

Exhibit 28
(Partially Redacted)

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NETWORK-1 TECHNOLOGIES, INC.

Plaintiff,

Civil Action No.

-against- 1:14-cv-02396-PGG

GOOGLE, INC, and YOUTUBE, LLC,

Defendants.

-----x

May 28, 2015, 2014

9:10 a.m.

** OUTSIDE ATTORNEYS EYES ONLY **

VOLUME I

Confidential Videotaped Deposition of
DAVID ERB, taken by the Plaintiffs, pursuant
to Notice and Rule 30(b)(6) Notice, at the
offices of SKADDEN ARPS SLATE MEAGHER & FLOM
LLP, Four Times Square, New York, New York,
before David Levy, CSR, RPR, CLR, a Notary
Public of the State of New York.

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A P P E A R A N C E S:

RUSS AUGUST & KABAT

Attorneys for Plaintiff

12424 Wilshire Boulevard, 12th Floor

Los Angeles, California 90025

(310) 826-7474

BY: BRIAN D. LEDAHL, ESQ.

bledahl@raklaw.com

MARC FENSTER, ESQ.

mfenster@raklaw.com

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

Attorneys for Defendants

Four Times Square

New York, New York 10036

(212) 735-2419

BY: DOUGLAS R. NEMEC, ESQ.

douglas.memec@skadden.com

ALSO PRESENT:

RICH SONNENTAG ESQ.

Litigation Counsel, Google, Inc.

SHA-LA HOLLIS, Videographer

1 Erb - Confidential - Outside Counsel Only
2 VIDEOGRAPHER: Good morning. Here
3 begins tape number one of the videotaped
4 deposition of Mr. David Erb in the matter
5 Network-1 Technologies, Inc., plaintiff,
6 versus Google, Inc., and YouTube LLC,
7 defendants, in the United States District
8 Court, Southern District of New York, civil
9 action number 14-CV-2396. This deposition
10 is being held at the Law Offices of Skadden
11 Arps Slate Meagher & Flom LLP, located at
12 Four Times Square, New York, New York, on
13 May 28th, 2015, at approximately 9:10 a.m.
14 My name is Sha-La Hollis and I'm the legal
15 video specialist. The court reporter is
16 David Levy and we are both in association
17 with Barkley Reporting Services.

18 Will all counsel present please
19 introduce themselves for the record.

20 MR. LEDAHL: Brian Ledahl, Russ August
21 on behalf of the plaintiff Network-1.

22 MR. FENSTER: Marc Fenster for the
23 plaintiff.

24 MR. NEMEC: Good morning, Doug Nemecc
25 from Skadden, Arps for the defendants Google

1 Erb - Confidential - Outside Counsel Only
2 and YouTube, and with me is Rich Sonnentag,
3 in-house counsel for Google.

4 VIDEOGRAPHER: Will the court reporter
5 please swear in the witness.

6 D A V I D E R B , having been duly sworn
7 by the Notary Public, was examined and
8 testified as follows:

9 EXAMINATION BY

10 MR. LEDAHL:

11 Q. Good morning, Dr. Erb. It is Dr. Erb,
12 correct?

13 A. No --

14 Q. I'm sorry.

15 A. Mr. Erb.

16 Q. Mr. Erb. Mr. Erb, before we get into
17 the substance of your deposition, I to want to
18 cover a few preliminaries and things, hopefully to
19 make the process a little simpler and smoother.
20 The first question I have is, have you ever had
21 your deposition taken before today?

22 A. Yes, I have.

23 Q. And when was the last time you had
24 your deposition taken?

25 A. I don't recall the date.

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