206:3 210 24 219:16 234:7 235 7 246:3 249 2 251:3 11 266:19 279:19 281 22 289:7 294:9 14 296:13 305:2 329:20 339:20 345:25 356:10

youtube (20) 3:12 6:1 105:15 108:15 111:24 112:19 113 5 182:14 218:23 244:20 297:9 15 299:6 11 300:6 19 307:16 319 3 322:10 15

youve (9) 64:15 68:16 80:22 125:25 127:3 138:14 163:16 187:19 235:6

yudof (6) 217 20 21 23 218:10 16

zeros (2) 220:6 249 23

0

00 (41) 11:21 21 44 20 25 45:1 5 45:10 15 20 87:20 25 88:1 5 10 146:20 25 147:1 5 10 15 154:10 154:15 20 25 155:1 5 259:10 15 259:20 25 260:1 5 10 15 314:15 314:20 25 315:1 5 10 15

000 (7) 121:12 145:4 207 3 208:22 288:11 13 14

000773 (2) 225:9 366:16 001336 (2) 225:23 366:17

001338 (1) 225:24 001676 (3) 223:24 224:16 366:16

001685 (1) 227:13 001717 (1) 224:16

001718 (1) 224:25 001721 (2) 224:2 25 003621 (1) 366:14 00782 (1) 225:10

00am (18) 6:1 8:10 32:10 43:15 48:10 53 5 70:10 71:20 86:1 93:1 20 95:1 96 20 105:25 110:25 131:15 132:20 142 5

00pm (17) 187:5 195:5 206:20 217:1 221:10 247 25 256:15 259:10 280:1 289:10 298:15 309:20 319:15 321:15 340 25 352:25 360:5

01 (35) 45:25 46:1 5 10 15 20 88:15 20 25 89:1 5 147:20 25 148:1 5 10 15 155:10 15 20 25 156:1 5 260 20 261:1 5 10 15 261:20 262:1 5 315 20 25 316:1 316:5

01am (18) 16:15 22:1 20 25:5 33:5 34:20 45 25 51:25 56 25 60:15 79:1 88:15 98:20 99 20 101:20 116:10 122:1 130:5

01pm (12) 178:20 181:10 183:15 189:5 284:5 300:20 301:25 325:25 335:10 345:25 353:1 361:10

02 (43) 46:25 47:1 5 10 15 20 25 48:1 5 89:10 15 20 25 90:1 5 10 90.15 148.20 25 149.1 5 10 15 156:10 15 20 25 157:1 262:10 262:15 20 25 263:1 5 316:10 15 316:20 25 317:1 5 10 15 20 026750 (3) 226:9 366:17 19

026755 (1) 226:10 02am (11) 11 25 14:10 15:10 40:20 44 20 65:20 98:1 100:25 106:1 115:1 124:10

02pm (27) 154:10 157 5 164:25 165:1 170:25 201 25 203:5 210:10 211:10 228:15 229 20

236 5 237:10 239:1 247:1 254:5 267:15 268:15 271:20 287:25 290:15 292:5 304:15 307 5 312 5 326:25 341:1

03 (38) 48:10 15 20 49:1 5 10 90:20 25 91:1 5 10 15 20 25 92:1 149:20 25 150:1 4 5 157:5 157:10 15 20 25 158:1 5 263:10 263:15 20 317 25 318:1 5 10 15 318 20 25 319:1

03am (17) 10:25 12:1 38:10 39:20 42:10 46:1 52:1 55:20 62 5 80:25 81:1 82:5 109:15 113:20 117:10 118:10 144:10

03pm (31) 146:20 151:1 166:15 167 25 173:15 190:10 193:10 198:15 204:10 213:15 214:15 224:1 227:15 232:5 241:1 248:1 252 20 258:5 260:20 262:10 280:15 281:25 288:1 302:1 314:15 322:10 344:20 346:1 351 25 352:1 362:15

04 (27) 49:15 20 25 50:1 5 10 92 5 92:10 15 20 25 158:10 15 20 25 159:1 5 263:25 264:1 5 10 15 264 20 25 265:1 319:5 10

04853364 (2) 304:10 368:21 04am (8) 21:10 36:10 57:1 63 20 67:20 70:15 86:5 119:15

04pm (21) 158:10 160:10 168:1 184 25 186:5 224:25 263 25 264:1 270:15 274:25 282:1 288 5 297:15 305:25 316:10 323 5 327:1 332:15 349:15 357:15 358:25

05 (32) 50:15 20 25 51:1 5 10 15 51:20 93:1 5 10 15 159:10 15 159 20 25 160:1 5 265:5 10 15 265 20 25 266:1 5 10 319:15 20 319 25 320:1 5 10

05am (9) 5:5 9:25 46 25 47:1 76:20 84:20 89:10 112:10 133 20

05pm (19) 171:1 176 20 180:10 185:1 191:15 202:1 209:10 212:15 255:10 265:5 266:15 277:15 306:1 309:25 311 5 320:15 325:1 338:20 361:15

06 (35) 51:25 52:1 5 10 15 20 25 53:1 93 20 25 94:1 5 10 15 20 94:25 160:10 15 20 25 161:1 5 161:10 266:15 20 25 267:1 5 10 320:15 20 25 321:1 5 10

06am (18) 8:15 11:1 24:5 46:5 49:15 53:10 72:20 77 25 90:20 92:5 95 5 25 96:1 98:25 102:20 126:15 135:10 143:10

06pm (22) 155:10 162:15 175 5 182:15 192:10 195:10 206:25 231:10 240:15 245:25 252:25 267 20 273:15 276:10 280:5 286 20 299:15 319:5 323 25 343 25 350:15 359:1

07 (31) 53:5 10 15 20 25 54:1 5 10 95:1 5 10 15 20 161:15 20 25 162:1 5 10 267:10 15 20 25 268:1 5 10 321:15 20 25 322:1 322.5

073 (2) 263 24 267:2 **07am (11)** 10:1 16:20 17 25 28:15 78:1 99 25 101:1 111:1 129:10

140 25 141:1 **07pm (19)** 148:20 160:15 163 25 169 20 177:25 205:10 207:1 208:10 217:5 218:20 244 20

246:1 248:20 261:1 275:1 319 20 334:15 336:15 348:5 08 (35) 54:15 20 25 55:1 5 10 15 95:25 96:1 5 10 15 162:15 20 162 25 163:1 5 10 15 20 219:10 219:11 15 268:15 20 25 269:1 5 269:10 15 322:10 15 20 25

323:1 0809 (3) 284:4 285:13 19 08am (11) 34:25 35:1 39 25 54:15 59:15 75:5 79:5 93:25 99:1 132 25 136:15

08pm (21) 149:20 152:5 161:15 190:15 200:25 219:20 230:20 236:10 239 5 253:1 268 20 280:20 284:10 285 20 310:1 313:10 326:1 330:10 341:5 342:25 362 20

09 (33) 55 20 56:1 5 10 15 20 96 20 25 97:1 5 10 15 20 25 163:25 164:1 5 10 15 20 219:20 219:25 220:1 5 269:20 25 270:1 270:5 10 323 5 10 15 20 09010 (1) 285 2

09am (12) 18:1 19:20 27:15 43:20 50:15 67:5 69:10 73:25 105 5 108:20 123:10 138 25

09cv00445led (1) 1:8 **09pm (18)** 164:1 166:20 178:1 197:5 199:20 228:25 237:15 245:20 289:15 306 5 317:25 324:1 327:25 333:10 335:15 344:1 350:25 352:5

346:20 364 20 366:4 **10 (330)** 1:18 2:11 20:25 21 7 38:15 44:20 25 45:1 5 10 15 20 45 25 46:1 5 10 15 20 25 47:1 5 47:10 15:20 25:48:1.5 10:15:20 49:1 5 10 15 20 25 50:1 5 10 15 50 20 25 51:1 5 10 15 20 25 52:1 5 10 15 20 25 53:1 5 10 15 53 20 25 54:1 5 10 15 20 25 55:1 5 10 15 20 56:1 5 10 15 20 56 25 25 57:1 1 5 5 10 10 15 15

100 (3) 110:17 22 216:25 **10036 (1)** 3:7

104 (1) 365:23 10am (14) 26:10 34:5 38:15 48:15 58:5 62:10 74:1 96:25 100:1 115:5 118:15 122 5 131:20 133:1

10pm (12) 183 20 251 20 256:20 271:25 282:5 292:10 304:20 308:15 351:1 354 5 356:10

360:10

195 24 196:8 197:1 204:10 13 221:10 15 20 25 222:1 5 10 236 2 249:12 16 250:2 11 251 24 255:5 10 259:5 271 20 271 25 272:1 5 10 15 20 25 273:1 5 10 325:1 5 10 15 20 368.9

11am (11) 15:15 29:20 42:15 60:20 63 25 88:20 101:25 106:5 130:10 139:25 145:20

11pm (28) 157:10 165:5 168:5 178 25 188:10 197:10 201:1 211:15 213:20 214:20 229:1 242:15 243:20 247:5 258:10 259:15 264:5 265:10 266 20 267 25 270:20 283:10 295:10 311:10 318:1 328:1 343:1 344 25

12am (22) 7:5 8:20 10:5 22:25 25:10 30 20 31:20 40:1 41:10 69:15 70 20 72:25 73:1 75:10 82:10 94:1 109:20 112:15 133 25 137:20 139:1 142:10

12pm (21) 151:5 154:15 155:15 169 25 170:1 174:15 179:1 182 20 215:25 217:10 220:10 222:15 225:1 226:15 233 25 246 5 263:10 302:5 307:10 316:15 331:10

13 (54) 59:15 20 25 60:1 5 10 61:11 17 62:2 63:2 11 67 24 100 25 101:1 5 10 15 169:20 25 170:1 5 10 15 20 210 21 24 223:10 15 20 25 255:24 257:7 274 25 275:1 5 10 15 20 25 276:1 5 278:17 21 281:13 25 282 25 326:25 327:1 5 10 15 20 365 2 368:16

139 (1) 285:18

13am (21) 13:15 14:15 20 20 23:1 44:25 56:1 59:20 64:1 65 25 66:1 93 5 97:1 98:5 102:1 107:10 113:25 116:15 119:20 120 25 128:15 134:1

13pm (12) 153:10 171:5 185:5 204:15 234:1 272:1 313:15 333:15 337:20 339:25 345:1

14 (48) 60:15 20 25 61:1 5 10 101 20 25 102:1 5 10 15 170:25 171:1 5 10 15 20 25 172:1 5 10 224:1 5 10 15 20 267 7 276:10 276:15 20 25 277:1 5 10 291:1 291 5 327:25 328:1 5 10 15 20 328 25 329:1 346:20 21 368:19

1400 (1) 124:11

14am (12) 12 5 16:25 18 20 38:20 45:1 79:10 111:5 114:1 124:15 125 20 127:15 143:15 14pm (24) 187:10 203:10 210:15

212 20 216:1 219:25 221:15 232:10 245:1 249:15 254:10 255:15 256:25 261:5 268:1 284:15 288:10 290:20 293:25 298 20 314:20 336:20 340:1 347 20

15 (50) 61:15 20 25 62:1 102 20 102 25 103:1 5 10 15 20 25 104:1 5 10 15 20 25 105:1 172:15 20 25 173:1 5 10 224:25 225:1 5 10 15 20 265:16 17 266 21 267:22 277:15 20 25

278:1 5 10 15 20 304:5 9 308:14 329:5 9 10 368 21 **150 (3)** 121:24 122:14 288:13

157 (1) 242:14 **15am (12)** 6:5 11:5 24:10 37:10 68:15 71 25 75:15 83:15 89:15 90:25 121:1 135:15

15pm (24) 147:20 173 20 181:15 183:25 189:10 195:15 202 5 205:15 209:15 218:25 219:1 224:5 230:25 234 25 235:1 276:15 278:25 280:10 292:15 294:1 296:10 316 20 349:20 361:20

16 (42) 62:5 10 15 20 25 63:1 5 10 63:15 105:5 10 15 20 173:15 20 173:25 174:1 5 10 225 25 226:1 226:5 10 242:17 22 245:10 278:25 279:1 5 10 11 15 20 25 312:26 333 2 15 334:21 335:5 364:20 369:4

160 (1) 6 22 1685 (1) 227:16

16am (16) 17:1 33:10 35:5 36:15 40:25 42 20 47:5 50:20 53:15 61:15 67 25 76:25 97 5 139:5 141:5 144:15

16pm (16) 162:20 172:15 176:25 179:5 186:10 199 25 220:1 231:1 253:5 277:20 289:20 325:5 326:5 329:15 348:10 357:20

17 (31) 63:20 25 64:1 4 5 105:25 106:1 5 10 15 20 25 107:1 5 174:15 20 25 175:1 226:15 20 226:25 227:1 5 10 280:1 5 10 315:17 21 365:17 369:7

17am (15) 43 25 56:5 62:15 64 5 68:1 72:1 74:5 77:1 94 5 96:5 115:10 121:5 123:15 126:20

17pm (35) 146:25 158:15 160:20 164:5 165:10 168:10 190:20 193:15 195:25 198:20 201 5 207:5 208:15 233:10 237:20 239:10 240:20 243:25 246:10 257:1 258:15 275 5 297:20 300:25 304:5 308 20 310:5 321:20 324:5 328 5 338:25 339:1 341:10 343 5 359:5

18 (29) 107:10 15 20 25 108:1 5 108:10 15 175:5 10 15 20 227:15 20 25 228:1 5 10 280:15 280:20 25 281:1 5 10 15 20 346:12 15 369:11

181 (1) 285:4 185746 (1) 220·6 185778 (2) 242:9 15

185787 (1) 220:9 185788 (1) 221:3

185791 (3) 220:7 221 3 7 **1875 (1)** 221:17

18am (15) 19 25 22:5 28:20 41:1 44:1 52:5 64:10 78:5 80:5 81:5 102:25 105:10 108:25 137 25 140:1

18pm (19) 184:1 200:1 217:15 223:10 226:20 229:25 232:15 286:25 302:10 303:15 306:10 318:5 319:25 320 20 327:5 331:15 334:20 335:20 362 25

18th (2) 59:7 222:25 19 (25) 20:13 96:10 108:20 25 109:1 5 10 175:25 176:1 5 10 176:15 228:15 20 281:25 282:1 282:5 10 15 329:11 15 20 25 330:15

1900 (1) 3:16 193 (1) 253:15

1980s (2) 149:11 163:24

1983 (1) 14:6 **1985 (1)** 14:22 1989 (1) 14:22

1990 (2) 149 7 19 1990s (1) 163:24 **1991 (1)** 148 24

1992 (1) 148 23 **1993 (2)** 148 23 149:7

1994 (7) 156 8 22 157:10 158:8

181 21 252:11 18

1994108 (5) 262:25 263:1 4 13 368:14

1994b08 (2) 263 5 15 1995 (25) 14:20 17:11 17 149:19 220 3 18 224:21 241:11 21 242 6 21 244:1 4 11 18 245:3 253 5 7 333:9 334 7 13 335:23 336 22 344:4 9

1996 (4) 252:14 253:1 11 13 **1997 (3)** 221:11 12 225:4 **1998 (8)** 20:15 21:24 222:25 223 6

225:14 16 229:14 243:15 **1999 (3)** 186:1 226:3 5 19am (15) 23:5 58:10 59 25 66:5

82:15 84:25 85:1 91:1 100:5 101 5 107:15 119:25 134 5 138:1 142:15

19pm (16) 147:1 156:10 175:25 196:1 214:25 225:25 235 5 236:15 241:20 244:1 279:1 299 20 304:25 313:20 354:10 356:15

1st (1) 221:12

2

20 (30) 109:15 20 110:1 5 10 15 110 20 176:20 25 177:1 5 10 15 177 20 213:4 228:25 229:1 5 10 229:15 282:20 25 283:1 5 330:10 15 20 25 331:1 5

2000 (15) 20:15 16 21 24 25 24:24 25:23 24 27:1 11 28:3 29 25 30:8 31:14 95:23 153:8

20002005 (1) 195:1 2001 (4) 20:16 22:24 23 21 226:13 2002 (18) 22:2 9 13 18 24 24 6 28:1 4 29:12 15 31:18 32:1 153:10 12 14 25 345:12 16 2003 (2) 195:7 16

2005 (3) 95 23 186:2 243:15 **2007 (5)** 13:15 72:3 73:4 6 264 6 **2008 (35)** 71:4 21 23 73 2 6 16 80:3 84 22 177:3 230:2 3 5 8 12 241:18 242:1 21 244:1 4 11 18 245 3 263:17 21 267:11 307:22 308:9 321:16 333:9 334:7 13 335 23 336:23 337:11 354:19

20082009 (1) 283:19 2009 (31) 80:7 9 10 84:23 93:13 93:21 94:2 8 17 25 95:7 15 96 6 96:10 19 97:1 202 5 9 19

213:25 214 2 3 263:17 283:19 297:21 298:4 19 24 299 5 10 303:21

20092010 (4) 278 25 281:19 282:2 285:24

2010 (8) 201:23 202:24 205:8 208:12 15 213:5 214 6 283:19 2011 (16) 59:7 142 23 143 2 11 201:25 205:11 208 23 213:16 234:24 25 270:17 312 25 313 5 318:16 23 368:17

2012 (10) 1:18 2:11 5:6 9:2 314:4 317:1 17 318:1 7 365:2

20am (10) 11:10 26:15 54:20 86:10 99:5 109:1 110:1 122:10 125:25 129:15

20pm (24) 152:10 161:20 170:5 177:1 180:15 192:15 194:10 216:5 225:5 226:1 227:20 229:5 230:1 250:15 261:10 268:25 272:5 273:20 280:25 287:1 320:1 346:25 360:15 363:1

21 (32) 110:25 111:1 5 10 15 20 111:25 112:1 5 177:25 178:1 5 178:10 15 229:20 25 230:1 5 10 230:15 283:10 15 20 25 284:1 331:10 15 20 25 332:1 5 10

212 (1) 3:8 219 (1) 366:9

21am (19) 8:25 12:10 17:5 20:1 24:15 45:5 46:10 49:20 64:15 66:10 73:5 77:5 95:10 114:5 117:15 120:1 124:25 130:15

133:5

21pm (30) 148:25 149:1 159:10 171:10 176:1 178:5 191 20 197:15 203:15 204 20 210:20 212:25 215:1 241:5 245 5 248:5 254:15 257 5 262:15 269:1 277:25 281:1 287:5 307:15 311:15 312:10 332 20 347:1 351:5 355:5

21st (4) 312:25 313 5 318:16 23 22 (43) 2:11 5:5 6 10 15 20 25 112:10 15 20 25 113:1 5 10 15 178:20 25 179:1 5 10 15 20 25 180:1 5 230:20 25 231:1 5 284:5 10 15 20 25 285:1 5 10 285:15 332:15 20 25 333:1 5

222 (1) 366:13 223 (1) 366:15

228 (2) 366:19 367 5 22am (10) 6:10 21:15 40:5 48:20

57 5 102:5 103:1 106:10 141:10

22pm (13) 153:15 166:25 179:10 185:10 217 20 220:15 231:15 239:15 282:10 294 5 305:1 308:25 315 20

23 (39) 6:1 5 10 15 20 25 7:1 113:20 25 114:1 5 10 15 20 25 180:10 15 20 25 181:1 5 231:10 231:15 20 25 232:1 285 20 25 286:1 5 10 15 333:10 15 20 25 334:1 5 10

231 (1) 367:11 232 (1) 367:16

234 (1) 368:4

23am (9) 9:1 28 25 50:25 60:1 79:15 89:20 118:20 125:1 15 23pm (33) 157:15 158:20 164:10

167:1 168:15 174:20 175:10 184:5 187:15 190:25 193:20 207:10 211 20 224:10 234:5 251:25 252:1 259:20 265:15 276:20 288:15 289 25 290:1 301:1 309:1 310:10 323:10 330:15 342:10 343:10 344:5 346:5 353:10

24 (41) 7:5 10 15 20 25 8:1 5 115:1 5 10 15 20 25 116:1 5 181:10 15 20 25 182:1 5 10 232:5 10 15 20 25 233:1 5 286:20 25 287:1 5 10 15 20 334:15 20 25 335:1 5

249 (1) 368:9

24am (20) 5:10 7:10 10:10 18:5 18 25 19:1 23:10 29:25 31:25 35:10 38:25 41:15 70:25 75 20 91:5 111:10 112:20 126:1 131:25 135:20

24pm (20) 180 20 182 25 209:20 213:1 237 25 255 20 266:25 270:25 292:20 295:15 296:15 302:15 322:15 326:10 328:10 333:20 339:5 340 5 345:5

25 (44) 8:10 15 20 25 9:1 5 10 15 9 20 116:10 15 20 25 117:1 5 121:25 122:15 182:15 20 25 183:1 5 10 233:10 15 20 23 287:25 288:1 5 10 15 20 25 289:1 5 335:10 15 20 25 336:1 336:5 10 365:15

250 (1) 288:11 **2551000 (1)** 4:17

25am (15) 25:15 27:20 30:25 47:10 51:1 52:10 62:20 71:1 83:20 87:20 92:10 100:10 116:20 128:20 145:25

25pm (18) 149 25 165:15 191:1 196:5 208 20 233:15 258:20 262:20 272:10 273:25 278:1 281:5 283:15 284 20 290:25 316:25 336:25 337:25

26 (34) 9 25 10:1 5 10 15 20 117:10 15 20 25 118:1 5 183:15 183:20 25 184:1 5 10 15 20 289:10 15 20 25 290:1 5 10 336:15 20 25 337:1 5 10 15

262 (1) 368:13

26am (17) 12:15 15:20 29:1 32:15 33:15 34:10 37:15 68:5 20 80:10 81:10 93:10 94:10 107:20 110:5 121:10 132:1

26pm (20) 150:1 171:15 183:1 186:15 192:20 201:10 202:10 205:20 223:15 242:20 245:10 247:10 274:1 290 5 291:1 298:25 314:25 346:10 352:10 358:1

27 (44) 10:25 11:1 5 10 15 20 118:10 15 20 25 119:1 5 10 184:25 185:1 5 10 15 20 25 186:1 233 25 234:1 1 5 10 15 234:20 290:15 20 25 291:1 5 10 291:15 20 25 292:1 337:20 25 338:1 5 10 15

271 (1) 365:15 **273 (1)** 264:7

276 (1) 365:16

278 (1) 368:16 **279 (1)** 253:15

27am (10) 30:1 39:1 40:10 54:25 60:25 89:25 105:15 125:5 130:20 146:1

27pm (18) 147 25 152:15 181:20 189:15 198:25 232:20 234:10 235:10 248:25 249:20 267:1 271:1 275:10 299 25 307:20 317:1 331 20 337:1

27th (1) 368:17

28 (49) 11:25 12:1 5 10 15 20 25 13:1 5 10 119:15 20 25 120:1 5 120:10 15 20 186 5 10 15 20 25 187:1 234 25 235:1 5 10 15 20 235:25 236:1 292 5 10 15 20 25 293:1 5 10 15 20 338:20 25 339:1 5 10 15 20

28am (11) 13:20 31:1 32:1 44:5 77:10 78:10 82:20 90:1 101:10 122:15 136:25

28pm (16) 147 5 149:5 197 20 200:5 226 25 227 25 230:5 238:1 241:10 263:15 291:5 299:1 300:1 338:1 359:10 360:20

29 (40) 13:15 20 14:1 5 120:25 121:1 5 10 15 20 25 187 5 10 187:15 20 25 188:1 5 236:5 10 236:15 20 25 237:1 5 293:25 294:1 5 10 15 20 25 295:1 5 339:25 340:1 5 10 15 20

291 (1) 368:19 29333 (1) 229:9 **293377 (1)** 229:9 **294 (2)** 365:16 17 **295 (1)** 365:17

296 (1) 365 8

29am (16) 23:15 36:20 45:10 51:5 53:20 55:1 56:10 57:10 58:15 60:5 86:15 94:15 106:15 114:10 134:10 138:5

29pm (31) 150:5 162 25 172:20 173 25 174:25 177:5 194:15 207:15 210:25 216:10 217:25 220 20 221:20 222:20 228:1 246:15 252:5 253:10 261:15 264:10 269:5 20 294:10 295:20 301 5 305:5 310:15 320:25 329 20 351:10 356:20

2nd (1) 307:22

15:5 26:10 11 37:5 13 38 3 39:4 39:18 40:17 48:22 49:13 50:5 50:18 51:15 22 53 25 90:11 91:3 95 25 107:18 108:11 109:12 110:12 111:14 112:2 22 114.16 115.3 17 116.14 121.10 121 23 122:1 5 10 15 20 25 123:1 5 124:3 20 125 2 134:17 149 2 16 164:5 23 165:7 21 166 24 167:15 24 168:13 22 170:4 171:18 172:4 16 187:12 188:10 15 20 25 189:1 190 22 191 8 193:11 203:15 23 205:18 206:15 22 207 7 22 208:25 209:15 210:6 20 213:11 18 215:17 218:1 237:1 10 11 15 20 237 22 25 238:1 5 7 10 15 20 239 8 20 240:9 20 247:16 250 23 257:2 11 259:1 273 7 11 273 21 275:10 18 276:17 277:2 277:19 281:6 286:24 295:10 15 295 20 25 296:1 5 19 297:5 11

297:17 299:19 300:2 10 301 5 301:13 19 302:8 20 304:3 305 6 307:6 18 308:3 309 23 311:18 313:10 314:9 16 315:5 328:5 13 331:20 332:2 336:12 337:3 338:14 339:2 13 340:25 341:1 5 341:10 15 20 25 342:1 5 343:3

300 (2) 354:8 11 **304 (1)** 368:21

30am (16) 11:15 14:20 30 5 42 25 58:25 62 25 66:15 72 5 74:10 81:15 83 25 103:5 126:25 127:20 137:1 139:10

30pm (15) 148:1 151:10 153:20 154:20 179:15 188:15 199:1 218:1 241:25 255 25 282:15 303:20 339:10 348:15 355:10

31 (35) 15:10 15 20 25 16:1 5 10 123:10 15 20 25 124:1 5 189:5 189:10 15 20 25 190:1 5 239:1 239:5 10 15 20 25 240:1 5 10 296:7 332:24 333:1 342:10 15 342:20

312 (1) 369:4 315 (1) 369:7

31am (14) 17:10 26:20 51:10 64:20 73:10 75:25 84:1 91:10 110:10 115:15 123:20 127:1 132:5 144:25

31pm (20) 159:15 160 25 168:20 170:10 175:1 185:15 195:20 211:25 220:5 224:15 226:5 256:1 257:10 272:15 304:10 312:15 313:25 321:1 328:15

32 (34) 16:15 20 25 17:1 5 10 15 17:20 124:10 15 20 190:10 15 190:20 25 191:1 5 10 240:15 20 240:25 253:15 254:15 263 24 264:16 267:2 5 334 20 342:25 343:1 5 10 15 20

329 (1) 365:9

32am (11) 9:5 10:15 27:25 43:1 46:15 59:1 63:1 96:10 140 5 143:20 145:1

32pm (32) 155:20 161:1 25 163:1 164:15 174:1 176 5 189:20 196:10 203:20 205:25 211:1 212:1 215:5 219:5 227:1 235:15 236:20 244:5 249:1 250:20 275:15 278:5 279 5 284:25 285:1 25 288:20 311:20 327:10 335:25 341:15

33 (23) 17:25 18:1 5 10 15 124:25 125:1 5 10 191:15 20 25 192:1 192:5 241:1 5 10 15 343 25 344:1 5 10 15

3372505 (1) 4:8 **338 (1)** 366:17

33am (11) 35:15 47:15 61:1 20 69:20 71 5 85 5 112:25 120:5 135:25 142:20

33pm (23) 156:15 171 20 191:25 201:15 202:15 206:1 213:5 242:1 271:5 287:10 297:25 298:1 300:5 302:20 314:1 317 5 318:10 321:25 324:10 329 5 340:10 349:25 353:15

34 (26) 18:20 25 19:1 5 10 15 125:14 15 192:10 15 20 25 193:1 5 241 20 25 242:1 5 10 344:20 25 345:1 5 10 15 20

346 (1) 369:11

34am (16) 6:15 7:15 19:5 20:5 37:20 66 20 76:1 99:10 107:25 108:1 111:15 118 25 119:1 126:5 136:1 141:15

34pm (11) 218:5 233:20 234:15 296:20 309:5 315:1 325:10 337:5 345:10 350:1 354:15

35 (25) 19:20 25 20:1 5 10 15 193:10 15 20 25 194:1 5 242:15 242:20 25 243:1 5 10 15 345:25 346:1 5 10 15 20

350 (3) 207:3 208 22 365:10 **355 (1)** 365:7

35am (8) 24:20 28:1 31:5 33:20 68:10 97:10 115:20 146:5

35pm (19) 148:5 158 25 162:1 167 5 183:5 187 20 191:5 192:1 197 25 208:25 209:25 213:25 239 20 274:5 292:25 294:15 306:15 322:1 344:10

36 (20) 20:20 25 21:1 5 194:10 15 194 20 25 195:1 243:20 25 244:1 5 10 15 346 25 347:1 5 347:10 15

361 (1) 365:10 **362 (1)** 365 7

3621 (1) 223:2 3630 (2) 223:24 **369 (1)** 1:24

36am (23) 22:10 32:5 39 5 49:1 49:25 78:15 88:25 92:15 95:15 98:10 103:10 15 20 25 104:1 106 20 113:1 116:25 121:15 128 25 129:20 131:1 134:15

36pm (15) 157:20 163:5 165:20 192 25 198:1 210:1 216:15 222 25 225:10 259:25 268:5 293:1 331:25 336:1 361:25

37 (16) 21:10 15 20 25 195 5 10 195:15 20 244 20 245:1 5 10 15 347 20 25 348:1

375 (1) 368 22 **377 (1)** 367:10

37am (14) 7 20 25:20 26 25 29:5 43:5 44:10 52:15 53 25 84:5 86:20 87:25 89:1 122:20 143 25

37pm (19) 175:15 178:10 209:1 220 25 221:25 235:20 238:5 272 20 286:1 301:10 307 25 322 20 332:1 343:15 352:15 355:15 356:25 358:5 362:1

38 (22) 22:1 5 10 15 122:18 195 25 196:1 5 10 15 20 25 197:1 245:20 20 348:5 10 15 20 348 25 349:1 5

380 (1) 367 21

38am (15) 34:15 47:20 51:15 55:5 59:5 64 25 69:25 79 20 90:5 91:15 117:1 20 123:25 127 25

38pm (31) 150:10 189:25 194 20 206 5 214:1 219:10 221:1 222:1 223:1 228:5 20 229:10 232 25 242 25 253:15 260:1 265 20 276 25 287:15 299:5 305:10 308:1 311:25 320:5 326:15 330 20 333:25 334:1 338 5 339:15 360:25

39 (20) 22:20 25 23:1 5 10 15 20 23:25 24:1 197:5 10 15 20 25 198:1 5 10 255:24 257:8 349:10

39am (17) 12:20 15:25 27:1 32:20 56:15 57:15 65:1 68 25 70:1 76:5 82 25 83:1 100:15 106:25 120:10 128:1 137:5

39pm (32) 151:15 152:20 153 25 168 25 169:1 172:25 173:1 179 20 193:1 204:25 207 20 239 25 247:15 249:5 254 20 256 5 257:15 261:20 262 25 267 5 269:25 274:10 279:10 312:1 318:15 323:15 325:15 334 25 337:10 347:10 351:15 359:15

3rd (1) 2:10

4

40 (28) 24 5 10 15 20 25 25:1 64 6 64:10 15 20 25 65:1 5 10 15 198:15 20 25 199:1 5 10 15 349:15 20 25 350:1 5 10

4029405 (1) 38

40am (20) 20:25 41 20 54:1 63:5 74:15 85:10 86 25 87:1 88:1 102:10 124:1 132:10 134:20 136:5 140:10 142:25 143:1 144:1 145:5 146:10

40pm (22) 177:10 180:25 184:10 212:5 215:10 223:20 227:5 236:25 242 5 245:15 252:10 269:10 277:1 281:10 291:10 294:20 296 25 298 5 310:20 315:5 335:1 357:1

41 (31) 25 5 10 15 20 25 26:1 5 65 20 25 66:1 5 10 15 20 25 67:1 125:17 20 25 126:1 5 10 199:20 25 200:1 5 10 15 20 350:15 16

41am (11) 9:10 36:25 52:20 61:5 94 20 105:20 107:1 129:1 131:5 138:10 141 20

41pm (35) 149:10 159:20 161:5 163:10 167:10 171 25 176:10 181:25 185 20 196:15 199:5 202:20 205:1 231:20 237:1 240:1 243:1 249:25 250:1 264:15 270:1 275:20 293:5 10 297:1 303:1 308:5 312:20 317:10 329 25 332 5 348:20 350:5 358:10 361:1

42 (24) 26:10 15 20 25 27:1 5 10 67 5 6 8 10 15 126:15 20 25 127:1 5 10 200 25 201:1 5 10 201:15 20

421 (1) 265:17

42am (10) 5:15 6:20 16:1 18:10 21:1 30:10 69:1 88 5 110:15

42pm (15) 147:10 174:5 181:1 182:1 193:25 228:10 230:10 258:25 285 5 286:5 315 25 321:5 334:5 341:20 345:15

43 (25) 27:15 20 25 28:1 5 10 67 20 25 68:1 5 10 127:15 20 127:25 128:1 5 10 201:25 202:1 202:5 10 15 20 25 203:1

430 (1) 145:4

43am (12) 14:25 15:1 20:10 46:20 55:10 65:5 73:15 77:15 81:20 97:15 109:5 127:5

43pm (20) 159:1 169:5 172:1 184:15 190:1 200:10 201:20 203:25 233:1 241:15 248:10 250:25 251:1 259:1 263 20 288:25 289:1 306:20 355:20 362:5

44 (32) 28:15 20 25 29:1 5 10 15 68:15 20 25 69:1 5 128:15 20

128:25 129:1 5 203 5 10 15 20 203:25 204:1 5 296:9 10 15 20 296:25 297:1 5 10

44am (14) 7:25 12 25 17:15 23 20 39:10 47:25 71:10 72:10 80:15 87:5 92:20 114:15 122 25 124 5

44pm (24) 154:1 165:25 183:10 192:5 194:1 206:10 210:5 214 5 260:5 265 25 271:10 274:15 278:10 282:20 283:20 291:15 301:15 316:1 319:10 324:15 332:25 333:1 342:15 359:20 **45 (31)** 29:20 25 30:1 5 10 15

69:10 15 20 25 70:1 5 129:10 129:15 20 25 130:1 204:10 15 204:20 25 205:1 5 297:15 20 25 298:1 5 10 350:19 20

45am (13) 13:1 16 5 45:15 63:10 78:20 83:5 108:5 111 20 113:5 115:25 116:1 128 5 139:15

45pm (19) 148:10 154 25 156:20 162:5 166:1 170:15 177:15 186:20 196:20 204:1 244:10 262:1 263:1 266:1 300:10 315:10 322:5 327:15 336:5

46 (41) 30:20 25 31:1 5 10 15 70:10 15 20 25 71:1 5 10 15 130:5 10 15 20 131:1 5 10 205:10 15 20 25 206:1 5 10 15 298:15 20 25 299:1 5 10 350:25 351:1 5 10 15 20

46am (9) 8:1 29:10 48:1 58 20 85:15 96:15 99:15 101:15 123:1

46pm (17) 150:15 198 5 254:25 272:25 277:5 281:15 290:10 291:20 293:15 303:5 312:25 329:10 335:5 341 25 344:15 346:15 353:20

47 (41) 31:20 25 32:1 5 71 20 25 72:1 5 10 15 131:15 20 25 132:1 5 10 15 206:20 25 207:1 207:5 10 15 20 25 208:1 5 245:23 299:15 20 25 300:1 5 10 300:15 351:25 352:1 5 10 15 20

47am (13) 19:10 31:10 33:25 50:1 57:20 66:25 91:20 117 25 119 5 120:15 126:10 134:25 146:15

47pm (28) 151 20 152 25 159:25 163:15 167:15 191:10 207 25 209:5 212:10 213:10 218:10 221:5 222 5 243:5 246 20 250 5 251:5 260:10 273:1 295:25 297:5 309:10 314 5 326:20 328:20 330:1 348 25 357:5

47th (1) 3 6

48 (46) 32:10 15 20 25 33:1 72:20 72:25 73:1 5 10 15 20 132 20 132:25 133:1 5 10 15 208:10 15 208:20 25 209:1 5 245 25 246:1 246:5 10 15 20 25 300 20 25 301:1 5 10 15 20 352:25 353:1 353:5 10 15 20 25 354:1

4853374 (1) 306:11 **4853375 (1)** 308:14

48am (10) 14:1 27 5 37:25 43:10 67:10 84:10 98:15 127:10 129:25 135:1

48pm (24) 153:1 155:1 156 25 157:25 173:5 179 25 185:25 187:25 225:15 237:5 238:10 240:5 257 20 259 5 264:20 287:20 296:1 299:10 316:5 340:15 342:1 352 20 361:5 362:10

49 (50) 33:5 10 15 20 25 34:1 73:25 74:1 5 10 15 20 25 75:1 133:20 25 134:1 5 10 15 20 25 135:1 5 209:10 15 20 25 210:1 210:5 247:1 5 10 15 20 301:25 302:1 5 10 15 20 303:1 5 10 354:5 10 15 20 25 355:1

49am (20) 8:5 9:15 10 20 21:20 22:15 35:20 41:5 56:20 61:10 61:25 67:1 76:10 87:10 90:10 93:15 116 5 121:20 131:10 137:10 138:15

49pm (15) 155 25 158:1 172:5 178:15 188:20 190:5 208:1 255:1 270 5 279:15 282:25

317:15 338:10 351:20 358:15 4th (1) 308:9

5 5 (34) 60:19 61:3 67 23 69:4 16 70:3 121:12 183:11 15 25 192:9 192:12 20 193 2 9 21 221:19 223 20 21 224 8 225:9 23 226 20 227:14 228:18 240:23 248:4 8 249:4 250:9 365:15 16 366:15 368:10

50 (51) 33:4 18 20 22 34:5 10 15 38:19 21 75:5 10 15 20 25 76:1 76:5 10 15 110:2 113:16 114 24 115:11 135:10 15 20 25 136:1 5 136:10 210:10 15 20 25 211:1 5 247 25 248:1 5 10 15 303:15 20 303 25 304:1 355:5 10 15 20 25 356:15

500 (2) 151 7 288:14

50am (11) 5:20 13:5 25:25 37:1 65:10 72:15 88:10 95 20 104 5 110 20 124:20

50pm (23) 159:5 160:1 166:5 180:1 182:5 194 5 25 200:15 206:15 229:15 249:10 253:20 256:10 267:10 278:15 289:5 305:15 308:10 313:1 318 20 330 25 349:1 354:20

51 (45) 34:20 25 35:1 5 10 15 20 35:25 36:1 5 76:20 25 77:1 5 10 77:15 20 136:15 20 25 137:1 5 137:10 15 211:10 15 20 25 212:1 5 10 248:20 25 249:1 5 249:10 304:5 10 356:10 15 20 356 25 357:1 5 10

51am (26) 15 5 16:10 24 25 26:1 28:5 32 25 38:1 41:25 44:15 51:20 52 25 54:5 59:10 62:1 71:15 74 20 80:20 97 20 111 25 113:10 114:20 118:1 132:15 140:15 141:25 145:10

51pm (27) 150:20 164:20 169:10 186:1 188:1 193 5 199:10 202 25 211:5 215:15 216 20 223 5 231:25 235:25 247 20 252:15 266:5 268:10 273 5 283:1 285:10 294:25 306 25 321:10 322:25 325:20 343:20

52 (48) 36:10 15 20 25 37:1 5 77:25 78:1 5 10 15 20 25 137 20 25 138:1 5 10 15 20 212:15 20 25 213:1 5 10 249:15 249 20 25 250:1 5 10 304:15 20 304 25 305:1 5 10 15 20 357:15 357 20 25 358:1 5 10 15 20

52am (10) 14 5 25:1 40:15 42:1 53:1 69 5 117:5 128:10 133:15 144 5

52pm (12) 157:1 188 25 196:25 275 25 278:20 298:10 323:20 331:1 340:20 342:20 345 20

53 (48) 37:10 15 20 25 38:1 5 79:1 79:5 10 15:20 25:80:1 138:25 139:1 5 10 15 20 213:15 20 25 214:1 5 10 250:15 20 25 251:1 251 5 10 15 305 25 306:1 5 10 306:15 20 25 307:1 358:25 359:1 5 10 15 20 25 360:1

53am (18) 11 20 17:20 21 5 23:25 29:15:35:25:49:5 70:5 77:20 85:20 90:15 100 20 108:10 112:1 119:10 130:1 142:1 143:5

53pm (29) 154:5 161:10 167:20 176:15 181:5 186:25 189:1 203:1 205:5 219:15 223:25 224 20 232:1 236:1 243:10 251:10 257:25 271:15 276:1 286:10 300:15 309:15 310:25 320:10 324:20 328:25 332:10 356:1 359:25

54 (47) 38:10 15 20 25 39:1 5 10 39:15 80 5 10 15 20 139:25 140:1 5 10 15 20 214:15 20 25 215:1 5 10 15 20 251 20 25 252:1 5 10 15 307:5 10 15 20 307 25 308:1 5 10 360:5 10 15 360:20,25 361:1,5 **54am (15)** 19:15 37:5 45:20 48:5 50:5 67:15 82:1 91:25 102:15 104:10,15,20,25 120:20 129:5

54pm (23) 147:15 153:5 155:5 156:1 166:10 187:1 195:1 197:1 204:5 227:10 238:15 258:1 262:5 270:10 277:10 279:20 291:25 295:1 315:15 323:1 333:5 339:20 349:10

55 (51) 39:20,25 40:1,5,10,15 80:25 81:1,5,10,15,20 82:1 140:25 141:1,5,10,15,20,25 142:1 215:25 216:1,5,10,15,20 216:25 252:20,25 253:1,5,10,15 253:20,25 254:1 308:15,20,25 309:1,5,10,15 361:10,15,20,25 362:1,5,10

55402 (1) 4:7

55am (11) 6:25 13:10 24:1 31:15 33:1 36:1 63:15 79:25 83:10 105:1 135:5

55pm (19) 149:15 151:25 152:1 163:20 172:10 184:20 198:10 231:5 234:20 248:15 292:1 296:5 297:10 305:20 307:1 327:20 329:1 347:15 353:25

56 (56) 40:20,25 41:1,5 82:5,10,15 82:20,25 83:1,5,10 142:5,10,15 142:20,25 143:1,5 150:6,10,15 150:20,25 217:1,5,10,15,20,25 218:1,5,10,15 254:5,10,15,20 254:25 255:1,5 309:20,25 310:1 310:5,10,15,20,25 311:1 362:15 362:20,25 363:1,2,3

56am (9) 9:20 20:15 39:15 55:15 74:25 78:25 84:15 94:25 118:5

56pm (22) 162:10 177:20 180:5 215:20 216:25 218:15 225:20 242:10 250:10 253:25 264:25 266:10 274:20 281:20 283:25 311:1 313:5 314:10 336:10 344:20 357:10 360:1

57 (44) 41:10,15,20,25 42:1,5 83:15,20,25 84:1,5,10,15 143:10,15,20,25 144:1,5 151:1 151:5,10,15,20,25 152:1 218:20 218:25 219:1,5,7 255:10,15,20 255:25 256:1,5,10 311:5,10,15 311:20,25 312:1

57am (17) 21:25 27:10 34:1 36:5 38:5 42:5 58:1 60:10 73:20 80:1 87:15 89:5 92:1,25 107:5 109:10 112:5

57pm (25) 170:20 182:10 200:20 21 4:10 222:10 233:5 240:10 254:1 255:5 260:15 284:1 286:15 301:20 303:10,25 318:25 334:10 337:15 338:15 347:25 350:20 354:1,25 355:1 358:20

58 (48) 42:10,15,20,25 43:1,5,10 84:20,25 85:1,5,10,15,20,25 144:10,15,20,25 145:1,5,10,15 152:5,10,15,20,25 153:1,5 256:15,20,25 257:1,5,10,15,20 257:25 258:1 312:5,10,15,20,25 313:1,5 366:4

582 (1) 284:22 **58am (13)** 18:15 26:5 30:15 49:10 50:10 65:15 76:15 108:15 113:15 123:5 137:15 138:20 139:20

58pm (14) 148:15 174:10 175:20 188:5 208:5 238:20 276:5 285:15 293:20 319:1 324:25 331:5 342:5 349:5

59 (43) 43:15,20,25 44:1,5,10,15 86:1,5,10,15,20,25 87:1,5,10,15 145:20,25 146:1,5,10,15 153:10 153:15,20,25 154:1,5 258:5,10 258:15,20,25 259:1,5 313:10,15 313:20,25 314:1,5,10 59am (12) 5:25 7:1 28:10 54:10

75:1 85:25 97:25 114:25 121:25 136:10 140:20 145:15

59pm (27) 150:25 156:5 158:5 160:5 169:15 173:10 199:15 226:10 230:15 240:25 243:15

244:15 246:25 251:15 263:5 265:1 269:15 273:10 279:25 283:5 295:5 304:1 317:20 330:5 348:1 350:10 356:5

6 (134) 1:8,15 26:11 37:5,13 38:3 39:18 40:17 48:22 49:13 50:5 50:18 51:15,22 53:25 90:11 91:3 95:25 107:18 108:11 109:12 110:12 111:14 112:2.22 114:16 115:3,17 116:14 121:10 121:23 124:3,20 125:2 134:17 149:2.16 164:5.23 165:7.21 166:24 167:15,24 168:13,22 170:4 171:18 172:4,16 187:12 190:22 191:8 193:11 203:15,23 205:18 206:15 22 207:7 22 208:25 209:15 210:6,20 213:11 213:18 215:17 218:1 228:9,13 228:16 237:1.11.22 238:7 239:8 239:20 240:9,20 247:16 250:23 257:2,11 259:1 273:7,11,21 275:10.18 276:17 277:2.19 281:6 284:22 286:24 296:19 297:5,11,17 299:19 300:2,10 301:5,13,19 302:8,20 304:3 305.6 307.6 18 308.3 309.23 311:1,18 313:10 314:9,16 315:5 328:5,13 331:20 332:2 336:12 337:3 338:14 339:2,13 343:3 345:8 346:22 365:7 366:19

600 (1) 4:6 612 (1) 4:8 6174000 (1) 3:18 630 (1) 366:14 650 (1) 3:18 6500 (1) 4:15 68 (1) 366:7 691 (2) 285:25 286:11 6th (1) 3:16

7 (7) 228:24 229:3 230:8,10 241:17 256:16 367:5

731 (1) 285:4 **750 (2)** 263:24 267:2 **755 (2)** 366:18,20 **75503 (1)** 4:16 **7705 (3)** 2:12 364:4,24

78 (1) 242:16 **782 (1)** 366:17 **791 (1)** 366:12

721 (1) 366:16

8 8 (6) 216:4,12 231:2,6 256:16
367:11

803 (1) 366:20 **885 (1)** 284:22

9 (255) 2:11 5:5,6,10,15,20,25 6:1 6:5,10,15,20,25 7:1,5,10,15,20 7:25 8:1,5,10,15,20,25 9:1,5,10 9:15,20,25 10:1,5,10,15,20,25 11:1.5.10.15.20.21.25 12:1.5.10 12:15,20,25 13:1,5,10,15,20 14:1,5,10,15,20,25 15:1,5,10,15 15:20.25 16:1.5.10.15.20.25 17:1,5,10,15,20,25 18:1,5,10,15 18:20,25 19:1,5,10,15,20,25 20:1.5.10.15.20.25 21:1.5.10.15 21:20.25 22:1.5.10.15.20.25 23:1,5,10,15,20,25 24:1,5,10,15 24:20,25 25:1,5,10,15,20,25 26:1,5,10,15,20,25 27:1,5,10,15 27:20,25 28:1,5,10,15,20,25 29:1,5,10,15,20,25 30:1,5,10,15 30:20,25 31:1,5,10,15,20,25 32:1,5,10,15,20,25 33:1,5,10,15 33:20,25 34:1,5,10,15,20,25 35:1,5,10,15,20,25 36:1,5,10,15 36:20.25 37:1.5.10.15.20.25 38:1,5,10,15,20,25 39:1,5,10,15 39:20,25 40:1,5,10,15,20,25 41:1,5,10,15,20,25 42:1,5,10,15 42:20,25 43:1,5,10,15,20,25 44:1,5,10,15 61:10,16 62:1 63:2 63:10 67:23 195:21,24 196:8,25 232:10,14,22 256:16 365:15 367:16

90 (3) 89:15 91:24 252:17 **903 (1)** 4:17

905 (1) 106:8 **906 (144)** 70:25 71:2,6,7,10,12 80:1,14 81:3 82:11,16,22 83:5 83:17 87:18,25 88:6,24 89:2,9 90:6,16,24 91:6 92:6,10,20,25 93:9,12,20 94:1,24 95:9,17 96:5 96:10,18,24 97:8,20 98:5 99:2 99:14,15 100:17 101:4,11 102:9 102:14 105:4.23 106:8 107:4.6 107:8,15 108:3,9,16,24 117:25 142:7 143:16,25 145:18 155:21 156:7.13 157:11.20 159:3 164:21 165:5,19 166:14,22 170:16 171:15 172:13 173:8 175:7 187:25 188:6 189:25 190:8.19 191:5.6.14 192:5 193:23 202:12 209:13,24 210:4 235:22 236:23 237:9,19 238:21 239:18 244:6.13.20 245:5.13 246:17,24 247:6 250:10 252:18 258:22 259:20 261:9 263:2 296:16 297:8.22 298:14.21 299:7.16 300:7.24 315:1 322:6 322:16 323:19 324:2 326:3,14 327:6 330:1,2,16 339:20 346:3 351:23 353:18 358:3,21 360:25

362:15 914 (1) 264:7 93 (2) 184:9 192:17 94 (1) 184:9 94108 (1) 263:7 943032284 (1) 3:17 95 (2) 184:10 192:17 98 (3) 96:5 108:3 230:1

985 (95) 80:4,11 81:5,19 82:4,7 83:11 84:16.18 85:1.2 86:13.17 88:10,13,25 89:3,18,23 91:18 91:24 94:7,16,24 95:9,17 96:5 96:11.18.24 97:9.20 101:15.23 102:3.9.10.14 105:4.24 106:8 107:4,6,8,15 108:3,9,16,24 117:25 142:8 143:16 144:1 159:3 164:21 165:5.19 166:15 166:22 170:16 171:16 172:14 202:12 209:13 235:22 236:23 237:9.19 238:21 239:18 246:17 246:24 250:10 259:20 261:9 263:3 297:2,14 298:5 299:1,12 299:24 300:7,24 315:1 322:6,16 323-19 324-2 326-3 15 327-7 330:16 339:20 346:3