

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SUMMIT 6 LLC,) 3:11-CV-367-0
Plaintiff,)
v.) Jury Trial Volume 2
RESEARCH IN MOTION CORP.,)
Defendants.) April 2, 2013

BEFORE THE HONORABLE REED C. O'CONNOR
United States District Judge
In Dallas, Texas

FOR THE PLAINTIFF:

MR. THEODORE STEVENSON, III.
McKool Smith
300 Crescent Court
Suite 1500
Dallas, TX 75201
214/978-4000
Fax: 214/978-4044 FAX
tstevenson@mckoolsmith.com

MR. PHILLIP M. AURENTZ
McKool Smith PC
300 Crescent Court
Suite 1500
Dallas, TX 75201
214/978-4206
Fax: 214/978-4044
paurentz@mckoolsmith.com

MS. ASHLEY N. MOORE
McKool Smith PC
300 Crescent Court
Suite 1500
Dallas, TX 75201
214/978-6337
Fax: 214/978-4044
amoore@mckoolsmith.com

MR. JOHN B. CAMPBELL
McKool Smith
300 W 6th St
Suite 1700
Austin, TX 78701
512/692-8730
Fax: 512/692-8744
jcampbell@mckoolsmith.com

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

FOR THE DEFENDANT:

MR. BRADLEY W CALDWELL
Caldwell Cassady Curry, P.C.
1717 McKinney
Suite 700
Dallas, TX 75202
214/593-7129
Fax: 214/978-4044
bcaldwell@caldwellcc.com

MR. JAMES R. NELSON
DLA Piper US LLP
1717 Main St
Suite 4600
Dallas, TX 75201-4605
214/743-4512
Fax: 214/743-4545
jr.nelson@dlapiper.com

MR. MARK D. FOWLER
DLA Piper LLP (US)
2000 University Ave
East Palo Alto, CA 94303
650/833-2048
Fax: 650/833-2001
mark.fowler@dlapiper.com

MS. CLAUDIA WILSON FROST
DLA Piper LLP
1000 Louisiana
Suite 2800
Houston, TX 77002
713/425-8450
Fax: 713/300-6050
claudia.frost@dlapiper.com

MR. ANDREW P. VALENTINE
DLA Piper LLP (US)
2000 University Avenue
East Palo Alto, CA 94303-2214
650-833-2000
Fax: 650-833-2001
andrew.valentine@DLAPiper.com

MR. ERIK FUEHRER
DLA Piper US LLP
2000 University Avenue
East Palo Alto, CA 94303
650/833-2045
Fax: 650/833-2001
erik.fuehrer@dlapiper.com

MR. TODD S. PATTERSON

DLA Piper LLP (US)
401 Congress Ave
Suite 2500
Austin, TX 78701
512/457-7000
Fax: 512/457-7001
todd.patterson@dlapiper.com

COURT REPORTER:**MR. DENVER B. RODEN, RMR**

United States Court Reporter
1050 Lake Carolyn Pkwy #2338
Irving, Texas 75039
drodenrmr@sbcglobal.net
Phone: (214) 753-2298

The above styled and numbered cause was reported by
computerized stenography and produced by computer.

1 (Afternoon of April 2, 2013.)

2 MR. CALDWELL: May it please the Court.

3 BY MR. CALDWELL:

4 Q. Mr. Wright, I would like to follow up on something we
5 talked about earlier. We talked about different ways of
6 getting a picture to point 2. When was the option to send a
7 CD to Point2 first available?

8 A. I think that was made available before I joined the
9 company.

10 Q. What is your best recollection of when you joined the
11 company?

12 A. In May or June.

13 Q. Of 97?

14 A. Of 97, yeah.

15 Q. You joined in May, June, 97, just to help keep your time
16 frames straight, okay? Fair enough?

17 A. Yes.

18 Q. And now you think the extended CD model, that was
19 available before you joined?

20 A. I think so.

21 Q. Did it go back into 96, or do you know?

22 A. I'm afraid I don't know.

23 Q. What I've added to the CD, you can mail a CD to Point2
24 since before June 1997. When was the functionality of sending
25 a picture to Point2 via FTP, file transfer protocol, first

1 added to Point2?

2 A. I don't think I ever saw those capabilities in -- in --
3 there were I think two forms of it and I think that one form
4 was available before and that was something to the effect of,
5 you know, Barry would give you access to a FTP server and you
6 would send the file that way. You can kind of think of that
7 as being akin to sending a CD or even a scan and any of those
8 techniques. And then later, sometime after the PUF was
9 introduced, that's when we introduced the so-called Trivial
10 file upload and that's not FTP based, that would be an http
11 upload.

12 Q. I'm not sure that answered my question. What I want to
13 know is when was it first available that you could FTP a
14 picture to Point2? It varied to give you the credentials you
15 need for a FTP site for example?

16 A. That was something that Barry did before my time but I
17 never really saw that occur.

18 Q. My handwritten faux pas. But FTP to Point2 is available
19 before June 97, that's fair; correct?

20 A. Yes.

21 Q. As to the so called trivial upload, the http upload, we
22 saw in your deposition you told us you believed that that
23 might have been available before the photo upload facility;
24 correct?

25 A. In my deposition I said it may be available but in

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



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

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

Analytics At Your Fingertips



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

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

API

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

LAW FIRMS

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

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

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.