

Exhibit 4

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NETWORK-1 TECHNOLOGIES, INC., :
Plaintiff, :
vs. : 14 Civ. 2396 (PGG)
GOOGLE, LLC and YOUTUBE, LLC, : 14 Civ. 9558 (PGG)
Defendants. :

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VIRTUAL VIDEOTAPED DEPOSITION OF: TREVOR DARRELL

DATE: Friday, July 10, 2020
TIME: 1:11 p.m. EDT
LOCATION: Remote Proceedings
REPORTED BY: Denise M. Brunet, RPR
Reporter/Notary

Veritext Legal Solutions
1250 Eye Street, N.W., Suite 350
Washington, D.C. 20005

Job No. CS4168610

1 Q What is your understanding of what it
2 means for knowledge or use to be accessible to the
3 public?

4 A I believe that's a legal matter and I'm
5 not sure I've -- I don't recall having an expert
6 opinion on that, but my view -- if you asked me
7 the question nonetheless, I believe that it would
8 have to be available without undue bar -- you
9 know, available in a library or available on a
10 website or available for sale somewhere.

11 I understand that's a complicated issue.
12 I've heard many different views over the years. I
13 believe it's a legal matter, and I commented to
14 the extent that I have views or analysis
15 specifically elsewhere in the report.

16 Q So are you offering opinions as to
17 whether -- I'll put aside publications and things
18 of that nature for the moment. Are you offering
19 opinions as to whether particular systems that
20 that you describe were accessible to the public?

21 A I believe they were, and that was in my
22 opinion. I believe I'm assuming that as a legal

1 matter. I have it myself -- I'm relying on the
2 deposition testimony and other items that I refer
3 to later in the report for that -- my belief is
4 that's a legal matter, so that's something that
5 has to be determined by the court. If it a matter
6 for which I am entitled to have an opinion, then I
7 would have the opinion that it is accessible.

8 Q Okay. And in the last sentence of this
9 paragraph 28, you write about a patent claim
10 potentially being invalid if the invention was
11 made in this country by another who had not
12 abandoned, suppressed or concealed it. Do you see
13 that?

14 A Yes.

15 Q What's your understanding of what that
16 abandoned, suppressed or concealed language means?

17 A Again, formally, I believe that's a legal
18 matter, and I don't know that I have a legal
19 opinion on that point. But, you know, if I tried
20 to explain it to a non-lawyer, I would say you're
21 building something, you created it and you
22 continued to develop it into a final product or a

1 something?

2 MR. HARDY: Sorry, I was just going to
3 note for the record that Mr. Berkeley, who is
4 in-house counsel at Google, did not reconnect
5 after the last break and so has not been on the
6 call or Google Meet for the discussion of Audible
7 Magic, and won't be, because there is some
8 potential confidential information. Sorry to
9 interrupt.

10 MR. LEDAHL: That's okay.

11 BY MR. LEDAHL:

12 Q Let me repeat my question. Mr. Darrell,
13 do you have any basis for suggesting that a beta
14 release of the Clango system occurred prior to
15 August 9th, 2000?

16 A Not other than I testified to in
17 paragraph 135 of my report.

18 Q And is that just relying on the testimony
19 of Mr. Schrempp?

20 A I believe so.

21 Q What was different between the alpha
22 release of Clango and the beta release of Clango?

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