

# Exhibit 9

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NETWORK-1 TECHNOLOGIES, INC., :  
: :  
Plaintiff, :  
: Civil Action Nos.  
vs. :  
: 1:14-cv-09558  
GOOGLE, INC., and :  
YOUTUBE, LLC, : 1:14-cv-2396  
: :  
Defendants. :  
-----x

Washington, D.C.

Tuesday, October 8, 2019

\*\* CONFIDENTIAL \*\*

VIDEOTAPED Deposition of:

PATRICK BRESLIN,

the witness, was called for examination by counsel for the Plaintiff, pursuant to notice, commencing at 8:59 a.m., at the law offices of Williams & Connolly LLP, 712 Twelfth Street, NW, Washington, D.C., before Dawn A. Jaques, CSR, CLR, and Notary Public in and for the District of Columbia.

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DIGITAL EVIDENCE GROUP  
1730 M Street, NW, Suite 812  
Washington, D.C. 20036  
(202) 232-0646

1 project.

2 BY MR. KROEGER:

3 Q And was the server code kept  
4 proprietary? Strike that.

5 Was the server code ever revealed  
6 publicly to your knowledge?

7 A Not to my knowledge.

8 Q Do you still have a copy of the server  
9 code?

10 A I don't, not that I know of, but I  
11 think that it exists.

12 Q Do you know if Sean Ward would have a  
13 copy of the server code?

14 A Yeah, I think Sean would.

15 Q So if we go back to Exhibit 5 --  
16 Exhibit 6 for a second, the Milestones and Goals  
17 Projections document.

18 A Yes.

19 Q It's fair to say you don't know  
20 exactly when this document was generated, correct?

21 A Well, I have a good -- better sense  
22 now that it was generated probably in September of

1 Q So let's turn to the second page,  
2 which has the Bates stamp number TRM\_201.

3 A Mm-hmm.

4 Q And this is an email from Sean Ward to  
5 you, correct?

6 A Yeah, I'm the direct recipient there,  
7 yep.

8 Q So if you look in the email about --  
9 about three sentences in, there's one that starts,  
10 "We do NOT," and "not" is in all caps.

11 Do you see that?

12 A Yeah.

13 Q So Mr. Ward says, "We do NOT want to  
14 get into a public examination of the exact scaling  
15 coefficients of our system (in part because I  
16 haven't computed them yet, and won't have time to  
17 formally for a while), and also because that  
18 brings us into a disclosure level that I'm not  
19 comfortable with." Do you see that?

20 A Yeah.

21 Q Do you know why Mr. Ward was not  
22 comfortable -- one, didn't want to make this

1 information public?

2 A Yeah, because it's proprietary. I  
3 mean, he describes below too, "HOW we scale is an  
4 important secret sauce."

5 Q And he actually uses those words,  
6 right, "secret sauce"?

7 A Yeah.

8 Q And so it's fair to say this  
9 information was never made public, correct?

10 MR. DANG: Object to the form.

11 THE WITNESS: Not -- no -- yes. Say  
12 it -- maybe you should ask it again.

13 BY MR. KROEGER:

14 Q Was the information ever made public?

15 MR. DANG: Object to the form.

16 THE WITNESS: When you say "the  
17 information," what information?

18 BY MR. KROEGER:

19 Q The secret sauce about how the system  
20 scales.

21 A So my answer is yes, it was never made  
22 public.

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