

EXHIBIT 3

REDACTED

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,)
 Plaintiff,)
 vs.) No. CV 10-03561 WHA
 GOOGLE, INC.,) VOLUME I
 Defendant.)

Protective Order designations withdrawn for this excerpt.

Videotaped Patent Issues Deposition
of JOHN C. MITCHELL, Ph.D., taken at
755 Page Mill Road, Palo Alto, California,
commencing at 9:43 a.m., Tuesday,
September 6, 2011, before Leslie Rockwood,
RPR, CSR No. 3462.

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1 source code for the method that's called was not
2 illustrated in the chart but illustrated in my report.

3 And in some cases, the method that calls the
4 method in the chart is not illustrated in the chart but
5 is illustrated in the report. 15:24:51

6 I went through the report and the charts
7 recently in order to examine the connection. And there
8 are a couple of different correspondences of that sort
9 that, as best I could determine on my review, account for
10 all of the textual differences of what's presented in the 15:25:09
11 report and in the charts.

12 Q. BY MR. PAIGE: What do you mean when you say
13 it wasn't illustrated in the chart?

14 A. The actual source code isn't -- for a method
15 called in the chart is not included verbatim in the 15:25:21
16 chart. But in some cases, the file name is present, the
17 code is not duplicated. In some cases the name of the
18 method is in the chart but the text of that method is not
19 contained in the chart.

20 Q. Okay. 15:25:42

21 MR. PAIGE: Let me mark Exhibit 426, which is
22 Exhibit C to the second supplemental infringement
23 contentions.

24 Q. And I'd like you to tell me where any
25 reference to FieldsIdsSection.java is found in Exhibit C. 15:25:56

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1 (Exhibit Google 426 was marked for
2 identification.)

3 THE WITNESS: I think the easiest way for me
4 to give you an answer is to give you several as -- you
5 know, incrementally give you connections between these 15:27:32
6 and ways that one refers to the other.

7 If I read this paragraph 459 correctly in my
8 report, file -- DexFile.java contains code that
9 references these connect -- production of these sections.
10 And as the report illustrates, the section code then 15:28:01
11 involves a TreeMap.

12 And for starters, on page 4 of Exhibit C,
13 there's an indication to "See source code file
14 DexFile.java."

15 So on page 9 of Exhibit C, there are -- type 15:28:21
16 ID section is mentioned, if I remember correctly. And
17 it's maybe another thing to confirm separately. It's
18 easy to determine one way or another, I think.

19 The TypeIdsSection -- many of these sections
20 are parallel. And if the TypeIdsSection is parallel in 15:29:17
21 construction to FieldIdsSection, then the source code
22 indicated there under TypeIdsSection logically would
23 contain a similar declaration of a TreeMap data
24 structure.

25 Would you like me to find more things of that 15:30:17

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1 sort?

2 Q. No. I'd like you to find where you said
3 FieldsIdsSection.java anywhere in Exhibit C. If the
4 answer is you haven't, because I haven't seen it, that's
5 fine. But you can just tell me that. 15:30:32

6 A. I think one relevant piece of information
7 that -- as far as I recall, is that these different
8 sections are all coded similarly. At least the ones I
9 recall.

10 So FieldIdsSection is one illustrative 15:30:49
11 example, if I remember correctly, in the report. And
12 certainly I'd take a look. I don't know from recall, but
13 I'm expecting from the naming and other properties of the
14 structure that TypeIdsSection mentioned in the chart is
15 likely to have similar code structure, including TreeMap. 15:31:18

16 So if the issue is mentioning TreeMap, that's
17 this -- a sense in which it is included in the chart.

18 Q. So it's similar to other code that you've
19 cited in the chart, is how you think it's included in the
20 chart; is that right? 15:31:38

21 MR. PETERS: Objection. Form.

22 THE WITNESS: No. The -- I don't want to
23 state as fact something I do not recall clearly about the
24 TypeIdsSection code. But my recollection from looking at
25 this, and it's easy to check with the browser, is that 15:31:56

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1 TypeIdsSection has a similar structure to
2 FieldIdsSection.

3 If that recollection is correct, then this
4 code explicitly listed in the chart includes TreeMap,
5 which is the point or the data structure that you began 15:32:15
6 your question with.

7 Q. BY MR. PAIGE: Okay. Let's talk about
8 TreeMap. In paragraph 468 of your report, on page 211,
9 you say, quote, "The DX tool determines the duplicated
10 elements, such as strings, fieldIds, methodIds and so 15:32:43
11 forth, in a plurality of class files when it stores them
12 in a TreeMap object, which determines whether the element
13 is a duplicate of one already stored in the TreeMap."

14 Do you see that?

15 A. Yes. 15:33:04

16 Q. Okay. And again, determining whether an
17 element is a duplicate is an important element of the
18 claims; correct?

19 A. I believe so.

20 Q. Okay. And you didn't include any reference 15:33:15
21 to TreeMap in Exhibit C -- strike that question.

22 There is no reference made to TreeMap in
23 Exhibit C; is that correct?

24 A. There is -- also, if you look here, this is
25 referring to StringIdsSection and showing that TreeMap is 15:33:32

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1 present there. I found TypeIdsSection in the chart,
2 which if it's parallel contains TreeMap. And there may
3 be other sections. I haven't completed a look of -- a
4 look through the chart for those.

5 But even if it's just the TypeIdsSection, 15:33:59
6 then looking at that source code will identify this
7 functionality through the use of TreeMap.

8 Q. And you mentioned just now
9 StringIdsSection.java. That file isn't it in Exhibit C
10 either, is it? 15:34:17

11 A. I haven't found it. And if you've done an
12 electronic search in advance, you probably have been
13 effective.

14 But I think if we go back to the paragraph we
15 started here, it mentions a number of similar tables for 15:34:34
16 different types of things. And I believe that those are
17 all implemented similarly in the source code.

18 Q. Okay. And when you say go back to the
19 paragraph we started, you're talking about the paragraph
20 in your expert report; right? 15:34:52

21 A. Yes.

22 Q. Nothing in Exhibit C said that, is there?

23 A. If you look at DexFile.java, if I remember
24 correctly, it will have calls. Like a sequence of calls
25 to methods. One for each of those kinds of tables. 15:35:06

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1 And so I think that's, if I remember
2 correctly, you know, basically evident from looking at
3 the DexFile.java source code.

4 Q. Why did you choose not to put these files
5 into Exhibit C when you were reviewing Exhibit C? 15:35:28

6 A. I mean, it -- perhaps it would have been
7 better to have a more exhaustive list of illustrative
8 portions of code. But I think at the time this seemed
9 to -- sufficient to outline the basic way in which
10 Android system infringes. 15:35:57

11 And I believe the same -- the functionality
12 discussed in the report and the manner in which that
13 infringes is illustrated in a number of ways in the
14 source code.

15 Q. If Exhibit C was sufficient, why did you go 15:36:14
16 beyond the information contained in Exhibit C in your
17 expert report?

18 A. I think I mentioned at the beginning of each
19 of the sections on the -- each patent, that I was asked
20 to provide a narrative kind of explanation of 15:36:33
21 infringement. And so basically, in order to tell the
22 same story, in effect, with a -- I ended up with, you
23 know, some -- you know, some different examples or
24 following the call chain up and down a little bit to
25 explain more fully. But it's the same basic, you know, 15:37:03

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1 infringement story, a reason why the system infringes as
2 shown in the chart.

3 Q. Okay. The implementation of the supposed
4 invention of the '702 patent, that would require a new MV
5 to read the multi-class file format; correct? 15:37:23

6 A. Are you speaking about -- it sounds like
7 you're saying if I incorporate this invention into some
8 system, some change is required. But could you give me
9 some context of what kind of system.

10 Q. If you have a standard Java Virtual Machine, 15:37:43
11 could that read the multi-class file format of the '702
12 patent?

13 A. If you had a Java Virtual Machine that's not
14 designed for that, if it's designed for individual class
15 files, then no. If it's designed for something 15:38:10
16 compatible with this multi-class file, then yes.

17 Q. Have you ever used a Java Virtual Machine
18 that was designed to be compatible with this multi-class
19 file?

20 A. I don't know. I haven't -- I haven't checked 15:38:28
21 before in my personal history for compatibility with this
22 file format.

23 Q. Are you aware of when, if ever, Sun
24 implemented the multi-class file functionality on a
25 virtual machine? 15:38:48

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1 STATE OF CALIFORNIA) ss:
2 COUNTY OF MARIN)
3

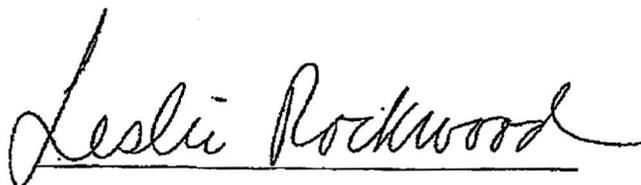
4 I, LESLIE ROCKWOOD, CSR No. 3462, do hereby
5 certify:

6 That the foregoing deposition testimony was
7 taken before me at the time and place therein set forth
8 and at which time the witness was administered the oath;

9 That testimony of the witness and all
10 objections made by counsel at the time of the examination
11 were recorded stenographically by me, and were thereafter
12 transcribed under my direction and supervision, and that
13 the foregoing pages contain a full, true and accurate
14 record of all proceedings and testimony to the best of my
15 skill and ability.

16 I further certify that I am neither counsel
17 for any party to said action, nor am I related to any
18 party to said action, nor am I in any way interested in
19 the outcome thereof.

20 IN WITNESS WHEREOF, I have subscribed my name
21 this 7th day of September, 2011.

22
23 
24

25 LESLIE ROCKWOOD, CSR. NO. 3462