

Crossroads Systems (Texas), Inc.  
v.  
Pathlight Technology, Inc., a Delaware Corporation

Crossroads Systems (Texas), Inc.  
v.  
Chaparral Network Storage, Inc., a Delaware Corporation

*Oral Deposition of  
Jeffrey Russell*

September 26, 2000

COMPRESSED TRANSCRIPT

CONFIDENTIAL  
ATTORNEYS' EYES ONLY

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CROSSROADS EXHIBIT 2310  
Oracle Corp., et al v. Crossroads Systems, Inc.  
IPR2014-01207 and IPR2014-1209

Page 1

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE WESTERN DISTRICT OF TEXAS  
3                   AUSTIN DIVISION

4                   CROSSROADS SYSTEMS (TEXAS),  
5                   INC.,  
6                   vs.  
7                   PATHLIGHT TECHNOLOGY, INC.,  
8                   A DELAWARE CORPORATION

9                   CROSSROADS SYSTEMS (TEXAS),  
10                   INC.,  
11                   vs.  
12                   CROSSROADS SYSTEMS (TEXAS),  
13                   INC. & DELAWARE CORPORATION

14                   ONAL DEPOSITION OF  
15                   JEFFRY RUSSELL  
16                   SEPTEMBER 26, 2000

17                   ONAL DEPOSITION OF JEFFRY RUSSELL,  
18                   produced as a witness at the instance of the Defendants  
19                   and duly sworn, was taken in the secret office and  
20                   numbered office on the 26th day of September, 2000, from  
21                   8:33 a.m. to 4:03 p.m., before Sandra S. Sivener, CSR,  
22                   in and for the State of Texas, reported by machine  
23                   shorthand method, at Fulbright & Jaworski, LLP, 1900  
24                   One American Center, 600 Congress Avenue, Austin, Texas,  
25                   pursuant to the Federal Rules of Civil Procedure.

Page 4

EXHIBITS

NO.	DESCRIPTION	PAGE
1	U.S. Patent No. 5,941,972	15
2	Verzazano Hardware Architecture	96
3	CrossPoint 4100 Fibre Channel to SCSI Router Technical Data	118
4	Witness' Notebook	133
5	Witness' Notebook, 12/21/95 to 11/99	135
6	4/30/98 Exclusivity Agreement Letter Between Compaq and Crossroads	155
7	Compaq CP4100 (shines) OEM Requirements	159
8	Verzazano Manufacturing Plan	166
9	CP4100 Power Point Slides	170
10	CP4100 Product Specification	198
11	CP4100 Product Change Document	207

Page 2

A P P E A R A N C E S

1                   FOR THE PLAINTIFF:

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Page 5

1                   JEFFRY RUSSELL,  
2                   having been first duly sworn, testified as follows:  
3                   EXAMINATION

4                   BY MR. GARRETT:

5                   Q. Good morning, Mr. Russell. My name is  
6                   Mark Garrett. I represent the defendants Pathlight and  
7                   Chaparral against the plaintiff Crossroads in this  
8                   case. Would you state your name and spell it for the  
9                   record?

10                   A. My name is Jeffry Russell. J-E-F-F-R-Y,  
11                   R-U-S-S-E-L-L.

12                   Q. Have you ever had your deposition taken  
13                   before, Mr. Russell?

14                   A. No.

15                   Q. I assume that your counsel has explained to  
16                   you kind of how the procedure goes, but I'll give you  
17                   my take on it so that we're on the same page.

18                   If you can, wait until I finish my  
19                   question before you answer, and I won't interrupt your  
20                   answer before I ask another question. If at any time  
21                   you need to take a break, just let me know. I'll do  
22                   the same thing.

23                   MR. GARRETT: That goes for you too,  
24                   Counsel.

25                   Q. (BY MR. GARRETT) If at any time you don't

Page 3

I N D E X

1	Appearances	2
2	Exhibits	4
3	JEFFRY RUSSELL	
4	Examination by Mr. Garrett	5
5	Changes and Signature	215
6	Reporter's Certification	217

Page 6

1                   understand what I'm asking you, just ask me to clarify  
2                   it, and I'll do that. That's about it.

3                   Where do you work, Mr. Russell?

4                   A. I work at Crossroads Systems.

5                   Q. Do you have a title?

6                   A. Yes, I do.

7                   Q. What is your title?

8                   A. Architect.

9                   Q. Architect?

10                   A. Uh-huh.

11                   Q. What are your responsibilities as architect?

12                   A. I do design work and try to lead the effort of  
13                   several people.

14                   Q. What kind of design work do you do?

15                   A. I classify it as embedded systems design work.

16                   Q. Can you explain to me what embedded systems  
17                   are?

18                   A. Yeah.

19                   Q. Could you do that?

20                   A. Embedded systems is sort of a black box that  
21                   has software, hardware inside of it, and it responds to  
22                   outside inputs and outputs and generally is considered  
23                   to be some sort of computer system.

24                   Q. What qualifies you to work on embedded  
25                   systems?

Page 7

1 MR. ROGERS: Objection. Vague.  
 2 THE WITNESS: I've got an electrical  
 3 engineering degree. That's it.  
 4 Q. (BY MR. GARRETT) Where is your degree from?  
 5 A. My degree is from Purdue University.  
 6 Q. What type of degree is it? When I say that I  
 7 mean master's or --  
 8 A. Oh, I'm sorry. It's a Master's of Science and  
 9 Electrical Engineering from Purdue University.  
 10 Q. Where did you get your undergrad?  
 11 A. My undergraduate degree came from Marquette  
 12 University, and that was a Bachelor's of Science in  
 13 Electrical Engineering.  
 14 Q. Do you have any other degrees besides those  
 15 two?  
 16 A. No, I don't.  
 17 Q. Are you working towards any other degrees?  
 18 A. Yes, I am.  
 19 Q. What is that?  
 20 A. I'm working towards Ph.D. in electrical  
 21 engineering.  
 22 Q. Where are you doing that?  
 23 A. I'm doing that at the University of Texas at  
 24 Austin.  
 25 Q. And how much longer do you have to go?

Page 10

1 A. No.  
 2 Q. And I mean that in terms of your job title.  
 3 A. No, I haven't.  
 4 Q. What title did you hold before architect?  
 5 A. Hardware engineer.  
 6 Q. How long were you an architect -- or have you  
 7 been an architect? Excuse me.  
 8 A. About one year.  
 9 Q. When did you receive the title of hardware  
 10 engineer?  
 11 A. When I started at Crossroads.  
 12 Q. When was that?  
 13 A. I started at Crossroads in 1995.  
 14 Q. Do you remember what month?  
 15 A. Yes, I do.  
 16 Q. What month is that?  
 17 A. November.  
 18 Q. Was it called Crossroads then?  
 19 A. No. It was not.  
 20 Q. What was it called?  
 21 A. Infinity CommStor.  
 22 Q. How many people worked at Infinity CommStor at  
 23 that time?  
 24 A. I don't know.  
 25 Q. Can you hazard a guess?

Page 8

1 A. I don't know.  
 2 Q. I understand. You mentioned that you lead  
 3 some people, is that right, in your job  
 4 responsibilities?  
 5 A. I wouldn't say I officially lead them. I  
 6 provide leadership in technical areas.  
 7 Q. Can you name those people for me?  
 8 A. I'm trying to think. To just come up with a  
 9 list I don't think is appropriate, because it winds up  
 10 being most of the company. Does that make sense?  
 11 Q. I guess. Can you tell me do you answer to  
 12 anyone? Is there -- do you have a boss?  
 13 A. Oh, yes. I have a manager.  
 14 Q. Who is that?  
 15 A. John Steczkowski.  
 16 Q. How do you spell John's last name?  
 17 A. S-T-E-C-Z-K-O-W-S-K-I.  
 18 Q. What is John's title?  
 19 A. His title is director.  
 20 Q. Is there a gentleman named John Middleton at  
 21 Crossroads?  
 22 A. Yes, there is.  
 23 Q. What does he do?  
 24 A. He's the vice president of engineering.  
 25 Q. Do you answer to Mr. Middleton?

Page 11

1 MR. ROGERS: Objection. Lacks  
 2 foundation, calls for speculation. Are you asking him  
 3 to guess?  
 4 MR. GARRETT: Yes, I am.  
 5 MR. ROGERS: Lacks foundation, calls for  
 6 speculation. I admonish the witness to answer if he  
 7 knows the answer. I admonish the witness not to guess.  
 8 THE WITNESS: I'd guess there were six  
 9 people.  
 10 MR. ROGERS: Move to strike to the  
 11 extent the witness is speculating.  
 12 Q. (BY MR. GARRETT) What were your duties as  
 13 hardware engineer?  
 14 MR. ROGERS: Objection. Vague.  
 15 THE WITNESS: Can you be more specific  
 16 about that?  
 17 Q. (BY MR. GARRETT) Let's talk about what  
 18 you -- the projects that you worked on as hardware  
 19 engineer.  
 20 MR. ROGERS: Objection. Vague.  
 21 overbroad.  
 22 THE WITNESS: So what projects?  
 23 Q. (BY MR. GARRETT) What was the first thing you  
 24 did when you began at Crossroads?  
 25 A. Okay. First thing I did was at Infinity

Page 9

1 A. Yes, indirectly. He's John's boss.  
 2 Q. Do you ever talk with Brian Smith?  
 3 MR. ROGERS: Objection. Vague,  
 4 relevance.  
 5 THE WITNESS: Yes.  
 6 Q. (BY MR. GARRETT) Generally what about?  
 7 MR. ROGERS: Objection. Vague,  
 8 relevance, overbroad.  
 9 THE WITNESS: How are things going, time  
 10 of day, that kind of stuff.  
 11 Q. (BY MR. GARRETT) So does that mean that you  
 12 don't report to Mr. Smith at all in terms of your  
 13 responsibilities?  
 14 A. I couldn't agree with that. He's the CEO. So  
 15 indirectly everyone reports to him.  
 16 Q. When did you first meet Brian Smith?  
 17 A. '94 or '95.  
 18 Q. Where did you meet him at?  
 19 A. I met him at IBM.  
 20 Q. Did you two work together there, or did you  
 21 just know of him?  
 22 A. We worked in similar areas. I didn't work  
 23 directly with him.  
 24 Q. I'm going to get back to that in a minute, but  
 25 tell me, have you always been an architect?

Page 12

1 CommStor I worked on a development kit for fibre  
 2 channel. So it involved a small amount of hardware  
 3 design, a little bit of software.  
 4 Q. How long did you work on that development kit?  
 5 A. Nine months, I'm guessing, plus or minus a  
 6 couple months.  
 7 Q. Did that development kit have a name?  
 8 A. Yes, it did.  
 9 Q. Do you recall what the name is?  
 10 A. I'm not sure.  
 11 Q. What was the next thing you worked on at  
 12 Crossroads after the development kit?  
 13 A. There's a variety of small projects that might  
 14 have followed after that. I'm not sure exactly what I  
 15 was doing when I finished that.  
 16 Q. Can you describe any of those projects for me?  
 17 A. Not in detail, or I don't even remember  
 18 specifically, but there were a lot of what-if kinds of  
 19 things.  
 20 Q. Did you work on a project called Verrazano?  
 21 A. Yes. That was -- I would characterize that as  
 22 the big project that happened after the first one.  
 23 Q. When did you begin work on Verrazano?  
 24 A. That's another one that I can't say for sure.  
 25 Q. Would it have been in 1996?

Page 13

1 MR. ROGERS: Lacks foundation, calls for  
 2 speculation.  
 3 THE WITNESS: Yes. It would have been  
 4 in 1996.  
 5 Q. (BY MR. GARRETT) Would it have been in the  
 6 first half of 1996?  
 7 A. I don't know for sure.  
 8 Q. Do you know when Verrazano began?  
 9 A. No, I don't.  
 10 Q. Do you believe that it began at a certain  
 11 time?  
 12 MR. ROGERS: Objection. Vague, lacks  
 13 foundation. Did it have a beginning? Is that the  
 14 question?  
 15 MR. GARRETT: Does he have a belief as  
 16 to when it began.  
 17 THE WITNESS: I don't believe there  
 18 was --  
 19 MR. ROGERS: Wait. Wait a second.  
 20 Let's go to the question asked. What's the question  
 21 now?  
 22 MR. GARRETT: The question is, does he  
 23 have a belief as to when it began.  
 24 MR. ROGERS: Okay.  
 25 THE WITNESS: You ask do I have a belief

Page 16

1 as the 972 patent. Do you understand that when I say  
 2 "the 972 patent" that I'm referring to Russell  
 3 Exhibit 1?  
 4 A. Yes, I do.  
 5 Q. Okay. Also from time to time, before I  
 6 forget, I'm going to refer to the acronym S-C-S-I as  
 7 SCSI. Do you understand that when I refer to the term  
 8 SCSI that's what I mean?  
 9 A. Yes, I do.  
 10 Q. Do you know what SCSI stands for?  
 11 A. Yeah.  
 12 Q. Can you tell me?  
 13 A. It's the acronym for what you just explained  
 14 the term.  
 15 Q. What is that -- what do the letters stand for,  
 16 do you recall?  
 17 A. The letters stand for small computer systems  
 18 interface.  
 19 Q. Thanks. Who's the other inventor listed on  
 20 the 972 patent?  
 21 A. Geoff Hoese.  
 22 Q. What did you and Mr. Hoese invent,  
 23 Mr. Russell?  
 24 A. We invented a virtual storage router with  
 25 access control.

Page 14

1 of when it began?  
 2 Q. (BY MR. GARRETT) Correct.  
 3 A. I would say, yes, I have a belief.  
 4 Q. What is your belief?  
 5 A. There is no single point in time that it  
 6 started. That answers it. There was no single point  
 7 you can say, it started at this point in time.  
 8 Q. What's the basis for your answer?  
 9 A. What's the basis. What do you mean by what's  
 10 the basis?  
 11 Q. Why are you answering in that fashion? That  
 12 seems strange that something didn't have a beginning.  
 13 MR. ROGERS: Objection. Argumentative.  
 14 THE WITNESS: I think it had a  
 15 beginning, but I don't think there was a specific point  
 16 in time I could say was the beginning.  
 17 Q. (BY MR. GARRETT) And that's because?  
 18 MR. ROGERS: I'm waiting for a full  
 19 question.  
 20 MR. GARRETT: That's my question.  
 21 MR. ROGERS: And your question is,  
 22 "That's because?"  
 23 MR. GARRETT: Yes.  
 24 MR. ROGERS: Objection. Vague.  
 25 Q. (BY MR. GARRETT) Let me explain. There's

Page 17

1 Q. What makes you say that?  
 2 MR. ROGERS: Objection. Vague and  
 3 ambiguous.  
 4 THE WITNESS: That's what it says on the  
 5 piece of paper here.  
 6 Q. (BY MR. GARRETT) Did you write that?  
 7 A. No, I did not.  
 8 Q. So then what brings you to the conclusion that  
 9 you invented a virtual storage router with access  
 10 control?  
 11 MR. ROGERS: Same objection.  
 12 THE WITNESS: You've shown me this  
 13 patent that I'm a co-inventor on, and the title says  
 14 that's what we invented. So that's the basis for my  
 15 conclusion.  
 16 Q. (BY MR. GARRETT) Okay. Did your invention  
 17 solve any problems that existed in the prior art?  
 18 MR. ROGERS: Lacks foundation, calls for  
 19 speculation, calls for an expert opinion, calls for a  
 20 legal conclusion.  
 21 Q. (BY MR. GARRETT) I'm not asking for legal  
 22 conclusions or expert opinions, Mr. Russell. I'm just  
 23 asking if you solved any problems that existed in the  
 24 prior art.  
 25 MR. ROGERS: Same objections.

Page 15

1 usually a reason why people say things, and I'm just  
 2 trying to flesh out the reason behind your answer.  
 3 A. So could you repeat the whole thing?  
 4 MR. ROGERS: Just a second.  
 5 Argumentative. Counsel, you can ask questions.  
 6 Please, we don't want any psychology lectures. I don't  
 7 mean to be impertinent, but please just ask questions.  
 8 MR. GARRETT: I'm trying to do that,  
 9 Counsel, but if I have to explain myself, then I have  
 10 to explain myself.  
 11 MR. ROGERS: Okay. Then I'm going to  
 12 object that it's argumentative.  
 13 MR. GARRETT: That's fine. Let's move  
 14 on. Would you mark this?  
 15 (Exhibit No. 1 marked.)  
 16 Q. (BY MR. GARRETT) Mr. Russell, I'm handing you  
 17 what's been marked as Russell Exhibit 1. Do you know  
 18 what that is?  
 19 A. Yes, I do.  
 20 Q. What is it?  
 21 A. It says it's the United States Patent Number  
 22 5,941,972.  
 23 Q. Are you listed as an inventor on that patent?  
 24 A. Yes, I am.  
 25 Q. From time to time I'm going to refer to that

Page 18

1 THE WITNESS: I don't think we solved a  
 2 problem that existed in the prior art.  
 3 Q. (BY MR. GARRETT) So it wouldn't surprise you  
 4 to learn, then, that there's someone out there that's  
 5 invented a storage router exactly like the one  
 6 described in this patent?  
 7 MR. ROGERS: Objection. Lacks  
 8 foundation, calls for speculation, argumentative, and  
 9 assumes facts not in evidence.  
 10 THE WITNESS: I would have to be  
 11 speculating to answer that question.  
 12 MR. ROGERS: In addition, vague.  
 13 Q. (BY MR. GARRETT) Speculate away.  
 14 MR. ROGERS: No. Don't speculate away.  
 15 I'm going to instruct the witness not to speculate  
 16 away. You need to answer his question.  
 17 MR. GARRETT: Counsel, I think you know  
 18 that there are two valid grounds for instructing the  
 19 witness not to answer, once of which is privilege, the  
 20 other of which is I'm harassing him or being oppressive  
 21 in some way. But under the rules, instructing the  
 22 witness not to speculate is improper.  
 23 MR. ROGERS: Go ahead and ask your next  
 24 question.  
 25 MR. GARRETT: Well, no. I would like an

Page 19

1 answer to this question.  
 2 MR. ROGERS: Ask your question.  
 3 Q. (BY MR. GARRETT) Did your invention solve any  
 4 problems in the prior art?  
 5 MR. ROGERS: Asked and answered.  
 6 MR. GARRETT: I didn't get an answer,  
 7 Counsel.  
 8 MR. ROGERS: You did. Could you read it  
 9 back, please, madam court reporter?  
 10 MR. GARRETT: I did. I apologize. I  
 11 now remember. He answered no, I believe. So I  
 12 apologize.  
 13 MR. ROGERS: Whatever the answer is.  
 14 Q. (BY MR. GARRETT) So according to you, your  
 15 invention didn't solve any problems that existed in the  
 16 prior art?  
 17 MR. ROGERS: Asked and answered.  
 18 Q. (BY MR. GARRETT) Why did you file an  
 19 application for it then?  
 20 A. Are you asking me why did I file an  
 21 application for this invention?  
 22 Q. Correct.  
 23 A. I filed this application because I thought we  
 24 invented something new that -- invented something new.  
 25 Q. What about it was new?

Page 20

1 A. The invention virtualizes storage with a  
 2 manner of access control.  
 3 Q. Was storage ever virtualized before you made  
 4 your invention?  
 5 MR. ROGERS: Lacks foundation, calls for  
 6 speculation, calls for an expert opinion.  
 7 THE WITNESS: I don't think I have the  
 8 basis to answer if something like that had ever existed  
 9 before.  
 10 Q. (BY MR. GARRETT) Why not?  
 11 MR. ROGERS: Argumentative.  
 12 THE WITNESS: I'm not an expert in this  
 13 whole field.  
 14 Q. (BY MR. GARRETT) That's okay. We don't  
 15 expect you to be an expert, but what I'm trying to get  
 16 at is, you must have had some familiarity with the  
 17 field of interfaces between fibre channel and SCSI; is  
 18 that correct?  
 19 MR. ROGERS: I'm going to object. The  
 20 question is argumentative. Counsel, again, please just  
 21 ask questions. We don't need comments or lectures --  
 22 MR. GARRETT: Okay.  
 23 MR. ROGERS: -- responding to prior  
 24 answers. So I object that it's argumentative, just  
 25 the compound. Can we have the question again? Just the

Page 21

1 question part.  
 2 (The referenced portion was read back by  
 3 the court reporter.)  
 4 MR. ROGERS: Vague.  
 5 THE WITNESS: So are you asking me if  
 6 I'm familiar with fibre channel and SCSI?  
 7 Q. (BY MR. GARRETT) Devices that interface  
 8 between fibre channel and SCSI, and at the time that  
 9 you filed the application.  
 10 A. I don't know.  
 11 Q. Whose idea was it to file the application that  
 12 led to the 972 patent?  
 13 MR. ROGERS: I'm going to object as  
 14 vague. Also, to the extent it calls for the witness to  
 15 disclose attorney/client privileged communication, I'll  
 16 instruct the witness not to do that. If you can answer  
 17 the question without disclosing attorney/client  
 18 privileged communications, go ahead and do it.  
 19 THE WITNESS: I can't recall exactly who  
 20 said let's file the patent.  
 21 Q. (BY MR. GARRETT) Do you have a belief about  
 22 who wanted to file the application?  
 23 MR. ROGERS: Lacks foundation, calls for  
 24 the witness to speculate given the prior answer.  
 25 THE WITNESS: Yes. I have a belief.

Page 22

1 Q. (BY MR. GARRETT) What is that belief?  
 2 A. I believe Geoff Hoese was the primary  
 3 influence.  
 4 Q. Did he indicate that to you?  
 5 MR. ROGERS: Objection. Vague.  
 6 THE WITNESS: Can you repeat that?  
 7 Q. (BY MR. GARRETT) Sure. Did Geoff Hoese  
 8 indicate that he wished to file the application in a  
 9 manner that led you to believe it was him who was the  
 10 one who wanted to start the process?  
 11 A. I don't know.  
 12 Q. Was Brian Smith involved at all in the  
 13 drafting of the application that led to the 972 patent?  
 14 MR. ROGERS: Lacks foundation, calls for  
 15 speculation.  
 16 THE WITNESS: Not that I'm aware of.  
 17 Q. (BY MR. GARRETT) So you never communicated  
 18 with Mr. Smith during the time that you were helping to  
 19 create the application that led to the 972 patent?  
 20 MR. ROGERS: Objection. Vague,  
 21 relevance.  
 22 THE WITNESS: Could you be --  
 23 MR. ROGERS: Also I'm going to object  
 24 that it mischaracterizes the witness' prior testimony.  
 25 THE WITNESS: So are you asking just if

Page 23

1 I communicated with Brian Smith during that time?  
 2 Q. (BY MR. GARRETT) Let me be more specific.  
 3 Did you communicate with Mr. Smith about the  
 4 application drafting process?  
 5 A. No.  
 6 Q. Do you know if Mr. Hoese did?  
 7 A. I don't know.  
 8 Q. Okay. Okay. I would like to ask you a few  
 9 questions about the text of the 972 patent, and as you  
 10 may or may not be aware, the patent is arranged in  
 11 terms of columns and line numbers. So if I refer to  
 12 column 1, line number 5, do you understand that I'm  
 13 trying to direct your attention to somewhere along in  
 14 here?  
 15 A. Okay. I understand that.  
 16 Q. Okay. If you would, Mr. Russell, turn your  
 17 attention to Figure 1 for a minute.  
 18 A. Which one? Oh. I found Figure 1.  
 19 Q. What does it represent?  
 20 MR. ROGERS: Lacks foundation, calls for  
 21 speculation. The document speaks for itself.  
 22 THE WITNESS: I couldn't tell you what  
 23 it means. It's a drawing that has -- that's  
 24 self-evident from what's there on the paper.  
 25 Q. (BY MR. GARRETT) Could you explain to me

Page 24

1 what's on the paper?  
 2 MR. ROGERS: Document speaks for itself.  
 3 Do you just want him to recite what's on the paper? Go  
 4 ahead.  
 5 THE WITNESS: What I see on the paper is  
 6 workstations connected together, and there's a network  
 7 server, and it's connected with a SCSI bus to disk  
 8 drives.  
 9 Q. (BY MR. GARRETT) Looking at element 14, which  
 10 is designated as a network server, is that something  
 11 you invented, Mr. Russell?  
 12 MR. ROGERS: Objection. Vague. Let me  
 13 just make sure I understand the question. Are you  
 14 asking him if he invented network servers?  
 15 MR. GARRETT: I am.  
 16 THE WITNESS: Before I answer that,  
 17 could you define "network server"?  
 18 Q. (BY MR. GARRETT) I want to use it in the same  
 19 fashion that you've used it in the 972 patent.  
 20 A. I would need -- I don't know how it's used in  
 21 the 972 patent.  
 22 Q. Well, take your time and read it then.  
 23 MR. ROGERS: The whole patent?  
 24 MR. GARRETT: Sure.  
 25 MR. ROGERS: So what do you want to do?

4 (Pages 19 to 24)

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With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

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Sync your system to PACER to automate legal marketing.