

1 IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
2 MARSHALL DIVISION
3 VERSATA SOFTWARE, INC. * Civil Docket No.
* 2:07-CV-153
4 VS. * Marshall, Texas
*
5 * August 24, 2009
SAP AMERICA INC., ET AL * 1:15 P.M.

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7 TRANSCRIPT OF TRIAL
BEFORE THE HONORABLE CHAD EVERINGHAM
UNITED STATES MAGISTRATE JUDGE
8 AND A JURY

9 APPEARANCES:

10 FOR THE PLAINTIFFS: MR. SAM BAXTER
McKool-Smith
11 104 East Houston, Suite 300
Marshall, TX 75670

12
MR. THEODORE STEVENSON, III
13 McKool-Smith
300 Crescent Court, Suite 1500
14 Dallas, TX 75201

15 MR. SCOTT COLE
MR. STEVEN J. POLLINGER
16 MS. LAURIE L. GALLUN
MR. JOSH W. BUDWIN
17 MR. KEVIN M. KNEUPPER
McKool-Smith
18 300 West 6th Street, Suite 1700
Austin, TX 787011

19
20 APPEARANCES CONTINUED ON NEXT PAGE:
21

22 COURT REPORTERS: MS. SUSAN SIMMONS, CSR
MS. JUDITH WERLINGER, CSR
Official Court Reporters
23 100 East Houston, Suite 125
Marshall, TX 75670
24 903/935-3868

25 (Proceedings recorded by mechanical stenography,

VERSATA EXHIBIT 2063
SAP v. VERSATA
CASE CBM2012-00001

1 A. Claim 26 -- Claim 26 which references

2 Claim 17.

3 Q. Okay. And you made this one red, because

4 that's the one you --

5 A. That's the one that's under consideration.

6 Q. Okay. So here's the language from 17. You've

7 got to take all the retrieved information and there must

8 be sorting according to pricing types.

9 Can you remind the jury with the notebooks in

10 front of you what a pricing type is?

11 A. That's right. Again, these were condition

12 types where these silos are, and in the context of

13 pricing, we all agreed that these are pricing types,

14 these silos.

15 Q. And, Dr. Boyd, in your opinion, do the accused

16 products sort according to pricing type?

17 A. According to pricing type, no.

18 They sort within one of these silos. They

19 don't sort across the silos, so they can't sort

20 according to pricing type.

21 Q. So after the data is retrieved, the sorting

22 might take place within discounts?

23 A. Yes. Yes.

24 For example, yeah, within this stack,

25 hierarchical access could do sorting within that stack.

1 Q. Uh-huh.

2 A. But it doesn't have access. It doesn't use

3 any of the information in the other piles to do the

4 sorting.

5 Q. I see. So it pulls all the discounts. It's

6 sorting only those things?

7 A. Yes. Only the discounts or only the base

8 price or only the taxes.

9 Q. And if it's pulling just discounts and sorting

10 only those, does it have to sort according to whether

11 within that stack of discounts something is a tax or a

12 freight or a base price?

13 A. No. They're all discounts within that pile.

14 Q. Okay.

15 A. It's the discount pile.

16 Q. And did Trilogy's patent use a different

17 system?

18 A. It did.

19 Q. How so?

20 A. Well, as Dr. Nettles referred to with his

21 fishing net exam -- example, they kind of scoop up

22 everything, all of the different stuff. And, again,

23 this goes back to the whole architecture of the system.

24 They scoop it up and then do the sorting across all of

25 this stuff at the same time.

1 Q. So they scoop up a pile of discounts and
2 rebates and freights and base prices, then they have to
3 tease those apart and put them into the stacks?

4 A. Right. That's just the architecture. That's
5 the way they chose to build the system.

6 Q. In the SAP system, the stacks exist before
7 retrieval?

8 A. Just like this, just like we talked about.

9 Q. So as an expert in this field, this
10 requirement of sorting by pricing types, is that done by
11 the accused products?

12 A. No.

13 Q. Is it done by customers that use the accused
14 products?

15 A. There's no evidence of that effect. Actually,
16 they can't. Sorry.

17 MR. BATCHELDER: Let's look at Slide 977,
18 please.

19 Q. (By Mr. Batchelder) This is your overview of
20 opinion slide. We've gone through your non-infringement
21 opinions, denormalized numbers, retrieval, sorting of
22 both flavors.

23 A. Uh-huh.

24 Q. Now, we're getting to this last one, the
25 asserted claims are invalid for failure to disclose the