Exhibit DD

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 1              UNITED STATES DISTRICT COURT
 2            NORTHERN DISTRICT OF CALIFORNIA
 3  - - - - - - - - - - - - - - - - - - - - - -
 4  EOLAS TECHNOLOGIES INCORPORATED,
 5                    Plaintiff,
 6  vs.               Case No.  C-99-0212 CRB (MISC)
 7  MICROSOFT CORPORATION,
 8                    Defendant.
 9  - - - - - - - - - - - - - - - - - - - - - -
10              VIDEOTAPED DEPOSITION
11            The following is the videotaped
12  deposition of DAVID C. MARTIN, taken before
13  Sherlyn M. Anderson, RPR, Notary Public,
14  pursuant to Notice of Taking Deposition, at the
15  Law Offices of Robins, Kaplan, Miller & Ciresi,
16  L.L.P., 2800 LaSalle Plaza, 800 LaSalle Avenue,
17  Minneapolis, Minnesota, commencing at
18  approximately 9:20 a.m., January 20, 2000.
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 1  APPEARANCES:
 2      On Behalf of the Defendants:
 3              Steven P. Petersen, Esquire
                Leydig, Voit & Mayer, Ltd.
 4              Two Prudential Plaza
                Suite 4900
 5              Chicago, Illinois 60601-6780
                (312) 616-5600
 6
                    and
 7
                Richard A. Cederoth, Esquire
 8              Sidley & Austin
                One First National Plaza
 9              Chicago, Illinois 60603
                (312) 853-7026
10
        On Behalf of the Plaintiff:
11
                Jan M. Conlin, Esquire, and
12              Richard M. Martinez, Esquire
                Robins, Kaplan, Miller &
13                Ciresi, L.L.P.
                2800 LaSalle Plaza
14              800 LaSalle Avenue
                Minneapolis, Minnesota 55402-2015
15
        Also Present:  Don Carl, Video Technician
16                     Cheong Ang
                       Mike Doyle
17
18
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⚲page 4

1   P R O C E E D I N G S
2   Whereupon, the deposition of DAVID
3   C. MARTIN was commenced at 9:20 a.m. as follows:
4   ***
5   VIDEO TECHNICIAN: Today is
6   Thursday, January 20th, in the year 2000.
7   We're at 2800 LaSalle Plaza,
8   800 LaSalle Avenue, Minneapolis, Minnesota.   This
9   is the commencement of the videotaped deposition
10   of Mr. David Martin.
11   My name is Don Carl and I'm the
12   video technician.
13   Will the attorneys please note their

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18    there was a vacancy in the position of director
19    of the Center and that was being fulfilled by
20    Dick Lucier who was the assistant vice chancellor
21    and University librarian.
22              Q.      What was your title then when you
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23   joined?
24        A.        I can't recall specifically.  I
25   believe when I joined I joined as assistant
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 1   director for innovative software systems, but at
 2   the time that I joined there was a number of
 3   individuals leaving the organization and I would
 4   have to refer back to my offer letter to actually
 5   see the title that was specified at the time.
 6        Q.        But essentially when you joined you
 7   were reporting to the acting director who was the
 8   University librarian?
 9        A.        That is correct.
10        Q.        And that was the fall of 1992?
11        A.        Fall of 1992, that is correct.
12        Q.        Can you be more specific, do you
13   remember the month?
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 4        Q.        What does it mean to say that the
 5   embed text format is at a location in a
 6   hypermedia document?
 7        A.        Referring back to Column 14, at line
 8   13, it says that "Returning to Figure 7, it is
 9   assumed that a hypermedia document is obtained"
10   -- "has been obtained at a user's client
11   computer and that a browser program executing on
12   the client computer displays the document and
13   calls a first routine in the HTMLparse.c file
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14   called 'HTMLparse.' This first routine,
15   HTMLparse, is entered at step 252 where a pointer
16   to the start to the document portion is passed.
17   Steps 254, 256 and 258 represent a loop where the
18   document is parsed or scanned for HTML tags or
19   other symbols."
20   The sequence in which that parsing
21   occurs indicates a location within the hypermedia
22   document.
23   MS. CONLIN: I know we haven't been
24   quite going an hour, but I'd like to take a break
25   when you get a chance.
♀page 152

1   MR. PETERSEN: Sure, that's fine.
2   MS. CONLIN: That would be fine.
3   VIDEO TECHNICIAN: Going off the
4   video record. The time is now approximately 2:20
5   p.m.
6   (Whereupon, a short break was taken
7   from 2:20 to 2:32 p.m.)
8   VIDEO TECHNICIAN: We're back on the
9   video record. The time is now approximately 2:32
10 p.m.
11 BY MR. PETERSEN:
12   Q.   So if I understand your testimony
13 then, Mr. Martin, the location of the embed text
14 format within a hypermedia document has to do
15 with the order in which it's parsed by the
16 browser?
17   A.   As referred to in the specification,
18 yes.
19   Q.   So then what does it mean to say
20 that an object is displayed at that location?
21   A.   Can you refer me to --
22   Q.   Yes, it was from the passage of the
23 Claim 6 that you read before, line 25 of Column
24 18, it actually goes on for about three or four
25 lines.
♀page 153

1   A.   For example, do you mean beginning
2   in Column 18, line 15, "includes an embed text
3   format, located at a first location in said first
4   hypermedia document"?
5   Q.   Yes, we just talked about that and
6   you said that location is where within the
7   hypermedia document the embed text format is
8   located in terms of the order in which the
9   document is parsed; right?
10   A.   That is correct.

10   Q.   Did you define the term "location"
11   in your patent specification?
12   A.   I believe that is defined, but I'd
13   have to refer back to the text.
14   MS. CONLIN: Can I have the question
15   back.
16   (Whereupon, the reporter read back
17   the last question.)
18   THE WITNESS: I think the term
19   "location" has been defined in different
20   contexts for different purposes within the scope
21   of the specification of the patent.
22   BY MR. PETERSEN:
23   Q.   No, what I mean is the term
24   "location" with quotes around it or the word
25   "location" found in the patent specification

 1   with a definition associated with it?
 2   A.   Can you point me to a place where
 3   the word "location" is used with the quotation
 4   marks around it?
 5   Q.   I can't find -- I don't think there
 6   is any definition of the word "location" in the
 7   patent specification, but you're the inventor so
 8   I thought I would ask you.
 9   A.   Well, it depends on the context in
10   which the term is used.
11   Q.   In the context of Claim 6, Column
12   18.
13   A.   So if by that do you mean the first

14   location of the first -- the first distributed
15   hypermedia document or do you mean the specifies
16   the location of at least a portion of an object
17   external?
18   Q.   I mean "located at a first location
19   in said first hypermedia document," that was a
20   fair question.
21   A.   Yes, we've already reviewed that in
22   terms of the parsing functionality.
23   Q.   No, but it is the term definition
24   itself, is the term "location" itself defined in
25   the patent specification?
⸸page 166

1   A.   To one who is fluent in the art, the
2   understanding of the reading of the specification
3   in regard to the term "location" in regard to
4   parsing of the hypermedia document is clear.

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 9        Q.      Mr. Martin, looking again at Claim 6
10   of the patent which is Exhibit 15 in front of
11   you, in Column 18, about line 24 it says that the
12   "embed text format is parsed by said browser to
13   automatically invoke the application," do you see
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14   that?
15        A.      Yes.
16        Q.      What does it mean to "automatically
17   invoke" in that sentence?
18        A.      Generically it means to respond to
19   the information contained in the hypermedia
20   document, to start -- if I can refer back -- to
21   start the program code for the application
22   external to the first hypermedia document.
23        Q.      But the word "automatically," what
24   does that add to it?
25        A.      It means that it's done in the
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⸸page 194

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 1   course of parsing the hypermedia document.
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23      DATED                   DAVID C. MARTIN
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 1  STATE OF MINNESOTA:
                          :        CERTIFICATE
 2  COUNTY OF HENNEPIN:
 3       BE IT KNOWN, that I, Sherlyn M. Anderson,
    RPR, took the foregoing videotaped deposition of
 4  DAVID C. MARTIN;
 5       That the witness, before testifying, was by
    me first duly sworn to testify the whole truth
 6  and nothing but the truth relative to said cause;
 7       That the testimony of said witness was
    recorded in shorthand by me and was reduced to
 8  typewriting under my direction;
 9       That the foregoing deposition is a true
    record of the testimony given by said witness;
10
         That the foregoing deposition, when
11  transcribed, was submitted for review;
12       That I am not related to any of the parties
    hereto, nor an employee of them, nor interested
13  in the outcome of the action;
14       That the cost of the original has been
    charged to the party who noticed the deposition,
15  and that all parties who ordered copies have been
    charged at the same rate for such copies;
16
         WITNESS MY HAND AND SEAL this 30th DAY of
17  JANUARY, 2000.
18
19
20
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22
                    _____
23                  SHERLYN M. ANDERSON, RPR
                    NOTARY PUBLIC
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Exhibit EE

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 1              UNITED STATES DISTRICT COURT
 2            NORTHERN DISTRICT OF CALIFORNIA
 3    - - - - - - - - - - - - - - - - - - - - -
 4    EOLAS TECHNOLOGIES INCORPORATED,
 5                     Plaintiff,
 6    vs.                Case No.  C-99-0212 CRB (MISC)
 7    MICROSOFT CORPORATION,
 8                     Defendant.
 9    - - - - - - - - - - - - - - - - - - - - -
10                  VIDEOTAPED DEPOSITION
11              The following is the videotaped
12    deposition of CHEONG ANG, VOLUME II, taken before
13    Sherlyn M. Anderson, RPR, Notary Public,
14    pursuant to Notice of Taking Deposition, at the
15    Law Offices of Robins, Kaplan, Miller & Ciresi,
16    L.L.P., 2800 LaSalle Plaza, 800 LaSalle Avenue,
17    Minneapolis, Minnesota, commencing at
18    approximately 8:10 a.m., January 22, 2000.
19
20                  PAGES 179-344
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 1    APPEARANCES:
 2        On Behalf of the Defendants:
 3                Richard A. Cederoth, Esquire
                  Sidley & Austin
 4                One First National Plaza
                  Chicago, Illinois 60603
 5                (312) 853-7026
 6                    and
 7                Steven P. Petersen, Esquire
                  Leydig, Voit & Mayer, Ltd.
 8                Two Prudential Plaza
                  Suite 4900
 9                Chicago, Illinois 60601-6780
                  (312) 616-5600
10
        On Behalf of the Plaintiff:
11
                  Jan M. Conlin, Esquire, and
12                Richard M. Martinez, Esquire
                  Robins, Kaplan, Miller &
13                  Ciresi, L.L.P.
                  2800 LaSalle Plaza
14                800 LaSalle Avenue
                  Minneapolis, Minnesota 55402-2015
15
        Also Present:  Don Carl, Video Technician
16                      Mike Doyle
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‡page 181

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 1              DEPOSITION REFERENCE INDEX
 2    EXAMINATIONS:
 3    By Mr. Cederoth:   182
 4    OBJECTIONS:
 5    By Ms. Conlin:   183, 187, 188, 189, 190, 192,
            200, 204, 208, 209, 212, 213, 215, 217,
 6          218, 221, 223, 224, 225, 226, 228, 231,
            234, 236, 238, 242, 243, 244, 246, 247,
 7          248, 249, 251, 252, 253, 257, 258, 259,
            260, 263, 266, 269, 270, 271, 276, 279,
 8          282, 300, 301, 306, 311, 313, 320, 322,
            323
 9
10              EXHIBIT REFERENCE INDEX
11    PLAINTIFF'S EXHIBIT NO. 15.............187,198
      MARTIN EXHIBIT NOS. 77 & 78...........189,190
12    MARTIN EXHIBIT NOS. 79 & 80................193
      ANG EXHIBIT NO. 94.........................273
13    ANG EXHIBIT NO. 95.........................283
      ANG EXHIBIT NO. 92.........................286
14    ANG EXHIBIT NO. 96.........................324
      ANG EXHIBIT NO. 97.........................327
15    ANG EXHIBIT NO. 98.........................328
      ANG EXHIBIT NO. 99.........................335
16    ANG EXHIBIT NO. 100........................336
      ANG EXHIBIT NO. 101........................338
17    ANG EXHIBIT NO. 102........................339
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‡page 182

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 1              P R O C E E D I N G S
 2                Whereupon, the deposition of CHEONG
 3    ANG, VOLUME II, was commenced at 8:10 a.m. as
 4    follows:
 5                        ***
 6                VIDEO TECHNICIAN:  We're back on the
 7    video record.  The time is now approximately 8:12
 8    a.m.  It's Saturday, January 22nd, in the year
 9    2000.
10                Do you understand you're still under
11    oath?
12                THE WITNESS:  Yes.
13
14                   EXAMINATION
15    BY MR. CEDEROTH:
16        Q.    Good morning.
17        A.    Good morning.
18        Q.    Mr. Ang, when you left UCSF to join
19    IBM did you take any written materials with you
```

25   Q.   At line 24 of Column 18 --
♀page 233

 1   A.   Okay.
 2   Q.   -- there's the phrase "to
 3   automatically invoke," I'm going to ask you
 4   what's your understanding of that is, but if
 5   you'd first read whatever portion of the claim
 6   around that that you feel is necessary and let me
 7   know when you have.
 8   A.   "Automatically invoke" means "invoke
 9   without human intervention or user intervention."

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22          Q.      In the system described here, the
23   browser creates a display; is that correct?
24          A.      There is "a display area created at
25   said first location within the portion of said
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 1   first hypermedia document."
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 1          Q.      Well, in Figure 9 you can tell where
 2   the Block 352 is on the screen, can't you?
 3          A.      Okay.  What the claim said here is
 4   "the display area was created at said first
 5   location within the portion of said first
 6   hypermedia document being displayed," so to the
 7   user it's the hypermedia document they're looking
 8   at.
 9          Q.      Well, what about the display area?
10          A.      And the display area corresponds to
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11    how the hypermedia document, how it's laid out in
12    the hypermedia document.
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1 I, CHEONG S. ANG, do hereby certify that I
have read the foregoing deposition, Volume II,
2 and found the same to be true and correct except
as follows, (noting the page and line number of
3 the change or addition as desired and the reason
why):

4

  Page   Line   Correction

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22        _____                    _____
          DATED                       CHEONG S. ANG
23
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25
⚥page 344
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```
 1   STATE OF MINNESOTA:
                          :        CERTIFICATE
 2   COUNTY OF HENNEPIN:
 3         BE IT KNOWN, that I, Sherlyn M. Anderson,
     RPR, took the foregoing videotaped deposition of
 4   CHEONG S. ANG;
 5         That the witness, before testifying, was by
     me first duly sworn to testify the whole truth
 6   and nothing but the truth relative to said cause;
 7         That the testimony of said witness was
     recorded in shorthand by me and was reduced to
 8   typewriting under my direction;
 9         That the foregoing deposition is a true
     record of the testimony given by said witness;
10
           That the foregoing deposition, when
11   transcribed, was submitted for review;
12         That I am not related to any of the parties
     hereto, nor an employee of them, nor interested
13   in the outcome of the action;
14         That the cost of the original has been
     charged to the party who noticed the deposition,
15   and that all parties who ordered copies have been
     charged at the same rate for such copies;
16
           WITNESS MY HAND AND SEAL this 27th DAY of
17   JANUARY, 2000.
18
19
20
21
22
                         _____
23                       SHERLYN M. ANDERSON, RPR
                         NOTARY PUBLIC
24
25
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Exhibit FF

```
 1            IN THE UNITED STATES DISTRICT COURT
                 NORTHERN DISTRICT OF ILLINOIS
 2                    EASTERN DIVISION
 3   EOLAS TECHNOLOGIES,        )
     INCORPORATED, a Delaware   )
 4   corporation,               )
                                )
 5            Plaintiff,         )
                                )
 6            vs.                ) No. 99 C 0626
                                )
 7   MICROSOFT CORPORATION,      )
     a Washington corporation,   )
 8                                )
              Defendant.         )
 9
10            The deposition of MICHAEL D. DOYLE,
11   Ph.D., taken in the above-entitled cause before
12   Lisa H. Breiter, CSR, RPR, CRR, a notary public
13   within and for the County of DuPage and State of
14   Illinois taken pursuant to the Federal Rules of
15   Civil Procedure for the United States District
16   Courts, at 55 West Wacker Drive, Suite 1400, in
17   Chicago, Illinois, on the 28th day of February,
18   2000, at the hour of 9:27 a.m.
19
20
21
22
23
24
```

```
 1                    APPEARANCES
 2
              ROBINS, KAPLAN, MILLER & CIRESI, L.L.P.,
 3            by
              MS. JAN M. CONLIN and
 4            MR. HOWARD R. ORENSTEIN
              2800 LaSalle Plaza
 5            800 LaSalle Avenue
              Minneapolis, MN 55402-2015
 6            (612) 349-8500
              (612) 339-4181 Fax
 7
                      On behalf of the Plaintiff;
 8
 9            LEYDIG, VOIT & MAYER, LTD., by
              MR. STEVEN P. PETERSEN and
10            MR. VLADAN M. VASILJEVIC
              Two Prudential Plaza
11            180 North Stetson Avenue
              Suite 4900
12            Chicago, IL 60601
              (312) 616-5600
13            (312) 616-5700 Fax
14                    On behalf of the Defendant;
15
              SIDLEY & AUSTIN, by
16            MR. DAVID T. PRITIKIN and
              MR. RICHARD A. CEDEROTH
```

```
17           Bank One Plaza
             10 South Dearborn Street
18           Chicago, IL 60603
             (312) 853-7359
19           (312) 853-7036 Fax
20                       On behalf of the Defendant.
21           ALSO PRESENT:
22           MS. ANGELA LANDMESSER,
             Certified Legal Video Specialist
23
24
```
⚲page 3

⚲page 4

```
 1       THE VIDEOGRAPHER:  Good morning.  Today's date
 2  is February 28th, 2000.  We are going on the video
 3  record at 9:27 a.m.  We are present at the offices
 4  of Robins, Kaplan, Miller & Ciresi, 55 West Wacker
 5  Drive in Chicago, Illinois, for the purpose of
 6  taking the videotaped deposition of Michael Doyle,
 7  Ph.D.
 8          The party on whose behalf the deposition
 9  is being taken is the defendant, and the party at
10  whose instance the deposition is being recorded on
11  an audiovisual device is the defendant.  This case
12  is instituted in the United States District Court
13  for the Northern District of Illinois, Eastern
```

10   Q.   So the word "automatically" in claim 6,
11 you would define as happening in response to the
12 loading of the Web page?
13   A.   I would use it in the sense that it's
14 used in the invention where it happens as a result
15 of the parser identifying the embed text format and
16 going through the other operations that show the
17 elements of the invention.
18   Q.   I'm still not clear that that was an
19 answer to the question. Let me make it simple.
20 What does the word "automatically" mean as used in
21 claim 6 at column 18, line 24?
22   MS. CONLIN: Objection, asked and answered.
23   THE WITNESS: Again, it shows that the browser
24 renders or automatically invokes the executable

1 application in response to the elements that are
2 described above in claim 6.
3 BY MR. PETERSEN:
4   Q.   In response to the parsing of the Web
5 document?
6   A.   The parsing of the Web document, the
7 browser using type information to identify and
8 locate executable application and the browser --
9 and the text format's "parsed by said brower to
10 automatically invoke said executable application."

14   THE WITNESS: Well, if you look at figure 1,
15   prior art, it shows an image icon that is displayed
16   within a hypermedia document.
17   BY MR. PETERSEN:
18   Q.   Which element of figure 1 are you
19   referring to?
20   A.   Element 22.
21   Q.   So your answer to the question is yes?
22   A.   Yeah, that's a display area within the
23   document, as described in the spec.
24   Q.   But the prior art included the capability
⚥page 117

 1   of displaying an object within a display area?
 2   A.   As we stated in our specification.
 3   Q.   Did the prior art have the capability of
 4   displaying the object at a location within the
 5   document?
 6   MS. CONLIN: And are you referring to any
 7   prior art now, or are you referencing Mosaic
 8   QuickTime? Are we still on the QuickTime, or are
 9   we moving into the more general?
10   MR. PETERSEN: Well, it's not really
11   specifically QuickTime. QuickTime, I believe --
12   correct me if I'm wrong, Dr. Doyle -- you testified
13   was a helper application? And I'm not talking
14   about helper applications.
15   MS. CONLIN: He's talking generally now.
16   MR. PETERSEN: I'm talking about Mosaic at the
17   time that you made the invention in the '906 patent
18   by itself.
19   THE WITNESS: Displaying static images
20   within --
21   MR. PETERSEN: In response to the --
22   THE REPORTER: One at a time.
23   THE WITNESS: I'm sorry, go ahead. I'll let
24   you expand.
⚥page 118

 1   MR. PETERSEN: I think we're on the same page.
 2   Q.   Display static images in response to
 3   parsing the IMG tag, for example, right?
 4   A.   Uh-huh.
 5   Q.   That's the context I'm talking about. Do
 6   you understand?
 7   A.   I understand, yeah, sure.
 8   Q.   Now, did that operate to display an image
 9   at the location in the document where the IMG text
10   format is located?

11   A.   Yes.

15   Q.   And looking at the second page of the
16 exhibit near the top, there's a portion of
17 underlined language that says "located at a first
18 location," and so on?
19   A.   I see that.
20   Q.   What does the location refer to there?
21   MS. CONLIN: The first location, Counsel, is
22 that what you're referencing?
23   MR. PETERSEN: That's correct. It says,
24 "located at a first location."

1   Q.   So the question is what is the first
2 location?
3   A.   It is a location of an embed text format
4 as defined in claim 6 of the '906 patent. Well,
5 sorry, as defined in this amended claim 1, but it
6 appears to refer to the same meaning as defined in
7 claim 6 of the '906 patent.
8   Q.   Now, does that refer to the location of
9 the embed text format within the hypermedia
10 document?
11   A.   You'd have to define -- well, within the
12 hypermedia document referred to in this claim?
13 Yes, it says, "at a first location in said first
14 distributed hypermedia document."
15   Q.   Now, is that referring to the location of
16 the embed text format relative to other text
17 formats that may be in the hypermedia document?
18   A.   It's referring to the location with
19 respect to the ordered definition of elements
20 within the hypermedia document.
21   Q.   And is the ordered definition of elements
22 in the hypermedia document the order in which they
23 appear in the text file of the document?
24   MS. CONLIN: Objection as to form.

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1          THE WITNESS:  To the extent that there can be
2    multiple mappings of the location in the hypermedia
3    document with respect to anything on the display,
4    that's referring to the location within the
5    hypermedia document date, in this case, the
6    specific embodiment described in the specification
7    would be within the HTML file.
```

12   Q   Take a look, if you would, again at
13   Exhibit 78, the attachment to your invention
14   disclosure form, please. And I'd like you to read
15   the first paragraph of the first page of that
16   document, and then I'll ask you some questions.
17   A   Yes, I see that paragraph.
18   Q   Is that an accurate description of your
19   invention at the time that the invention
20   disclosure was signed in April of 1994?
21   A   I wouldn't say it was a completely
22   accurate description, no.
23   Q   What's wrong with it?
24   MS. CONLIN: Objection, misstates his
♀page 346

 1   testimony.
 2   THE WITNESS: There is a sentence that says
 3   "when a user browsing the WWW selects such a
 4   link," and so on. That does not appear to be
 5   accurate.
 6   BY MR. PETERSEN:
 7   Q   Why not?
 8   A   Because a user didn't have to do any
 9   selection of links for a Web page to cause the
10   execution of the external application.

```
15        Q.    And looking at the second page of the
16   exhibit near the top, there's a portion of
17   underlined language that says "located at a first
18   location," and so on?
19        A.    I see that.
20        Q.    What does the location refer to there?
21        MS. CONLIN:  The first location, Counsel, is
22   that what you're referencing?
23        MR. PETERSEN:  That's correct.  It says,
24   "located at a first location."
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 1        Q.    So the question is what is the first
 2   location?
 3        A.     It is a location of an embed text format
 4   as defined in claim 6 of the '906 patent.  Well,
 5   sorry, as defined in this amended claim 1, but it
 6   appears to refer to the same meaning as defined in
 7   claim 6 of the '906 patent.
 8        Q.    Now, does that refer to the location of
 9   the embed text format within the hypermedia
10   document?
11        A.    You'd have to define -- well, within the
12   hypermedia document referred to in this claim?
13   Yes, it says, "at a first location in said first
14   distributed hypermedia document."
15        Q.    Now, is that referring to the location of
16   the embed text format relative to other text
17   formats that may be in the hypermedia document?
18        A.     It's referring to the location with
19   respect to the ordered definition of elements
20   within the hypermedia document.
21        Q.    And is the ordered definition of elements
22   in the hypermedia document the order in which they
23   appear in the text file of the document?
24        MS. CONLIN:  Objection as to form.
```

```
1          THE WITNESS:  To the extent that there can be
2     multiple mappings of the location in the hypermedia
3     document with respect to anything on the display,
4     that's referring to the location within the
5     hypermedia document date, in this case, the
6     specific embodiment described in the specification
7     would be within the HTML file.
```

```
21        Q.     What does it mean to automatically invoke
22   an executable application?
23        A.     To invoke without requiring user
24   interaction.
```

```
1        Q.     When it says that the embed text format
2   is parsed by the browser to automatically invoke
3   the external application -- executable application,
4   does that mean that the browser invokes the
5   application?
6        A.     Well, as shown in the specification, the
7   external application is invoked as a result of the
8   parsing of the embed text format as described in
9   its entirety in the claim.
```

```
 1           IN THE UNITED STATES DISTRICT COURT
         FOR THE NORTHERN DISTRICT OF ILLINOIS
 2                   EASTERN DIVISION
 3   EOLAS TECHNOLOGIES,          )
                                  )
 4           Plaintiff,           )
                                  )
 5           vs.                  )  No.  99 C 0626
                                  )
 6   MICROSOFT CORPORATION,       )
                                  )
 7           Defendant.           )
 8
 9           This is to certify that I have read the
10   transcript of my deposition taken and that the
11   foregoing transcript accurately states the
12   questions asked and the answers given by me, with
13   the changes made on the errata sheets, if any,
14   attached hereto.
15
16   Number of errata sheets submitted:
17
18
                 MICHAEL D. DOYLE, Ph.D.
19
     SUBSCRIBED and SWORN to
20   before me this       day of
                     , 2000.
21
22   Notary Public
23
24
```

```
 1              IN THE UNITED STATES DISTRICT COURT
           FOR THE NORTHERN DISTRICT OF ILLINOIS
 2                    EASTERN DIVISION
 3              I, Lisa H. Breiter, CSR, RPR, CRR, a
 4   Notary Public in and for the County of DuPage and
 5   State of Illinois, and a Certified Shorthand
 6   Reporter of said state, do hereby certify:
 7              That previous to the commencement of the
 8   examination of MICHAEL D. DOYLE, Ph.D. , he was
 9   first duly sworn to testify the whole truth
10   concerning the matters herein;
11              That the foregoing deposition was
12   reported stenographically by me and Valerie
13   Calabria, CSR, both Certified Shorthand Reporters
14   of the State of Illinois; and was thereafter
15   reduced to typewriting by computer-aided
16   transcription under our personal direction;
17              That the signature of the witness to the
18   foregoing deposition was not waived by agreement of
19   counsel for the respective parties, and that the
20   said deposition constitutes a true record of the
21   testimony given by said witness;
22              That no one reporting this deposition is
23   a relative of, or employee or attorney or counsel
24   for any of the parties nor a relative or employee
```

```
 1   of any attorney or counsel for any of the parties
 2   hereto, nor interested, directly or indirectly, in
 3   the outcome of this action.
 4              In witness whereof, I have hereunto set
 5   my hand and affixed by notarial seal this 7th day
 6   of March, 2000.
 7
 8
 9
10
11
                        LISA H. BREITER, CSR, RPR, CRR
12                      CSR License No. 84-3155
                        TALAMO COURT REPORTERS, INC.
13                      100 West Monroe Street
                        Suite 2222
14                      Chicago, IL 60603
                        (312) 641-3500
15                      (312) 641-3795 Fax
                        talamoinc@aol.com
16
17
18
19
20
21
22
23
24
♀
†
```

Exhibit GG

```
 1              IN THE UNITED STATES DISTRICT COURT
                  NORTHERN DISTRICT OF ILLINOIS
 2                      EASTERN DIVISION

 3
    EOLAS TECHNOLOGIES, INC.,     )  No. 99 C 626
 4  a Delaware corporation, and   )
    THE REGENTS OF THE UNIVERSITY )
 5  OF CALIFORNIA, a California   )
    educational corporation,      )
 6                                )
                       Plaintiffs,)
 7                                )
            vs.                   )  Chicago, Illinois
 8                                )
    MICROSOFT CORPORATION,        )
 9  a Washington corporation,     )
                                  )  July 8, 2003
10                   Defendant.   )  10:30 a.m.

11
                          VOLUME 1
12               TRANSCRIPT OF PROCEEDINGS
         BEFORE THE HONORABLE JAMES B. ZAGEL, and a Jury
13

14  APPEARANCES:

15  FOR THE PLAINTIFFS:    ROBINS, KAPLAN, MILLER & CIRESI
                           2800 LaSalle Plaza, 800 LaSalle Avenue,
16                         Minneapolis, MN  55402-2015
                           BY:  MR. MARTIN R. LUECK
17                              MR. RICHARD M. MARTINEZ
                                MS. JAN M. CONLIN
18                              MR. MUNIR MEGHJEE
                                MS. KEIKO SUGISAKA
19                              MS. EMILY ROME

20  FOR THE DEFENDANT:     LEYDIG, VOIT & MAYER, LTD.
                           Two Prudential Plaza, Suite 4900,
21                         Chicago, IL  60601
                           BY:  MR. H. MICHAEL HARTMANN
22
                                    and
23
                           SIDLEY, AUSTIN, BROWN & WOOD
24                         Bank One Plaza, 10 South Dearborn Street,
                           Chicago, IL  60603
25                         BY:  MR. DAVID T. PRITIKIN
```

```
 1  APPEARANCES:  (Cont.)

 2  FOR THE DEFENDANT:     MR. T. ANDREW CULBERT
                           Microsoft Corporation
 3                         One Microsoft Way
                           Redmond, WA  98052-6399
 4

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21
                         ANTHONY W. LISANTI
22                      Official Court Reporter
                       United States Courthouse
23                     219 South Dearborn Street
                         Chicago, Illinois 60604
24

25
```

3

18   reserved for the Center and it included a number
19   of hard walled offices with doors leading out to
20   an open space. And within that open space a
21   number of cubicles and off of that open space one
22   large conference room.
23   Q.   Was that the campus's main library
24   or was it the library for a particular school or
25   department?
♀page 20

1   A.   That was the campus's main library.
2   Q.   And how many floors or levels did
3   the library have?
4   A.   I can't recall specifically, I think
5   it was four or five.
6   Q.   But the lowest level was reserved
7   entirely for the Center For Knowledge Management?
8   A.   No, there were a number of other
9   uses for the first floor as well, including the
10   stacks, the administrative offices for the
11   library and Center For Knowledge Management
12   overall, as well as some space that was utilized
13   by another research group.
14   Q.   And was there somebody in charge of
15   the Center For Knowledge Management at the time
16   you joined?
17   A.   At the time that I initially joined
18   there was a vacancy in the position of director
19   of the Center and that was being fulfilled by
20   Dick Lucier who was the assistant vice chancellor
21   and University librarian.
22   Q.   What was your title then when you

```
23    joined?
24         A.         I can't recall specifically.  I
25    believe when I joined I joined as assistant
```

```
 1    director for innovative software systems, but at
 2    the time that I joined there was a number of
 3    individuals leaving the organization and I would
 4    have to refer back to my offer letter to actually
 5    see the title that was specified at the time.
 6         Q.         But essentially when you joined you
 7    were reporting to the acting director who was the
 8    University librarian?
 9         A.         That is correct.
10         Q.         And that was the fall of 1992?
11         A.         Fall of 1992, that is correct.
12         Q.         Can you be more specific, do you
13    remember the month?
```

Doyle - direct

6   Q   So with the '906 invention, if I understand you, the

7   browser is asking what kind of object do I have in the window,

8   is it a game or something else, and where is the code located

9   to run that object?

10 A   That's correct.

11   MR. PRITIKIN: Objection, leading, Your Honor.

12   THE COURT: I'll let that one stand.

13 BY MS. CONLIN:

14 Q   What are we seeing in this next part of the flow chart?

15 A   As we saw earlier, the browser had determined what kind of

16 data it was dealing with. At this point it's reaching a

17 decision point in the program, and it's saying, well, if the

18 data object is of one type, run one kind of program, or run a

19 program to allow the user to work with that data, and if it's a

20 different type, run a specific separate program.

21 Q   At the time you came up with your '906 invention,

22 Dr. Doyle, did the Mosaic browser have this capability to

23 identify and locate?

24 A   No, it didn't.

25   Now what we're seeing is the browser has gone out and

                        Doyle - direct

1   it's coming back with a data set. It's hard to see, but

2   there's actually a tiny little embryo in that arrow. And the

3   browser launches the code with that data, and we can actually

4   interactively control that, and the '906 invention allows for

5   doing that in any way, any way you can interactively control

6   the data object that is being displayed.

7   Q   And was that application for running or interacting with

8   this visible embryo automatically launched then?

9   A   Yes, it was.   When the browser pulled up the page that

10   specified that embed text format, the browser then

11   automatically launches the application with the data all

12   seamlessly integrated for the end user, so the end user doesn't

13   have to do what they had to do before, which was, you know,

14   worry about, you know, somebody sending me some data, what kind

15   of program am I going to use to load this data and go and find

16   the program.   It's all seamlessly choreographed for the user by

17   the browser.

Doyle - direct

15 Q   What type of software were you using when you arrived at
16 the University of California at the time that you were
17 developing this online medical library?
18 A   Well, the project had been working with AT&T's Bell Labs
19 that had a software program called Write Pages that was a
20 proprietary kind of hypermedia browser that could allow someone
21 to browse through something that looked like a series of
22 journal covers. You could click on the journal cover, it would
23 pull up that issue of the journal. You could click on the
24 table of contents of the journal and it could pull up an
25 article, and you could browse through and view it. But it was

1 able to work with a self-contained database of information.
2 Q   Was it a web browser in the sense of the Mosaic browser?
3 A   No, not at all.
4 Q   What limitations, if any, did you uncover as a result of
5 trying to develop an online medical library for use by
6 physicians around the world?
7 A   Well, the biggest limitation struck me right away was that
8 if we wanted to do anything new with this we were limited,

9   severely limited, because if we wanted to add a new data type,

10 for example, a new kind of image that might be able to be used

11 in one of these articles, we'd have to go and request to the

12 programmers at Bell Labs that they add a new kind of image

13 format, and then they would have to rewrite a new version of th

14 software that put all of the code necessary, all the -- you

15 know, the program instructions necessary to render this new

16 kind of data to allow the user to work with this new kind of

17 data.

18   And we realized that if this -- if we were going to

19 work on something that would be more generally useful that

20 there would be no end to the number of kinds of data that we'd

21 want the system to be able to handle, and it was just an

22 unworkable situation to think that we could use this thing to

23 do new, innovative kinds of research.

24 Q   So if you wanted to add a new type of medical image or

25 support so that that Write Pages software could display a

Doyle - direct

1   medical image, would you actually have to then go back to Bell

2   Labs and ask them to rewrite the browser?

3   A   That's correct. They'd have to add this new capability of

4   the browser. They would then send us back a browser that would

5   be bigger than the one that they sent us before because they

6   added this new software to it. And then if we wanted to do

7   anything else new with it, then we'd have to send it back to

8   them, ask them to rewrite it and add more stuff to it, and we'd

9   get what we call browser bloat. The browser would just

10 continue to grow and grow and grow, and eventually you'd have,

11 you know, just an enormous application.

12   Q   Did you undertake to solve some of the problems or

13   limitations in the Bell Lab software that you were using as

14   part of your research for this online medical library?

15   A   Yes, we did. As soon as I started at the university in

16   California and we started talking about these new kinds of

17   projects, one of the things, for example, I wanted to be able

18   to do was to create a new kind of way to display an article

19   where, for instance, if it's for a radiology journal, you know,

20   radiologists are the kind of doctors who look at X-rays and

21   MRIs, I wanted to be able to allow the scientist or the doctor

22   to actually be able to see the actual data and interact with it

23   rather than seeing, you know, the author's one preferred view

24   of that data in a still image. And we had seen the Mosaic web

25   browser at Illinois, and we knew that it was freely available

Doyle - direct

1   for academic researchers to use, and so that source code was

2   available, and we looked at it, and we thought, well, we can

3   use this system and start building on this base to add new

4   functionality and create an entirely new kind of web browser.

5   Q   Did you continue to develop this idea then?

6   A   Yes, we did. We were thinking about a project that was --

7   we were considering working on relating to brain research, and

8   so we thought we'd use this as a reason to start considering

9   this, and so we started looking at the idea of coming up with a

10   way to create the capabilities that eventually came -- became

11   possible in the '906 invention, the ability to allow pages to

12   embed interactive programs in them where you don't have to add

13   the actual executable code to the browser or to the document

14   itself.

Doyle - cross

12 Q. The claims require that the executable application be

13 automatically invoked, isn't that right?

14 A. That's correct.

15 Q. And what does "invoke" mean in the world of computers?

16 A. Well, as I mentioned on direct, when the browser sees the

17 embed tag, it invokes the application without the user having

18 to do anything.

19 Q. So what that means is that the executable application

20 starts up without a mouse click, right?

21 A. That's correct.

22 Q. When the Web page is displayed.

23 A. Correct.

24 Q. So if a mouse click were required first, it would be

25 outside the scope of this patent.

Doyle - cross

1 A. Correct.

Doyle - cross

20 includes the -- how many lines of code did you add to the

21 Mosaic browser code?

22 A. I don't recall exactly.

23 Q. Does 305 sound about right?

24 A. Could be.

25 Q. Does 100,000 sound about right for the total Mosaic code?

478

Doyle - cross
Page 445

1 A. Could be.

2 Q. So everything you did, you did with 305 lines of code that

3 were written and added to Mosaic?

4 A. Sounds like it could be on the browser side.

Doyle - redirect by Conlin

1   Q.   One last question, Dr. Doyle. Do you remember when

2   Mr. Pritikin was talking to you about the number of lines with

3   code Mosaic versus the lines of your invention?

4   A.   Yes.

5   Q.   Can your invention be weighed in terms of lines with

6   code?

7   A.   No. In fact, that was part of the point. We were trying

8   to prevent what's called browser blow. In the software

9   industry the more functionality you can get out of the fewer

10 lines of code means you have a more elegant solution.

8   the morning.

9   THE COURT: That's it. See you in the morning.

10   MS. CONLIN: What time, your Honor?

11   THE COURT: 9:00 o'clock. But I would ask you to

12 remain in the courtroom for about four or five minutes, and if

13 no one comes out and says the time is any different, then it's

14 9:00 o'clock.

15   (Court adjourned at 3:10 p.m., to reconvene at 9:00 a.m.,

16   8/05/03.)

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