

Exhibit F

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 -----x
5 NETWORK-1 TECHNOLOGIES, INC.

6 Plaintiff,

7 Civil Action No.

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

9
10 GOOGLE, INC, and YOUTUBE, LLC,

11 Defendants.

12 -----x
13 May 28, 2015, 2014
14 9:10 a.m.

15 ** OUTSIDE ATTORNEYS EYES ONLY **

16 VOLUME I

17 Confidential Videotaped Deposition of
18 DAVID ERB, taken by the Plaintiffs, pursuant
19 to Notice and Rule 30(b)(6) Notice, at the
20 offices of SKADDEN ARPS SLATE MEAGHER & FLOM
21 LLP, Four Times Square, New York, New York,
22 before David Levy, CSR, RPR, CLR, a Notary
23 Public of the State of New York.
24
25

1 Erb - Confidential - Outside Counsel Only

2 Q. And first of all, did you assist in
3 preparing the list of alleged alternatives that
4 are provided in response to interrogatory number
5 13?

6 A. I consulted with counsel in -- in a
7 discussion about this general question.

8 Q. Okay. Now, I'd like to, what I'd like
9 to do is go through each of these for a few
10 moments. And the first one that's listed here,
11 which is on, begins around the middle of page 20,
12 refers to locating the servers running the accused
13 instrumentalities or a portion of the accused
14 instrumentalities outside of the United States, do
15 you see that?

16 A. Yes.

17 Q. Do you have any understanding of what
18 that would mean in terms of an alternative to the
19 way the Google system is currently operated?

20 A. I think so.

21 Q. What would that mean?

22 A. I think that would mean running, for
23 example, the fingerprinting and/or the match
24 servers and/or the claiming logic on, in data
25 centers that are outside the United States.

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2 Q. Why doesn't Google currently do that?

3 A. Because we -- first, we have no reason
4 to do that. And second, because there are some
5 minor advantages to running servers close to where
6 the user uploads give it to us.

7 Q. Where are those advantages?

8 A. We avoid the delays and the -- and the
9 network traffic to transport the video data from
10 the United States to a data center in, for
11 example, Europe.

12 Q. And would implementing a system where
13 all the servers running the ContentID system were
14 outside the U.S also limit the redundancy
15 available for load balancing?

16 A. No.

17 Q. Why not?

18 A. Because we have multiple data centers
19 in Europe and Asia.

20 Q. And why aren't you using those
21 multiple data centers for running the ContentID
22 system now?

23 A. Because we have no reason to.

24 Q. What would be the cost to switch in
25 this manner?

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2 A. To the best of my knowledge, there
3 would be no cost associated with it except for the
4 labor, maybe two days' worth of engineering time,
5 for someone to actually configure the system in a
6 different data center and to -- and bring up all
7 the relevant servers, build the database or
8 replicate it to the -- build the fingerprint store
9 and the reference index in the appropriate new
10 data center.

11 Q. Did you do any analysis or
12 investigation to determine whether such an
13 alternative would or would not be infringing?

14 A. No.

15 MR. NEMEC: I just caution the witness
16 not to reveal any attorney-client
17 communications in an answer.

18 Q. So you're not -- you have no
19 information one way or the other on whether that
20 would in fact be non-infringing; your ability to
21 provide testimony about it is limited to the
22 feasibility of such an alternative system, is that
23 fair?

24 A. My knowledge and testimony is only
25 about the feasibility of -- of making such a