

# EXHIBIT K

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS - TYLER DIVISION

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EOLAS TECHNOLOGIES )  
INCORPORATED, )  
Plaintiff, )  
vs. ) No. 6:09-CV-00445-LED  
ADOBE SYSTEMS, INC.; )  
AMAZON.COM, INC.; APPLE, INC., )  
et al., )  
Defendants. )  

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VIDEOTAPED 30(B)(6) DEPOSITION OF THE  
REGENTS OF UNIVERSITY OF CALIFORNIA  
DESIGNEE: SUNITA RAJDEV, Ph.D.  
TUESDAY, JANUARY 10, 2012

Job No. SD129591

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<p>1 2 3 4 5 6 7 8 Deposition of SUNITA RAJDEV, Ph.D. taken on behalf 9 of Defendants, at Ropes &amp; Gray, LLP, Three Embarcadero 10 Center, 3rd Floor, San Francisco, California, commencing 11 at 9:22 a m., Tuesday, January 10, 2012, before Kelli 12 Combs, CSR No. 7705. 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 2</p>	<p>1 APPEARANCE OF COUNSEL (Continued): 2 3 FOR DEFENDANT ADOBE SYSTEMS: 4 FISH &amp; RICHARDSON 5 BY: MICHAEL E. FLOREY, ESQ. 6 600 South Sixth Street 7 Minneapolis, Minnesota 55402 8 (612) 337-2505 9 florey@fr.com 10 11 FOR DEFENDANT YAHOO AND AMAZON.COM: 12 HALTOM &amp; DOAN 13 BY: JENNIFER DOAN, ESQ. 14 JOSHUA R. THANE, ESQ. 15 6500 Summerville Road 16 Texarcana, Texas 75503 17 (903) 255-1000 18 jdoan@haltomdoan.com 19 jthane@haltomdoan.com 20 21 22 Also present: 23 Paul Hibdon, Videographer 24 P. Martin Simpson, University of California Counsel 25</p> <p style="text-align: right;">Page 4</p>
<p>1 APPEARANCE OF COUNSEL: 2 3 FOR PLAINTIFF: 4 McKOOL SMITH, LLP 5 BY: GAYLE ROSENSTEIN KLEIN, ESQ. 6 One Bryant Park, 47th Floor 7 New York, New York 10036 8 (212) 402-9405 9 gklein@mckoolsmith.com 10 11 12 FOR DEFENDANT GOOGLE, INC. and YOUTUBE: 13 ROPES &amp; GRAY, LLP 14 BY: LAUREN ROBINSON, ESQ. 15 SASHA RAO, ESQ. 16 1900 University Avenue, 6th Floor 17 East Palo Alto, California 94303-2284 18 (650) 617-4000 19 lauren.robinson@ropesgray.com 20 21 22 23 24 25</p> <p style="text-align: right;">Page 3</p>	<p>1 SUNITA RAJDEV, Ph D 2 after having been duly sworn, testified as follows: 3 ---o0o--- 4 5 THE VIDEOGRAPHER: Good morning We are 9:22:05AM 6 on the record at 9:22 a m on January 10th, 2012 7 This is the video deposition of Sunita Rajdev, Ph D 8 My name is Peter Hibdon, here with our 9 court reporter, Kelli Combs We are here from 10 Veritext National Deposition &amp; Litigation Services 9:22:24AM 11 This deposition is being held at Three 12 Embarcadero Center, San Francisco, California in the 13 case captioned Eolas Technologies, Inc versus 14 Google 15 Counsel, please identify yourselves and 9:22:42AM 16 state whom you represent 17 MS KLEIN: Gayle Klein for the 18 Plaintiffs 19 MR SIMPSON: Marty Simpson, Regents of 20 University of California, Office of General Counsel 9:22:50AM 21 MS DOAN: Jennifer Doan with Yahoo and 22 Amazon 23 MR THANE: Josh Thane for Yahoo and 24 Amazon 25 MS ROBINSON: Lauren Robinson for Google 9:22:59AM</p> <p style="text-align: right;">Page 5</p>

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<p>1 and YouTube 9:23:00AM</p> <p>2 MR FLOREY: Michael Florey from Fish &amp;</p> <p>3 Richardson for Adobe</p> <p>4 (Deponent sworn )</p> <p>5 EXAMINATION 9:23:15AM</p> <p>6 BY MS DOAN:</p> <p>7 Q Will you please state your full name for</p> <p>8 the record?</p> <p>9 A Sunita Rajdev</p> <p>10 Q Dr. Rajdev, do you have a middle name? 9:23:22AM</p> <p>11 A I do use it in passport It's Rani,</p> <p>12 R-A-N-I</p> <p>13 Q And your first name is spelled</p> <p>14 S-U-N-I-T-A?</p> <p>15 A Yes 9:23:34AM</p> <p>16 Q And the last name is R-A-J-D-E-V, correct?</p> <p>17 A Yes</p> <p>18 Q I've seen it both ways, so I just wanted</p> <p>19 to make sure I was correct on that.</p> <p>20 Dr. Rajdev, can you please give us your 9:23:42AM</p> <p>21 current residence address?</p> <p>22 A 160 Treymore Drive, Chapel Hill, North</p> <p>23 Carolina</p> <p>24 Q And we're out here in San Francisco,</p> <p>25 California. Do you have any residence or do you own 9:23:55AM</p> <p>Page 6</p>	<p>1 here today to tell the truth? 9:24:46AM</p> <p>2 A Yes.</p> <p>3 Q And you say --</p> <p>4 You understand that the same penalties of</p> <p>5 perjury that apply in a court of law in front of a 9:24:49AM</p> <p>6 judge or jury also apply here today?</p> <p>7 A Yes.</p> <p>8 Q And because of that, if you don't</p> <p>9 understand a question I'm going to ask you at any</p> <p>10 time or I speak too quickly or too slowly or 9:25:00AM</p> <p>11 whatever, we just get off base, will you stop me and</p> <p>12 ask me to clarify the question?</p> <p>13 A Sure.</p> <p>14 Q Okay.</p> <p>15 So if you answer a question, can I assume 9:25:06AM</p> <p>16 that you understand the question that you're</p> <p>17 answering?</p> <p>18 A Yes.</p> <p>19 MS. KLEIN: And can you hear her on the</p> <p>20 video? 9:25:12AM</p> <p>21 THE VIDEOGRAPHER: Yes.</p> <p>22 MS. KLEIN: Okay.</p> <p>23 BY MS. DOAN:</p> <p>24 Q Have you ever testified in a court of law?</p> <p>25 A No. 9:25:21AM</p> <p>Page 8</p>
<p>1 any property out here in Northern California? 9:23:59AM</p> <p>2 A Not currently</p> <p>3 Q Dr. Rajdev, what is your position with the</p> <p>4 University of California?</p> <p>5 A I'm a senior licensing officer 9:24:12AM</p> <p>6 Q Are you a senior licensing officer for the</p> <p>7 entire University of California system or for just</p> <p>8 one campus?</p> <p>9 A Just for one campus, UCSF</p> <p>10 Q And "UCSF" being the University of 9:24:24AM</p> <p>11 California, San Francisco?</p> <p>12 A Yes</p> <p>13 Q Dr. Rajdev, have you ever had your</p> <p>14 deposition taken before?</p> <p>15 A No 9:24:34AM</p> <p>16 Q Do you understand the purpose of a</p> <p>17 deposition?</p> <p>18 A Yes</p> <p>19 Q Okay.</p> <p>20 Do you understand that I'm going to ask 9:24:37AM</p> <p>21 you a series of questions? I need you to give me as</p> <p>22 complete, accurate, and truthful responses as</p> <p>23 possible.</p> <p>24 A Yes</p> <p>25 Q And you understand you have taken an oath 9:24:44AM</p> <p>Page 7</p>	<p>1 Q Do you plan to attend the trial in this 9:25:23AM</p> <p>2 case that is scheduled for February 2012, next</p> <p>3 month?</p> <p>4 A No.</p> <p>5 Q Do you know who will be appearing for the 9:25:32AM</p> <p>6 University of California at the trial in Tyler,</p> <p>7 Texas?</p> <p>8 MS. KLEIN: I'm going to object and</p> <p>9 instruct you to the extent that that knowledge comes</p> <p>10 solely from a lawyer, that you should not respond to 9:25:41AM</p> <p>11 that on the basis of privilege.</p> <p>12 THE WITNESS: I can't respond.</p> <p>13 BY MS. DOAN:</p> <p>14 Q Okay.</p> <p>15 Do you know who it is, but you're refusing 9:25:49AM</p> <p>16 to answer? Is that a --</p> <p>17 MS. DOAN: It's a "yes" or "no" question.</p> <p>18 I think she can answer "yes" or "no."</p> <p>19 THE WITNESS: I have heard, but I'm not</p> <p>20 sure who is going to be there. 9:25:56AM</p> <p>21 BY MS. DOAN:</p> <p>22 Q But it's not you?</p> <p>23 A It's not me.</p> <p>24 Q Okay.</p> <p>25 Did you review any documents to prepare 9:26:05AM</p> <p>Page 9</p>

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<p>1 for your deposition today? 9:26:07AM</p> <p>2 A Yesterday.</p> <p>3 Q Yesterday. Okay.</p> <p>4 Did you meet yesterday with your counsel</p> <p>5 to prepare for your deposition? 9:26:12AM</p> <p>6 A Yes.</p> <p>7 Q Did you have any other meetings prior to</p> <p>8 yesterday to prepare for your deposition?</p> <p>9 A Maybe once, yes, I did.</p> <p>10 Q When was the first meeting that you had to 9:26:24AM</p> <p>11 prepare for your deposition?</p> <p>12 A I don't remember the exact date. Couple</p> <p>13 months ago.</p> <p>14 Q Okay.</p> <p>15 And who was present at the meeting? 9:26:32AM</p> <p>16 A It was Gayle Klein, John Campbell, and</p> <p>17 Marty Simpson.</p> <p>18 Q Where was that meeting?</p> <p>19 A In Oakland in our Central Office of the</p> <p>20 President. 9:26:49AM</p> <p>21 Q Was anybody else present at the meeting?</p> <p>22 A At that meeting, no.</p> <p>23 Q And how long did the meeting last?</p> <p>24 A I want to say two to three hours.</p> <p>25 Q And did you discuss certain topics that 9:27:03AM</p> <p style="text-align: right;">Page 10</p>	<p>1 A Yes. 9:28:03AM</p> <p>2 Q How many documents did you review?</p> <p>3 A There were about two binders, one binder</p> <p>4 and a couple of deposition documents.</p> <p>5 Q Okay. 9:28:14AM</p> <p>6 I'm assuming that you reviewed the</p> <p>7 licenses --</p> <p>8 A Yes.</p> <p>9 Q -- between Eolas and the University of</p> <p>10 California; is that right? 9:28:21AM</p> <p>11 A I looked at them, yes.</p> <p>12 Q Okay.</p> <p>13 And are you familiar with those licenses?</p> <p>14 A I am.</p> <p>15 Q Is there anybody that's more familiar with 9:28:26AM</p> <p>16 the licenses between the University of California</p> <p>17 and Eolas other than you from -- on behalf of the</p> <p>18 University of California?</p> <p>19 MS. KLEIN: I'm going to object to the</p> <p>20 form of the question. 9:28:39AM</p> <p>21 BY MS. DOAN:</p> <p>22 Q You can answer.</p> <p>23 A Our counsel.</p> <p>24 Q Okay.</p> <p>25 With the University of California, other 9:28:44AM</p> <p style="text-align: right;">Page 12</p>
<p>1 you have been designated to testify here about 9:27:06AM</p> <p>2 today?</p> <p>3 A No. At that meeting, it was just a</p> <p>4 general meeting to talk about --</p> <p>5 MS. KLEIN: You should not discuss what 9:27:15AM</p> <p>6 was discussed in that meeting.</p> <p>7 THE WITNESS: It was just a general</p> <p>8 meeting to talk about --</p> <p>9 MS. KLEIN: You should not discuss --</p> <p>10 reveal the substance of the conversation. 9:27:20AM</p> <p>11 BY MS. DOAN:</p> <p>12 Q All right.</p> <p>13 So I'm trying to figure out: Did you</p> <p>14 review any documents at that meeting?</p> <p>15 A No. It was just a meet-and-greet meeting. 9:27:30AM</p> <p>16 Q Okay.</p> <p>17 And your meeting yesterday, who was</p> <p>18 present in the meeting yesterday?</p> <p>19 A Gayle and Marty Simpson by phone.</p> <p>20 Q How long did the meeting last yesterday? 9:27:53AM</p> <p>21 A 9:00 to 12:00.</p> <p>22 Q In the morning?</p> <p>23 A Yes.</p> <p>24 Q Did you review any documents yesterday to</p> <p>25 prepare for the deposition? 9:28:02AM</p> <p style="text-align: right;">Page 11</p>	<p>1 than Marty Simpson, your counsel, is -- 9:28:45AM</p> <p>2 A No.</p> <p>3 Q -- there anybody else who is more familiar</p> <p>4 with the licenses?</p> <p>5 MS. KLEIN: And I'm going to object to the 9:28:50AM</p> <p>6 form of the question.</p> <p>7 BY MS. DOAN:</p> <p>8 Q You can answer.</p> <p>9 A Not that I know of.</p> <p>10 Q Okay. 9:28:55AM</p> <p>11 Dr. Rajdev, tell me how long you have been</p> <p>12 a senior licensing officer with the University of</p> <p>13 California, San Francisco.</p> <p>14 A I don't remember the exact date, but maybe</p> <p>15 from 2007. 9:29:13AM</p> <p>16 Q Where did you go to college?</p> <p>17 A For undergraduate degree?</p> <p>18 Q Undergraduate degree, yes, ma'am.</p> <p>19 A I did my bachelors in sciences from All</p> <p>20 India Institute of Medical Sciences. 9:29:28AM</p> <p>21 MS. KLEIN: Can you spell the first name</p> <p>22 of the university you attended?</p> <p>23 THE WITNESS: All India Institute of</p> <p>24 Medical Sciences.</p> <p>25</p> <p style="text-align: right;">Page 13</p>

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<p>1 BY MS. DOAN: 9:29:48AM</p> <p>2 Q All India?</p> <p>3 A Yes. New Delhi.</p> <p>4 Q Okay.</p> <p>5 And when did you graduate? 9:29:52AM</p> <p>6 A 1983.</p> <p>7 Q I'm assuming that you, obviously, have a</p> <p>8 postgraduate degree, since --</p> <p>9 A Yes.</p> <p>10 Q -- you have a doctorate? 9:30:02AM</p> <p>11 Can you tell us about your postgraduate</p> <p>12 education, please.</p> <p>13 A I did my master's in All India Institute</p> <p>14 of Medical Sciences, New Delhi, India, as well, in</p> <p>15 pharmacology, and then I did my Ph.D. from 9:30:13AM</p> <p>16 University of Pittsburgh, Pennsylvania.</p> <p>17 Q What year did you receive your Ph.D.?</p> <p>18 A Pardon?</p> <p>19 Q What year did you receive your Ph.D.?</p> <p>20 A 1995. 9:30:30AM</p> <p>21 Q What year did you receive your master's?</p> <p>22 A 1989 -- no, 1985. I'm sorry.</p> <p>23 Q Have you formally moved to the United</p> <p>24 States?</p> <p>25 A Yes. 9:30:43AM</p> <p>Page 14</p>	<p>1 questions and the court reporter is going to take 9:31:42AM</p> <p>2 down our answers.</p> <p>3 Okay?</p> <p>4 A Okay</p> <p>5 Q And because of that, it's really important 9:31:45AM</p> <p>6 that you give an audible answer, like "yes" or "no,"</p> <p>7 as opposed to "uh-huh" or "huh-uh."</p> <p>8 Is that okay?</p> <p>9 A Okay</p> <p>10 Q All right. 9:31:51AM</p> <p>11 And if at any time -- because I know in</p> <p>12 everyday language we forget and say "uh-huh" or</p> <p>13 "huh-uh" all the time, so if at any time you forget,</p> <p>14 I'll say, "Is that 'yes' or is that 'no'" or I may</p> <p>15 tug on my ear, and that's what I mean, just need an 9:32:01AM</p> <p>16 audible response.</p> <p>17 Is that okay?</p> <p>18 A All right</p> <p>19 Q Throughout the deposition, if you will</p> <p>20 allow me to finish my question, I'll try to allow 9:32:07AM</p> <p>21 you the courtesy to finish your answer. That way,</p> <p>22 the court reporter doesn't kill one of us.</p> <p>23 Is that okay with you?</p> <p>24 A Yes</p> <p>25 Q That will make a better record so we don't 9:32:14AM</p> <p>Page 16</p>
<p>1 Q Do you own any property in India? 9:30:43AM</p> <p>2 A No. My parents do, I don't.</p> <p>3 Q You don't personally own any property in</p> <p>4 India?</p> <p>5 A (Shakes head.) 9:30:51AM</p> <p>6 Q Are you a United States citizen?</p> <p>7 A Yes.</p> <p>8 Q When did you become a citizen?</p> <p>9 A Four years ago, approximately.</p> <p>10 Q Are you also still -- 9:31:02AM</p> <p>11 Do you have dual citizenship with India</p> <p>12 and the United States?</p> <p>13 A India doesn't allow dual citizenship, so</p> <p>14 what I have is an OCI card, which is overseas</p> <p>15 citizens of India, so -- which just allows me not to 9:31:11AM</p> <p>16 take a visa if I want to go visit my parents.</p> <p>17 Q Okay.</p> <p>18 So because they don't allow dual</p> <p>19 citizenship in India, did you have to give up your</p> <p>20 citizenship in India? 9:31:26AM</p> <p>21 A Uh-huh, yes.</p> <p>22 Q Let's go back to the beginning rules of</p> <p>23 the deposition.</p> <p>24 So -- and since you have not had a</p> <p>25 deposition before, I'm going to ask you a series of 9:31:39AM</p> <p>Page 15</p>	<p>1 speak over each other. 9:32:16AM</p> <p>2 Is that okay?</p> <p>3 A Yes.</p> <p>4 Q And if you need to take a break at any</p> <p>5 time, if you can just complete the answer that 9:32:21AM</p> <p>6 you're giving, just let me know and we'll take a</p> <p>7 break. Okay?</p> <p>8 A Okay.</p> <p>9 Q All right.</p> <p>10 Talking about your education and then we 9:32:31AM</p> <p>11 are now with the -- 1995, you received your Ph.D.</p> <p>12 from the University of Pittsburgh, Pennsylvania?</p> <p>13 A Yes.</p> <p>14 Q What was your --</p> <p>15 When did you start working for the 9:32:44AM</p> <p>16 University of California system?</p> <p>17 A 1995.</p> <p>18 Q What was your first job with the</p> <p>19 University of California?</p> <p>20 A A postdoctoral fellowship. 9:32:53AM</p> <p>21 Q What was that fellowship in?</p> <p>22 A Neurology.</p> <p>23 Q Did you ever receive your M.D. degree or</p> <p>24 just your -- just your Ph.D.?</p> <p>25 A Just my Ph.D. 9:33:07AM</p> <p>Page 17</p>

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<p>1       <b>Q</b> Which campus were -- did you perform your 9:33:09AM  2 postdoctoral fellowship?  3       A UCSF  4       <b>Q</b> How long did you work on your postdoctoral  5 fellowship? 9:33:24AM  6       A About three years  7       <b>Q</b> What was your area of emphasis with  8 respect to your fellowship?  9       A Heat shock proteins in stroke  10      <b>Q</b> Heat shock proteins in strokes? 9:33:42AM  11      A In stroke, yes  12      <b>Q</b> Did you complete your fellowship?  13      A It's sort of never completed Yes, in a  14 sense that I then became an assistant researcher in  15 the same department 9:33:58AM  16      <b>Q</b> Did you exit the fellowship program with  17 the University of California, San Francisco early at  18 any time?  19      A There is no limit of fellowship You just  20 keep doing experiments and once you feel you're 9:34:14AM  21 ready to go independent, you just take the next step  22 and start doing your research independently  23      <b>Q</b> Okay.  24           And did you do that?  25      A Yes 9:34:24AM</p> <p style="text-align: right;">Page 18</p>	<p>1       <b>Dr. Sharp?</b> 9:35:21AM  2       A Oh, I don't remember.  3       <b>Q</b> When you became an assistant research- --  4           What's the name of that role? Is that  5 assistant researcher? 9:35:34AM  6       A Assistant researcher. So that's the next  7 step before you become a faculty.  8       <b>Q</b> Before you become a full --  9       A Faculty.  10      <b>Q</b> Okay. 9:35:43AM  11           How long were you an assistant researcher?  12      A Since -- about two years --  13      <b>Q</b> From 19- --  14      A -- one and a half to two years.  15      <b>Q</b> -- 1998 to 2000; is that about right? 9:35:56AM  16      A Yeah, 2000, middle -- maybe early 2001.  17      <b>Q</b> Who did you report to as assistant  18 researcher?  19      A So Dr. Frank Sharp and Dr. Phil Weinstein  20 in Department of Neurosurgery. 9:36:13AM  21      <b>Q</b> So Frank Sharp was in neurology and Phil  22 Weinstein was in neurosurgery?  23      A Uh-huh. Yes.  24      <b>Q</b> Where is Phil Weinstein currently?  25      A I don't know. It's been 10 years since I 9:36:40AM</p> <p style="text-align: right;">Page 20</p>
<p>1       <b>Q</b> Who did you report to when you were doing 9:34:24AM  2 your postdoctoral fellowship? Who was responsible  3 for you?  4       A Dr. Frank Sharp  5       <b>Q</b> And what is Dr. Sharp's role with the 9:34:34AM  6 University of California?  7       MS KLEIN: Objection; form  8       THE WITNESS: He's a -- he was a professor  9 of neurology  10 BY MS DOAN: 9:34:47AM  11      <b>Q</b> 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      <b>Q</b> 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      <b>Q</b> Is he still alive?  19      A Yes  20      <b>Q</b> Where does Dr. Sharp practice now? 9:35:09AM  21      MS KLEIN: Objection; form  22      THE WITNESS: As far as I know, at Davis,  23 UC Davis  24 BY MS DOAN:  25      <b>Q</b> When was the last time you spoke with 9:35:18AM</p> <p style="text-align: right;">Page 19</p>	<p>1 left research. I think he still does clinic duties 9:36:42AM  2 at San Francisco campus, but I'm not sure.  3      <b>Q</b> When was the last time you saw or spoke to  4 Dr. Weinstein?  5      A Not since I left his lab. 9:36:53AM  6      <b>Q</b> Okay.  7           So about 10 years ago?  8      A Uh-huh. Yes.  9      <b>Q</b> What was --  10           What did you research as an assistant 9:37:04AM  11 researcher?  12      A Same area, role of heat shock proteins in  13 stress and stroke.  14      <b>Q</b> When you completed your duties as an  15 assistant researcher, did you stay on with the 9:37:22AM  16 University of California, San Francisco?  17      A While I was an assistant researcher, I did  18 internship in the Office of Technology Management.  19      <b>Q</b> Were you paid for your internship with the  20 Office of Technology Management? 9:37:49AM  21      A Not in the beginning.  22      <b>Q</b> Okay.  23           So what year are we talking about? Still  24 1998 to 2000?  25      A I started internship in September 2000. 9:37:57AM</p> <p style="text-align: right;">Page 21</p>

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

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

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<p>1 any type of legal training? 9:45:27AM</p> <p>2 A No.</p> <p>3 MS. KLEIN: Objection; form.</p> <p>4 BY MS. DOAN:</p> <p>5 Q As you sit here today, have you ever had 9:45:30AM</p> <p>6 any type of legal training?</p> <p>7 A No.</p> <p>8 Q Before September of 2000, had you ever had</p> <p>9 any type of training with respect to licensing?</p> <p>10 A No. 9:45:42AM</p> <p>11 Q What made you decide to go into licensing</p> <p>12 from receiving your Ph.D. in neurology?</p> <p>13 A I was looking into alternative careers and</p> <p>14 I really enjoy knowing, in general, about the</p> <p>15 science. So on bench, I was just getting focused 9:45:58AM</p> <p>16 more and more on narrow area, so I was just</p> <p>17 investigating what are the other options available</p> <p>18 for me if I didn't want to continue doing bench</p> <p>19 research. And Technology Transfer office had</p> <p>20 internships, so that was one of the areas that I 9:46:12AM</p> <p>21 really found interesting.</p> <p>22 I took a course from UC Berkeley extension</p> <p>23 about -- I think it's called "Leaving the Ivory</p> <p>24 Tower" or something like that or exploring</p> <p>25 alternative careers, and Technology Transfer seemed 9:46:25AM</p> <p style="text-align: right;">Page 30</p>	<p>1 September 2002? 9:47:28AM</p> <p>2 A Four.</p> <p>3 Q And how many licensing officers or senior</p> <p>4 licensing officers are there now with the Office of</p> <p>5 Technology Management at the University of 9:47:36AM</p> <p>6 California, San Francisco?</p> <p>7 A We have a few vacant positions, but at</p> <p>8 this time we have two senior licensing officers --</p> <p>9 three senior licensing officers, sorry; four</p> <p>10 licensing officers; one licensing associate and one 9:48:00AM</p> <p>11 contract licensing associate, so two licensing</p> <p>12 associates.</p> <p>13 Q One's just full time and one's contract?</p> <p>14 A Uh-huh. Yes.</p> <p>15 Q How many people report to you as a senior 9:48:26AM</p> <p>16 licensing officer?</p> <p>17 A Talking about the dotted line or direct</p> <p>18 line?</p> <p>19 Q Either way. Let's start with the direct</p> <p>20 line. 9:48:39AM</p> <p>21 A No one directly reports to me officially.</p> <p>22 Q With respect to the indirect dotted line,</p> <p>23 how many people report to you?</p> <p>24 A One licensing associate.</p> <p>25 Q And who is that? 9:48:51AM</p> <p style="text-align: right;">Page 32</p>
<p>1 like a good fit for my skills. 9:46:28AM</p> <p>2 Q Okay.</p> <p>3 A Because I just like to learn a lot about</p> <p>4 what's going on, in general, in science area, and</p> <p>5 this allows me to still utilize my training, because 9:46:35AM</p> <p>6 I have to understand the technologies, and learn a</p> <p>7 lot of new skills that I really enjoy.</p> <p>8 Q Okay.</p> <p>9 When did you take a course at the</p> <p>10 University of California, Berkeley? 9:46:47AM</p> <p>11 A Pardon?</p> <p>12 Q When was that course at the University of</p> <p>13 California, Berkeley?</p> <p>14 A It was in 2000 sometime. I don't remember</p> <p>15 the exact date. 9:46:55AM</p> <p>16 Q Okay.</p> <p>17 When you started working full time in</p> <p>18 September of 2002, who did you report to?</p> <p>19 A Dr. Joel Kirschbaum.</p> <p>20 Q Was there a senior licensing officer that 9:47:12AM</p> <p>21 you reported to in between your role as a licensing</p> <p>22 officer and Joel Kirschbaum as the director?</p> <p>23 A No.</p> <p>24 Q How many licensing officers were there at</p> <p>25 the Office of Technology Management in 9:47:24AM</p> <p style="text-align: right;">Page 31</p>	<p>1 A So this licensing associate reports to two 9:48:55AM</p> <p>2 senior licensing officers --</p> <p>3 Q Okay.</p> <p>4 A -- so 50 percent.</p> <p>5 Dior Baumjohann. 9:49:01AM</p> <p>6 Q Can you spell the last name?</p> <p>7 A No, I can't. B-A-U -- I'm going to mess</p> <p>8 it up. B-A-U-M-J-O-H-A-N [sic].</p> <p>9 Q It's Dior?</p> <p>10 A Dior, yes. 9:49:16AM</p> <p>11 Q D-I-O-R?</p> <p>12 A D-I-O-R.</p> <p>13 Q And he reports to you -- or she reports to</p> <p>14 you?</p> <p>15 A She reports -- she. 9:49:26AM</p> <p>16 Q She indirectly reports --</p> <p>17 A Yes.</p> <p>18 Q -- about 50 percent to you; is that right?</p> <p>19 A Yes. It's a complicated structure. She</p> <p>20 indirectly reports to me 50 percent of the time and 9:49:35AM</p> <p>21 then I have the contract associate also who reports</p> <p>22 to me 50 percent of the time.</p> <p>23 Q And who is the contract associate?</p> <p>24 A Darya, D-A-R-Y-A, Darya, Bubman,</p> <p>25 B-U-B-M-A-N. 9:49:47AM</p> <p style="text-align: right;">Page 33</p>

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<p>1       <b>Q</b> Do you have any licensing officers that       9:49:57AM  2       report to you?  3       A Not directly.  4       <b>Q</b> And other than the three senior licensing  5       officers and the four licensing officers and the two       9:50:10AM  6       associates and the director, Dr. Kirschbaum, are  7       there any other employees or workers at the  8       University of California, San Francisco in the  9       Office of Technology Management?  10      A So it's undergoing a big reorganization       9:50:26AM  11      right now, so I -- there is -- Office of Technology  12      Management, which used to be Office of Technology  13      Management, is part of a bigger office now, which is  14      called Office of Innovation, Alliances, and  15      Technology.                                               9:50:38AM  16      <b>Q</b> Okay.  17      Tell me that again, the Office of  18      Innovation --  19      A Alliances and Technology. ITA.  20      <b>Q</b> Okay.                                               9:51:01AM  21      Is -- the Office of Innovation, Alliances,  22      and Technology?  23      A Yes.  24      <b>Q</b> And it goes by ITA?  25      A Yes.                                               9:51:08AM</p> <p style="text-align: right;">Page 34</p>	<p>1       THE WITNESS: Yes.                                       9:51:55AM  2       BY MS. DOAN:  3       <b>Q</b> Okay.  4       And what department was that?  5       MS. KLEIN: Objection; form.                       9:51:57AM  6       THE WITNESS: So it has four units --  7       BY MS. DOAN:  8       <b>Q</b> Okay.  9       A -- Office of Technology Management. So  10      there is the licensing group that's Office of       9:52:04AM  11      Technology Management, then there is an industry  12      contracts group.  13      <b>Q</b> And what were they previously, the  14      industry contracts group?  15      A They were industry contracts division --       9:52:16AM  16      <b>Q</b> Okay.  17      A -- of the Office of Sponsored Research.  18      <b>Q</b> All right.  19      A So this ITA was created to have one  20      industry portal at UCSF, so most of the units that       9:52:29AM  21      interact with the industry are now part of this ITA  22      office.  23      So there is licensing group, which was  24      OTM, and there is industry contracts group and then  25      there is the Center of BioEntrepreneurship, CBE --       9:52:41AM</p> <p style="text-align: right;">Page 36</p>
<p>1       <b>Q</b> If I refer to ITA, will you understand       9:51:08AM  2       that I'm talking about the Innovation, Alliances and  3       Technology Department at the University of  4       California, San Francisco?  5       A Yes.                                               9:51:16AM  6       <b>Q</b> And how large is that office?  7       (Whereupon, Sasha Rao with  8       Ropes &amp; Gray entered the  9       conference room.)  10      THE WITNESS: I'm sorry, can I correct       9:51:24AM  11      that? Might be Technology and Alliances. Just ITA.  12      BY MS. DOAN:  13      <b>Q</b> The Office of Innovation, Technology and  14      Alliance?  15      A Some -- yes. It just formed a few months       9:51:33AM  16      ago, so...  17      <b>Q</b> Is the Office of Innovation, Technology  18      and Alliance larger than the Office of Technology  19      Management for the University of California,  20      San Francisco?                                       9:51:49AM  21      A Yes.  22      MS. KLEIN: Objection; form.  23      BY MS. DOAN:  24      <b>Q</b> Did it merge with another department?  25      MS. KLEIN: Objection; form.                       9:51:53AM</p> <p style="text-align: right;">Page 35</p>	<p>1       <b>Q</b> Center of BioEntrepreneurship?               9:52:50AM  2       A Yes.  3       <b>Q</b> Okay.  4       MS. KLEIN: I'm going to object to this  5       line of questioning as beyond the 30(b)(6).       9:52:54AM  6       THE WITNESS: -- which provides education  7       to UCSF faculty and students.  8       BY MS. DOAN:  9       <b>Q</b> Okay.  10      Is it the Office of Business and               9:53:15AM  11      Entrepreneurship?  12      MS. KLEIN: Objection to form; beyond the  13      30(b)(6).  14      MS. DOAN: Actually, I believe it goes to  15      Supplemental Topic Number 4, Counsel.           9:53:26AM  16      BY MS. DOAN:  17      <b>Q</b> So I want to make sure that I've got this  18      right.  19      With respect to the new ITA office at the  20      University of California, San Francisco, it's made       9:53:34AM  21      up of basically four departments: One is the former  22      Office of Technology Management, the second is the  23      Office of Business Entrepreneurship, the third is an  24      alliance management group, and the fourth is an  25      industry contracts group; is that right?           9:53:48AM</p> <p style="text-align: right;">Page 37</p>

<p>1 MS. KLEIN: I'm going to object to the 9:53:51AM  2 form of the question. I'm going to object as beyond  3 the scope of the 30(b)(6). Supplemental Topic  4 Number 4 does not relate to this.  5 BY MS. DOAN: 9:53:57AM  6 <b>Q Is that right?</b>  7 A That sums it up. The names are still  8 under consideration, so...  9 It's a brand-new office.  10 <b>Q And how many people are, roughly, in this 9:54:03AM</b>  11 <b>office?</b>  12 MS. KLEIN: Same objections.  13 THE WITNESS: I'd have to count.  14 BY MS. DOAN:  15 <b>Q More than 10? 9:54:10AM</b>  16 A Yes.  17 MS. KLEIN: Same objections.  18 BY MS. DOAN:  19 <b>Q More than 50?</b>  20 MS. KLEIN: Same objections. 9:54:14AM  21 THE WITNESS: Probably not more than 50.  22 BY MS. DOAN:  23 <b>Q Okay.</b>  24 A I'll have to count. It's going to take me  25 a while. I'm not that -- 9:54:24AM</p> <p style="text-align: right;">Page 38</p>	<p>1 <b>University of California system? 9:55:12AM</b>  2 A Yes.  3 <b>Q So, for example, somebody would have your</b>  4 <b>role at another University of California campus; is</b>  5 <b>that fair? 9:55:22AM</b>  6 MS. KLEIN: Objection; form.  7 THE WITNESS: Yes.  8 BY MS. DOAN:  9 <b>Q Do you know how many other campuses there</b>  10 <b>are with the University of California? 9:55:27AM</b>  11 A Including San Francisco, ten campuses,  12 three national labs.  13 <b>Q Is there something equivalent to a</b>  14 <b>licensing department in each of the University of</b>  15 <b>California campuses that you know of? 9:55:52AM</b>  16 MS. KLEIN: Objection; form of the  17 question, beyond the scope of the 30(b)(6).  18 BY MS. DOAN:  19 <b>Q You can answer.</b>  20 A Most of the campuses have it. I'm not 9:56:02AM  21 sure about Merced, UC Merced.  22 <b>Q Do you know who Joel Kirschbaum reports</b>  23 <b>to?</b>  24 A At this point, Erik Lium.  25 <b>Q Can you spell Lium for me? 9:56:16AM</b></p> <p style="text-align: right;">Page 40</p>
<p>1 So there is -- because I'll have to count 9:54:27AM  2 all the staff that we have, administrative people  3 that we have. So I'm going to ballpark and guess at  4 around 30.  5 MS. KLEIN: Don't speculate, Dr. Rajdev. 9:54:36AM  6 Don't speculate.  7 BY MS. DOAN:  8 <b>Q Does the --</b>  9 <b>Are there different --</b>  10 <b>Do you know for the -- 9:54:44AM</b>  11 <b>With respect to the setups of the</b>  12 <b>licensing departments of the University of</b>  13 <b>California system, do you know whether the</b>  14 <b>University of California, San Francisco manages the</b>  15 <b>licenses for all of the Regents of the University of 9:54:56AM</b>  16 <b>California?</b>  17 MS. KLEIN: I'm going to object; beyond  18 the scope of the 30(b)(6).  19 You may answer in your individual  20 capacity. 9:55:03AM  21 THE WITNESS: No.  22 BY MS. DOAN:  23 <b>Q Okay.</b>  24 <b>So there are other licensing departments</b>  25 <b>at other universities of -- other campuses of the 9:55:08AM</b></p> <p style="text-align: right;">Page 39</p>	<p>1 A E-R-I-K, Erik, Lium, L-I-U-M 9:56:18AM  2 <b>Q And who is Erik Lium?</b>  3 A He's the assistant vice chancellor for  4 research at San Francisco campus  5 <b>Q Dr. Rajdev, what is your role currently as 9:56:49AM</b>  6 <b>a senior licensing officer?</b>  7 A I manage the technologies developed by  8 UCSF faculty, staff, and students  9 <b>Q What does that mean to the everyday</b>  10 <b>person? So if you were telling your grandmother 9:57:12AM</b>  11 <b>what you do for a living, what would you say?</b>  12 MS. KLEIN: Objection; form  13 THE WITNESS: So if a UCSF faculty or  14 student comes up with a useful invention or a  15 material that can be useful for other people, then 9:57:24AM  16 we would handle the transfer of that technology  17 from -- on behalf of UCSF to either other  18 universities or other commercial organizations So  19 we're there to facilitate and promote the transfer  20 of technology from UCSF 9:57:40AM  21 BY MS. DOAN:  22 <b>Q So you handle the transfer of technology</b>  23 <b>from UCSF; do I have that right?</b>  24 A Yes  25 MS. KLEIN: Objection; form 9:57:51AM</p> <p style="text-align: right;">Page 41</p>

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

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1 **California?** **10:01:03AM**  
2 A Yes, I have.  
3 **Q Okay.**  
4 **And you call that the what there?**  
5 A Patent acknowledgement form. **10:01:06AM**  
6 **Q Is it the practice of the University of**  
7 **California for all of their faculty members to sign**  
8 **a patent acknowledgement form?**  
9 A Yes.  
10 **Q Okay.** **10:01:21AM**  
11 **Is that one of the things that the former**  
12 **Office of Technology Management handles on behalf of**  
13 **the University?**  
14 A No.  
15 **Q What -- what department handles that?** **10:01:32AM**  
16 MS. KLEIN: Objection; form.  
17 THE WITNESS: I would think the individual  
18 departments who do the hiring.  
19 BY MS. DOAN:  
20 **Q Okay.** **10:01:43AM**  
21 **When did you sign the patent**  
22 **acknowledgement form?**  
23 A I believe I signed one initially when I  
24 joined as a postdoctoral fellow --  
25 **Q Okay.** **10:02:05AM**

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1 A -- and then probably again when I rejoined **10:02:05AM**  
2 as a licensing officer. I signed many forms, so...  
3 MS. DOAN: Counsel, do you know if either  
4 one of these forms have been produced in this  
5 litigation, the patent acknowledgement form that **10:02:16AM**  
6 Dr. Rajdev has signed?  
7 MS. KLEIN: I don't believe you are  
8 deposing me, Counsel.  
9 MS. DOAN: We're just asking if they have  
10 already been produced or not. Could you give us -- **10:02:25AM**  
11 would you agree to give us the Bates stamp number,  
12 as your other counsel -- we've done for your other  
13 counsel throughout this entire litigation?  
14 MS. KLEIN: If they have been produced, we  
15 can give you the Bates stamp number. **10:02:33AM**  
16 MS. DOAN: Excellent. And if they have  
17 not been produced, of course, we would request a  
18 copy.  
19 BY MS. DOAN:  
20 **Q Dr. Rajdev --** **10:02:38AM**  
21 MS. KLEIN: If they have been requested,  
22 of course, we would produce them.  
23 MS. DOAN: I think anything that's  
24 relevant to this litigation, including this  
25 deponent, should have been produced a week before **10:02:44AM**

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1 her deposition, which has been our agreement **10:02:46AM**  
2 throughout this entire case, which we have complied  
3 with with respect to Eolas  
4 MS KLEIN: I believe that we have done a  
5 substantial search There was a deposition **10:02:54AM**  
6 yesterday about the search that we have done and we  
7 have responded fully and completely to your document  
8 requests  
9 BY MS DOAN:  
10 **Q Dr. Rajdev, do you know if your patent** **10:03:00AM**  
11 **acknowledgement form has been produced in this**  
12 **litigation, either one of them, either one or if you**  
13 **signed two or three of them?**  
14 MS KLEIN: Objection; form  
15 THE WITNESS: I do not know **10:03:10AM**  
16 BY MS DOAN:  
17 **Q Okay.**  
18 **Is it the practice of the University of**  
19 **California to require anyone other than a faculty**  
20 **member to sign a patent acknowledgement form?** **10:03:22AM**  
21 MS KLEIN: Objection; form Object;  
22 beyond the scope of the 30(b)(6) deposition  
23 THE WITNESS: All employees are expected  
24 to sign a patent acknowledgement form  
25

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1 BY MS DOAN: **10:03:36AM**  
2 **Q And with res- --**  
3 **And does your office deal with the wording**  
4 **of the patent acknowledgement form?**  
5 MS KLEIN: Objection; form **10:03:53AM**  
6 THE WITNESS: No  
7 BY MS DOAN:  
8 **Q Do you know which office on behalf of the**  
9 **University of California system deals with the**  
10 **wording in the particular patent acknowledgement** **10:03:58AM**  
11 **form?**  
12 MS KLEIN: Objection; form Object;  
13 beyond the scope of the 30(b)(6) deposition  
14 BY MS DOAN:  
15 **Q You can answer.** **10:04:06AM**  
16 A Office of General Counsel  
17 **Q Okay.**  
18 **Do you know if anyone other than the**  
19 **employees of the University of California system are**  
20 **required to sign a patent acknowledgement form --** **10:04:21AM**  
21 MS KLEIN: Objection; form  
22 BY MS DOAN:  
23 **Q -- with the University of California?**  
24 A Work-for-hire people or visiting fellows  
25 or scientists **10:04:36AM**

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<p>1       <b>Q What about students? Are any students</b>       10:04:47AM</p> <p>2       <b>required to sign some type of patent acknowledgement</b></p> <p>3       <b>form?</b></p> <p>4           MS KLEIN: Objection; form   Object;</p> <p>5       beyond the scope of the 30(b)(6)                       10:04:54AM</p> <p>6       BY MS DOAN:</p> <p>7       <b>Q You can answer.</b></p> <p>8           MS KLEIN: If you know</p> <p>9           THE WITNESS: If they are involved in</p> <p>10       sponsor-funded research or if they are using       10:04:58AM</p> <p>11       University resources   So I would expect graduate</p> <p>12       students to sign, because they usually are getting</p> <p>13       paid through the fellowships</p> <p>14       BY MS DOAN:</p> <p>15       <b>Q Do you know when that practice came into</b>       10:05:09AM</p> <p>16       <b>being with the University of California?</b></p> <p>17           MS KLEIN: Object; beyond the scope of</p> <p>18       the 30(b)(6)</p> <p>19           THE WITNESS: No, I do not</p> <p>20       BY MS DOAN:                                       10:05:16AM</p> <p>21       <b>Q Okay.</b></p> <p>22           And I'm asking you specifically --</p> <p>23           I know your counsel is objecting. If you</p> <p>24       don't know the answer to a question, you can tell me</p> <p>25       you don't know and that's totally fine, okay?       10:05:23AM</p> <p style="text-align: right;">Page 50</p>	<p>1       research, where we have obligations to third parties   10:06:03AM</p> <p>2       for the work that they might create</p> <p>3       BY MS DOAN:</p> <p>4       <b>Q Okay. So make sure I've got this right.</b></p> <p>5           <b>With respect to undergraduate students,</b>       10:06:18AM</p> <p>6       <b>your understanding is those students don't have</b></p> <p>7       <b>to -- are not required to sign a patent</b></p> <p>8       <b>acknowledgement form.</b></p> <p>9           <b>Do I have that right?</b></p> <p>10       A   As far as I know                               10:06:25AM</p> <p>11       <b>Q Okay.</b></p> <p>12           And with respect to any graduate students</p> <p>13       that may be conducting sponsor-funded research, are</p> <p>14       you positive they have to sign a patent</p> <p>15       acknowledgement form or you just don't know?       10:06:37AM</p> <p>16           MS KLEIN: Objection --</p> <p>17           THE WITNESS: I --</p> <p>18           MS KLEIN: -- form</p> <p>19           THE WITNESS: -- don't know</p> <p>20       BY MS DOAN:                                       10:06:41AM</p> <p>21       <b>Q Okay. I think you-all were talking over</b></p> <p>22       <b>each other and just make sure we've got a good</b></p> <p>23       <b>record. I apologize for that. Let me restate the</b></p> <p>24       <b>question.</b></p> <p>25           <b>With respect to sponsored funding --</b>       10:06:51AM</p> <p style="text-align: right;">Page 52</p>
<p>1       A   Okay.                                               10:05:25AM</p> <p>2       <b>Q All right.</b></p> <p>3           And -- but if you know the answer, I need</p> <p>4       you to give me the answer.</p> <p>5           Is that okay?                                       10:05:29AM</p> <p>6       A   Okay.</p> <p>7           MS. KLEIN: Objection; form.</p> <p>8       BY MS. DOAN:</p> <p>9       <b>Q Okay.</b></p> <p>10       <b>Do you know whether students at the</b>       10:05:31AM</p> <p>11       <b>University of California are required to sign a</b></p> <p>12       <b>patent acknowledgement form when they are a student</b></p> <p>13       <b>here?</b></p> <p>14           MS. KLEIN: Objection to form. Object;</p> <p>15       beyond the scope of the 30(b)(6).                       10:05:38AM</p> <p>16           THE WITNESS: I do not know.</p> <p>17       BY MS. DOAN:</p> <p>18       <b>Q Fair to state that most of the students at</b></p> <p>19       <b>the University of California actually pay to attend</b></p> <p>20       <b>the University of California, right?</b>       10:05:51AM</p> <p>21           MS. KLEIN: Objection; form. Object;</p> <p>22       beyond the scope of the 30(b)(6).</p> <p>23           THE WITNESS: So I do not think that</p> <p>24       undergraduate students are required to sign. It's</p> <p>25       only if they are involved in sponsor-funded       10:06:01AM</p> <p style="text-align: right;">Page 51</p>	<p>1       sorry.                                                       10:06:52AM</p> <p>2           <b>With respect to graduate students that may</b></p> <p>3       <b>be conducting sponsor-funded research, are you</b></p> <p>4       <b>positive they have to sign a patent acknowledgement</b></p> <p>5       <b>form or you just don't know?</b>       10:07:00AM</p> <p>6           MS KLEIN: Object to the form of the</p> <p>7       question</p> <p>8           THE WITNESS: I'm not positive</p> <p>9       BY MS DOAN:</p> <p>10       <b>Q Thank you.</b>                                               10:07:06AM</p> <p>11           <b>You just don't know; is that fair?</b></p> <p>12           MS KLEIN: Objection; form</p> <p>13           THE WITNESS: Yes</p> <p>14       BY MS DOAN:</p> <p>15       <b>Q Do you know of any undergraduate student</b>       10:07:16AM</p> <p>16       <b>that's ever had to sign a patent acknowledgement</b></p> <p>17       <b>form with respect to the University of California?</b></p> <p>18       A   No</p> <p>19       <b>Q Do you know of any graduate student that's</b></p> <p>20       <b>ever had to sign a patent acknowledgement form with</b>       10:07:29AM</p> <p>21       <b>respect to the University of California?</b></p> <p>22       A   Yes</p> <p>23       <b>Q Who?</b></p> <p>24           MS KLEIN: Object; beyond the scope of</p> <p>25       the 30(b)(6)                                               10:07:37AM</p> <p style="text-align: right;">Page 53</p>

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

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<p>1 BY MS DOAN: 10:10:57AM</p> <p>2 Q Okay.</p> <p>3 Now, Dr. Rajdev, you understand that you</p> <p>4 have been designated on behalf of the University of</p> <p>5 California system, the Regents of the University of 10:11:10AM</p> <p>6 California system, to testify today with respect to</p> <p>7 certain topics? Do you understand that?</p> <p>8 A Yes</p> <p>9 Q Okay.</p> <p>10 And you understand that you -- there is a 10:11:19AM</p> <p>11 notice outstanding for your deposition? Do you</p> <p>12 understand that?</p> <p>13 A Yes</p> <p>14 MS KLEIN: Objection; form</p> <p>15 I'm sorry, Jennifer, I never received a 10:11:29AM</p> <p>16 notice for Dr. Rajdev's deposition personally</p> <p>17 MS DOAN: I'll be happy to give you a</p> <p>18 copy I think it was served on you in April</p> <p>19 (Defendants' Exhibit 1 marked</p> <p>20 for identification ) 10:11:46AM</p> <p>21 BY MS DOAN:</p> <p>22 Q Dr. Rajdev, have you seen a copy of this</p> <p>23 document?</p> <p>24 A I don't believe I've seen exactly the same</p> <p>25 one, but I have seen something that had topics like 10:12:30AM</p> <p style="text-align: right;">Page 58</p>	<p>1 A The topics listed on page 3, "Regents' 10:13:23AM</p> <p>2 licensing practices."</p> <p>3 Q Okay.</p> <p>4 Topic Number 1?</p> <p>5 A Yes. 10:13:29AM</p> <p>6 Topic Number 2.</p> <p>7 Q Okay.</p> <p>8 A I don't remember exactly which other</p> <p>9 topics.</p> <p>10 Q It's not a memory test. 10:13:57AM</p> <p>11 A Okay.</p> <p>12 Q I'm just trying to make sure that we're</p> <p>13 okay on this.</p> <p>14 You're prepared to testify today on behalf</p> <p>15 of Topics Number 1 and 2; is that fair? 10:14:01AM</p> <p>16 A Yes.</p> <p>17 Q Now, your counsel has also advised us that</p> <p>18 you're appearing today on behalf of Topics Numbers</p> <p>19 3, 4, and 5.</p> <p>20 Is that your understanding, as well? 10:14:11AM</p> <p>21 A Yes.</p> <p>22 Q And you're familiar with those topics to</p> <p>23 speak on behalf of the Regents of the entire</p> <p>24 University of California system; is that correct?</p> <p>25 A Yes. 10:14:27AM</p> <p style="text-align: right;">Page 60</p>
<p>1 this. 10:12:32AM</p> <p>2 Q Okay.</p> <p>3 And what I've marked as Exhibit Number 1</p> <p>4 is a document marked the Defendants' Notice of</p> <p>5 Subpoena to the Regents of the University of 10:12:38AM</p> <p>6 California, and it looked like it was served for a</p> <p>7 deposition originally scheduled for May 18th, 2011.</p> <p>8 Do you see that?</p> <p>9 A Yes.</p> <p>10 Q And do you see there are certain topics 10:12:51AM</p> <p>11 that are attached to Exhibit Number 1?</p> <p>12 A Are you at Exhibit A?</p> <p>13 Q Yes, ma'am.</p> <p>14 A Yes.</p> <p>15 Q And it looks like they start on page 3 of 10:13:08AM</p> <p>16 Exhibit Number 1.</p> <p>17 Do you see that?</p> <p>18 A Yes.</p> <p>19 Q And do you have an understanding of what</p> <p>20 topics that you're speaking on behalf of the 10:13:13AM</p> <p>21 Univer- -- the Regents of the University of</p> <p>22 California here today?</p> <p>23 A Yes.</p> <p>24 Q Okay.</p> <p>25 What topics are they, please, ma'am? 10:13:19AM</p> <p style="text-align: right;">Page 59</p>	<p>1 Q You seem to hesitate. 10:14:33AM</p> <p>2 Is there somebody else that you think will</p> <p>3 have more knowledge about Topics 3, 4, and 5 on</p> <p>4 behalf of the University of California system other</p> <p>5 than you? 10:14:41AM</p> <p>6 A I have reviewed the files, so I could</p> <p>7 address those</p> <p>8 Q Okay.</p> <p>9 And it's also our understanding that</p> <p>10 you're speaking on behalf of Topics 9, 10, 11, 12, 10:14:49AM</p> <p>11 and 13.</p> <p>12 Is that also your understanding?</p> <p>13 A Yes</p> <p>14 Q And are you the person with the most</p> <p>15 knowledge on behalf of the University of California 10:15:16AM</p> <p>16 system to speak on behalf of Topics 9, 10, 11, 12,</p> <p>17 and 13?</p> <p>18 A To the extent they relate to UCSF</p> <p>19 Q I don't believe that's the -- the -- that</p> <p>20 that's the limit on this deposition. 10:15:33AM</p> <p>21 A Can I speak to counsel?</p> <p>22 Q Sure. So it's --</p> <p>23 Let me make sure I got your answer right</p> <p>24 or make sure I understand your answer.</p> <p>25 It's your testimony that you think you're 10:15:49AM</p> <p style="text-align: right;">Page 61</p>

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<p>1 the best person to speak on these Topics 9, 10, 11, 10:15:51AM</p> <p>2 12, and 13 for the University of California,</p> <p>3 San Francisco campus; is that correct?</p> <p>4 A Yes.</p> <p>5 Q All right. 10:16:03AM</p> <p>6 But you may not be on behalf of the</p> <p>7 Regents for the Univ- -- whole entire University of</p> <p>8 California system; is that what you're telling me?</p> <p>9 MS. KLEIN: Object to the form of the</p> <p>10 question. Counsel, she answered your question. She 10:16:10AM</p> <p>11 would like to confer with counsel before she answers</p> <p>12 the question.</p> <p>13 THE WITNESS: I would like to talk to</p> <p>14 counsel.</p> <p>15 MS. DOAN: Okay. Let me just finish this 10:16:17AM</p> <p>16 line of questioning, then you-all can go off and</p> <p>17 we'll take a break.</p> <p>18 MS. KLEIN: Actually, let's take a break</p> <p>19 now. She answered your question, so...</p> <p>20 MS. DOAN: I don't believe she answered my 10:16:25AM</p> <p>21 question.</p> <p>22 MS. KLEIN: She did answer your question.</p> <p>23 She answered it both times.</p> <p>24 MS. DOAN: I asked her if she was the</p> <p>25 person with the most knowledge on behalf of the 10:16:30AM</p> <p style="text-align: right;">Page 62</p>	<p>1 Counsel? 10:17:13AM</p> <p>2 MS. DOAN: Sure. Let's go off the record.</p> <p>3 THE VIDEOGRAPHER: Going off the record at</p> <p>4 10:17.</p> <p>5 (Recess taken.) 10:17:17AM</p> <p>6 THE VIDEOGRAPHER: On the record at 10:40.</p> <p>7 BY MS. DOAN:</p> <p>8 Q Dr. Rajdev, do you understand we're</p> <p>9 resuming your deposition after a brief break?</p> <p>10 A Yes. 10:40:18AM</p> <p>11 Q You understand, of course, you're still</p> <p>12 under oath?</p> <p>13 A Yes.</p> <p>14 Q Okay.</p> <p>15 And you know you've been designated on 10:40:21AM</p> <p>16 behalf of the Regents of the University of</p> <p>17 California to speak on certain topics that we have</p> <p>18 noticed the University here for today, right?</p> <p>19 A Yes.</p> <p>20 Q Okay. 10:40:31AM</p> <p>21 So you understand when you give an answer,</p> <p>22 that you're speaking on behalf of the entire</p> <p>23 University of California system? Do you understand</p> <p>24 that?</p> <p>25 A Yes. 10:40:38AM</p> <p style="text-align: right;">Page 64</p>
<p>1 Regents of the University of California system to 10:16:32AM</p> <p>2 answer Topics 9, 10, 11, 12, and 13</p> <p>3 MS KLEIN: No, Counsel, that's not what</p> <p>4 the record reflects She answered your question</p> <p>5 MS DOAN: Well, let me ask this question, 10:16:40AM</p> <p>6 Counsel I'm not -- I'm not engaging with you,</p> <p>7 Counsel</p> <p>8 MS KLEIN: You just did</p> <p>9 BY MS DOAN:</p> <p>10 Q So, Dr. Rajdev, with respect to Topics 9, 10:16:45AM</p> <p>11 10, 11, 12, and 13, are you the best person to speak</p> <p>12 on those topics with respect to the Regents of the</p> <p>13 entire University of California system?</p> <p>14 MS KLEIN: Object to the form</p> <p>15 BY MS DOAN: 10:16:55AM</p> <p>16 Q You can answer.</p> <p>17 A I don't know</p> <p>18 Q Okay.</p> <p>19 And so I don't have to say a mouthful</p> <p>20 going forward, if I say "UCSF," will you know I'm 10:17:04AM</p> <p>21 talking about the University of California,</p> <p>22 San Francisco? Is that okay?</p> <p>23 A Yes</p> <p>24 Q Okay.</p> <p>25 MS KLEIN: Now may we take a break, 10:17:11AM</p> <p style="text-align: right;">Page 63</p>	<p>1 MS. KLEIN: Objection; form. 10:40:39AM</p> <p>2 BY MS. DOAN:</p> <p>3 Q And you're not speaking on just behalf of</p> <p>4 the University of California, San Francisco campus.</p> <p>5 Do you understand that? 10:40:43AM</p> <p>6 A Yes.</p> <p>7 Q So if at any time you don't know an answer</p> <p>8 on behalf of the entire University of California</p> <p>9 system, it's fine for you to tell me, "I don't</p> <p>10 know," okay? 10:40:50AM</p> <p>11 A Okay.</p> <p>12 Q I'd rather you say, "I don't know," and</p> <p>13 we'll get another witness, rather than guess at</p> <p>14 something and be incorrect, okay?</p> <p>15 MS. KLEIN: Objection to the form of the 10:40:58AM</p> <p>16 question.</p> <p>17 BY MS. DOAN:</p> <p>18 Q Is that all right?</p> <p>19 A Yes.</p> <p>20 Q And again, if you think that you know the 10:41:02AM</p> <p>21 answer on behalf of the University of California,</p> <p>22 San Francisco, but you're not sure on behalf of the</p> <p>23 entire University of California system, that's okay</p> <p>24 with me, too. Just let me know for sure, "I can</p> <p>25 speak for the University of California, San 10:41:13AM</p> <p style="text-align: right;">Page 65</p>

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<p>1 <b>Francisco; I'm not sure on behalf of the entire</b> 10:41:13AM</p> <p>2 <b>University of California."</b></p> <p>3 <b>Is that okay?</b></p> <p>4 MS KLEIN: Objection; form and --</p> <p>5 BY MS DOAN: 10:41:19AM</p> <p>6 <b>Q Is that okay?</b></p> <p>7 A Yes</p> <p>8 MS KLEIN: Objection; form</p> <p>9 THE WITNESS: Yes</p> <p>10 BY MS DOAN: 10:41:21AM</p> <p>11 <b>Q So if you know the answer on behalf of the</b></p> <p>12 <b>UCSF, but you don't know for the entire University</b></p> <p>13 <b>of California system, will you make sure that I know</b></p> <p>14 <b>that for the record?</b></p> <p>15 MS KLEIN: Objection; form 10:41:30AM</p> <p>16 BY MS DOAN:</p> <p>17 <b>Q Is that okay?</b></p> <p>18 A Yes</p> <p>19 <b>Q Okay.</b></p> <p>20 <b>Because we only get to speak to you today,</b> 10:41:34AM</p> <p>21 <b>since you're not coming to trial, and I want to make</b></p> <p>22 <b>sure that I don't misunderstand you and the answer</b></p> <p>23 <b>reads for the entire University of California system</b></p> <p>24 <b>when you are only speaking for UCSF.</b></p> <p>25 <b>Do you understand where I'm coming from?</b> 10:41:47AM</p> <p>Page 66</p>	<p>1 <b>Q And you are qualified to speak on each of</b> 10:43:17AM</p> <p>2 <b>these topics on behalf of the entire University of</b></p> <p>3 <b>California system; is that correct?</b></p> <p>4 A Yes</p> <p>5 <b>Q I'm now handing you what I've marked as</b> 10:43:26AM</p> <p>6 <b>Exhibit Number 2. It's Adobe Systems' Supplemental</b></p> <p>7 <b>Notice of Deposition to the Regents of University of</b></p> <p>8 <b>California.</b></p> <p>9 <b>(Defendants' Exhibit 2 marked</b></p> <p>10 <b>for identification.)</b> 10:43:35AM</p> <p>11 BY MS DOAN:</p> <p>12 <b>Q Have you seen this document?</b></p> <p>13 A Not exactly this document, but some form</p> <p>14 of it</p> <p>15 <b>Q Okay.</b> 10:44:15AM</p> <p>16 <b>I'm assuming that you've seen the topics</b></p> <p>17 <b>that are attached to this document; is that correct?</b></p> <p>18 A Yes</p> <p>19 <b>Q And those topics, again, would be attached</b></p> <p>20 <b>to Exhibit Number 2 as Exhibit A and begin on</b> 10:44:26AM</p> <p>21 <b>page 3; is that correct?</b></p> <p>22 A Yes</p> <p>23 <b>Q Do you have an understanding of what</b></p> <p>24 <b>topics that you have been designated to speak on on</b></p> <p>25 <b>behalf of the University of California with respect</b> 10:44:39AM</p> <p>Page 68</p>
<p>1 MS KLEIN: Objection; form 10:41:49AM</p> <p>2 THE WITNESS: Yes</p> <p>3 MS DOAN: Okay Thank you</p> <p>4 (Discussion held off record )</p> <p>5 THE VIDEOGRAPHER: Off the record at 10:42:09AM</p> <p>6 10:42</p> <p>7 (Recess taken )</p> <p>8 THE VIDEOGRAPHER: On the record at 10:42</p> <p>9 BY MS DOAN:</p> <p>10 <b>Q Dr. Rajdev, you understand we're back on</b> 10:42:48AM</p> <p>11 <b>the record after a brief break?</b></p> <p>12 A Yes</p> <p>13 <b>Q You understand, of course, you're still</b></p> <p>14 <b>under oath?</b></p> <p>15 A Yes 10:42:54AM</p> <p>16 <b>Q Are there any other topics in Exhibit</b></p> <p>17 <b>Number 1 that you understand that the University of</b></p> <p>18 <b>California has designated to -- for you to speak on</b></p> <p>19 <b>here today?</b></p> <p>20 A Apart from what you mentioned? 10:43:04AM</p> <p>21 <b>Q Yes, ma'am.</b></p> <p>22 A No</p> <p>23 <b>Q Other than Topics 1, 2, 3, 4, 5, 9, 10,</b></p> <p>24 <b>11, 12, and 13.</b></p> <p>25 A I'm not aware of any other 10:43:16AM</p> <p>Page 67</p>	<p>1 <b>to Exhibit Number 2?</b> 10:44:42AM</p> <p>2 A Yes.</p> <p>3 <b>Q And what are they?</b></p> <p>4 A 1 through 5.</p> <p>5 MS. KLEIN: I'm going to cut in here and 10:44:52AM</p> <p>6 it's subject to our objections. And this is not a</p> <p>7 memory test and we have provided you with the topics</p> <p>8 that Ms. Rajdev has been noticed --</p> <p>9 MS. DOAN: You can object, Counsel. It's</p> <p>10 my time on the record and we've got a limited time 10:45:09AM</p> <p>11 today. If you want to object, that's absolutely</p> <p>12 fine.</p> <p>13 MS. KLEIN: That's true, you're --</p> <p>14 BY MS. DOAN:</p> <p>15 <b>Q Dr. Rajdev, my understanding is that you</b> 10:45:12AM</p> <p>16 <b>have been designated on Topics 2, 4, and 5.</b></p> <p>17 <b>Does that sound right?</b></p> <p>18 A I'm going to say yes. I --</p> <p>19 <b>Q You don't know?</b></p> <p>20 A -- don't recall. 10:45:33AM</p> <p>21 <b>Q Is that -- okay.</b></p> <p>22 <b>Is it fair to say that you have reviewed</b></p> <p>23 <b>all the topics on Exhibit Number 2?</b></p> <p>24 A Yes.</p> <p>25 <b>Q Okay.</b> 10:45:38AM</p> <p>Page 69</p>

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<p>1 And you're prepared to talk about at least 10:45:39AM  2 Exhibits -- at least Supplemental Topics 2, 4, and  3 5; is that correct?  4 A Yes  5 Q Are you also familiar with Topics Number 1 10:45:53AM  6 and 3?  7 A I've looked at --  8 MS KLEIN: Objection; form  9 THE WITNESS: -- the agreement, but I'm  10 not familiar 10:46:00AM  11 BY MS DOAN:  12 Q Okay.  13 You have looked at the agreement and  14 you're familiar; is that correct?  15 MS KLEIN: Objection; form 10:46:04AM  16 THE WITNESS: I've looked at the  17 agreement  18 BY MS DOAN:  19 Q Thank you.  20 Are there any other topics that you are 10:46:12AM  21 prepared to testify today here on behalf of the  22 University of California?  23 A No  24 Q When did you first learn of the  25 '906 patent? 10:46:24AM</p> <p style="text-align: right;">Page 70</p>	<p>1 Q Okay. 10:47:17AM  2 When was that, approximately?  3 A 2007.  4 Q So what had you --  5 When you say you had read the 10:47:30AM  6 announcement, there has been several announcements  7 that have been in the press over the decade.  8 Which announcement are you talking about?  9 A There was a press release upon the verdict  10 and then the settlement. 10:47:44AM  11 Q Okay.  12 A I remember reading something in press  13 release about that --  14 Q Okay.  15 A -- but I don't recall the exact -- exact 10:47:50AM  16 press release that I'm referring to.  17 Q Okay.  18 But in general, you remember reading a  19 press release about Eolas and Microsoft and the  20 conclusion or the settlement of that litigation; is 10:48:06AM  21 that correct?  22 A Yes.  23 Q Okay.  24 Is that the first time you ever heard of  25 Eolas? 10:48:12AM</p> <p style="text-align: right;">Page 72</p>
<p>1 A Of what? 10:46:25AM  2 Q The '906 patent.  3 A When I inherited the portfolio in early  4 2008  5 Q And do you know what -- 10:46:33AM  6 When I refer to the '906 patent, you  7 understand that I'm talking about the '906 patent  8 that's one of the patents at issue in this lawsuit?  9 A Yes  10 Q Do you also refer to it as the '906 patent 10:46:44AM  11 or do you have a different name?  12 A '906 patent is fine  13 Q Okay.  14 And that's the -- the patent with respect  15 to embedded interactive technology that Michael 10:46:51AM  16 Doyle is an inventor on? We're on the same page?  17 A Yes  18 Q Okay.  19 When you inherited the portfolio, when was  20 that? 10:47:00AM  21 A Early 2008  22 Q Had you ever heard of Eolas before early  23 2008?  24 A I had read the announcement from -- about  25 the Eolas and Microsoft lawsuit 10:47:15AM</p> <p style="text-align: right;">Page 71</p>	<p>1 A Yes. 10:48:12AM  2 Q And you think that was around early 2008?  3 MS. KLEIN: Objection; form.  4 THE WITNESS: 2007.  5 BY MS. DOAN: 10:48:21AM  6 Q 2007, 2008, does that sound about right?  7 MS. KLEIN: Objection; form.  8 THE WITNESS: Yes.  9 BY MS. DOAN:  10 Q Before you read the press release 10:48:31AM  11 regarding the announcement of the conclusion of the  12 Microsoft matter, had you ever met Michael Doyle?  13 A No.  14 Q When was the first time that you met  15 Michael Doyle? 10:48:43AM  16 A I think it was around April 2008.  17 Q Have you ever met David Martin, one of the  18 other inventors on the patent?  19 A No, I have not.  20 Q Have you ever spoken to David Martin, 10:48:57AM  21 David C. Martin, one of the other inventors on the  22 patent?  23 A I've had one communication and I don't  24 recall right now if that was via e-mail or phone.  25 Q Okay. 10:49:09AM</p> <p style="text-align: right;">Page 73</p>

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

<p>1 BY MS. DOAN: 10:55:54AM</p> <p>2 <b>Q Did you ever speak to anyone at the Patent</b></p> <p>3 <b>and Trademark Office with respect to the patent</b></p> <p>4 <b>application which eventually became the '985 patent?</b></p> <p>5 A No. 10:56:03AM</p> <p>6 <b>Q Have you ever spoken with anybody at the</b></p> <p>7 <b>patent office with respect to the '985 patent?</b></p> <p>8 A No.</p> <p>9 <b>Q Have you ever spoken to anybody at the</b></p> <p>10 <b>patent office with respect to the application that 10:56:12AM</b></p> <p>11 <b>became the '906 patent?</b></p> <p>12 MS. KLEIN: Objection; form.</p> <p>13 THE WITNESS: No.</p> <p>14 BY MS. DOAN:</p> <p>15 <b>Q Were you involved in any -- either of the 10:56:19AM</b></p> <p>16 <b>reexaminations of the '906 patent?</b></p> <p>17 MS. KLEIN: Objection; form.</p> <p>18 THE WITNESS: No.</p> <p>19 BY MS. DOAN:</p> <p>20 <b>Q Did you ever speak to anyone at the United 10:56:28AM</b></p> <p>21 <b>States Patent and Trademark Office with respect to</b></p> <p>22 <b>the first reexamination of the '906 patent?</b></p> <p>23 A No.</p> <p>24 MS. KLEIN: Objection; form.</p> <p>25 THE WITNESS: No. 10:56:39AM</p> <p style="text-align: right;">Page 82</p>	<p>1 asking her -- since you're directing these questions 10:57:31AM</p> <p>2 to "you," you're asking Ms. Rajdev in her personal</p> <p>3 capacity.</p> <p>4 BY MS. DOAN:</p> <p>5 <b>Q When I say "you," I'm speaking on behalf 10:57:37AM</b></p> <p>6 <b>of the University of California with respect to the</b></p> <p>7 <b>patents-in-suit.</b></p> <p>8 <b>Do you understand that, ma'am?</b></p> <p>9 A So you're asking me if anyone at the</p> <p>10 University of California looked at those documents? 10:57:48AM</p> <p>11 <b>Q Do you know who at the University of</b></p> <p>12 <b>California looked at those documents?</b></p> <p>13 A I don't believe the case was in my</p> <p>14 portfolio at that time.</p> <p>15 <b>Q Okay. 10:57:56AM</b></p> <p>16 <b>Was the '985 patent application in your</b></p> <p>17 <b>portfolio?</b></p> <p>18 A The '985 is the second --</p> <p>19 <b>Q Yes, ma'am.</b></p> <p>20 A -- patent? 10:58:05AM</p> <p>21 It issued after it had been transferred to</p> <p>22 me. It was transferred to me in 2008 and, if I</p> <p>23 recall correctly, it issued in 2009. So it was</p> <p>24 there for the last few months.</p> <p>25 <b>Q Sure. 10:58:19AM</b></p> <p style="text-align: right;">Page 84</p>
<p>1 BY MS. DOAN: 10:56:39AM</p> <p>2 <b>Q Thank you.</b></p> <p>3 <b>Did you ever speak to anybody at the</b></p> <p>4 <b>United States patent office with respect to the</b></p> <p>5 <b>second reexamination of the '906 patent? 10:56:45AM</b></p> <p>6 MS. KLEIN: Objection; form.</p> <p>7 THE WITNESS: No.</p> <p>8 BY MS. DOAN:</p> <p>9 <b>Q Did you ever review any of the pleadings</b></p> <p>10 <b>that were -- or papers that were filed in the patent 10:56:55AM</b></p> <p>11 <b>office with respect to the prosecution of the '985</b></p> <p>12 <b>patent before they were filed in the patent office?</b></p> <p>13 A No.</p> <p>14 <b>Q Did you review any of the pleadings or the</b></p> <p>15 <b>papers that were sent to the patent office in either 10:57:15AM</b></p> <p>16 <b>the first reexamination or the second reexamination</b></p> <p>17 <b>of the '906 patent --</b></p> <p>18 MS. KLEIN: Objection; form.</p> <p>19 THE WITNESS: No.</p> <p>20 BY MS. DOAN: 10:57:25AM</p> <p>21 <b>Q -- before they were sent to the patent</b></p> <p>22 <b>office?</b></p> <p>23 MS. KLEIN: Objection; form.</p> <p>24 THE WITNESS: No.</p> <p>25 MS. KLEIN: I assume, Counsel, you're 10:57:30AM</p> <p style="text-align: right;">Page 83</p>	<p>1 <b>And while the '985 -- the application that 10:58:19AM</b></p> <p>2 <b>became the '985 patent and issued as -- as of that</b></p> <p>3 <b>was in your portfolio, did you review any of the</b></p> <p>4 <b>pleadings or the filings or papers that were</b></p> <p>5 <b>submitted to the patent office before they were 10:58:33AM</b></p> <p>6 <b>submitted to the patent office?</b></p> <p>7 MS. KLEIN: Objection; form.</p> <p>8 THE WITNESS: I might have. I was copied</p> <p>9 on the correspondence, so I might have.</p> <p>10 BY MS. DOAN: 10:58:40AM</p> <p>11 <b>Q Okay.</b></p> <p>12 <b>And that's -- I'm trying to make sure I</b></p> <p>13 <b>understand. Did you read them before they went to</b></p> <p>14 <b>the patent office or were you copied on the</b></p> <p>15 <b>correspondence? 10:58:46AM</b></p> <p>16 MS. KLEIN: Objection; form.</p> <p>17 THE WITNESS: I don't recall.</p> <p>18 BY MS. DOAN:</p> <p>19 <b>Q Okay.</b></p> <p>20 <b>Is there anything about the questions that 10:58:53AM</b></p> <p>21 <b>I just asked you that you want to change your answer</b></p> <p>22 <b>for?</b></p> <p>23 MS. KLEIN: Objection; form.</p> <p>24 BY MS. DOAN:</p> <p>25 <b>Q I don't think you do; I'm just trying to 10:58:59AM</b></p> <p style="text-align: right;">Page 85</p>

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<p>1 <b>make sure.</b> <b>10:59:00AM</b></p> <p>2 MS. KLEIN: Objection; form.</p> <p>3 THE WITNESS: No. I'm just telling you</p> <p>4 the process, that usually when the attorney prepares</p> <p>5 the draft documents, they copy us. <b>10:59:04AM</b></p> <p>6 And depending on if I need to give an</p> <p>7 input, I would look at it and give an input. But if</p> <p>8 we have a licensee and if I'm -- totally trust my</p> <p>9 outside counsel, then I would be not spending time</p> <p>10 on reviewing the documents that closely. <b>10:59:20AM</b></p> <p>11 BY MS. DOAN:</p> <p>12 <b>Q Sure.</b></p> <p>13 <b>And with respect to the '985 patent that</b></p> <p>14 <b>was -- the application of which was in your</b></p> <p>15 <b>portfolio, you don't recall having any input in the</b> <b>10:59:29AM</b></p> <p>16 <b>patent office with respect to the prosecution of the</b></p> <p>17 <b>'985 patent; is that correct?</b></p> <p>18 MS. KLEIN: Objection --</p> <p>19 THE WITNESS: That's --</p> <p>20 MS. KLEIN: -- form. <b>10:59:37AM</b></p> <p>21 THE WITNESS: -- correct.</p> <p>22 BY MS. DOAN:</p> <p>23 <b>Q Is that correct?</b></p> <p>24 A Yes, that's --</p> <p>25 MS. KLEIN: Objection -- <b>10:59:40AM</b></p> <p style="text-align: right;">Page 86</p>	<p>1 <b>patent; is that correct?</b> <b>11:00:40AM</b></p> <p>2 A Yes</p> <p>3 MS KLEIN: Objection; form</p> <p>4 BY MS. DOAN:</p> <p>5 <b>Q Do you know how many claims are included</b> <b>11:00:42AM</b></p> <p>6 <b>in the '906 patent?</b></p> <p>7 A I do not</p> <p>8 <b>Q Okay.</b></p> <p>9 <b>Do you know how many claims are in the</b></p> <p>10 <b>'985 patent?</b> <b>11:00:50AM</b></p> <p>11 A No, I do not</p> <p>12 <b>Q Do you know what technologies are covered</b></p> <p>13 <b>by the '985 patent?</b></p> <p>14 A It's the use of plug-ins</p> <p>15 <b>Q Okay.</b> <b>11:01:01AM</b></p> <p>16 <b>And what -- what about with respect to the</b></p> <p>17 <b>use of plug-ins?</b></p> <p>18 A I do not know the details It's the use</p> <p>19 of specific Ajax and plug-in, and I do not know the</p> <p>20 specific details <b>11:01:11AM</b></p> <p>21 <b>Q Can you tell me the difference between --</b></p> <p>22 <b>strike that.</b></p> <p>23 <b>Tell me the difference between the</b></p> <p>24 <b>technology involved in the '906 patent and the</b></p> <p>25 <b>'985 patent.</b> <b>11:01:36AM</b></p> <p style="text-align: right;">Page 88</p>
<p>1 THE WITNESS: -- correct. <b>10:59:40AM</b></p> <p>2 MS. KLEIN: -- form.</p> <p>3 MS. DOAN: I'm sorry. Can you-all not</p> <p>4 speak over each other? I'm just trying to get --</p> <p>5 make a good record since -- <b>10:59:44AM</b></p> <p>6 MS. KLEIN: I'm sorry. I'm trying to make</p> <p>7 a good record, too. Please don't badger the</p> <p>8 witness.</p> <p>9 MS. DOAN: Could you wait until your</p> <p>10 counsel -- if she's going to object to every <b>10:59:49AM</b></p> <p>11 question, if you can just pause and then answer.</p> <p>12 Is that okay?</p> <p>13 MS. KLEIN: Objection; mischaracterization</p> <p>14 of the record.</p> <p>15 THE WITNESS: Yes, that's correct. <b>10:59:57AM</b></p> <p>16 BY MS. DOAN:</p> <p>17 <b>Q Do you know what technology is claimed in</b></p> <p>18 <b>the '906 patent?</b></p> <p>19 A So it claims the ability of a browser to</p> <p>20 host interactive and embedded applications. <b>11:00:25AM</b></p> <p>21 <b>Q The ability of the Web browser?</b></p> <p>22 A It allows the Web to host the embedded</p> <p>23 interactive applications.</p> <p>24 <b>Q Okay.</b></p> <p>25 <b>And that's your understanding of the '906</b> <b>11:00:37AM</b></p> <p style="text-align: right;">Page 87</p>	<p>1 MS. KLEIN: Objection; form. <b>11:01:37AM</b></p> <p>2 THE WITNESS: So '906 is the platform</p> <p>3 itself and then '985 is the use of plug-ins along</p> <p>4 with that interactive platform in interactive</p> <p>5 applications. So you can use the plug-ins to form <b>11:01:57AM</b></p> <p>6 that interactive applications.</p> <p>7 BY MS. DOAN:</p> <p>8 <b>Q Okay.</b></p> <p>9 <b>And when you say the '906 patent is the</b></p> <p>10 <b>platform itself, is that the Web platform?</b> <b>11:02:05AM</b></p> <p>11 MS. KLEIN: Objection; form.</p> <p>12 THE WITNESS: From what I understand.</p> <p>13 BY MS. DOAN:</p> <p>14 <b>Q Okay.</b></p> <p>15 <b>Do you know if either the '90- -- the</b> <b>11:02:15AM</b></p> <p>16 <b>claims that are --</b></p> <p>17 <b>Do you know how many claims are in the</b></p> <p>18 <b>'985 patent?</b></p> <p>19 MS. KLEIN: Objection; form.</p> <p>20 THE WITNESS: Could you repeat that? <b>11:02:23AM</b></p> <p>21 BY MS. DOAN:</p> <p>22 <b>Q Do you know how many claims are in the</b></p> <p>23 <b>'985 patent?</b></p> <p>24 MS. KLEIN: Objection; form.</p> <p>25 THE WITNESS: I do not recall right now. <b>11:02:27AM</b></p> <p style="text-align: right;">Page 89</p>

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<p>1 BY MS. DOAN: 11:02:28AM</p> <p>2 <b>Q Do you know which claims -- or strike</b></p> <p>3 <b>that.</b></p> <p>4 <b>Which claims is the University of</b></p> <p>5 <b>California pursuing against my clients, Amazon and 11:02:38AM</b></p> <p>6 <b>Yahoo, in the '906 patent?</b></p> <p>7 MS. KLEIN: Objection; form Objection;</p> <p>8 beyond the scope of the --</p> <p>9 BY MS. DOAN:</p> <p>10 <b>Q You can answer. 11:02:49AM</b></p> <p>11 MS. KLEIN: -- 30(b)(6)</p> <p>12 THE WITNESS: You're asking me to do a</p> <p>13 technical analysis?</p> <p>14 BY MS. DOAN:</p> <p>15 <b>Q No, ma'am. I'm asking you: Do you know 11:02:53AM</b></p> <p>16 <b>which claims in the '906 patent the University of</b></p> <p>17 <b>California is asserting in this lawsuit against my</b></p> <p>18 <b>clients, Amazon and Yahoo?</b></p> <p>19 MS. KLEIN: Same objections</p> <p>20 THE WITNESS: I do not 11:03:06AM</p> <p>21 BY MS. DOAN:</p> <p>22 <b>Q Do you know which claims -- I think I</b></p> <p>23 <b>misstated that. Sorry.</b></p> <p>24 <b>Which claims of the '906 patent is the</b></p> <p>25 <b>University of California asserting against my 11:03:15AM</b></p> <p style="text-align: right;">Page 90</p>	<p>1 <b>asserting against my client, Amazon? 11:03:57AM</b></p> <p>2 MS. KLEIN: Same objections.</p> <p>3 THE WITNESS: I do not recall.</p> <p>4 BY MS. DOAN:</p> <p>5 <b>Q Has the University of California ever 11:04:06AM</b></p> <p>6 <b>attempted to license the '906 patent to Yahoo?</b></p> <p>7 A It's exclusively licensed to Eolas.</p> <p>8 <b>Q Before the exclusive license to Eolas, did</b></p> <p>9 <b>the University of California ever attempt to license</b></p> <p>10 <b>the '906 patent to Yahoo? 11:04:25AM</b></p> <p>11 MS. KLEIN: Objection; form.</p> <p>12 THE WITNESS: I know there was a lot of</p> <p>13 marketing done. I don't specifically recall if</p> <p>14 Yahoo was in that list or even Yahoo existed at that</p> <p>15 time. I don't know. 11:04:36AM</p> <p>16 BY MS. DOAN:</p> <p>17 <b>Q Okay.</b></p> <p>18 <b>You don't know of any communications</b></p> <p>19 <b>between the University of California and Yahoo with</b></p> <p>20 <b>respect to licensing the '906 patent; is that fair? 11:04:44AM</b></p> <p>21 MS. KLEIN: Objection; form.</p> <p>22 THE WITNESS: Yes, I'm not aware of any.</p> <p>23 BY MS. DOAN:</p> <p>24 <b>Q Did the University of California attempt</b></p> <p>25 <b>to license the '906 patent to my client, Amazon, 11:04:57AM</b></p> <p style="text-align: right;">Page 92</p>
<p>1 <b>client, Yahoo? 11:03:19AM</b></p> <p>2 MS. KLEIN: Objection; form. Objection;</p> <p>3 beyond the scope of the 30(b)(6).</p> <p>4 THE WITNESS: I don't exactly recall.</p> <p>5 BY MS. DOAN: 11:03:24AM</p> <p>6 <b>Q Which claims of the '906 patent is the</b></p> <p>7 <b>University of California asserting against my</b></p> <p>8 <b>client, Amazon?</b></p> <p>9 MS. KLEIN: Same objections.</p> <p>10 THE WITNESS: Same answer. I do not 11:03:31AM</p> <p>11 recall. Sorry.</p> <p>12 BY MS. DOAN:</p> <p>13 <b>Q Thank you. It's a different client and,</b></p> <p>14 <b>I'm sorry, I have to ask them separately. And I do</b></p> <p>15 <b>apologize. I know it gets a little bit redundant 11:03:38AM</b></p> <p>16 <b>and I apologize for that.</b></p> <p>17 A Okay.</p> <p>18 <b>Q Which claims of the '985 patent is the</b></p> <p>19 <b>University of California asserting against my</b></p> <p>20 <b>client, Yahoo? 11:03:47AM</b></p> <p>21 MS. KLEIN: Same objections.</p> <p>22 THE WITNESS: I do not recall.</p> <p>23 BY MS. DOAN:</p> <p>24 <b>Q Which claims of the '90- -- '985 patent is</b></p> <p>25 <b>my client -- is the University of California 11:03:54AM</b></p> <p style="text-align: right;">Page 91</p>	<p>1 <b>prior to granting the exclusive license to Eolas? 11:05:00AM</b></p> <p>2 A There was general marketing done to</p> <p>3 several Web companies at that time. I don't know if</p> <p>4 Amazon existed at that time and I don't know if</p> <p>5 Amazon was specifically contacted. 11:05:13AM</p> <p>6 <b>Q Do you know of any communications between</b></p> <p>7 <b>the University of California and Amazon prior to the</b></p> <p>8 <b>granting of the exclusive license to Eolas about</b></p> <p>9 <b>licensing the '906 patent?</b></p> <p>10 A No. 11:05:26AM</p> <p>11 <b>Q What efforts did Eolas go -- go to to</b></p> <p>12 <b>license the '906 patent to Yahoo prior to filing</b></p> <p>13 <b>suit in October 2009?</b></p> <p>14 MS. KLEIN: Objection; form.</p> <p>15 BY MS. DOAN: 11:05:49AM</p> <p>16 <b>Q You can answer.</b></p> <p>17 A Can you repeat your question, please?</p> <p>18 <b>Q Sure.</b></p> <p>19 <b>What -- what efforts did Eolas go to to</b></p> <p>20 <b>try to license the '906 patent to Yahoo prior to 11:06:00AM</b></p> <p>21 <b>filing the lawsuit in October of 2009?</b></p> <p>22 MS. KLEIN: Objection; form.</p> <p>23 THE WITNESS: I do not know.</p> <p>24 BY MS. DOAN:</p> <p>25 <b>Q What efforts did Eolas go to to try to 11:06:08AM</b></p> <p style="text-align: right;">Page 93</p>

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<p>1 license the '906 patent to Amazon before filing suit 11:06:12AM</p> <p>2 in October 2009?</p> <p>3 MS. KLEIN: Objection; form.</p> <p>4 THE WITNESS: I do not know.</p> <p>5 BY MS. DOAN: 11:06:17AM</p> <p>6 Q What efforts did -- did Eolas go to to</p> <p>7 license the '985 patent to Amazon prior to filing</p> <p>8 the lawsuit in October 2009?</p> <p>9 MS. KLEIN: Objection --</p> <p>10 THE WITNESS: I -- 11:06:26AM</p> <p>11 MS. KLEIN: -- form.</p> <p>12 THE WITNESS: -- do not know. I do not</p> <p>13 know.</p> <p>14 BY MS. DOAN:</p> <p>15 Q And what efforts did Eolas go to to try to 11:06:29AM</p> <p>16 license the '985 patent to Yahoo prior to filing</p> <p>17 suit in 2009?</p> <p>18 MS. KLEIN: Objection; form.</p> <p>19 THE WITNESS: I do not know.</p> <p>20 BY MS. DOAN: 11:06:41AM</p> <p>21 Q Did the University of California ever</p> <p>22 provide notice to Yahoo that it was -- that the</p> <p>23 University of California contended that it was</p> <p>24 infringing the '985 or '906 patents prior to filing</p> <p>25 suit in October 2009? 11:06:56AM</p> <p style="text-align: right;">Page 94</p>	<p>1 THE WITNESS: I do not. 11:08:06AM</p> <p>2 BY MS. DOAN:</p> <p>3 Q Do you know of anybody at the University</p> <p>4 of California that ever reached out to Amazon about</p> <p>5 the '985 or '98- -- '906 patent in any way prior to 11:08:17AM</p> <p>6 October 2009?</p> <p>7 A Not to my knowledge.</p> <p>8 Q Do you know of anybody from the University</p> <p>9 of California that reached out to Yahoo prior to</p> <p>10 filing suit in 19- -- in 2009 about the '906 patent 11:08:32AM</p> <p>11 or the '985 patent, about anything about those</p> <p>12 patents?</p> <p>13 A Again, it was licensed, so I'm not aware.</p> <p>14 I do not know of anybody from -- directly from</p> <p>15 University of California contacting Yahoo. 11:08:46AM</p> <p>16 Q Okay.</p> <p>17 Do you know if anyone from Eolas reached</p> <p>18 out to Amazon about any aspect of the '906 or '985</p> <p>19 patents prior to filing suit in October 2009?</p> <p>20 MS. KLEIN: Objection to the form. 11:09:00AM</p> <p>21 THE WITNESS: I do not know.</p> <p>22 BY MS. DOAN:</p> <p>23 Q Do you know if anyone from Eolas reached</p> <p>24 out to Yahoo about anything about the '906 or '985</p> <p>25 patents or advised them of the patents prior to 11:09:10AM</p> <p style="text-align: right;">Page 96</p>
<p>1 A Not University of California directly, 11:07:00AM</p> <p>2 because it's exclusively licensed, so we defer that</p> <p>3 to our licensee</p> <p>4 Q Sure.</p> <p>5 So the University of California never 11:07:06AM</p> <p>6 reached out to -- to Yahoo any time before</p> <p>7 October 2009 to say, "Hey, we think that you may be</p> <p>8 practicing this technology," or, "We may own the</p> <p>9 patent -- the '906 and '985 patents"; is that fair?</p> <p>10 A It was well known to everyone, but I do 11:07:21AM</p> <p>11 not know of any exact communication between the</p> <p>12 University of California and Yahoo</p> <p>13 Q Did the University of California ever</p> <p>14 reach out to Amazon and provide it notice, prior to</p> <p>15 filing the lawsuit in October 2009, that Amazon may 11:07:36AM</p> <p>16 be practicing the teachings of the technol- -- of</p> <p>17 the '906 or '985 patent or may be allegedly</p> <p>18 infringing in any way?</p> <p>19 A Again, the technology was well known and I</p> <p>20 do not know of any specific communication from the 11:07:50AM</p> <p>21 University of California to Amazon</p> <p>22 Q Do you know who was the number one</p> <p>23 Internet retailer in the world from 2000 to 2005?</p> <p>24 MS KLEIN: Objection; form Objection;</p> <p>25 beyond the scope of the 30(b)(6) 11:08:06AM</p> <p style="text-align: right;">Page 95</p>	<p>1 filing suit in October of 2009? 11:09:13AM</p> <p>2 MS. KLEIN: Objection to the form of the</p> <p>3 question.</p> <p>4 THE WITNESS: I do not.</p> <p>5 BY MS. DOAN: 11:09:16AM</p> <p>6 Q Fair to state that the University of</p> <p>7 California has never offered to license the</p> <p>8 patents-in-suit to anybody -- the -- the '906 and</p> <p>9 '985 patents to anyone other than Eolas; is that</p> <p>10 correct? 11:09:35AM</p> <p>11 MS. KLEIN: Objection; form.</p> <p>12 THE WITNESS: Once it's licensed to Eolas</p> <p>13 exclusively, the University of California cannot</p> <p>14 offer it to anybody else.</p> <p>15 BY MS. DOAN: 11:09:43AM</p> <p>16 Q And that's not my question.</p> <p>17 A Okay.</p> <p>18 Q Has the University of California ever had</p> <p>19 discussions or reached out to anybody else other</p> <p>20 than Eolas about licensing the '906 and '985 11:09:51AM</p> <p>21 patents?</p> <p>22 A Prior to licensing to Eolas?</p> <p>23 Q Yes, ma'am.</p> <p>24 A There was a lot of marketing done and</p> <p>25 there was some preliminary discussions. There was a 11:09:59AM</p> <p style="text-align: right;">Page 97</p>

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<p>1 lot of interest in the technology. 11:10:02AM</p> <p>2 <b>Q Who else did the University of California</b></p> <p>3 <b>have conversations with or have any communications</b></p> <p>4 <b>with about licensing the application which became</b></p> <p>5 <b>the '906 patent other than Eolas? 11:10:13AM</b></p> <p>6 A I've reviewed the files, and the licensing</p> <p>7 associate at that time was managing the case I think</p> <p>8 had discussions with Motorola and Farallon, if I</p> <p>9 remember correctly, and maybe one VC group at that</p> <p>10 time, venture capital group. 11:10:36AM</p> <p>11 <b>Q I'm sorry, you mentioned Motorola, a</b></p> <p>12 <b>venture capital group, and somebody else.</b></p> <p>13 A Farallon. I could be remembering</p> <p>14 totally --</p> <p>15 <b>Q How do you spell that? 11:10:48AM</b></p> <p>16 A I thought it was F-A-R-A-L-O-N [sic].</p> <p>17 It's probably --</p> <p>18 MS. KLEIN: Couple of extra Ls in there.</p> <p>19 THE WITNESS: Couple of extra Ls, maybe</p> <p>20 double L. 11:11:01AM</p> <p>21 BY MS. DOAN:</p> <p>22 <b>Q The University of California reached</b></p> <p>23 <b>out --</b></p> <p>24 <b>Is it -- is it accurate that the</b></p> <p>25 <b>University of California had discussions with 11:11:06AM</b></p> <p style="text-align: right;">Page 98</p>	<p>1 MS. KLEIN: Objection; form. 11:12:10AM</p> <p>2 THE WITNESS: As I understand it, they</p> <p>3 never reached to a point where someone was actually</p> <p>4 starting to negotiate the terms for a license, and</p> <p>5 then the University decided to move forward with 11:12:19AM</p> <p>6 Eolas.</p> <p>7 BY MS. DOAN:</p> <p>8 <b>Q Okay.</b></p> <p>9 MS. KLEIN: I'm very sorry. Ladies, your</p> <p>10 discussion is quite -- can you take it outside? 11:12:25AM</p> <p>11 BY MS. DOAN:</p> <p>12 <b>Q What about with respect to Farallon?</b></p> <p>13 A Yes. Sorry.</p> <p>14 <b>Q What about with respect to Farallon? Is</b></p> <p>15 <b>it accurate that the University of California had 11:12:39AM</b></p> <p>16 <b>discussions with Farallon about an offer to license</b></p> <p>17 <b>the '906 patent?</b></p> <p>18 A So again, I don't know if it was an offer</p> <p>19 to license; it was -- they were interested. They</p> <p>20 might have signed a CDA to get more information 11:12:53AM</p> <p>21 about the technology, but I don't think the</p> <p>22 discussions progressed to the point where they were</p> <p>23 discussing terms for a license.</p> <p>24 <b>Q Okay.</b></p> <p>25 <b>And none of the negotiations with 11:13:02AM</b></p> <p style="text-align: right;">Page 100</p>
<p>1 <b>Motorola about licensing the application which 11:11:08AM</b></p> <p>2 <b>became the '906 patent to Motorola before it</b></p> <p>3 <b>licensed the technology to Eolas?</b></p> <p>4 MS KLEIN: Objection; form</p> <p>5 THE WITNESS: Motorola was interested I 11:11:20AM</p> <p>6 think there were discussions about -- they were more</p> <p>7 interested in learning more about the technology I</p> <p>8 don't know if it actually reached at a point where</p> <p>9 they were discussing terms for a license</p> <p>10 BY MS DOAN: 11:11:34AM</p> <p>11 <b>Q Okay.</b></p> <p>12 <b>Which venture capitalist group did the</b></p> <p>13 <b>University of California have any communications</b></p> <p>14 <b>with about the '906 patent prior to licensing the</b></p> <p>15 <b>application which became the '906 patent to Eolas? 11:11:46AM</b></p> <p>16 A If I recall correctly, the files indicated</p> <p>17 it was Vanguard</p> <p>18 <b>Q Is that V-A-N-G-A-R-D?</b></p> <p>19 A G-U-A-R-D</p> <p>20 <b>Q Are there any other venture capitalist 11:12:01AM</b></p> <p>21 <b>groups other than Vanguard?</b></p> <p>22 MS KLEIN: Objection; form</p> <p>23 THE WITNESS: Not that I know of</p> <p>24 BY MS DOAN:</p> <p>25 <b>Q And what happened to those communications? 11:12:07AM</b></p> <p style="text-align: right;">Page 99</p>	<p>1 <b>Motorola, Farallon, or any venture capitalist group, 11:13:07AM</b></p> <p>2 <b>including Vanguard, came to fruition with respect to</b></p> <p>3 <b>University of California and those entities over the</b></p> <p>4 <b>technology in the '906 patent; is that correct?</b></p> <p>5 MS KLEIN: Objection; form 11:13:19AM</p> <p>6 THE WITNESS: That's what I understand,</p> <p>7 yes</p> <p>8 BY MS DOAN:</p> <p>9 <b>Q Did anyone --</b></p> <p>10 <b>Did any entity other than Eolas ever to 11:13:28AM</b></p> <p>11 <b>offer the -- ever offer to license the '906 patent</b></p> <p>12 <b>from the University of California?</b></p> <p>13 A Not that I know of</p> <p>14 <b>Q Did any other entity other than Eolas</b></p> <p>15 <b>offer to license the '985 patent other than Eolas? 11:13:46AM</b></p> <p>16 MS KLEIN: Objection; form</p> <p>17 BY MS DOAN:</p> <p>18 <b>Q Let me restate that. I'm sorry, she's</b></p> <p>19 <b>right.</b></p> <p>20 <b>Did any other entity other than the 11:14:01AM</b></p> <p>21 <b>office -- other than -- strike that.</b></p> <p>22 <b>Did any other entity other than Eolas</b></p> <p>23 <b>offer to license the '985 patent from the University</b></p> <p>24 <b>of California?</b></p> <p>25 MS KLEIN: Objection; form 11:14:11AM</p> <p style="text-align: right;">Page 101</p>

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<p>1 THE WITNESS: It was already included in 11:14:13AM</p> <p>2 the previous license, but I'm not aware of anybody</p> <p>3 approaching us for a license to '985 patent.</p> <p>4 BY MS. DOAN:</p> <p>5 <b>Q Okay.</b> 11:14:22AM</p> <p>6 <b>And as we sit here today, neither Motorola</b></p> <p>7 <b>nor Farallon have any type of license with either</b></p> <p>8 <b>the University of California or with Eolas for the</b></p> <p>9 <b>technologies that are described in the '985 -- '906</b></p> <p>10 <b>and '985 patents; is that right?</b> 11:14:40AM</p> <p>11 A I do not know about Eolas, but I know that</p> <p>12 there is no license with University of California.</p> <p>13 <b>Q Do you know what licenses Eolas has</b></p> <p>14 <b>entered into with respect to the '985 and '906</b></p> <p>15 <b>patents other than the licenses with the University</b> 11:14:54AM</p> <p>16 <b>of California?</b></p> <p>17 A I know there have been some sublicenses to</p> <p>18 certain entities.</p> <p>19 <b>Q And do you know who they are?</b></p> <p>20 A There was Microsoft. 11:15:06AM</p> <p>21 <b>Q Okay.</b></p> <p>22 <b>Any others?</b></p> <p>23 A There was some other Plaintiffs --</p> <p>24 Defendants recently who -- there was some settlement</p> <p>25 with some defendants, and it was part of the 11:15:18AM</p> <p style="text-align: right;">Page 102</p>	<p>1 BY MS. DOAN: 11:15:36AM</p> <p>2 <b>Q Who are they?</b></p> <p>3 A I know it was J.P. Morgan, Oracle,</p> <p>4 Playboy, Apple, a few others. I don't recall the</p> <p>5 names. 11:15:50AM</p> <p>6 MS. KLEIN: And we'll designate that</p> <p>7 portion as attorneys' eyes only.</p> <p>8 * * *</p> <p>9</p> <p>10 11:15:54AM</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15 11:15:54AM</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 11:15:54AM</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 11:15:54AM</p> <p style="text-align: right;">Page 104</p>
<p>1 license -- part of the settlement was the license 11:15:22AM</p> <p>2 agreement with those entities.</p> <p>3 <b>Q Do you know who those entities are?</b></p> <p>4 THE WITNESS: Am I allowed to disclose the</p> <p>5 names? 11:15:30AM</p> <p>6 BY MS. DOAN:</p> <p>7 <b>Q Yes. I know who they are. Do you know</b></p> <p>8 <b>who they are is the question, ma'am.</b></p> <p>9 A Yes, I know who they are.</p> <p>10 (Whereupon, the following 11:15:36AM</p> <p>11 testimony was deemed attorneys'</p> <p>12 eyes only.)</p> <p>13</p> <p>14</p> <p>15 11:15:36AM</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 11:15:36AM</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 11:15:36AM</p> <p style="text-align: right;">Page 103</p>	<p>1 BY MS DOAN: 11:15:55AM</p> <p>2 <b>Q Has the University of California ever</b></p> <p>3 <b>suggested to Eolas who may be a potential Defendant</b></p> <p>4 <b>in a lawsuit with Eolas over the '906 or '985</b></p> <p>5 <b>technologies?</b> 11:16:09AM</p> <p>6 A Not that I know of</p> <p>7 <b>Q Has the University of California ever</b></p> <p>8 <b>approached Eolas about suing Yahoo or Amazon?</b></p> <p>9 A No</p> <p>10 <b>Q Has the University of California ever</b> 11:16:18AM</p> <p>11 <b>approached Eolas about suing any of the Defendants</b></p> <p>12 <b>in this case?</b></p> <p>13 A No</p> <p>14 <b>Q Has the University of California ever</b></p> <p>15 <b>approached Eolas about suing Google or YouTube?</b> 11:16:27AM</p> <p>16 A No, again, not that I know of</p> <p>17 <b>Q Has the University of Calif- --</b></p> <p>18 <b>Have the Regents of the University of</b></p> <p>19 <b>California ever approached Eolas about suing Adobe?</b></p> <p>20 A No 11:16:41AM</p> <p>21 <b>Q Does the Re- --</b></p> <p>22 <b>Does the University of California believe</b></p> <p>23 <b>that Yahoo is infringing the claims of the '906 or</b></p> <p>24 <b>the '985 patent?</b></p> <p>25 A The University of California is supporting 11:17:00AM</p> <p style="text-align: right;">Page 105</p>

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<p>1 its licensee, who believes that Yahoo is infringing 11:17:02AM</p> <p>2 the claims.</p> <p>3 <b>Q That's not my question.</b></p> <p>4 A That's my answer.</p> <p>5 <b>Q Okay.</b> 11:17:11AM</p> <p>6 <b>So with respect to my question, does the</b></p> <p>7 <b>University of California believe that Yahoo is</b></p> <p>8 <b>infringing the claims of the '905 -- '906 or '985</b></p> <p>9 <b>patents in this lawsuit?</b></p> <p>10 MS. KLEIN: Objection; form. 11:17:22AM</p> <p>11 THE WITNESS: It's not up to me to do the</p> <p>12 analysis.</p> <p>13 BY MS. DOAN:</p> <p>14 <b>Q I understand that, but you're a Plaintiff</b></p> <p>15 <b>in this lawsuit suing my client, Yahoo, for multiple 11:17:29AM</b></p> <p>16 <b>hundreds of millions of dollars.</b></p> <p>17 <b>Do you understand that?</b></p> <p>18 A Yes.</p> <p>19 <b>Q And you understand that you're not going</b></p> <p>20 <b>to be in court, so we're going to play this 11:17:36AM</b></p> <p>21 <b>testimony in front of the jury.</b></p> <p>22 MS. KLEIN: Objection; form.</p> <p>23 BY MS. DOAN:</p> <p>24 <b>Q Do you understand that? Do you understand</b></p> <p>25 <b>that, ma'am?</b> 11:17:39AM</p> <p style="text-align: right;">Page 106</p>	<p>1 <b>Q Does the University of California believe 11:18:34AM</b></p> <p>2 <b>that Yahoo is practicing the technologies described</b></p> <p>3 <b>in the '98- -- '985 and '906 patents?</b></p> <p>4 MS. KLEIN: Objections -- same objections.</p> <p>5 THE WITNESS: I do not know. 11:18:45AM</p> <p>6 BY MS. DOAN:</p> <p>7 <b>Q Does the University of California believe</b></p> <p>8 <b>that Amazon is practicing the technologies described</b></p> <p>9 <b>in the '906 and '985 patents?</b></p> <p>10 MS. KLEIN: Objection to the form of the 11:18:53AM</p> <p>11 question, beyond the scope of the 30(b)(6).</p> <p>12 THE WITNESS: I do not know.</p> <p>13 BY MS. DOAN:</p> <p>14 <b>Q Does the University of California believe</b></p> <p>15 <b>that Google or YouTube are practicing the 11:18:58AM</b></p> <p>16 <b>technologies that are described in the '985 and '906</b></p> <p>17 <b>patents?</b></p> <p>18 MS. KLEIN: Same objections.</p> <p>19 THE WITNESS: I do not know. I have not</p> <p>20 done the complete analysis. 11:19:09AM</p> <p>21 BY MS. DOAN:</p> <p>22 <b>Q And does the University of California</b></p> <p>23 <b>believe that Adobe is practicing the technologies</b></p> <p>24 <b>described in the '906 or '985 patents?</b></p> <p>25 MS. KLEIN: Same objections. 11:19:18AM</p> <p style="text-align: right;">Page 108</p>
<p>1 A Yes 11:17:41AM</p> <p>2 <b>Q Does the University of California believe</b></p> <p>3 <b>that my client, Yahoo, is infringing the claims of</b></p> <p>4 <b>the '906 and '985 patents?</b></p> <p>5 A If Yahoo is practicing the technology 11:17:57AM</p> <p>6 that's covered by the '906 and '985 patents, then,</p> <p>7 yes, they are infringing the technology -- they are</p> <p>8 infringing the '906 and '985 patents</p> <p>9 <b>Q That's fair. My question wasn't very</b></p> <p>10 <b>good. Okay. And if you don't know the answer to my 11:18:13AM</b></p> <p>11 <b>question, it's totally fine.</b></p> <p>12 A Okay</p> <p>13 <b>Q Does the University of California believe</b></p> <p>14 <b>that Yahoo is practicing any of the technologies</b></p> <p>15 <b>that are covered by the '906 and '985 patents? 11:18:19AM</b></p> <p>16 MS KLEIN: Objection to the form of the</p> <p>17 question Objection; outside the scope of the</p> <p>18 30(b)(6)</p> <p>19 BY MS DOAN:</p> <p>20 <b>Q You can answer.</b> 11:18:26AM</p> <p>21 A Again, to the extent that Yahoo is</p> <p>22 practicing those technologies, yes</p> <p>23 <b>Q And I -- my question is a little bit</b></p> <p>24 <b>different this time.</b></p> <p>25 A Yes 11:18:34AM</p> <p style="text-align: right;">Page 107</p>	<p>1 THE WITNESS: I do not know 11:19:20AM</p> <p>2 Can I add something?</p> <p>3 BY MS DOAN:</p> <p>4 <b>Q Sure. I'm going to let you answer. Let</b></p> <p>5 <b>me ask one other question to follow up on this line 11:19:43AM</b></p> <p>6 <b>of questioning if that's okay.</b></p> <p>7 <b>Did the Uni- --</b></p> <p>8 <b>Do you know how much money the University</b></p> <p>9 <b>of California is seeking against Google in this</b></p> <p>10 <b>case?</b> 11:19:57AM</p> <p>11 MS KLEIN: Objection; form, beyond the</p> <p>12 scope of the 30(b)(6)</p> <p>13 THE WITNESS: I don't know the exact</p> <p>14 amount</p> <p>15 BY MS DOAN: 11:20:03AM</p> <p>16 <b>Q Can you ballpark it for me?</b></p> <p>17 A I don't know the exact amount</p> <p>18 <b>Q Okay.</b></p> <p>19 <b>Do you know if it's more than a million</b></p> <p>20 <b>dollars?</b> 11:20:12AM</p> <p>21 A Yes</p> <p>22 <b>Q Do you know if it's more than \$10 million?</b></p> <p>23 MS KLEIN: Objection; form</p> <p>24 THE WITNESS: Most likely</p> <p>25</p> <p style="text-align: right;">Page 109</p>

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<p>1 BY MS. DOAN: 11:20:20AM</p> <p>2 <b>Q Do you know if it's more than \$50 million?</b></p> <p>3 MS. KLEIN: Objection; form.</p> <p>4 THE WITNESS: I do not know the exact</p> <p>5 number. Sorry. 11:20:26AM</p> <p>6 BY MS. DOAN:</p> <p>7 <b>Q That's okay.</b></p> <p>8 <b>Do you know -- does -- strike that.</b></p> <p>9 <b>How much money is the University of</b></p> <p>10 <b>California seeking against Amazon in this case?</b> 11:20:31AM</p> <p>11 MS. KLEIN: Objection; form. Objection;</p> <p>12 beyond the scope of the 30(b)(6).</p> <p>13 THE WITNESS: Again, I do not know the</p> <p>14 exact amount.</p> <p>15 BY MS. DOAN: 11:20:42AM</p> <p>16 <b>Q Can you ballpark it for me, whether it's</b></p> <p>17 <b>less than or greater than \$100 million?</b></p> <p>18 MS. KLEIN: Same objections.</p> <p>19 THE WITNESS: I do not know.</p> <p>20 BY MS. DOAN: 11:20:50AM</p> <p>21 <b>Q Fair to state you would know if it was</b></p> <p>22 <b>more than \$100 million; is that fair?</b></p> <p>23 MS. KLEIN: Objection; form.</p> <p>24 THE WITNESS: No. I just know that we're</p> <p>25 looking for a fair share of the revenues that came 11:21:00AM</p> <p style="text-align: right;">Page 110</p>	<p>1 MS. KLEIN: Objection; form. Objection; 11:21:53AM</p> <p>2 beyond the 30(b)(6).</p> <p>3 THE WITNESS: What do you mean by "harm"?</p> <p>4 BY MS. DOAN:</p> <p>5 <b>Q Well, what do you -- 11:21:57AM</b></p> <p>6 <b>You understand the definition of "harm";</b></p> <p>7 <b>is that fair?</b></p> <p>8 MS. KLEIN: Objection; form.</p> <p>9 THE WITNESS: I don't know what you mean</p> <p>10 by "harm." Physical harm? Emotional harm? 11:22:05AM</p> <p>11 BY MS. DOAN:</p> <p>12 <b>Q How would you define "harm," ma'am? What</b></p> <p>13 <b>do you mean by --</b></p> <p>14 <b>What does "harm" mean to you?</b></p> <p>15 A It means different depending on the case 11:22:12AM</p> <p>16 that you're referring to. So if you can describe a</p> <p>17 little bit more to me what you mean by "harm," then</p> <p>18 I could address your question.</p> <p>19 <b>Q Has Google or YouTube financially harmed</b></p> <p>20 <b>the University of California in any way?</b> 11:22:24AM</p> <p>21 MS. KLEIN: Objection; form. Object;</p> <p>22 beyond the scope of the 30(b)(6).</p> <p>23 THE WITNESS: If they knew that they</p> <p>24 should have taken a license to the IP that's owned</p> <p>25 by the University of California and they didn't, 11:22:33AM</p> <p style="text-align: right;">Page 112</p>
<p>1 in if there were -- if there was practice of the 11:21:07AM</p> <p>2 technology that's covered by our patent.</p> <p>3 BY MS. DOAN:</p> <p>4 <b>Q I understand that.</b></p> <p>5 <b>Do you know how much -- 11:21:14AM</b></p> <p>6 <b>Do you understand that the University of</b></p> <p>7 <b>California is a Plaintiff in this lawsuit</b></p> <p>8 <b>independent of Eolas? Do you understand that?</b></p> <p>9 A Yes.</p> <p>10 <b>Q Okay. 11:21:24AM</b></p> <p>11 <b>How much is the University of California</b></p> <p>12 <b>seeking against my client, Yahoo?</b></p> <p>13 MS. KLEIN: Object to the form.</p> <p>14 Objection; beyond the 30(b)(6).</p> <p>15 THE WITNESS: I do not know. 11:21:34AM</p> <p>16 BY MS. DOAN:</p> <p>17 <b>Q Has Yahoo harmed the University of</b></p> <p>18 <b>California in any way?</b></p> <p>19 MS. KLEIN: Objection to form.</p> <p>20 THE WITNESS: It's not a question of harm. 11:21:45AM</p> <p>21 No.</p> <p>22 BY MS. DOAN:</p> <p>23 <b>Q Okay.</b></p> <p>24 <b>Has Google or YouTube harmed the</b></p> <p>25 <b>University of California in any way?</b> 11:21:51AM</p> <p style="text-align: right;">Page 111</p>	<p>1 then probably yes But I don't know if that would 11:22:36AM</p> <p>2 be defined as harm</p> <p>3 BY MS. DOAN:</p> <p>4 <b>Q Do you know how much money Google and</b></p> <p>5 <b>YouTube have given to the University of California 11:22:45AM</b></p> <p>6 <b>in the last five years?</b></p> <p>7 MS. KLEIN: Objection; form</p> <p>8 THE WITNESS: I'm presuming a lot</p> <p>9 BY MS. DOAN:</p> <p>10 <b>Q Okay. 11:22:51AM</b></p> <p>11 <b>Would you presume it's more than a million</b></p> <p>12 <b>dollars?</b></p> <p>13 A Again, I do not know the number</p> <p>14 <b>Q Okay.</b></p> <p>15 <b>Would you presume it's more than 11:22:58AM</b></p> <p>16 <b>\$50 million?</b></p> <p>17 MS. KLEIN: Objection; form</p> <p>18 THE WITNESS: I do not know the exact</p> <p>19 number</p> <p>20 BY MS. DOAN: 11:23:03AM</p> <p>21 <b>Q Do you know how much money my client,</b></p> <p>22 <b>Yahoo, has given to the University of California</b></p> <p>23 <b>system in the last five years?</b></p> <p>24 MS. KLEIN: Objection; form</p> <p>25 THE WITNESS: Again, I do not know the 11:23:13AM</p> <p style="text-align: right;">Page 113</p>

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<p>1 exact number. 11:23:14AM</p> <p>2 BY MS. DOAN:</p> <p>3 <b>Q Do you know how much money my client,</b></p> <p>4 <b>Amazon, has given to the University of California</b></p> <p>5 <b>system in the last five years? 11:23:21AM</b></p> <p>6 MS. KLEIN: Objection; form.</p> <p>7 THE WITNESS: Do not know the exact</p> <p>8 number.</p> <p>9 BY MS. DOAN:</p> <p>10 <b>Q Do you know whether the University of 11:23:29AM</b></p> <p>11 <b>California is suing my clients, Amazon and Yahoo,</b></p> <p>12 <b>for more money than they have given to the</b></p> <p>13 <b>University in the last five years? Do you know</b></p> <p>14 <b>where that spread is?</b></p> <p>15 MS. KLEIN: Objection to form. Object; 11:23:44AM</p> <p>16 beyond the 30(b)(6).</p> <p>17 THE WITNESS: No, and I don't think that</p> <p>18 matters because those are two completely different</p> <p>19 issues.</p> <p>20 BY MS. DOAN: 11:23:51AM</p> <p>21 <b>Q Absolutely.</b></p> <p>22 <b>So when we have a donor to the University</b></p> <p>23 <b>of California that's giving, say, upwards of</b></p> <p>24 <b>\$50 million, is that somebody that you think the</b></p> <p>25 <b>University of California should sue without 11:23:59AM</b></p> <p style="text-align: right;">Page 114</p>	<p>1 MS KLEIN: You cut the witness off 11:24:45AM</p> <p>2 Please let her finish her response</p> <p>3 MS DOAN: This is a little bit different</p> <p>4 question</p> <p>5 BY MS DOAN: 11:24:49AM</p> <p>6 <b>Q With respect to notice, okay, if an entity</b></p> <p>7 <b>such as Yahoo is giving multiple millions of dollars</b></p> <p>8 <b>to the University of California, do you think it's</b></p> <p>9 <b>fair for the University of California to turn around</b></p> <p>10 <b>and sue Yahoo on a separate subject matter without 11:25:01AM</b></p> <p>11 <b>trying to work it out or tell Yahoo first that it's</b></p> <p>12 <b>su- -- going to sue them?</b></p> <p>13 MS KLEIN: Objection; form and beyond the</p> <p>14 scope of the 30(b)(6)</p> <p>15 THE WITNESS: But trying to do that can 11:25:13AM</p> <p>16 have implications that could be financially</p> <p>17 different for the University</p> <p>18 BY MS DOAN:</p> <p>19 <b>Q Tell me what those financial implications</b></p> <p>20 <b>could be. 11:25:25AM</b></p> <p>21 THE WITNESS: Can I answer this as a --</p> <p>22 MS KLEIN: To the extent that your</p> <p>23 understanding comes from your practices as a</p> <p>24 licensing officer, yes To the extent your</p> <p>25 knowledge comes from conversations you had with 11:25:36AM</p> <p style="text-align: right;">Page 116</p>
<p>1 <b>providing notice to? 11:24:02AM</b></p> <p>2 MS KLEIN: Objection; form Objection;</p> <p>3 beyond the scope of the 30(b)(6)</p> <p>4 THE WITNESS: But the donor is -- I mean,</p> <p>5 why is that different from any other company 11:24:10AM</p> <p>6 that's -- yeah</p> <p>7 BY MS DOAN:</p> <p>8 <b>Q Okay.</b></p> <p>9 <b>So do you think it's fair for the</b></p> <p>10 <b>University of California to sue Yahoo for more money 11:24:17AM</b></p> <p>11 <b>or for more than \$50 million if the Univ- -- if</b></p> <p>12 <b>Yahoo has provided multiple millions of dollars to</b></p> <p>13 <b>the University of California over the last five</b></p> <p>14 <b>years?</b></p> <p>15 A Again -- 11:24:31AM</p> <p>16 MS KLEIN: Objection; form and beyond the</p> <p>17 scope of the 30(b)(6)</p> <p>18 BY MS DOAN:</p> <p>19 <b>Q You can answer.</b></p> <p>20 A Again, I think you're mixing two different 11:24:35AM</p> <p>21 issues: One is donation and one is respecting the</p> <p>22 intellectual property rights So those are two</p> <p>23 completely different issues So --</p> <p>24 <b>Q All right. Let me ask you this slightly</b></p> <p>25 <b>different. 11:24:45AM</b></p> <p style="text-align: right;">Page 115</p>	<p>1 counsel, I'll instruct you not to answer 11:25:38AM</p> <p>2 THE WITNESS: So I will just say that if</p> <p>3 there is a possibility that the Plaintiff -- using</p> <p>4 the term right -- Defendant could file a declaratory</p> <p>5 judgment against the University and Eolas, and then 11:25:52AM</p> <p>6 they would have to have a lawsuit where they don't</p> <p>7 want to have So that could be a consequence of</p> <p>8 providing notices</p> <p>9 BY MS DOAN:</p> <p>10 <b>Q Do you know whether Yahoo has ever filed a 11:26:03AM</b></p> <p>11 <b>declaratory judgment action anywhere in the United</b></p> <p>12 <b>States against any inventor or any patent holder</b></p> <p>13 <b>that's approached them about taking a license, ever?</b></p> <p>14 A I have no idea, but I do not know that</p> <p>15 they would never, ever do that if they have never 11:26:21AM</p> <p>16 done that</p> <p>17 <b>Q Does the University of California have a</b></p> <p>18 <b>practice of licensing its technologies, other than</b></p> <p>19 <b>the patents-in-suit?</b></p> <p>20 A Repeat the question, please 11:26:38AM</p> <p>21 <b>Q Sure.</b></p> <p>22 <b>Does the University of California have a</b></p> <p>23 <b>practice of licensing its technologies, separate and</b></p> <p>24 <b>apart from the two patents-in-suit? So take the</b></p> <p>25 <b>'906 and '985 patents and put them aside, okay? 11:26:47AM</b></p> <p style="text-align: right;">Page 117</p>

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

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<p>1 of those. Don't know how much that comes to. 11:30:01AM</p> <p>2 MS. KLEIN: You understood she was asking</p> <p>3 on behalf of the entire University, not just your</p> <p>4 campus?</p> <p>5 THE WITNESS: I thought you said UCSF. 11:30:10AM</p> <p>6 BY MS. DOAN:</p> <p>7 <b>Q I did say UCSF.</b></p> <p>8 MS. KLEIN: Didn't come out on the record.</p> <p>9 BY MS. DOAN:</p> <p>10 <b>Q Does your office -- 11:30:20AM</b></p> <p>11 <b>Anyway, you're talking about the UCSF</b></p> <p>12 <b>campus, right?</b></p> <p>13 A Yes.</p> <p>14 <b>Q And you get about 150 disclosures and your</b></p> <p>15 <b>office applies for about 25 percent of those; is 11:30:28AM</b></p> <p>16 <b>that right?</b></p> <p>17 A Yes.</p> <p>18 <b>Q I think that's 38 to me. Is that about</b></p> <p>19 <b>right?</b></p> <p>20 MS. KLEIN: You're asking a bunch of 11:30:37AM</p> <p>21 lawyers?</p> <p>22 BY MS. DOAN:</p> <p>23 <b>Q We're obviously not mathematicians in this</b></p> <p>24 <b>office.</b></p> <p>25 A But not all of them go on to become 11:30:44AM</p> <p style="text-align: right;">Page 122</p>	<p>1 <b>is that fair? 11:31:40AM</b></p> <p>2 MS. KLEIN: Objection; form. Objection;</p> <p>3 beyond the scope of the 30(b)(6).</p> <p>4 BY MS. DOAN:</p> <p>5 <b>Q You can answer. 11:31:44AM</b></p> <p>6 A I do not know.</p> <p>7 <b>Q Now, you told me about your office.</b></p> <p>8 <b>How many patents did the University of</b></p> <p>9 <b>California apply for in the last two years?</b></p> <p>10 A I do not know the exact number. Usually 11:32:02AM</p> <p>11 have about, total, I think 1400 disclosures, and it</p> <p>12 would be about similar percentage.</p> <p>13 <b>Q Okay.</b></p> <p>14 <b>But you don't know for sure; is that fair?</b></p> <p>15 A Yes. 11:32:14AM</p> <p>16 <b>Q How many applications for a patent does</b></p> <p>17 <b>the University of California currently have pending</b></p> <p>18 <b>before the patent office?</b></p> <p>19 MS. KLEIN: Objection; form. Objection;</p> <p>20 beyond the 30(b)(6). 11:32:50AM</p> <p>21 THE WITNESS: I do not know.</p> <p>22 BY MS. DOAN:</p> <p>23 <b>Q Has the University of California ever</b></p> <p>24 <b>directed Eolas to enforce the patents-in-suit,</b></p> <p>25 <b>period? 11:33:21AM</b></p> <p style="text-align: right;">Page 124</p>
<p>1 patents. Eventually, some of them get abandoned. 11:30:46AM</p> <p>2 <b>Q And some of them are rejected; is that</b></p> <p>3 <b>fair?</b></p> <p>4 A Yes.</p> <p>5 <b>Q Does your office practice -- 11:30:58AM</b></p> <p>6 <b>Does your office, the Office of Technology</b></p> <p>7 <b>Management, University of California, San Francisco,</b></p> <p>8 <b>practice with just one patent prosecuting attorney</b></p> <p>9 <b>before the patent office or several?</b></p> <p>10 A Several. 11:31:09AM</p> <p>11 <b>Q Okay.</b></p> <p>12 <b>Is Charles Krueger still one of them?</b></p> <p>13 A Yes.</p> <p>14 <b>Q How many patents would you say that</b></p> <p>15 <b>Mr. Krueger prosecutes for the University of 11:31:17AM</b></p> <p>16 <b>California in the last two years?</b></p> <p>17 MS. KLEIN: Objection; form.</p> <p>18 THE WITNESS: I'm aware of only this</p> <p>19 particular Eolas portfolio. I'm not aware of any</p> <p>20 other patent that he's handling. 11:31:31AM</p> <p>21 BY MS. DOAN:</p> <p>22 <b>Q Okay.</b></p> <p>23 <b>Other than the Eolas patents, you're not</b></p> <p>24 <b>aware of Charles Krueger handling any -- handling</b></p> <p>25 <b>any other patents for the University of California; 11:31:38AM</b></p> <p style="text-align: right;">Page 123</p>	<p>1 MS KLEIN: Objection; form Objection; 11:33:23AM</p> <p>2 beyond the 30(b)(6)</p> <p>3 THE WITNESS: Not that I know of</p> <p>4 BY MS DOAN:</p> <p>5 <b>Q Okay. 11:33:27AM</b></p> <p>6 <b>And you understand, of course, and you're</b></p> <p>7 <b>prepared to talk about this topic under Topic Number</b></p> <p>8 <b>1 where it talks about the Regents' -- your role in</b></p> <p>9 <b>licensing or enforcing the patents-in-suit?</b></p> <p>10 A Yes 11:33:42AM</p> <p>11 MS DOAN: Okay Let's take a break one</p> <p>12 second</p> <p>13 THE VIDEOGRAPHER: This is the end of Disk</p> <p>14 1 Off the record at 11:34</p> <p>15 (Recess taken ) 11:34:23AM</p> <p>16 THE VIDEOGRAPHER: This is the beginning</p> <p>17 of Disk 2 On the record at 11:41</p> <p>18 BY MS DOAN:</p> <p>19 <b>Q Dr. Rajdev, you understand, of course,</b></p> <p>20 <b>we're resuming your deposition after a brief break? 11:41:14AM</b></p> <p>21 A Yes</p> <p>22 <b>Q You understand, of course, you're still</b></p> <p>23 <b>under oath?</b></p> <p>24 A Yes</p> <p>25 <b>Q Tell me what training you've had in 11:41:20AM</b></p> <p style="text-align: right;">Page 125</p>

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<p>1 MS. DOAN: A-N-A-T-L-A-B. 11:45:53AM</p> <p>2 BY MS. DOAN:</p> <p>3 <b>Q Have you ever seen the AnatLab product?</b></p> <p>4 A I have.</p> <p>5 <b>Q Do you know of any institution that 11:46:01AM</b></p> <p>6 <b>teaches with the AnatLab product?</b></p> <p>7 MS. KLEIN: Objection; form.</p> <p>8 THE WITNESS: I know they are doing</p> <p>9 testing. I learned from Eolas that they are doing</p> <p>10 testing at University of Illinois and maybe some 11:46:11AM</p> <p>11 other nursing school, but I don't remember the name.</p> <p>12 But I don't know if someone is using it to teach it.</p> <p>13 BY MS. DOAN:</p> <p>14 <b>Q Yes, that's my question.</b></p> <p>15 <b>Do you know of any university or 11:46:21AM</b></p> <p>16 <b>institution that is teaching with the AnatLab</b></p> <p>17 <b>product?</b></p> <p>18 MS. KLEIN: Objection; form.</p> <p>19 THE WITNESS: I do not know.</p> <p>20 BY MS. DOAN: 11:46:27AM</p> <p>21 <b>Q Do you know if the AnatLab product has</b></p> <p>22 <b>been used by any entity?</b></p> <p>23 MS. KLEIN: Objection; form.</p> <p>24 THE WITNESS: For what purpose?</p> <p>25</p> <p>Page 130</p>	<p>1 <b>Q You haven't seen it yourself; is that 11:47:26AM</b></p> <p>2 <b>fair?</b></p> <p>3 MS KLEIN: Objection; form</p> <p>4 THE WITNESS: The demo of the product or</p> <p>5 any other university using it? 11:47:31AM</p> <p>6 BY MS. DOAN:</p> <p>7 <b>Q Any other university using it.</b></p> <p>8 A No, I have not seen it</p> <p>9 <b>Q University of California is not aware of</b></p> <p>10 <b>any nursing school or nursing institution using the 11:47:40AM</b></p> <p>11 <b>AnatLab product other than what Eolas has told them;</b></p> <p>12 <b>is that fair?</b></p> <p>13 MS KLEIN: Objection; form</p> <p>14 THE WITNESS: That's fair</p> <p>15 BY MS. DOAN: 11:47:51AM</p> <p>16 <b>Q What did --</b></p> <p>17 <b>Did you have the conversation with Eolas</b></p> <p>18 <b>directly or is it somebody else?</b></p> <p>19 A I did have conversations with my counsel</p> <p>20 <b>Q Sure. 11:48:00AM</b></p> <p>21 <b>Were you talking directly with somebody at</b></p> <p>22 <b>Eolas?</b></p> <p>23 A Yes</p> <p>24 <b>Q Who?</b></p> <p>25 A Jim Stetson and Mike Doyle 11:48:08AM</p> <p>Page 132</p>
<p>1 BY MS. DOAN: 11:46:36AM</p> <p>2 <b>Q For anything.</b></p> <p>3 MS KLEIN: Objection; form</p> <p>4 THE WITNESS: I know that some entities</p> <p>5 have used it for beta testing 11:46:41AM</p> <p>6 BY MS. DOAN:</p> <p>7 <b>Q Okay.</b></p> <p>8 <b>Other than the beta testing of the AnatLab</b></p> <p>9 <b>product, is there any other entity that you know of</b></p> <p>10 <b>that uses the AnatLab product for any purposes 11:46:49AM</b></p> <p>11 <b>whatsoever?</b></p> <p>12 MS KLEIN: Objection; form</p> <p>13 THE WITNESS: I think in my last</p> <p>14 discussions, they said there was a nursing school,</p> <p>15 but I can't recall where, that was using the product 11:47:00AM</p> <p>16 and they were really happy with it But I don't</p> <p>17 know in what capacity they are using the product</p> <p>18 BY MS. DOAN:</p> <p>19 <b>Q Okay.</b></p> <p>20 <b>And fair to say that you personally and 11:47:10AM</b></p> <p>21 <b>the University of California doesn't have any type</b></p> <p>22 <b>of knowledge of whether the AnatLab product is being</b></p> <p>23 <b>used by another entity other than what Eolas has</b></p> <p>24 <b>told them? Is that fair?</b></p> <p>25 A Yes 11:47:24AM</p> <p>Page 131</p>	<p>1 <b>Q And what did Jim Stetson and Mike Doyle 11:48:10AM</b></p> <p>2 <b>tell you about the nursing school that was using the</b></p> <p>3 <b>AnatLab product?</b></p> <p>4 MS KLEIN: And I'm going to caution you</p> <p>5 not to reveal the source of conversations you had 11:48:21AM</p> <p>6 with Mr. Stetson and Mr. Doyle to the extent that</p> <p>7 counsel was present and it related to this lawsuit</p> <p>8 If it did not relate to this lawsuit or if</p> <p>9 counsel was not present, you may answer</p> <p>10 THE WITNESS: The counsel was present, but 11:48:38AM</p> <p>11 all I know is that they would really like to get</p> <p>12 that product out and they are testing it with</p> <p>13 different institutions that they can so they can</p> <p>14 eventually get the product out in the market</p> <p>15 BY MS. DOAN: 11:48:52AM</p> <p>16 <b>Q Do you know if there is any other</b></p> <p>17 <b>institutions, groups, entities that have products</b></p> <p>18 <b>very similar, if not identical, to the -- AnatLab's</b></p> <p>19 <b>products that are completed?</b></p> <p>20 MS KLEIN: Objection; form 11:49:05AM</p> <p>21 THE WITNESS: I do not</p> <p>22 BY MS. DOAN:</p> <p>23 <b>Q Do you know if Google has a product</b></p> <p>24 <b>already on the market that's very similar to the</b></p> <p>25 <b>AnatLab product? 11:49:12AM</b></p> <p>Page 133</p>

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

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<p>1 questions 11:52:19AM</p> <p>2 THE WITNESS: So we have courses that are</p> <p>3 offered by the Center of BioEntrepreneurship For</p> <p>4 example, there is one going on right now which is</p> <p>5 called "Idea to IPO," where basically you discuss 11:52:29AM</p> <p>6 how you identify an invention and how you take it</p> <p>7 forward and how you -- and during that process, they</p> <p>8 have discussions about intellectual property and</p> <p>9 inventions and patents and --</p> <p>10 BY MS DOAN: 11:52:41AM</p> <p>11 Q Okay.</p> <p>12 And is that patents in general or</p> <p>13 basically is it -- is it directed towards, "If</p> <p>14 you've got a patent acknowledgement form, this is</p> <p>15 how you would market your own product through the 11:52:49AM</p> <p>16 University of California"? Do you see the</p> <p>17 difference?</p> <p>18 MS KLEIN: Objection; form</p> <p>19 THE WITNESS: Well, they're told that if</p> <p>20 they make an invention at the University, that they 11:52:58AM</p> <p>21 have an obligation to assign the rights to the</p> <p>22 University and that they should approach the Office</p> <p>23 of Technology Management And we would then sit</p> <p>24 down with them and explain them the whole process,</p> <p>25 how it works 11:53 09AM</p> <p style="text-align: right;">Page 138</p>	<p>1 Do you know of any product that Eolas 11:54:18AM</p> <p>2 currently has on the market?</p> <p>3 MS. KLEIN: Objection; form.</p> <p>4 THE WITNESS: Actually on the market?</p> <p>5 BY MS. DOAN: 11:54:32AM</p> <p>6 Q Yes, ma'am.</p> <p>7 A No.</p> <p>8 Q Okay.</p> <p>9 So with respect to the license of the</p> <p>10 University of California, the exclusive license it 11:54:40AM</p> <p>11 has given to Eolas, has the University of California</p> <p>12 ever seen the University of California's business</p> <p>13 plans?</p> <p>14 MS. KLEIN: Objection; form.</p> <p>15 THE WITNESS: Eolas' business plans? 11:54:51AM</p> <p>16 BY MS. DOAN:</p> <p>17 Q Yes, ma'am.</p> <p>18 A I think you need to repeat the question</p> <p>19 again. Sorry.</p> <p>20 Q Sure. Absolutely. 11:54:59AM</p> <p>21 In connection with the license that the</p> <p>22 University of California has given to Eolas, has the</p> <p>23 University of California ever seen Eolas' business</p> <p>24 plans?</p> <p>25 A Yes. 11:55:07AM</p> <p style="text-align: right;">Page 140</p>
<p>1 BY MS DOAN: 11:53:12AM</p> <p>2 Q Who advises --</p> <p>3 Who tells the --</p> <p>4 What department is in charge of telling</p> <p>5 the employees and the professors that information? 11:53:16AM</p> <p>6 MS KLEIN: Objection; form</p> <p>7 THE WITNESS: They learn from their</p> <p>8 colleagues They -- we have a website We go out</p> <p>9 in the field, so to say, and meet with the</p> <p>10 investigators, meet with the postdoctoral fellows 11:53:30AM</p> <p>11 And there's -- we already work with so</p> <p>12 many investigators, so it's easy to -- for them to</p> <p>13 find out who the contact is We have meetings with</p> <p>14 the department administrators, as well, to let them</p> <p>15 know that if there is an invention, who they can 11:53:45AM</p> <p>16 approach</p> <p>17 BY MS DOAN:</p> <p>18 Q Other than Eolas, does the University of</p> <p>19 California license any other technologies that it is</p> <p>20 a patent holder on to other groups that may wish to 11:53:58AM</p> <p>21 monetize the patents?</p> <p>22 MS KLEIN: Objection; form</p> <p>23 THE WITNESS: I'm not sure I understand</p> <p>24 BY MS DOAN:</p> <p>25 Q Okay. 11:54:11AM</p> <p style="text-align: right;">Page 139</p>	<p>1 Q Okay. 11:55:07AM</p> <p>2 So you're aware that Eolas has business</p> <p>3 plans to monetize the patents through filing</p> <p>4 lawsuits?</p> <p>5 MS. KLEIN: Objection; form. 11:55:16AM</p> <p>6 THE WITNESS: I don't think that's what</p> <p>7 their plan was in the beginning.</p> <p>8 BY MS. DOAN:</p> <p>9 Q Have you ever seen a business plan of</p> <p>10 Eolas where they specifically state that they are 11:55:22AM</p> <p>11 going to monetize the patents by filing lawsuits?</p> <p>12 MS. KLEIN: Objection; form.</p> <p>13 THE WITNESS: I have not seen personally a</p> <p>14 business plan indicating that they are going to file</p> <p>15 a lawsuit and that's how they are going to make 11:55:34AM</p> <p>16 money.</p> <p>17 BY MS. DOAN:</p> <p>18 Q Have you ever read any of Eolas' business</p> <p>19 plans?</p> <p>20 A I have not read them word to word, because 11:55:41AM</p> <p>21 the license was already done.</p> <p>22 Q Sure.</p> <p>23 Do you know anybody at the University of</p> <p>24 California that has reviewed any of Eolas' business</p> <p>25 plans? 11:55:51AM</p> <p style="text-align: right;">Page 141</p>

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

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<p>1 this thing. You talked to me about the courses that 11:59:27AM</p> <p>2 the University provides with respect to licensing</p> <p>3 and entrepreneurship and IPOs, et cetera.</p> <p>4 You provide those courses to everybody,</p> <p>5 not just employees and professors, correct? 11:59:35AM</p> <p>6 A Yes</p> <p>7 Q Okay.</p> <p>8 Provide them to students and people --</p> <p>9 I could sign up for one, correct?</p> <p>10 A You could 11:59:40AM</p> <p>11 Q Okay.</p> <p>12 A You would need to pay</p> <p>13 Q Exactly.</p> <p>14 So with respect to --</p> <p>15 Are there any particular courses that 11:59:47AM</p> <p>16 professors or employees who have signed a patent</p> <p>17 acknowledgement form take or have access to or can</p> <p>18 take for free, perhaps, that the University would</p> <p>19 provide certain training?</p> <p>20 A So there are no -- I'm not aware of any 12:00:03PM</p> <p>21 courses, but there is tons of information available</p> <p>22 on our Office of the President website, on our</p> <p>23 website, the UCSF website, that takes them to</p> <p>24 different sections</p> <p>25 So you can -- you can find a lot of 12:00:17PM</p> <p>Page 146</p>	<p>1 THE WITNESS: No Yes, it's fair 12:01:30PM</p> <p>2 BY MS. DOAN:</p> <p>3 Q Okay.</p> <p>4 A I don't know -- it's not training, so</p> <p>5 that's why I'm not sure what you're referring to 12:01:35PM</p> <p>6 Q Information in some way; is that fair?</p> <p>7 A It's available on the public website, so</p> <p>8 you could certainly go and read our patent</p> <p>9 acknowledgement form</p> <p>10 Q Okay. 12:01:45PM</p> <p>11 But because I'm not required to sign one</p> <p>12 as a student, I wouldn't have -- that wouldn't be</p> <p>13 something the University would reach out to its</p> <p>14 students to give them some type of additional</p> <p>15 training or information of how to take any invention 12:01:58PM</p> <p>16 through the University; is that fair?</p> <p>17 MS. KLEIN: Objection; form</p> <p>18 THE WITNESS: I guess</p> <p>19 BY MS. DOAN:</p> <p>20 Q Okay. 12:02:07PM</p> <p>21 Do you know whether the students at the</p> <p>22 University of California were required to sign a</p> <p>23 patent acknowledgement form back in 1992, 1993,</p> <p>24 1991?</p> <p>25 A I don't know 12:02:21PM</p> <p>Page 148</p>
<p>1 materials I'm not aware of any specific courses 12:00:19PM</p> <p>2 that are offered</p> <p>3 Q And so if I'm a -- if I'm a professor or</p> <p>4 an employee at the University, I can go to those</p> <p>5 websites and receive additional information or 12:00:28PM</p> <p>6 training about how to capitalize on an invention</p> <p>7 that I may have that the University of California</p> <p>8 would own; is that fair?</p> <p>9 MS. KLEIN: Objection; form</p> <p>10 THE WITNESS: Yes, or you could contact -- 12:00:42PM</p> <p>11 or sometimes we try to set up -- if we can get in</p> <p>12 touch with the new faculties joining, we would go</p> <p>13 meet with them so we can introduce our office to</p> <p>14 them and give them all the information that they</p> <p>15 would need 12:00:54PM</p> <p>16 BY MS. DOAN:</p> <p>17 Q Sure.</p> <p>18 And I'm assuming that since --</p> <p>19 The Joe Q. general public person like me</p> <p>20 or a student would not -- that would be something 12:01:15PM</p> <p>21 that -- since I don't sign a patent acknowledgement</p> <p>22 form, that would be something that we would not</p> <p>23 receive training for from the University of</p> <p>24 California; is that fair?</p> <p>25 MS. KLEIN: Object to the form 12:01:27PM</p> <p>Page 147</p>	<p>1 MS. KLEIN: Objection; form. Objection; 12:02:21PM</p> <p>2 beyond the scope of the 30(b)(6).</p> <p>3 BY MS. DOAN:</p> <p>4 Q Were there any type of patent policies or</p> <p>5 invention policies or invention assignment policies 12:02:28PM</p> <p>6 that the University had with respect to its students</p> <p>7 from 1990 to 1993?</p> <p>8 A Specifically with regards to students?</p> <p>9 Q Yes, ma'am.</p> <p>10 A No. 12:02:41PM</p> <p>11 Q How about any time in the 1980s? Did the</p> <p>12 University of California have any type of policies</p> <p>13 or practices that pertain to assignment of students'</p> <p>14 inventions to the University of California?</p> <p>15 MS. KLEIN: Objection; form. Objection; 12:02:55PM</p> <p>16 beyond the 30(b)(6).</p> <p>17 THE WITNESS: Not that I know of.</p> <p>18 BY MS. DOAN:</p> <p>19 Q Any time from 1990 to 1995, did the</p> <p>20 University of California have any type of policies 12:03:08PM</p> <p>21 or practices with -- requiring the students to</p> <p>22 assign their inventions to the University of</p> <p>23 California?</p> <p>24 A Again, not that I know of. I...</p> <p>25 MS. DOAN: Is this a good time for a 12:03:25PM</p> <p>Page 149</p>

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<p>1 break? 12:03:26PM</p> <p>2 MS. KLEIN: Sure.</p> <p>3 THE VIDEOGRAPHER: Off the record at</p> <p>4 12:03.</p> <p>5 (Lunch recess taken.) 12:03:29PM</p> <p>6 THE VIDEOGRAPHER: On the record at 12:56.</p> <p>7 BY MS. DOAN:</p> <p>8 <b>Q Dr. Rajdev, do you understand that we're</b></p> <p>9 <b>resuming your deposition after a lunch break?</b></p> <p>10 A Yes. 12:56:38PM</p> <p>11 <b>Q Do you understand, of course, you're still</b></p> <p>12 <b>under oath?</b></p> <p>13 A Yes.</p> <p>14 <b>Q You work for what used to be the Office of</b></p> <p>15 <b>Technology Management? 12:56:46PM</b></p> <p>16 A Well, before we start, there were two</p> <p>17 things that we wanted to clarify --</p> <p>18 <b>Q Okay.</b></p> <p>19 A -- from before.</p> <p>20 <b>Q Sure. 12:56:51PM</b></p> <p>21 A One was that when we were talking about</p> <p>22 students, there were a few questions that you had</p> <p>23 about students.</p> <p>24 And because we had previous discussion</p> <p>25 about undergraduate student, my answers were 12:56:59PM</p> <p>Page 150</p>	<p>1 <b>Q Okay. 12:57:55PM</b></p> <p>2 <b>When you talked about the undergraduate</b></p> <p>3 <b>students, I want to make sure we're still on the</b></p> <p>4 <b>same page, because I think we are.</b></p> <p>5 <b>You're not aware of any graduate student 12:58:08PM</b></p> <p>6 <b>that's ever attended a University of California</b></p> <p>7 <b>campus that was required to sign a patent</b></p> <p>8 <b>acknowledgement form, were you?</b></p> <p>9 MS KLEIN: Objection; form</p> <p>10 THE WITNESS: I'm not aware of any 12:58:20PM</p> <p>11 BY MS DOAN:</p> <p>12 <b>Q Yes, ma'am.</b></p> <p>13 <b>And you're not aware of any graduate</b></p> <p>14 <b>student that attended any University of California</b></p> <p>15 <b>campus that was required to assign over his or her 12:58:27PM</b></p> <p>16 <b>rights to any invention while they were at the</b></p> <p>17 <b>University of California; is that correct?</b></p> <p>18 A I am aware</p> <p>19 MS KLEIN: Objection</p> <p>20 THE WITNESS: Sorry I'm aware if they 12:58:39PM</p> <p>21 were -- if they made an invention that involved</p> <p>22 third-party obligations, then they have to assign</p> <p>23 their rights</p> <p>24 BY MS DOAN:</p> <p>25 <b>Q Okay. 12:58:47PM</b></p> <p>Page 152</p>
<p>1 primarily for undergraduate students, who were not 12:57:03PM</p> <p>2 involved with any sponsor-related research.</p> <p>3 <b>Q Okay.</b></p> <p>4 A And the second clarification was that I</p> <p>5 think you asked me about the amount of damages that 12:57:12PM</p> <p>6 UC is asking in the lawsuit. I know the total</p> <p>7 amount is greater than \$500 million, but I don't</p> <p>8 know the -- I think you were asking me for</p> <p>9 individual --</p> <p>10 <b>Q Yes, ma'am. 12:57:30PM</b></p> <p>11 A -- and I don't know the individual</p> <p>12 amounts.</p> <p>13 <b>Q Okay.</b></p> <p>14 <b>And you have been able to clarify the</b></p> <p>15 <b>record. Is there anything else you want to clarify 12:57:39PM</b></p> <p>16 <b>the record about?</b></p> <p>17 A Those are the only two things.</p> <p>18 <b>Q And you have been able to clarify the</b></p> <p>19 <b>record after speaking with your counsel during the</b></p> <p>20 <b>lunch break; is that correct? 12:57:47PM</b></p> <p>21 A Pardon? Say that again.</p> <p>22 <b>Q You were able to clarify the record after</b></p> <p>23 <b>speaking with your counsel during the lunch break;</b></p> <p>24 <b>is that correct?</b></p> <p>25 A Yes. 12:57:55PM</p> <p>Page 151</p>	<p>1 <b>But you're not aware of whether they 12:58:48PM</b></p> <p>2 <b>actually signed a patent acknowledgement form; is</b></p> <p>3 <b>that what you're telling me?</b></p> <p>4 A Yes.</p> <p>5 <b>Q Okay. 12:58:54PM</b></p> <p>6 <b>And then, of course, that's since you have</b></p> <p>7 <b>worked at the Office of Technology Management from</b></p> <p>8 <b>the year 2000 to the present; is that correct?</b></p> <p>9 MS. KLEIN: Objection; form.</p> <p>10 THE WITNESS: I would say 2002 to present. 12:59:13PM</p> <p>11 BY MS. DOAN:</p> <p>12 <b>Q Right, 2002 to present.</b></p> <p>13 A Yes.</p> <p>14 <b>Q Before 2002, you don't know of any student</b></p> <p>15 <b>that assigned over -- whether it's a graduate 12:59:22PM</b></p> <p>16 <b>student or undergraduate student -- that signed a</b></p> <p>17 <b>patent acknowledgement form; is that fair?</b></p> <p>18 MS. KLEIN: Objection; form.</p> <p>19 THE WITNESS: Yes, I do not know.</p> <p>20 BY MS. DOAN: 12:59:30PM</p> <p>21 <b>Q Okay.</b></p> <p>22 <b>And you don't know of any student that was</b></p> <p>23 <b>required to assign over any type of invention they</b></p> <p>24 <b>may have worked on at the University of California,</b></p> <p>25 <b>is that fair, from before 2002? 12:59:39PM</b></p> <p>Page 153</p>

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<p>1 MS. KLEIN: Objection; form 12:59:44PM</p> <p>2 THE WITNESS: No, I do not know</p> <p>3 BY MS. DOAN:</p> <p>4 Q Okay.</p> <p>5 You currently work for the ITA department, 12:59:53PM</p> <p>6 correct, the office of the ITA; is that right?</p> <p>7 A Yes</p> <p>8 Q Okay.</p> <p>9 Which the Office of Technology Man- -- and</p> <p>10 Management became part of the ITA, correct? 1:00:02PM</p> <p>11 A Yes</p> <p>12 Q What is the difference between the Center</p> <p>13 For Knowledge and Technology and the Office of</p> <p>14 Technology Management?</p> <p>15 A So as I understand it, Center of Knowledge 1:00:12PM</p> <p>16 and Technology is part of the library, where they</p> <p>17 are working on developing more software, more</p> <p>18 training systems in how to do things in the medical</p> <p>19 field using computers</p> <p>20 Q Okay. 1:00:30PM</p> <p>21 A Whereas Office of Technology Management</p> <p>22 is -- really doesn't manage high-tech, but all the</p> <p>23 technologies that are created by the University of</p> <p>24 California, San Francisco researchers And they</p> <p>25 could be patented or nonpatented, but any 1:00:45PM</p> <p>Page 154</p>	<p>1 BY MS. DOAN: 1:01:54PM</p> <p>2 Q I'm sorry, you're exactly right. Bad</p> <p>3 question. Let me rephrase.</p> <p>4 What date did Dr. Martin and Dr. Cheong</p> <p>5 [sic] and Michael Doyle tell the University of 1:01:59PM</p> <p>6 California that they first conceived of the</p> <p>7 invention which later became the '906 patent?</p> <p>8 A I think it was sometime in 1994, but I</p> <p>9 can't recall the exact date.</p> <p>10 Q Okay. 1:02:19PM</p> <p>11 Do you know the date of first reduction to</p> <p>12 practice of the invention which later became the</p> <p>13 '906 patent?</p> <p>14 MS. KLEIN: Objection; form.</p> <p>15 THE WITNESS: From what I can read in the 1:02:33PM</p> <p>16 files, it seems like -- that they had the system</p> <p>17 running, they could actually do a demo at the time</p> <p>18 they disclosed or very close to it. So I would</p> <p>19 believe that it was conceived and reduced to</p> <p>20 practice at that time. 1:02:45PM</p> <p>21 BY MS. DOAN:</p> <p>22 Q In 1994?</p> <p>23 A Yes.</p> <p>24 Q Okay.</p> <p>25 And have you ever seen this demonstrative? 1:02:48PM</p> <p>Page 156</p>
<p>1 technologies. 1:00:48PM</p> <p>2 Q Okay.</p> <p>3 A We don't develop technologies, per se, in</p> <p>4 our office.</p> <p>5 Q Okay. 1:00:54PM</p> <p>6 And the Center for Knowledge in Technology</p> <p>7 is more part of the library field, where they are</p> <p>8 actually looking at different types of medical field</p> <p>9 technologies and developing those; is that fair?</p> <p>10 MS. KLEIN: Objection; form. 1:01:06PM</p> <p>11 THE WITNESS: Developing training systems</p> <p>12 or programs, Web-based programs or --</p> <p>13 BY MS. DOAN:</p> <p>14 Q Okay.</p> <p>15 And -- and your office deals more with 1:01:12PM</p> <p>16 licensing of those products?</p> <p>17 A Yes.</p> <p>18 Q Do you know -- strike that.</p> <p>19 What date did Eolas tell the University of</p> <p>20 California that it first conceived of the invention 1:01:32PM</p> <p>21 which led or became the '906 patent?</p> <p>22 MS. KLEIN: Objection; form.</p> <p>23 THE WITNESS: It wasn't Eolas, it was</p> <p>24 Dr. Doyle while he was still a UCSF employee and</p> <p>25 Martin -- Dr. Martin and Cheong Ang. Sorry. 1:01:49PM</p> <p>Page 155</p>	<p>1 A I have seen the AnatLab. 1:02:52PM</p> <p>2 Q Okay.</p> <p>3 And when did you see the AnatLab?</p> <p>4 A The first time I saw it was, I want to</p> <p>5 say, about a year ago. 1:03:02PM</p> <p>6 Q Okay. I think I'm focused on something a</p> <p>7 little bit differently.</p> <p>8 A Okay.</p> <p>9 Q Have you ever seen a demonstrative that</p> <p>10 Michael Doyle says that he did in 1994 prior to 1:03:11PM</p> <p>11 filing for the patent application -- the '906 patent</p> <p>12 application?</p> <p>13 MS. KLEIN: Objection; form.</p> <p>14 THE WITNESS: So if you're asking me</p> <p>15 personally, I have not seen it. But I -- 1:03:23PM</p> <p>16 BY MS. DOAN:</p> <p>17 Q Do you know if anybody at the University</p> <p>18 of California ever saw any type of demonstration by</p> <p>19 Michael Doyle of the invention that later became the</p> <p>20 '906 patent? 1:03:36PM</p> <p>21 A I believe so. There is graphic</p> <p>22 description in the file about this fetal being</p> <p>23 sliced into different parts and people looking at</p> <p>24 how you could look at the sections of it.</p> <p>25 So I would presume that that was the 1:03:48PM</p> <p>Page 157</p>

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<p>1 reduction to practice in demo of the technology that 1:03:49PM</p> <p>2 he disclosed.</p> <p>3 <b>Q Do you know the date of when anybody at</b></p> <p>4 <b>the University of California ever saw that demo, if</b></p> <p>5 <b>indeed they did? 1:03:59PM</b></p> <p>6 MS. KLEIN: Objection; form.</p> <p>7 THE WITNESS: From the records, it appears</p> <p>8 in fall of 1994.</p> <p>9 BY MS. DOAN:</p> <p>10 <b>Q Okay. 1:04:04PM</b></p> <p>11 <b>And do you know who at the University of</b></p> <p>12 <b>California saw this demonstration?</b></p> <p>13 A Martha Leur- -- Leuhrmann? I don't know</p> <p>14 the last name. Sorry.</p> <p>15 <b>Q That's okay. 1:04:17PM</b></p> <p>16 <b>Martha -- how do you spell it?</b></p> <p>17 A The licensing associate at that time who</p> <p>18 was managing the case.</p> <p>19 <b>Q Okay.</b></p> <p>20 <b>And can you spell either the first or last 1:04:23PM</b></p> <p>21 <b>name for me? Sorry.</b></p> <p>22 A M-A-R-T-H-A. I can't spell the last name.</p> <p>23 <b>Q Starts with an L?</b></p> <p>24 A Yes.</p> <p>25 MS. KLEIN: L-E-U-H-R-M-A-N-N. 1:04:35PM</p> <p style="text-align: right;">Page 158</p>	<p>1 there was another line of questions about students, 1:05:50PM</p> <p>2 but I didn't think that it was clarified at that</p> <p>3 time whether it was undergraduate students or</p> <p>4 graduate students It was just students</p> <p>5 <b>Q And what was that line of questioning that 1:05:59PM</b></p> <p>6 <b>you --</b></p> <p>7 <b>Do you want to change your testimony on</b></p> <p>8 <b>that question?</b></p> <p>9 MS KLEIN: Objection; form</p> <p>10 THE WITNESS: I have to look at the 1:06:04PM</p> <p>11 questions</p> <p>12 BY MS DOAN:</p> <p>13 <b>Q Okay.</b></p> <p>14 A I think it was something to do with if I</p> <p>15 knew whether they were required to assign -- 1:06:07PM</p> <p>16 <b>Q Okay.</b></p> <p>17 A -- their rights</p> <p>18 <b>Q Okay.</b></p> <p>19 <b>If a graduate student is not working on</b></p> <p>20 <b>sponsored research that requires an assignment of 1:06:17PM</b></p> <p>21 <b>rights, okay, do you know of any graduate student</b></p> <p>22 <b>that has to sign either an assignment of invention</b></p> <p>23 <b>rights or a patent acknowledgement form?</b></p> <p>24 MS KLEIN: Objection; form</p> <p>25 THE WITNESS: I do not know 1:06:31PM</p> <p style="text-align: right;">Page 160</p>
<p>1 BY MS DOAN: 1:04:43PM</p> <p>2 <b>Q And have you ever talked to Martha</b></p> <p>3 <b>Leuhrmann about the '906 or '985 patents?</b></p> <p>4 A No, I have not</p> <p>5 <b>Q Have you ever talked to Martha Leuhrmann 1:04:50PM</b></p> <p>6 <b>about any invention that Dr. Doyle claims that he</b></p> <p>7 <b>invented?</b></p> <p>8 A No, I have not</p> <p>9 <b>Q I want to make sure I'm fully</b></p> <p>10 <b>understanding this. When you tell me that -- 1:05:21PM</b></p> <p>11 <b>When you came back from the break and you</b></p> <p>12 <b>told me you were focusing on students about -- you</b></p> <p>13 <b>were more focused on undergraduate students --</b></p> <p>14 A Yes</p> <p>15 <b>Q Okay. 1:05:31PM</b></p> <p>16 <b>Is there any answer that you want to</b></p> <p>17 <b>change from the previous part of your deposition? I</b></p> <p>18 <b>thought we clarified between undergraduate and</b></p> <p>19 <b>graduate students, so I'm trying to figure out is</b></p> <p>20 <b>there something specifically that you're thinking of 1:05:41PM</b></p> <p>21 <b>that you need to change?</b></p> <p>22 A So there were two instances when we</p> <p>23 discussed the students There were -- there was</p> <p>24 initially, when we clarified we were talking only</p> <p>25 about undergraduate students, and I think later on 1:05:47PM</p> <p style="text-align: right;">Page 159</p>	<p>1 BY MS. DOAN: 1:06:32PM</p> <p>2 <b>Q Does the University of California require</b></p> <p>3 <b>its graduate students who are not working on</b></p> <p>4 <b>sponsored projects, okay, by third parties who would</b></p> <p>5 <b>require it, okay, does the University of 1:06:41PM</b></p> <p>6 <b>California -- strike that. Hold on a second. Make</b></p> <p>7 <b>sure I get the scenario right.</b></p> <p>8 <b>Putting aside any third-party sponsored</b></p> <p>9 <b>research, which would require a patent assignment</b></p> <p>10 <b>form, okay, does the University of California 1:06:53PM</b></p> <p>11 <b>require its graduate students to sign some type of</b></p> <p>12 <b>patent acknowledgement form or an assignment of</b></p> <p>13 <b>invention rights?</b></p> <p>14 A So I know, being a past graduate student,</p> <p>15 I know most of the graduate students are paid on 1:07:08PM</p> <p>16 a -- some sort of fellowship from a grant, which is</p> <p>17 either a grant by NIH or something, in which case</p> <p>18 automatically the sponsor obligation kicks in.</p> <p>19 <b>Q Put those aside.</b></p> <p>20 A But I do not know if there was -- 1:07:20PM</p> <p>21 absolutely if they were paying their way through the</p> <p>22 graduate school and just doing the research. They</p> <p>23 do utilize University resources for doing those</p> <p>24 research and there is always collaborations with</p> <p>25 their PIs, who are basically working on NIH grants 1:07:32PM</p> <p style="text-align: right;">Page 161</p>

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<p>1 and any other sponsor-related grant. 1:07:35PM</p> <p>2 So I don't know exactly if there is a</p> <p>3 requirement for graduate students to sign -- assign</p> <p>4 their rights, so I would say I do not know.</p> <p>5 <b>Q All right. 1:07:45PM</b></p> <p>6 <b>The University of California is not</b></p> <p>7 <b>requiring its graduate students to assign any rights</b></p> <p>8 <b>to any inventions that those graduate students come</b></p> <p>9 <b>up with while they are a student at the University</b></p> <p>10 <b>of California separate and apart from any 1:07:56PM</b></p> <p>11 <b>third-party grant, which may require, obviously, the</b></p> <p>12 <b>assignments of those rights; is that fair?</b></p> <p>13 MS. KLEIN: Objection; form.</p> <p>14 THE WITNESS: If it's in their own time</p> <p>15 and without using any University resources, without 1:08:06PM</p> <p>16 collaborating with someone else, then probably not.</p> <p>17 It's a case specific. I do not know the answer.</p> <p>18 BY MS. DOAN:</p> <p>19 <b>Q Okay.</b></p> <p>20 <b>Is the University of California requiring 1:08:16PM</b></p> <p>21 <b>its undergraduate students who attend the University</b></p> <p>22 <b>and pay good money to attend that institution, who</b></p> <p>23 <b>use the computers of the institution, are they</b></p> <p>24 <b>requiring their grad- -- their undergraduate</b></p> <p>25 <b>students to assign any rights they may have to any 1:08:29PM</b></p> <p style="text-align: right;">Page 162</p>	<p>1 <b>California just because they used their computers? 1:09:09PM</b></p> <p>2 <b>That's not what you're saying, is it?</b></p> <p>3 MS KLEIN: Objection; form Objection;</p> <p>4 asked and answered and objection; beyond the scope</p> <p>5 of the 30(b)(6) 1:09:17PM</p> <p>6 THE WITNESS: I do not know</p> <p>7 BY MS DOAN:</p> <p>8 <b>Q Okay.</b></p> <p>9 <b>Wouldn't that surprise you, that -- if I</b></p> <p>10 <b>was an undergraduate or graduate student and just 1:09:23PM</b></p> <p>11 <b>because I'm using your computer, you think you own</b></p> <p>12 <b>my invention in my brain?</b></p> <p>13 MS KLEIN: Objection; form</p> <p>14 THE WITNESS: I don't believe that they</p> <p>15 are required to, so I don't know that there was a 1:09:32PM</p> <p>16 specific policy addressing that I don't believe</p> <p>17 there is</p> <p>18 BY MS DOAN:</p> <p>19 <b>Q What products is the University contending</b></p> <p>20 <b>that Yahoo makes that infringe any of the claims of 1:09:51PM</b></p> <p>21 <b>the '906 or '985 patents?</b></p> <p>22 MS KLEIN: Objection to form Objection;</p> <p>23 beyond the scope of the 30(b)(6)</p> <p>24 BY MS DOAN:</p> <p>25 <b>Q You can answer. 1:10:02PM</b></p> <p style="text-align: right;">Page 164</p>
<p>1 <b>invention they may have thought about during that 1:08:32PM</b></p> <p>2 <b>time period?</b></p> <p>3 MS KLEIN: Objection; form</p> <p>4 THE WITNESS: I don't believe so</p> <p>5 BY MS DOAN: 1:08:36PM</p> <p>6 <b>Q Okay.</b></p> <p>7 <b>For example, Berkeley doesn't have</b></p> <p>8 <b>anything like that that you know of, does it?</b></p> <p>9 MS KLEIN: Objection; form</p> <p>10 THE WITNESS: I do not know of any campus 1:08:41PM</p> <p>11 that had anything like that</p> <p>12 BY MS DOAN:</p> <p>13 <b>Q Okay.</b></p> <p>14 <b>So, for example, the Experimental</b></p> <p>15 <b>Computing Facility -- 1:08:47PM</b></p> <p>16 <b>You've heard of XCF at Berkeley?</b></p> <p>17 A Yes</p> <p>18 <b>Q The XCF, are you familiar with what I'm</b></p> <p>19 <b>talking about?</b></p> <p>20 A I don't know the exact name, but I know 1:08:55PM</p> <p>21 they have computing facility</p> <p>22 <b>Q You don't know of any requirement that it</b></p> <p>23 <b>had for any of its graduate or undergraduate</b></p> <p>24 <b>students in the 1980s or 1990s to assign the</b></p> <p>25 <b>inventions they came up with to the University of 1:09:07PM</b></p> <p style="text-align: right;">Page 163</p>	<p>1 A I'm not in a position to comment on that. 1:10:02PM</p> <p>2 <b>Q Okay.</b></p> <p>3 <b>Do you know any of the Yahoo products that</b></p> <p>4 <b>the University is claiming infringing any claim of</b></p> <p>5 <b>the '985 or '906 patent? 1:10:11PM</b></p> <p>6 MS. KLEIN: Objection; form. Objection;</p> <p>7 beyond the 30(b)(6).</p> <p>8 THE WITNESS: I cannot comment on that.</p> <p>9 BY MS. DOAN:</p> <p>10 <b>Q Okay. 1:10:17PM</b></p> <p>11 <b>And I know you're saying you can't comment</b></p> <p>12 <b>on it. Do you know of any?</b></p> <p>13 MS. KLEIN: Same objections.</p> <p>14 THE WITNESS: I do not know.</p> <p>15 BY MS. DOAN: 1:10:25PM</p> <p>16 <b>Q Okay.</b></p> <p>17 <b>Do you know of any Amazon products that</b></p> <p>18 <b>the University of California is claiming infringe</b></p> <p>19 <b>any of the claims of the '906 or '985 patents?</b></p> <p>20 MS. KLEIN: Objection; form of the 1:10:36PM</p> <p>21 question. Objection; beyond the 30(b)(6).</p> <p>22 THE WITNESS: I cannot analyze that. I do</p> <p>23 not have that expertise.</p> <p>24 BY MS. DOAN:</p> <p>25 <b>Q And I'm not asking for your expertise. 1:10:44PM</b></p> <p style="text-align: right;">Page 165</p>

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

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<p>1 <b>Q What agreements does the University of California have with Amazon?</b> 1:13:12PM</p> <p>2 MS. KLEIN: Objection; beyond the scope of</p> <p>3 the 30(b)(6), witness not designated on this topic.</p> <p>4 You may answer in your personal capacity. 1:13:20PM</p> <p>5 THE WITNESS: I do not know.</p> <p>6 BY MS. DOAN:</p> <p>7 <b>Q Do you have a Yahoo mail address -- e-mail address?</b></p> <p>8 A I don't use it, but I have it. 1:13:31PM</p> <p>9 <b>Q Okay.</b></p> <p>10 <b>And this is addressed to you personally,</b></p> <p>11 <b>okay, not to the University: Have you ever seen</b></p> <p>12 <b>anything while you were on any of the Yahoo websites</b></p> <p>13 <b>that you think is covered by any of the claims of the '906 or '985 patents?</b> 1:13:45PM</p> <p>14 A I'm not -- I can't address that. I don't</p> <p>15 know.</p> <p>16 <b>Q Okay.</b></p> <p>17 <b>And I have the same question with respect to Amazon. Have you ever been on the Amazon website and bought something?</b> 1:13:57PM</p> <p>18 A Of course.</p> <p>19 <b>Q Okay.</b></p> <p>20 <b>And has your experience been good on the Amazon website?</b> 1:14:02PM</p> <p>21 A Of course, but that's totally unrelated</p> <p>22 <b>Q It is.</b></p> <p>23 <b>So has your experience also been good with respect to the Yahoo website?</b> 1:14:13PM</p> <p>24 A I don't use it much, but, yes, I can't --</p> <p>25 I mean, there is nothing that is not --</p> <p><b>Q You have no complaints against --</b></p> <p>A Yes</p> <p><b>Q -- Yahoo; is that fair?</b> 1:14:21PM</p> <p>A Yes</p> <p><b>Q Okay.</b></p> <p><b>With respect to the Amazon website, have you ever been on a web page that you feel like somehow infringed one of the claims in the '906 or '985 patents?</b> 1:14:26PM</p> <p>MS KLEIN: Objection; beyond the scope and outside the 30(b)(6)</p> <p>BY MS. DOAN:</p> <p><b>Q You can answer.</b> 1:14:33PM</p> <p>A That's not up to me to determine</p> <p><b>Q I understand that.</b></p> <p><b>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</b> 1:14:41PM</p> <p>Page 170</p>	<p>1 <b>infringes one of the University of California's patents"?</b> 1:14:43PM</p> <p>2 MS. KLEIN: Beyond the scope of the</p> <p>3 30(b)(6). Objection; form.</p> <p>4 THE WITNESS: It allows a lot of interactivity, but I don't know if that specifically</p> <p>5 infringes the claims. 1:14:49PM</p> <p>6 BY MS. DOAN:</p> <p>7 <b>Q Okay.</b></p> <p>8 <b>Do you know what type or what specific interactive products that the University of California is claiming that Yahoo makes or uses or serves up that somehow infringe or practice the '906 or '985 patents?</b> 1:14:55PM</p> <p>9 MS. KLEIN: Objection; beyond the scope of the 30(b)(6). 1:15:16PM</p> <p>10 THE WITNESS: I do not know.</p> <p>11 BY MS. DOAN:</p> <p>12 <b>Q Okay.</b></p> <p>13 <b>Have you ever spoken to an individual named Pei Wei?</b> 1:15:29PM</p> <p>14 A No.</p> <p>15 <b>Q Have you ever spoken to an individual named Scott Silvey?</b></p> <p>16 A No. 1:15:39PM</p> <p>Page 172</p>
<p>1 <b>Q Do you know who Pei Wei is?</b> 1:15:39PM</p> <p>2 A I read in the files that he was a student</p> <p>3 at University of Berkeley -- University of</p> <p>4 California, Berkeley.</p> <p>5 <b>Q Okay.</b> 1:15:48PM</p> <p>6 <b>And do you know that he is claiming that he invented the Viola browser, which was prior art to the '906 patent?</b></p> <p>7 MS. KLEIN: Object to the form of the</p> <p>8 question. 1:15:59PM</p> <p>9 THE WITNESS: I've seen that's what he</p> <p>10 claims.</p> <p>11 BY MS. DOAN:</p> <p>12 <b>Q Yes.</b></p> <p>13 <b>When did the University of California first become aware of Pei Wei?</b> 1:16:03PM</p> <p>14 A The administrators in the Technology</p> <p>15 Transfer who were managing the case became aware of</p> <p>16 it during the Microsoft trial.</p> <p>17 But Dr. Doyle had communications with Pei</p> <p>18 Wei prior to that and he had forwarded those</p> <p>19 communications to our outside counsel, who was</p> <p>20 representing University of California, and he looked</p> <p>21 at those communications and...</p> <p>22 <b>Q Was Dr. Doyle the director for the Center</b> 1:16:29PM</p> <p>Page 173</p>	<p>1 <b>Q Do you know who Pei Wei is?</b> 1:15:39PM</p> <p>2 A I read in the files that he was a student</p> <p>3 at University of Berkeley -- University of</p> <p>4 California, Berkeley.</p> <p>5 <b>Q Okay.</b> 1:15:48PM</p> <p>6 <b>And do you know that he is claiming that he invented the Viola browser, which was prior art to the '906 patent?</b></p> <p>7 MS. KLEIN: Object to the form of the</p> <p>8 question. 1:15:59PM</p> <p>9 THE WITNESS: I've seen that's what he</p> <p>10 claims.</p> <p>11 BY MS. DOAN:</p> <p>12 <b>Q Yes.</b></p> <p>13 <b>When did the University of California first become aware of Pei Wei?</b> 1:16:03PM</p> <p>14 A The administrators in the Technology</p> <p>15 Transfer who were managing the case became aware of</p> <p>16 it during the Microsoft trial.</p> <p>17 But Dr. Doyle had communications with Pei</p> <p>18 Wei prior to that and he had forwarded those</p> <p>19 communications to our outside counsel, who was</p> <p>20 representing University of California, and he looked</p> <p>21 at those communications and...</p> <p>22 <b>Q Was Dr. Doyle the director for the Center</b> 1:16:29PM</p> <p>Page 173</p>

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<p>1 of Knowledge and Technology at the University of 1:16:32PM</p> <p>2 California, San Francisco campus while he was having</p> <p>3 those communications with Pei Wei?</p> <p>4 MS KLEIN: Objection; form</p> <p>5 THE WITNESS: I do not know 1:16:42PM</p> <p>6 BY MS DOAN:</p> <p>7 Q Does the University have a policy that if</p> <p>8 a professor or an employee is going to seek a patent</p> <p>9 to the University of California and it knows that a</p> <p>10 student has claimed to invent the same thing first, 1:16:58PM</p> <p>11 does the University of California have a policy that</p> <p>12 that should be reported to the University?</p> <p>13 MS KLEIN: Objection; form</p> <p>14 THE WITNESS: There is no policy, but you</p> <p>15 would expect them to report it 1:17:12PM</p> <p>16 BY MS DOAN:</p> <p>17 Q Okay.</p> <p>18 And if a director of one of the units at</p> <p>19 the University indeed has this knowledge, that</p> <p>20 should be reported to the University. 1:17:23PM</p> <p>21 Would you agree with that?</p> <p>22 MS KLEIN: Objection; form</p> <p>23 THE WITNESS: It should be reported</p> <p>24 BY MS DOAN:</p> <p>25 Q The University would -- would require it 1:17:29PM</p> <p>Page 174</p>	<p>1 to anybody at all, either within the University or 1:19:21PM</p> <p>2 outside the University, about Topic Number 1 to</p> <p>3 learn the information to be able to testify on</p> <p>4 behalf of the University of California?</p> <p>5 MS. KLEIN: Objection to the form. 1:19:32PM</p> <p>6 THE WITNESS: No.</p> <p>7 BY MS. DOAN:</p> <p>8 Q When you say the depositions in the</p> <p>9 Microsoft case, what are they?</p> <p>10 A They were for the previous two licensing 1:19:41PM</p> <p>11 associate and associate director who had managed the</p> <p>12 case prior to it was transferred to me.</p> <p>13 Q Okay.</p> <p>14 So the licensing individuals at University</p> <p>15 of California in the Microsoft case, that's what you 1:19:53PM</p> <p>16 reviewed?</p> <p>17 A The licensing individuals who were</p> <p>18 managing the Eolas case at the University before it</p> <p>19 was transferred to our office.</p> <p>20 Q Okay. 1:20:05PM</p> <p>21 A It was being managed by the central</p> <p>22 office, the office -- University of California had a</p> <p>23 Central Office of Technology Transfer, which used to</p> <p>24 manage all of UC technologies. And then slowly,</p> <p>25 each campus evolved to have its own Technology 1:20:16PM</p> <p>Page 176</p>
<p>1 to be reported, would they not? 1:17:31PM</p> <p>2 A It should be reported to the University.</p> <p>3 MS. KLEIN: Objection; form.</p> <p>4 BY MS. DOAN:</p> <p>5 Q What documents is the University aware of 1:18:06PM</p> <p>6 that Pei Wei provided to Dr. Doyle prior to the</p> <p>7 University of California applying for the '906</p> <p>8 patent?</p> <p>9 MS. KLEIN: Objection; form.</p> <p>10 THE WITNESS: Prior to the University 1:18:23PM</p> <p>11 applying?</p> <p>12 BY MS. DOAN:</p> <p>13 Q Yes, ma'am.</p> <p>14 A I do not know.</p> <p>15 Q On Topic 1 and 2 of Exhibit Number 1 -- 1:18:37PM</p> <p>16 On Topic Number 1 --</p> <p>17 A Yes.</p> <p>18 Q -- just Number 1, Topic Number 1, Exhibit</p> <p>19 Number 1, what documents did you review in order to</p> <p>20 be able to testify on behalf of the University of 1:18:58PM</p> <p>21 California here today?</p> <p>22 A I reviewed the depositions that were done</p> <p>23 in Microsoft trial, I reviewed the case files, and I</p> <p>24 reviewed the license agreements.</p> <p>25 Q Other than your counsel, have you talked 1:19:19PM</p> <p>Page 175</p>	<p>1 Transfer office. 1:20:20PM</p> <p>2 Q And prior to this file being transferred</p> <p>3 to your office in 2008, it was located at the UC</p> <p>4 Central Office of Technology Transfer; is that</p> <p>5 right? 1:20:29PM</p> <p>6 A Yes.</p> <p>7 Q And you reviewed the two depositions of</p> <p>8 other licensing agents that worked at the Central</p> <p>9 Office of Technology Transfer to prepare for today</p> <p>10 with respect to Topic Number 1; is that right? 1:20:40PM</p> <p>11 A Yes, and --</p> <p>12 MS. KLEIN: Objection; form.</p> <p>13 THE WITNESS: -- Alan Bennett.</p> <p>14 BY MS. DOAN:</p> <p>15 Q And Alan Bennett. 1:20:45PM</p> <p>16 Anybody else?</p> <p>17 A That's it.</p> <p>18 Q What case files did you review to prepare</p> <p>19 yourself for Topic Number 1?</p> <p>20 A So I had some important -- the relevant 1:20:56PM</p> <p>21 documents that were prepared for the files, so I</p> <p>22 looked at those.</p> <p>23 In the relevant documents, there was some</p> <p>24 information about marketing of the case and there</p> <p>25 was some information about the prior licensing 1:21:07PM</p> <p>Page 177</p>

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

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<p>1           <b>What else would be in that file?</b>           <b>1:24:42PM</b></p> <p>2       A   That's it</p> <p>3           <b>Q   Is there any correspondence between Yahoo</b></p> <p>4 <b>and the University of California in that file?</b></p> <p>5           MS KLEIN: Objection; form           1:24:50PM</p> <p>6           THE WITNESS: Not that I've seen</p> <p>7   BY MS DOAN:</p> <p>8           <b>Q   Is there any correspondence between Amazon</b></p> <p>9 <b>and the University of California in that file?</b></p> <p>10          MS KLEIN: Objection; form           1:24:57PM</p> <p>11          THE WITNESS: Not that I've seen any</p> <p>12   BY MS DOAN:</p> <p>13          <b>Q   Is there any correspondence between Google</b></p> <p>14 <b>or YouTube and the University of California in your</b></p> <p>15 <b>case files?</b>                                       <b>1:25:06PM</b></p> <p>16          MS KLEIN: Objection; form</p> <p>17          THE WITNESS: Not in my case files</p> <p>18   BY MS DOAN:</p> <p>19          <b>Q   Are there any files that you have that</b></p> <p>20 <b>contain any correspondence between the University of</b>   <b>1:25:12PM</b></p> <p>21 <b>California and any of the Defendants in this case?</b></p> <p>22          MS KLEIN: Objection; form</p> <p>23          THE WITNESS: I know that Google's counsel</p> <p>24   had called our counsel and there was a discussion</p> <p>25   I did not participate in that                       1:25:24PM</p> <p style="text-align: right;">Page 182</p>	<p>1           <b>with counsel?</b>                                       <b>1:26:18PM</b></p> <p>2       A   With counsel and there was a little bit of</p> <p>3   communication in the file</p> <p>4           <b>Q   Okay.</b></p> <p>5           <b>What communication did you review that was</b>   <b>1:26:23PM</b></p> <p>6 <b>in the file?</b></p> <p>7       A   It was a copy of e-mail exchange between</p> <p>8   Mike Doyle and Pei Wei</p> <p>9           <b>Q   And those e-mails are from the '93, '94,</b></p> <p>10 <b>'95 timeframe --</b>                                       <b>1:26:40PM</b></p> <p>11          MS KLEIN: Objection; form</p> <p>12   BY MS DOAN:</p> <p>13          <b>Q   -- is that fair?</b></p> <p>14       A   Yes</p> <p>15          <b>Q   Did you see anything after that timeframe,</b>   <b>1:26:43PM</b></p> <p>16 <b>like more recently, between Michael Doyle and Pei</b></p> <p>17 <b>Wei or any correspondence involving Pei Wei that</b></p> <p>18 <b>was, say, more recent, within the last maybe 10</b></p> <p>19 <b>years?</b></p> <p>20       A   I have not seen any                                       1:26:55PM</p> <p>21          <b>Q   Have you ever seen a copy of the Viola</b></p> <p>22 <b>browser?</b></p> <p>23       A   No, I have not</p> <p>24          <b>Q   Have you ever used the Viola browser?</b></p> <p>25       A   No, I have not                                       1:27:04PM</p> <p style="text-align: right;">Page 184</p>
<p>1   BY MS DOAN:                                       1:25:26PM</p> <p>2           <b>Q   And when was that?</b></p> <p>3       A   About a month or two months ago, something</p> <p>4   like that</p> <p>5           <b>Q   Other than that, is there anything else</b>   <b>1:25:35PM</b></p> <p>6 <b>located in those files between the University of</b></p> <p>7 <b>California and any of the Defendants?</b></p> <p>8       A   I'm not aware of any</p> <p>9          MS KLEIN: Objection; form</p> <p>10   BY MS DOAN:                                       1:25:44PM</p> <p>11          <b>Q   Let's go to Topic Number 3, 4, and 5.</b></p> <p>12          <b>What files did you review to prepare --</b></p> <p>13 <b>well, strike that.</b></p> <p>14          <b>What did you do to prepare for Topics 3,</b></p> <p>15 <b>4, and 5 to be able to testify here today?</b>           <b>1:26:01PM</b></p> <p>16       A   I talked to my counsel --</p> <p>17          <b>Q   Okay.</b></p> <p>18       A   -- and --</p> <p>19          <b>Q   Is all the information you learned from</b></p> <p>20 <b>Topics 3, 4 --</b>                                       <b>1:26:10PM</b></p> <p>21          MS KLEIN: Objection; form   Please let</p> <p>22   her finish her answer</p> <p>23   BY MS DOAN:</p> <p>24          <b>Q   Is all the information that you learned</b></p> <p>25 <b>from Topics 3, 4, and 5 from conversations you had</b>   <b>1:26:15PM</b></p> <p style="text-align: right;">Page 183</p>	<p>1           <b>Q   Were you aware of the Viola browser before</b>   <b>1:27:05PM</b></p> <p>2 <b>this lawsuit?</b></p> <p>3       A   Before the current lawsuit?</p> <p>4           <b>Q   Yes, ma'am.</b></p> <p>5       A   It was in the files, because it came up           1:27:13PM</p> <p>6   during the Microsoft trial</p> <p>7           <b>Q   Okay.</b></p> <p>8           <b>Do you know if the University of</b></p> <p>9 <b>California was aware of the Viola browser prior to</b></p> <p>10 <b>the Microsoft trial?</b>                                       <b>1:27:22PM</b></p> <p>11          MS KLEIN: Objection; form</p> <p>12          THE WITNESS: The outside counsel had some</p> <p>13   communications, so he knew about it, I guess</p> <p>14   BY MS DOAN:</p> <p>15          <b>Q   When did the University of California</b>   <b>1:27:31PM</b></p> <p>16 <b>first learn about the Viola browser?</b></p> <p>17          MS KLEIN: Objection; form</p> <p>18          THE WITNESS: If you consider the outside</p> <p>19   counsel, I don't know the exact date, but the</p> <p>20   University of California administrators came to know   1:27:41PM</p> <p>21   during the Microsoft trial</p> <p>22   BY MS DOAN:</p> <p>23          <b>Q   Okay.</b></p> <p>24           <b>Is it the University of California's</b></p> <p>25 <b>testimony that they did not know about the Viola</b>   <b>1:27:48PM</b></p> <p style="text-align: right;">Page 185</p>

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<p>1 browser prior to the dispute with Microsoft in 1999 1:27:51PM 2 to 2005?</p> <p>3 MS KLEIN: Objection; form 4 THE WITNESS: The administrators didn't 5 know about it 1:28:04PM 6 BY MS DOAN: 7 Q I'm sorry? 8 A The administrators who were managing the 9 case did not know about it 10 Q Do you know who Tim Berners-Lee is? 1:28:16PM 11 A Who? 12 Q Tim Berners-Lee. 13 A No 14 Q Do you know if Pei Wei has -- 15 Have you ever read anything about Pei Wei 1:28:26PM 16 other than the correspondence that you have in your 17 file between Pei Wei and Michael Doyle? 18 A No 19 Q Do you know where Pei Wei was when he 20 developed the Viola browser? 1:28:45PM 21 MS KLEIN: Objection; form 22 THE WITNESS: No 23 BY MS DOAN: 24 Q I'm assuming that the University of 25 California doesn't know anything about Pei Wei's 1:28:53PM</p> <p>Page 186</p>	<p>1 MS. KLEIN: Objection; form. 1:29:51PM 2 THE WITNESS: I do not know. 3 BY MS. DOAN: 4 Q Have you ever seen any documents that the 5 University of California submitted to the patent 1:29:58PM 6 office during the patent prosecution of the '906 7 patent that would reflect disclosure of Pei Wei's 8 invention or the Viola browser? 9 MS. KLEIN: Objection to the form of the 10 question. 1:30:11PM 11 THE WITNESS: I do not know. 12 BY MS. DOAN: 13 Q What review have the Regents of the 14 University of California conducted with respect to 15 when the Viola browser was invented? 1:30:30PM 16 A I don't know if you need to do -- we have 17 not done any review, at least that I'm aware of, and 18 I don't know why we would need to do a review of it. 19 Q I'm not asking you why you would need to, 20 okay? 1:30:49PM 21 A Okay. 22 Q I'm on Topic Number 4, which -- 23 A Okay. 24 Q -- asks about the review or analysis, 25 okay? 1:30:52PM</p> <p>Page 188</p>
<p>1 employment history; is that fair? 1:28:54PM 2 A I know that he was enrolled at UC 3 Berkeley. 4 Q Right. 5 A But I don't know if he specifically 1:29:00PM 6 invented the -- allegedly invented the Viola browser 7 when he was there. I don't know that. 8 Q Does the University of California contend 9 that somebody else other than Pei Wei invented the 10 Viola browser or developed the Viola browser? 1:29:14PM 11 MS. KLEIN: Objection; form, beyond the 12 scope of the 30(b)(6). 13 THE WITNESS: I don't know. 14 BY MS. DOAN: 15 Q You said "allegedly invented the Viola 1:29:23PM 16 browser." I just didn't know -- 17 A I just have no idea if he invented it. He 18 claims to say that he invented it, but I don't know 19 if you've done any specific analysis or had 20 discussions with him about it, and I believe that it 1:29:35PM 21 was submitted to the patent office for review. 22 Q Do you know if the Viola browser or any 23 information about Pei Wei was sent to the -- the 24 patent -- patent office during the patent 25 prosecution of the '906 patent? 1:29:48PM</p> <p>Page 187</p>	<p>1 A Okay 1:30:53PM 2 Q So what review has the University of 3 California done with respect to the invention or the 4 development of the Viola browser? 5 MS KLEIN: Objection; form 1:31:01PM 6 THE WITNESS: I'm not aware of any I 7 don't think we were ever contacted directly by Pei 8 Wei 9 BY MS DOAN: 10 Q The second part of my question -- 1:31:15PM 11 I asked you about your review, so the 12 second part of the question is: What analysis has 13 the University of California engaged in with respect 14 to the Viola browser -- 15 MS KLEIN: Object -- 1:31:27PM 16 BY MS DOAN: 17 Q -- and when it was first developed? 18 MS KLEIN: I'm going to object to the 19 form of the question 20 THE WITNESS: So again, we've not done any 1:31:32PM 21 analysis, but patent office did the analysis, I 22 believe 23 BY MS DOAN: 24 Q And did the University of California 25 submit any documents with respect to the '906 patent 1:31:38PM</p> <p>Page 189</p>

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<p>1 prosecution with respect to the Viola browser? 1:31:43PM</p> <p>2 MS. KLEIN: Objection; form.</p> <p>3 THE WITNESS: I do not know.</p> <p>4 BY MS. DOAN:</p> <p>5 Q Did the University of California ever tell 1:31:49PM</p> <p>6 the United States Patent Office that Pei Wei told</p> <p>7 Michael Doyle and claimed to have invented the</p> <p>8 technology of the '906 patent first?</p> <p>9 MS. KLEIN: Objection to the form of the</p> <p>10 question. 1:32:03PM</p> <p>11 THE WITNESS: I do not know, but it's been</p> <p>12 through patent office. Patent office has</p> <p>13 reviewed --</p> <p>14 BY MS. DOAN:</p> <p>15 Q I understand. 1:32:08PM</p> <p>16 A -- the Viola browser.</p> <p>17 Q Did the University of California ever tell</p> <p>18 the patent office during the patent prosecution of</p> <p>19 the '906 patent, as opposed to reexamination --</p> <p>20 A I do not know. 1:32:17PM</p> <p>21 MS. KLEIN: Objection; form, beyond the</p> <p>22 scope of the 30(b)(6).</p> <p>23 THE WITNESS: I do not know.</p> <p>24 BY MS. DOAN:</p> <p>25 Q I'm trying to state it for the record if 1:32:23PM</p> <p style="text-align: right;">Page 190</p>	<p>1 publishing? 1:33:35PM</p> <p>2 A No, I'm not.</p> <p>3 Q Has the University of California ever</p> <p>4 spoken with Dale Dougherty or Tim O'Reilly about the</p> <p>5 Viola browser or the -- its priority to the '906 1:33:44PM</p> <p>6 patent?</p> <p>7 A I do not know.</p> <p>8 Q How many documents would you say that you</p> <p>9 reviewed with respect to Topics 3, 4, and 5?</p> <p>10 I know you were talking about 1:34:06PM</p> <p>11 correspondence and...</p> <p>12 A Just specifically with 3, 4, and 5?</p> <p>13 Q Yes, ma'am, just those three topics.</p> <p>14 A There were just a few e-mails and few</p> <p>15 pages. It wasn't a lot. 1:34:20PM</p> <p>16 Q Those are the ones we're talking about</p> <p>17 from the '93 to '95 timeframe?</p> <p>18 A Yes.</p> <p>19 Q Is there anything else that you did to</p> <p>20 prepare for Topics 3, 4, and 5? 1:34:26PM</p> <p>21 MS. KLEIN: Objection; form.</p> <p>22 THE WITNESS: That was all the information</p> <p>23 we had, so that's all the information I looked at.</p> <p>24 BY MS. DOAN:</p> <p>25 Q Did you look at any of the documents from 1:34:36PM</p> <p style="text-align: right;">Page 192</p>
<p>1 that's okay, because I think we're all breaking up. 1:32:25PM</p> <p>2 Did the University of California ever tell</p> <p>3 the United States Patent Office that Pei Wei claimed</p> <p>4 to have invented the technology that Michael Doyle</p> <p>5 is claiming is in the '906 patent during the patent 1:32:35PM</p> <p>6 prosecution of the '906 patent?</p> <p>7 MS. KLEIN: Object to the form of the</p> <p>8 question and beyond the scope of the 30(b)(6).</p> <p>9 THE WITNESS: I do not know.</p> <p>10 BY MS. DOAN: 1:32:47PM</p> <p>11 Q Have the University of California Regents</p> <p>12 ever conducted a review or analysis as to whether</p> <p>13 Pei Wei invented the Viola browser before Michael</p> <p>14 Doyle applied for the '906 patent?</p> <p>15 MS. KLEIN: Objection; form. 1:33:05PM</p> <p>16 THE WITNESS: Not that I know of.</p> <p>17 BY MS. DOAN:</p> <p>18 Q Has the University of California ever</p> <p>19 spoken to anyone at O'Reilly book publishing about</p> <p>20 the Viola browser or Pei Wei or Scott Silvey's 1:33:21PM</p> <p>21 invention?</p> <p>22 A O'Reilly --</p> <p>23 Q O'Reilly book publishing.</p> <p>24 A I don't know that. I don't know.</p> <p>25 Q You're not familiar with O'Reilly book 1:33:33PM</p> <p style="text-align: right;">Page 191</p>	<p>1 the XCF lab at University of California, Berkeley to 1:34:39PM</p> <p>2 prepare for Topics 3, 4, and 5?</p> <p>3 MS. KLEIN: Objection; form</p> <p>4 THE WITNESS: I did not</p> <p>5 BY MS. DOAN: 1:34:51PM</p> <p>6 Q Are you prepared, as you sit here today,</p> <p>7 to testify on behalf of the University of California</p> <p>8 with respect to the documents that the University of</p> <p>9 California has produced on Topics 3, 4, and 5?</p> <p>10 MS. KLEIN: Objection; form, beyond the 1:35:03PM</p> <p>11 scope of the 30(b)(6)</p> <p>12 THE WITNESS: I have done my best to</p> <p>13 review the documents, but I have not looked at</p> <p>14 specific documents that were generated at the</p> <p>15 Berkeley computing facility 1:35:17PM</p> <p>16 BY MS. DOAN:</p> <p>17 Q And I'm just trying to figure out what you</p> <p>18 reviewed and not reviewed.</p> <p>19 A Okay</p> <p>20 Q Have you talked to anybody else other than 1:35:23PM</p> <p>21 your counsel about Topics 3, 4, and 5 to learn the</p> <p>22 information about whether Pei Wei invented the Viola</p> <p>23 browser prior to the '906 patent application?</p> <p>24 A I've talked to my counsel</p> <p>25 Q Anybody else you have talked to? 1:35:42PM</p> <p style="text-align: right;">Page 193</p>

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

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<p>1 THE WITNESS: Yes, we have. It has come 1:39:36PM  2 up because of sometimes you need documents for cases  3 and the inventors are gone, so you are looking for  4 documents. Or sometimes it's H.R. matters, so you  5 look into that. 1:39:46PM  6 So it has come up repeatedly, but we have  7 not discussed specifically with this -- related to  8 this case.  9 BY MS. DOAN:  10 <b>Q What is the University of California's 1:39:55PM</b>  11 <b>document retention policy?</b>  12 MS. KLEIN: Object to the form of the  13 question.  14 THE WITNESS: Which exact documents you're  15 talking about? Because it's different in H.R. as 1:40:03PM  16 compared to in our office, where the -- if there is  17 a patent, the documents are retained for much longer  18 time. There is different depending on what  19 documents you're talking about.  20 BY MS. DOAN: 1:40:17PM  21 <b>Q With respect to the matters that would be</b>  22 <b>affected in the Eolas litigation, what is the</b>  23 <b>University of California's document retention</b>  24 <b>policy?</b>  25 A The document retention policy would be to 1:40:27PM</p> <p style="text-align: right;">Page 198</p>	<p>1 <b>hold notice on behalf of the University of 1:41:18PM</b>  2 <b>California with respect to the Eolas matters?</b>  3 A So the counsel identified all the relevant  4 people. There were people in the library, there was  5 some people in H.R., there were people in my office, 1:41:28PM  6 as well as at other campuses that somehow were  7 related to the case.  8 <b>Q Do you know of any other campuses that are</b>  9 <b>related to the Eolas litigation other than the</b>  10 <b>University of California, San Francisco? 1:41:43PM</b>  11 MS. KLEIN: Objection; form.  12 THE WITNESS: Can I disclose that?  13 MS. KLEIN: You can disclose the --  14 BY MS. DOAN:  15 <b>Q You can answer the question. 1:41:50PM</b>  16 MS. KLEIN: -- campuses to which the --  17 She's asking because it's based on  18 conversations with counsel.  19 You may disclose the campuses to which  20 litigation hold notices were sent. 1:41:57PM  21 THE WITNESS: It was UC Berkeley and  22 Los Alamos Laboratory.  23 BY MS. DOAN:  24 <b>Q UC Berkeley received a litigation hold</b>  25 <b>notice, Los Alamos Laboratories received a hold 1:42:08PM</b></p> <p style="text-align: right;">Page 200</p>
<p>1 retain the documents related to the license 1:40:30PM  2 agreement and patent prosecution as long as the  3 patent is active and the license agreement is still  4 effective.  5 <b>Q Does the University of California maintain 1:40:41PM</b>  6 <b>all of its files from the Microsoft litigation?</b>  7 MS. KLEIN: Object to the form of the  8 question.  9 THE WITNESS: I do not know. Do we  10 have -- we work through the outside counsel, so I'm 1:40:51PM  11 presuming that the files would be with outside  12 counsel.  13 BY MS. DOAN:  14 <b>Q Do you know of any documents the</b>  15 <b>University of California has destroyed that were 1:40:59PM</b>  16 <b>related to or created during the Microsoft</b>  17 <b>litigation?</b>  18 A No.  19 <b>Q Have you received a litigation hold</b>  20 <b>notice? 1:41:09PM</b>  21 A Yes.  22 <b>Q And is it contained in the documents that</b>  23 <b>you have reviewed?</b>  24 A Yes.  25 <b>Q How many people have received a litigation 1:41:16PM</b></p> <p style="text-align: right;">Page 199</p>	<p>1 <b>notice, and who else? 1:42:11PM</b>  2 A And UCSF.  3 <b>Q Are there any other University of</b>  4 <b>California campuses that received a litigation hold</b>  5 <b>notice? 1:42:17PM</b>  6 A I can't recall.  7 <b>Q Have you rec--</b>  8 <b>Have you, yourself, viewed the litigation</b>  9 <b>hold notices that were issued to the University of</b>  10 <b>California, Berkeley? 1:42:26PM</b>  11 A It was the same litigation notice that  12 went to everyone.  13 <b>Q Have you seen it yourself, the --</b>  14 A Yes.  15 <b>Q -- one that went to the University of 1:42:33PM</b>  16 <b>California, Berkeley?</b>  17 A I have seen the litigation notice on which  18 everyone was copied, yes, I have seen that.  19 <b>Q When was the litigation hold notice sent</b>  20 <b>to Los Alamos National Laboratories? 1:42:43PM</b>  21 A So there was one sent out by our -- by  22 Marty Simpson in -- I want to say right after the  23 subpoena was served on -- June 2010, and then there  24 was one sent by the outside counsel sometime in  25 2011. I don't recall when. So there were two 1:43:02PM</p> <p style="text-align: right;">Page 201</p>

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<p>1 different litigation hold notices. 1:43:05PM</p> <p>2 <b>Q Did the University of California send out</b></p> <p>3 <b>any litigation hold notices when this lawsuit was</b></p> <p>4 <b>filed upon which the University of California is the</b></p> <p>5 <b>patent holder in October of 2009? 1:43:15PM</b></p> <p>6 MS. KLEIN: Object to the form of the</p> <p>7 question.</p> <p>8 THE WITNESS: Not that I'm aware of. Not</p> <p>9 in October 2009.</p> <p>10 BY MS. DOAN: 1:43:26PM</p> <p>11 <b>Q You understand the University of</b></p> <p>12 <b>California is the patent holder of the '906 and '985</b></p> <p>13 <b>patents? That's what the University of California</b></p> <p>14 <b>is claiming, correct?</b></p> <p>15 A Yes. 1:43:33PM</p> <p>16 <b>Q Okay.</b></p> <p>17 <b>And you understand that the lawsuit was</b></p> <p>18 <b>filed against my clients and the rest of the</b></p> <p>19 <b>Defendants in October 2009; is that correct?</b></p> <p>20 A Yes. 1:43:41PM</p> <p>21 <b>Q And you're telling --</b></p> <p>22 <b>You're testifying that the University of</b></p> <p>23 <b>California did not send out a hold notice until</b></p> <p>24 <b>2010?</b></p> <p>25 A That's when I saw it first, yes. 1:43:51PM</p> <p style="text-align: right;">Page 202</p>	<p>1 consultant after that to collect all the documents 1:44:45PM</p> <p>2 and I don't believe that the consultant felt that</p> <p>3 there was any sort of noncompliance with the notice</p> <p>4 BY MS. DOAN:</p> <p>5 <b>Q Who was -- 1:44:54PM</b></p> <p>6 A We would take it very seriously</p> <p>7 <b>Q Who was the consultant that the University</b></p> <p>8 <b>of California hired?</b></p> <p>9 A Bill Baker</p> <p>10 <b>Q Do you see Topic Number 11? 1:45:03PM</b></p> <p>11 A Yes</p> <p>12 <b>Q And you're prepared to testify about Topic</b></p> <p>13 <b>Number 11 here today, are you not?</b></p> <p>14 A Yes</p> <p>15 <b>Q Do you know what steps Mr. Baker went to 1:45:13PM</b></p> <p>16 <b>to ensure that the litigation hold notice was</b></p> <p>17 <b>complied with?</b></p> <p>18 MS. KLEIN: Object to the form of the</p> <p>19 question</p> <p>20 THE WITNESS: He looked through all the 1:45:21PM</p> <p>21 files that we had, both the hard-copy files and he</p> <p>22 went through the computers of everyone in the office</p> <p>23 who would ever have received any Eolas communication</p> <p>24 at all, including Joel Kirschbaum, who actually</p> <p>25 doesn't manage the case, but sometimes I do forward 1:45:39PM</p> <p style="text-align: right;">Page 204</p>
<p>1 <b>Q And it wasn't until the University of 1:43:53PM</b></p> <p>2 <b>California received a subpoena?</b></p> <p>3 A That's what I know of, yes.</p> <p>4 <b>Q Do you know if the Office of Charitable</b></p> <p>5 <b>Giving at the University of California has received 1:44:02PM</b></p> <p>6 <b>a litigation hold notice?</b></p> <p>7 MS. KLEIN: Objection; form.</p> <p>8 THE WITNESS: Office of Charitable Giving?</p> <p>9 I would have to look at the litigation notice. I</p> <p>10 don't remember. 1:44:14PM</p> <p>11 BY MS. DOAN:</p> <p>12 <b>Q Do you know of any relationship between</b></p> <p>13 <b>the University of California and Yahoo?</b></p> <p>14 MS. KLEIN: Objection to the form, beyond</p> <p>15 the scope of the 30(b)(6). 1:44:21PM</p> <p>16 THE WITNESS: I do not know any</p> <p>17 relationship.</p> <p>18 BY MS. DOAN:</p> <p>19 <b>Q How does the University of California</b></p> <p>20 <b>determine, when a litigation hold notice is sent, 1:44:32PM</b></p> <p>21 <b>whether indeed it's been complied with?</b></p> <p>22 MS. KLEIN: Object to the form of the</p> <p>23 question, beyond the scope of the 30(b)(6).</p> <p>24 THE WITNESS: I mean, you would know that</p> <p>25 everyone would respect that, because we hired a 1:44:43PM</p> <p style="text-align: right;">Page 203</p>	<p>1 him some e-mails and I told him that. So that's why 1:45:41PM</p> <p>2 he went through Joel Kirschbaum's computer, as well,</p> <p>3 and our business manager, who does all the patent</p> <p>4 prosecution and financial stuff. So he went through</p> <p>5 his computer and he went through mine. So that's 1:45:53PM</p> <p>6 what he did.</p> <p>7 BY MS. DOAN:</p> <p>8 <b>Q And when did he do all this? In 2010?</b></p> <p>9 A I don't remember the exact date. Last</p> <p>10 year sometime. 1:46:07PM</p> <p>11 <b>Q Was it 2011?</b></p> <p>12 A Early, yes. I want to say that, but I'm</p> <p>13 not sure of the exact date.</p> <p>14 <b>Q When were the documents gathered and ready</b></p> <p>15 <b>to be produced on behalf of the University of 1:46:15PM</b></p> <p>16 <b>California? You can ballpark it for me.</b></p> <p>17 MS. KLEIN: Objection to the form of the</p> <p>18 question, beyond the scope of the 30(b)(6),</p> <p>19 testified about yesterday with Mr. Baker.</p> <p>20 THE WITNESS: The documents are available 1:46:26PM</p> <p>21 any time.</p> <p>22 BY MS. DOAN:</p> <p>23 <b>Q Okay.</b></p> <p>24 A They are in the office.</p> <p>25 <b>Q And I'm hearing you say -- I think I'm 1:46:32PM</b></p> <p style="text-align: right;">Page 205</p>

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<p>1 talking about something a little bit different, 1:46:33PM  2 okay?  3 So you're telling me about Bill Baker  4 going through and reviewing the documents and  5 getting them ready to be produced in this 1:46:38PM  6 litigation.  7 A Yes.  8 Q Okay.  9 And he ensured that the litigation hold  10 notice was complied with? 1:46:44PM  11 A Yes.  12 Q When did he have the documents ready to be  13 produced?  14 MS. KLEIN: Object to the form, beyond the  15 scope of the 30(b)(6). 1:46:50PM  16 THE WITNESS: I don't understand, because  17 the documents were there in the office, so --  18 BY MS. DOAN:  19 Q When did Mr. Baker gather the documents  20 and have them ready for production? 1:47:00PM  21 MS. KLEIN: Object to the form of the  22 question, beyond the scope of the 30(b)(6).  23 BY MS. DOAN:  24 Q If you don't know, it's okay.  25 A I don't remember the exact date. 1:47:06PM  Page 206</p>	<p>1 California was directed to preserve the documents? 1:47:49PM  2 MS KLEIN: Object to the form of the  3 question  4 THE WITNESS: When the first litigation  5 notice hold went out? 1:47:58PM  6 BY MS. DOAN:  7 Q Yes, Topic Number 10.  8 Do you know the first date the University  9 of California was directed to preserve documents?  10 MS KLEIN: Object to the form 1:48:07PM  11 THE WITNESS: If I recall correctly, it  12 was in June 2010, but I do not know the exact date  13 BY MS. DOAN:  14 Q So University of California was directed  15 to hold documents in roughly June 2010, is that -- 1:48:17PM  16 with respect to this litigation?  17 A As far as I know  18 MS KLEIN: Object to form  19 BY MS. DOAN:  20 Q Do you know of any reason why the 1:48:25PM  21 University of California withheld documents and  22 produced 350,000 documents from the University of  23 California, Berkeley in December 2011?  24 MS KLEIN: Object to the form of the  25 question and beyond the scope of the 30(b)(6) 1:48:35PM  Page 208</p>
<p>1 Q Okay. 1:47:07PM  2 Do you know why the University of  3 California produced 350,000 documents last month  4 from the XCF laboratories from the University of  5 California, Berkeley? 1:47:17PM  6 MS. KLEIN: Object to the form of the  7 question, beyond the scope of the 30(b)(6).  8 THE WITNESS: I do not know.  9 BY MS. DOAN:  10 Q Do you know when the University of 1:47:23PM  11 California, Berkeley's files were indeed searched  12 for responsive documents?  13 MS. KLEIN: Object to the form of the  14 question.  15 THE WITNESS: I would presume that Bill 1:47:29PM  16 Baker, at the time he did collect documents at UCSF,  17 that he would have gone to UC Berkeley, as well.  18 BY MS. DOAN:  19 Q Do you know what documents were gathered  20 from the University of California, Berkeley? 1:47:39PM  21 MS. KLEIN: Object to the form of the  22 question, beyond the scope of the 30(b)(6).  23 THE WITNESS: No, I do not know.  24 BY MS. DOAN:  25 Q Do you know what date the University of 1:47:47PM  Page 207</p>	<p>1 THE WITNESS: I do not. 1:48:37PM  2 BY MS. DOAN:  3 Q Do you know what -- or strike that.  4 What steps were taken by the University of  5 California to ensure that no documents were 1:48:47PM  6 destroyed at the University of California, Berkeley  7 with respect to this litigation?  8 A By sending out the litigation hold from  9 the Office of General Counsel.  10 Q What steps did the University of 1:49:05PM  11 California engage in to look for prior art to be  12 submitted to the United States Patent Office with  13 respect to the '906 and '985 patents?  14 MS. KLEIN: Object to the form of the  15 question, beyond the scope of the 30(b)(6). 1:49:15PM  16 BY MS. DOAN:  17 Q You can answer.  18 A So that would be done by the outside  19 counsel or by the inventors if they became aware of  20 the prior art. They would -- obviously, after that, 1:49:24PM  21 you disclose it to the patent office.  22 Q Sure.  23 Who applied for the patent? Was it the  24 University of California? The '906 patent.  25 A Yes, the University of California applied. 1:49:35PM  Page 209</p>

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<p>1 MS. KLEIN: Objection to form 1:53:38PM</p> <p>2 THE WITNESS: 2009? I don't believe so</p> <p>3 It was not 2009</p> <p>4 BY MS. DOAN:</p> <p>5 <b>Q Do you know what year it was?</b> 1:53:44PM</p> <p>6 A I don't know I want to say it was 2010</p> <p>7 or later than that, but I don't know the exact date</p> <p>8 <b>Q So you don't know --</b></p> <p>9 <b>On behalf of the University of California,</b></p> <p>10 <b>you don't know when the University of California</b> 1:53:57PM</p> <p>11 <b>decided to become a Plaintiff in this litigation; is</b></p> <p>12 <b>that fair?</b></p> <p>13 MS. KLEIN: Objection to form</p> <p>14 BY MS. DOAN:</p> <p>15 <b>Q Have I got that right?</b> 1:54:03PM</p> <p>16 MS. KLEIN: You asked for a document</p> <p>17 THE WITNESS: I could -- I could look at</p> <p>18 my e-mails and figure out, but I don't remember the</p> <p>19 exact date right now</p> <p>20 BY MS. DOAN: 1:54:11PM</p> <p>21 <b>Q Do you think you have an e-mail that</b></p> <p>22 <b>states when the University of California decided to</b></p> <p>23 <b>become a Plaintiff in this case?</b></p> <p>24 A I don't -- I know that there were</p> <p>25 communications with the counsel where they decided, 1:54:19PM</p> <p style="text-align: right;">Page 214</p>	<p>1 MS. DOAN: No. 1:55:14PM</p> <p>2 BY MS. DOAN:</p> <p>3 <b>Q I'm referring to Roman Numeral III, Part</b></p> <p>4 <b>A, on page 3 of 8.</b></p> <p>5 MS. KLEIN: I'm going to object to the 1:55:20PM</p> <p>6 questioning of a witness about a document that</p> <p>7 hasn't been marked.</p> <p>8 BY MS. DOAN:</p> <p>9 <b>Q Can you review that document, please,</b></p> <p>10 <b>ma'am?</b> 1:55:29PM</p> <p>11 A Sorry. Which one are you asking?</p> <p>12 <b>Q Sure. It's page 3 of 8, and I'm talking</b></p> <p>13 <b>about paragraph Roman Numeral III. A.</b></p> <p>14 A III. A.?</p> <p>15 <b>Q Yes, ma'am.</b> 1:55:36PM</p> <p>16 A Okay.</p> <p>17 <b>Q And do you see there where the document</b></p> <p>18 <b>states --</b></p> <p>19 <b>And this is the UC policies on patents and</b></p> <p>20 <b>copyrights; is that correct?</b> 1:55:51PM</p> <p>21 A Yes.</p> <p>22 <b>Q Okay.</b></p> <p>23 <b>And it says:</b></p> <p>24 <b>"Pursuant to Regents' Standing</b></p> <p>25 <b>Order 100.4(mm), the President has</b> 1:55:56PM</p> <p style="text-align: right;">Page 216</p>
<p>1 because they had to go through a process to 1:54:21PM</p> <p>2 determine. So there has to be a date, but I just</p> <p>3 don't know which one it is, exactly the date.</p> <p>4 <b>Q Were you part of those communications?</b></p> <p>5 A That was done by the counsel. 1:54:32PM</p> <p>6 <b>Q My question is: Were you part of those</b></p> <p>7 <b>communications?</b></p> <p>8 A I was not.</p> <p>9 <b>Q Who on behalf of the University of</b></p> <p>10 <b>California made the decision to sue Yahoo in this</b> 1:54:40PM</p> <p>11 <b>Eolas case?</b></p> <p>12 A That would be done by the Office of</p> <p>13 General Counsel.</p> <p>14 <b>Q Who is in charge of the patents for the</b></p> <p>15 <b>University of California?</b> 1:54:51PM</p> <p>16 MS. KLEIN: Objection; form, beyond the</p> <p>17 scope of the 30(b)(6).</p> <p>18 THE WITNESS: In what form?</p> <p>19 BY MS. DOAN:</p> <p>20 <b>Q Who has responsibility for all patent</b> 1:54:56PM</p> <p>21 <b>matters?</b></p> <p>22 A In what way?</p> <p>23 <b>Q I'm showing you a document, the UC</b></p> <p>24 <b>policies on patents and copyrights.</b></p> <p>25 MS. KLEIN: Are you going to mark this? 1:55:12PM</p> <p style="text-align: right;">Page 215</p>	<p>1 <b>responsibility for all matters</b> 1:56:00PM</p> <p>2 <b>relating to patents in which the</b></p> <p>3 <b>University of California is in any</b></p> <p>4 <b>way concerned."</b></p> <p>5 <b>Do you see that?</b> 1:56:07PM</p> <p>6 A Yes.</p> <p>7 <b>Q (Reading)</b></p> <p>8 <b>"This policy is an exercise of</b></p> <p>9 <b>that responsibility, and the</b></p> <p>10 <b>President may make changes to any</b> 1:56:12PM</p> <p>11 <b>portion [sic] of this policy from</b></p> <p>12 <b>time to time, including the</b></p> <p>13 <b>percentage of net royalties paid to</b></p> <p>14 <b>inventors."</b></p> <p>15 <b>Do you see that?</b> 1:56:18PM</p> <p>16 A Yes.</p> <p>17 <b>Q Okay.</b></p> <p>18 <b>Who is the president of the University of</b></p> <p>19 <b>California?</b></p> <p>20 A Yudof. 1:56:22PM</p> <p>21 <b>Q Is it Mark Yudof?</b></p> <p>22 A Yes.</p> <p>23 <b>Q When did Mark Yudof decide to sue Yahoo in</b></p> <p>24 <b>the Eolas litigation?</b></p> <p>25 MS. KLEIN: Objection to the form of the 1:56:29PM</p> <p style="text-align: right;">Page 217</p>

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

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<p>1 A Yes. 2:16:20PM</p> <p>2 Q And that document is signed and dated by</p> <p>3 Michael Doyle in February of 1999 on behalf of Eolas</p> <p>4 and Terence Feuerborn on behalf of the Regents in</p> <p>5 January 1999. 2:16:31PM</p> <p>6 Do you see that?</p> <p>7 A Yes.</p> <p>8 Q Then following that document is a cover</p> <p>9 letter and another agreement Bates stamped E 026750</p> <p>10 through E 026755. 2:16:59PM</p> <p>11 Do you see that?</p> <p>12 A Yes.</p> <p>13 Q And it appears to be dated in 2001 on</p> <p>14 behalf of Eolas by Michael Doyle and by Alan Bennett</p> <p>15 on behalf of the Regents of University of 2:17:12PM</p> <p>16 California.</p> <p>17 Do you see that?</p> <p>18 A Yes.</p> <p>19 Q Have you reviewed each of these documents,</p> <p>20 all of which are part of Exhibit Number 5 to your 2:17:18PM</p> <p>21 deposition?</p> <p>22 A I have looked at them, yes.</p> <p>23 Q Have you read all of these documents?</p> <p>24 A At some point.</p> <p>25 Q And do they appear to be true and correct 2:17:28PM</p> <p>Page 226</p>	<p>1 will be construed as," and it says 2:18:29PM</p> <p>2 2.4.1, "a warranty or</p> <p>3 representation by the Regents as to</p> <p>4 the validity, enforceability, or</p> <p>5 scope of any patent rights or 2:18:38PM</p> <p>6 copyrights."</p> <p>7 Do you see that?</p> <p>8 A Yes, I do.</p> <p>9 (Defendants' Exhibit 6 marked</p> <p>10 for identification.) 2:18:42PM</p> <p>11 BY MS. DOAN:</p> <p>12 Q Handing you what I've marked as Exhibit</p> <p>13 Number 6.</p> <p>14 A Is it different? It's already there in</p> <p>15 this... 2:19:02PM</p> <p>16 Q And Exhibit Number 6 appears to be the</p> <p>17 last document that we identified in Exhibit</p> <p>18 Number 5, the only addition being the Eolas Bates</p> <p>19 stamp numbers at the bottom.</p> <p>20 A Okay. 2:19:38PM</p> <p>21 Q Is that correct?</p> <p>22 MS. KLEIN: Objection; form.</p> <p>23 THE WITNESS: Yes.</p> <p>24 (Defendants' Exhibit 7 marked</p> <p>25 for identification.) 2:20:09PM</p> <p>Page 228</p>
<p>1 copies of the originals held by the University of 2:17:32PM</p> <p>2 California?</p> <p>3 A They appear to be.</p> <p>4 Q Is there any reason that Eolas -- that</p> <p>5 University of California doubts their authenticity? 2:17:40PM</p> <p>6 A I don't have the originals to compare,</p> <p>7 so...</p> <p>8 Q Any reason as you sit here today you doubt</p> <p>9 it's authentic? It was produced to you by -- by --</p> <p>10 to us by you guys, so just -- 2:17:54PM</p> <p>11 A No.</p> <p>12 Q Okay.</p> <p>13 If you'll look at page E 001685 --</p> <p>14 MS. KLEIN: On Exhibit 5?</p> <p>15 MS. DOAN: Yes, ma'am. 2:18:03PM</p> <p>16 THE WITNESS: -1685?</p> <p>17 BY MS. DOAN:</p> <p>18 Q Yes, ma'am.</p> <p>19 All right. And do you see the top of the</p> <p>20 page, it says "Limited Warranty"? 2:18:20PM</p> <p>21 A Yes.</p> <p>22 Q And do you see paragraph 2.4?</p> <p>23 A Yes.</p> <p>24 Q Do you see again it says:</p> <p>25 "Nothing in this agreement 2:18:28PM</p> <p>Page 227</p>	<p>1 BY MS. DOAN: 2:20:11PM</p> <p>2 Q Handing you what I've marked as Exhibit</p> <p>3 Number 7.</p> <p>4 Have you seen this document?</p> <p>5 A Yes. 2:20:20PM</p> <p>6 Q What is it?</p> <p>7 A It's the amended and restated agreement.</p> <p>8 Q And it bears Bates Stamp Numbers</p> <p>9 EOLASTX-293345 through -29333 -- sorry, -293377.</p> <p>10 A Yes. 2:20:38PM</p> <p>11 Q And it's dated by Mark Swords on behalf of</p> <p>12 Eolas and Joel Kirschbaum on behalf of the Regents</p> <p>13 of University of California, both in September of</p> <p>14 1998 [sic]; is that correct?</p> <p>15 A Yes. 2:20:50PM</p> <p>16 Q Is this the document that you were</p> <p>17 testifying earlier that you had prepared on behalf</p> <p>18 of the University of California?</p> <p>19 A Yes.</p> <p>20 Q And Joel Kirschbaum that signed this 2:21:02PM</p> <p>21 document is -- is who you report to?</p> <p>22 A Yes.</p> <p>23 Q If you would look at --</p> <p>24 MS. KLEIN: Oh, Counsel, two questions</p> <p>25 ago, just so the record is clear, you asked about if 2:21:18PM</p> <p>Page 229</p>

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

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<p>1 2:27 p.m. 2:27:13PM</p> <p>2 BY MS. DOAN:</p> <p>3 <b>Q Dr. Rajdev, you know we're resuming your</b></p> <p>4 <b>deposition after a brief break where I lost a</b></p> <p>5 <b>document? 2:27:23PM</b></p> <p>6 A I do.</p> <p>7 <b>Q You understand, of course, you're still</b></p> <p>8 <b>under oath?</b></p> <p>9 A Yes.</p> <p>10 <b>Q Handing you what I've marked as Exhibit 2:27:27PM</b></p> <p>11 <b>Number 10.</b></p> <p>12 <b>(Defendants' Exhibit 10 marked</b></p> <p>13 <b>for identification.)</b></p> <p>14 BY MS. DOAN:</p> <p>15 <b>Q What is this document? 2:27:34PM</b></p> <p>16 A Supplemental agreement regarding entry of</p> <p>17 the Regents of the University of California into</p> <p>18 lawsuit Eolas Technologies, Inc. versus Adobe</p> <p>19 System, Inc., et al.</p> <p>20 <b>Q And it's Bates Stamp Number 2:27:55PM</b></p> <p>21 <b>UCAL-EOLAS1000000562; is that correct?</b></p> <p>22 A Yes.</p> <p>23 <b>Q And it's signed again by Mark Swords in</b></p> <p>24 <b>September 2011 and Joel Kirschbaum in</b></p> <p>25 <b>September 2011. 2:28:15PM</b></p> <p style="text-align: right;">Page 234</p>	<p>1 BY MS. DOAN: 2:28:53PM</p> <p>2 <b>Q And are Exhibits 3 through 11 [sic] true</b></p> <p>3 <b>and correct copies of records from the University of</b></p> <p>4 <b>California's files?</b></p> <p>5 MS. KLEIN: Object to the form of the 2:29:02PM</p> <p>6 question. You mean 10?</p> <p>7 MS. DOAN: I'm sorry. Let me restate</p> <p>8 that.</p> <p>9 BY MS. DOAN:</p> <p>10 <b>Q Are Exhibits 3 through 10 true and correct 2:29:08PM</b></p> <p>11 <b>copies of business records from the University of</b></p> <p>12 <b>California's files?</b></p> <p>13 MS. KLEIN: Objection; form.</p> <p>14 THE WITNESS: They appear to be.</p> <p>15 BY MS. DOAN: 2:29:19PM</p> <p>16 <b>Q And do you have any reason to dispute the</b></p> <p>17 <b>authenticity of Exhibits 3 through 10?</b></p> <p>18 A No.</p> <p>19 <b>Q Now, we talked about a certain paragraph</b></p> <p>20 <b>about each of these exhibits. 2:29:32PM</b></p> <p>21 A Yes.</p> <p>22 <b>Q Does the University of California have any</b></p> <p>23 <b>position as to whether the '906 or '985 patents are</b></p> <p>24 <b>valid?</b></p> <p>25 MS. KLEIN: Objection; form, outside the 2:29:40PM</p> <p style="text-align: right;">Page 236</p>
<p>1 <b>Do you see that? 2:28:15PM</b></p> <p>2 A Yes</p> <p>3 <b>Q Did you --</b></p> <p>4 <b>Did you prepare this document?</b></p> <p>5 A Again, either me or Jim Stetson 2:28:19PM</p> <p>6 <b>Q And you've reviewed this document and</b></p> <p>7 <b>you're familiar with it?</b></p> <p>8 A Yes</p> <p>9 <b>Q Okay.</b></p> <p>10 <b>Now I'm going to ask you some questions 2:28:27PM</b></p> <p>11 <b>about this collection of documents --</b></p> <p>12 A Okay</p> <p>13 <b>Q -- okay?</b></p> <p>14 <b>And I know we have some duplicates in</b></p> <p>15 <b>here -- 2:28:32PM</b></p> <p>16 A Yes</p> <p>17 <b>Q -- all right, so it's not supposed to be a</b></p> <p>18 <b>trick question.</b></p> <p>19 <b>All right. Are -- do Exhibits Number 3</b></p> <p>20 <b>through 10 include all of the agreements between the 2:28:37PM</b></p> <p>21 <b>University of California and Eolas with respect to</b></p> <p>22 <b>the '906 and '985 patents?</b></p> <p>23 MS KLEIN: Object to the form of the</p> <p>24 question</p> <p>25 THE WITNESS: I believe so 2:28:51PM</p> <p style="text-align: right;">Page 235</p>	<p>1 scope of the deposition 30(b)(6). 2:29:41PM</p> <p>2 BY MS. DOAN:</p> <p>3 <b>Q You can answer.</b></p> <p>4 A No. This is just a general warranty that</p> <p>5 we have in our license agreement. It has -- no, it 2:29:48PM</p> <p>6 doesn't indicate University's position.</p> <p>7 <b>Q Okay.</b></p> <p>8 <b>Does the University of California have any</b></p> <p>9 <b>position that the '906 and '985 patents are valid?</b></p> <p>10 MS. KLEIN: Objection to the form, outside 2:30:02PM</p> <p>11 the scope of the 30(b)(6).</p> <p>12 BY MS. DOAN:</p> <p>13 <b>Q You can answer.</b></p> <p>14 A There is no reason to say that it's not</p> <p>15 valid. 2:30:09PM</p> <p>16 <b>Q Okay.</b></p> <p>17 <b>So is it the position of the University of</b></p> <p>18 <b>California that it's not going to comment on the</b></p> <p>19 <b>validity of the '906 and '985 patents?</b></p> <p>20 A I would say -- 2:30:17PM</p> <p>21 MS. KLEIN: Objection; form, outside the</p> <p>22 scope of the 30(b)(6).</p> <p>23 Go ahead.</p> <p>24 THE WITNESS: I would say after going</p> <p>25 through few reexaminations and other procedures, 2:30:24PM</p> <p style="text-align: right;">Page 237</p>

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<p>1 it's still valid, so I would say that it's valid. 2:30:28PM</p> <p>2 BY MS. DOAN:</p> <p>3 <b>Q Has the University of California reviewed</b></p> <p>4 <b>all of the prior art that's been submitted in this</b></p> <p>5 <b>piece of litigation? 2:30:37PM</b></p> <p>6 MS. KLEIN: Objection; form of the</p> <p>7 question, outside the scope of the 30(b)(6).</p> <p>8 THE WITNESS: The outside counsel for the</p> <p>9 University and the patent office has done so.</p> <p>10 BY MS. DOAN: 2:30:48PM</p> <p>11 <b>Q Okay. My question is a little bit</b></p> <p>12 <b>different, because I'm not talking about prior art</b></p> <p>13 <b>that's submitted to the patent office --</b></p> <p>14 A Yes.</p> <p>15 <b>Q -- okay? 2:30:54PM</b></p> <p>16 <b>Is the University of California aware that</b></p> <p>17 <b>there is prior art in this litigation that's not</b></p> <p>18 <b>gone before the patent office --</b></p> <p>19 MS. KLEIN: Objection --</p> <p>20 BY MS. DOAN: 2:30:58PM</p> <p>21 <b>Q -- with respect to the '906 and '985</b></p> <p>22 <b>patents?</b></p> <p>23 MS. KLEIN: Objection; form.</p> <p>24 THE WITNESS: I'm not aware of it.</p> <p>25</p> <p style="text-align: right;">Page 238</p>	<p>1 A Of course I understand what's prior art 2:31:41PM</p> <p>2 <b>Q All right.</b></p> <p>3 <b>Has the University of California reviewed</b></p> <p>4 <b>the prior art that's been produced by the Defendants</b></p> <p>5 <b>in this litigation in which the University of 2:31:48PM</b></p> <p>6 <b>California is suing my clients for multiple millions</b></p> <p>7 <b>of dollars?</b></p> <p>8 MS KLEIN: Object to the form, outside</p> <p>9 the scope of the 30(b)(6)</p> <p>10 THE WITNESS: The University's counsel 2:31:57PM</p> <p>11 probably has done so University as represented by</p> <p>12 me, since I'm managing the case, I have not done it</p> <p>13 BY MS DOAN:</p> <p>14 <b>Q Okay.</b></p> <p>15 <b>Do you know who at the University of 2:32:06PM</b></p> <p>16 <b>California, separate and apart from its counsel, has</b></p> <p>17 <b>reviewed the prior art that's been produced by the</b></p> <p>18 <b>Defendants in this litigation?</b></p> <p>19 MS KLEIN: Object to the form</p> <p>20 Objection; outside the scope of the 30(b)(6) 2:32:17PM</p> <p>21 THE WITNESS: I do not know</p> <p>22 BY MS DOAN:</p> <p>23 <b>Q If you'll turn back to Exhibit Number 5.</b></p> <p>24 <b>Actually, I think we have -- let's go with</b></p> <p>25 <b>Exhibit Number 3, because it's the Bates numbers for 2:32:59PM</b></p> <p style="text-align: right;">Page 240</p>
<p>1 BY MS. DOAN: 2:31:02PM</p> <p>2 <b>Q Okay.</b></p> <p>3 <b>So it's fair for me to assume the</b></p> <p>4 <b>University of California has not reviewed all the</b></p> <p>5 <b>prior art that's been submitted in this litigation; 2:31:08PM</b></p> <p>6 <b>is that fair?</b></p> <p>7 MS. KLEIN: Objection; form, outside the</p> <p>8 scope of the 30(b)(6).</p> <p>9 THE WITNESS: You'll have to rephrase the</p> <p>10 question. What is the prior art that's been 2:31:17PM</p> <p>11 submitted?</p> <p>12 BY MS. DOAN:</p> <p>13 <b>Q Sure.</b></p> <p>14 <b>So has the University of California</b></p> <p>15 <b>reviewed all the prior art that's been produced in 2:31:22PM</b></p> <p>16 <b>this litigation, separate and apart from what's</b></p> <p>17 <b>been -- gone in front of the patent office in the</b></p> <p>18 <b>'906 and '985 patents?</b></p> <p>19 MS. KLEIN: Objection to the form of the</p> <p>20 question, outside the scope of the 30(b)(6). 2:31:35PM</p> <p>21 THE WITNESS: I'm not sure I understand</p> <p>22 the question. Sorry.</p> <p>23 BY MS. DOAN:</p> <p>24 <b>Q That's okay.</b></p> <p>25 <b>You understand what prior art is, right? 2:31:39PM</b></p> <p style="text-align: right;">Page 239</p>	<p>1 <b>this case. I think it's the same document. It's 2:33:03PM</b></p> <p>2 <b>the first document, Exhibit Number 3 being two</b></p> <p>3 <b>documents, the first being the original license</b></p> <p>4 <b>between the University and Eolas and the second</b></p> <p>5 <b>document being the first amendment, which is also 2:33:21PM</b></p> <p>6 <b>attached to Exhibit Number 3.</b></p> <p>7 <b>Do you see that?</b></p> <p>8 A Yes</p> <p>9 <b>Q Okay.</b></p> <p>10 <b>Do you see that the original document is 2:33:28PM</b></p> <p>11 <b>dated 1995?</b></p> <p>12 A Yes</p> <p>13 <b>Q How long was the original agreement in</b></p> <p>14 <b>place between the Regents and Eolas with all of its</b></p> <p>15 <b>subsequent amendments before it was finally redone 2:33:43PM</b></p> <p>16 <b>to a separate agreement again, before the amended</b></p> <p>17 <b>and restated agreement, Exhibit Number 7?</b></p> <p>18 A So the agreement was signed in 2008</p> <p>19 <b>Q Okay.</b></p> <p>20 <b>So Exhibit Number 3, the original license, 2:34:19PM</b></p> <p>21 <b>was dated in 1995?</b></p> <p>22 A Yes</p> <p>23 <b>Q And it was in effect and in place,</b></p> <p>24 <b>together with the amendments -- the brief amendments</b></p> <p>25 <b>that we've gone over with the original license, 2:34:30PM</b></p> <p style="text-align: right;">Page 241</p>

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<p>1 until 2008, when the entire agreement was amendment 2:34:33PM</p> <p>2 and restated; is that fair?</p> <p>3 A Yes</p> <p>4 Q So look at Exhibit Number 3 for me,</p> <p>5 please. 2:34:40PM</p> <p>6 And that's the document dated 1995,</p> <p>7 correct?</p> <p>8 A Yes</p> <p>9 Q And if you'll look at page -185778.</p> <p>10 A Page what? 2:34:56PM</p> <p>11 Q It's EOLASTX-185778.</p> <p>12 A Sorry Which exhibit is that?</p> <p>13 Q Exhibit Number 3.</p> <p>14 A -157 --</p> <p>15 Q -185778. 2:35:11PM</p> <p>16 A -78 Okay Yes</p> <p>17 Q And I'm on paragraph 16, "Infringement."</p> <p>18 Do you see where I am?</p> <p>19 A Yes</p> <p>20 Q And this document states it was in place 2:35:26PM</p> <p>21 from 1995 to 2008.</p> <p>22 "16.1. In the event that</p> <p>23 either party responsible for</p> <p>24 administering this agreement learns</p> <p>25 of substantial infringement of any 2:35:38PM</p> <p>Page 242</p>	<p>1 over from 1995 until 2008, when it was amended and 2:36:19PM</p> <p>2 restated, correct?</p> <p>3 A Yes</p> <p>4 Q At any time from 1995 to 2008, did the</p> <p>5 University of California advise Eolas that it 2:36:32PM</p> <p>6 thought that Amazon was infringing the '906 patent?</p> <p>7 MS KLEIN: Objection to the form of the</p> <p>8 question</p> <p>9 THE WITNESS: Not that I'm aware of</p> <p>10 BY MS DOAN: 2:36:45PM</p> <p>11 Q At any time from 1995 to 2008, did the</p> <p>12 University of California advise Eolas that it</p> <p>13 thought Yahoo may be infringing the '906 patent?</p> <p>14 MS KLEIN: Objection to the form of the</p> <p>15 question 2:36:59PM</p> <p>16 THE WITNESS: Not that I know of</p> <p>17 BY MS DOAN:</p> <p>18 Q At any time from 1995 to 2008, did the</p> <p>19 University of California advise Eolas that it</p> <p>20 thought Google or YouTube were infringing the '906 2:37:07PM</p> <p>21 patent?</p> <p>22 MS KLEIN: Objection to the form of the</p> <p>23 question</p> <p>24 THE WITNESS: I don't know</p> <p>25</p> <p>Page 244</p>
<p>1 patent or copyright licensed under 2:35:41PM</p> <p>2 this agreement, the informed party</p> <p>3 shall call such infringement to the</p> <p>4 attention of the other party</p> <p>5 thereto in writing and shall 2:35:47PM</p> <p>6 provide the other party with</p> <p>7 reasonable evidence of such</p> <p>8 infringement."</p> <p>9 Do you see that?</p> <p>10 A Yes 2:35:53PM</p> <p>11 MS KLEIN: Objection to the form of the</p> <p>12 question</p> <p>13 BY MS DOAN:</p> <p>14 Q And this document was in effect, with its</p> <p>15 amendments that we've gone over, from 2005 to 1998, 2:35:59PM</p> <p>16 when it was amended and restated, correct?</p> <p>17 MS KLEIN: Objection to the form of the</p> <p>18 question</p> <p>19 THE WITNESS: Yes</p> <p>20 MS DOAN: I got the dates totally screwed 2:36:11PM</p> <p>21 up Thank you, Counsel</p> <p>22 BY MS DOAN:</p> <p>23 Q All right.</p> <p>24 And this document, Exhibit Number 3, was</p> <p>25 in effect with all of its amendments that we've gone 2:36:17PM</p> <p>Page 243</p>	<p>1 BY MS DOAN: 2:37:14PM</p> <p>2 Q Okay.</p> <p>3 And at any time between 1995 and 2008, did</p> <p>4 the University of California advise Eolas that it</p> <p>5 thought Adobe was infringing the '906 patent? 2:37:21PM</p> <p>6 MS KLEIN: Objection to the form of the</p> <p>7 question</p> <p>8 THE WITNESS: Again, I don't know</p> <p>9 BY MS DOAN:</p> <p>10 Q And you understand that paragraph 16.1 of 2:37:26PM</p> <p>11 Exhibit Number 3 would require the University of</p> <p>12 California to tell Eolas if it thought, indeed, that</p> <p>13 my client, Yahoo, was infringing the '906 patent?</p> <p>14 A Yes</p> <p>15 MS KLEIN: Objection; form 2:37:40PM</p> <p>16 THE WITNESS: If we knew it, yes</p> <p>17 MS DOAN: Okay Let's take a break for</p> <p>18 one second</p> <p>19 THE VIDEOGRAPHER: This is the end of Disk</p> <p>20 2 Off the record at 2:38 p m 2:38:09PM</p> <p>21 (Recess taken )</p> <p>22 THE VIDEOGRAPHER: This is Disk 3 of</p> <p>23 Sunita Rajdev, Ph D On the record at 2:47</p> <p>24 BY MS DOAN:</p> <p>25 Q Dr. Rajdev, do you understand we're 2:48:06PM</p> <p>Page 245</p>

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<p>1 <b>resuming your deposition after a brief break?</b> 2:48:07PM</p> <p>2 A Yes.</p> <p>3 <b>Q You understand, of course, you're still</b></p> <p>4 <b>under oath?</b></p> <p>5 A Yes. 2:48:12PM</p> <p>6 <b>Q Does the University of California take</b></p> <p>7 <b>this lawsuit seriously?</b></p> <p>8 MS. KLEIN: Objection; form.</p> <p>9 THE WITNESS: Of course.</p> <p>10 BY MS. DOAN: 2:48:17PM</p> <p>11 <b>Q Do you personally take this lawsuit</b></p> <p>12 <b>seriously?</b></p> <p>13 A To the extent I'm involved in it, yes, I</p> <p>14 do.</p> <p>15 <b>Q What efforts have the Regents of the</b> 2:48:29PM</p> <p>16 <b>University of California gone to to educate students</b></p> <p>17 <b>about the patents-in-suit, the '906 and the '985</b></p> <p>18 <b>patents?</b></p> <p>19 A We don't routinely educate students about</p> <p>20 specific patents. 2:48:47PM</p> <p>21 <b>Q Okay.</b></p> <p>22 <b>What efforts has the University of</b></p> <p>23 <b>California gone to to educate the Worldwide Web</b></p> <p>24 <b>community about the '906 or the '985 patents?</b></p> <p>25 A I'm not aware of any specific efforts by 2:48:59PM</p> <p style="text-align: right;">Page 246</p>	<p>1 A I'm not aware of it, but I can't say it 2:50:03PM</p> <p>2 never happened. I don't know.</p> <p>3 <b>Q If you'll look at Supplemental Topic</b></p> <p>4 <b>Number 5 on Exhibit Number 2.</b></p> <p>5 A Exhibit 2. Okay. 2:50:21PM</p> <p>6 <b>Q What did you do to prepare yourself today</b></p> <p>7 <b>to speak on behalf of the University of California</b></p> <p>8 <b>with respect to Supplemental Topic Number 5?</b></p> <p>9 A I discussed with the counsel, who is aware</p> <p>10 of -- who would be aware of any instances where UC 2:50:43PM</p> <p>11 was involved directly in any reexamination or</p> <p>12 challenging the validity of any patent, and we're</p> <p>13 not aware of any.</p> <p>14 <b>Q Okay.</b></p> <p>15 <b>Have the University of California Regents</b> 2:50:55PM</p> <p>16 <b>ever requested a reexamination of one of its own</b></p> <p>17 <b>patents?</b></p> <p>18 A I do not know.</p> <p>19 <b>Q Has the University of California ever</b></p> <p>20 <b>taken the position in any lawsuit that a patent was</b> 2:51:07PM</p> <p>21 <b>invalid?</b></p> <p>22 A I'm not aware of it.</p> <p>23 <b>Q Do you know of any instance in which the</b></p> <p>24 <b>University of California has challenged the validity</b></p> <p>25 <b>of any patent in any context?</b> 2:51:27PM</p> <p style="text-align: right;">Page 248</p>
<p>1 the -- by UC 2:49:02PM</p> <p>2 <b>Q Was the Uni- --</b></p> <p>3 <b>Separate and apart from Eolas, okay, did</b></p> <p>4 <b>the University of California submit anything to the</b></p> <p>5 <b>United States Patent Office in connection with the</b> 2:49:11PM</p> <p>6 <b>first or second reexamination of the '906 patent?</b></p> <p>7 A Whether the University of California did,</p> <p>8 I do not know You would need to ask the outside</p> <p>9 counsel I do not know</p> <p>10 <b>Q Okay.</b> 2:49:26PM</p> <p>11 <b>As you sit here today, you don't know of</b></p> <p>12 <b>any document that the University of California</b></p> <p>13 <b>submitted to the patent office separate and apart</b></p> <p>14 <b>from Eolas; is that fair?</b></p> <p>15 MS KLEIN: Objection to the form of the 2:49:39PM</p> <p>16 question, outside the scope of the 30(b)(6)</p> <p>17 THE WITNESS: Yes, I do not know</p> <p>18 BY MS DOAN:</p> <p>19 <b>Q Has the University of California ever</b></p> <p>20 <b>sought a reexamination from the United States Patent</b> 2:49:51PM</p> <p>21 <b>Office?</b></p> <p>22 A For?</p> <p>23 <b>Q Any patent.</b></p> <p>24 A Reexamination?</p> <p>25 <b>Q Yes, ma'am.</b> 2:50:00PM</p> <p style="text-align: right;">Page 247</p>	<p>1 A I do not know of any. 2:51:32PM</p> <p>2 <b>Q And you understand that you're speaking on</b></p> <p>3 <b>behalf of the University with respect to</b></p> <p>4 <b>Supplemental Topic Number 5?</b></p> <p>5 A Yes. 2:51:39PM</p> <p>6 <b>Q So it's your testimony that the</b></p> <p>7 <b>University -- you don't know of any instance in</b></p> <p>8 <b>which the University of California has ever</b></p> <p>9 <b>challenged the validity of any patent in any</b></p> <p>10 <b>context; is that fair?</b> 2:51:50PM</p> <p>11 A Not today, no, I do not know.</p> <p>12 (Defendants' Exhibit 11 marked</p> <p>13 for identification.)</p> <p>14 BY MS. DOAN:</p> <p>15 <b>Q I'm handing you what I've marked Exhibit</b> 2:52:14PM</p> <p>16 <b>Number 11.</b></p> <p>17 <b>Do you recognize this document?</b></p> <p>18 A Yes.</p> <p>19 <b>Q And it's Bates Stamp Number UCAL-EOLAS,</b></p> <p>20 <b>and the Bates stamp number is cut off for some</b> 2:52:27PM</p> <p>21 <b>reason. I believe there is a hole punch there.</b></p> <p>22 <b>Sorry about that. It's -- it's got a Bates stamp on</b></p> <p>23 <b>it, -1, bunch of zeros, and -10, and something else;</b></p> <p>24 <b>is that fair?</b></p> <p>25 A Yes. 2:52:41PM</p> <p style="text-align: right;">Page 249</p>

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1 Q And we're going to mark it as Exhibit 2:52:41PM  
2 Number 11 to your deposition and we'll get the Bates  
3 stamp numbers later.  
4 Is that cool?  
5 A Yes. 2:52:47PM  
6 Q All right.  
7 What is this document?  
8 A It lists the UC inventions grossing more  
9 than 5 million in income over their lifetime.  
10 Q And are the '906 and '985 inventions -- or 2:52:56PM  
11 patents on this Exhibit Number 11?  
12 MS. KLEIN: Objection; form.  
13 THE WITNESS: Is that the Number 12? I  
14 think it's Number 12.  
15 BY MS. DOAN: 2:53:20PM  
16 Q Okay.  
17 Have you reviewed this document before  
18 today?  
19 A I've looked at it, yes, previously.  
20 Q Are you prepared to testify on the -- 2:53:32PM  
21 behalf of this document on behalf of the University?  
22 MS. KLEIN: Objection; form of the  
23 question, beyond the scope of the 30(b)(6).  
24 THE WITNESS: Depends on what your  
25 question is. 2:53:43PM

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1 BY MS. DOAN: 2:53:43PM  
2 **Q Sure.**  
3 **So you understand that, of course, you're**  
4 **identified on Supplemental Topic Number 2:**  
5 **"The amount of money the 2:53:47PM**  
6 **Regents received from Eolas as a**  
7 **result of the license agreement."**  
8 **Do you see that?**  
9 A Yes.  
10 **Q Okay. 2:53:53PM**  
11 **And you're prepared to testify about that**  
12 **subject here today, correct?**  
13 A Yes.  
14 MS. KLEIN: Objection to the form of the  
15 question, mischaracterizes the notice. 2:53:59PM  
16 BY MS. DOAN:  
17 **Q And what have you done to prepare yourself**  
18 **to testify about Supplemental Topic Number 2?**  
19 A About the amount of money received from  
20 Eolas as a result of license agreement, I looked at 2:54:10PM  
21 our financial records.  
22 **Q Okay.**  
23 **So if you'll look at -- looks like line 12**  
24 **of Exhibit Number 11.**  
25 A Yes. 2:54:23PM

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1 Q And that's what you were talking about 2:54:23PM  
2 earlier, the "Hypermedia Program Objects" was the  
3 technology description?  
4 A Yes.  
5 Q The invention category would be "Internet 2:54:29PM  
6 Browser Technology"?"  
7 A Yes.  
8 Q And the campus is "SF." Is that the UCSF  
9 campus we've been talking about?  
10 A That's right. 2:54:40PM  
11 Q And it has a year of disclosure of 1994.  
12 Do you see that?  
13 A Yes.  
14 Q And the year of the first license of 1996.  
15 Do you see that? 2:54:51PM  
16 A Yes.  
17 Q And the year of disclosure for the '90- --  
18 what became the '906 patent, was it indeed 1994?  
19 MS. KLEIN: Object to the form of the  
20 question. 2:55:03PM  
21 THE WITNESS: The year of technology  
22 disclosure? Yes.  
23 BY MS. DOAN:  
24 Q Okay.  
25 And the year of the first license, was 2:55:06PM

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1 **that indeed 1996?** 2:55:08PM  
2 MS. KLEIN: Object to the form of the  
3 question.  
4 THE WITNESS: I would have to look at the  
5 date. Says 1995, so I don't know. 2:55:16PM  
6 BY MS. DOAN:  
7 **Q What month does it have in 1995?**  
8 A August.  
9 **Q Okay.**  
10 **So that might need to be --** 2:55:29PM  
11 A So that would be fiscal year 1996, yes.  
12 **Q Okay.**  
13 **And that's why it has a 1996 date?**  
14 A I think so, yes.  
15 **Q The total revenue is \$32,279,193.** 2:55:38PM  
16 **Do you see that?**  
17 A Yes.  
18 **Q Is that amount accurate of the amount of**  
19 **revenue that the University of California,**  
20 **San Francisco has received with respect to UC's** 2:55:50PM  
21 **invention --**  
22 MS. KLEIN: Object --  
23 BY MS. DOAN:  
24 **Q -- with respect to the Eolas invention?**  
25 MS. KLEIN: Object to the form of the 2:55:56PM

<p>1 question. 2:55:57PM</p> <p>2 THE WITNESS: To the date this was</p> <p>3 printed, yes.</p> <p>4 BY MS. DOAN:</p> <p>5 <b>Q Is that the amount of money that the 2:56:02PM</b></p> <p>6 <b>University of California has received or the</b></p> <p>7 <b>University of California, San Francisco has</b></p> <p>8 <b>received?</b></p> <p>9 A So this would be the University of</p> <p>10 California, but most of it, because it was a 2:56:14PM</p> <p>11 San Francisco invention, that's where the money ends</p> <p>12 up.</p> <p>13 <b>Q Okay.</b></p> <p>14 <b>So the amount of money that goes to the</b></p> <p>15 <b>University of California is the \$32 million over the 2:56:21PM</b></p> <p>16 <b>life of the patent to date, and then a portion of</b></p> <p>17 <b>that goes to the San Francisco campus; is that fair?</b></p> <p>18 A Yes. So it would be distributed as per</p> <p>19 the patent policy. Some of it would go to the</p> <p>20 inventors and the rest would go to the campus. 2:56:39PM</p> <p>21 <b>Q Okay.</b></p> <p>22 <b>It would be whatever the patent policy was</b></p> <p>23 <b>or whatever was described in the agreement?</b></p> <p>24 A Yes.</p> <p>25 <b>Q And does the University of California have 2:56:46PM</b></p> <p style="text-align: right;">Page 254</p>	<p>1 A Yes 2:57:31PM</p> <p>2 <b>Q Are any of those technologies within the</b></p> <p>3 <b>invention category of "Internet Browser Technology"?</b></p> <p>4 MS KLEIN: Object to the form of the</p> <p>5 question 2:57:39PM</p> <p>6 THE WITNESS: It's not specifically</p> <p>7 Internet browser, but there is a lot of different</p> <p>8 categories There is devices, there is tools, there</p> <p>9 is diagnostics, plant varieties</p> <p>10 BY MS DOAN: 2:57:50PM</p> <p>11 <b>Q It looks like there is some type of key on</b></p> <p>12 <b>"Invention Category," whether it's -- so I see like</b></p> <p>13 <b>2 and 3 -- some type of key with respect to</b></p> <p>14 <b>"Invention Category." It appears to be like Numbers</b></p> <p>15 <b>2 and 3 both fall under the "Vaccine" category and, 2:58:00PM</b></p> <p>16 <b>for example, 7, 8, and 9 fall within "Human</b></p> <p>17 <b>Therapeutic" category.</b></p> <p>18 <b>Do you see that?</b></p> <p>19 A Yes</p> <p>20 MS KLEIN: Objection to the form of the 2:58:10PM</p> <p>21 question</p> <p>22 BY MS DOAN:</p> <p>23 <b>Q So these are categories that the</b></p> <p>24 <b>University of California has set up with respect to</b></p> <p>25 <b>its different inventions; is that fair? 2:58:14PM</b></p> <p style="text-align: right;">Page 256</p>
<p>1 a patent policy that's sort of changed over the 2:56:49PM</p> <p>2 years about how much goes to the inventors and how</p> <p>3 much goes to different campuses, et cetera?</p> <p>4 A Yes, it has.</p> <p>5 <b>Q If you'll look at Inventions 1 through 11 2:56:57PM</b></p> <p>6 <b>in front of that.</b></p> <p>7 <b>Do you see that?</b></p> <p>8 A Yes.</p> <p>9 <b>Q Are any of those other inventions, 1</b></p> <p>10 <b>through 11, within the category -- the invention 2:57:05PM</b></p> <p>11 <b>category of "Internet Browser Technology"?</b></p> <p>12 MS. KLEIN: Object to the form of the</p> <p>13 question.</p> <p>14 THE WITNESS: I don't believe so.</p> <p>15 BY MS. DOAN: 2:57:14PM</p> <p>16 <b>Q Indeed, most of those are dealing with</b></p> <p>17 <b>some type of vaccine or medical device or something</b></p> <p>18 <b>in the medical industry; is that correct?</b></p> <p>19 MS. KLEIN: Objection; form of the</p> <p>20 question. 2:57:24PM</p> <p>21 THE WITNESS: Yes.</p> <p>22 BY MS. DOAN:</p> <p>23 <b>Q And if you'll look at what's ranked to be</b></p> <p>24 <b>13 through 39.</b></p> <p>25 <b>Do you see that? 2:57:30PM</b></p> <p style="text-align: right;">Page 255</p>	<p>1 MS. KLEIN: Objection to the form of the 2:58:17PM</p> <p>2 question, outside the scope of the 30(b)(6).</p> <p>3 THE WITNESS: Yes, it describes which</p> <p>4 field the invention is in.</p> <p>5 BY MS. DOAN: 2:58:21PM</p> <p>6 <b>Q Right.</b></p> <p>7 <b>And with respect to what's ranked to be 13</b></p> <p>8 <b>through 39, none of those are in the "Internet</b></p> <p>9 <b>Browser Technology" category; is that right?</b></p> <p>10 MS. KLEIN: Objection to the form of the 2:58:31PM</p> <p>11 question, outside the scope of the 30(b)(6).</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MS. DOAN:</p> <p>14 <b>Q And again, they all appear to be in the</b></p> <p>15 <b>medical field or medical device field or 2:58:39PM</b></p> <p>16 <b>pharmaceutical field or something to do with</b></p> <p>17 <b>medicine; is that correct?</b></p> <p>18 MS. KLEIN: Objection; form.</p> <p>19 THE WITNESS: Not necessarily. There is a</p> <p>20 veterinary product, which is milk production 2:58:48PM</p> <p>21 enhancer.</p> <p>22 BY MS. DOAN:</p> <p>23 <b>Q That would be a veterinary product?</b></p> <p>24 A Yes.</p> <p>25 <b>Q Okay. 2:58:53PM</b></p> <p style="text-align: right;">Page 257</p>

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1 the scope of the 30(b)(6). 2:59:43PM  
2 THE WITNESS: Without looking at all the  
3 cases --  
4 BY MS. DOAN:  
5 **Q On this page alone, Exhibit Number 11. 2:59:48PM**  
6 A It appears to be, but without looking at  
7 all the details, I don't know if any of these --  
8 sometimes medical devices are associated with some  
9 sort of software technology or -- so unless I've  
10 reviewed all of them, I wouldn't know. 3:00:00PM  
11 **Q Okay.**  
12 **But it appears to be that Line Number 12**  
13 **is the only one described to be "Internet Browser**  
14 **Technology"; is that correct?**  
15 MS. KLEIN: Objection to the form of the 3:00:11PM  
16 question.  
17 THE WITNESS: It appears to be.  
18 BY MS. DOAN:  
19 **Q With respect to the University of**  
20 **California's understanding of the '906 and '985 3:00:23PM**  
21 **patents, do either one of those patents, the claims**  
22 **of the patents, cover anything to do with the**  
23 **medical field?**  
24 MS. KLEIN: Objection to the form of the  
25 question. 3:00:36PM

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1 BY MS. DOAN: 3:01:07PM  
2 **Q And do you know how long that the -- Eolas**  
3 **has supposedly been working on the AnatLab product?**  
4 MS. KLEIN: Objection to the form of the  
5 question. 3:01:14PM  
6 THE WITNESS: Not exactly. For a few  
7 years.  
8 BY MS. DOAN:  
9 **Q So let's talk about the '906 and '985**  
10 **patents. 3:01:20PM**  
11 **Are any of the claims of those patents**  
12 **limited in any way to the medical field?**  
13 MS. KLEIN: Objection; form.  
14 THE WITNESS: I don't believe so.  
15 BY MS. DOAN: 3:01:29PM  
16 **Q Are any of those claims in any way limited**  
17 **in any way to the plant variety field or farming**  
18 **field or anything like that?**  
19 A I would have to look at the claims, but I  
20 don't believe so. 3:01:39PM  
21 **Q And you haven't read the claims before**  
22 **today; is that fair?**  
23 MS. KLEIN: Objection; form.  
24 THE WITNESS: No.  
25

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

<p>1 <b>Q And of the amount the University gets, 3:05:45PM</b></p> <p>2 <b>certain expenses are taken out to an adjusted</b></p> <p>3 <b>number; is that correct?</b></p> <p>4 MS. KLEIN: Objection; form.</p> <p>5 THE WITNESS: The amounts are taken out 3:05:51PM</p> <p>6 before it's distributed.</p> <p>7 BY MS. DOAN:</p> <p>8 <b>Q Okay.</b></p> <p>9 <b>And then of the amount that's distributed</b></p> <p>10 <b>to the University, it looks like the inventors get 3:05:56PM</b></p> <p>11 <b>an additional portion of that of an additional</b></p> <p>12 <b>\$12 million; is that correct?</b></p> <p>13 MS. KLEIN: Objection; form.</p> <p>14 THE WITNESS: That is the only amount they</p> <p>15 get. 3:06:05PM</p> <p>16 BY MS. DOAN:</p> <p>17 <b>Q Okay.</b></p> <p>18 A Because I'm not -- I'm not seeing where</p> <p>19 you're seeing -- it seems like the way you said it</p> <p>20 that they receive double. 3:06:11PM</p> <p>21 So let's say money comes in. 15 percent</p> <p>22 is taken off under the old policy and then the rest</p> <p>23 of the money, some goes to the inventors and some</p> <p>24 goes to the campus.</p> <p>25 <b>Q So it's your understanding that from the 3:06:24PM</b></p> <p style="text-align: right;">Page 266</p>	<p>1 <b>paid out for research allocation; is that correct? 3:07:14PM</b></p> <p>2 A Yeah.</p> <p>3 <b>Q That line is blank; is that correct?</b></p> <p>4 A Yeah. I don't know why it's blank.</p> <p>5 <b>Q If you'll look at the next page, it deals 3:07:36PM</b></p> <p>6 <b>with the UCSF's shares, the University of</b></p> <p>7 <b>California, San Francisco shares, of settlement</b></p> <p>8 <b>income received from Eolas; is that correct?</b></p> <p>9 A Yes.</p> <p>10 MS. KLEIN: Objection; form. 3:07:51PM</p> <p>11 BY MS. DOAN:</p> <p>12 <b>Q Has the University of California ever</b></p> <p>13 <b>received any funds from Eolas for marketing any</b></p> <p>14 <b>particular product?</b></p> <p>15 A Revenues from? 3:08:02PM</p> <p>16 <b>Q Yes.</b></p> <p>17 A Based on sales of the products?</p> <p>18 <b>Q Any product.</b></p> <p>19 A I don't believe so.</p> <p>20 <b>Q Are all the monies of the University of 3:08:08PM</b></p> <p>21 <b>California received from Eolas to date from</b></p> <p>22 <b>settlement of lawsuits or -- yes, from settlement of</b></p> <p>23 <b>lawsuits?</b></p> <p>24 MS. KLEIN: Objection; form.</p> <p>25 THE WITNESS: So there are two types: 3:08:20PM</p> <p style="text-align: right;">Page 268</p>
<p>1 <b>Microsoft dispute, the total amount paid to either 3:06:27PM</b></p> <p>2 <b>the inventors or the University was 32,073,750; is</b></p> <p>3 <b>that correct?</b></p> <p>4 A That's my understanding.</p> <p>5 <b>Q And of that 32 million, it looks like the 3:06:39PM</b></p> <p>6 <b>University of California, San Francisco received</b></p> <p>7 <b>about 14.2 million, roughly that amount; is that</b></p> <p>8 <b>correct?</b></p> <p>9 A Yes.</p> <p>10 <b>Q A portion paid in October of '07 and a 3:06:50PM</b></p> <p>11 <b>portion paid later in 2- -- fiscal year 2008?</b></p> <p>12 A Yes.</p> <p>13 <b>Q And if you'll look there at the middle of</b></p> <p>14 <b>the page where the mandatory distributions are --</b></p> <p>15 <b>Do you see that? 3:07:02PM</b></p> <p>16 A Yes.</p> <p>17 <b>Q -- there is a mandatory amount that goes</b></p> <p>18 <b>to inventor shares.</b></p> <p>19 <b>Do you see that?</b></p> <p>20 A Yes. 3:07:06PM</p> <p>21 <b>Q And an amount -- an amount that goes to</b></p> <p>22 <b>research allocation of 15 percent.</b></p> <p>23 <b>Do you see that?</b></p> <p>24 A Yes.</p> <p>25 <b>Q And there doesn't appear to be any amount 3:07:11PM</b></p> <p style="text-align: right;">Page 267</p>	<p>1 There is settlement of lawsuits and there were some 3:08:21PM</p> <p>2 obligations to pay minimum annual royalty payments</p> <p>3 under the license agreements So it received those</p> <p>4 BY MS DOAN:</p> <p>5 <b>Q Okay. 3:08:29PM</b></p> <p>6 <b>Does the University currently receive</b></p> <p>7 <b>minimum annual royalties from Eolas?</b></p> <p>8 A Yes</p> <p>9 <b>Q Is that in addition to settlements or</b></p> <p>10 <b>after the settlements received -- reached a certain 3:08:40PM</b></p> <p>11 <b>amount, is it different?</b></p> <p>12 A It's in addition to the settlement It's</p> <p>13 creditable against the royalty payments, so if they</p> <p>14 made any royalty payments, it would be credited</p> <p>15 <b>Q If you'll look back at Exhibit Number 10. 3:08:59PM</b></p> <p>16 A Did you say Exhibit Number --</p> <p>17 <b>Q 10.</b></p> <p>18 A What is 10? I'll get that page</p> <p>19 <b>Q Should be the last document on the stack</b></p> <p>20 <b>of agreements. 3:09:29PM</b></p> <p>21 A I think I mixed them up Sorry</p> <p>22 Here it is Okay</p> <p>23 <b>Q Okay.</b></p> <p>24 <b>Did you prepare in negotiating this</b></p> <p>25 <b>document -- prepare and/or negotiate this document? 3:09:39PM</b></p> <p style="text-align: right;">Page 269</p>

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<p>1 A Yes, along with the counsel 3:09:41PM</p> <p>2 <b>Q Did you prepare it?</b></p> <p>3 A I do not remember</p> <p>4 <b>Q Did you help negotiate it?</b></p> <p>5 A Yes 3:09:49PM</p> <p>6 <b>Q If you'll look at Paragraph Number 2, it</b></p> <p>7 <b>says:</b></p> <p>8 "In view of the public</p> <p>9 university status of The Regents,</p> <p>10 The Regents may decline to 3:09:54PM</p> <p>11 participate in the enforcement of</p> <p>12 an injunction in the Suit, as an</p> <p>13 exception to Eolas' sole control of</p> <p>14 the suit."</p> <p>15 <b>Do you see that?</b> 3:10:04PM</p> <p>16 A Yes</p> <p>17 <b>Q And this document is dated September 2011.</b></p> <p>18 <b>Do you see that?</b></p> <p>19 A Yes</p> <p>20 <b>Q Now, shortly after, the University of 3:10:11PM</b></p> <p>21 <b>California came in as a Plaintiff to sue the</b></p> <p>22 <b>Defendants, including my client, Yahoo, correct?</b></p> <p>23 A Yes</p> <p>24 <b>Q And do you see "the lawsuit" is the</b></p> <p>25 <b>lawsuit in which we're testifying today pending here 3:10:24PM</b></p> <p>Page 270</p>	<p>1 <b>to seek an injunction against Yahoo?</b> 3:11:13PM</p> <p>2 MS. KLEIN: Objection to the form of the</p> <p>3 question. To the extent it calls for</p> <p>4 attorney/client-privileged information, I'll</p> <p>5 instruct you not to answer. 3:11:20PM</p> <p>6 THE WITNESS: It's a discussion with the</p> <p>7 counsel.</p> <p>8 BY MS. DOAN:</p> <p>9 <b>Q Does the University of California intend</b></p> <p>10 <b>to seek an injunction against Yahoo in this case?</b> 3:11:25PM</p> <p>11 MS. KLEIN: Same objection and same</p> <p>12 instruction.</p> <p>13 THE WITNESS: I'm not going to answer</p> <p>14 that. I don't know.</p> <p>15 BY MS. DOAN: 3:11:31PM</p> <p>16 <b>Q Do you know if --</b></p> <p>17 A I don't know. I'm sorry, I shouldn't have</p> <p>18 said that. I do not know.</p> <p>19 <b>Q Do you know if the University of</b></p> <p>20 <b>California is currently seeking an injunction 3:11:37PM</b></p> <p>21 <b>against Yahoo in this case?</b></p> <p>22 MS. KLEIN: Objection to the form of the</p> <p>23 question.</p> <p>24 THE WITNESS: Not that I know of. I don't</p> <p>25 know. I'm sorry. 3:11:46PM</p> <p>Page 272</p>
<p>1 <b>in Tyler, Eolas Technologies versus Adobe Systems, 3:10:27PM</b></p> <p>2 <b>et al.?</b></p> <p>3 <b>Do you see that?</b></p> <p>4 A Yes</p> <p>5 <b>Q So did you help negotiate Paragraph Number 3:10:33PM</b></p> <p>6 <b>2?</b></p> <p>7 A No This was done through the Office of</p> <p>8 General Counsel</p> <p>9 <b>Q And this states that because the Regents</b></p> <p>10 <b>is a public university, it doesn't want to be 3:10:44PM</b></p> <p>11 <b>publicly known as seeking an injunction against my</b></p> <p>12 <b>client, Yahoo, does it?</b></p> <p>13 MS KLEIN: Objection to the form of the</p> <p>14 question</p> <p>15 And I'll caution you not to reveal the 3:10:53PM</p> <p>16 substance of any attorney/client communications</p> <p>17 BY MS DOAN:</p> <p>18 <b>Q I'm not asking for any attorney/clients</b></p> <p>19 <b>communications; I'm asking for what this document</b></p> <p>20 <b>says. 3:11:02PM</b></p> <p>21 MS KLEIN: Objection; form</p> <p>22 THE WITNESS: It says the Regents may</p> <p>23 decline to participate</p> <p>24 BY MS DOAN:</p> <p>25 <b>Q Does the University of California intend 3:11:10PM</b></p> <p>Page 271</p>	<p>1 BY MS. DOAN: 3:11:47PM</p> <p>2 <b>Q That's okay.</b></p> <p>3 <b>So is it the University of California's</b></p> <p>4 <b>position that it doesn't know whether it's going to</b></p> <p>5 <b>seek an injunction against Yahoo?</b> 3:11:51PM</p> <p>6 MS. KLEIN: Objection to the form of the</p> <p>7 question, outside the scope of the 30(b)(6).</p> <p>8 THE WITNESS: I need to consult with my</p> <p>9 counsel, because I need to --</p> <p>10 MS. KLEIN: It's outside the scope of the 3:11:59PM</p> <p>11 30(b)(6), so I'll just instruct you not to answer.</p> <p>12 THE WITNESS: Okay.</p> <p>13 MS. DOAN: You can't instruct her not to</p> <p>14 answer.</p> <p>15 THE WITNESS: I don't know. 3:12:06PM</p> <p>16 BY MS. DOAN:</p> <p>17 <b>Q Okay.</b></p> <p>18 <b>Do you know whether the Plaintiffs are</b></p> <p>19 <b>seeking an injunction against Yahoo in this case?</b></p> <p>20 MS. KLEIN: Objection; form, outside the 3:12:20PM</p> <p>21 scope of the 30(b)(6).</p> <p>22 THE WITNESS: If you need me to answer, I</p> <p>23 would need to talk to the counsel.</p> <p>24 BY MS. DOAN:</p> <p>25 <b>Q You don't know as you sit here today; is 3:12:25PM</b></p> <p>Page 273</p>

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<p>1 that fair? 3:12:26PM</p> <p>2 A Yes.</p> <p>3 Q Do you know what an injunction is?</p> <p>4 A I need to discuss that. I understand it,</p> <p>5 but I want to make sure that I understand it 3:12:35PM</p> <p>6 correctly.</p> <p>7 Q What is your understanding of the word</p> <p>8 "injunction"?</p> <p>9 MS. KLEIN: Objection; form.</p> <p>10 THE WITNESS: I would rather not explain 3:12:39PM</p> <p>11 it. I don't know very well. I need to talk to the</p> <p>12 counsel.</p> <p>13 BY MS. DOAN:</p> <p>14 Q Okay.</p> <p>15 Do you want to take a break and talk to 3:12:44PM</p> <p>16 your lawyer?</p> <p>17 A Sure, if that's what you want to -- if you</p> <p>18 need an answer, I would need to talk to her.</p> <p>19 Q I think I understand what your counsel's</p> <p>20 definition of "injunction" is. I want to know what 3:12:56PM</p> <p>21 your definition of "injunction" is.</p> <p>22 MS. KLEIN: I object and I move to strike</p> <p>23 that question. Please rephrase your question.</p> <p>24 BY MS. DOAN:</p> <p>25 Q Do you understand what an injunction is? 3:13:04PM</p> <p>Page 274</p>	<p>1 Q Because it may not publicly want to come 3:13:53PM</p> <p>2 out against Yahoo in that type of fashion; is that</p> <p>3 fair?</p> <p>4 A Yes</p> <p>5 Q And that's why it negotiated this 3:13:58PM</p> <p>6 paragraph with Eolas; is that correct?</p> <p>7 MS KLEIN: Objection to form</p> <p>8 I'll instruct you not to answer to the</p> <p>9 extent your understanding is based upon</p> <p>10 conversations with counsel 3:14:06PM</p> <p>11 THE WITNESS: It is based upon -- it was</p> <p>12 negotiated by the Office of General Counsel</p> <p>13 BY MS DOAN:</p> <p>14 Q Do you know if the University of</p> <p>15 California is seeking an injunction against Amazon? 3:14:15PM</p> <p>16 MS KLEIN: Objection to the form of the</p> <p>17 question, outside the scope of the 30(b)(6)</p> <p>18 THE WITNESS: I do not know</p> <p>19 BY MS DOAN:</p> <p>20 Q This paragraph of Exhibit Number 10 that 3:14:23PM</p> <p>21 you helped negotiate and draft, does it allow the</p> <p>22 Regents of the University of California, because</p> <p>23 it's a public university, to decide not to seek an</p> <p>24 injunction against Amazon or not to be part of any</p> <p>25 injunction against Amazon? 3:14:38PM</p> <p>Page 276</p>
<p>1 What is your definition of "injunction"? 3:13:07PM</p> <p>2 MS. KLEIN: Objection; form.</p> <p>3 THE WITNESS: I'm blanking out. Sorry.</p> <p>4 BY MS. DOAN:</p> <p>5 Q That's okay. 3:13:17PM</p> <p>6 Do you understand an injunction to be that</p> <p>7 Yahoo would no longer be serving up web pages on the</p> <p>8 Internet?</p> <p>9 MS. KLEIN: Objection; form, outside the</p> <p>10 scope of the 30(b)(6). 3:13:27PM</p> <p>11 THE WITNESS: No, I did not know that.</p> <p>12 BY MS. DOAN:</p> <p>13 Q Okay.</p> <p>14 Is it your understanding that the</p> <p>15 University of California is seeking an injunction, 3:13:32PM</p> <p>16 with that definition, against Yahoo in this case?</p> <p>17 MS. KLEIN: Object to form, outside the</p> <p>18 scope of the 30(b)(6).</p> <p>19 THE WITNESS: I do not know.</p> <p>20 BY MS. DOAN: 3:13:41PM</p> <p>21 Q And this paragraph allows the Regents,</p> <p>22 since it's publicly -- a public university, to</p> <p>23 decide to step aside and not seek an injunction,</p> <p>24 right?</p> <p>25 A Yes. 3:13:52PM</p> <p>Page 275</p>	<p>1 MS. KLEIN: Objection; form, outside the 3:14:40PM</p> <p>2 scope of the 30(b)(6).</p> <p>3 THE WITNESS: It seems that Regents can</p> <p>4 decide that if they would like to.</p> <p>5 BY MS. DOAN: 3:14:46PM</p> <p>6 Q Is it your understanding that the Regents</p> <p>7 of the University of California are trying to stop</p> <p>8 Yahoo and Amazon from conducting business on the</p> <p>9 Internet?</p> <p>10 MS. KLEIN: Same objections, outside the 3:14:54PM</p> <p>11 scope.</p> <p>12 THE WITNESS: I don't believe so.</p> <p>13 BY MS. DOAN:</p> <p>14 Q But if it was going to happen, they want</p> <p>15 to make sure that -- that Eolas can pursue that, but 3:15:05PM</p> <p>16 they don't want their name associated with it; is</p> <p>17 that fair?</p> <p>18 MS. KLEIN: Objection; form, outside the</p> <p>19 scope of the 30(b)(6).</p> <p>20 BY MS. DOAN: 3:15:16PM</p> <p>21 Q Is that your understanding?</p> <p>22 MS. KLEIN: Objection; form.</p> <p>23 THE WITNESS: Say that again. Sorry.</p> <p>24 BY MS. DOAN:</p> <p>25 Q If anybody decides to pursue an injunction 3:15:21PM</p> <p>Page 277</p>

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<p>1 as a Plaintiff in this case against my client, 3:15:25PM  2 Yahoo -- okay?  3 A Yes  4 Q -- the University has negotiated with  5 Eolas that it doesn't have to be a part of that 3:15:32PM  6 because it's a public institution; is that correct?  7 MS KLEIN: Objection; form  8 And to the extent your understanding as to  9 why the point was negotiated comes from counsel,  10 I'll instruct you not to answer 3:15:44PM  11 THE WITNESS: That's what it states  12 BY MS DOAN:  13 Q Okay.  14 That's what the document, Exhibit  15 Number 12, says, right? 3:15:50PM  16 A Yes  17 (Defendants' Exhibit 13 marked  18 for identification )  19 BY MS DOAN:  20 Q I'm handing you what's been marked Exhibit 3:15:52PM  21 Number 13.  22 Are you familiar with this document?  23 A I have not seen this one  24 Q Does it appear to be a distribution of  25 patent income and loss for fiscal year 2009-2010? 3:16:15PM  Page 278</p>	<p>1 Microsoft agreement. If you'll look, it says: 3:17:00PM  2 "The amount of money the  3 Regents received from Eolas as a  4 result of the license agreement  5 identified in Supplemental Topic 3:17:06PM  6 Number 1 above."  7 MS. DOAN: Fine.  8 MS. KLEIN: This is not part of her  9 topics. To the extent you want her to review a  10 document, it goes against the time. 3:17:15PM  11 THE WITNESS: It's a financial statement  12 that details out the patent income.  13 MS. DOAN: Yeah, we'll go back on the  14 record here in a second.  15 MS. KLEIN: No, we're still on the record. 3:18:03PM  16 MS. DOAN: No, we're off the record. I  17 control the deposition.  18 MS. KLEIN: You do not, Counsel.  19 THE VIDEOGRAPHER: I don't know what to  20 do. 3:18:08PM  21 THE REPORTER: We're still on the record.  22 I'm writing everything that everybody says. I can't  23 go off unless both counsel agree.  24 MS. DOAN: You can. You can go off for  25 the party that noticed the deposition. 3:18:20PM  Page 280</p>
<p>1 MS. KLEIN: Objection; form. Witness says 3:16:19PM  2 she hasn't seen it.  3 THE WITNESS: It appears to be, but I have  4 not seen it before.  5 BY MS. DOAN: 3:16:32PM  6 Q Okay.  7 Do you want to take a minute to review it?  8 A Yes.  9 MS. DOAN: Okay. Let's go off the record  10 while she reviews it. 3:16:39PM  11 THE VIDEOGRAPHER: Off the record at 3:16.  12 MS. KLEIN: Actually, I don't agree with  13 going off the record. I want this to count against  14 the time.  15 MS. DOAN: I'm sorry. I control when we 3:16:49PM  16 are on the record and off the record. We're off the  17 record while she reviews it.  18 MS. KLEIN: Actually, you don't, because  19 if you're taking up time for her to review this,  20 she's allowed to use the time. You can't start -- 3:16:54PM  21 MS. DOAN: It's part of her topics,  22 Counsel. She's supposed to be prepared on it.  23 MS. KLEIN: It's not part of her topics.  24 MS. DOAN: It totally is.  25 MS. KLEIN: The topic is limited to the 3:16:59PM  Page 279</p>	<p>1 MS. KLEIN: No. 3:18:21PM  2 MS. DOAN: Yeah. We're in the Eastern  3 District of Texas and you don't practice there,  4 apparently, Counsel.  5 MS. KLEIN: I do practice there and 3:18:25PM  6 apparently you choose to not go by your 30(b)(6)  7 deposition notice.  8 THE WITNESS: All right. What's your  9 question?  10 BY MS. DOAN: 3:18:40PM  11 Q Okay.  12 Have you now had a chance to review  13 Exhibit Number 13?  14 A I know what it is --  15 Q Okay. 3:18:46PM  16 A -- so once you ask me --  17 Q And what is it?  18 A It appears -- it's a financial statement  19 that it tells the allocation of 2009-2010 patent  20 income and expenses which were managed by the 3:18:56PM  21 Central Office of the Technology Transfer.  22 Q And you're getting that from the first  23 sentence on page 1 of Exhibit --  24 A Yes.  25 Q -- Number 13? 3:19:03PM  Page 281</p>

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<p>1 Do you know if it has anything else other 3:19:04PM  2 than fiscal year 2009-2010 numbers in here?  3 MS. KLEIN: Objection; form.  4 BY MS. DOAN:  5 Q Have you looked at the document itself? 3:19:10PM  6 I'm going to ask about the Microsoft  7 distribution from this document. I expect you to be  8 prepared on this document.  9 MS. KLEIN: Objection; form,  10 argumentative, badgering the witness. Counsel, 3:19:22PM  11 please don't yell at the witness.  12 MS. DOAN: Keep it within the form.  13 MS. KLEIN: Well, don't raise your voice  14 to my --  15 MS. DOAN: Keep it within -- 3:19:30PM  16 MS. KLEIN: -- witness.  17 MS. DOAN: -- the form. I will stand by  18 this record on this video whether I raised my voice.  19 MS. KLEIN: You can do that.  20 BY MS. DOAN: 3:20:44PM  21 Q Are you ready to talk about this document?  22 A Yes.  23 Q All right.  24 You can tell me what your understanding is  25 of Exhibit Number 13; is that correct? 3:20:49PM  Page 282</p>	<p>1 A Yes. 3:21:57PM  2 MS. KLEIN: Objection; form.  3 BY MS. DOAN:  4 Q And it shows for fiscal year '08-'09 a  5 loss that was distributed to the San Francisco 3:22:01PM  6 campus.  7 Do you see that?  8 MS. KLEIN: Objection; form.  9 THE WITNESS: Yes.  10 BY MS. DOAN: 3:22:08PM  11 Q Okay.  12 And it's a -- it's --  13 The number is in parentheses, correct?  14 A Uh-huh, yes.  15 Q And what does the number in parentheses 3:22:14PM  16 indicate to you that was distributed to the  17 University of San Francisco campus?  18 MS. KLEIN: Objection; form.  19 THE WITNESS: That indicates that we had a  20 negative balance. 3:22:25PM  21 BY MS. DOAN:  22 Q In the amount of \$6,582,885; is that  23 correct?  24 A Yes.  25 MS. KLEIN: Objection; form. 3:22:32PM  Page 284</p>
<p>1 MS. KLEIN: Objection; form. 3:20:51PM  2 THE WITNESS: Yes. It describes the  3 income distribution from the cases for the campuses  4 that were managed by the central office.  5 BY MS. DOAN: 3:20:59PM  6 Q Okay.  7 The "Innovati- -- Innovation, Alliances  8 and Services, formerly known as the Office of  9 Technology Transfer," do you see that?  10 A Yes. 3:21:11PM  11 Q And if you'll look at the page -- at the  12 top it says "University of California Innovation,  13 Alliances and Services, San Francisco Campus."  14 Do you see that?  15 MS. KLEIN: Objection; form. 3:21:25PM  16 THE WITNESS: Yes.  17 BY MS. DOAN:  18 Q And do you see it also has fiscal year  19 2008-2009 and 2009 to 2010? Do you see that?  20 A Yes. 3:21:44PM  21 Q And this is the amount that's distributed  22 to the San Francisco campus with a note at the  23 bottom about the report includes IAS, formerly  24 Office of Technology Transfer, managed inventions  25 only, correct? 3:21:56PM  Page 283</p>	<p>1 BY MS. DOAN: 3:22:32PM  2 Q And then for fiscal year '09-'010, the  3 University of San Francisco campus received  4 \$1,181,731; is that right?  5 MS. KLEIN: Objection; form. 3:22:42PM  6 THE WITNESS: Yes.  7 BY MS. DOAN:  8 Q And does this particular page show any  9 amount that went to research with respect to the  10 San Francisco campus -- 3:22:51PM  11 MS. KLEIN: Objection; form.  12 BY MS. DOAN:  13 Q -- in fiscal year '08-'09?  14 MS. KLEIN: Objection; form.  15 THE WITNESS: It's under "Mandatory 3:22:58PM  16 Distribution." There is a research allocation.  17 BY MS. DOAN:  18 Q And is that \$139 for the entire year --  19 fiscal year '08-'09?  20 MS. KLEIN: Objection; form. 3:23:08PM  21 THE WITNESS: That's what it appears to  22 be.  23 BY MS. DOAN:  24 Q And for fiscal year 2009-2010, the  25 research allocation amount is merely \$691; is that 3:23:32PM  Page 285</p>

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1 **correct?** 3:23:37PM  
2 MS. KLEIN: Objection; form.  
3 THE WITNESS: You have to remember that  
4 this is just for cases that were managed by the  
5 central office. There is several cases or equal 3:23:42PM  
6 number of cases that are managed by the UCSF campus.  
7 BY MS. DOAN:  
8 **Q Right. And I think we saw the amount that**  
9 **was allocated to research on those. Okay.**  
10 **So now I'm just focusing on this 3:23:53PM**  
11 **particular sheet that's \$691.**  
12 **Is that correct?**  
13 A Yes.  
14 MS. KLEIN: Objection; form.  
15 BY MS. DOAN: 3:23:57PM  
16 **Q Are there any --**  
17 **Have you --**  
18 **Have we now talked about all the monies**  
19 **that the Regents have received with respect to the**  
20 **settlement of either the Microsoft dispute and/or 3:24:06PM**  
21 **the settlements of either -- the -- the Defendants**  
22 **that used to be in this case?**  
23 MS. KLEIN: Objection; form, outside the  
24 scope of the 30(b)(6).  
25 THE WITNESS: Repeat your question. I'm 3:24:18PM  
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1 sorry. 3:24:20PM  
2 BY MS. DOAN:  
3 **Q Sure.**  
4 **Are there any other documents that would**  
5 **reflect the amount that the University has received, 3:24:21PM**  
6 **either the entire University of California or the**  
7 **University of San Francisco campus, from the**  
8 **disbursements from the -- Eolas Technologies?**  
9 MS. KLEIN: Objection; form.  
10 THE WITNESS: There was some recent 3:24:33PM  
11 payments that are not reflected here.  
12 BY MS. DOAN:  
13 **Q Okay.**  
14 **Have those been produced in this**  
15 **litigation? 3:24:38PM**  
16 A I do not know.  
17 **Q Have you given them to your counsel?**  
18 A I'll have to check.  
19 MS. DOAN: Okay. Counsel, we'd request  
20 that the recent payments that were provided to the 3:24:48PM  
21 University of California be produced, and we'll  
22 reserve any questions on those recent payments to  
23 the extent -- what they are.  
24 BY MS. DOAN:  
25 **Q Do you know, ballpark, what these recent 3:25:02PM**  
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1 **payments are -- 3:25:03PM**  
2 MS. KLEIN: Objection to form, move to  
3 strike --  
4 BY MS. DOAN:  
5 **Q -- the amount? 3:25:04PM**  
6 A There were minimum annual royalty payments  
7 that are required in the agreement itself. So I  
8 don't remember exactly which year what -- what was  
9 the payment. It was a couple hundred thousand  
10 dollars. I don't know. 3:25:14PM  
11 **Q Roughly \$250,000 or something like that?**  
12 A Something -- it was ranging -- depending  
13 on which year it was, it could be \$150,000 to  
14 \$500,000.  
15 **Q And do you think it's recently been 3:25:23PM**  
16 **received by the University of California at**  
17 **San Francisco or the University of California as a**  
18 **whole?**  
19 A University of California, San Francisco in  
20 the last couple of years. 3:25:32PM  
21 **Q Do you think the University of California**  
22 **as a whole has received more monies than the**  
23 **University of California -- than the disbursements**  
24 **just to the University of California, San Francisco**  
25 **campus? 3:25:43PM**  
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1 MS. KLEIN: Objection; form. 3:25:43PM  
2 THE WITNESS: So the money only goes to  
3 University of California, San Francisco, because the  
4 invention is from San Francisco campus. So the  
5 money comes in to San Francisco, of which then it's 3:25:50PM  
6 distributed according to the patent policy.  
7 So I'm not sure what you're saying if it  
8 goes to the whole UC as such.  
9 BY MS. DOAN:  
10 **Q Okay. 3:26:00PM**  
11 **Well, speaking on behalf of the entire**  
12 **University of California, are there additional**  
13 **payments that have been made by Eolas that were --**  
14 **recently came in that have not been reflected on the**  
15 **documents we've gone over? 3:26:09PM**  
16 MS. KLEIN: Objection; form of the  
17 question.  
18 THE WITNESS: Only the ones that I  
19 mentioned to you, which came in to UCSF, not to any  
20 other campus. 3:26:16PM  
21 BY MS. DOAN:  
22 **Q Right.**  
23 **And we don't have those documents as we**  
24 **sit here today, do we?**  
25 MS. KLEIN: Objection; form. 3:26:23PM  
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<p>1 THE WITNESS: I have not seen them here 3:26:23PM</p> <p>2 BY MS DOAN:</p> <p>3 <b>Q Okay.</b></p> <p>4 <b>Did you review them in preparing for your</b></p> <p>5 <b>deposition? 3:26:26PM</b></p> <p>6 A I looked at them, yes</p> <p>7 MS DOAN: Okay Counsel, we ask that</p> <p>8 either the Bates stamp numbers be provided or a copy</p> <p>9 of those documents be provided</p> <p>10 BY MS DOAN: 3:26:46PM</p> <p>11 <b>Q Who is Rita Hao, H-A-O?</b></p> <p>12 A She's a counsel in Office of General</p> <p>13 Counsel</p> <p>14 <b>Q And does she practice with your</b></p> <p>15 <b>representative of the Office of General Counsel who 3:27:02PM</b></p> <p>16 <b>is here today?</b></p> <p>17 A Yes</p> <p>18 <b>Q And his name is Marty Simpson?</b></p> <p>19 A Yes</p> <p>20 <b>Q Remember earlier when I asked you if you 3:27:14PM</b></p> <p>21 <b>took this litigation seriously?</b></p> <p>22 A Yes</p> <p>23 <b>Q You told me that you did, right? Is that</b></p> <p>24 <b>correct?</b></p> <p>25 A Yes 3:27:25PM</p> <p style="text-align: right;">Page 290</p>	<p>1 MS. KLEIN: I -- you can make the record 3:27:55PM</p> <p>2 of whatever you want to say. I'm going to instruct</p> <p>3 the witness not to answer until I've had the</p> <p>4 opportunity to review the document.</p> <p>5 MS. DOAN: That's absolutely fine. 3:28:02PM</p> <p>6 BY MS. DOAN:</p> <p>7 <b>Q The document is entitled "More Hilarity!";</b></p> <p>8 <b>is that correct?</b></p> <p>9 MS. KLEIN: I'm going to object and I'm</p> <p>10 going to instruct you -- 3:28:10PM</p> <p>11 THE WITNESS: I'm not going to --</p> <p>12 MS. KLEIN: Excuse me.</p> <p>13 I'm going to instruct you not to answer</p> <p>14 until I've had the opportunity to review the</p> <p>15 document. So if you'll just sit there for just a 3:28:15PM</p> <p>16 moment while I have the opportunity to review it and</p> <p>17 the question can pend, okay?</p> <p>18 BY MS. DOAN:</p> <p>19 <b>Q And the document goes on to say:</b></p> <p>20 <b>"This gets funnier and 3:28:24PM</b></p> <p>21 <b>funnier. Marty came by to ask if I</b></p> <p>22 <b>can come to this meeting tomorrow,</b></p> <p>23 <b>too. I guess he's looking for some</b></p> <p>24 <b>backup help on Eolas! Ha ha ha" --</b></p> <p>25 MS. KLEIN: Wait a second. Before you -- 3:28:35PM</p> <p style="text-align: right;">Page 292</p>
<p>1 (Defendants' Exhibit 14 marked 3:27:26PM</p> <p>2 for identification )</p> <p>3 BY MS DOAN:</p> <p>4 <b>Q I'm handing you what I've marked as</b></p> <p>5 <b>Exhibit Number 14, and it's a document to you -- to 3:27:28PM</b></p> <p>6 <b>Rita Hao from you.</b></p> <p>7 A It's a personal e-mail It shouldn't have</p> <p>8 been disclosed</p> <p>9 <b>Q Right.</b></p> <p>10 <b>Can you please read this e-mail into the 3:27:40PM</b></p> <p>11 <b>record, please --</b></p> <p>12 A It's a --</p> <p>13 <b>Q -- ma'am?</b></p> <p>14 A -- personal e-mail That's -- that's just</p> <p>15 not fair 3:27:44PM</p> <p>16 <b>Q We've had lots of --</b></p> <p>17 MS KLEIN: If you will just give me a</p> <p>18 minute with her</p> <p>19 BY MS DOAN:</p> <p>20 <b>Q We've had lots of personal e-mails in this 3:27:46PM</b></p> <p>21 <b>counsel -- in this case, ma'am, and the e-mail says:</b></p> <p>22 <b>"This gets funnier and funnier" --</b></p> <p>23 MS KLEIN: Excuse me I want to take a</p> <p>24 moment --</p> <p>25 MS DOAN: I'm making the record -- 3:27:54PM</p> <p style="text-align: right;">Page 291</p>	<p>1 MS DOAN: I'm make -- please don't 3:28:36PM</p> <p>2 interrupt, Counsel</p> <p>3 MS KLEIN: Actually, I'm about to snap</p> <p>4 this back, because she just testified --</p> <p>5 MS DOAN: That's totally fine 3:28:41PM</p> <p>6 MS KLEIN: -- Ms Hao is a --</p> <p>7 MS DOAN: And it says: "I'm" --</p> <p>8 MS KLEIN: So don't put it on the</p> <p>9 record --</p> <p>10 MS DOAN: -- "bringing a brown bag 3:28:41PM</p> <p>11 lunch" --</p> <p>12 MS KLEIN: -- any more You know your</p> <p>13 obligations</p> <p>14 I'm snapping this document back I'm</p> <p>15 moving to strike the record and I'm telling you, 3:28:46PM</p> <p>16 Ms Doan, you understood before you asked questions</p> <p>17 on the record that Ms Hao was an attorney and so</p> <p>18 I'm moving to strike the record and I hope you will</p> <p>19 agree with that But I'm snapping this document</p> <p>20 back and I would like all copies of it 3:28:58PM</p> <p>21 BY MS DOAN:</p> <p>22 <b>Q Now, Dr. Rajdev, I'm asking you again: Do</b></p> <p>23 <b>you take this -- this lawsuit seriously?</b></p> <p>24 A Yes, I do</p> <p>25 <b>Q Have you ever written a document where you 3:29:14PM</b></p> <p style="text-align: right;">Page 293</p>

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<p>1 <b>didn't take this lawsuit seriously?</b> 3:29:15PM</p> <p>2 A I don't recall.</p> <p>3 <b>Q Do you think you just looked at one where</b></p> <p>4 <b>you -- where you didn't take this lawsuit very</b></p> <p>5 <b>seriously?</b> 3:29:22PM</p> <p>6 MS. KLEIN: I object. I instruct you not</p> <p>7 to answer.</p> <p>8 Counsel, you know I just snapped this</p> <p>9 document back and you're not allowed to ask any</p> <p>10 questions about it. 3:29:29PM</p> <p>11 MS. DOAN: I expect her to testify</p> <p>12 truthfully under oath.</p> <p>13 MS. KLEIN: Are you implying she didn't?</p> <p>14 Because you're not complying with your ethical</p> <p>15 obligations. 3:29:35PM</p> <p>16 BY MS. DOAN:</p> <p>17 <b>Q Dr. Rajdev, have you ever written an</b></p> <p>18 <b>e-mail where you didn't take this lawsuit seriously?</b></p> <p>19 MS. KLEIN: I object and I instruct you</p> <p>20 not to answer. I instruct you not to answer, so you 3:29:40PM</p> <p>21 can just sit there and stare at her until the next</p> <p>22 question comes.</p> <p>23 BY MS. DOAN:</p> <p>24 <b>Q Are you refusing to answer the question?</b></p> <p>25 <b>You can answer that question.</b> 3:29:51PM</p> <p style="text-align: right;">Page 294</p>	<p>1 <b>asked you today, ma'am?</b> 3:30:48PM</p> <p>2 A Yes, and I'm saying I don't recall.</p> <p>3 <b>Q Have you answered them truthfully?</b></p> <p>4 A Yes.</p> <p>5 MS. DOAN: Thank you. Pass the witness. 3:30:55PM</p> <p>6 Let's take a break.</p> <p>7 THE VIDEOGRAPHER: Off the record at 3:31.</p> <p>8 (Recess taken.)</p> <p>9 THE VIDEOGRAPHER: On the record at 3:44.</p> <p>10 EXAMINATION 3:44:15PM</p> <p>11 BY MS. ROBINSON:</p> <p>12 <b>Q And, Dr. Rajdev, you understand that we're</b></p> <p>13 <b>resuming now after a break and you're still under</b></p> <p>14 <b>oath?</b></p> <p>15 A Yes. 3:44:24PM</p> <p>16 <b>Q Which claims of the '906 patent is the</b></p> <p>17 <b>University of California asserting against Google?</b></p> <p>18 MS. KLEIN: Objection to the form of the</p> <p>19 question, outside the scope of the 30(b)(6).</p> <p>20 THE WITNESS: Again, you would need to 3:44:34PM</p> <p>21 talk to outside counsel, our counsel.</p> <p>22 BY MS. ROBINSON:</p> <p>23 <b>Q Is the answer that you don't know?</b></p> <p>24 A I don't know.</p> <p>25 MS. KLEIN: Objection; form. 3:44:40PM</p> <p style="text-align: right;">Page 296</p>
<p>1 A Yes 3:29:54PM</p> <p>2 <b>Q Okay.</b></p> <p>3 <b>Other than the coun- -- the e-mails that</b></p> <p>4 <b>you may have written to the Office of General</b></p> <p>5 <b>Counsel, putting those aside and whatever they say, 3:29:59PM</b></p> <p>6 <b>have you ever written any other e-mails in which you</b></p> <p>7 <b>have made fun of Eolas Technology suing my clients,</b></p> <p>8 <b>Yahoo and Amazon?</b></p> <p>9 MS KLEIN: I object to the form of the</p> <p>10 question I instruct you not to answer to the 3:30:11PM</p> <p>11 extent it references an e-mail that I have already</p> <p>12 snapped back and, Ms. Rajdev, I instruct you not to</p> <p>13 answer that question as phrased</p> <p>14 BY MS. DOAN:</p> <p>15 <b>Q Are you refusing -- 3:30:24PM</b></p> <p>16 <b>Are you refusing to answer the question?</b></p> <p>17 A Yes</p> <p>18 <b>Q Okay.</b></p> <p>19 <b>Putting aside any e-mails you may have</b></p> <p>20 <b>with counsel -- okay? All right? -- have you ever 3:30:29PM</b></p> <p>21 <b>written any e-mail in which you made fun of the</b></p> <p>22 <b>allegations that were brought against my clients,</b></p> <p>23 <b>Yahoo and Amazon?</b></p> <p>24 A I don't recall</p> <p>25 <b>Q Have you understood the questions I've 3:30:47PM</b></p> <p style="text-align: right;">Page 295</p>	<p>1 BY MS. ROBINSON: 3:44:41PM</p> <p>2 <b>Q Which claims of the '985 patent is the</b></p> <p>3 <b>University of California asserting against Google?</b></p> <p>4 MS. KLEIN: Objection to the form of the</p> <p>5 question, outside the scope of the 30(b)(6) 3:44:47PM</p> <p>6 THE WITNESS: I do not know</p> <p>7 BY MS. ROBINSON:</p> <p>8 <b>Q Which claims of the '906 patent is the</b></p> <p>9 <b>University of California asserting against YouTube?</b></p> <p>10 MS. KLEIN: Objection to the form of the 3:44:55PM</p> <p>11 question, outside the scope of the 30(b)(6)</p> <p>12 THE WITNESS: I don't know</p> <p>13 BY MS. ROBINSON:</p> <p>14 <b>Q Which claims of the '985 patent is the</b></p> <p>15 <b>University of California asserting against YouTube? 3:45:04PM</b></p> <p>16 MS. KLEIN: Objection to the form of the</p> <p>17 question, outside the scope of the 30(b)(6)</p> <p>18 THE WITNESS: I don't know</p> <p>19 BY MS. ROBINSON:</p> <p>20 <b>Q Prior to the filing of this lawsuit in 3:45:17PM</b></p> <p>21 <b>October 2009, did the University of California ever</b></p> <p>22 <b>reach out to Google regarding the '906 patent?</b></p> <p>23 A The patent is exclusively licensed, so</p> <p>24 it's up to our licensee, not up to University of</p> <p>25 California 3:45:33PM</p> <p style="text-align: right;">Page 297</p>

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<p>1     <b>Q</b>   It's up to Eolas to do that?                     3:45:33PM</p> <p>2     A    Yes</p> <p>3     <b>Q</b>   Prior to the filing of this lawsuit in</p> <p>4     <b>October of 2009, did the University of California</b></p> <p>5     <b>ever reach out to Google regarding the '985 patent?</b>   3:45:40PM</p> <p>6     A    The University cannot directly do that</p> <p>7     because it's exclusively licensed. So it's up to</p> <p>8     our licensee to do that</p> <p>9     <b>Q</b>   So the answer is "no"?</p> <p>10    MS KLEIN: Objection; form                     3:45:52PM</p> <p>11    THE WITNESS: The answer is no</p> <p>12    BY MS. ROBINSON:</p> <p>13    <b>Q</b>   The answer is also "no" with regard to the</p> <p>14    <b>'906 patent?</b></p> <p>15    MS KLEIN: Objection; form                     3:46:00PM</p> <p>16    THE WITNESS: The answer is no</p> <p>17    BY MS. ROBINSON:</p> <p>18    <b>Q</b>   Prior to the filing of this lawsuit in</p> <p>19    <b>October 2009, did the University of California ever</b></p> <p>20    <b>provide notice to Google that it was infringing the</b>   3:46:14PM</p> <p>21    <b>'906 patent?</b></p> <p>22    A    Not that I'm aware of</p> <p>23    <b>Q</b>   Prior to the filing of this lawsuit in</p> <p>24    <b>October of 2009, did the University of California</b></p> <p>25    <b>ever provide notice to Google that it was infringing</b>   3:46:26PM</p> <p style="text-align: right;">Page 298</p>	<p>1     question. Object; outside the scope of the             3:47:28PM</p> <p>2     30(b)(6).</p> <p>3     THE WITNESS: I do not know.</p> <p>4     BY MS. ROBINSON:</p> <p>5     <b>Q</b>   What products or services is the                     3:47:33PM</p> <p>6     <b>University of California contending that YouTube</b></p> <p>7     <b>makes or uses that infringe the '906 or '985 patent?</b></p> <p>8     MS. KLEIN: Object to the form of the</p> <p>9     question. Object; outside the scope of the</p> <p>10    30(b)(6).                                             3:47:45PM</p> <p>11    THE WITNESS: I specifically don't know,</p> <p>12    but there is a lot of interactive applications in</p> <p>13    those programs. But I don't specifically know which</p> <p>14    products and which specific claims are related to</p> <p>15    each other.                                             3:47:53PM</p> <p>16    BY MS. ROBINSON:</p> <p>17    <b>Q</b>   And when you say "those programs," what</p> <p>18    <b>programs are you referring to?</b></p> <p>19    A    I'm talking to YouTube and Google. They</p> <p>20    provide a lot of services that are -- or a lot of    3:48:01PM</p> <p>21    web browser-based applications that are interactive.</p> <p>22    <b>Q</b>   But you don't know which, if any, of those</p> <p>23    <b>applications the University of California is</b></p> <p>24    <b>contending infringe the '906 or the '985 patent?</b></p> <p>25    A    No, not specifically.                     3:48:17PM</p> <p style="text-align: right;">Page 300</p>
<p>1     the '985 patent?                                     3:46:28PM</p> <p>2     A    I don't know. I'm not aware of it</p> <p>3     Sorry</p> <p>4     <b>Q</b>   Prior to the filing of this lawsuit in</p> <p>5     <b>October 2009, did the University of California ever</b>   3:46:38PM</p> <p>6     <b>provide notice to YouTube that it was infringing the</b></p> <p>7     <b>'906 patent?</b></p> <p>8     A    Not that I know of</p> <p>9     <b>Q</b>   Prior to the filing of this lawsuit in</p> <p>10    <b>October 2009, did the University of California ever</b>   3:46:48PM</p> <p>11    <b>provide notice to YouTube that it was infringing the</b></p> <p>12    <b>'985 patent?</b></p> <p>13    A    I don't know of any</p> <p>14    <b>Q</b>   What products is the University of</p> <p>15    <b>California contending that Google makes or uses that</b>   3:47:06PM</p> <p>16    <b>infringe the '906 patent?</b></p> <p>17    MS KLEIN: Object to the form of the</p> <p>18    question. Object; outside the scope of the</p> <p>19    30(b)(6). Object; asked -- sorry</p> <p>20    THE WITNESS: Again, I don't know             3:47:19PM</p> <p>21    BY MS. ROBINSON:</p> <p>22    <b>Q</b>   What products is the University of</p> <p>23    <b>California contending that Google makes or uses that</b></p> <p>24    <b>infringe the '985 patent?</b></p> <p>25    MS KLEIN: Object to the form of the             3:47:27PM</p> <p style="text-align: right;">Page 299</p>	<p>1     <b>Q</b>   What agreements does the University of             3:48:23PM</p> <p>2     <b>California have with Google?</b></p> <p>3     MS. KLEIN: Object to the form of the</p> <p>4     question. Object; outside the scope of the</p> <p>5     30(b)(6).                                             3:48:29PM</p> <p>6     THE WITNESS: I do not know.</p> <p>7     BY MS. ROBINSON:</p> <p>8     <b>Q</b>   What agreements does the University of</p> <p>9     <b>California have with Google regarding the University</b></p> <p>10    <b>of California's use of Google products?</b>             3:48:37PM</p> <p>11    MS. KLEIN: Object to the form of the</p> <p>12    question. Object; outside the scope of the</p> <p>13    30(b)(6).</p> <p>14    THE WITNESS: I do not know.</p> <p>15    BY MS. ROBINSON:                                     3:48:44PM</p> <p>16    <b>Q</b>   What e-mail program does the University of</p> <p>17    <b>California use?</b></p> <p>18    MS. KLEIN: Object; outside the scope of</p> <p>19    the 30(b)(6).</p> <p>20    You can answer as to your personal             3:48:57PM</p> <p>21    knowledge.</p> <p>22    THE WITNESS: Outlook.</p> <p>23    BY MS. ROBINSON:</p> <p>24    <b>Q</b>   Outlook?</p> <p>25    A    Yes.                                             3:49:01PM</p> <p style="text-align: right;">Page 301</p>

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<p>1       <b>Q Do you use Outlook in your position here at the University of California?</b>       3:49:03PM</p> <p>2</p> <p>3       A Yes.</p> <p>4       <b>Q Does the University of California use any Google products?</b>       3:49:12PM</p> <p>5       MS. KLEIN: Object to the form of the</p> <p>6       question. Object; outside the scope of the</p> <p>7       30(b)(6).</p> <p>8</p> <p>9       You may answer in your personal capacity.</p> <p>10       THE WITNESS: Are you talking about just the browser?       3:49:18PM</p> <p>11</p> <p>12       BY MS. ROBINSON:</p> <p>13       <b>Q I'm talking about any Google product.</b></p> <p>14       MS. KLEIN: Same objections.</p> <p>15       THE WITNESS: Define some products.       3:49:24PM</p> <p>16       BY MS. ROBINSON:</p> <p>17       <b>Q What products are you aware of that the University of California uses, what Google products?</b></p> <p>18       MS. KLEIN: Object to the form of the</p> <p>19       question. Object; outside of the 30(b)(6).       3:49:33PM</p> <p>20       You may answer as to the products you</p> <p>21       personally use.</p> <p>22       THE WITNESS: I personally use Google</p> <p>23       browser.</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 302</p>	<p>1       MS KLEIN: Object to the form of the       3:50:59PM</p> <p>2       question Object; outside the scope of the</p> <p>3       30(b)(6)</p> <p>4       THE WITNESS: I do not know</p> <p>5       (Defendants' Exhibit 15 marked       3:51:17PM</p> <p>6       for identification )</p> <p>7       BY MS. ROBINSON:</p> <p>8       <b>Q I'm handing you what I've marked</b></p> <p>9       <b>Exhibit 15. It's a document that bears the Bates</b></p> <p>10       <b>stamp beginning on the first page GOOGLE_04853364.       3:51:31PM</b></p> <p>11       <b>Have you ever seen this document?</b></p> <p>12       A I have not</p> <p>13       <b>Q Can I direct you to the first paragraph on</b></p> <p>14       <b>the top of the first page.</b></p> <p>15       A Do you want me to read it?       3:52:02PM</p> <p>16       <b>Q You can or I can.</b></p> <p>17       A Okay Go ahead Sorry</p> <p>18       <b>Q (Reading)</b></p> <p>19       <b>"This Google Apps Education</b></p> <p>20       <b>Edition Agreement ('the Agreement')       3:52:10PM</b></p> <p>21       <b>is entered into by and between</b></p> <p>22       <b>Google, Inc.," and then it goes on</b></p> <p>23       <b>to give the corporate information</b></p> <p>24       <b>for Google, "and The Regents of The</b></p> <p>25       <b>University of California."       3:52:19PM</b></p> <p style="text-align: right;">Page 304</p>
<p>1       BY MS. ROBINSON:       3:49:41PM</p> <p>2       <b>Q When you say "Google browser," are you</b></p> <p>3       <b>referring --</b></p> <p>4       A Search engine. Sorry.</p> <p>5       <b>Q Oh, okay.       3:49:46PM</b></p> <p>6       <b>So Google Search?</b></p> <p>7       A Yes.</p> <p>8       <b>Q Are there any others that you use?</b></p> <p>9       A I have Google Maps on my iPhone. Came</p> <p>10       with it.       3:49:57PM</p> <p>11       <b>Q Any others?</b></p> <p>12       A I have Gmail account.</p> <p>13       <b>Q Is that your personal e-mail account?</b></p> <p>14       A That's my personal e-mail account.</p> <p>15       <b>Q Is that a complete list?       3:50:18PM</b></p> <p>16       A Yes.</p> <p>17       And I received an invitation from Google</p> <p>18       to open it, so...</p> <p>19       <b>Q How long have you had the Gmail account?</b></p> <p>20       A A few years.       3:50:30PM</p> <p>21       <b>Q Prior to 2009?</b></p> <p>22       A Yes, I believe so.</p> <p>23       <b>Q Are you aware of the University of</b></p> <p>24       <b>California entering an agreement with Google to use</b></p> <p>25       <b>Google products on the campuses?       3:50:57PM</b></p> <p style="text-align: right;">Page 303</p>	<p>1       <b>Do you understand that's the same Regents       3:52:22PM</b></p> <p>2       <b>of the University of California that you're</b></p> <p>3       <b>testifying on behalf of here today?</b></p> <p>4       MS. KLEIN: Object to the form of the</p> <p>5       question. Object; outside the scope of the       3:52:29PM</p> <p>6       30(b)(6), particularly with what Ms. Rajdev has been</p> <p>7       designated to testify about.</p> <p>8       BY MS. ROBINSON:</p> <p>9       <b>Q Is that your understanding?</b></p> <p>10       A Yes.       3:52:38PM</p> <p>11       <b>Q And if you go down to Section 1.4 under</b></p> <p>12       <b>"Definitions:"</b></p> <p>13       <b>"'End Users' means [the]</b></p> <p>14       <b>Customer's students, alumni,</b></p> <p>15       <b>faculty, and staff who are       3:52:50PM</b></p> <p>16       <b>registered to use the Services."</b></p> <p>17       <b>Do you see that?</b></p> <p>18       A Yes.</p> <p>19       MS. KLEIN: Objection; form.</p> <p>20       BY MS. ROBINSON:       3:52:55PM</p> <p>21       <b>Q And it says customer --</b></p> <p>22       <b>If you look up in that first paragraph</b></p> <p>23       <b>again, you will see after the Regents," it defines</b></p> <p>24       <b>the Regents as the customer.</b></p> <p>25       <b>Do you see that?       3:53:04PM</b></p> <p style="text-align: right;">Page 305</p>

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<p>1 MS KLEIN: Objection; form 3:53:05PM</p> <p>2 THE WITNESS: Yes, I do</p> <p>3 BY MS ROBINSON:</p> <p>4 <b>Q Do you understand this to be an agreement</b></p> <p>5 <b>between Google and the Regents of the University of</b> 3:53:09PM</p> <p>6 <b>California?</b></p> <p>7 MS KLEIN: Objection; form</p> <p>8 THE WITNESS: It appears to be</p> <p>9 BY MS ROBINSON:</p> <p>10 <b>Q And if you turn to the second-to-last</b> 3:53:18PM</p> <p>11 <b>page, the page ending in -4853374 --</b></p> <p>12 A I have it</p> <p>13 <b>Q -- do you see two signatures there?</b></p> <p>14 A Yes</p> <p>15 <b>Q One signature on behalf of Google?</b> 3:53:35PM</p> <p>16 A Yes</p> <p>17 <b>Q And who is that that signed on behalf of</b></p> <p>18 <b>the Regents?</b></p> <p>19 MS KLEIN: Objection; form</p> <p>20 THE WITNESS: I can't read Who is that? 3:53:43PM</p> <p>21 What's the name?</p> <p>22 BY MS ROBINSON:</p> <p>23 <b>Q I was asking if you knew who that was.</b></p> <p>24 MS KLEIN: Objection; form</p> <p>25 THE WITNESS: No, I don't Hisulon? 3:53:51PM</p> <p>Page 306</p>	<p>1 BY MS. ROBINSON: 3:54:38PM</p> <p>2 <b>Q Do you see that?</b></p> <p>3 MS. KLEIN: -- the 30(b)(6).</p> <p>4 THE WITNESS: Yes, I do.</p> <p>5 MS. KLEIN: Let me complete my objection. 3:54:41PM</p> <p>6 Same objections.</p> <p>7 BY MS. ROBINSON:</p> <p>8 <b>Q And the signatory on behalf of Google on</b></p> <p>9 <b>June 4th, 2008?</b></p> <p>10 MS. KLEIN: Objection; form. 3:54:50PM</p> <p>11 THE WITNESS: Yes, I see.</p> <p>12 BY MS. ROBINSON:</p> <p>13 <b>Q On the last page, Exhibit A of Deposition</b></p> <p>14 <b>Exhibit 15, ends in the Bates number -4853375.</b></p> <p>15 A Yes. 3:55:10PM</p> <p>16 <b>Q It lists customer domain names.</b></p> <p>17 MS. KLEIN: Objection; form.</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MS. ROBINSON:</p> <p>20 <b>Q BerkeleyLab.org, do you know what that</b> 3:55:17PM</p> <p>21 <b>refers to?</b></p> <p>22 MS. KLEIN: Objection; form.</p> <p>23 THE WITNESS: Yes, I do.</p> <p>24 BY MS. ROBINSON:</p> <p>25 <b>Q What does it refer to?</b> 3:55:22PM</p> <p>Page 308</p>
<p>1 BY MS ROBINSON: 3:53:55PM</p> <p>2 <b>Q Do you have any reason to believe that</b></p> <p>3 <b>this was not signed by -- on behalf of the Regents</b></p> <p>4 <b>of the University of California?</b></p> <p>5 MS KLEIN: Objection; form Object; 3:54:02PM</p> <p>6 outside the scope of the 30(b)(6)</p> <p>7 THE WITNESS: I'm not saying that I just</p> <p>8 don't know who this person is who signed I mean,</p> <p>9 it's a huge university and a lot of people have</p> <p>10 authority to sign agreements 3:54:12PM</p> <p>11 BY MS ROBINSON:</p> <p>12 <b>Q Understood. Understood.</b></p> <p>13 <b>Do you have any reason to believe that</b></p> <p>14 <b>this document is not an accurate -- true and</b></p> <p>15 <b>accurate copy of this agreement entered between</b> 3:54:21PM</p> <p>16 <b>Google and YouTube [sic]?</b></p> <p>17 MS KLEIN: Objection; form Object;</p> <p>18 outside the scope of the 30(b)(6)</p> <p>19 THE WITNESS: No</p> <p>20 BY MS ROBINSON: 3:54:27PM</p> <p>21 <b>Q And you see the date here? Looks like</b></p> <p>22 <b>this was signed June 2nd, 2008 on behalf of the</b></p> <p>23 <b>Regents?</b></p> <p>24 MS KLEIN: Objection; form Object;</p> <p>25 outside the scope of -- 3:54:37PM</p> <p>Page 307</p>	<p>1 A That's the -- one of the labs that the 3:55:23PM</p> <p>2 Regents manage. It's Lawrence Livermore Berkeley</p> <p>3 Laboratories.</p> <p>4 <b>Q So that's a part of the University of</b></p> <p>5 <b>California?</b> 3:55:34PM</p> <p>6 A It's DOE's lab, Department of Energy, and</p> <p>7 it's managed by the Regents.</p> <p>8 <b>Q Okay.</b></p> <p>9 <b>The next one looks like LBL.gov.</b></p> <p>10 MS. KLEIN: Objection; form. 3:55:47PM</p> <p>11 BY MS. ROBINSON:</p> <p>12 <b>Q Do you know what that refers to?</b></p> <p>13 A Lawrence Berkeley Livermore. It seems to</p> <p>14 be the same, unless there is Berkeley lab something</p> <p>15 that's in University of Berkeley that I don't know 3:55:53PM</p> <p>16 about.</p> <p>17 <b>Q Okay.</b></p> <p>18 <b>So it could be that those are just two</b></p> <p>19 <b>different domain names for that Lawrence Berkeley</b></p> <p>20 <b>Lab?</b> 3:56:00PM</p> <p>21 MS. KLEIN: Objection; form and objection</p> <p>22 to this line of questioning as outside the scope of</p> <p>23 the 30(b)(6).</p> <p>24 THE WITNESS: Could be, unless Berkeley</p> <p>25 lab is something specific at UC Berkeley campus. 3:56:05PM</p> <p>Page 309</p>

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<p>1 BY MS ROBINSON: 3:56:08PM</p> <p>2 Q Understood.</p> <p>3 UCDavis.edu, you understand that to refer</p> <p>4 to University of California at Davis?</p> <p>5 A Yes 3:56:17PM</p> <p>6 Q UCL.edu you understand to refer to</p> <p>7 University of California at Irvine?</p> <p>8 MS KLEIN: Objection; form</p> <p>9 THE WITNESS: Yes</p> <p>10 BY MS ROBINSON: 3:56:23PM</p> <p>11 Q UCLA.edu, you understand that to refer to</p> <p>12 the University of California at Los Angeles?</p> <p>13 MS KLEIN: Objection; form</p> <p>14 THE WITNESS: Yes</p> <p>15 BY MS ROBINSON: 3:56:29PM</p> <p>16 Q UCSC.edu you understand to refer to the</p> <p>17 University of California at Santa Cruz?</p> <p>18 MS KLEIN: Objection; form</p> <p>19 BY MS ROBINSON:</p> <p>20 Q And UCSD.edu, you understand that to refer 3:56:40PM</p> <p>21 to the University of California at San Diego?</p> <p>22 MS KLEIN: Objection; form</p> <p>23 THE WITNESS: Yes</p> <p>24 BY MS ROBINSON:</p> <p>25 Q If you could turn back to the first page 3:56:53PM</p> <p style="text-align: right;">Page 310</p>	<p>1 Q Okay. 3:57:39PM</p> <p>2 (Defendants' Exhibit 16 marked</p> <p>3 for identification.)</p> <p>4 BY MS ROBINSON:</p> <p>5 Q So I'm handing you what's been marked as 3:58:02PM</p> <p>6 Exhibit 16 to this deposition. In the top</p> <p>7 right-hand corner --</p> <p>8 So this is a printout from an Internet web</p> <p>9 page.</p> <p>10 A Okay 3:58:21PM</p> <p>11 Q And in the top right-hand corner, you can</p> <p>12 see the URL, the address, NewsCenter.Berkeley.edu?</p> <p>13 A Yes</p> <p>14 Q Do you understand that to be University of</p> <p>15 California at Berkeley? 3:58:31PM</p> <p>16 A Yes</p> <p>17 MS KLEIN: Objection; form</p> <p>18 BY MS ROBINSON:</p> <p>19 Q This first story listed, "Campus Selects</p> <p>20 Google as New E-mail and Calendar Solution," do you 3:58:41PM</p> <p>21 see that?</p> <p>22 MS KLEIN: Objection; form</p> <p>23 THE WITNESS: Yes, I do</p> <p>24 BY MS ROBINSON:</p> <p>25 Q And it's dated December 21st, 2011? 3:58:46PM</p> <p style="text-align: right;">Page 312</p>
<p>1 under 1.6: 3:56:56PM</p> <p>2 "'Service(s)' means the</p> <p>3 services referred to by Google as</p> <p>4 'Google Apps Education Edition' or</p> <p>5 'Google Apps' that are hosted by 3:57:05PM</p> <p>6 Google and used by Customer" --</p> <p>7 that's the Regents -- "under this</p> <p>8 Agreement."</p> <p>9 Do you see that?</p> <p>10 MS. KLEIN: Objection; form. 3:57:11PM</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MS. ROBINSON:</p> <p>13 Q Is it your understanding that Google Apps</p> <p>14 Education Edition or Google Apps was licensed for</p> <p>15 the University of California, particularly the 3:57:21PM</p> <p>16 campuses listed on Exhibit A of this exhibit?</p> <p>17 MS. KLEIN: Objection; form. Object;</p> <p>18 outside the scope of the 30(b)(6).</p> <p>19 THE WITNESS: I believe so, but, I mean,</p> <p>20 I'm not familiar with this agreement, so I don't 3:57:32PM</p> <p>21 really know.</p> <p>22 BY MS. ROBINSON:</p> <p>23 Q Okay.</p> <p>24 You don't know one way or the other?</p> <p>25 A Yes. 3:57:38PM</p> <p style="text-align: right;">Page 311</p>	<p>1 MS KLEIN: Objection; form 3:58:50PM</p> <p>2 THE WITNESS: Yes, I see it</p> <p>3 BY MS ROBINSON:</p> <p>4 Q Do you understand that as of</p> <p>5 December 21st, 2011, UC Berkeley selected Google 3:58:56PM</p> <p>6 Apps for Education, including e-mail and calendar,</p> <p>7 to be used on that campus?</p> <p>8 MS KLEIN: Object to the form of the</p> <p>9 question Object; outside the scope of the</p> <p>10 30(b)(6) 3:59:08PM</p> <p>11 THE WITNESS: That's what it says</p> <p>12 BY MS ROBINSON:</p> <p>13 Q Did -- were you aware of that before</p> <p>14 today?</p> <p>15 A No 3:59:13PM</p> <p>16 Q Do you have any reason to doubt that</p> <p>17 that's the case?</p> <p>18 MS KLEIN: Objection; form</p> <p>19 THE WITNESS: No</p> <p>20 BY MS ROBINSON: 3:59:19PM</p> <p>21 Q If you look in this just short blurb here,</p> <p>22 the last sentence:</p> <p>23 "Migration to the new platform</p> <p>24 will occur over the next 12 months;</p> <p>25 more details on the new tools and 3:59:31PM</p> <p style="text-align: right;">Page 313</p>

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

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<p>1 and staff being moved during calendar year 2012 -- 4:03:11PM</p> <p>2 MS KLEIN: Objection; form</p> <p>3 BY MS ROBINSON:</p> <p>4 Q -- do you understand that to mean that</p> <p>5 students, faculty, and staff will be moved to the 4:03:18PM</p> <p>6 Gmail calendar and -- or the Google Calendar and</p> <p>7 Gmail programs during 2012?</p> <p>8 MS KLEIN: Objection; form</p> <p>9 THE WITNESS: That's what it says</p> <p>10 BY MS ROBINSON: 4:03:33PM</p> <p>11 Q Then if you look down, there is another</p> <p>12 heading that says "Announcement to Campus."</p> <p>13 A Yes</p> <p>14 Q (Reading)</p> <p>15 "The following is the text of 4:03:39PM</p> <p>16 the December 21st, 2011, Calmessage</p> <p>17 that was sent to campus faculty,</p> <p>18 students, and staff, announcing the</p> <p>19 new e-mail and calendar solution"?</p> <p>20 MS KLEIN: Objection; form 4:03:50PM</p> <p>21 THE WITNESS: Yes, I see that</p> <p>22 BY MS ROBINSON:</p> <p>23 Q And that's as of December 21st, 2011?</p> <p>24 MS KLEIN: Objection; form</p> <p>25 THE WITNESS: Yes 4:03:57PM</p> <p style="text-align: right;">Page 318</p>	<p>1 primary search engine? 4:05:20PM</p> <p>2 A I don't remember.</p> <p>3 Q Has it been more than a year? More than</p> <p>4 two years?</p> <p>5 A Couple of years. Few years. I don't 4:05:38PM</p> <p>6 know.</p> <p>7 Q Why do you use Google Search as your</p> <p>8 primary search engine?</p> <p>9 A I don't know. I sometimes use Yahoo, too,</p> <p>10 still, so it's just -- I like the way the results 4:05:53PM</p> <p>11 come up.</p> <p>12 Q When you say "the way the results come</p> <p>13 up," what are you referring to?</p> <p>14 A The search results.</p> <p>15 Q The way they come up is the -- 4:06:05PM</p> <p>16 A It finds good things for me. I mean, I</p> <p>17 don't know. It's just one of the search engines</p> <p>18 that's widely use, and to be compatible with other</p> <p>19 people in the office, I use the same system that</p> <p>20 usually people would use. 4:06:18PM</p> <p>21 But everyone has different ways of doing</p> <p>22 things, so I'm not saying that everyone uses that,</p> <p>23 but I've just used that because it serves my</p> <p>24 purpose.</p> <p>25 Q Fair enough. 4:06:29PM</p> <p style="text-align: right;">Page 320</p>
<p>1 BY MS. ROBINSON: 4:03:58PM</p> <p>2 Q That's several months after the Regents</p> <p>3 joined this litigation against Google and YouTube,</p> <p>4 correct?</p> <p>5 MS. KLEIN: Objection; form. 4:04:06PM</p> <p>6 THE WITNESS: Yes. I don't know exactly</p> <p>7 when we joined, but it seems to be after.</p> <p>8 BY MS. ROBINSON:</p> <p>9 Q And I just want to make sure I understood</p> <p>10 your prior testimony correctly. 4:04:44PM</p> <p>11 Do you use, in your role here at the</p> <p>12 University of California, any Google products</p> <p>13 professionally?</p> <p>14 MS. KLEIN: Objection; form.</p> <p>15 THE WITNESS: I sometimes use the search 4:05:00PM</p> <p>16 engine.</p> <p>17 BY MS. ROBINSON:</p> <p>18 Q Okay.</p> <p>19 When is the first time that you used</p> <p>20 Google Search? 4:05:07PM</p> <p>21 A Oh, I have no idea. Whenever it became</p> <p>22 available. I don't know.</p> <p>23 Q Is it your primary search engine?</p> <p>24 A As of now, yes.</p> <p>25 Q How long has Google Search been your 4:05:18PM</p> <p style="text-align: right;">Page 319</p>	<p>1 When you say the results it delivers, are 4:06:31PM</p> <p>2 you referring to the relevance of the results?</p> <p>3 A Yes.</p> <p>4 Q Okay.</p> <p>5 And you also testified that you use Gmail 4:06:42PM</p> <p>6 personally?</p> <p>7 A Personal, not work.</p> <p>8 Q Not work.</p> <p>9 A Yes.</p> <p>10 Q I apologize if I'm repeating myself. 4:06:51PM</p> <p>11 How long have you used Gmail?</p> <p>12 A A few years.</p> <p>13 Q A few years.</p> <p>14 And when did you take over the case file</p> <p>15 for the Eolas patents? 4:07:00PM</p> <p>16 A 2008.</p> <p>17 Q Did you start using Gmail before or after</p> <p>18 you took over the Eolas case file?</p> <p>19 A I don't remember. I have a Hotmail</p> <p>20 account, as well, which I primarily use, so... 4:07:17PM</p> <p>21 Q Has it ever occurred to you that Gmail</p> <p>22 might infringe the patents-in-suit?</p> <p>23 A No. I haven't thought about it.</p> <p>24 Q And you also said that you use Google Maps</p> <p>25 on your iPhone; is that right? 4:07:33PM</p> <p style="text-align: right;">Page 321</p>

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1 A Yes. 4:07:35PM  
2 **Q How long have you been using Google Maps?**  
3 A Since I got my iPhone, which is about a  
4 year ago, I think.  
5 **Q Has it ever occurred to you that Google 4:07:45PM**  
6 **Maps might infringe the '985 or the '906 patent?**  
7 A I hadn't thought about it. It hadn't  
8 occurred to me, let me put it this way in answering  
9 your question.  
10 **Q Do you use YouTube? 4:08:03PM**  
11 A My son uses it a lot. Not me personally.  
12 **Q What does your son use it for?**  
13 A I don't know. I wish I knew. Some crappy  
14 things that I get mad at him all the time about.  
15 **Q Has it ever occurred to you that YouTube 4:08:24PM**  
16 **might infringe the '906 or the '985 patents?**  
17 MS. KLEIN: Objection; form.  
18 THE WITNESS: I have not thought about it.  
19 I know that it's one of the Defendants in the trial.  
20 BY MS. ROBINSON: 4:08:37PM  
21 **Q Have you ever used Google Video?**  
22 A I have not.  
23 **Q Have you ever used Google Finance?**  
24 A No.  
25 **Q Have you ever used Google News? 4:08:51PM**  
Page 322

1 A I have used Google News, yes. 4:08:54PM  
2 **Q When was your first use of Google News, if**  
3 **you remember?**  
4 A I don't remember.  
5 **Q Was it more than a year ago? 4:09:04PM**  
6 A Most likely.  
7 **Q And how often have you used Google News?**  
8 A I don't use it very often. Sometimes when  
9 I'm in the airplane or something and I want to catch  
10 up on the news, but it's not something that I use 4:09:23PM  
11 every day.  
12 **Q And you just mentioned catching up on the**  
13 **news. Would you say that's your primary use of**  
14 **Google News?**  
15 A If I -- yes. If I'm looking for some 4:09:39PM  
16 specific news, yes.  
17 **Q Okay.**  
18 **Has it ever occurred to you that Google**  
19 **News might infringe the '985 or the '906 patents?**  
20 A No. 4:09:52PM  
21 **Q Do you use Picasa?**  
22 A No. I've heard about it, but I don't know  
23 what it is.  
24 **Q Have you ever used Google Documents?**  
25 A I might have used Google Documents, yes. 4:10:06PM  
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1 **Q Has it ever occurred to you that Google 4:10:09PM**  
2 **Documents might infringe the '985 or the '906**  
3 **patents?**  
4 A No.  
5 **Q Have you ever used Google Spreadsheets? 4:10:17PM**  
6 A No.  
7 **Q Have you ever used Google Presentation?**  
8 A No.  
9 **Q Has Google induced you to use Gmail?**  
10 MS. KLEIN: Objection to the form of the 4:10:33PM  
11 question.  
12 THE WITNESS: "Induced" in the -- mean  
13 that, yes, I was getting some -- when I would open  
14 up the Google browser, that -- open a Gmail account.  
15 So it's that inducement. 4:10:44PM  
16 BY MS. ROBINSON:  
17 **Q Can you define what you understand**  
18 **"inducement" to mean?**  
19 MS. KLEIN: Objection to the form of the  
20 question. 4:10:53PM  
21 THE WITNESS: Pardon?  
22 MS. KLEIN: I objected to the form of the  
23 question.  
24 THE WITNESS: "Inducement" means that if  
25 I -- you unknowingly would infringe patents based on 4:10:58PM  
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1 somebody else's actions. 4:11:05PM  
2 BY MS. ROBINSON:  
3 **Q Has Google encouraged you to use Gmail?**  
4 A It's a good e-mail system, so I would call  
5 that encouraging. If it was crappy, I wouldn't use 4:11:16PM  
6 it.  
7 **Q Has Google ever -- well, strike that.**  
8 **Aside from your opinion that it's a good**  
9 **e-mail program, has Google done anything to**  
10 **encourage you to use Gmail? 4:11:34PM**  
11 MS. KLEIN: Objection; form.  
12 THE WITNESS: Personally?  
13 BY MS. ROBINSON:  
14 **Q Yes.**  
15 A No, no one from Google approached me, gave 4:11:39PM  
16 me presents to use it.  
17 **Q Similarly, has Google ever encouraged you**  
18 **to use Google Maps?**  
19 MS. KLEIN: Objection; form.  
20 THE WITNESS: No. 4:11:51PM  
21 BY MS. ROBINSON:  
22 **Q Has Google encouraged you to use any**  
23 **Google product?**  
24 MS. KLEIN: Objection; form.  
25 THE WITNESS: No. 4:12:01PM  
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<p>1 BY MS. ROBINSON: 4:12:08PM</p> <p>2 <b>Q When you use Gmail, do you believe that</b></p> <p>3 <b>your use of Gmail infringes the '985 or the '906</b></p> <p>4 <b>patents?</b></p> <p>5 MS. KLEIN: Objection; form. 4:12:16PM</p> <p>6 THE WITNESS: That's for Google to think,</p> <p>7 right, not for me to think, because Google is</p> <p>8 providing that service.</p> <p>9 BY MS. ROBINSON:</p> <p>10 <b>Q Well, so I'm asking a slightly different 4:12:24PM</b></p> <p>11 <b>question, so let me rephrase to make sure that we're</b></p> <p>12 <b>talking about the same thing.</b></p> <p>13 <b>When you were using Gmail, do you believe</b></p> <p>14 <b>that your use of Gmail infringes the '906 or the</b></p> <p>15 <b>'985 patents? 4:12:38PM</b></p> <p>16 MS. KLEIN: Objection; form.</p> <p>17 THE WITNESS: Not my use of the e-mail,</p> <p>18 because if I get a product that's supplied free to</p> <p>19 me, I presume that all the proper licenses are in</p> <p>20 place. If Google is letting me use the e-mail 4:12:47PM</p> <p>21 program, I would presume that Google has proper</p> <p>22 licenses in place for letting me use the program.</p> <p>23 That's all I have to say.</p> <p>24 BY MS. ROBINSON:</p> <p>25 <b>Q So my question is slightly different. I 4:13:02PM</b></p> <p style="text-align: right;">Page 326</p>	<p>1 <b>Q Has the University of California ever been 4:14:11PM</b></p> <p>2 <b>a member of the W3C?</b></p> <p>3 MS. KLEIN: Object to the form of the</p> <p>4 question Object; outside the scope of the</p> <p>5 30(b)(6) 4:14:17PM</p> <p>6 THE WITNESS: I don't believe so I think</p> <p>7 you have to pay to be a member, right?</p> <p>8 BY MS. ROBINSON:</p> <p>9 <b>Q Do the Regents of the University of</b></p> <p>10 <b>California have a view on the W3C? 4:14:24PM</b></p> <p>11 MS. KLEIN: Object to the form of the</p> <p>12 question Object; outside the scope of the</p> <p>13 30(b)(6)</p> <p>14 THE WITNESS: No</p> <p>15 BY MS. ROBINSON: 4:14:31PM</p> <p>16 <b>Q Have you ever heard of Dave Raggett?</b></p> <p>17 MS. KLEIN: R-A-G-G-E-T-T</p> <p>18 THE WITNESS: Was he the founder of</p> <p>19 Worldwide Web?</p> <p>20 BY MS. ROBINSON: 4:14:47PM</p> <p>21 <b>Q I'm just asking if you have ever heard of</b></p> <p>22 <b>him.</b></p> <p>23 A I don't know Maybe -- it sounds vaguely</p> <p>24 familiar, but I'm not sure</p> <p>25 <b>Q Have you ever heard of Mark Andreessen? 4:14:53PM</b></p> <p style="text-align: right;">Page 328</p>
<p>1 <b>understand your answer, but my question is slightly 4:13:04PM</b></p> <p>2 <b>different.</b></p> <p>3 <b>I'm asking about the way that you use</b></p> <p>4 <b>Gmail. So when you log in to your Gmail account and</b></p> <p>5 <b>you use the Gmail program for e-mail, do you believe 4:13:18PM</b></p> <p>6 <b>that your use of Gmail infringes the '906 or the</b></p> <p>7 <b>'985 patents?</b></p> <p>8 MS. KLEIN: Objection; form</p> <p>9 THE WITNESS: I don't know Again, it's</p> <p>10 not my use; it's a product that's supplied to me 4:13:32PM</p> <p>11 So I don't know, okay? Let me put it that way I</p> <p>12 don't know</p> <p>13 BY MS. ROBINSON:</p> <p>14 <b>Q Okay.</b></p> <p>15 <b>Have you ever heard of an organization 4:13:45PM</b></p> <p>16 <b>called the W3C?</b></p> <p>17 A I read about it</p> <p>18 <b>Q Do you understand that "W3C" refers to the</b></p> <p>19 <b>Worldwide Web Consortium?</b></p> <p>20 A Yes 4:13:55PM</p> <p>21 <b>Q When did you first hear of the W3C?</b></p> <p>22 A A few days ago</p> <p>23 <b>Q Is the University of California a member</b></p> <p>24 <b>of the W3C?</b></p> <p>25 A I don't think so 4:14:09PM</p> <p style="text-align: right;">Page 327</p>	<p>1 A No. 4:14:55PM</p> <p>2 MS. ROBINSON: And that's</p> <p>3 A-N-D-R-E-E-S-E-E-N [sic].</p> <p>4 THE REPORTER: Thank you.</p> <p>5 MS. ROBINSON: I have no more questions. 4:15:33PM</p> <p>6 THE WITNESS: Thank you.</p> <p>7 MS. ROBINSON: Do you want to go off the</p> <p>8 record really quick?</p> <p>9 THE VIDEOGRAPHER: Off the record at 4:15.</p> <p>10 (Brief pause in proceedings.) 4:15:46PM</p> <p>11 THE VIDEOGRAPHER: On the record at 4:19.</p> <p>12 EXAMINATION</p> <p>13 BY MR. FLOREY:</p> <p>14 <b>Q Good afternoon, Dr. Rajdev.</b></p> <p>15 A Good afternoon. 4:19:16PM</p> <p>16 <b>Q My name is Michael Florey and I'm here and</b></p> <p>17 <b>I'll be asking you some questions on behalf of</b></p> <p>18 <b>Defendant Adobe Systems, Inc , okay?</b></p> <p>19 A Okay.</p> <p>20 <b>Q And you understand that you're still under 4:19:29PM</b></p> <p>21 <b>oath and all the same rules that Ms. Doan went</b></p> <p>22 <b>through with you apply to my questions, as well,</b></p> <p>23 <b>okay?</b></p> <p>24 A Yes.</p> <p>25 <b>Q Dr. Rajdev, before the Regents exclusively 4:19:41PM</b></p> <p style="text-align: right;">Page 329</p>

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<p>1 licensed the '906 patent to Eolas, did the Regents 4:19:47PM  2 try and license the '906 patent to Adobe?  3 MS. KLEIN: Objection; form.  4 THE WITNESS: I don't specifically know,  5 but they contacted -- the licensing office contacted 4:19:59PM  6 all relevant companies that they knew of at that  7 time.  8 BY MR. FLOREY:  9 Q But do you know specifically whether they  10 contacted Adobe or not? 4:20:08PM  11 A I do not recall. There is a long list of  12 companies that they contacted. I do not know if  13 Adobe is in there or not.  14 Q Dr. Rajdev, did the Regents give Adobe any  15 notice that they believed Adobe was using the 4:20:23PM  16 technology of the '906 or '985 patents before Eolas  17 filed this lawsuit?  18 A Again, Eolas is the licensee. The Regents  19 did not -- I don't believe that the Regents gave any  20 specific notice. 4:20:38PM  21 Q Okay.  22 So the answer is no, before Eolas sued,  23 the Regents, who owned the patents, did not give any  24 notice to Adobe that they believed that Adobe was  25 using the technology; is that fair? 4:20:50PM  Page 330</p>	<p>1 MS. KLEIN: Objection; outside the scope 4:21:37PM  2 of the 30(b)(6).  3 THE WITNESS: I do not.  4 BY MR. FLOREY:  5 Q And it's true, is it not, that when this 4:21:41PM  6 suit was originally filed, it was filed only by  7 Eolas and the Regents did not join as a Plaintiff?  8 Is that your understanding?  9 A Yes.  10 Q And in fact, the Regents joined this case 4:21:53PM  11 as a Plaintiff recently, shortly before trial, at  12 Eolas' request, true?  13 MS. KLEIN: Object to the form of the  14 question.  15 THE WITNESS: Yes. 4:22:04PM  16 BY MR. FLOREY:  17 Q Dr. Rajdev, would you grab Exhibit 3 with  18 me, please?  19 A Sure.  20 Q And this is the original exclusive license 4:22:21PM  21 agreement between the Regents and Eolas; is that  22 correct?  23 A Yes, it is.  24 Q Would you turn with me to page 31.  25 A Yes. 4:22:44PM  Page 332</p>
<p>1 MS KLEIN: Objection; form 4:20:52PM  2 THE WITNESS: The Regents own the patent,  3 but it's exclusively licensed to Eolas  4 BY MR. FLOREY:  5 Q Okay. 4:20:58PM  6 I understand that Eolas is the exclusive  7 licensee, but I need to simply get an answer to my  8 question, which is: Before Eolas filed this  9 lawsuit, did the Regents give Adobe any notice that  10 they believed Adobe was using the technology of the 4:21:12PM  11 patents that they owned?  12 MS KLEIN: Objection; form  13 THE WITNESS: I don't believe so  14 BY MR. FLOREY:  15 Q Okay. 4:21:18PM  16 And do you know what Adobe products the  17 University of California is accusing of infringement  18 in this case?  19 MS KLEIN: Objection; outside the scope  20 of the 30(b)(6) 4:21:27PM  21 THE WITNESS: I do not  22 BY MR. FLOREY:  23 Q Do you know which claims of the patents  24 the University of California is asserting against  25 Adobe in this case? 4:21:36PM  Page 331</p>	<p>1 Q And do you see at the bottom of page 31, 4:22:44PM  2 there is a Section 16 entitled "Infringement"?  3 A I do.  4 Q And do you recall that Ms. Doan asked you  5 some questions about this section? 4:22:54PM  6 A Yes, I do.  7 Q I believe that you testified and agreed  8 with Ms. Doan that this section was -- was  9 applicable between the years 1995 and 2008.  10 Do you recall that? 4:23:09PM  11 MS. KLEIN: Object to the form of the  12 question.  13 THE WITNESS: Yes.  14 BY MR. FLOREY:  15 Q And I'm looking at Section 16 1, and it 4:23:13PM  16 reads:  17 "In the event that either  18 party responsible for  19 administrating this agreement  20 learns of substantial infringement 4:23:24PM  21 of any patent or copyright licensed  22 under this agreement, the informed  23 party shall call such infringement  24 to the attention of the other party  25 thereto in writing and shall 4:23:38PM  Page 333</p>

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<p>1 provide the other party with 4:23:38PM</p> <p>2 reasonable evidence of such</p> <p>3 infringement."</p> <p>4 Do you see that?</p> <p>5 A Yes. 4:23:42PM</p> <p>6 Q And so the Regents were under a</p> <p>7 contractual obligation between 1995 and 2008 that if</p> <p>8 they believed Adobe was infringing the licensed</p> <p>9 patents, they had to notify Eolas, correct?</p> <p>10 MS. KLEIN: Objection; form. 4:23:57PM</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MR. FLOREY:</p> <p>13 Q And at no time between 1995 and 2008 did</p> <p>14 the Regents ever indicate to Eolas that they</p> <p>15 believed that Adobe was infringing any of these 4:24:07PM</p> <p>16 licensed patents, true?</p> <p>17 A Not to my knowledge.</p> <p>18 Q You have no knowledge of any such notice?</p> <p>19 A No.</p> <p>20 Q I would ask you to turn to page 32, and do 4:24:18PM</p> <p>21 you see Section 16.2?</p> <p>22 A Yes.</p> <p>23 Q And in this agreement, Eolas is the</p> <p>24 licensee, correct?</p> <p>25 A It is, yes. 4:24:39PM</p> <p style="text-align: right;">Page 334</p>	<p>1 these patents by Adobe? 4:25:36PM</p> <p>2 A I do not know.</p> <p>3 Q You have no such information?</p> <p>4 A No.</p> <p>5 MS. KLEIN: Objection; form. 4:25:45PM</p> <p>6 BY MR. FLOREY:</p> <p>7 Q And can I assume, then, that the Regents</p> <p>8 never received from Eolas any request in writing,</p> <p>9 including any reasonable evidence outlining</p> <p>10 allegations of infringement against Adobe? 4:25:56PM</p> <p>11 MS. KLEIN: Objection; form. Objection;</p> <p>12 outside the scope of the 30(b)(6).</p> <p>13 THE WITNESS: There could have been some</p> <p>14 discussions, but I don't remember specific notice.</p> <p>15 BY MR. FLOREY: 4:26:07PM</p> <p>16 Q Well, you say there could have been some</p> <p>17 discussions. Are you speculating or do you actually</p> <p>18 know of discussions?</p> <p>19 A I don't know of them. I was speculating.</p> <p>20 Sorry. 4:26:14PM</p> <p>21 Q Okay.</p> <p>22 So as far as you know, Eolas, between 1995</p> <p>23 and 2008, never orally or in writing made any</p> <p>24 suggestion to the Regents that it believed Adobe was</p> <p>25 infringing the licensed patents; is that fair? 4:26:25PM</p> <p style="text-align: right;">Page 336</p>
<p>1 Q The Regents are the licensor and Eolas is 4:24:40PM</p> <p>2 the licensee; is that fair?</p> <p>3 A That is fair</p> <p>4 Q Okay.</p> <p>5 And Section 16.2 says: 4:24:46PM</p> <p>6 "Licensee may request that the</p> <p>7 Regents take legal action against</p> <p>8 the infringement of patent rights</p> <p>9 or copyrights. Such request shall</p> <p>10 be made in writing and shall 4:25:01PM</p> <p>11 include reasonable evidence of such</p> <p>12 infringement and damages to</p> <p>13 licensee."</p> <p>14 Do you see that?</p> <p>15 A Yes 4:25:09PM</p> <p>16 MS KLEIN: And before you continue on,</p> <p>17 Counsel, if you could please not confer It's</p> <p>18 distracting to me and the witness</p> <p>19 Go ahead</p> <p>20 BY MR FLOREY: 4:25:18PM</p> <p>21 Q Did I read that correctly, Dr. Rajdev?</p> <p>22 A Yes</p> <p>23 Q And so between 1995 and 2008, did Eolas</p> <p>24 ever request that the Regents take any legal action</p> <p>25 against Adobe because of any alleged infringement of 4:25:32PM</p> <p style="text-align: right;">Page 335</p>	<p>1 MS. KLEIN: Object to the form of the 4:26:27PM</p> <p>2 question. Objection; outside the scope of the</p> <p>3 30(b)(6).</p> <p>4 THE WITNESS: Not to me directly. Yes,</p> <p>5 it's fair. I don't know. 4:26:34PM</p> <p>6 BY MR. FLOREY:</p> <p>7 Q And you haven't heard that from anybody</p> <p>8 else within your office?</p> <p>9 A No.</p> <p>10 Q Okay. 4:26:39PM</p> <p>11 And in 2008, you were responsible for --</p> <p>12 you took over responsibility for the Eolas file?</p> <p>13 A Yes.</p> <p>14 Q Ms. Rajdev, do you use the Adobe Flash</p> <p>15 Player in your work? 4:26:57PM</p> <p>16 A I use the reader, Acrobat Reader, and</p> <p>17 Flash Player sometimes in the Web when you --</p> <p>18 Q So I'll get to Acrobat in a moment, but I</p> <p>19 want to start with Flash.</p> <p>20 Do you use the Flash Player as part of 4:27:13PM</p> <p>21 your job?</p> <p>22 A I don't remember specifically. I don't</p> <p>23 know. I don't think so.</p> <p>24 Q Do you have Flash enabled on your</p> <p>25 computer? 4:27:25PM</p> <p style="text-align: right;">Page 337</p>

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<p>1 A It may be I don't know I think it is 4:27:28PM</p> <p>2 <b>Q Do you know --</b></p> <p>3 <b>Have you ever been to the Adobe website to</b></p> <p>4 <b>download either Flash or Acrobat?</b></p> <p>5 A So it's handled by our IT department, so 4:27:38PM</p> <p>6 they download everything that's needed I don't</p> <p>7 download directly on my work computer any programs</p> <p>8 <b>Q Okay.</b></p> <p>9 <b>Do you believe that the University's IT</b></p> <p>10 <b>department goes to the Adobe website to download the 4:27:49PM</b></p> <p>11 <b>Flash Player?</b></p> <p>12 MS. KLEIN: Object to the form of the</p> <p>13 question Object; outside the scope of the</p> <p>14 30(b)(6)</p> <p>15 You may answer in your personal capacity 4:27:57PM</p> <p>16 THE WITNESS: I do not know</p> <p>17 BY MR. FLOREY:</p> <p>18 <b>Q You said that -- though, that you do use</b></p> <p>19 <b>the Adobe Acrobat Reader?</b></p> <p>20 A Yes 4:28:05PM</p> <p>21 <b>Q And that's enabled on your work computer?</b></p> <p>22 A Yes</p> <p>23 <b>Q Do you believe that the University's IT</b></p> <p>24 <b>department went and downloaded that from Adobe's</b></p> <p>25 <b>website? 4:28:17PM</b></p> <p>Page 338</p>	<p>1 <b>Do you recall that? 4:29:14PM</b></p> <p>2 A Which part?</p> <p>3 <b>Q Just generally. Did you not say that you</b></p> <p>4 <b>had read some trial testimony from the Microsoft</b></p> <p>5 <b>trial? 4:29:24PM</b></p> <p>6 A Yes. I read the depositions.</p> <p>7 <b>Q Okay.</b></p> <p>8 <b>And the University was also a Plaintiff in</b></p> <p>9 <b>that case; is that true?</b></p> <p>10 A Yes. 4:29:33PM</p> <p>11 <b>Q And do you know --</b></p> <p>12 <b>It's true, isn't it, that counsel for the</b></p> <p>13 <b>University and Eolas used the Flash products as</b></p> <p>14 <b>evidence in the Microsoft trial?</b></p> <p>15 MS. KLEIN: Object to the form of the 4:29:48PM</p> <p>16 question.</p> <p>17 THE WITNESS: I do not know.</p> <p>18 BY MR. FLOREY:</p> <p>19 <b>Q You didn't see that in your review of the</b></p> <p>20 <b>transcripts? 4:29:52PM</b></p> <p>21 A No.</p> <p>22 <b>Q Okay.</b></p> <p>23 A I didn't read the trial transcripts; I</p> <p>24 read the deposition transcripts.</p> <p>25 <b>Q Okay. I'm sorry, I may have 4:30:00PM</b></p> <p>Page 340</p>
<p>1 MS. KLEIN: Object to the form. Object; 4:28:17PM</p> <p>2 outside the scope of the 30(b)(6).</p> <p>3 You may answer in your personal capacity.</p> <p>4 THE WITNESS: It's on my computer, so it</p> <p>5 was downloaded, but I don't know how it was 4:28:24PM</p> <p>6 downloaded and what took place for it to get</p> <p>7 downloaded.</p> <p>8 BY MR. FLOREY:</p> <p>9 <b>Q Okay.</b></p> <p>10 <b>Do you know what licenses the University 4:28:30PM</b></p> <p>11 <b>has with Adobe to use Adobe technology?</b></p> <p>12 MS. KLEIN: Object; outside the scope of</p> <p>13 the 30(b)(6).</p> <p>14 THE WITNESS: I do not.</p> <p>15 BY MR. FLOREY: 4:28:38PM</p> <p>16 <b>Q Do you ever open PDF documents on the</b></p> <p>17 <b>Internet from your work computer?</b></p> <p>18 A On the Internet. Yes, sometimes.</p> <p>19 <b>Q And when you do that, do you believe that</b></p> <p>20 <b>you're infringing the '906 or the '985 patents? 4:28:54PM</b></p> <p>21 MS. KLEIN: Objection; form.</p> <p>22 THE WITNESS: I don't know.</p> <p>23 BY MR. FLOREY:</p> <p>24 <b>Q You gave some testimony earlier about the</b></p> <p>25 <b>Microsoft trial. 4:29:13PM</b></p> <p>Page 339</p>	<p>1 <b>misunderstood. 4:30:02PM</b></p> <p>2 <b>So you didn't read the actual trial</b></p> <p>3 <b>transcript, you read depositions of particular</b></p> <p>4 <b>witnesses?</b></p> <p>5 A Yes. 4:30:08PM</p> <p>6 <b>Q Okay.</b></p> <p>7 <b>Do you remember which witnesses you read?</b></p> <p>8 A Yes. The original licensing associate who</p> <p>9 initially started handling the case, Martha</p> <p>10 Leuhrmann, and Candy Voelker, who subsequently 4:30:17PM</p> <p>11 handled the case, and Alan Bennett, who was the</p> <p>12 University representative.</p> <p>13 <b>Q Thank you.</b></p> <p>14 <b>Would you take --</b></p> <p>15 MS. KLEIN: And just so you are aware, I 4:30:32PM</p> <p>16 believe that Dr. Bennett's testimony was trial</p> <p>17 transcript testimony, not deposition testimony.</p> <p>18 THE WITNESS: Oh, it was?</p> <p>19 MR. FLOREY: Okay. Thank you.</p> <p>20 THE WITNESS: Sorry, I didn't realize. 4:30:42PM</p> <p>21 Yes.</p> <p>22 BY MR. FLOREY:</p> <p>23 <b>Q Do you agree with your counsel's</b></p> <p>24 <b>clarification?</b></p> <p>25 A Yes, if she says it is. 4:30:46PM</p> <p>Page 341</p>

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

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<p>1 A Some of them. 4:35:03PM</p> <p>2 Q No one in your office ever suggested that</p> <p>3 that use was an infringement of the '985 or '906</p> <p>4 patents; is that true?</p> <p>5 MS. KLEIN: Objection to the form of the 4:35:23PM</p> <p>6 question.</p> <p>7 THE WITNESS: No. I mean that's true,</p> <p>8 yes.</p> <p>9 BY MR. FLOREY:</p> <p>10 Q Thank you. 4:35:26PM</p> <p>11 I'm going to hand you what's been marked</p> <p>12 as Exhibit 18, Dr. Rajdev.</p> <p>13 MR. FLOREY: And to make everybody's life</p> <p>14 easier, I put some little flags on the document.</p> <p>15 (Defendants' Exhibit 18 marked 4:35:46PM</p> <p>16 for identification.)</p> <p>17 BY MR. FLOREY:</p> <p>18 Q This is a notice -- a deposition notice</p> <p>19 served by Adobe. I believe it's identical to</p> <p>20 Exhibit 1 except it added one topic, Topic 14. And 4:35:56PM</p> <p>21 I'd ask you to turn to Topic 14 with me, which is on</p> <p>22 page 6.</p> <p>23 Are you there?</p> <p>24 A I am.</p> <p>25 Q Okay. 4:36:20PM</p> <p>Page 346</p>	<p>1 "The Regents state that those 4:37:59PM</p> <p>2 documents are excerpts from a</p> <p>3 publication maintained in a library</p> <p>4 on one of the University of</p> <p>5 California system campuses. Should 4:38:07PM</p> <p>6 this response not resolve the</p> <p>7 issue, the Regents designate Sunita</p> <p>8 Rajdev to testify in response to</p> <p>9 this topic."</p> <p>10 So I guess, Counsel, I'd just ask: Are 4:38:16PM</p> <p>11 the Regents willing to stipulate that these</p> <p>12 documents are authentic and that the dates printed</p> <p>13 on them are authentic and accurate dates?</p> <p>14 MS. KLEIN: Yes, we are.</p> <p>15 MR. FLOREY: Okay. 4:38:30PM</p> <p>16 BY MR. FLOREY:</p> <p>17 Q Ms. Rajdev, to the best of your knowledge,</p> <p>18 the documents were maintained in a publication</p> <p>19 library on the University -- one of the University</p> <p>20 campuses? 4:38:41PM</p> <p>21 MS. KLEIN: And to be clear, I believe</p> <p>22 it's Exhibits E and F.</p> <p>23 MR. FLOREY: Okay.</p> <p>24 BY MR. FLOREY:</p> <p>25 Q You would agree that Exhibits E and F are 4:38:47PM</p> <p>Page 348</p>
<p>1 And the topic is: 4:36:21PM</p> <p>2 "The authenticity of documents</p> <p>3 and copies of the same attached</p> <p>4 hereto as Exhibits D, E, and F."</p> <p>5 Do you see that? 4:36:31PM</p> <p>6 A Yes.</p> <p>7 Q And I will --</p> <p>8 I will represent to you that the little</p> <p>9 blue flags I've put there for your convenience are</p> <p>10 tagged on to Exhibits D, E, and F, and I would ask 4:36:39PM</p> <p>11 you to take a minute and look at those documents.</p> <p>12 MS. KLEIN: Counsel, did our response not</p> <p>13 resolve your issues with respect to this?</p> <p>14 MR. FLOREY: I think it most likely did,</p> <p>15 but I just want to make sure that there is no 4:36:55PM</p> <p>16 disagreement from the witness.</p> <p>17 MS. KLEIN: I don't think that's the one</p> <p>18 he was intending you to look at.</p> <p>19 MR. FLOREY: This.</p> <p>20 THE WITNESS: This is marked D. 4:37:14PM</p> <p>21 MR. FLOREY: Yeah. It's D, E, and F.</p> <p>22 THE WITNESS: Seems to be a customer</p> <p>23 agreement. These are photocopies of some articles.</p> <p>24 MR. FLOREY: Okay. So the response from</p> <p>25 the University reads: 4:37:57PM</p> <p>Page 347</p>	<p>1 excerpts from a publication maintained in a library 4:38:50PM</p> <p>2 on one of the University of California system</p> <p>3 campuses?</p> <p>4 A It appears to be</p> <p>5 Q Okay. 4:38:58PM</p> <p>6 Ms. Rajdev, do you recall that Ms. Doan</p> <p>7 asked you a couple of questions about the one-page</p> <p>8 agreement between Eolas and the Regents that</p> <p>9 referenced the injunction issue?</p> <p>10 A Yes 4:39:54PM</p> <p>11 Q And am I correct that --</p> <p>12 She asked you some questions about her</p> <p>13 clients, Yahoo and Amazon.</p> <p>14 Do you recall that?</p> <p>15 A Yes 4:40:04PM</p> <p>16 Q So I'm going to ask you the same question</p> <p>17 for Adobe.</p> <p>18 Is it the case --</p> <p>19 Am I right that the Regents put in that</p> <p>20 agreement the fact that they may not join an 4:40:15PM</p> <p>21 injunction because they didn't want to publicly go</p> <p>22 on the record for trying to stop Adobe from</p> <p>23 operating its websites and distributing its</p> <p>24 products? Is that correct?</p> <p>25 MS KLEIN: Object to the form of the 4:40:33PM</p> <p>Page 349</p>

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

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<p>1 Dr. Doyle did some demonstration at some 4:48:57PM</p> <p>2 conferences, et cetera, but that there were a couple</p> <p>3 of companies that signed the confidentiality</p> <p>4 agreement and that's how they learned more details</p> <p>5 about the technology. 4:49:10PM</p> <p>6 <b>Q How many active cases do you have in your</b></p> <p>7 <b>caseload today?</b></p> <p>8 A Close to 300.</p> <p>9 <b>Q And how many technologies does that</b></p> <p>10 <b>encompass? 4:49:19PM</b></p> <p>11 A More than 300.</p> <p>12 <b>Q Do you sit around in your daily life</b></p> <p>13 <b>wondering if the things that you use infringe upon</b></p> <p>14 <b>any patents covered by those technologies?</b></p> <p>15 A I don't have time or resources to do that. 4:49:34PM</p> <p>16 That's what -- we rely on licensees.</p> <p>17 <b>Q And was this current lawsuit pending</b></p> <p>18 <b>against the Defendants that remain in this lawsuit</b></p> <p>19 <b>in 2008?</b></p> <p>20 A No. 4:49:50PM</p> <p>21 MS. KLEIN: Those are all the questions I</p> <p>22 have.</p> <p>23 MS. DOAN: I have a few follow-ups.</p> <p>24 ///</p> <p>25 /// 4:49:57PM</p> <p style="text-align: right;">Page 354</p>	<p>1 <b>this lawsuit, do you? 4:50:53PM</b></p> <p>2 A I have some in my records, but not all of</p> <p>3 them.</p> <p>4 <b>Q For example, have you read Yahoo's answer</b></p> <p>5 <b>that it filed in this lawsuit and the counterclaim 4:50:59PM</b></p> <p>6 <b>against the University of California?</b></p> <p>7 A I have not read it. My counsel might</p> <p>8 have; I have not.</p> <p>9 <b>Q So when you say the entire case file,</b></p> <p>10 <b>you're talking about the case file that you 4:51:10PM</b></p> <p>11 <b>specifically described to me with respect to the</b></p> <p>12 <b>licenses, the communications about the licenses, the</b></p> <p>13 <b>sublicenses, et cetera, correct?</b></p> <p>14 A Yes.</p> <p>15 <b>Q Not the case file as in the lawsuit case 4:51:19PM</b></p> <p>16 <b>file; am I right?</b></p> <p>17 A Yes.</p> <p>18 <b>Q Okay.</b></p> <p>19 <b>With respect to the e-mails that you</b></p> <p>20 <b>talked about from -- with -- between Pei Wei and 4:51:29PM</b></p> <p>21 <b>Michael Doyle --</b></p> <p>22 A Yes.</p> <p>23 <b>Q I think we covered those for that time</b></p> <p>24 <b>period.</b></p> <p>25 <b>Is there any other e-mails that you have 4:51:37PM</b></p> <p style="text-align: right;">Page 356</p>
<p>1 FURTHER EXAMINATION 4:49:57PM</p> <p>2 BY MS. DOAN:</p> <p>3 <b>Q Dr. Rajdev, I just have a few follow-up</b></p> <p>4 <b>questions.</b></p> <p>5 <b>You were talking with Ms. Klein about 4:50:21PM</b></p> <p>6 <b>reviewing the entire case file.</b></p> <p>7 <b>Is the case file what you talked to me</b></p> <p>8 <b>about earlier?</b></p> <p>9 A Those are the case files.</p> <p>10 <b>Q Okay. 4:50:30PM</b></p> <p>11 <b>You haven't reviewed like the case file</b></p> <p>12 <b>from this lawsuit?</b></p> <p>13 A Where the Defendants provided the</p> <p>14 materials?</p> <p>15 <b>Q Yes, with respect to all the pleadings and 4:50:37PM</b></p> <p>16 <b>all the documents that we've produced and all the</b></p> <p>17 <b>prior art, et cetera.</b></p> <p>18 A No.</p> <p>19 <b>Q Okay.</b></p> <p>20 <b>So you only have like a banker's box full 4:50:43PM</b></p> <p>21 <b>plus what's on your electronic file, right?</b></p> <p>22 A Yes.</p> <p>23 <b>Q Okay.</b></p> <p>24 <b>You don't have the pleadings --</b></p> <p>25 <b>Or you don't have all the pleadings in 4:50:52PM</b></p> <p style="text-align: right;">Page 355</p>	<p>1 <b>reviewed or correspondence or documents from Pei 4:51:40PM</b></p> <p>2 <b>Wei?</b></p> <p>3 A No</p> <p>4 <b>Q Have you ever gone on --</b></p> <p>5 <b>Has the University of California ever gone 4:51:47PM</b></p> <p>6 <b>online to look to see what the Viola browser is</b></p> <p>7 <b>about and to view the demonstrations of the Viola</b></p> <p>8 <b>browser?</b></p> <p>9 MS KLEIN: Object to the form of the</p> <p>10 question 4:51:56PM</p> <p>11 THE WITNESS: I have not</p> <p>12 BY MS DOAN:</p> <p>13 <b>Q The e-mails that you did review from Pei</b></p> <p>14 <b>Wei, did you notice that he was a student at the</b></p> <p>15 <b>University of California when he was sending those 4:52:04PM</b></p> <p>16 <b>e-mails?</b></p> <p>17 A I don't know if at the bottom it said</p> <p>18 "Student " I don't recall</p> <p>19 <b>Q Do you recall that his e-mail address</b></p> <p>20 <b>comes from an XCF UC Berkeley address? 4:52:16PM</b></p> <p>21 A The Berkeley address, you can maintain</p> <p>22 those addresses even after you have left the</p> <p>23 University</p> <p>24 <b>Q Okay.</b></p> <p>25 <b>Has anybody from the University of 4:52:24PM</b></p> <p style="text-align: right;">Page 357</p>

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<p>1 California ever reached out to Pei Wei to do some 4:52:26PM</p> <p>2 type of analysis as to whether, indeed, the Viola</p> <p>3 browser predates the claimed invention of the '906</p> <p>4 patent?</p> <p>5 MS. KLEIN: Object to the form of the 4:52:37PM</p> <p>6 question.</p> <p>7 THE WITNESS: No, but the analysis was</p> <p>8 done by the patent office.</p> <p>9 BY MS. DOAN:</p> <p>10 Q I understand that. 4:52:41PM</p> <p>11 One of the topics that you're talking</p> <p>12 about here today or you're designated on is the</p> <p>13 analysis that the Regents of California have done.</p> <p>14 That's why I'm asking you this, okay?</p> <p>15 A I don't know. 4:52:49PM</p> <p>16 Q Okay.</p> <p>17 So let me ask my question again: Has</p> <p>18 anybody from the University of California ever</p> <p>19 reached out to Pei Wei to do some type of analysis</p> <p>20 as to whether, indeed, the Viola browser dates the 4:52:57PM</p> <p>21 claimed invention of the '906 patent?</p> <p>22 A Not that I know of.</p> <p>23 MS. KLEIN: Objection.</p> <p>24 BY MS. DOAN:</p> <p>25 Q Has anybody from the University of 4:53:04PM</p> <p style="text-align: right;">Page 358</p>	<p>1 Q What you do know is that the University of 4:53:56PM</p> <p>2 California has never reached out to Pei Wei,</p> <p>3 correct?</p> <p>4 MS. KLEIN: Objection; form.</p> <p>5 THE WITNESS: That's right, not that I 4:54:00PM</p> <p>6 know of.</p> <p>7 BY MS. DOAN:</p> <p>8 Q We were talking about the companies that</p> <p>9 signed a confidentiality agreement. I just want to</p> <p>10 make sure we're talking apples to apples, okay? 4:54:10PM</p> <p>11 We're talking about Motorola, Farallon,</p> <p>12 and the venture capitalist group, and you gave me</p> <p>13 the name of it.</p> <p>14 A Vanguard.</p> <p>15 Q Yes, Vanguard. 4:54:20PM</p> <p>16 A So those were the companies that actually</p> <p>17 had more discussions and wanted to learn more about</p> <p>18 the technology, but there could have been more</p> <p>19 companies that signed the confidentiality agreement</p> <p>20 but then after they reviewed the information, they 4:54:28PM</p> <p>21 never got back.</p> <p>22 Q Do you know of any other companies that</p> <p>23 signed any type of confidentiality agreement with</p> <p>24 the University of California over the claimed</p> <p>25 invention that became the '906 patent? 4:54:38PM</p> <p style="text-align: right;">Page 360</p>
<p>1 California ever conducted any type of analysis or 4:53:06PM</p> <p>2 examination about the Viola browser where they have</p> <p>3 reached out to Pei Wei?</p> <p>4 MS. KLEIN: Objection; form.</p> <p>5 THE WITNESS: No. 4:53:17PM</p> <p>6 BY MS. DOAN:</p> <p>7 Q Indeed, hasn't the University of</p> <p>8 California consistently taken the position against</p> <p>9 its former student, Pei Wei, that the University of</p> <p>10 California is the patent holder of this claimed 4:53:28PM</p> <p>11 invention and he did not invent it first? Is that</p> <p>12 not the position the University of California took</p> <p>13 in the Microsoft lawsuit?</p> <p>14 MS. KLEIN: Objection; form.</p> <p>15 THE WITNESS: He never contacted the 4:53:39PM</p> <p>16 University.</p> <p>17 BY MS. DOAN:</p> <p>18 Q I understand that.</p> <p>19 Is that the position the University of</p> <p>20 California took in the Microsoft lawsuit directly 4:53:44PM</p> <p>21 against what Pei Wei was claiming?</p> <p>22 A I don't know.</p> <p>23 Q You don't know any position the University</p> <p>24 of California took in the Microsoft lawsuit?</p> <p>25 A I don't know about the lawsuit. 4:53:53PM</p> <p style="text-align: right;">Page 359</p>	<p>1 A I don't have a list right now. 4:54:41PM</p> <p>2 Q Do you know if any other companies even</p> <p>3 exist?</p> <p>4 A I don't know.</p> <p>5 Q Is there anything that Ms. Klein asked you 4:54:48PM</p> <p>6 about that would in any way make you want to give</p> <p>7 the testimony that you gave to this jury under oath</p> <p>8 earlier today?</p> <p>9 MS. KLEIN: Objection to form.</p> <p>10 BY MS. DOAN: 4:55:01PM</p> <p>11 Q You can answer.</p> <p>12 A No.</p> <p>13 MS. DOAN: Thank you, ma'am.</p> <p>14 Pass the witness.</p> <p>15 MS. KLEIN: One question. 4:55:05PM</p> <p>16 MS. DOAN: Sure.</p> <p>17 FURTHER EXAMINATION</p> <p>18 BY MS. KLEIN:</p> <p>19 Q Dr. Rajdev, Ms. Doan just asked you</p> <p>20 questions about the analysis conducted by the 4:55:15PM</p> <p>21 University with respect to Mr. Wei.</p> <p>22 With respect to those questions, were you</p> <p>23 considering the University's outside patent counsel</p> <p>24 to be part of your answer?</p> <p>25 A I was not. I was talking about the 4:55:36PM</p> <p style="text-align: right;">Page 361</p>

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

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