

EXHIBIT E

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TEXAS
3 TYLER DIVISION

4 EOLAS TECHNOLOGIES, §
INCORPORATED §

5 Plaintiff §

6 VS. § No. 6:09-cv-446

7 ADOBE SYSTEMS, INC., §
8 AMAZON.COM, INC., APPLE, §
9 INC., BLOCKBUSTER, INC., §
10 CDW CORP., CITIGROUP, INC. §
11 EBAY, INC., FRITO-LAY, §
12 INC., THE GO DADDY GROUP, §
13 INC., GOOGLE, INC., §
14 JPMORGAN CHASE & CO., NEW §
FRONTIER MEDIA, INC., §
15 OFFICE DEPOT, INC., PEROT §
SYSTEMS CORP., PLAYBOY §
16 ENTERPRISES INTERNATIONAL, §
INC., RENT-A-CAR, INC., §
17 STAPLES, INC., SUN §
MICROSYSTEMS, INC., TEXAS §
18 INSTRUMENTS, INC., YAHOO! §
19 INC., AND YOUTUBE, LLC §

20 Defendants §

21 *** HIGHLY CONFIDENTIAL ***

22 VIDEOTAPED DEPOSITION OF CHEONG S. ANG
23 Austin, Texas
24 Friday, July 22, 2011
25 Volume 2

Reported by:
MICHEAL A. JOHNSON, CRR
JOB NO. 40572

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July 22, 2011
9:02 a.m.

Videotaped deposition of CHEONG S. ANG,
held at the offices of McKool Smith, 300 West
6th Street, Suite 1700, Austin, Texas,
pursuant to Agreement before Micheal A.
Johnson, a Certified Realtime Reporter and
Notary Public of the State of Texas.

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A P P E A R A N C E S
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Attorney for Defendant
1900 University Avenue
East Palo Alto, California 94303
BY: JAMES R. BATCHELDER, ESQ.

VIDEOGRAPHER:
Angelica Mathews

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IT IS HEREBY STIPULATED AND AGREED by
and between the attorneys for the respective
parties herein, that filing and sealing be and
the same are hereby waived.
IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the form of
the question, shall be reserved to the time of
trial.
IT IS FURTHER STIPULATED AND AGREED
that the within deposition may be sworn to and
signed before any officer authorized to
administer an oath, with the same force and
effect as if signed and sworn to before the
Court.

- oOo -

Page 578

1 read the patent, go ahead and start from the
 2 front page and read for as long as it takes
 3 you. Go ahead.
 4 Objection to form on that question.
 5 (Witness Reviews Document.) 04:34PM
 6 THE VIDEOGRAPHER: I've got about
 7 five minutes left on the tape. Would you like
 8 to go off the record and change it?
 9 MR. BATCHELDER: Why don't we do
 10 that while he's reading. 04:36PM
 11 MR. BUDWIN: If we're going to
 12 change tapes, we're going to take a break.
 13 THE VIDEOGRAPHER: This is the end
 14 of --
 15 MR. BUDWIN: So what do you want 04:36PM
 16 him to do?
 17 MR. BATCHELDER: I'd just like him
 18 to keep reading while we change the tapes.
 19 MR. BUDWIN: If we're changing
 20 tapes, we're taking a break. It's been an 04:36PM
 21 hour and 15 minutes.
 22 MR. BATCHELDER: Well, there is a
 23 question pending, so no discussion about the
 24 question during the break.
 25 MR. BUDWIN: That's fine. 04:36PM

Page 580

1 similar to what was provided in Table II. Is
 2 that accurate?
 3 BY MR. BATCHELDER:
 4 Q. My question was other than in
 5 Table II of the patents-in-suit, is there any 04:59PM
 6 other place in the written description of
 7 these patents that describes an embed text
 8 format other than an HTML tag format?
 9 A. Okay. So --
 10 MR. BUDWIN: Objection, form. 04:59PM
 11 A. My answer to that after reading
 12 through this patent was in the description of
 13 the patent itself and then following the
 14 description at the end, it mentions that the
 15 patent -- the invention has been described 05:00PM
 16 with reference to a specific exemplary
 17 embodiment therefore. And it will, however,
 18 be evident that there is modifications and
 19 changes may be made there onto without
 20 departing from the broadest spirit and scope 05:00PM
 21 of the invention as set forth in the appended
 22 claims. And so, for example, different
 23 programming languages and techniques may be
 24 used, right.
 25 And then in conjunction with just 05:00PM

Page 579

1 THE VIDEOGRAPHER: This is the end
 2 of tape No. 11. We are off the record at
 3 4:37.
 4 (Recess Taken From 4:37 p.m. To
 5 4:48 p.m.) 04:47PM
 6 THE VIDEOGRAPHER: This is the
 7 beginning of tape No. 12. We are back on the
 8 record at 4:48.
 9 BY MR. BATCHELDER:
 10 Q. The videographer needed to change 04:47PM
 11 the tape while the question was pending,
 12 Mr. Ang, so let me remind you of the question.
 13 Other than the Table II of the
 14 patents-in-suit, is there any other place in
 15 the written description of these patents that 04:47PM
 16 describes an embed text format other than an
 17 HTML tag format?
 18 MR. BUDWIN: Objection, form.
 19 Take your time.
 20 (Witness Reviews Document.) 04:48PM
 21 A. So, Counsel, as I was mentioning
 22 earlier before the break and before you had me
 23 read through this patent, the purpose that I
 24 was doing this was to answer your question on
 25 is there another HTML tag format that is 04:59PM

Page 581

1 above Table II what was mentioned was Table II
 2 below shows an example -- an example of an
 3 HTML tag format used by the present invention
 4 to embed a link in an application program
 5 within a hypermedia document. So this 05:00PM
 6 description actually provides an example and
 7 it describes an embodiment of the invention.
 8 And then, in fact, there are other places in
 9 the description that talks about -- under
 10 column 9, line approximately 55, it says, 05:01PM
 11 "Assuming network 206 is the Internet, such a
 12 request would typically be made by using HTTP
 13 in response to an HTML-style link definition."
 14 And so all those other -- all those
 15 descriptions are alluding to the fact that 05:01PM
 16 HTML and the Internet are provided in an
 17 example embodiment -- as examples of
 18 distributed hypermedia environment that the
 19 invention can be implemented on.
 20 And then obviously there's another 05:02PM
 21 place in the patent, column 6 close to the
 22 end, that talks about, "The invention not only
 23 allows the user to use a hypermedia format."
 24 BY MR. BATCHELDER:
 25 Q. What line are you on there? 05:02PM

Page 622

1 Q. Do you see anything related to the
 2 parsing of type information in your source
 3 code appendix on this page?
 4 A. Yes, I do.
 5 Q. What do you see? 06:09PM
 6 A. I see a function code to parse mark
 7 tag that was looking for type, the type of
 8 attribute from the input text, the Xt.
 9 Q. Does that show that your code was
 10 using type information to select the 06:10PM
 11 executable application?
 12 A. Yes. That definitely showed that
 13 my code is using type application to select
 14 executable applications.
 15 Q. Let me just make sure that we're 06:10PM
 16 clear. Does the code that you've just looked
 17 at on pages 735, 803 and 808 of Exhibit 27,
 18 the source code appendix attached to your
 19 patent, show that your code was using type
 20 information to select among the three 06:10PM
 21 different supported executable applications,
 22 VIS, WT and MPEG?
 23 A. Yes, it does.
 24 MR. WOLFF: Objection.
 25 BY MR. BUDWIN: 06:10PM

Page 624

1 Library Building."
 2 A. Correct.
 3 Q. Would Dr. Doyle have demonstrated a
 4 version of the code in Exhibit 27 that we just
 5 talked about to Dr. Lindberg? 06:11PM
 6 MR. WOLFF: Objection.
 7 A. Yes, he would.
 8 BY MR. BUDWIN:
 9 Q. Now, do you recall Dr. Doyle making
 10 a presentation at the Medicine Meets Virtual 06:11PM
 11 Reality Conference in January of 1994?
 12 A. Yes, I recall the event.
 13 Q. Would Dr. Doyle have demonstrated a
 14 version of the code in Exhibit 27 to the
 15 Medicine Meets Virtual Reality Conference? 06:12PM
 16 MR. WOLFF: Objection.
 17 A. Yes, he would have.
 18 BY MR. BUDWIN:
 19 Q. Do you recall in the testimony that
 20 you gave earlier Mr. Reines and Mr. Batchelder 06:12PM
 21 asking you about disclosure of embed text
 22 formats other than the embed tag in Table II
 23 of the specification of your patent?
 24 A. Repeat that, please.
 25 Q. Sure. Do you recall Mr. Batchelder 06:12PM

Page 623

1 Q. Now, is the code that we just
 2 talked about consistent with your testimony
 3 that you came up with the idea for type
 4 information as early as September 7th, 1993?
 5 A. Yes, it does. 06:10PM
 6 Q. Do you have an understanding as to
 7 whether Dr. Doyle demonstrated versions of
 8 this code?
 9 A. Yes.
 10 Q. And what's your understanding? 06:11PM
 11 A. Dr. Doyle demonstrated versions of
 12 this code.
 13 MR. WOLFF: Objection.
 14 BY MR. BUDWIN:
 15 Q. Do you have Exhibit 2 in front of 06:11PM
 16 you, the invention disclosure form? The
 17 letter.
 18 A. Okay. I have that.
 19 Q. Will you look to the second page,
 20 Bates page 16. 06:11PM
 21 A. Okay.
 22 Q. At the bottom it says, "The first
 23 demonstration of this invention to non-UC
 24 personnel was on November 16th, 1993, to
 25 Dr. Donald Lindberg in Room 101 of the UCSF 06:11PM

Page 625

1 and Mr. Reines asking you about disclosure of
 2 embed text formats other than the embed tag in
 3 Table II in the specification of your patent?
 4 A. Yes, I do.
 5 Q. When you were answering those 06:12PM
 6 questions, were you looking at a version of
 7 the patent that did not include the source
 8 code appendix?
 9 MR. WOLFF: Objection.
 10 A. That's correct. 06:12PM
 11 BY MR. BUDWIN:
 12 Q. Looking at the version of the
 13 patent with the source code appendix, for
 14 example, Exhibit 27, do you see a disclosure
 15 of embed text formats other than the embed tag 06:13PM
 16 shown in Table II of the specification? Let
 17 me direct you to page 578. I think we might
 18 have switched exhibits. Do you have Exhibit 6
 19 which is the other version of the source code
 20 appendix? Do you see the page that ends 578? 06:13PM
 21 Are you there?
 22 A. One second.
 23 Q. Are you on the page that ends
 24 E 023578?
 25 A. Yes. 06:14PM

1 Q. Do you see, Mr. Ang, about midway
 2 through the page there's a #ifdef_VIS?
 3 A. Yes, I do.
 4 Q. And then do you see something in
 5 there called IMAGE3D? 06:14PM
 6 A. Yes.
 7 Q. Is IMAGE3D an example of an embed
 8 text format that is not an embed tag, for
 9 example, what's shown in Table II of your
 10 patent? 06:15PM
 11 MR. WOLFF: Objection.
 12 A. Yeah, IMAGE3D would be. So prior
 13 to using the tag e-m-b-e-d, IMAGE3D was used
 14 as another instance of an embed text format
 15 for HTML. 06:15PM
 16 BY MR. BUDWIN:
 17 Q. Mr. Ang, we may have talked -- you
 18 can set that aside. We may have talked about
 19 this earlier, but other than yourself, your
 20 co-inventors are Mr. Martin and Dr. Doyle; is 06:15PM
 21 that right?
 22 A. That's correct.
 23 Q. Do you recall your employment
 24 agreement with the University of California
 25 San Francisco? 06:15PM

1 A. Yes, I do.
 2 Q. And did your employment agreement
 3 require you to bring inventions to the
 4 attention of the university?
 5 A. Yes, my -- yes, definitely. 06:15PM
 6 Q. Is that why you filled out the
 7 document in Exhibit 2 that we talked about
 8 earlier?
 9 MR. WOLFF: Objection.
 10 A. That's correct. 06:16PM
 11 BY MR. BUDWIN:
 12 Q. At the time you began working on
 13 your invention in the summer of 1993 at the
 14 University of California San Francisco, what
 15 web browsers were you aware of? 06:16PM
 16 A. During -- during my work at UC
 17 San Francisco around the 1993 time frame I was
 18 aware of NCSA Mosaic.
 19 Q. And was one of the things that your
 20 invention did was add functionality to Mosaic 06:16PM
 21 that didn't previously exist in Mosaic or any
 22 other web browser?
 23 MR. WOLFF: Objection.
 24 A. That's correct. We added
 25 functionality that was described in the 06:16PM

1 invention.
 2 BY MR. BUDWIN:
 3 Q. And that's what we see in the code
 4 in Exhibit 6 and Exhibit 27?
 5 MR. WOLFF: Objection. 06:16PM
 6 A. That's correct.
 7 BY MR. BUDWIN:
 8 Q. In the summer and fall of 1993, did
 9 Mosaic allow for embedded interactive objects
 10 in web pages? 06:17PM
 11 MR. WOLFF: Objection.
 12 A. Mosaic itself from NCSA did not
 13 allow embedding of interactive objects.
 14 BY MR. BUDWIN:
 15 Q. If Mosaic itself did allow the 06:17PM
 16 embedding of interactive objects, would you
 17 have had to modify it?
 18 MR. WOLFF: Objection.
 19 A. If Mosaic itself allowed embedding
 20 of interactive objects, then I would not have 06:17PM
 21 done any additional codes to it.
 22 BY MR. BUDWIN:
 23 Q. Were you aware of any web browser
 24 prior to your invention that allowed for
 25 embedded interactive objects? 06:17PM

1 MR. WOLFF: Objection.
 2 A. No, I wasn't aware of any.
 3 BY MR. BUDWIN:
 4 Q. Have you heard of something called
 5 X Windows? 06:17PM
 6 A. Yes, I have.
 7 Q. What is X Windows?
 8 A. X Windows is a graphical windowing
 9 systems that runs on many Unix systems.
 10 Q. Is X Windows a web browser? 06:17PM
 11 A. X Windows is not a browser.
 12 Q. Is X Windows your invention?
 13 A. No, X Windows is not my invention.
 14 MR. WOLFF: Object to form.
 15 BY MR. BUDWIN: 06:18PM
 16 Q. Have you ever heard of someone
 17 called Pei Wei or something called Viola?
 18 A. I have heard of Pei Wei and Viola
 19 much later, I guess from the last litigation.
 20 Q. How did you first come about 06:18PM
 21 hearing about Pei Wei or Viola?
 22 A. In the last litigation.
 23 Q. So that would have been after your
 24 patent issued?
 25 A. That's correct. 06:18PM