

EXHIBIT K



Deposition of:
Michael Mitzenmacher , Ph.D.

June 24, 2019

In the Matter of:
**Network-1 Technologies, Inc. Vs.
Google LLC And Youtube, LLC**

Veritext Legal Solutions
800.808.4958 | calendar-dmv@veritext.com |

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

NETWORK-1 TECHNOLOGIES, INC.,

Plaintiff,

v.

14 Civ. 2396 (PGG)

GOOGLE LLC and YOUTUBE, LLC,

14 Civ. 9558 (PGG)

Defendants.

- - - - - X

VOLUME I

Pages 1-208

VIDEO DEPOSITION OF MICHAEL D. MITZENMACHER, Ph.D.

Monday, June 24, 2019, 9:19 a.m.

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

Two Seaport Lane

Boston, Massachusetts 02210

--- Reporter: Kimberly A. Smith, CRR, CRC, RDR ---

Realtime Systems Administrator

Veritext Legal Solutions

Page 2

1 APPEARANCES:
 2
 3 Russ August & Kabat
 4 By: Brian D. Ledahl, Esq.
 5 12424 Wilshire Boulevard, 12th Floor
 6 Los Angeles, CA 90025
 7 (310) 826-7474
 8 bledahl@raklaw.com
 9 for the Plaintiff;
 10
 11 Williams & Connolly LLP
 12 By: Samuel Bryant Davidoff, Esq.
 13 725 Twelfth Street, N.W.
 14 Washington, D.C. 20005
 15 (202) 434-5000
 16 sdavidoff@wc.com
 17 for the Defendants.
 18
 19 Also Present: Gayle Ashton, Video Operator
 20
 21
 22
 23
 24
 25

Page 4

1 THE VIDEO OPERATOR: Good morning.
 2 We are going on the record at 9:19 a.m. on June 24,
 3 2019. This is Media Unit 1 of the video recorded
 4 deposition of Michael Mitzenmacher, Ph.D., taken by
 5 counsel for defendant in the matter of Network-1
 6 Technologies, Inc. vs. Google LLC and YouTube, LLC.
 7 This deposition is being held at
 8 Finnegan Henderson, located at Two Seaport Lane,
 9 Boston, Massachusetts. My name is Gayle Ashton,
 10 and I'm the videographer from the firm Veritext.
 11 The court reporter is Kimberly Smith, also from
 12 Veritext.
 13 Will counsel please identify their
 14 appearances.
 15 MR. DAVIDOFF: Sam Davidoff on behalf --
 16 from Williams & Connolly on behalf of defendants
 17 Google and YouTube.
 18 MR. LEDAHL: And Brian Ledahl from Russ
 19 August & Kabat on behalf of the plaintiff.
 20 THE VIDEO OPERATOR: Will the court
 21 reporter please swear in the witness.
 22 MICHAEL D. MITZENMACHER, Ph.D.,
 23 having been satisfactorily identified by the
 24 production of his driver's license, and
 25 duly sworn by the court reporter, was deposited

Page 3

1 INDEX
 2
 3 WITNESS: Michael D. Mitzenmacher, Ph.D.
 4
 5 EXAMINATION Page
 6 By Mr. Davidoff 5
 7 AFTERNOON SESSION
 8 By Mr. Davidoff 112
 9
 10 EXHIBITS FOR IDENTIFICATION:
 11 Mitzenmacher Description Page
 12 Exhibit 1 List of witness's litigation 5
 13 testimony
 14 Exhibit 2 Witness's 5/29/19 declaration 43
 15 Exhibit 3 U.S. Patent 7,831,438 58
 16 Exhibit 4 U.S. Patent 8,065,733 58
 17 Exhibit 5 3/27/15 Karypis declaration 63
 18 Exhibit 6 U.S. Patent 8,010,988 93
 19 Exhibit 7 U.S. Patent 8,205,237 93
 20 Exhibit 8 U.S. Patent 8,904,464 93
 21
 22
 23
 24 Original exhibits retained by reporter to be
 25 returned to Williams & Connolly

Page 5

1 and testified as follows:
 2 EXAMINATION
 3 BY MR. DAVIDOFF:
 4 Q. Good morning, professor.
 5 A. Good morning.
 6 MR. DAVIDOFF: I would like to mark
 7 actually an exhibit, which I think we'll mark as
 8 Exhibit 1 to your deposition.
 9 (Mitzenmacher Exhibit 1 was marked
 10 for identification.)
 11 Q. And this is just a list of your prior
 12 litigation experience over the last five years that
 13 was provided to us.
 14 Is that familiar to you?
 15 A. Yes.
 16 Q. And really I thought this might just help
 17 refresh your memory because it looks like you've
 18 done a bit of testifying.
 19 A. Um-hum.
 20 Q. My question is if you could just tell me
 21 which of the -- not just these, which cases you've
 22 testified at trial in. And I thought maybe it would
 23 help to look at the list.
 24 A. Okay. My recollection is the France
 25 Telecom case, the Juniper vs. Palo Alto Networks

<p style="text-align: right;">Page 6</p> <p>1 case. I think in the JobDiva, it wasn't at trial. 2 There was a hearing. But I don't think . . . 3 Q. Was that a Markman hearing? 4 A. Yeah. I mean the Microsoft vs. Parallel 5 Networks, those were IPRs. I don't know the legal 6 thing, like the deposition counts as testimony. 7 I mean it wasn't a trial. It was -- 8 Q. It was a deposition like this. 9 A. Yeah. But I somehow understand for IPRs 10 they're treated a little differently, but it wasn't 11 a trial. I believe Finjan vs. Blue Coat, Finjan vs. 12 Sophos. I guess one of the Realtime cases. 13 Q. Had trial testimony? 14 A. Yeah. I think the second Finjan vs. Blue 15 Coat. And I think -- yeah. I think the second 16 Finjan vs. Blue Coat and Finjan vs. Symantec -- 17 I have to look up -- I think those might have been 18 combined at some later point because I think 19 Symantec was buying Blue Coat, so . . . 20 And, again, maybe the Apple vs. Caltech 21 for the IPRs -- 22 Q. Sure. 23 A. -- I was deposed, but . . . 24 Oh, and Centripetal vs. Keysight. 25 Q. Is that it?</p>	<p style="text-align: right;">Page 8</p> <p>1 San Jose or . . . 2 Q. Fair enough. Northern District of 3 California? 4 A. Yeah. 5 Q. So three trials where you were testifying 6 on behalf of Finjan? 7 A. Yes. I guess -- yeah, I think there's been 8 at least three -- well, the two Blue Coat and the 9 Sophos/Symantec, yeah, I think that's three. 10 Q. And Realtime, that was in the Eastern 11 District of Texas? 12 A. Yes. 13 Q. When was that testimony, roughly? 14 A. It was a few years ago. I'd have to look 15 it up. 16 Q. That's fine. 17 A. 2016 or '17. 18 Q. I'm sure it's written down somewhere. 19 A. Yeah. 20 Q. And Centripetal vs. Keysight, that was in 21 Eastern District of Virginia? 22 A. Yes. 23 Q. And when was that testimony? 24 A. That was late last year, probably -- might 25 have been November, October/November last year.</p>
<p style="text-align: right;">Page 7</p> <p>1 A. I think so. 2 Q. And just let me make sure I have it. So 3 you have France Telecom. And was that testimony in 4 New York or California? 5 A. Um -- 6 Q. Do you recall where the trial was? 7 A. The trial was in California. 8 Q. Okay. 9 A. Yeah. 10 Q. That's what I thought. I think the case 11 got transferred at some point. 12 A. Yeah. Sorry. 13 Q. And Juniper v. Palo Alto, that was in 14 Delaware? 15 A. Yes. 16 Q. JobDiva was in New York? 17 A. Yes. 18 Q. And the Finjan vs. Blue Coat, you recall 19 testifying at two trials there? 20 A. Yeah. 21 Q. And both in San Francisco? 22 A. Yeah. 23 Q. And the Finjan v. Sophos, was that also in 24 San Francisco? 25 A. Yeah. Or that area. Might have been</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. That was a jury trial? 2 A. Yes. 3 Q. What was the result of that, do you recall? 4 A. The result was -- I guess my understanding 5 was, after I testified but before the trial was 6 complete, the parties settled. 7 Q. And do you have any cases that are 8 scheduled for trial in the next year that you know 9 of? 10 A. Yes, possibly. I mean, like I think 11 they've been scheduled. Whether they'll actually 12 stay scheduled, I don't know. 13 Q. Sure. Can you tell me what they are. 14 A. I think the Finjan vs. ESET one here, and 15 then -- let's see -- I think the Finjan vs. Juniper 16 that's listed there. 17 Q. So those two cases on this list are 18 obviously still active. Are there any other cases 19 on this list that are active? And I know maybe 20 there's something on appeal or something, but that 21 you know of is active? 22 A. Yes. So as far as I know, the Caltech vs. 23 Apple is still active. 24 Q. Okay. 25 A. I think some of the Acceleration Bay cases</p>

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.