

Crossroads Systems (Texas), Inc.

v.

Chaparral Network Storage, Inc.,  
a Delaware Corporation

**30(b)(6) Oral Deposition of  
Geoff Hoese**

August 6, 2001

---

COMPRESSED TRANSCRIPT

---

CONFIDENTIAL  
ATTORNEYS' EYES ONLY

02506 red willow drive - Austin Texas 78756 (512) 401-0088 fax (512)

**CROSSROADS EXHIBIT 2302  
NetApp Inc. v. Crossroads Systems, Inc.  
IPR2015-00776**



Page 5

1 it's our understanding you have been designated to  
 2 speak on behalf of Crossroads about topics 5 and 6. Is  
 3 that your understanding?  
 4 A Yeah.  
 5 MR. ALBRIGHT: These two. Yeah.  
 6 THE WITNESS: Yes. That is my  
 7 understanding.  
 8 Q (By Mr. Bahler) Are you prepared to do so  
 9 today?  
 10 A Yes, I am.  
 11 Q What did you do to prepare for your  
 12 deposition?  
 13 A Briefly met with my counsel before this  
 14 deposition. That's about it.  
 15 Q Did you look at any documents?  
 16 A I believe I looked at this one document. Yes.  
 17 Q Which has been previously marked as  
 18 Exhibit 24?  
 19 A No. Exhibit 22, paragraph 5.  
 20 Q Oh, that notice. Okay. Exhibit 22.  
 21 A I looked at Section 5 of 22.  
 22 Q And 6?  
 23 A Actually, no. I didn't look at 6 until now.  
 24 Q But you're the 6 guy?  
 25 MR. ALBRIGHT: Yeah. He's the 6 guy.

Page 6

1 Q (By Mr. Bahler) All right. I know,  
 2 Mr. Hoese, that when we last spoke you were employed by  
 3 Crossroads. Is that still the case?  
 4 A I don't believe that was correct when we last  
 5 spoke.  
 6 Q Are you employed by Crossroads today?  
 7 A No, I'm not.  
 8 Q When did you leave Crossroads?  
 9 A In October of 2000.  
 10 Q Okay. Do you have a job right now?  
 11 A No. I do not.  
 12 Q What do you do for a living?  
 13 A I do some different consulting kind of  
 14 arrangements with different firms where I have an  
 15 advisory role in a couple different companies of a very  
 16 loose nature.  
 17 Q Do you perform any consulting or advising for  
 18 Crossroads?  
 19 A I've been involved with things relating to  
 20 this trial.  
 21 Q Do you have a consultancy arrangement with  
 22 Crossroads for this trial?  
 23 A No. Not specifically. No.  
 24 Q Are you being compensated for your time here  
 25 today?

Page 7

1 A I have not billed Crossroads for my time as of  
 2 this day.  
 3 Q Do you have an agreement that you're going to  
 4 bill then?  
 5 A Not specifically. No.  
 6 Q Do you have a personal understanding that  
 7 you're going to be paid?  
 8 A I've considered it and may well do so.  
 9 Q Have you let them know that?  
 10 A I've mentioned the possibility.  
 11 Q And what was their response?  
 12 A Her response?  
 13 Q Well, her or their. What was its response?  
 14 How about that.  
 15 A They seemed open to the possibility, and it  
 16 was just not a topic for further discussion.  
 17 Q Okay. Do you have any sort of financial  
 18 arrangement between Crossroads and yourself regarding  
 19 your testimony here today?  
 20 A Not specifically. No.  
 21 Q Generally?  
 22 A Recording my testimony here, no.  
 23 Q Let's take a look at Exhibit 24. Can you tell  
 24 me what that is?  
 25 A It's a document I wrote describing the

Page 8

1 characteristics of the 972 patent at the initial  
 2 conception.  
 3 Q Is that your handwriting on the front?  
 4 A On the fax cover page?  
 5 Q Yes, sir.  
 6 A Yes, it is.  
 7 MR. ALBRIGHT: And let me just put down  
 8 on the record it's my handwriting on the three pages  
 9 where it says "attorneys' eyes only," since we produced  
 10 it. I mean, I just --  
 11 MR. BAHLER: That's fine.  
 12 Q (By Mr. Bahler) Okay. Why did you prepare  
 13 this document?  
 14 A I prepared this document because I had a  
 15 concept and an invention that I felt was worth  
 16 pursuing, and so I prepared this document to initiate  
 17 the patent filing.  
 18 Q Okay. And this document was prepared when?  
 19 Can you tell from looking at it?  
 20 A Between March 22nd and May 15th, prior to May  
 21 15th, 1997.  
 22 Q All right. And then this was sent to  
 23 Mr. Anthony Peterman on May 28th, 1997?  
 24 A I believe so. Yes. That's what's indicated  
 25 by the cover sheet, and that makes sense.

Page 9

1 Q Was this document communicated to anybody  
 2 prior to that date?  
 3 A I don't specifically recall.  
 4 Q All right. So as far as you recall, the first  
 5 time that this information included in Exhibit 24 was  
 6 communicated to anybody was May 28, 1997?  
 7 A I believe it would be prior to that.  
 8 Q Okay.  
 9 A I would expect that I reviewed it with my  
 10 co-inventor on the patent, things of that sort.  
 11 Q Other than Mr. Russell, anybody else?  
 12 A I don't specifically recall. It's possible.  
 13 I may very possibly have shown it to Brian Smith.  
 14 Q Okay.  
 15 A I'm certain I did at some point prior to  
 16 actually faxing it.  
 17 Q What I'm asking for is specific recollection  
 18 of any communication to anybody other than Mr. Peterman  
 19 before May 28th, 1997.  
 20 A I don't specifically recall that. No.  
 21 Q Now, on the last page at the bottom, the very  
 22 bottom line, it says "Concept by Geoff Hoese, March 22,  
 23 1997," and it continues "First draft, May 15th, 1997."  
 24 And then as we've already discussed, you faxed this to  
 25 Mr. Peterman on May 28th, 1997, right?

Page 10

1 A That appears to be correct.  
 2 Q Pardon me?  
 3 A That appears to be correct.  
 4 Q Okay. Now, I'd like to ask you some questions  
 5 about that. This says "First draft, May 15th, 1997."  
 6 What does that mean?  
 7 A I would believe that's when I took my notes  
 8 and created this particular word document that this was  
 9 generated from. So this would be when I first started  
 10 putting this into word to create this specific  
 11 document.  
 12 Q Okay. Do you have those notes?  
 13 A I don't recall if I have them or not.  
 14 Q If you had them, they would have been produced  
 15 in this case, correct?  
 16 A Actually, that would clarify my answer of, I  
 17 most certainly don't have them. The attorneys may have  
 18 them in the files they might have collected. I don't  
 19 know if they were there or not.  
 20 Q Okay. And if they weren't produced, they  
 21 don't any longer exist?  
 22 A That would be my belief. Yeah.  
 23 Q And then in that line also, as we've just  
 24 discussed, it talks about "concept by Geoffrey Hoese,  
 25 March 22nd, 1997." What does that mean?

Page 11

1 A That was the date that I documented that I had  
 2 the ideas that assembled to cover the material  
 3 presented here.  
 4 Q Okay. You documented something on March 22nd,  
 5 1997?  
 6 A I'm not sure what documented -- what do you  
 7 mean by "documented"?  
 8 Q Well, in that answer you said "that's the date  
 9 that I documented," and then you mentioned something  
 10 that you documented.  
 11 A I documented that date as the date that I had  
 12 the concept.  
 13 Q How did you arrive at that date?  
 14 A That was the day that the idea in whole as  
 15 presented occurred to me.  
 16 Q Okay. How is it that you picked -- how is it  
 17 that on May 15th or perhaps as late as May 28th you  
 18 remembered specifically that May 22nd, 1997 was the  
 19 date of conception?  
 20 A The date wasn't May 22nd as you just stated.  
 21 It was March 22nd.  
 22 Q Well, May 15th -- well, you did the first  
 23 draft May 15th, and then I don't know when this May or  
 24 March 22nd of 1997 date was added, but it was added  
 25 certainly no later than May 28th, 1997. So the

Page 12

1 question is, what made you decide or what made you  
 2 recall either on May 15th, '97 or on May 28th, '97 that  
 3 March 22nd, '97 was the date of conception?  
 4 (At this time the proceedings were  
 5 interrupted by a telephone call.)  
 6 MR. ALBRIGHT: Can I take this real  
 7 quick?  
 8 MR. BAHLER: Sure.  
 9 (At this time the proceedings went  
 10 momentarily off the record.)  
 11 MR. BAHLER: Last question, please.  
 12 (The referenced portion was read back by  
 13 the court reporter.)  
 14 THE WITNESS: At the time the material  
 15 was very fresh in my mind. It was actively the  
 16 material I was working on. I suspect, although I don't  
 17 specifically recall, that I had documented it in notes  
 18 and draft drawings and documents that I had used, but I  
 19 don't specifically recall.  
 20 Q (By Mr. Bahler) Okay. Do you -- what sort of  
 21 notes and drawings did you make?  
 22 A I don't specifically recall.  
 23 Q Okay. If those notes and drawings were not  
 24 produced to us in this case, then they no longer exist,  
 25 correct?

Page 13

1 A I would assume so. Yes.  
 2 Q Okay. Did you communicate to anybody this  
 3 conception that you had of the invention on March  
 4 22nd, '97?  
 5 A I don't recall.  
 6 Q Okay. Between March 22nd '97 and May  
 7 28th, '97 did you communicate with anybody your ideas  
 8 other than Mr. Russell?  
 9 A I most certainly -- I don't specifically  
 10 recall a conversation as such, but I most certainly  
 11 would have discussed it with Mr. Smith.  
 12 Q Do you have any documentation of that  
 13 disclosure?  
 14 A Not to my knowledge.  
 15 Q Okay.  
 16 A There may be document -- to further answer  
 17 that, the attorney, the approval to use the attorney  
 18 and spend the money associated with that was connected  
 19 to that. So there may be documentation. I don't know  
 20 that's -- but I don't specifically have knowledge  
 21 of it.  
 22 Q Okay. Other than Mr. Peterman did you show  
 23 this document or this concept to anybody outside of  
 24 Crossroads?  
 25 A I would believe Bill Hulsey.

Page 14

1 Q Okay. He's also one of Crossroads' lawyers?  
 2 A He was at the time an outside attorney for  
 3 patent work.  
 4 Q When did you reveal the concept to Mr. Hulsey?  
 5 A Sometime prior to the -- probably prior to May  
 6 15th.  
 7 Q Okay. Do you have a specific recollection of  
 8 that fact?  
 9 A I recall discussing the material of the  
 10 disclosure with him prior -- and the process of  
 11 determining what it is that I should create in terms of  
 12 there being a document of this sort and what material  
 13 I should incorporate. So I don't specifically recall,  
 14 you know, when that was.  
 15 Q Okay, did you have documents with you during  
 16 your discussions with Mr. Hulsey?  
 17 A Don't specifically recall. Possibly.  
 18 Q Okay. Let me ask you this. If you had such  
 19 documents, why did you create a new document, which is  
 20 Exhibit 24?  
 21 MR. ALBRIGHT: Objection. Assumes facts  
 22 not in evidence. You can answer.  
 23 THE WITNESS: Can you repeat the  
 24 question or --  
 25 Q (By Mr. Bahler) If you had documents showing

Page 15

1 conception of your invention that you discussed with  
 2 Mr. Hulsey, then why did you create the document that  
 3 has been marked as Exhibit 24?  
 4 A If I had existing documents, I probably  
 5 desired to increase the clarity and the focus.  
 6 Q Okay. Do you specifically recall having such  
 7 documents?  
 8 A I recall having some drawings that I'd done,  
 9 and sketches. I don't know if that fits what you're  
 10 calling documents or whatnot, but --  
 11 Q Well, I'm just trying to figure out what  
 12 existed prior to this Exhibit 24, and specifically what  
 13 documents existed prior to the existence of Exhibit 24.  
 14 A Relating, I presume, to the conception --  
 15 Q Yes.  
 16 A -- of the document?  
 17 Q Exactly.  
 18 A So, I'm sorry, is that a question as to what  
 19 document?  
 20 Q Yes.  
 21 A There were a body of documents relating to the  
 22 Verrazano project describing characteristics of storage  
 23 routers, et cetera. There almost certainly were  
 24 sketches on white board and things of that sort. That  
 25 was common practice. Specifically relating to the

Page 16

1 conception, I don't recall what documents there might  
 2 have been other than that.  
 3 Q Okay. After you sent this fax to  
 4 Anthony Peterman on May 28th, 1997 what else did you do  
 5 with respect to the preparation of the patent  
 6 application for the 972 patent? What did you do next?  
 7 Put it that way.  
 8 A In general, I worked with Mr. Peterman to  
 9 further describe the characteristics to him so that he  
 10 could prepare the patent. I don't really specifically  
 11 recall those events.  
 12 Q Did you provide him additional documents?  
 13 A Very likely.  
 14 Q Which ones? What documents?  
 15 A I don't recall.  
 16 Q Okay. Did Mr. Peterman provide you with a  
 17 draft patent application?  
 18 A Eventually, yes, he did.  
 19 Q Do you know how long that took?  
 20 A Not specifically.  
 21 Q After you got the -- whenever it was when you  
 22 got it -- well, strike that. You do recall getting a  
 23 draft patent application, correct?  
 24 A I believe so. Yes.  
 25 Q Sometime before the thing was filed December

Page 17

1 31st '97, right?

2 A I assume that was the date, but I did get a

3 draft.

4 Q Did you get one draft or many drafts or what,

5 do you recall?

6 A I don't specifically recall.

7 Q Okay. Well, you got at least one, right?

8 A Yes.

9 Q Okay. What did you do with that draft?

10 A I reviewed it as well as providing it to

11 Mr. Russell for review.

12 Q Okay. Did anybody else within Crossroads

13 review it?

14 A I don't recall.

15 Q Okay. And after you reviewed it what did you

16 do?

17 A Again, I don't specifically recall, but I do

18 recall that there was generally a draft review cycle

19 and submitting changes and communications with

20 Mr. Peterman on changes to it.

21 Q Do you recall when that review took place?

22 A No.

23 Q Did you in any way document that review?

24 A It's possible that, you know, that it might

25 have been noted in my notes. I don't specifically

Page 18

1 recall documenting it.

2 Q Okay. Did you keep the draft?

3 A I don't recall.

4 Q If you had kept it, where would you have kept

5 it?

6 A It would be in the files that were submitted

7 for the --

8 Q Okay.

9 A It would have been in my files.

10 Q So if you kept that draft, your lawyers would

11 have given it to us?

12 A I fully expect they would have.

13 Q All right. Let's take a look at Exhibit 24.

14 This is 24?

15 A (Nods head.)

16 Q Let's go back to Exhibit 24. On the second

17 page of that exhibit -- there's only three pages,

18 correct?

19 A Including cover, that's correct.

20 Q The last paragraph in the section called

21 "Abstract" there's a sentence that says -- it's the

22 second sentence -- that says, "Access controls and

23 routing are implemented such that each workstation has

24 access to a specific subset of the data store, which

25 has the appearance and characteristics of local

Page 19

1 storage." See that?

2 A Yes.

3 Q Okay. Did you and Mr. Peterman discuss what

4 "access controls" meant?

5 A I don't specifically recall that discussion.

6 It's probably reasonable to assume at some point we

7 did.

8 Q Okay. Do you know when those discussions

9 occurred?

10 A Not specifically. No.

11 Q Were they documented?

12 A I don't recall that they were or not.

13 Q Then the next sentence says, "Methods are

14 provided that allow for configuration and modification

15 of the storage allocated to each workstation attached."

16 See that?

17 A Uh-huh.

18 Q Are those methods disclosed in this document,

19 Exhibit 24?

20 A I'm not sure.

21 Q Okay. Well, it's only two pages, right? Can

22 you find for me within this document any methods or any

23 disclosure of any methods that allow for configuration

24 and modification of the storage allotted to each

25 workstation attached?

Page 20

1 A I would say that there are implicit methods in

2 that the storage is described as being segmented and

3 configured. The implementation methods are left open.

4 Q Okay. Why were they left open?

5 A I would say that there are a variety of

6 methods within the context mentioned that could be used

7 so that it was not pertinent to the invention itself.

8 Q So once --

9 A But that's, you know, that's -- I don't really

10 specifically recall.

11 Q So, and you were referring a second ago to the

12 allocation of storage. I'm not sure if I used the

13 right word, but you were referring to drawing 3 on the

14 last page of Exhibit 24, correct?

15 A Well, I was referring in toto to the

16 demonstration through the document that the storage, as

17 described in Figure 3, is configured and modified as a

18 contrast of Figures 1 and 2.

19 Q Okay. You mentioned "configured," and by

20 configured with reference to Figure 3 in Exhibit 24,

21 you mean the drawing or the depiction of the storage

22 device on the right-hand side that shows global data,

23 and it shows a storage device on the right-hand side

24 that has partitioning for workstation 1, workstation 2,

25 workstation 3, workstation 4; and then you've got the

Page 21

1 bottom storage device is dedicated to workstation 5.  
 2 That's what you mean by "configured," right?  
 3 A I was generically alluding to the fact that  
 4 multiple configurations of data or multiple  
 5 configurations are demonstrated in that drawing.  
 6 Q Okay. And that's what you meant by  
 7 "configuration"?  
 8 A No. That's too generic. I wouldn't nail  
 9 it down that much. I'm just globally commenting that  
 10 in order to have a demonstrated configuration you'd  
 11 have to have -- it follows that there is a  
 12 configuration method. That's the only comment I was  
 13 really making.  
 14 Q Okay. So back to the sentence that was on  
 15 the second page of Exhibit 24, it says, "Methods  
 16 are provided that allow for configuration and  
 17 modification." One such method for configuration, at  
 18 least, is illustrated in Figure 3, right?  
 19 A One such method -- I'm sorry. I didn't follow  
 20 your question there.  
 21 Q Let me back up and ask the fundamental  
 22 question again. This sentence on the second page, the  
 23 last sentence of the third paragraph on the second page  
 24 of Exhibit 24 says, "Methods are provided that allow  
 25 for configuration and modification of the storage

Page 22

1 allocated to each workstation attached." Okay?  
 2 A Okay.  
 3 Q My question to you is, first part, where is  
 4 the method in this document that is provided that  
 5 allows for a configuration of that storage?  
 6 A I would suggest that the method is defined in  
 7 the storage router as drawn, but that's an open  
 8 question. It's -- it's implicit in the drawing and in  
 9 the text that there is such a method. The specific  
 10 method, whether that's, you know, some given  
 11 implementation, isn't described here that I can see.  
 12 Q Why isn't it described?  
 13 A I don't specifically recall any reason to  
 14 describe it or to not describe it when I produced the  
 15 document.  
 16 Q Okay. Is the method of configuration  
 17 important to your invention?  
 18 A You know, that's kind of a question that gets  
 19 into -- clearly, at the time I probably didn't think  
 20 that it was, and I would probably hold that opinion;  
 21 but that requires a level of analysis and thought that  
 22 I'm really not prepared to give right now.  
 23 Q This sentence also says, "Methods are provided  
 24 that allow for modification of the storage allocation,"  
 25 where in this document is there disclosure of the

Page 23

1 method for modification of the storage allocated?  
 2 A Again, I would say that that's implicit in the  
 3 storage router.  
 4 Q Okay. Shown in Figure 3, right?  
 5 A Yes.  
 6 Q Okay. And how -- what in Figure 3 shows  
 7 modification of the allocated storage?  
 8 A The statement that methods are provided that  
 9 allow for configuration and modification of the storage  
 10 allocated to each workstation attached.  
 11 Q Okay. And in your mind that's all that's  
 12 necessary to show the ability to modify?  
 13 A Yeah.  
 14 Q Okay. Nothing more?  
 15 A In the context, absolutely. Nothing more.  
 16 Q Now, in Figure 3 there are shown five  
 17 workstations, correct?  
 18 A Yes.  
 19 Q And there are shown three storage devices,  
 20 correct?  
 21 A Whether those are three storage devices or  
 22 what could be subject to question, but I'll allow that.  
 23 Q Well, they're storage devices, correct?  
 24 A There are three storage elements shown. One  
 25 is subdivided into four storage elements. Whether

Page 24

1 those are individual devices --  
 2 Q Okay.  
 3 A -- is a matter of the perspective, and that's,  
 4 you know, that kind of relates, I think, in part to the  
 5 characteristics of the invention as to what perspective  
 6 they're being looked at, but --  
 7 Q All right. Where's the method for modifying  
 8 that storage in that view?  
 9 A It's --  
 10 Q Modifying the storage allocation in that  
 11 figure.  
 12 A Reading the text, it's provided in the storage  
 13 router.  
 14 Q Okay. Modification is provided in the storage  
 15 router?  
 16 A The capability to modify and configure is  
 17 provided.  
 18 Q Okay. Well, the only thing that's connected  
 19 that can modify in this figure are the workstations,  
 20 correct?  
 21 MR. ALBRIGHT: Could you read that back,  
 22 please?  
 23 (The referenced portion was read back by  
 24 the court reporter.)  
 25 THE WITNESS: The purpose of the drawing

Page 25

1 isn't to address the modification and configuration.  
 2 The purpose of the drawing, I think, is to show the  
 3 connectivity from that perspective. So we're showing  
 4 the workstations are connected that's described in the  
 5 caption.  
 6 Q (By Mr. Bahler) Is modification of the  
 7 allocated storage, is that important for your  
 8 invention?  
 9 A The ability to do so. Yes.  
 10 Q And how would that be done with reference to  
 11 Figure 3?  
 12 A It's -- I don't know that the Figure 3 shows  
 13 or describes how that is done.  
 14 Q Okay. Is there any disclosure of how that  
 15 would be done within this Exhibit 24?  
 16 A I don't know of one, but it could be done over  
 17 the interconnects shown. It could be done through  
 18 another interconnect.  
 19 Q It could be done over the interconnects shown  
 20 to the workstations, correct?  
 21 A Hypothetically possible. Yeah.  
 22 Q So as conceived, your invention contemplated  
 23 that modification of the storage allocated could be by  
 24 the individual workstations, right?  
 25 MR. ALBRIGHT: Objection.

Page 26

1 Mischaracterizes his testimony.  
 2 THE WITNESS: Your question -- can you  
 3 read that back to me, please?  
 4 (The referenced portion was read back by  
 5 the court reporter.)  
 6 THE WITNESS: Yes. As conceived, that's  
 7 one of the methods that could be used for  
 8 configuration.  
 9 Q (By Mr. Bahler) And in fact, referring to  
 10 Figure 3, it's the only method shown, correct?  
 11 A I don't think that's a fair characterization,  
 12 as the text refers to multiple methods. Other  
 13 documents probably refer to other methods of  
 14 communicating with the storage router. So in the  
 15 context of all the -- of a storage router and the  
 16 definitions that are around that, I would agree with  
 17 that.  
 18 Q All right. Let's take a look at Exhibit 23,  
 19 which is a copy of your patent, the 972 patent. And  
 20 Figure 1, which is -- actually, this is Figure 3 on the  
 21 very face. That's a drawing of your invention,  
 22 correct, conceptual drawing, block diagram of your  
 23 invention, right, Figure 3?  
 24 A That is one such block diagram. That's  
 25 correct.

Page 27

1 Q Okay.  
 2 A And I'm confused, if I may interject.  
 3 Q Sure.  
 4 A My understanding, again referring back to  
 5 number 5 here, was that these were corporate  
 6 perspective of date of invention. Yet, you're  
 7 questioning me on elements of invention. This is all  
 8 prior material that we've covered in other depositions.  
 9 So I'm concerned that we're repeating  
 10 ground as well as, you know, going off on tangents that  
 11 we've already been through, and I really don't feel  
 12 real comfortable with that.  
 13 Q Well, Mr. Hoese, when you were deposed before  
 14 we didn't have this Exhibit 24, and every question I've  
 15 asked you has been about Exhibit 24. All right?  
 16 THE WITNESS: Is that correct?  
 17 MR. ALBRIGHT: Every question he's asked  
 18 you I think has been about that document.  
 19 Q (By Mr. Bahler) Now, take a look at  
 20 Exhibit 23 --  
 21 MR. ALBRIGHT: I'm sorry. But if  
 22 there's something you feel like you need to add to make  
 23 your answers complete that goes outside of that, then  
 24 you certainly need to add that in.  
 25 Q (By Mr. Bahler) All right?

Page 28

1 A Okay.  
 2 Q Now, referring to Exhibit 23, which is a copy  
 3 of your patent, Figure 3, just to lay the predicate  
 4 again, that is a block diagram of one embodiment of  
 5 your invention, correct?  
 6 A Correct.  
 7 Q And shown in that figure are workstations,  
 8 right?  
 9 A Correct.  
 10 Q And shown are storage devices, correct?  
 11 A Correct.  
 12 Q And also storage routers are shown there,  
 13 right?  
 14 A Correct.  
 15 Q And all three of those things are also shown  
 16 in Figure 3 of Exhibit 24, right?  
 17 A Correct.  
 18 Q Okay. Also shown in Figure 3 of Exhibit 23,  
 19 which is your patent, is something called a "management  
 20 station." Do you see that?  
 21 A Correct.  
 22 Q Now, that's not shown in Figure 3 of  
 23 Exhibit 24, is it?  
 24 A That's correct.  
 25 Q When did you conceive of the management

Page 29

1 station?  
 2 A I would say it was March 22nd, '97.  
 3 Q Okay. where is that? Show me specifically  
 4 where in Exhibit 24 there's a conception of the  
 5 management station.  
 6 A Again, it's implicit with the storage router  
 7 concept.  
 8 Q Okay. So once you have a drawing like Figure  
 9 3 which shows workstations and storage devices in a  
 10 storage router, implicit in that disclosure is an  
 11 independent management workstation, correct?  
 12 A I would say that any contemporaneous documents  
 13 that refer to a storage router and the concept of a  
 14 storage router at that point did allow for and provide  
 15 interconnects for an external management station. Yes.  
 16 Q What contemporaneous documents?  
 17 A There's the Verrazano specification. Probably  
 18 other documents. I don't specifically recall all of  
 19 them.  
 20 Q Okay.  
 21 A Schematics were present at that point that  
 22 showed interconnects to those devices.  
 23 Q Do any of those other documents talk about  
 24 modifying access control through that management  
 25 station?

Page 30

1 A I would not believe that any did prior to this  
 2 document.  
 3 Q Okay. And this document itself doesn't show  
 4 that either, right?  
 5 A Doesn't show what either?  
 6 Q Using an independent management station to  
 7 modify access control.  
 8 A Implicit in the definition of a storage  
 9 router, that connectivity is implicit along with the  
 10 statement that methods are provided.  
 11 Q Okay. The statement in Exhibit 24 that  
 12 methods are provided, is that a statement that that  
 13 portion of your invention is in software rather than in  
 14 hardware?  
 15 A I wouldn't characterize it that way.  
 16 Q Okay. So would using software have been a  
 17 natural choice in your mind?  
 18 A It is neither exclusively a hardware or a  
 19 software characteristic. Software is an element, could  
 20 very well be considered a necessary element, and  
 21 hardware could very well be considered a necessary  
 22 element.  
 23 Q Now, there's no disclosure in this document,  
 24 Exhibit 24, of any use of any sort of tables to keep  
 25 track of access control, is there?

Page 31

1 A I don't recall that there is.  
 2 Q Okay. would tables have been an obvious way  
 3 to do it?  
 4 A I don't know that I'd use the word "obvious."  
 5 They may have been -- I can conjecture they give it the  
 6 context of the state of the projects ongoing at that  
 7 point in time, the stated definitions. That may have  
 8 been a natural way to implement things or to design  
 9 things, but I don't specifically recall.  
 10 Q Now, where in this document, Exhibit 24, does  
 11 it say that access controls are implemented in the  
 12 storage router? Oh, never mind. I've got it. I  
 13 withdraw that.  
 14 Okay. After you created this document,  
 15 Exhibit 24, Mr. Hoese, did you create any other  
 16 documents subsequent to this date of May 28th, '97 that  
 17 further and more completely described access control?  
 18 A I don't know. I would say yes, that I created  
 19 documents that described specific elements of access  
 20 control or specific characteristics of certain types of  
 21 access control; but access control, as described in the  
 22 concept in the patent, I don't know that I can globally  
 23 say that, answer that question.  
 24 Q You just mentioned that you do recall creating  
 25 some documents about access control.

Page 32

1 A Patent filing, for example.  
 2 Q When?  
 3 A I don't specifically recall.  
 4 Q Okay. The patent application is one, right?  
 5 A I would say, yeah, that's fine.  
 6 Q What other documents were there?  
 7 A I really don't specifically recall.  
 8 Q Okay. When did you create those other  
 9 documents?  
 10 A Again, I don't recall what the document -- I  
 11 know that I did work on things that talked about  
 12 different elements and different types of access  
 13 control. Whether they specifically referred to the  
 14 types that might be out of the patent, I can't really  
 15 answer, and I just don't recall.  
 16 Q Okay. Now, between this date, May 28th '97,  
 17 and the date that the patent application was filed,  
 18 which was December 31st; '97, was the patent  
 19 application the only thing that you were working on?  
 20 A No.  
 21 Q What else were you working on?  
 22 A Oh, many, many things. I really don't recall  
 23 my projects that were ongoing at the time. I do recall  
 24 that I was very, very busy.  
 25 Q Do you know how many other things you were

Page 33

1 working on?

2 A No. I don't know the number.

3 Q How often did you work on the patent

4 application during that period?

5 A A number of times. I don't -- again, I don't

6 specifically recall.

7 Q Do you recall how many times during those

8 months between May 28th, '97 and December 31st, '97

9 that you actually did work on the patent application?

10 A No, I don't.

11 Q Did you record any -- did you make any time

12 entries or anything to in any way record the time that

13 you spent working on the patent application?

14 A No, I didn't record that kind of data.

15 Q Did you create any documents that would be

16 able to indicate that you were working on the patent

17 application?

18 A Not that I recall. It's possible that, you

19 know, I might have made notations or had other

20 documents, but I don't remember.

21 Q Okay. So all we have to rely upon is your

22 testimony?

23 A I don't know.

24 Q Let me show what was marked at your previous

25 deposition as what I think are all of your notebooks.

Page 34

1 Focusing in now on topic 5, part B of the deposition

2 notice. Let's take a look at what was previously marked

3 as Hoese Deposition Exhibit 6. Can you just reconfirm

4 for me that that is one of your notebooks that you made

5 while at Crossroads?

6 A It certainly appears to be.

7 Q That's your writing?

8 A Yes, it is.

9 Q Can you tell me what date that notebook spans?

10 A There's a date of 12/15 on here. I don't know

11 what year.

12 Q Is there any way at all for you to tell me

13 what date, what year that document covers, Hoese

14 Exhibit 6? And you can look within it for any sort of

15 refreshing events or whatever.

16 A There may be. It's very difficult. I'm

17 seeing jumps and dates and gaps and things here that

18 indicate much later dates, but I'm also seeing some

19 things that indicate dates more contemporaneous with

20 the invention. So I'm very confused by this. It seems

21 very disordered.

22 Q Okay. Could you -- well, could you just

23 confirm for us that the Bates numbers, which are the

24 production numbers applied, for example, these, are

25 there any gaps in those numbers?

Page 35

1 A There are a very large number of pages. Do

2 you want me to look through them all and answer that?

3 Q Well, I guess the point is, I don't think

4 there are any gaps in those Bates numbers, which means

5 that that is exactly how these documents came from your

6 records within Crossroads.

7 A Oh, that's entirely possible.

8 Q So I guess the -- so, all right, the

9 fundamental question is, can you tell me what is the

10 year of those notes?

11 A It appears to me that a large number of these

12 notes are of loose-leaf paper out of legal pads that,

13 you know, may have been disconnected. They may have

14 been in connective pads. They may have been put into

15 files sorted by maybe topic or not sorted at all rather

16 than sorted by date. So I'm not getting any -- that's

17 not helping me in determining the date.

18 Some of the documents do have more

19 accurate -- more complete dates on them. Some of the

20 pages do, but again, I'm not seeing a consistency.

21 Q With years?

22 A Yeah. There's some stuff back here with

23 years.

24 Q What year?

25 A I've seen '97. I've seen '98. I'd have to

Page 36

1 look through and find things. Here's a 12/19/96 page.

2 This comes after material relating to EGIO stuff that

3 I'm fairly confident was significantly after that.

4 Q So some of that was before December 31st '97,

5 at least some of it, right?

6 A I'm sorry. What was the date I just read to

7 you?

8 Q December '96.

9 A So, yes, at least one page was prior to '97.

10 That's dated '96.

11 Q Can you find within that Exhibit 6 any mention

12 of access controls?

13 MR. ALBRIGHT: If you're going to ask

14 him to do that, we're going to take a break.

15 MR. BAHLER: That's fine.

16 MR. ALBRIGHT: And he's going to go

17 through and he's going to read each page.

18 MR. BAHLER: That's fine. I've got

19 these too.

20 THE WITNESS: It's going to take me a

21 couple of days to do this. Do you really want me to do

22 this?

23 Q (By Mr. Bahler) Well, yeah. We can continue

24 this. That's no problem.

25 MR. ALBRIGHT: This is an inappropriate

Page 37

1 way of doing this. I mean, it's not appropriate --  
 2 MR. BAHLER: I can't find it.  
 3 MR. ALBRIGHT: It's not an appropriate  
 4 way to hand a witness a couple hundred pages of his  
 5 logs at a deposition and ask him to try and find  
 6 something. That's not appropriate, and you know it.  
 7 If you want to go through and ask him  
 8 about anything that's on any of those pages, you're  
 9 free to do so; but he's not going to go through each  
 10 page and try and see what he can find. It's not his  
 11 obligation to do it.  
 12 Q (By Mr. Bahler) Well, find me the page -- can  
 13 you find me any pages that you absolutely can tell me  
 14 that are dated May 28th '97 and December 31st, '97?  
 15 A In that document?  
 16 MR. ALBRIGHT: He's not going to do it.  
 17 THE WITNESS: I don't know.  
 18 MR. ALBRIGHT: He's not here to go  
 19 through these journals page by page and find this  
 20 stuff. You have the documents, and you've had it for  
 21 months, years probably. You know, it's just not the  
 22 witness' role to do that.  
 23 MR. BAHLER: Well, it's his notebooks.  
 24 MR. ALBRIGHT: And you're free to go  
 25 through every page you want and ask him any questions

Page 38

1 on that, but he's not here to go through the documents  
 2 on a goose chase and try and find something, and he's  
 3 not going to do it.  
 4 MR. BAHLER: It's not a goose chase. I  
 5 want him to confirm it's not there.  
 6 MR. ALBRIGHT: He's not going to go  
 7 through each page and confirm that it's not there or go  
 8 through and confirm that it is. It's not his burden to  
 9 do that.  
 10 Q (By Mr. Bahler) All right. Why don't we do  
 11 it this way. The first page is December 15th. Do you  
 12 know what year that is? Do you have any idea?  
 13 A I'm not -- no.  
 14 Q Can you tell where these set of notes end and  
 15 the next set -- you mentioned that this looks to you as  
 16 if it were a collection of individual notebooks or  
 17 individual notepads, I think is --  
 18 A I'm not sure what your question is right now.  
 19 Q Do you know where the notepad -- well,  
 20 assuming that you are correct in your understanding or  
 21 in your assessment that this is a collection, Exhibit 6  
 22 is a collection of individual notepads that were just  
 23 stuck together --  
 24 A On my examination that I just went through of  
 25 it, it appears to be a collection of different

Page 39

1 notepads, note pages, perhaps, together. It could  
 2 be -- I'm not quite sure what the collection is. There  
 3 are different elements all bunched together in here.  
 4 Yes.  
 5 Q Well, within -- you don't know -- okay. So  
 6 the first date, December 15th, you don't know what year  
 7 that is?  
 8 A I don't.  
 9 Q Okay. And within Exhibit 6 there's Bates  
 10 number 4230S. It's dated November 5th, right?  
 11 A That's correct.  
 12 Q And do you know what year that is?  
 13 A No, I don't.  
 14 Q Any way to tell by looking at the contents?  
 15 A I don't know.  
 16 Q Okay. And we have the next page, November  
 17 9th. It runs for three pages. Do you know what year  
 18 that is?  
 19 A No.  
 20 Q Okay. Now, the next page within Exhibit 6  
 21 bears Bates number 42310, and it has what looks like a  
 22 folder that says "Intel" on it. See that?  
 23 A Yes.  
 24 Q Is that your handwriting?  
 25 A Yes.

Page 40

1 Q Can you tell me -- can you pick out of this  
 2 exhibit where that folder stops?  
 3 A I don't know.  
 4 Q Okay. Well, within -- or behind that sheet  
 5 there's a date beginning November 4th and continuing  
 6 through Bates number 42328. November 4th begins in  
 7 42312 and continues through 42318. Do you know what  
 8 date -- do you know what year those page pages were?  
 9 A No.  
 10 Q The next two pages are both dated June 10th.  
 11 Do you know what year those are?  
 12 A No.  
 13 Q All right, sir. The next two pages are dated  
 14 December 6th -- December, what was it?  
 15 A 12, 1996.  
 16 Q 1996. So that was created on or about  
 17 December 12, 1996, correct?  
 18 A Yes.  
 19 Q Is there anything on those two pages that  
 20 deal -- actually, I don't know whether this is part of  
 21 it too, but possibly it is.  
 22 A I don't know.  
 23 Q Is there anything on those sheets that deal  
 24 with access control?  
 25 A The copies are too illegible for me to answer,

Page 41

1 but I don't see anything that does.  
 2 Q Okay. The next dated document within  
 3 Exhibit 6 is dated 4/14, and that bears Bates number  
 4 42338. Do you know what year that document is?  
 5 A No.  
 6 Q The next document I'm going to talk about  
 7 within 6 bears production number 42356. Do you know  
 8 what that document is?  
 9 A Page of notes in my handwriting.  
 10 Q Do you know what it deals with?  
 11 A Reference is made to a staff meeting.  
 12 Q Does that document deal in any way with access  
 13 control?  
 14 A I don't see anything regarding access control.  
 15 Q And that's May, correct?  
 16 A I'd have to look. It's 5/12/97.  
 17 Q The next dated document within Exhibit 6 is  
 18 42371, Crossroads production number 42371. It's dated  
 19 October 15th. Do you know what year that is?  
 20 A I don't recall.  
 21 Q The next document I'd like to talk about  
 22 within Exhibit 6 is production number 42423 dated  
 23 December 13th. Do you know what year that is, sir?  
 24 Here's the second page of that document.  
 25 A I don't know.

Page 42

1 Q You don't know?  
 2 A (Shakes head.)  
 3 Q The next document is 42425. Is that  
 4 a -- first of all, is that your handwriting?  
 5 A No.  
 6 Q Do you know whose it is?  
 7 A Yes.  
 8 Q whose is it?  
 9 A It's ex-girlfriend's.  
 10 Q An ex-girlfriend?  
 11 A Uh-huh.  
 12 Q Does it have anything to do with this case at  
 13 all?  
 14 A I don't think so.  
 15 Q Yeah, I don't think so.  
 16 A Testimony to the completeness of you getting  
 17 my records.  
 18 MR. ALBRIGHT: Her name is Access  
 19 Control.  
 20 Q (By Mr. Bahler) I have a series of three  
 21 documents, 42427, 28, and 29, both dated in December.  
 22 Do you know what year those documents were created?  
 23 A I think these documents are December of '97,  
 24 although I'm not absolutely positive.  
 25 Q In those three sheets is there any mention of

Page 43

1 access control?  
 2 A I see no mention of access control.  
 3 Q Do they deal in any way with the preparation  
 4 of the patent application?  
 5 A I can see no reference to that.  
 6 Q The next document in Exhibit 6 I'd like to  
 7 talk about is Crossroads 42453. There's dates in  
 8 October. Do you know what year those are, sir?  
 9 A No. I do not.  
 10 Q All right.  
 11 MR. ALBRIGHT: If you're going to move to  
 12 the next stack, I'd like to take a break.  
 13 MR. BAHLER: Okay. Fine with me.  
 14 (At 2:45 p.m. the proceedings recessed,  
 15 continuing at 2:59 p.m.)  
 16 Q (By Mr. Bahler) Let me show you what was  
 17 marked in your previous deposition as Hoese Exhibit 12.  
 18 Now, Mr. Hoese, in contrast with the previous  
 19 exhibit we just went through, Hoese 6, this appears to  
 20 be a bound notebook. Can you confirm that for me?  
 21 A It does appear to be.  
 22 Q And its first date in the document is February  
 23 16th, 1997, correct?  
 24 A That is correct. I'm sorry. That does appear  
 25 to be February 10th.

Page 44

1 Q Okay.  
 2 A It might be 16th.  
 3 Q And it continues through August 4th, is the  
 4 last day I can find on here. Do you know what year  
 5 that is?  
 6 A It appears to be '97.  
 7 Q So does this exhibit constitute your notes  
 8 that you were making while at Crossroads between  
 9 February 10th, '97 and August 4th, '97?  
 10 A A subset of them certainly.  
 11 Q why do you say "a subset"?  
 12 A It was my habit to not only use my bound  
 13 notebook, but to use loose-leaf pads and things of that  
 14 sort to maintain notes.  
 15 Q All right. You mentioned with reference to  
 16 exhibit 24, which was the document that we discussed at  
 17 length, that you had a concept of the invention on  
 18 March 22nd, '97, and I believe you testified that you  
 19 made some contemporaneous documents that you thought  
 20 were dated about that time.  
 21 On Bates 41189 within Exhibit 12 there's  
 22 a date at the top, March 10th, and the last date on  
 23 that is March 24th. Do you see that, sir?  
 24 A Yes, I do.  
 25 Q Okay. Is there anything on that page that

Page 45

1 deals with access control?

2 A I don't see anything there.

3 Q Okay. Continuing within Exhibit 12 and to

4 Bates number 41205. Okay?

5 A I'm sorry, you're saying --

6 Q 412 --

7 A Are you saying pages 41189 to 41205, or are

8 you saying that specific page?

9 Q I'm saying 41205.

10 A 205?

11 Q Yeah.

12 A Okay.

13 Q There's a reference on that page -- first of

14 all, that page is dated May 13th, '97, correct?

15 A 5/13/97. Correct.

16 Q And there's a reference to a conversation with

17 Bill Hulsey; is that right?

18 A Yes.

19 Q He's the patent lawyer for Crossroads, right?

20 A He was one of them. Yes.

21 Q Is there anything on this page that deals with

22 access controls?

23 A Not that I see.

24 Q Okay. Between the page that we just talked

25 about, 41189, and this one, 41205, can you just look at

Page 46

1 those sheets and tell me whether there's anything in

2 any of those sheets that deal with access control?

3 A 41189 makes reference to addressing, which may

4 be in relation to access control. I don't specifically

5 recall.

6 Q Okay. Now you're up to 41205?

7 A Correct.

8 Q We've already talked about that page, right?

9 There's nothing on 41205 that deals with access

10 controls, right?

11 A There's a reference to Bill Hulsey that may

12 have been in relation to that. I don't know.

13 Q Okay. But there's nothing written down here

14 that deals with that?

15 A Not that I see.

16 Q Okay. Please turn to 41210. Well, hang on.

17 I'm sorry. Back up just a second to 41206. I

18 apologize. In the middle of that page there's a

19 reference to Bill Hulsey again, correct?

20 A Correct.

21 Q And specifically it says, "Ask Bill Hulsey

22 about IP issues with HP," right?

23 A Yes.

24 Q That doesn't have anything to do with access

25 controls, correct?

Page 47

1 A I don't believe so. I don't recall the

2 specific topic.

3 Q Is there any reference on any of this page

4 41206 to access control?

5 A I don't see anything.

6 Q Okay. Please turn forward to 41210. This is

7 a page dated 5/19. That's 1997 again, right?

8 A Correct.

9 Q Okay. And there's a reference -- these are

10 notes with respect to a meeting or a telephone

11 conference or something with Bill Hulsey, correct?

12 A I believe so.

13 Q Is there any mention on this page about access

14 control?

15 A I'm having a lot of trouble with the

16 handwriting here. I don't see any reference to access

17 control.

18 Q Mr. Hoese, back up just briefly to page 41189.

19 That's the page that included entries starting at March

20 10th and ending in March 24th. Okay? Now, in the

21 middle of that page there's an entry, 3/15 to 3/21.

22 See that, sir? It says travel to Adic, Exabyte, and

23 Spectra Logic.

24 A Yes. I see that.

25 Q Okay. Now, according to the writing that's on

Page 48

1 Exhibit 24, you believe that you originally conceived

2 of your invention on March 27th, '97, correct?

3 A No.

4 Q Well --

5 A Did you say March 27th?

6 Q March 22nd.

7 A That's correct.

8 Q Okay. And that was just after you made the

9 trip to Adic, Exabyte, and Spectra Logic, correct?

10 A I don't know that that refers directly to my

11 travel or if I made that trip -- maybe. I don't

12 recall.

13 Q Is there anything about the trip to Adic,

14 Exabyte, or Spectra Logic that made you think of access

15 control?

16 A I don't think so.

17 Q Where were we? We got up through, I think,

18 41210. Okay? Could you take me through the rest of

19 that document and tell me, number one, if there's any

20 mention of access control or any entries that say

21 access control; or two, whether there's any entries

22 that deal with the patent application?

23 A The rest of that document being 41210

24 through --

25 Q Yeah. Exactly. Through the end.

Page 49

1 A Through --  
 2 Q 41259. So with those two things in mind, one,  
 3 access control, and number two, patent application.  
 4 MR. ALBRIGHT: He's not going to do  
 5 that. He's not going to look through a group of  
 6 documents. You know, if you want to ask him about  
 7 pages on there, I've allowed you to go on and do that  
 8 for an hour, but he's not here to look through a  
 9 document like that. That's not proper.  
 10 MR. BAHLER: We can do it one at a time  
 11 then.  
 12 MR. ALBRIGHT: Do it one at a time.  
 13 Q (By Mr. Bahler) All right. Starting on page  
 14 41211, is there any mention there of access control?  
 15 This is dated May 19th, '97, correct?  
 16 A It's dated 5/19/97. Correct.  
 17 Q Are there any entries on that page dealing  
 18 with access control?  
 19 A To the degree I recall the topics discussed,  
 20 no.  
 21 Q Or the patent application?  
 22 A Same answer.  
 23 Q Next page, 41212, at the top it says "B&B  
 24 continued," what does that mean?  
 25 A I believe that's referring to Bob, B-O-B.

Page 50

1 Q B-O-B. Okay. Is there any mention on that  
 2 page -- are there any entries on that page that deal  
 3 with either access control or the patent application?  
 4 A There's a reference to work with Bob on fibre  
 5 channel to SCSI mapping that may have been related. I  
 6 don't specifically recall.  
 7 Q Is mapping the same as access control?  
 8 A No. It may be related.  
 9 Q May not be related?  
 10 A It may not be.  
 11 Q Okay. Where is that entry?  
 12 A The second to the last line of handwriting on  
 13 the page.  
 14 Q This is on 41212?  
 15 A That was the page number you were asking  
 16 about, was it not?  
 17 Q Okay. All right. The next page, 41213, is  
 18 there any reference there to access control or patent  
 19 application?  
 20 A Just for clarification, since you asked the  
 21 question, you're asking broadly "is there anything  
 22 related to." How narrow? You know, you're saying,  
 23 "well, it may or may not be," and that may or may not  
 24 be. How broadly or narrow do you want that answer?  
 25 Q With respect to the conception of your

Page 51

1 invention.  
 2 A Oh. I'm sorry. Could you repeat the last  
 3 question?  
 4 Q On page 41213 is there any reference to access  
 5 control or your patent application?  
 6 A I don't see any specific references to it.  
 7 Q Next page, 41215, same question.  
 8 A I don't see any direct references.  
 9 Q All right. Next page, 41216, is there any  
 10 reference there to access control or the patent  
 11 application?  
 12 A I don't see any.  
 13 Q Next page, 41217, is there any reference on  
 14 that page to access control or your patent application?  
 15 A Don't see any.  
 16 Q 41218 same question.  
 17 A Same answer.  
 18 Q 41219.  
 19 A Some of the pages are illegible. I don't see  
 20 any.  
 21 Q Okay. Next page, 41220, is there any  
 22 reference there to either access control or the patent  
 23 application?  
 24 A Page 41220?  
 25 Q Yes, sir.

Page 52

1 A I don't see any.  
 2 Q Okay. Now, that page 41220 was dated May 2nd,  
 3 1997, correct?  
 4 A 5/2/97. Correct.  
 5 Q Right. And the next page, 41221, is dated as  
 6 June 2nd. See that?  
 7 A I see that.  
 8 Q Is that '97?  
 9 A I don't specifically recall. It seems a fair  
 10 assumption.  
 11 Q Do you have any reason -- do you have any  
 12 explanation for the month gap between those two pages?  
 13 A I could come up with a number of hypotheses.  
 14 Q My specific question is, do you know why  
 15 there's a gap of a month in this notebook?  
 16 A I would presume because I did not put notes in  
 17 this notebook during that month. I don't know why I  
 18 did not.  
 19 Q Okay. That's good enough. Do you see  
 20 anything on 41221 that deals with either access control  
 21 or the patent application?  
 22 A I do not.  
 23 Q Same question for 41222.  
 24 A I do not.  
 25 Q 41223?

Page 53

1 A I don't.  
 2 Q Okay. 41224?  
 3 A Nope.  
 4 Q All right. Keep your finger on 41225 for a  
 5 second and move forward to 41232.  
 6 A 41232?  
 7 Q Yes, sir. And there's a reference that's  
 8 dated June 19th, correct?  
 9 A It's dated 6/19.  
 10 Q And that's 1997?  
 11 A I don't see any reason to think that it's not.  
 12 Q Okay. And this is a discussion with Baker &  
 13 Botts?  
 14 A I don't know. It's in reference to -- the  
 15 head note is Baker & Botts. I don't know --  
 16 Q Does any of that entry have anything to do  
 17 with either access control or the patent application  
 18 for the 972 patent?  
 19 A I don't recall.  
 20 Q Can you tell by referring to those notes  
 21 whether --  
 22 A There are elements of it that certainly do  
 23 not. I don't think that it does. It doesn't suggest  
 24 to me that it refers to the 972 patent.  
 25 Q Okay. Back to 41225, is there anything

Page 54

1 between 41225 and 41232, when you discussed something  
 2 with Baker & Botts, that deal with either access  
 3 control or the patent, the 972 patent application?  
 4 A I don't have a page 41231.  
 5 Q No, you don't.  
 6 A There are a couple of illegible spots, but I  
 7 didn't see any references to it.  
 8 Q Please turn to page 41234. Is there any  
 9 reference on that page to either access control or the  
 10 972 patent application?  
 11 A I don't see any.  
 12 Q Please turn to page 41238. Is there anything  
 13 on there that deals with either access control or the  
 14 patent application?  
 15 A Just for the record, I also note that there's  
 16 no 41237. I don't see any.  
 17 Q Okay. Please turn to page 41241 and also  
 18 41232. Is there anything on either of those two pages  
 19 that deals with access control or the 972 patent  
 20 application?  
 21 A I don't see anything specific that addresses  
 22 them.  
 23 Q Please turn to page 41248. It's dated July  
 24 17th, correct?  
 25 A 7/17.

Page 55

1 Q That's '97?  
 2 A I would presume so.  
 3 Q Is there anything on this page, 41248, that  
 4 deals with either access control or the patent  
 5 application?  
 6 A I don't see anything specifically. No.  
 7 Q Same question with respect to 41250.  
 8 A And for the record, there's no 41249. I don't  
 9 see any references.  
 10 Q Okay. On page -- turn to page 41256 and 57.  
 11 Those pages are all dated, have entries dated 8/4. Is  
 12 that 1997?  
 13 A Yes, if these are all in order, which I assume  
 14 they are.  
 15 Q Is there anything on those two pages, 41256 or  
 16 57, that deals with either access control or the 972  
 17 patent application?  
 18 A I don't see anything.  
 19 Q Okay. Please refer to what's marked in your  
 20 previous deposition as Hoese Deposition Exhibit 13. Is  
 21 this another spiral-bound notebook of yours?  
 22 A I don't believe that either of these are  
 23 spiral-bound notebooks.  
 24 Q Is this a -- well, what is this?  
 25 A I use bound notebooks. They weren't

Page 56

1 spiral-bound.  
 2 Q So this is another of your bound notebooks,  
 3 correct?  
 4 A Borum & Pease.  
 5 Q Pardon?  
 6 A Borum & Pease.  
 7 Q Borum & Pease. Exactly. And this is a  
 8 notebook that you created while at Crossroads, correct?  
 9 A I assume so.  
 10 Q The first date that I can see is 2/20, that's  
 11 on page 1; and the last date that I see on page 43,  
 12 which bears production number 41308, is 5/29. See  
 13 that, sir?  
 14 A Yes, I do.  
 15 Q Do you know what year this notebook deals  
 16 with?  
 17 A Not specifically. No, I don't.  
 18 Q Is there any way for you to tell what year  
 19 this notebook is?  
 20 A I can only look for it and look for clues. I  
 21 don't know.  
 22 Q Well, I didn't see any years, but I was just  
 23 wondering whether you can tell from the context of the  
 24 entries what year this notebook covers.  
 25 A Did we cover this notebook in the previous

Page 57

1 deposition?

2 Q Not to this extent. No. Not as it deals with

3 the topic in the 30(b)(6) notice.

4 A But specifically referring to the year, I seem

5 to recall that we had a notebook that I was unable to

6 determine the year. There's a phone number in this

7 notebook that I've been needing to find completely

8 unrelated to the task at hand.

9 Page 1 of the notebook makes reference

10 to a schedule, for what I'm not sure, but it refers to

11 advance datasheets on 5/22/96. I -- although I

12 don't --

13 Q There's also a --

14 A 2 of '96 I don't believe I worked for

15 Crossroads, so that doesn't quite make sense. When did

16 I start? That's kind of an odd -- I may have just made

17 a mistake in writing it. I don't know. Okay. This

18 notebook appears to precede my employment with

19 Crossroads.

20 Q Is this your handwriting?

21 A Yes, it is. This notebook should not be in

22 evidence. This notebook is --

23 Q Okay. So this notebook, Exhibit 13, has

24 nothing to do with any of the work that you did at

25 Crossroads?

Page 58

1 A That's correct.

2 Q That's fine with me. Okay. Finally, I refer

3 you to Hoese Exhibit 14 marked at your previous

4 deposition. Once again, is this a notebook that you

5 prepared while at Crossroads?

6 A Let me look a little closer and make sure

7 about it.

8 Q Okay.

9 A Yes, it is.

10 Q Okay. Can you tell me -- let's turn to the

11 first dated entry. I have October 31st. You see that,

12 sir?

13 A Yes.

14 Q On page -- well, it's an indexed page, but it

15 bears production number 41324. Do you see that?

16 A Correct.

17 Q And then do you know what -- well, and then

18 there's dated entries after that. Do you know what

19 year or years this notebook spans?

20 A Flipping through it I see January '98 dates.

21 Q Where are you?

22 A On page 4134D there it bears the date 1/15/98.

23 Page 41335 bears the date 12/16/97.

24 Q Okay. So the first entry -- well, was it your

25 practice to make entries in your notebooks such as this

Page 59

1 one, which is a bound notebook, in sequential order, on

2 a page-by-page basis?

3 A Roughly.

4 Q Okay. So is the first entry, October 31st, is

5 that October 31st, 1997 then?

6 A I don't specifically know, but it seems like a

7 very reasonable assumption.

8 Q Okay. Now, turn within the document to page

9 41337. That page bears a date of 1/5/98, correct?

10 A Yes, it does.

11 Q And the page just before that, 41336, it

12 doesn't have a year on it, but there's entries 12/19

13 and 12/23. Do you see that?

14 A That is correct.

15 Q Is that 1997?

16 A That seems a fair presumption.

17 Q Okay. So within this notebook just the first

18 nine pages -- well, it's not. It's more than that,

19 actually. You wrote on the index, didn't you?

20 A Efficiency.

21 Q Yeah. Exactly. The first -- well, within

22 this notebook, production number 41324 through 41336

23 are entries made by you in 1997, correct?

24 A Yeah. Just for the record, there's a page

25 that bears no production number on it.

Page 60

1 Q It's blank, right?

2 A It does appear to be a page of the notebook.

3 Yeah. So I'm sorry, could you repeat your question?

4 Q Within this notebook, Hoese Exhibit 14, the

5 entries made by you from pages 41324 through 41336 are

6 entries made by you in 1997, correct?

7 A I believe that's the case.

8 Q From the end of October to the end of

9 December, '97 specifically, correct?

10 A That would appear to be the case.

11 Q Now, the other notebook we had that we

12 discussed a bit ago, Exhibit 12, ended in August -- I'm

13 sorry, the last entry was August 4th, '97. Do you

14 recall that?

15 A Not really.

16 Q Okay. Here's Exhibit 12. The last entry in

17 that notebook was August 4th, and that's in 1997,

18 correct?

19 A Sorry. I've looked at too many notebooks. I

20 don't recall how we got to that date on this. It's not

21 dated.

22 Q Last page, last couple pages.

23 A It's dated 8/4. I don't recall how we arrived

24 at a year or if we did arrive at a year.

25 Q Well, I think you did testify that that's

<p style="text-align: right;">Page 61</p> <p>1 1997, August 4th, '97, but the record is what it is.  2 A This is 12. Okay.  3 Q Yes, sir.  4 A I think we did just go through this.  5 Q My question is, between August 4th, '97 and  6 October 31st, '97, which is the date of the first entry  7 in your notebook exhibit 14, were you making entries in  8 other notebooks?  9 A It's very possible. I definitely recall that  10 there was one notebook that I lost.  11 Q So it's possible that if there were notes made  12 in that time frame, it's possible it was in a notebook  13 that you lost?  14 A That is correct. And it's also possible that  15 I had notes in another notebook that's no longer here,  16 or it could be in loose-leaf pages or --  17 Q Okay.  18 A I don't know.  19 Q Now, could you take a look at these 12 pages  20 in Exhibit 14 bearing production number 41324 through  21 41336 and tell me whether there's any entries in those  22 pages that deal with, number one, access control, or  23 number two, the patent application for the 972 patent?  24 A There is discussion on page 41329 of the  25 conversation with Bill Hulsey apparently regarding</p>	<p style="text-align: right;">Page 63</p> <p>1 applications that had been filed prior to this time.  2 Or not to this time. It makes reference to two other  3 patent applications in addition to the 972 patent.  4 Q Okay. And that's item 2 dated November 25th?  5 A I'm sorry -- oh, in the list on page 41331,  6 11 -- it appears to be 11/25. It's a little blurred.  7 Q Yeah. And you provided comments back to Baker  8 &amp; Botts or Anthony Peterman regarding the patent  9 application draft before this time?  10 A That's what the note indicates.  11 Q Okay. Can you tell when you provided comments  12 back?  13 A Not specifically.  14 Q Did you keep a draft of those comments?  15 A I don't recall that I did or did not.  16 Q Do you recall what those comments were?  17 A No.  18 Q All right. Take a look at the next page,  19 41332.  20 A Additionally, on page 41331, to complete that  21 question, there is reference to a patent review  22 meeting, which --  23 Q Where is that?  24 A 12/1, engineering staff, second item in the  25 middle of the page.</p>
<p style="text-align: right;">Page 62</p> <p>1 departure of a staff person and discussion about  2 proprietary information.  3 Q That's Hawkins --  4 A Hawkins Yao, Y-A-O.  5 Q All right. And did any of those discussions  6 deal with either access control or the 972 patent  7 application?  8 A I do not specifically recall. They did  9 generically refer to proprietary information, and  10 there's direct reference to issues regarding patent  11 applications. So it may have been surrounding that,  12 but --  13 Q Okay. But you don't see any specific  14 references in those entries to conception or -- to  15 conception of access controls or the completion of the  16 patent application for access controls?  17 A No specific reference.  18 Q Okay. Next page.  19 A There's reference on page 41331 relating to a  20 conversation with Bill Hulsey referring to comments on  21 storage router back with A. Peterman, "follow up next  22 week," which I believe would specifically refer to the  23 patent application.  24 It also makes reference to several  25 other, three other -- oh, okay, two other patent</p>	<p style="text-align: right;">Page 64</p> <p>1 Q Okay.  2 A And I know that at some point in time, and  3 obviously prior to this point in time, we had a number  4 of filings in progress and were establishing review  5 meetings to review various patent applications and  6 their status.  7 Q Okay. At this time how many patent  8 applications does Crossroads have in the works?  9 A There's evidence on this page that there are  10 three at least. There may have been more. I don't  11 know.  12 Q And one of which was the 972 patent  13 application?  14 A That's correct. I think there would be at  15 least four at that point.  16 Q And it's November of '97?  17 A That seems to be consistent with the notes.  18 Q So Baker &amp; Botts at the time was preparing not  19 one, but, in fact, four patent applications for  20 Crossroads at this time?  21 A I see at least three referred to here.  22 Q But in your previous answer you mentioned  23 four. Why do you recall four?  24 A I seem to recall that in this period there was  25 one other application that's not on this list that</p>

16 (Pages 61 to 64)



Page 69

1 I, \_\_\_\_\_, have read the  
 2 foregoing deposition and hereby affix my signature that  
 3 same is true and correct, except as noted on the  
 4 preceding page.  
 5  
 6  
 7 \_\_\_\_\_  
 GEOFF HOESE

8  
 9 STATE OF TEXAS    )  
                           )  
 10 COUNTY OF TRAVIS    )  
 11 Before me \_\_\_\_\_ (Name  
 12 of officer) on this day personally appeared  
 13 \_\_\_\_\_, known to me (or proved to  
 14 me under oath or through \_\_\_\_\_ (description  
 15 of identity card or other document)) to be the person  
 16 whose name is subscribed to the foregoing instrument  
 17 and acknowledged to me that they executed the same for  
 18 the purposes and consideration therein expressed.  
 19 Given under my hand and seal of office on this \_\_\_\_\_  
 20 day of \_\_\_\_\_, A.D., \_\_\_\_\_.  
 21  
 22  
 23 \_\_\_\_\_  
 Notary Public in and for  
 24 the state of Texas  
 25

Page 71

1  
 2 I further certify that I am neither counsel for,  
 3 related to, nor employed by any of the parties or  
 4 attorneys in the action in which this proceeding was  
 5 taken, and further, that I am not financially or  
 6 otherwise interested in the outcome of the action.  
 7 certified to by me this 8th day of August, 2001.  
 8

9  
 10  
 11  
 12  
 13  
 14 # sg-417  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

GIVENS COURT REPORTING  
 8006 Red Willow Drive  
 Austin, Texas 78736  
 (512) 301-7088

\_\_\_\_\_  
 SANDRA S. GIVENS, CSR  
 Certification No. 5000  
 Certificate Expires 12/31/01

Page 70

1                   REPORTER'S CERTIFICATION  
 2                   DEPOSITION OF GEOFF HOESE  
 3                   August 6, 2001

4 I, Sandra S. Givens, Certified Shorthand Reporter  
 5 in and for the State of Texas, hereby certify to the  
 6 following:  
 7 That the witness, GEOFF HOESE, was duly sworn by  
 8 the officer and that the transcript of the oral  
 9 deposition is a true record of the testimony given by  
 10 the witness;  
 11 That the deposition transcript was submitted on  
 12 August 8, 2001 to the witness or to the attorney for  
 13 the witness for examination, signature, and return to  
 14 me by September 7, 2001;  
 15 That \$465.75 is the deposition officer's charges  
 16 to the Defendant for preparing the original deposition  
 17 transcript and any copies of exhibits; that the amount  
 18 of time used by each party at the deposition is as  
 19 follows:  
 20 David D. Bahler - 2 hours, 11 minutes  
 21 That pursuant to information given to the  
 22 deposition officer at the time said testimony was  
 23 taken, the following includes counsel for all parties  
 24 of record:  
 25 David D. Bahler - Attorney for Defendant  
 Alan O Albright - Attorney for Plaintiff

1  
 2  
 3  
 4  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

A	Additionally 63:20 address 25:1 addresses 54:21 addressing 46:3 Adic 47:22 48:9,13 advance 57:11 advising 6:17 advisory 6:15 affix 69:2 after 16:3,21 17:15 31:14 36:2,3 48:8 58:18 67:5 again 17:17 21:22 23:2 27:4 28:4 29:6 32:10 33:5 35:20 46:19 47:7 58:4 age 4:18 ago 20:11 60:12 agree 26:16 agreement 7:3 Alan 2:4 70:25 albright 2:4 5:5,25 8:7 12:6 14:21 24:21 25:25 27:17,21 36:13,16,25 37:3,16,18 37:24 38:6 42:18 43:11 49:4,12 65:11 67:22 70:25 allocated 19:15 22:1 23:1,7,10 25:7,23 allocation 20:12 22:24 24:10 allotted 19:24 allow 19:14,23 21:16,24 22:24 23:9 23:22 29:14 allowed 49:7 allows 22:5 alluding 21:3 almost 15:23 along 30:9 already 9:24 27:11 46:8 although 12:16 42:24 57:11 American 1:21	2:10 amount 70:17 analysis 22:21 another 25:18 55:21 56:2 61:15 answer 10:16 11:8 13:16 14:22 31:23 32:15 35:2 40:25 49:22 50:24 51:17 64:22 67:9 answers 27:23 Anthony 8:23 16:4 63:8 65:18 anybody 9:1,6 9:11,18 13:2 13:7,23 17:12 anything 33:12 37:8 40:19 40:23 41:1 41:14 42:12 44:25 45:2 45:21 46:1 46:24 47:5 48:13 50:21 52:20 53:16 53:25 54:12 54:18,21 55:3,6,15,18 65:5,10 66:17 apologize 46:18 apparent 65:20 apparently 61:25 appear 43:21 43:24 60:2 60:10 67:8 67:10 appearance 18:25 Appearances 3:3 appeared 69:12 appears 10:1,3 34:6 35:11 38:25 43:19 44:6 57:18 63:6 66:14 application 16:6,17,23 32:4,17,19 33:4,9,13,17 43:4 48:22 49:3,21 50:3 50:19 51:5 51:11,14,23 52:21 53:17 54:3,10,14	54:20 55:5 55:17 61:23 62:7,16,23 63:9 64:13 64:25 65:7 65:19 66:2 66:12,18,24 applications 62:11 63:1,3 64:5,8,19 applied 34:24 appropriate 37:1,3,6 approval 13:17 around 26:16 arrangement 6:21 7:18 arrangements 6:14 arrive 11:13 60:24 arrived 60:23 asked 27:15,17 50:20 asking 9:17 50:15,21 assembled 11:2 assessment 38:21 associated 13:18 assume 13:1 17:2 19:6 55:13 56:9 Assumes 14:21 assuming 38:20 assumption 52:10 59:7 attached 19:15 19:25 22:1 23:10 attorney 13:17 13:17 14:2 70:12,25,25 attorneys 8:9 10:17 71:4 August 1:11,17 44:3,9 60:12 60:13,17 61:1,5 70:3 70:12 71:7 austin 1:2,21 2:6,11 71:9 Avenue 1:21 2:11 A-00CA-217-SS 1:5 A.D 69:20	24:23 26:3,4 27:4 35:22 46:17 47:18 53:25 62:21 63:7,12 65:18 bahler 2:9 3:6 4:5 5:8 6:1 8:11,12 12:8 12:11,20 14:25 25:6 26:9 27:19 27:25 36:15 36:18,23 37:2,12,23 38:4,10 42:20 43:13 49:18 69:18 67:21 70:20 70:25 Baker 53:12,15 54:2 63:7 64:18 65:18 basis 59:2 Bates 34:23 35:4 39:9,21 40:6 41:3 44:21 45:4 bearing 61:20 bears 39:21 41:3,7 56:12 58:15,22,23 59:9,25 67:15 before 1:18 4:9,14 5:13 9:19 16:25 27:13 36:4 59:11 63:9 65:21 69:11 beginning 40:5 67:2,15 begins 40:6 behalf 5:2 behind 40:4 being 6:24 14:12 20:2 24:6 48:23 belief 10:22 believe 5:16 6:4 8:24 9:7 10:7 13:25 16:24 30:1 44:18 47:1 47:12 48:1 49:25 55:22 57:14 60:7 62:22 67:14 67:18 between 7:18 8:20 13:6 32:16 33:8 44:8 45:24
---	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

52:12 54:1 61:5 bill 7:4 13:25 45:17 46:11 46:19, 21 47:11 61:25 62:20 66:13 billed 7:1 bit 60:12 blank 60:1 block 26:22, 24 28:4 blurred 63:6 board 15:24 Bob 49:25 50:4 body 15:21 Borum 56:4, 6, 7 both 40:10 42:21 bottom 9:21, 22 21:1 Botts 53:13, 15 54:2 63:8 64:18 bound 43:20 44:12 55:25 56:2 59:1 break 36:14 43:12 65:12 Brian 9:13 briefly 5:13 47:18 broadly 50:21 50:24 bunched 39:3 burden 38:8 busy 32:24 B&B 49:23 B-O-B 49:25 50:1	certainly 10:17 11:25 13:9, 10 15:23 27:24 34:6 44:10 53:22 Certificate 71:13 certification 3:8 70:1 71:12 Certified 70:4 71:7 certify 70:5 71:2 cetera 15:23 CHANGE 68:2 changes 3:7 17:19, 20 68:1 channel 50:5 CHAPARRAL 1:6 Chaparral's 4:24 characteri... 30:19 characteri... 8:1 15:22 16:9 18:25 24:5 31:20 characteri... 26:11 characterize 30:15 charges 70:15 chase 38:2, 4 choice 30:17 Civil 1:4, 22 clarification 50:20 clarify 10:16 clarity 15:5 clearly 22:19 closer 58:6 clues 56:20 collected 10:18 collection 38:16, 21, 22 38:25 39:2 come 52:13 comes 36:2 65:1 comfortable 27:12 comment 21:12 commenting 21:9 comments 62:20 63:7, 11, 14 63:16 65:17 common 15:25 communicate 13:2, 7	communicated 9:1, 6 communicating 26:14 communication 9:18 communicat... 17:19 companies 6:15 compensated 6:24 complete 27:23 35:19 63:20 completely 31:17 57:7 completeness 42:16 completion 62:15 conceive 28:25 conceived 25:22 26:6 48:1 concept 8:15 9:22 10:24 11:12 13:23 14:4 29:7, 13 31:22 44:17 conception 8:2 11:19 12:3 13:3 15:1, 14 16:1 29:4 50:25 62:14 62:15 conceptual 26:22 concerned 27:9 conference 47:11 confident 36:3 configuration 19:14, 23 21:7, 10, 12 21:16, 17, 25 22:5, 16 23:9 25:1 26:8 configurat... 21:4, 5 configure 24:16 configured 20:3, 17, 19 20:20 21:2 confirm 34:23 38:5, 7, 8 43:20 67:5 67:10 confirmed 67:1 confused 27:2 34:20 Congress 1:20 2:11 conjecture 31:5	connected 13:18 24:18 25:4 connective 35:14 connectivity 25:3 30:9 consecutive 67:13 consideration 69:18 considered 7:8 30:20, 21 Considering 67:12 consistency 35:20 consistent 64:17 67:8 67:11 constitute 44:7 consultancy 6:21 consulting 6:13, 17 contemplated 25:22 contempora... 29:12, 16 34:19 44:19 contents 39:14 context 20:6 23:15 26:15 31:6 56:23 continue 36:23 continued 49:24 continues 9:23 40:7 44:3 continuing 40:5 43:15 45:3 65:14 67:16 contrast 20:18 43:18 control 29:24 30:7, 25 31:17, 20, 21 31:21, 25 32:13 40:24 41:13, 14 42:19 43:1, 2 45:1 46:2, 4 47:4, 14, 17 48:15, 20, 21 49:3, 14, 18 50:3, 7, 18 51:5, 10, 14 51:22 52:20 53:17 54:3, 9 54:13, 19 55:4, 16 61:22 62:6	66:1, 23 controls 18:22 19:4 31:11 36:12 45:22 46:10, 25 62:15, 16 65:6 66:11 conversation 13:10 45:16 61:25 62:20 copies 40:25 70:17 copy 4:23 26:19 28:2 corporate 27:5 CORPORATION 1:6 correct 6:4 10:1, 3, 15 12:25 16:23 18:18, 19 20:14 23:17 23:20, 23 24:20 25:20 26:10, 22, 25 27:16 28:5, 6 28:9, 10, 11 28:14, 17, 21 28:24 29:11 38:20 39:11 40:17 41:15 43:23, 24 45:14, 15 46:7, 19, 20 46:25 47:8 47:11 48:2, 7 48:9 49:15 49:16 52:3, 4 53:8 54:24 56:3, 8 58:1 58:16 59:9 59:14, 23 60:6, 9, 18 61:14 64:14 65:19 69:3 counsel 5:13 70:23 71:2 COUNTY 69:10 couple 6:15 36:21 37:4 54:6 60:22 court 1:1 12:13 24:24 26:5 71:8 cover 8:4, 25 11:2 18:19 56:25 covered 27:8 covers 34:13 56:24 co-inventor 9:10 create 10:10 14:11, 19
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>15:2 31:15 32:8 33:15 created 10:8 31:14, 18 40:16 42:22 56:8 creating 31:24 crossroads 1:3 4:25 5:2 6:3 6:6,8,18,22 7:1,18 13:24 14:1 17:12 34:5 35:6 41:18 43:7 44:8 45:19 56:8 57:15 57:19,25 58:5 64:8,20 CSR 1:18 71:12 cycle 17:18</p> <p style="text-align:center">D</p> <p>D2:4,9 3:1 70:20,25,25 data 18:24 20:22 21:4 33:14 datasheets 57:11 date 9:2 11:1 11:8,11,11 11:13,19,20 11:24 12:3 17:2 27:6 31:16 32:16 32:17 34:9 34:10,13 35:16,17 36:6 39:6 40:5,8 43:22 44:22,22 56:10,11 58:22,23 59:9 60:20 61:6 65:4,21 67:16 dated 36:10 37:14 39:10 40:10,13 41:2,3,17,18 41:22 42:21 44:20 45:14 47:7 49:15 49:16 52:2,5 53:8,9 54:23 55:11,11 58:11,18 60:21,23 63:4 dates 34:17,18 34:19 35:19 43:7 58:20 David 2:9 70:20,25</p>	<p>day 1:17 7:2 11:14 44:4 69:12,20 71:7 days 36:21 deal 40:20,23 41:12 43:3 46:2 48:22 50:2 54:2 61:22 62:6 66:1,11 dealing 49:17 deals 41:10 45:1,21 46:9 46:14 52:20 54:13,19 55:4,16 56:15 57:2 65:6 December 16:25 32:18 33:8 36:4,8 37:14 38:11 39:6 40:14,14,17 41:23 42:21 42:23 60:9 decide 12:1 dedicated 21:1 defendant 1:15 2:8 70:16,25 defined 22:6 definitely 61:9 definition 30:8 definitions 26:16 31:7 degree 49:19 DELAWARE 1:6 demonstrated 21:5,10 demonstration 20:16 departure 62:1 depiction 20:21 deposed 4:14 27:13 deposition 1:9 1:14 3:14 4:24 5:12,14 33:25 34:1,3 37:5 43:17 55:20,20 57:1 58:4 69:2 70:2,9 70:11,15,16 70:18,22 depositions 27:8 describe 16:9 22:14,14 described 20:2 20:17 22:11</p>	<p>22:12 25:4 31:17,19,21 describes 25:13 describing 7:25 15:22 description 3:13 69:14 design 31:8 designated 5:1 desired 15:5 determine 57:6 determining 14:11 35:17 device 20:22 20:23 21:1 devices 23:19 23:21,23 24:1 28:10 29:9,22 diagram 26:22 26:24 28:4 different 6:13 6:14,15 32:12,12 38:25 39:3 difficult 34:16 direct 51:8 62:10 directly 48:10 disclosed 19:18 disclosure 13:13 14:10 19:23 22:25 25:14 29:10 30:23 disconnected 35:13 discuss 19:3 discussed 9:24 10:24 13:11 15:1 44:16 49:19 54:1 60:12 discussing 14:9 discussion 7:16 19:5 53:12 61:24 62:1 discussions 14:16 19:8 62:5 disordered 34:21 DISTRICT 1:1,1 DIVISION 1:2 document 5:16 7:25 8:13,14 8:16,18 9:1 10:8,11 13:16,23</p>	<p>14:12,19 15:2,16,19 17:23 19:18 19:22 20:16 22:4,15,25 27:18 30:2,3 30:23 31:10 31:14 32:10 34:13 37:15 41:2,4,6,8 41:12,17,21 41:24 42:3 43:6,22 44:16 48:19 48:23 49:9 59:8 69:15 documentation 13:12,19 documented 11:1,4,6,7,9 11:10,11 12:17 19:11 documenting 18:1 documents 5:15 12:18 14:15 14:19,25 15:4,7,10,13 15:21 16:1 16:12,14 26:13 29:12 29:16,18,23 31:16,19,25 32:6,9 33:15 33:20 35:5 35:18 37:20 38:1 42:21 42:22,23 44:19 49:6 doing 37:1 done 15:8 25:10,13,15 25:16,17,19 down 8:7 21:9 46:13 draft 9:23 10:5 11:23 12:18 16:17 16:23 17:3,4 17:9,18 18:2 18:10 63:9 63:14 drafts 17:4 drawing 20:13 20:21 21:5 22:8 24:25 25:2 26:21 26:22 29:8 drawings 12:18 12:21,23 15:8 drawn 22:7 Drive 71:9 duly 1:15 4:2</p>	<p>70:7 during 14:15 33:4,7 52:17</p> <p style="text-align:center">E</p> <p>E 2:1,1 3:1,11 each 18:23 19:15,24 22:1 23:10 36:17 37:9 38:7 70:18 earlier 67:1 67:13 Efficiency 59:20 EGIO 36:2 either 12:2 30:4,5 50:3 51:22 52:20 53:17 54:2,9 54:13,18 55:4,16,22 62:6 65:6 66:1,11,23 element 30:19 30:20,22 elements 23:24 23:25 27:7 31:19 32:12 39:3 53:22 embodiment 28:4 employed 6:2,6 71:3 employment 57:18 end 38:14 48:25 60:8,8 67:16 ended 60:12 ending 47:20 engineering 63:24 enough 52:19 entirely 35:7 entries 33:12 47:19 48:20 48:21 49:17 50:2 55:11 56:24 58:18 58:25 59:12 59:23 60:5,6 61:7,21 62:14 65:25 66:10 67:2,5 67:13,15,18 entry 47:21 50:11 53:16 58:11,24 59:4 60:13 60:16 61:6 65:17 67:3 establishing 64:4</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

et 15:23	69:18	42:4 43:22	getting 16:22	4:10,13 6:2
events 16:11	Expressway 2:5	45:13 56:10	35:16 42:16	9:22 10:24
34:15	extent 57:2	58:11,24	ging 43:11	27:13 31:15
Eventually	external 29:15	59:4,17,21	give 22:22	34:3,13
16:18	ex-girlfriend	61:6 67:3	31:5	43:17,18,19
every 27:14,17	42:10	fit 65:3	given 18:11	47:18 55:20
37:25	ex-girlfri...	fits 15:9	22:10 65:18	58:3 60:4
evidence 14:22	42:9	five 23:16	69:19 70:9	65:15 67:17
57:22 64:9	eyes 8:9	Flipping 58:20	70:21	69:7 70:2,7
Exabyte 47:22		focus 15:5	givens 1:18	hold 22:20
48:9,14	F	Focusing 34:1	70:4 71:8,12	hour 49:8
exactly 15:17	face 26:21	folder 39:22	global 20:22	hours 70:20
35:5 48:25	fact 14:8 21:3	40:2	globally 21:9	HP 46:22
56:7 59:21	26:9 64:19	follow 21:19	31:22	Hulsey 13:25
examination	facts 14:21	62:21	go 18:16 36:16	14:4,16 15:2
3:6 4:3	fair 26:11	following 70:6	37:7,9,18,24	45:17 46:11
38:24 70:13	52:9 59:16	70:23	38:1,6,7	46:19,21
example 32:1	fairly 36:3	follows 4:2	49:7 61:4	47:11 61:25
34:24	far 9:4	21:11 70:19	goes 27:23	62:20 66:13
except 69:3	fax 8:4 16:3	foregoing 69:2	going 7:3,7	hundred 37:4
exclusively	faxed 9:24	69:16	27:10 36:13	hypotheses
30:18	faxing 9:16	forward 47:6	36:14,16,17	52:13
executed 69:17	February 43:22	53:5	36:20 37:9	Hypothetic...
exhibit 4:4,9	43:25 44:9	four 23:25	37:16 38:3,6	25:21
4:23 5:18,19	Federal 1:22	64:15,19,23	41:6 49:4,5	
5:20 7:23	feel 27:11,22	64:23	65:11 66:15	I
9:5 14:20	felt 8:15	frame 61:12	66:22	idea 11:14
15:3,12,13	fibre 50:4	free 37:9,24	good 4:6,7	38:12
18:13,16,17	figure 15:11	Freidenrich	52:19	ideas 11:2
19:19 20:14	20:17,20	2:5	goose 38:2,4	13:7
20:20 21:15	21:18 23:4,6	fresh 12:15	Gray 2:5	identity 69:15
21:24 25:15	23:16 24:11	from 1:17 8:19	ground 27:10	illegible
26:18 27:14	24:19 25:11	10:9 25:3	group 49:5	40:25 51:19
27:15,20	25:12 26:10	35:5 56:23	guess 35:3,8	54:6
28:2,16,18	26:20,20,23	60:5,8 67:6	guy 5:24,25	illustrated
28:23 29:4	28:3,7,16,18	front 8:3		21:18
30:11,24	28:22 29:8	Fulbright 1:20	H	implement 31:8
31:10,15	Figures 20:18	2:10	H 3:11	implementa...
34:3,14	filed 16:25	fully 18:12	habit 44:12	20:3 22:11
36:11 38:21	32:17 63:1	fundamental	hand 4:8 37:4	implemented
39:9,20 40:2	files 10:18	21:21 35:9	57:8 69:19	18:23 31:11
41:3,17,22	18:6,9 35:15	further 7:16	handwriting	implicit 20:1
43:6,17,19	filing 8:17	13:16 16:9	8:3,8 39:24	22:8 23:2
44:7,16,21	32:1	31:17 67:21	41:9 42:4	29:6,10 30:8
45:3 48:1	filings 64:4	71:2,5	47:16 50:12	30:9
55:20 57:23	Finally 58:2		57:20	important
58:3 60:4,12	financial 7:17	G	hang 46:16	22:17 25:7
60:16 61:7	financially	gap 52:12,15	hardware 30:14	inappropriate
61:20 67:17	71:5	gaps 34:17,25	30:18,21	36:25
exhibits 3:4	find 19:22	35:4	having 4:2	INC 1:4,6
70:17	36:1,11 37:2	general 16:8	15:6,8 47:15	included 9:5
exist 10:21	37:5,10,12	66:19,20	Hawkins 62:3,4	47:19
12:24	37:13,19	generally 7:21	head 18:15	includes 70:23
existed 15:12	38:2 44:4	17:18	42:2 53:15	Including
15:13	57:7	generated 10:9	helping 35:17	18:19
existence	fine 8:11 32:5	generic 21:8	her 7:12,13	incorporate
15:13	36:15,18	generically	42:18	14:13
existing 15:4	43:13 58:2	21:3 62:9	him 14:10 16:9	increase 15:5
expect 9:9	finger 53:4	geoff 1:10,14	16:12 36:14	independent
18:12	firms 6:14	3:5 4:1 9:22	37:5,7,25	29:11 30:6
Expires 71:13	first 4:2 9:4	69:7 70:2,7	38:5 49:6	index 59:19
explanation	9:23 10:5,9	Geoffrey 4:10	66:14	indexed 58:14
52:12	11:22 22:3	4:13 10:24	hoese 1:10,14	indicate 33:16
expressed	38:11 39:6	gets 22:18	3:5 4:1,6,8	34:18,19



modified 20:17 modify 23:12 24:16,19 30:7 modifying 24:7 24:10 29:24 momentarily 12:10 money 13:18 month 52:12,15 52:17 months 33:8 37:21 MoPac 2:5 more 23:14,15 31:17 34:19 35:18,19 59:18 64:10 morning 4:6,7 most 10:17 13:9,10 move 43:11 53:5 much 21:9 34:18 65:21 multiple 21:4 21:4 26:12	Notary 69:23 notations 33:19 note 39:1 53:15 54:15 63:10 66:13 notebook 34:9 43:20 44:13 52:15,17 55:21 56:8 56:15,19,24 56:25 57:5,7 57:9,18,21 57:22,23 58:4,19 59:1 59:17,22 60:2,4,11,17 61:7,10,12 61:15 67:17 notebooks 33:25 34:4 37:23 38:16 55:23,25 56:2 58:25 60:19 61:8 67:14 noted 17:25 69:3 notepad 38:19 notepads 38:17 38:22 39:1 notes 10:7,12 12:17,21,23 17:25 35:10 35:12 38:14 41:9 44:7,14 47:10 52:16 53:20 61:11 61:15 64:17 nothing 23:14 23:15 46:9 46:13 57:24 notice 3:14 4:24 5:20 34:2 57:3 November 39:10 39:16 40:5,6 63:4 64:16 65:17,21 number 27:5 33:2,5 35:1 35:11 39:10 39:21 40:6 41:3,7,18,22 45:4 48:19 49:3 50:15 52:13 56:12 57:6 58:15 59:22,25 61:20,22,23 64:3 67:6 numbered 1:16 numbers 34:23 34:24,25	35:4 <hr/> 0 oath 69:14 Objection 14:21 25:25 obligation 37:11 obvious 31:2,4 obviously 64:3 occurred 11:15 19:9 October 6:9 41:19 43:8 58:11 59:4,5 60:8 61:6 odd 57:16 OEM 66:15 off 12:10 27:10 office 69:19 officer 69:12 70:8,22 officer's 70:15 offices 1:20 often 33:3 oh 5:20 31:12 32:22 35:7 51:2 62:25 63:5 okay 4:20 5:20 6:10 7:17 8:12,18 9:8 9:14 10:4,12 10:20 11:4 11:16 12:20 12:23 13:2,6 13:15,22 14:1,7,15,18 15:6 16:3,16 17:7,9,12,15 18:2,8 19:3 19:8,21 20:4 20:19 21:6 21:14 22:1,2 22:16 23:4,6 23:11,14 24:2,14,18 25:14 27:1 28:1,18 29:3 29:8,20 30:3 30:11,16 31:2,14 32:4 32:8,16 33:21 34:22 39:5,9,16,20 40:4 41:2 43:13 44:1 44:25 45:3,4 45:12,24 46:6,13,16 47:6,9,20,25 48:8,18 50:1	50:11,17 51:21 52:2 52:19 53:2 53:12,25 54:17 55:10 55:19 57:17 57:23 58:2,8 58:10,24 59:4,8,17 60:16 61:2 61:17 62:13 62:18,25 63:4,11 64:1 64:7 65:2,5 66:10,22 67:1,12 older 4:20 once 20:8 29:8 58:4 one 1:21 2:10 5:16 14:1 17:4,7 21:17 21:19 23:24 25:16 26:7 26:24 28:4 32:4 34:4 36:9 45:20 45:25 48:19 49:2,10,12 59:1 61:10 61:22 64:12 64:19,25 ones 16:14 ongoing 31:6 32:23 only 8:9 18:17 19:21 21:12 24:18 26:10 32:19 44:12 56:20 open 7:15 20:3 20:4 22:7 opinion 22:20 oral 1:9,14 70:8 order 21:10 55:13 59:1 original 70:16 originally 48:1 other 9:11,18 13:8,22 16:2 26:12,13 27:8 29:18 29:23 31:15 32:6,8,25 33:19 60:11 61:8 62:25 62:25,25 63:2 64:25 67:18 69:15 otherwise 71:6 out 15:11 32:14 35:12	40:1 outcome 71:6 outside 13:23 14:2 27:23 over 4:20,21 4:22 25:16 25:19 <hr/> P P 2:1,1 pads 35:12,14 44:13 page 3:13 8:4 9:21 18:17 20:14 21:15 21:22,23 36:1,9,17 37:10,12,19 37:19,25 38:7,11 39:16,20 40:8 41:9,24 44:25 45:8 45:13,14,21 45:24 46:8 46:18 47:3,7 47:13,18,19 47:21 49:13 49:17,23 50:2,2,13,15 50:17 51:4,7 51:9,13,14 51:21,24 52:2,5 54:4 54:8,9,12,17 54:23 55:3 55:10,10 56:11,11 57:9 58:14 58:14,22,23 59:8,9,11,24 60:2,22 61:24 62:18 62:19 63:5 63:18,20,25 64:9 65:5,8 66:1,4,7,10 66:11,22,23 67:2,6,15 68:2 69:4 pages 8:8 18:17 19:21 35:1,20 37:4 37:8,13 39:1 39:17 40:8 40:10,13,19 45:7 49:7 51:19 52:12 54:18 55:11 55:15 59:18 60:5,22 61:16,19,22 page-by-page 59:2
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

paid 7:7	63:8 65:18	27:8 30:1	21:22 22:3,8	57:5 60:14
paper 35:12	phone 57:6	36:9 63:1	22:18 23:22	60:20,23
paragraph 5:19	pick 40:1	64:3	26:2 27:14	61:9 62:8
18:20 21:23	picked 11:16	probably 4:20	27:17 31:23	63:15,16
Pardon 10:2	place 4:16	14:5 15:4	35:9 38:18	64:23,24
56:5	17:21	19:6 22:19	50:21 51:3,7	66:20
part 22:3 24:4	plaintiff 2:3	22:20 26:13	51:16 52:14	recessed 43:14
34:1 40:20	4:25 70:25	29:17 37:21	52:23 55:7	65:13
particular	please 12:11	problem 36:24	60:3 61:5	recollection
10:8	24:22 26:3	Procedure 1:22	63:21 66:4,7	9:17 14:7
parties 70:23	46:16 47:6	proceeding	66:19,21	65:23
71:3	54:8,12,17	71:4	questioning	reconfirm 34:3
partitioning	54:23 55:19	proceedings	27:7	record 8:8
20:24	65:24	12:4,9 43:14	questions 10:4	12:10 33:11
party 70:18	point 9:15	65:13	37:25 65:25	33:12,14
patent 3:15	19:6 29:14	process 14:10	67:21	54:15 55:8
4:11 8:1,17	29:21 31:7	produced 1:14	quick 12:7	59:24 61:1
9:10 14:3	35:3 64:2,3	8:9 10:14,20	quite 39:2	70:9,24
16:5,6,10,17	64:15	12:24 22:14	57:15 66:16	Recording 7:22
16:23 26:19	portion 12:12	product 66:15		records 35:6
26:19 28:3	24:23 26:4	production	R	42:17
28:19 31:22	30:13	34:24 41:7	R 2:1	Red 71:9
32:1,4,14,17	positive 42:24	41:18,22	rather 30:13	refer 26:13
32:18 33:3,9	65:3	56:12 58:15	35:15	29:13 55:19
33:13,16	possibility	59:22,25	read 12:12	58:2 62:9,22
43:4 45:19	7:10,15	61:20 67:6	24:21,23	reference
48:22 49:3	possible 9:12	progress 64:4	26:3,4 36:6	20:20 25:10
49:21 50:3	17:24 25:21	project 15:22	36:17 66:16	41:11 43:5
50:18 51:5	33:18 35:7	projects 31:6	69:1	44:15 45:13
51:10,14,22	61:9,11,12	32:23	Reading 24:12	45:16 46:3
52:21 53:17	61:14	proper 49:9	real 12:6	46:11,19
53:18,24	possibly 9:13	proprietary	27:12	47:3,9,16
54:3,3,10,14	14:17 40:21	62:2,9	really 16:10	50:4,18 51:4
54:19 55:4	practice 15:25	proved 69:13	20:9 21:13	51:10,13,22
55:17 61:23	58:25 67:12	provide 16:12	22:22 27:11	53:7,14 54:9
61:23 62:6	precede 57:18	16:16 29:14	32:7,14,22	57:9 62:10
62:10,16,23	preceding 69:4	provided 19:14	36:21 60:15	62:17,19,24
62:25 63:3,3	predicate 28:3	21:16,24	reason 22:13	63:2,21
63:8,21 64:5	preparation	22:4,23 23:8	52:11 53:11	65:20
64:7,12,19	16:5 43:3	24:12,14,17	67:14,18,20	referenced
65:7,19 66:2	prepare 5:11	30:10,12	68:2	12:12 24:23
66:12,15,18	8:12 16:10	63:7,11	reasonable	26:4
66:24	prepared 5:8	providing	19:6 59:7	references
Pease 56:4,6,7	8:14,16,18	17:10	recall 9:3,4	51:6,8 54:7
pending 66:15	22:22 58:5	Provisional	9:12,20	55:9 62:14
perform 6:17	preparing	3:16	10:13 12:2	66:23
perhaps 11:17	64:18 70:16	Public 69:23	12:17,19,22	referencing
39:1	present 29:21	purpose 24:25	13:5,10 14:9	66:13
period 33:4	presented 11:3	25:2	14:13,17	referred 32:13
64:24	11:15	purposes 69:18	15:6,8 16:1	64:21
person 62:1	presume 15:14	pursuant 1:22	16:11,15,22	referring
69:15	52:16 55:2	70:21	17:5,6,14,17	20:11,13,15
personal 7:6	presumption	pursuing 8:16	17:18,21	26:9 27:4
personally	59:16	put 8:7 16:7	18:1,3 19:5	28:2 49:25
69:12	previous 33:24	35:14 52:16	19:12 20:10	53:20 57:4
perspective	43:17,18	putting 10:10	22:13 29:18	62:20
24:3,5 25:3	55:20 56:25	p.m 1:17,18	31:1,9,24	refers 26:12
27:6	58:3 64:22	43:14,15	32:3,7,10,15	48:10 53:24
pertinent 20:7	previously	65:13,14	32:22,23	57:10 65:17
Peterman 8:23	5:17 34:2	Q	33:6,7,18	refreshing
9:18,25	prior 8:20 9:2	question 12:1	41:20 46:5	34:15
13:22 16:4,8	9:7,15 14:5	12:11 14:24	47:1 48:12	regarding 7:18
16:16 17:20	14:5,10	15:18 21:20	49:19 50:6	41:14 61:25
19:3 62:21	15:12,13		52:9 53:19	62:10 63:8

65:18 66:14 related 50:5,8 50:9,22 71:3 relates 24:4 relating 6:19 15:14,21,25 36:2 62:19 relation 46:4 46:12 rely 33:21 remaining 65:15 remember 33:20 remembered 11:18 reminder 66:14 repeat 14:23 51:2 60:3 repeating 27:9 reported 1:19 reporter 12:13 24:24 26:5 70:4 reporter's 3:8 70:1 REPORTING 71:8 requires 22:21 reserve 67:22 respect 16:5 47:10 50:25 55:7 66:4,7 response 7:11 7:12,13 rest 48:18,23 66:16 return 70:13 returned 65:22 reveal 14:4 review 17:11 17:13,18,21 17:23 63:21 64:4,5 reviewed 9:9 17:10,15 right 4:18 6:1 6:10 8:22 9:4,25 17:1 17:7 18:13 19:21 20:13 21:2,18 22:22 23:4 24:7 25:24 26:18,23 27:15,25 28:8,13,16 30:4 32:4 35:8 36:5 38:10,18 39:10 40:13 43:10 44:15 45:17,19 46:8,10,22 47:7 49:13 50:17 51:9	52:5 53:4 60:1 62:5 63:18 right-hand 20:22,23 role 6:15 37:22 Roughly 59:3 router 3:16 22:7 23:3 24:13,15 26:14,15 29:6,10,13 29:14 30:9 31:12 62:21 routers 15:23 28:12 routing 18:23 Rule 4:24 Rules 1:22 runs 39:17 Russell 9:11 13:8 17:11  5 S 1:18 2:1,5 3:11 70:4 71:12 same 4:13,16 4:18 49:22 50:7 51:7,16 51:17 52:23 55:7 66:4,7 69:3,17 sandra 1:18 70:4 71:12 saying 45:5,7 45:8,9 50:22 says 8:9 9:22 10:5 18:21 18:22 19:13 21:15,24 22:23 39:22 46:21 47:22 49:23 schedule 57:10 Schematics 29:21 SCSI 50:5 seal 69:19 second 18:16 18:22 20:11 21:15,22,23 41:24 46:17 50:12 53:5 63:24 65:16 section 5:21 18:20 see 19:1,16 22:11 28:20 37:10 39:22 41:1,14 43:2 43:5 44:23 45:2,23	46:15 47:5 47:16,22,24 51:6,8,12,15 51:19 52:1,6 52:7,19 53:11 54:7 54:11,16,21 55:6,9,18 56:10,11,12 56:22 58:11 58:15,20 59:13 62:13 64:21 65:10 66:3,6,9,25 seeing 34:17 34:18 35:20 seem 57:4 64:24 seemed 7:15 seems 34:20 52:9 59:6,16 64:17 seen 35:25,25 segmented 20:2 sense 8:25 57:15 sent 8:22 16:3 sentence 18:21 18:22 19:13 21:14,22,23 22:23 September 70:14 sequential 59:1 series 42:20 set 38:14,15 several 62:24 sg-417 71:14 Shakes 42:2 sheet 8:25 40:4 sheets 40:23 42:25 46:1,2 shorthand 1:19 70:4 show 13:22 23:12 25:2 29:3 30:3,5 33:24 43:16 showed 29:22 showing 14:25 25:3 shown 9:13 23:4,16,19 23:24 25:17 25:19 26:10 28:7,10,12 28:15,18,22 shows 20:22,23 23:6 25:12 29:9 side 20:22,23 signature 3:7	68:1 69:2 70:13 significantly 36:3 since 8:9 50:20 sir 8:5 40:13 41:23 43:8 44:23 47:22 51:25 53:7 56:13 58:12 61:3 sketches 15:9 15:24 Smith 9:13 13:11 software 30:13 30:16,19,19 some 6:13 9:15 10:4 15:8 19:6 22:10 31:25 34:18 35:18,19,22 36:4,5 44:19 51:19 64:2 something 11:4 11:9 27:22 28:19 37:6 38:2 47:11 54:1 66:15 Sometime 14:5 16:25 sorry 15:18 21:19 27:21 36:6 43:24 45:5 46:17 51:2 60:3,13 60:19 63:5 sort 7:17 9:10 12:20 14:12 15:24 30:24 34:14 44:14 sorted 35:15 35:15,16 spans 34:9 58:19 speak 5:2 specific 9:17 10:10 14:7 18:24 22:9 31:19,20 45:8 47:2 51:6 52:14 54:21 62:13 62:17 65:23 specifically 6:23 7:5,20 9:3,12,20 11:18 12:17 12:19,22 13:9,20 14:13,17 15:6,12,25 16:10,20	17:6,17,25 19:5,10 20:10 22:13 29:3,18 31:9 32:3,7,13 33:6 46:4,21 50:6 52:9 55:6 56:17 57:4 59:6 60:9 62:8,22 63:13 66:20 specification 29:17 Spectra 47:23 48:9,14 spend 13:18 spent 33:13 spiral-bound 55:21,23 56:1 spoke 6:2,5 spots 54:6 stack 43:12 staff 41:11 62:1 63:24 start 57:16 started 10:9 starting 47:19 49:13 67:3 state 1:19 31:6 69:9,24 70:5 stated 11:20 31:7 statement 23:8 30:10,11,12 STATES 1:1 station 28:20 29:1,5,15,25 30:6 status 64:6 still 4:16,18 4:21,22 6:3 stops 40:2 storage 1:6 15:22 19:1 19:15,24 20:2,12,16 20:21,23 21:1,25 22:5 22:7,24 23:1 23:3,7,9,19 23:21,23,24 23:25 24:8 24:10,12,14 25:7,23 26:14,15 28:10,12 29:6,9,10,13 29:14 30:8 31:12 62:21 store 18:24 strike 16:22 stuck 38:23
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

stuff 35:22 36:2 37:20 styled 1:16 subdivided 23:25 subject 23:22 submitted 18:6 70:11 submitting 17:19 subscribed 69:16 subsequent 31:16 subset 18:24 44:10,11 suggest 22:6 53:23 Suite 2:6 sure 11:6 12:8 19:20 20:12 27:3 38:18 39:2 57:10 58:6 surrounding 62:11 suspect 12:16 66:19 sworn 1:16 4:2 70:7 SYSTEMS 1:3	44:18 testify 60:25 testimony 7:19 7:22 26:1 33:22 42:16 70:9,22 texas 1:1,4,19 1:21 2:6,11 69:9,24 70:5 71:9 text 22:9 24:12 26:12 their 7:11,13 64:6 thing 16:25 24:18 32:19 things 6:19 9:10 15:24 28:15 31:8,9 32:11,22,25 34:17,19 36:1 44:13 49:2 think 22:19 24:4 25:2 26:11 27:18 33:25 35:3 38:17 42:14 42:15,23 48:14,16,17 53:11,23 60:25 61:4 64:14 65:4 third 4:24 21:23 thought 22:21 44:19 three 8:8 18:17 23:19 23:21,24 28:15 39:17 42:20,25 62:25 64:10 64:21 through 20:16 25:17 27:11 29:24 35:2 36:1,17 37:7 37:9,19,25 38:1,7,8,24 40:6,7 43:19 44:3 48:17 48:18,24,25 49:1,5,8 58:20 59:22 60:5 61:4,20 69:14 time 6:24 7:1 9:5 12:4,9 12:14 14:2 22:19 31:7 32:23 33:11 33:12 44:20 49:10,12	61:12 63:1,2 63:9 64:2,3 64:7,18,20 70:18,22 times 33:5,7 today 5:9 6:6 6:25 7:19 together 38:23 39:1,3 top 44:22 49:23 topic 7:16 34:1 35:15 47:2 57:3 topics 5:2 49:19 toto 20:15 track 30:25 transcript 70:8,11,17 travel 47:22 48:11 TRAVIS 69:10 trial 6:20,22 trip 48:9,11 48:13 trouble 47:15 true 69:3 70:9 try 37:5,10 38:2 trying 15:11 turn 46:16 47:6 54:8,12 54:17,23 55:10 58:10 59:8 65:24 two 5:5 19:21 40:10,13,19 48:21 49:2,3 52:12 54:18 55:15 61:23 62:25 63:2 types 31:20 32:12,14	using 30:6,16 U.S 3:15  V v1:5 variety 20:5 various 64:5 Verrazano 15:22 29:17 very 6:15 9:13 9:21 12:15 16:13 26:21 30:20,21 32:24,24 34:16,20,21 35:1 59:7 61:9 view 24:8  W want 35:2 36:21 37:7 37:25 38:5 49:6 50:24 Ware 2:5 wasn't 11:20 way 16:7 17:23 30:15 31:2,8 33:12 34:12 37:1,4 38:11 39:14 41:12 43:3 56:18 week 62:22 well 7:8,13 11:8,22,22 15:11 16:22 17:7,10 19:21 20:15 23:23 24:18 27:10,13 30:20,21 34:22 35:3 36:23 37:12 37:23 38:19 39:5 40:4 46:16 48:4 50:23 55:24 56:22 58:14 58:17,24 59:18,21 60:25 67:3 went 12:9 38:24 43:19 were 6:2 10:19 12:4,23 15:21,23 18:6 19:11 19:12 20:4 20:11,13 27:5,13 29:21 32:6 32:19,21,23 32:25 33:16 38:16,22	40:8 42:22 44:8,20 48:17 50:15 61:7,11 63:16 64:4 67:6,17,18 weren't 10:20 55:25 WESTERN 1:1 we're 25:3 27:9 36:14 65:11 we've 9:24 10:23 27:8 27:11 46:8 whatnot 15:10 while 34:5 44:8 56:8 58:5 white 15:24 whole 11:14 Willow 71:9 withdraw 31:13 witness 1:15 5:6 12:14 14:23 24:25 26:2,6 27:16 36:20 37:4 37:17,22 70:7,10,12 70:13 wondering 56:23 word 10:8,10 20:13 31:4 work 14:3 32:11 33:3,9 50:4 57:24 worked 16:8 57:14 working 12:16 32:19,21 33:1,13,16 works 64:8 workstation 18:23 19:15 19:25 20:24 20:24,25,25 21:1 22:1 23:10 29:11 workstations 23:17 24:19 25:4,20,24 28:7 29:9 worth 8:15 wouldn't 21:8 30:15 writing 34:7 47:25 57:17 written 46:13 wrote 7:25 59:19  X
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

X 3:1, 11	9:23 10:5	48:1	41217 51:13	5,941,972 3:15
Y	11:17, 22, 23	24th 44:23	41218 51:16	5/12/97 41:16
Yao 62:4	12:2 14:6	47:20	41219 51:18	5/13/97 45:15
yeah 5:4, 5, 25	38:11 39:6	25th 63:4	41220 51:21, 24	5/19 47:7
10:22 23:13	41:19	65:17, 21	52:2	5/19/97 49:16
25:21 32:5	16th 43:23	26 3:15	41221 52:5, 20	5/2/97 52:4
35:22 36:23	44:2	27th 48:2, 5	41222 52:23	5/22/96 57:11
42:15 45:11	17th 54:24	28 9:6 42:21	41223 52:25	5/29 56:12
48:25 59:21	18 4:20, 21, 22	28th 8:23 9:19	41224 53:2	5000 71:12
59:24 60:3	19th 49:15	9:25 11:17	41225 53:4, 25	512 71:10
63:7 67:4	53:8	11:25 12:2	54:1	57 55:10, 16
year 34:11, 13	1900 1:21 2:10	13:7 16:4	41231 54:4	6
35:10, 24	1996 40:15, 16	31:16 32:16	41232 53:5, 6	61:11 5:2, 22
38:12 39:6	40:17	33:8 37:14	54:1, 18	5:23, 24, 25
39:12, 17	1997 8:21, 23	29 42:21	41234 54:8	34:3, 14
40:8, 11 41:4	9:6, 19, 23, 23	3	41237 54:16	36:11 38:21
41:19, 23	9:25 10:5, 25	3 3:4 20:13, 17	41238 54:12	39:9, 20 41:3
42:22 43:8	11:5, 18, 24	20:20, 25	41241 54:17	41:7, 17, 22
44:4 56:15	11:25 16:4	21:18 23:4, 6	41248 54:23	43:6, 19 70:3
56:18, 24	43:23 47:7	23:16 25:11	55:3	6th 1:17 40:14
57:4, 6 58:19	52:3 53:10	25:12 26:10	41249 55:8	6/19 53:9
59:12 60:24	55:12 59:5	26:20, 23	41250 55:7	600 1:20 2:11
60:24	59:15, 23	28:3, 16, 18	41256 55:10, 15	68 3:7
years 35:21, 23	60:6, 17 61:1	28:22 29:9	41259 49:2	7
37:21 56:22	1998 67:3, 19	3/15 47:21	41308 56:12	7 3:16 70:14
58:19	2	3/21 47:21	41324 58:15	7/17 54:25
Y-A-O 62:4	2 3:3 20:18, 24	3:54 65:13	59:22 60:5	70 3:8
S	57:14 63:4	30(b)(6) 1:9	61:20	78701 1:21
\$465.75 70:15	65:16 70:20	4:25 57:3	41329 61:24	2:11
1	2nd 52:2, 6	301-7088 71:10	41331 62:19	78736 71:9
1 20:18, 24	2/20 56:10	31st 17:1	63:5, 20 65:6	78746 2:6
26:20 56:11	2:45 43:14	32:18 33:8	65:8, 16	8
57:9	2:59 43:15	36:4 37:14	41332 63:19	8 70:12
1/15/98 58:22	2000 6:9	58:11 59:4, 5	65:24	8th 71:7
1/5/98 59:9	2001 1:11, 17	61:6	41333 66:5	8/4 55:11
1:38 1:17	70:3, 12, 14	4	41334 66:8	60:23
10th 40:10	71:7	4 3:6, 14 20:25	41335 58:23	8006 71:9
43:25 44:9	205 45:10	4th 40:5, 6	66:10	9
44:22 47:20	22 3:14 4:4, 9	44:3, 9 60:13	41336 59:11, 22	9th 39:17
11 63:6 70:20	4:23 5:19, 20	60:17 61:1, 5	60:5 61:21	96 36:8, 10
11/25 63:6	5:21 9:22	4/14 41:3	66:22	57:14
12 40:15, 17	22nd 8:20	4:06 65:14	41337 59:9	97 12:2, 2, 3
43:17 44:21	10:25 11:4	4:15 1:17	67:2, 6, 15	13:4, 6, 7
45:3 60:12	11:18, 20, 21	400 2:6	41340 58:22	17:1 29:2
60:16 61:2	11:24 12:3	41189 44:21	42305 39:10	31:16 32:16
61:19	13:4, 6 29:2	45:7, 25 46:3	42310 39:21	32:18 33:8, 8
12/1 63:24	44:18 48:6	47:18	42312 40:7	35:25 36:4, 9
12/15 34:10	23 3:15 4:4	412 45:6	42318 40:7	37:14, 14
12/16/97 58:23	26:18 27:20	41205 45:4, 7, 9	42328 40:6	42:23 44:6, 9
12/19 59:12	28:2, 18	45:25 46:6, 9	42338 41:4	44:9, 18
12/19/96 36:1	24 3:16 4:4	41206 46:17	42356 41:7	45:14 48:2
12/23 59:13	5:18 7:23	47:4	42371 41:18, 18	49:15 52:8
12/31/01 71:13	9:5 14:20	41210 46:16	42423 41:22	55:1 60:9, 13
1221 2:5	15:3, 12, 13	47:6 48:18	42425 42:3	61:1, 5, 6
13 55:20 57:23	18:13, 14, 16	48:23	42427 42:21	64:16
13th 41:23	19:19 20:14	41211 49:14	42453 43:7	97 8:1 16:6
45:14	20:20 21:15	41212 49:23	43 56:11	26:19 53:18
14 58:3 60:4	21:24 25:15	50:14	5	53:24 54:3
61:7, 20	27:14, 15	41213 50:17	5 5:2, 19, 21	54:10, 19
67:17	28:16, 23	51:4	21:1 27:5	55:16 61:23
15th 8:20, 21	29:4 30:11	41215 51:7	34:1	
	30:24 31:10	41216 51:9	5th 39:10 67:3	
	31:15 44:16		67:16	

62:6 63:3 64:12 65:7 65:19 66:2 66:11, 17, 24 98 35:25 58:20 67:7, 16				
--------------------------------------------------------------------------------------	--	--	--	--

Civens Court Reporting

(512) 301-7088