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2

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1   THE VIDEOGRAPHER: We are on the record.

2   Today's date is March 11th, 2019, and the time is

3   11:55 a.m.

4   This is the video-recorded deposition of Larry

5   Peterson in the matter of Implicit, LLC versus NETSCOUT

6   Systems, Inc., et al., Case No. 2:18-CV-00053-JRG and

7   2:18-CV-00054-JRG in the United States District Court for

8   the Eastern District of Texas.

9   This deposition is being held at Colville &

10   Dippel, LLC, 1309 East Broadway, Tucson, Arizona 85719.

11   The reporter's name is Michael Dippel. My name is Jacquie

12   Bartnett. I am the legal videographer. We are with

13   Alaris Litigation Services.

14   Would the attorneys present please introduce

15   themselves.

16   MS. MARRIOTT: Michelle Marriott, Erise IP, for

17   Defendants NETSCOUT Systems and Sandvine Corporation.

18   MR. HOSIE: Good morning. Spencer Hosie, Hosie,

19   Rice, LLP from San Francisco. Along with co-counsel, we

20   represent the plaintiff in this case, Implicit Networks.

21   THE VIDEOGRAPHER: Would the court reporter

22 please swear in the witness, and then you may then

23 proceed.

24   (The oath was administered at this time.)

25

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 1   LARRY L. PETERSON,

 2   having been first duly sworn, testified as follows:

 3   EXAMINATION

 4 BY MS. MARRIOTT:

 5   Q.   Good afternoon. Would you please state your

 6 name for the record.

 7   A.   Larry Peterson.

 8   Q.   Okay. And, Mr. Peterson, where are you

 9 currently employed?

10   A.   I am employed by the Open Networking Foundation.

11 I split part of my time between them and Princeton

12 University.

13   Q.   Okay. Can you describe for me your educational

14 background? Do you have any degrees?

15   A.   I have a Ph.D. in computer science.

16   Q.   Any other degrees?

25   They were still there.

1   Q.   Okay. And was it on your kind of personal

2   computer?

3   A.   No, no, it was —— it's on a Princeton server.

4   MR. HOSIE: Michelle, we would be happy to

5   stipulate to the authenticity of the e-mails, plus their

6   status, of Dr. Peterson's business records. That will

7   make foundation much faster.

8   MS. MARRIOTT: Okay. Great.

9   MR. HOSIE: So stipulated?

10   MS. MARRIOTT: Perfect. So stipulated.

11   MR. HOSIE: So the documents are authenticated

12   and are business records; correct?

13   MS. MARRIOTT: Great. And for the record, those

14   are —— have been produced in the case as Peterson 1

15   through 448, I believe.

16   MR. HOSIE: Thank you.

17   MS. MARRIOTT: Okay. Fantastic.

18   Q.   (By Ms. Marriott) Okay. You can put that one

19   away.

20   Actually, No. 2 on that list asks for source

20   you couldn't remember if anybody got just Joust up and

21   running and fully functional, is that fair?

22   MS. MARRIOTT: Object to form.

23   THE WITNESS: Yeah, I don't recall the status

24   Joust achieved in the same way that the Scout OS, we know

25   we ran demos at conference and his so on.

1   Q.   (By Mr. Hosie) Do you recall a guy carpenter?

2   A.   No.

3   (Exhibit was marked.)

4   Q.   (By Mr. Hosie) Let me show you

5   \exhibit\Exhibit 56.

6   Counsel.

7   Take a minute and read this before I ask you

8   questions if you would, sir.

9   (Witness examining document.) –PLGT

10   THE WITNESS: Okay.

11   Q.   (By Mr. Hosie) Just to lay some foundation,

12   this was produced from your e-mail archive?

13   A.   Yes.

14   Q.   By you personally? You sent it to Counsel?

15   A.   Yes.

16   Q.   And that was the archive at Princeton?

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