

EXHIBIT 1

Page 1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 - - - - -x
4 NETWORK-1 TECHNOLOGIES, :
5 INC. :
6 Plaintiff : 14 Civ. 2396(PGG)
7 v. :
8 GOOGLE, LLC and YOUTUBE, : 14 Civ. 9558(PGG)
9 LLC :
10 Defendants :
11 - - - - -x
12
13
14
15 VIDEOTAPED DEPOSITION OF
16 JAMES A. STORER, PH.D.
17 Washington, D.C.
18 Wednesday, July 10, 2019
19 8:11 a.m.
20
21
22
23 Reported By: Joan V. Cain
24
25

Page 2

1 Videotaped Deposition of JAMES A. STORER,
2 Ph.D., held at the law offices of:
3
4 WILLIAMS & CONNOLLY, LLP
5 725 Twelfth Street, Northwest
6 Washington, D.C. 20005
7 (202) 434-5000
8
9 Pursuant to Notice, before Joan V. Cain,
10 Court Reporter and Notary Public in and for the
11 District of Columbia.
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Page 3

1 A P P E A R A N C E S
2
3 ON BEHALF OF PLAINTIFF:
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1 APPEARANCES CONTINUED
2
3 ALSO PRESENT:
4 Malcolm Peplow, Videographer
5 Andrew Borrasso, Summer Associate
6 Williams & Connolly
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19	Technologies, Inc., 1/23/18	
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1 proceed.

2 EXAMINATION BY COUNSEL FOR PLAINTIFF

3 **BY MR. FENSTER:**

4 Q Good morning, Dr. Storer.

5 A **Good morning.**

6 Q How are you today?

7 A **Good.**

8 Q Anything that would prevent you from giving

9 your best testimony today?

10 A **No.**

11 Q How'd you come to be retained in this case?

12 A **Someone called me.**

13 Q Who?

14 A **You know, I don't remember.**

15 Q Was it someone from the law firm of

16 Williams & Connolly?

17 A **Yes.**

18 Q Okay. Do you recall approximately when you

19 were called?

20 A **I think on the order of a year ago is when**

21 **I first was approached.**

22 Q And what were you asked to do?

23 A **The work I've done has involved claim**

24 **construction.**

25 Q Have you done any work other than related

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1 PROCEEDINGS

2 **THE VIDEOGRAPHER:** Good morning. We are

3 going on the record at 8:11 a.m., on Wednesday, July

4 10th, 2019. This is Media Unit 1 of the video

5 recorded deposition of James Storer.

6 Counsel and all present in the room will

7 now state their appearances and affiliations for the

8 record.

9 **MR. FENSTER:** Marc Fenster with Russ August

10 Kabat on behalf of the Plaintiff Network-1

11 Technologies, Inc.

12 **MR. SAFTY:** Graham Safty of Williams &

13 Connolly on behalf of Defendants Google, LLC, and

14 YouTube, LLC. Also with me today is Sam Davidoff,

15 partner at Williams & Connolly on behalf of

16 defendants, as well as Andrew Borrasso, a summer

17 associate at Williams & Connolly on behalf of

18 defendants.

19 **THE VIDEOGRAPHER:** Will the court reporter

20 please swear in the witness.

21 JAMES A. STORER, PH.D.

22 having been duly sworn under penalties of perjury by

23 the Notary Public, was examined and did testify as

24 follows:

25 **THE VIDEOGRAPHER:** Thank you. We may

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1 to claim construction?

2 A **No.**

3 Q Have you talked to anyone at Google about

4 the Content ID system?

5 A **No.**

6 Q Have you talked to anyone at YouTube about

7 the Content ID system?

8 A **No.**

9 Q Have you talked to anyone at Google or

10 YouTube about anything related to this case?

11 A **No.**

12 Q Have you previously worked for clients of

13 Williams & Connolly?

14 A **I don't believe so. Well, I don't know who**

15 **all their clients are, so I don't know whether**

16 **someone I had -- I'm not sure what you mean by**

17 **worked for either. But if you meant that have I**

18 **been retained in a case where the clients were**

19 **also -- have also been clients of Williams &**

20 **Connolly, but maybe they were clients of someone**

21 **else, I can't say for sure in that sense, but I**

22 **don't have any rec- -- specific recollection of**

23 **working with this firm before.**

24 Q Okay. Have you ever done any -- have you

25 ever -- strike that.

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1 Have you ever been retained to work on a
2 case involving Google or YouTube?
3 **A In the past there have been a few large**
4 **joint defenses, and I don't know whether Google**
5 **might have been one of the defendants in the large**
6 **group, but they wouldn't have been specifically the**
7 **one I was -- I don't have any specific recollection**
8 **of specifically working on behalf of Google.**
9 Q So to your knowledge, you've never been
10 retained by or on behalf of Google or YouTube in
11 connection with a litigation?
12 **A That's my best recollection sitting here,**
13 **yes.**
14 Q Have you ever -- outside the litigation
15 context, have you ever done any work or consulting
16 for Google or YouTube?
17 **A I had a grant a while back from Google,**
18 **quite a while back. It went to support some work by**
19 **a graduate student.**
20 Q Anything else?
21 **A No.**
22 Q You never had any funding -- you've never
23 had any research funded by Google except for this
24 grant that you just referred to?
25 **A There's a small grant that they give for,**

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1 **yeah, students. Yeah, nothing beyond that, a number**
2 **of -- maybe -- I don't know -- eight years ago or**
3 **something.**
4 Q And who was the student?
5 **A The student was Kevin Thomas.**
6 Q And do you know the amount of the grant?
7 **A It's relatively small. There's a --**
8 **there's a program they had. I wish I remembered the**
9 **name of the program. I don't remember the details.**
10 **It's been a long time. Sorry.**
11 Q Any idea what the order of magnitude of the
12 grant was?
13 **A Less than \$100,000 my best recollection.**
14 Q And to your -- to your recollection, that
15 grant eight years ago in connection with Kevin
16 Thomas is the only Google or YouTube funding that
17 you've ever received in connection with any work
18 that you've been involved in?
19 **A Correct.**
20 Q And you are a professor at Brandeis; is
21 that correct?
22 **A Yes.**
23 Q And what department are you in there?
24 **A Computer science department.**
25 Q And are you aware whether the computer

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1 science department at Brandeis has received any
2 funding from Google or YouTube?
3 **A I don't recall anything -- I don't recall**
4 **anything other than the small grant that I had**
5 **myself. Not that I know of, no.**
6 Q Has your department applied for grants from
7 Google or YouTube, other than the one that was
8 granted, that have not been granted?
9 **A So I'll try to answer your question more**
10 **broadly. Generally speaking, it wouldn't be the --**
11 **exactly the -- usually it's a faculty member who**
12 **applies, not formally -- I guess the university**
13 **would sign off on the application, but it would be**
14 **sort of a research group applying for a grant is how**
15 **it works, not so much the department. You could**
16 **have the department applying for some big -- big,**
17 **department-wide grant.**
18 **Surely nothing like that that I know of,**
19 **Google, and I don't know of any particular faculty**
20 **member who has, but I can't preclude it either**
21 **because I'm not always involved in that.**
22 Q Have you applied to any -- applied to
23 Google or YouTube for any funding other than in
24 connection with that one for Kevin Thomas?
25 **A No.**

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1 Q Have you been asked to analyze any issues
2 related to infringement in this case?
3 **A No. My work has been limited to claim**
4 **construction.**
5 Q Other than indefiniteness that you discuss
6 in your declaration, have you done any work on
7 validity?
8 **A I'm not sure exactly how you're**
9 **characterizing my declaration, but putting that**
10 **aside, I've not done any work on validity.**
11 Q And have you reviewed any depositions in
12 this case?
13 **A Yes.**
14 Q What depositions have you read?
15 **A I read the deposition of Dr. Mitzenmacher.**
16 Q Any others?
17 **A Not that I recall.**
18 Q Did you review any inventor depositions in
19 this case?
20 **A No, not that I recall.**
21 Q Do you know Dr. Mitzenmacher?
22 **A Yes.**
23 Q How do you know Dr. Mitzenmacher?
24 **A You know, I don't know him well, but quite**
25 **a few years ago he came out for lunch at the time**

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1 that I was finishing my book, and we had a nice day
2 talking about research, and I don't know if I've met
3 him in person since then, but know of him.
4 Q Do you have any opinions of him as a
5 researcher or scientist, lecturer?
6 A He's a nice guy. I have no -- nothing -- I
7 don't have anything bad to say about him if that's
8 what you're asking. Nice guy. I enjoyed meeting
9 him.
10 Q Have you read any of his papers?
11 A Not recently, but in the past, yes.
12 Q Have you read anything else that he's
13 written?
14 A Well, we mentioned the -- his
15 declaration -- or he had a -- his deposition, his
16 declaration. Oh, and one other thing too. He was
17 on the opposite side in a different case I was on.
18 So I would have read documents he wrote in that
19 case.
20 Q And what case was that?
21 A That was a case of -- of Realtime versus
22 Oracle I believe. That's my best memory.
23 Q Have you ever attended any lectures by
24 Dr. Mitzenmacher or seen any talks by him?
25 A So the day that he visited me, I believe he

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1 gave a talk. It was a long time ago, but I believe
2 so -- I believe so.
3 Q Do you know where that talk would have
4 been?
5 A In my department, yeah. Again, that's my
6 best recollection. It may be he just visited, but I
7 kind of think he gave a talk. I think I would
8 normally -- someone's going to visit, have him give
9 a talk. That's my best recollection, but it's been
10 a long time.
11 Q Did you organize his visit to Brandeis?
12 A My best recollection is -- I'm not sure if
13 I organized it. It might be that I suggested it to
14 our seminar series person. I don't actually
15 remember the details. But my best recollection or
16 best estimate of what I would have done is that
17 maybe I would have wanted to have him come out and
18 suggested he be invited as one of the lecturers on
19 the weekly lecture thing and then have lunch with
20 him, that sort of thing.
21 Again, it's -- I'm not positive, but you
22 could ask him as well, but that's my best
23 recollection.
24 Q What is this program where you invite
25 weekly lecturers or invite lecturers on a weekly

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1 basis?
2 A Not a program, the department just
3 periodically has speakers come, and usually someone
4 might be in charge of doing that. Different years
5 it's worked different ways. Some years it might be
6 the chair in charge. Some years some faculty might
7 be organizing periodic seminars. Sometimes people
8 just invite people to talk to their research group
9 but then invite others to -- to come. It's not
10 super formal actually.
11 Q Do you know who Dr. Mitzenmacher spoke to?
12 Was it a department? A group? A class?
13 A No. Oh, who -- I don't know -- again, I
14 don't remember even definitely that he did give a
15 talk, but if he did, it would have been anyone who
16 wanted to come.
17 Q Do you know what Dr. Mitzenmacher's area of
18 research is or area of expertise is?
19 A At the time I met him, we -- we discussed
20 algorithms, and algorithms aside, I don't really
21 know what he's been doing recently actually.
22 Q Have you spoken with any other experts in
23 this case?
24 A No, not that I recall. No. I mean,
25 related to this case obviously, yes. Yeah.

Page 16

1 Q Do you agree that the subject matter of the
2 patents in this case relate to neighbor searches in
3 high-dimensional space?
4 A Well, searching for nearest neighbors is
5 something that's discussed in the specifications.
6 Q Have you written any papers involving
7 algorithms for searching for near or nearest
8 neighbors in high-dimensional space?
9 A Well, I'm not sure what you're encompassing
10 when you say that, but I have had papers in the past
11 and a couple Ph.D. theses that would have related to
12 content-based image retrieval, which may fall under
13 the umbrella of what you're asking.
14 (Storer Deposition Exhibit 2 was
15 marked for identification.)
16 BY MR. FENSTER:
17 Q I'll hand you what's been marked as Storer
18 Exhibit 2. This is Exhibit A and your CV that was
19 attached to your declaration; is that correct?
20 A Well, it looks like a copy of my academic
21 vitae, so I assume it's the copy that was attached
22 to -- if you say so, that sounds perfectly
23 reasonable.
24 Q Is this CV accurate and up to date?
25 A Let me take a look. It looks pretty --

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