

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
4

5 UNITED STATES OF) C-06-00424-JW
6 AMERICA,))
7) OCTOBER 28, 2009
8))
9) VOLUME 5
10))
11) PAGES 942 - 1215
12 LAN LEE AND YUEFEI GE,))
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THE PROCEEDINGS WERE HELD BEFORE
THE HONORABLE UNITED STATES DISTRICT
JUDGE JAMES WARE

15 A P P E A R A N C E S:

16
17 FOR THE PLAINTIFF: OFFICE OF THE U.S. ATTORNEY
18 BY: MATTHEW PARRELLA
19 JOSEPH FAZIOLI
20 150 ALMADEN BOULEVARD
21 SAN JOSE, CALIFORNIA 95113

22 FOR DEFENDANT LEE: NOLAN, ARMSTRONG & BARTON
23 BY: THOMAS NOLAN
24 DANIEL B. OLMOS
25 600 UNIVERSITY AVENUE
 PALO ALTO, CALIFORNIA 94301

(APPEARANCES CONTINUED ON THE NEXT PAGE.)

OFFICIAL COURT REPORTER: IRENE RODRIGUEZ, CSR, CRR
CERTIFICATE NUMBER 8074
LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

1 A P P E A R A N C E S: (CONT'D)

2
3 FOR DEFENDANT GE: SWANSON, MCNAMARA & HALLER
4 BY: EDWARD SWANSON
5 AUGUST GUGELMANN
6 300 MONTGOMERY STREET
7 SUITE 1100
8 SAN FRANCISCO, CALIFORNIA
9 94101

10
11 FOR NETLOGIC: GIBSON, DUNN & CRUTCHER
12 BY: SUSANNAH STROUD WRIGHT
13 MICHAEL B. SMITH
14 1881 PAGE MILL ROAD
15 PALO ALTO, CALIFORNIA 94304

16
17 FOR TSMC: KEKER & VAN NEST
18 BY: STEVEN P. RAGLAND
19 710 SANSOME STREET
20 SAN FRANCISCO, CALIFORNIA
21 94111

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1 SAN JOSE, CALIFORNIA

OCTOBER 28, 2009

2 P R O C E E D I N G S

3
4 (WHEREUPON, THE PROCEEDINGS IN THIS
5 MATTER WERE HELD OUT OF THE PRESENCE OF THE JURY:)

6 THE COURT: PLEASE BE SEATED.

7 BEFORE I SUMMON THE JURY, I WANTED TO
8 COMMENT THAT I AM BECOMING A LITTLE CONCERNED THAT
9 WE'RE STARTING TO GIVE TO THE JURY MORE AND MORE
10 DOCUMENTS THAT ARE UNATTACHED IN SOME WAY, AND I
11 WILL PERMIT YOU TO GIVE TO THE JURY DOCUMENTS AS
12 THEY ARE PRESENTED IN EVIDENCE, BUT I AM CONCERNED
13 THAT -- AND MAYBE THESE ARE DOCUMENTS THAT YOU WILL
14 COME BACK TO, BUT MY OBSERVATION WAS, ONE, WE WERE
15 GIVING THEM THE CHINESE VERSIONS, WHICH WAS NOT
16 USEFUL.

17 SECONDLY, MANY TIMES AFTER THE DOCUMENTS
18 WERE IN EVIDENCE, WITH RESPECT TO SOME OF THEM,
19 THERE WAS ONLY A PARAGRAPH OR A WORD OR SOMETHING
20 THAT BECAME OF SIGNIFICANCE FOR PURPOSES OF THE
21 TESTIMONY.

22 IT WOULD BE PERMISSIBLE, AFTER A DOCUMENT
23 IS IN EVIDENCE, TO SIMPLY COPY THE SINGLE PAGE OR
24 PARAGRAPH THAT IS SIGNIFICANT AND GIVE THAT TO THE
25 JURY SO THAT IT CAN SEE THAT AS OPPOSED TO

1 BURDENING THEM WITH VOLUMINOUS PAPERS THAT THEY'RE
2 HAVING TO KEEP TRACK OF.

3 SO KEEP THAT IN MIND.

4 IN OTHER WORDS, YOU DON'T HAVE TO GIVE
5 THEM AN ENTIRE DOCUMENT IF THERE'S ONLY A PAGE OR
6 PARAGRAPH.

7 NOW, THE REASON THAT I CAN SEE THAT
8 PERHAPS THESE ARE MATERIALS THAT YOU WOULD WISH TO
9 COME BACK TO IS SOME OF THEM ARE MATTERS THAT I
10 UNDERSTOOD FROM THE WITNESS WERE TAKEN FROM THE
11 VARIOUS COMPUTERS AND IT COULD BE THAT LATER ON A
12 WITNESS WILL COME TO THOSE DOCUMENTS AND EXPLAIN
13 THE TECHNICAL SIGNIFICANCE OF THEM, WHICH RAISED
14 ANOTHER CONCERN.

15 I PRESUME THAT WITH RESPECT TO THESE
16 DOCUMENTS THAT WE'RE HANDING OUT THAT THEY
17 THEMSELVES, THE COMPANY LAWYERS HAVE LOOKED AT AND
18 HAVE NO CONCERNS WITH MULTIPLE COPIES BEING PASSED
19 TO THE JURIES.

20 BECAUSE ONCE THEY'RE PASSED TO THE JURY,
21 THERE'S LITTLE CONTROL WE HAVE AS TO WHAT TAKES
22 PLACE, UNLESS WE SET UP SOME PROCEDURE FOR
23 CONTROLLING THAT.

24 AND IF THEY DO NOT CONTAIN INFORMATION
25 THAT IS SENSITIVE AND TRIAL PROTECTED MATERIALS AS

1 WE'RE CALLING THEM, THAT'S ALL THE MORE REASON WHY
2 I'M CONCERNED THAT WE NOT BURDEN THE JURY WITH
3 MATERIALS THAT THEY'RE NOW HAVING TO KEEP TRACK OF.

4 I DID NOTE THAT THERE WERE NOT THREE HOLE
5 PUNCHED, SO GIVING THEM NOTEBOOKS WOULD NOT HELP
6 BECAUSE THAT WOULD REQUIRE MASS EFFORT TO TRY TO
7 GET THEM ALL ATTACHED.

8 I SAID YESTERDAY AGAIN THAT ALTHOUGH I
9 WILL PERMIT QUESTIONS WITH RESPECT TO WHETHER OR
10 NOT THERE WAS EVIDENCE WITH RESPECT TO AN ACTUAL
11 TRANSFER OF INFORMATION, IT WILL BE THE COURT'S
12 INSTRUCTION WITH RESPECT TO THE ELEMENTS THAT THAT
13 IS NOT NECESSARY IN ORDER FOR THE SUBSECTIONS THAT
14 THE DEFENDANTS ARE CHARGED WITH TO HAVE BEEN PROVEN
15 BEYOND A REASONABLE DOUBT.

16 AND I HAVE DECIDED NOT TO SAY ANYTHING
17 ABOUT THAT YET, BUT IT DOES OCCUR TO ME THAT THAT
18 WOULD REQUIRE ME TO SAY "YOU HAVE HEARD EVIDENCE
19 WITH RESPECT TO WHETHER THERE WAS AN ACTUAL
20 TRANSFER," BUT THAT IS NOT NECESSARY FOR THE
21 GOVERNMENT TO PROVE.

22 VERY WELL. WE HAVE OUR WITNESS BACK.
23 SUMMON THE JURY.

24 (WHEREUPON, THE FOLLOWING PROCEEDINGS
25 WERE HELD IN THE PRESENCE OF THE JURY:)

1 THE COURT: PLEASE BE SEATED.

2 MEMBERS OF THE JURY, I SEE YOU HAVE BEEN
3 GIVEN THOSE NICE EXPANDED FOLDERS TO HOLD ONTO YOUR
4 PAPERS. THAT DOES HELP MATTERS.

5 I HAVE ENCOURAGED THE PARTIES TO GIVE YOU
6 DOCUMENTARY MATERIALS WHEN THEY COME INTO EVIDENCE
7 SO THAT YOU WILL HAVE THEM AVAILABLE, BUT NOT
8 EVERYTHING THAT COMES INTO EVIDENCE WILL BE GIVEN
9 TO YOU IN PAPER FORM.

10 YOU WILL HAVE A COMPLETE SET OF THE
11 EXHIBITS AT THE CLOSE OF THE CASE.

12 ARE YOU READY TO RESUME YOUR EXAMINATION?

13 MR. SWANSON: YES, YOUR HONOR.

14 THE COURT: YOU MAY PROCEED.

15 **DAVID SIEBER,**
16 BEING CALLED AS A WITNESS ON BEHALF OF THE
17 PLAINTIFF, HAVING BEEN PREVIOUSLY DULY SWORN, WAS
18 FURTHER EXAMINED AND TESTIFIED AS FOLLOWS:

19 **CROSS-EXAMINATION (RESUMED)**

20 BY MR. SWANSON:

21 Q GOOD MORNING, AGENT SIEBER.

22 A GOOD MORNING. I'M NOT SURE I HAVE THE MIKE
23 ON.

24 THE COURT: MS. GARCIA.

25 THE CLERK: YES, IT'S ON.

1 THE COURT: MOVE IT UP JUST A LITTLE
2 HIGHER. THERE YOU GO.

3 THE WITNESS: OKAY.

4 BY MR. SWANSON:

5 Q SO I'LL PICK UP WHERE WE LEFT OFF YESTERDAY.

6 A OKAY.

7 Q AND THAT IS TALKING FIRST ABOUT WHAT YOU FOUND
8 IN THE COURSE OF YOUR INVESTIGATION AFTER YOU
9 LOOKED AT THE DEFENDANTS' COMPUTERS THAT APPEARED
10 TO CONTAIN CONFIDENTIAL, TRADE SECRET EVEN,
11 INFORMATION.

12 AS I UNDERSTAND IT, WE'RE TALKING ABOUT
13 THREE DOCUMENTS, AND I WANT TO GO THROUGH THOSE
14 WITH YOU TO MAKE SURE THAT WE'RE TALKING ABOUT THE
15 SAME THING HERE.

16 THE FIRST IS EXHIBIT 18. IF YOU CAN PUT
17 THAT UP ON THE SCREEN JUST BRIEFLY SO WE KNOW WE'RE
18 ALL TALKING ABOUT THE SAME THING.

19 A I HAVE IT.

20 Q OKAY. SO THIS IS THE DOCUMENT THAT WE HAVE
21 CALLED THE MESSED UP DATA SHEET, BUT IS A DATA
22 SHEET, AS YOU DESCRIBED IT, CONTAINING INFORMATION
23 FOUND IN NETLOGIC DATA SHEETS, THE GLC AND THE
24 5512; CORRECT?

25 A CORRECT.

1 Q SO THAT'S ONE. EXHIBIT 15, IF YOU'LL TURN TO
2 THAT.

3 THIS IS JUST FOR EASE OF REFERENCE, I
4 THINK PAGE 480 IS WHERE THE ENGLISH VERSION STARTS.

5 A I HAVE IT.

6 Q OKAY. THIS IS THE DOCUMENT ENTITLED "SICO
7 HIGH SPEED NETWORK CO-PROCESSOR (SNCP-1)."
8 CORRECT?

9 A THAT'S WHAT I HAVE, YES.

10 Q AND THIS IS A SECOND DOCUMENT THAT YOU BELIEVE
11 MAY CONTAIN TRADE SECRET INFORMATION BELONGING TO
12 NETLOGIC; RIGHT?

13 A RIGHT.

14 Q THE THIRD DOCUMENT THAT YOU CONTEND MAY
15 CONTAIN TRADE SECRET INFORMATION IS THE NEXT
16 EXHIBIT, EXHIBIT 16. CAN YOU TAKE A LOOK AT THAT?

17 A YES.

18 Q THIS IS THE DOCUMENT ENTITLED "TSMC SPICE
19 MODEL."

20 A I HAVE IT.

21 Q AND SO JUST SO WE'RE CLEAR, WHEN WE'RE TALKING
22 ABOUT DOCUMENTS THAT THE GOVERNMENT FOUND THAT MAY
23 CONTAIN TRADE SECRET INFORMATION BELONGING TO
24 EITHER NETLOGIC IN THE CASE OF THE FIRST TWO
25 DOCUMENTS, OR TSMC IN THE CASE OF THE THIRD, THESE

1 ARE THE DOCUMENTS WE'RE TALKING ABOUT; CORRECT?

2 A THAT'S CORRECT.

3 Q NO OTHER DOCUMENTS; RIGHT?

4 A NO.

5 Q NOW, BEFORE WE GO THROUGH THESE TOGETHER, I
6 WANT TO TALK ABOUT WHAT YOU DIDN'T FIND WHEN YOU
7 WENT THROUGH THE DEFENDANTS' COMPUTERS AND YOU DID
8 ALL OF THE OTHER WORK WE TALKED ABOUT YESTERDAY
9 INVESTIGATING THIS CASE.

10 THE COURT: WELL, I'M NOT SURE I'LL ALLOW
11 YOU TO GO THROUGH A LIST OF THINGS THAT WERE NOT
12 FOUND IN THE SENSE THAT IT'S IRRELEVANT WHAT WAS
13 NOT FOUND.

14 BUT YOU MAY ESTABLISH THAT IN A VERY
15 LIMITED WAY.

16 MR. SWANSON: I INTEND TO.

17 THE COURT: IN OTHER WORDS, THE UNIVERSE
18 OF WHAT WAS NOT FOUND IS ENORMOUS.

19 MR. SWANSON: IT'S EVERYTHING EXCEPT FOR
20 THIS, UNDERSTOOD. I'LL KEEP IT QUITE FOCUSED.

21 THE COURT: SO IF WHAT HAS BEEN FOUND HAS
22 BEEN ESTABLISHED, IT WOULD BE UNDULY CONSUMPTIVE OF
23 OUR TIME TO GO THROUGH WHAT WAS NOT FOUND AND WHAT
24 WAS.

25 MR. SWANSON: YES, YOUR HONOR.

1 Q I WANT TO MAKE SURE WE GO THROUGH SOME
2 TERMINOLOGY WHEN WE'RE TALKING ABOUT THE SAME
3 THINGS WHEN WE USE THE SAME WORDS.

4 ONE OF THE WORDS WE'RE GOING TO TALK
5 ABOUT, ONE OF THE THINGS THAT YOU LOOKED FOR WAS A
6 NETLIST.

7 CAN YOU DESCRIBE WHAT A NETLIST IS? ARE
8 YOU FAMILIAR WITH WHAT IT ACTUALLY IS?

9 A I'M NOT FAMILIAR -- THAT WAS A TERM THAT WAS
10 PROVIDED TO ME, BUT THAT WAS NOT ONE OF THE THINGS
11 THAT I SPECIFICALLY SET OUT TO LOOK FOR. I SET A
12 SET OF SEARCH PARAMETERS IN THE FORENSICS TOOL KIT.

13 Q I'M SORRY. MY QUESTION IS, DO YOU HAVE AN
14 UNDERSTANDING OF WHAT A NETLIST IS?

15 A NO, I HAVE NO UNDERSTANDING OF WHAT A NETLIST
16 IS.

17 Q OKAY. DO YOU HAVE AN UNDERSTANDING OF WHAT A
18 SCHEMATIC IS?

19 A I THINK I TESTIFIED YESTERDAY THAT A SCHEMATIC
20 IS A VERY BROAD TERM, SO I HAVE AN IDEA OF WHAT
21 SOME SCHEMATICS ARE, YES.

22 Q WELL, WOULD YOU AGREE IN THE CONTEXT OF
23 ELECTRONIC CIRCUITRY IT'S NOT A BROAD TERM. IT
24 ACTUALLY MEANS SOMETHING QUITE SPECIFIC?

25 A ELECTRONIC CIRCUITRY? I WOULD CONSIDER THAT

1 AS A BROAD TERM AS WELL.

2 Q SORRY. IN THE FIELD OF ELECTRONIC CIRCUITRY,
3 THE TERM "SCHEMATIC," RATHER THAN JUST IN GENERAL
4 USAGE, BUT WHEN WE'RE TALKING ABOUT COMPUTER CHIP
5 DESIGN?

6 A I WOULD BE TESTIFYING TO AN AREA THAT I'M NOT
7 A PROFESSIONAL IN. SO, NO, I CAN'T TELL YOU
8 WHAT -- IN ELECTRONIC CIRCUITRY, WHAT A SCHEMATIC
9 IS VERSUS A DIAGRAM.

10 Q AND NOT TO BELABOR THE POINT, BUT I ASSUME THE
11 SAME ANSWER TO ARCHITECTURAL SPECIFICATIONS;
12 CORRECT?

13 A YEAH, THAT WOULD BE THE SAME.

14 Q ALL RIGHT. NOW, WHEN YOU STARTED THIS
15 INVESTIGATION, THESE WERE ALSO TERMS THAT YOU
16 WEREN'T FAMILIAR WITH. YOU HAD NOT -- YOU DON'T
17 HAVE A DEGREE IN ELECTRICAL ENGINEERING; RIGHT?

18 A THAT'S CORRECT.

19 Q AND WHAT NETLOGIC VALUED WAS SOMETHING THAT
20 NETLOGIC KNEW A LOT BETTER THAN YOU DID; RIGHT?

21 A THAT'S CORRECT.

22 Q AS YOU SAID YESTERDAY, YOU SOUGHT TO
23 UNDERSTAND WHAT THEIR SENSITIVE I.P. --
24 INTELLECTUAL PROPERTY WAS; RIGHT?

25 A RIGHT.

1 Q AND YOU DID THAT BY COMMUNICATING WITH THEM?

2 A THAT'S CORRECT.

3 Q AND ONE OF THE THINGS THAT YOU DID WAS THAT
4 YOU ASKED THE PRESIDENT, RON JANKOV, TO WRITE YOU A
5 LETTER?

6 A THAT'S CORRECT.

7 Q AND HE WROTE YOU A LETTER ON JUNE 12TH;
8 CORRECT?

9 A I WOULD HAVE TO VERIFY THE DATE, BUT HE WROTE
10 ME A LETTER.

11 Q IF WE COULD PUT EXHIBIT 107 UP ON THE SCREEN.

12 I'M GOING TO HAND YOU EXHIBIT 107 AND ASK
13 IF YOU RECOGNIZE THAT DOCUMENT?

14 A YES, I RECOGNIZE IT.

15 Q AND WHAT IS THAT DOCUMENT?

16 A THIS IS A LETTER BY RON JANKOV AND IT IS DATED
17 JUNE 12TH, 2003.

18 Q IN THIS LETTER HE DESCRIBED NETLOGIC'S
19 BUSINESS FOR YOU; CORRECT?

20 A THAT'S CORRECT.

21 Q AND HE DESCRIBED THE SORT OF INFORMATION THAT
22 LAN LEE HAD ACCESS TO AT NETLOGIC?

23 A YES.

24 Q AND HE THEN -- AND I'D ASK YOU TO LOOK HERE AT
25 THE BOTTOM. IF WE COULD BLOW UP THE LAST COUPLE OF

1 SENTENCES HERE AT THE BOTTOM OF THE PAGE?

2 A PAGE 1?

3 Q YUP. IT'S ACTUALLY, I THINK IT'S BATES NUMBER
4 7220. WE'LL BLOW IT UP FOR YOU.

5 "THE TRADE SECRET AND PROPRIETARY
6 INFORMATION TO WHICH MR. LEE HAS HAD ACCESS,
7 INCLUDING, FOR EXAMPLE, SCHEMATICS, LAYOUT," IF WE
8 CAN FLIP TO THE NEXT PAGE, "INFORMATION,
9 ARCHITECTURAL SPECIFICATIONS OR OTHER NETLOGIC
10 TRADE SECRET OR KNOW-HOW INFORMATION, COULD HAVE A
11 FINANCIAL VALUE OF \$100,000,000 AT A MINIMUM."

12 DO YOU SEE THAT?

13 A YES.

14 Q SO WHAT HE SAID TO YOU, MR. JANKOV ON JUNE 12
15 WHEN HE WAS RESPONDING TO YOUR REQUEST FOR
16 INFORMATION THAT WAS SIGNIFICANT TO NETLOGIC, WAS
17 THAT MR. LEE HAD ACCESS TO SCHEMATICS, LAYOUT
18 INFORMATION, ARCHITECTURAL SPECIFICATIONS OR OTHER
19 NETLOGIC TRADE SECRET OR KNOW-HOW; CORRECT?

20 A CORRECT.

21 Q NOW, IN CONNECTION WITH YOUR INVESTIGATION,
22 YOU THEN MET WITH THE -- MR. LEE AND MR. GE AT
23 THEIR OFFICE TO QUESTION THEM ON JULY 31ST; RIGHT?

24 A JULY 29TH.

25 Q JULY 29TH. I'M SORRY.

1 A 2003.

2 Q AND IN PREPARATION FOR THAT MEETING, YOU ASKED
3 NETLOGIC TO DRAW UP SOME QUESTIONS FOR YOU TO GUIDE
4 YOU IN YOUR INTERROGATION; CORRECT?

5 A FOR MY INTERVIEW, YES.

6 Q FOR YOUR INTERVIEW?

7 A YES.

8 Q AND, AGAIN, THIS WAS, AS YOU SAID YESTERDAY,
9 BECAUSE YOU WANTED TO UNDERSTAND WHAT NETLOGIC'S
10 SENSITIVE INTELLECTUAL PROPERTY WAS?

11 A CORRECT.

12 Q AND SO IN RESPONSE TO YOUR REQUEST YOU
13 RECEIVED A LIST OF 21 QUESTIONS FROM NETLOGIC;
14 CORRECT?

15 A I REMEMBER RECEIVING A ONE-PAGE LIST OF
16 QUESTIONS OR TERMS.

17 Q I'M GOING TO SHOW YOU WHAT IS MARKED AS
18 EXHIBIT 108. 109.

19 LET ME ASK YOU, MR. SIEBER, DO YOU
20 RECOGNIZE THAT DOCUMENT?

21 A YES.

22 Q WHAT IS THAT DOCUMENT?

23 A IT LOOKS LIKE A LIST OF QUESTIONS.

24 Q IS THIS THE LIST OF QUESTIONS THAT YOU
25 RECEIVED FROM NETLOGIC TO USE IN CONNECTION WITH

1 THE INVESTIGATION AND QUESTIONING OF MR. LEE AND
2 MR. GE?

3 A IT SEEMS CONSISTENT. I DON'T REMEMBER IT
4 SPECIFICALLY, BUT I DO REMEMBER RECEIVING THE LIST
5 AND THIS IS MY WRITING ON HERE I BELIEVE.

6 MR. SWANSON: YOUR HONOR, WE WOULD MOVE
7 EXHIBIT 109 INTO EVIDENCE AT THIS POINT.

8 THE COURT: 109 IS IN EVIDENCE.

9 (WHEREUPON, DEFENDANTS' EXHIBIT NUMBER 109,
10 HAVING BEEN PREVIOUSLY MARKED FOR
11 IDENTIFICATION, WAS ADMITTED INTO
12 EVIDENCE.)

13 BY MR. SWANSON:

14 Q NOW, LET'S PUT THAT UP ON THE SCREEN IF WE
15 COULD.

16 AND WHILE WE'RE DOING THAT, JUST TO BE
17 CLEAR, THIS WAS A DOCUMENT THAT WAS TYPED UP BY
18 NETLOGIC; CORRECT?

19 A YES, THAT'S CORRECT.

20 Q AND, IN OTHER WORDS, THEY -- AND DO YOU KNOW
21 WHO AT NETLOGIC DID THIS?

22 A I DON'T, BUT I CAN ASSUME IT WAS ROLAND CORTES
23 WHO GAVE ME A LIST.

24 Q ROLAND CORTES, THE GENERAL COUNSEL, GAVE YOU A
25 LIST OF THE TYPED UP QUESTIONS?

1 A YES.

2 Q AND WHILE WE'RE PULLING IT UP, LET ME JUST ASK
3 YOU THIS: THE FIRST QUESTION ASKED WHAT PRODUCT
4 NETLIST/SCHEMATIC DID HE TAKE; CORRECT?

5 A YES.

6 Q AND THEN IT GAVE AN EXAMPLE OF SEVERAL, COLT,
7 FALCON, GLC, TCAM4, CAM3, THOR, GLCTHOR? RIGHT?

8 A YES.

9 Q BUT THE NEXT QUESTION IS, WHAT NETLIST
10 SCHEMATIC DID HE TAKE?

11 NOW, TAKE A LOOK DOWN AT QUESTION NUMBER
12 10. DID THEY TAKE ANY LAYOUT INFORMATION, FOR
13 EXAMPLE, CORE CELLS, PAD LAYOUT, FLOOR PLANNING,
14 FULL-CHIP.

15 DO YOU SEE THAT?

16 A YEAH, I DO.

17 Q ALL RIGHT. LET ME ASK YOU ABOUT THIS
18 DOCUMENT. IN THIS DOCUMENT, AND THE QUESTIONS THEY
19 WROTE FOR YOU, DID NETLOGIC ASK YOU TO ASK MR. LEE
20 IF HE HAD TAKEN ANY DATA SHEET?

21 A YEAH, I BELIEVE THAT CAME UP.

22 Q I'M ASKING YOU IN THIS DOCUMENT?

23 A OH, IN THIS DOCUMENT? WELL, I CAN READ THE
24 WHOLE THING.

25 Q WHY DON'T YOU?

1 A SURE.

2 (PAUSE IN PROCEEDINGS.)

3 BY MR. SWANSON:

4 Q DID THEY EVER USE THE WORD "DATA SHEET" IN
5 THIS DOCUMENT?

6 A I DO NOT SEE THE WORD "DATA SHEET" IN THIS
7 DOCUMENT.

8 Q ON AUGUST 25TH I UNDERSTAND THAT YOU RECEIVED,
9 IN RESPONSE TO A REQUEST FROM NETLOGIC, A SERIES OF
10 SEARCH TERMS TO USE ON THE IMAGED HARD DRIVES?

11 MR. PARRELLA: CAN WE HAVE THE YEAR ON
12 THIS, PLEASE?

13 MR. SWANSON: 2003. I'M SORRY.

14 THE WITNESS: I DIDN'T CATCH THE DATE.

15 BY MR. SWANSON:

16 Q LET ME JUST STEP BACK.

17 THE F.B.I. CART TEAM IMAGED THE HARD
18 DRIVES OF LAN LEE AND YUEFEI GE'S COMPUTERS AS YOU
19 DISCUSSED YESTERDAY; RIGHT?

20 A YES.

21 Q AND IT WAS YOUR JOB TO GO THROUGH THOSE
22 COMPUTERS TO SEE IF THERE WAS INFORMATION RELEVANT
23 TO YOUR INVESTIGATION; RIGHT?

24 A RIGHT.

25 Q AND SO TO HELP YOU WITH THAT, YOU ASKED

1 NETLOGIC TO GIVE YOU SOME SEARCH TERMS?

2 A YES.

3 Q AND SEARCH TERMS ARE TERMS THAT YOU WOULD PLUG
4 INTO THIS PROGRAM YESTERDAY TO SEE IF ANY OF THE
5 DOCUMENTS ON THE COMPUTERS CONTAINED THOSE TERMS;
6 RIGHT?

7 A THAT'S RIGHT.

8 Q AND YOU RECEIVED A LIST OF SEARCH TERMS FROM
9 ROLAND CORTES ON THE 25TH OF AUGUST OF 2003;
10 CORRECT?

11 A THAT SOUNDS RIGHT, YEAH.

12 Q ALL RIGHT. LET ME SHOW YOU WHAT HAS BEEN
13 MARKED AS EXHIBIT 109. 110.

14 DO YOU RECOGNIZE THAT DOCUMENT?

15 A YES.

16 Q AND WHAT IS THAT DOCUMENT?

17 A SEARCH TERMS.

18 Q ALL RIGHT. AND IT'S ACTUALLY A TWO-PAGE
19 DOCUMENT; ISN'T THAT RIGHT?

20 A IT'S A FAX COVER SHEET AND A PAGE WITH SEARCH
21 TERMS.

22 Q AND IS THIS THE FAX THAT YOU RECEIVED FROM
23 ROLAND CORTES WITH THE SEARCH TERMS TO USE IN YOUR
24 ANALYSIS OF THE COMPUTER?

25 A YES. BASED ON THE DATA I WOULD SAY, YES,

1 THAT'S WHAT THE SEARCH TERMS WERE BEING USED FOR.

2 MR. SWANSON: YOUR HONOR, WE WOULD ASK
3 THAT EXHIBIT 110 BE MOVED INTO EVIDENCE.

4 THE COURT: 110 IS IN EVIDENCE.

5 (WHEREUPON, DEFENDANTS' EXHIBIT NUMBER 110,
6 HAVING BEEN PREVIOUSLY MARKED FOR
7 IDENTIFICATION, WAS ADMITTED INTO
8 EVIDENCE.)

9 MR. SWANSON: NOW, IF WE CAN PUT THAT UP
10 ON THE SCREEN.

11 Q THERE ARE A SERIES OF TERMS THAT YOU WERE
12 GIVEN HERE, AND WHY DON'T WE JUST START HERE AT THE
13 TOP WITH THE FIRST SEVERAL, IF YOU COULD PULL THAT
14 THOSE UP, INCLUDING NSE, NETWORK SEARCH ENGINE,
15 COPROCESSOR, CO-PROCESSOR WITH A HYPHEN, SOME
16 E-MAIL ADDRESSES; CORRECT?

17 A YEAH, I SEE THEM ALL.

18 Q ALL RIGHT. AFTER THAT THERE WERE A NUMBER OF
19 NAMES OF PEOPLE AND COMPANIES; RIGHT?

20 A YES.

21 Q AND A LIST OF A NUMBER OF PRODUCTS THAT YOU
22 HAD LEARNED THAT NETLOGIC HAD; CORRECT?

23 A THAT'S CORRECT.

24 Q AND THEN AT THE BOTTOM IT HAD THREE TERMS:
25 LAYOUT, NETLIST, SCHEMATIC; CORRECT?

1 A YEAH, I SEE THOSE THREE WORDS.

2 Q IT DID NOT HAVE ANYWHERE ON THIS THE WORD
3 "DATA SHEET"; CORRECT?

4 A I DON'T SEE THE WORD "DATA SHEET."

5 Q NOW, I UNDERSTAND YOU GOT THE REPORT BACK, OR
6 YOU GENERATED THE REPORT USING THESE SEARCH TERMS
7 AND FOUND CERTAIN DOCUMENTS, SOME OF WHICH WE HAVE
8 DISCUSSED HERE; RIGHT?

9 A THAT'S PARTIALLY CORRECT. I RECALL DOING
10 SEVERAL SEARCHES AT DIFFERENT TIMES AND I DO
11 REMEMBER IDENTIFYING A LOT OF THESE DOCUMENTS
12 THROUGH ACTUALLY JUST GOING THROUGH SLACK SPACE,
13 NOT THROUGH SEARCH TERMS.

14 Q AND AFTER YOU HAD FOUND A NUMBER OF DOCUMENTS,
15 YOU CONTACTED THE PEOPLE AT NETLOGIC, ROLAND
16 CORTES, TO LET HIM KNOW WHAT YOU FOUND; RIGHT?

17 A I DON'T RECALL REPORTING IN TO HIM ABOUT WHAT
18 I HAD FOUND.

19 EVENTUALLY WHEN I DID FIND SOMETHING THAT
20 I DID THINK WAS SIGNIFICANT, I DID GO TO HIM AND
21 ASK FOR AN EVALUATION, YES.

22 BUT LIKE I SAID, THERE WERE SEVERAL
23 ANALYSES THAT I DID. IT WASN'T JUST ONE TIME. IT
24 WAS SORT OF AN ONGOING PROCESS.

25 Q OKAY. ISN'T IT TRUE THAT ON AUGUST 29TH THAT

1 ROLAND CORTES AND VARAD SRINIVASAN, THE CHIEF
2 TECHNICAL OFFICER FOR NETLOGIC, ASSISTED YOU IN
3 2003 AGAIN, SORRY, ASSISTED YOU IN REVIEWING THE
4 FILES THAT HAD BEEN FOUND ON THEIR COMPUTERS?

5 A YEAH, I RECALL THEM ASSISTING ME, YES.

6 Q OKAY. AND AT THAT POINT THEY IDENTIFIED,
7 AMONG ALL OF THESE FILES, A DATA SHEET; RIGHT?

8 A I BELIEVE THAT I HAD IDENTIFIED THE DATA SHEET
9 AND HAD BEEN LOOKING AT THE DATA SHEET. I DON'T
10 THINK THAT THEY IDENTIFIED THAT FROM THE ACTUAL
11 REVIEW OF THE DATA.

12 Q VERY WELL. THIS IS THE FIRST TIME, THOUGH,
13 THAT YOU HAD GONE THROUGH THE DOCUMENTS WITH THEM
14 AND DISCUSSED THAT YOU HAD FOUND A DATA SHEET;
15 RIGHT?

16 A DRAWING ON MY MEMORY, THAT SOUNDS ABOUT RIGHT,
17 AUGUST 29TH, YEAH.

18 Q AND AFTER THAT YOU ASKED THEM TO GENERATE A
19 NEW SET OF TERMS FOR THEM TO SEARCH WITH; CORRECT?

20 A I DON'T RECALL DOING THAT.

21 Q LET ME SHOW YOU WHAT HAS BEEN MARKED AS
22 EXHIBIT 111. BLESS YOU.

23 I'LL ASK YOU IF YOU RECOGNIZE THIS
24 DOCUMENT, AGENT SIEBER?

25 A YES, I RECOGNIZE IT.

1 Q AND IS THIS A FACSIMILE COVER PAGE THAT -- ON
2 THE FIRST PAGE THAT YOU RECEIVED FROM ROLAND CORTES
3 ON OR ABOUT SEPTEMBER 8TH OF 2003?

4 A YES, IT IS.

5 Q AND ATTACHED TO IT ARE SEARCH TERMS?

6 A YES, THERE IS.

7 MR. SWANSON: AND I'D ASK THAT EXHIBIT
8 111 BE ADMITTED INTO EVIDENCE.

9 THE COURT: 111 IS IN EVIDENCE.

10 (WHEREUPON, DEFENDANTS' EXHIBIT NUMBER 111,
11 HAVING BEEN PREVIOUSLY MARKED FOR
12 IDENTIFICATION, WAS ADMITTED INTO
13 EVIDENCE.)

14 MR. SWANSON: COULD WE PUT THAT UP ON THE
15 SCREEN.

16 Q AND WHILE THEY'RE PULLING IT UP, LET ME JUST
17 SAY AGAIN THAT NOW WE HAVE SOME NEW SEARCH TERMS
18 THAT YOU HADN'T HAD PREVIOUSLY; RIGHT?

19 A YES.

20 Q WE NOW HAVE 5512; CORRECT?

21 A YEAH, I SEE THAT.

22 Q 5512 GLC?

23 A CORRECT.

24 Q MANY OF THE SEARCH TERMS THAT WE HAD BEFORE WE
25 STILL HAVE. FOR EXAMPLE, I SEE CAM3, TCAM4, THOR,

1 GLC. DO YOU SEE THAT?

2 A YES, I SEE THEM ALL.

3 Q SO THESE ARE DUPLICATES FROM THE SEARCH TERMS
4 THAT YOU GOT BACK IN AUGUST; CORRECT?

5 A SOME OF THE TERMS ARE DUPLICATES, YES.

6 Q NOW, WE HAVE A COUPLE OF NEW TERMS HERE THAT
7 WE HAVE NOT SEEN IN ANY PREVIOUS SEARCH TERM. DATA
8 SHEET; RIGHT?

9 A YES, I SEE THAT.

10 Q THAT'S THE FIRST TIME THAT YOU GOT THAT AS A
11 SEARCH TERM FROM NETLOGIC; RIGHT?

12 A I DON'T KNOW IF IT'S THE FIRST TIME. THIS IS
13 THE FIRST TIME I HAVE SEEN THIS ON THIS PAPER.

14 Q DO YOU RECALL -- I'M SORRY.

15 A OFFICIALLY RECEIVING IT.

16 Q IT'S THE FIRST TIME YOU RECEIVED IT AS A
17 SEARCH TERM; RIGHT?

18 A WE MAY HAVE DISCUSSED IT BEFORE. I DON'T
19 KNOW.

20 Q AND DID YOU RECEIVE ANOTHER SET OF SEARCH
21 TERMS FROM NETLOGIC BETWEEN THE ONE THAT WE SHOWED
22 YOU FROM AUGUST AND THE ONE FROM EARLY SEPTEMBER
23 THAT I HAVEN'T SEEN?

24 A THAT'S NOT WHAT I JUST ANSWERED. I
25 ANSWERED --

1 Q THAT IS WHAT I'M ASKING YOU.

2 A NOT THAT I REMEMBER, NO.

3 Q OKAY. NOW, DATA SHEET APPEARS ON THIS TERM.
4 I'D LIKE TO POINT OUT THREE WORDS THAT DON'T APPEAR
5 ON THESE SEARCH TERMS: LAYOUT, NETLIST, AND
6 SCHEMATIC; CORRECT? THOSE ARE NOW GONE?

7 A OKAY.

8 Q IS THAT CORRECT?

9 A I DON'T SEE THOSE WORDS.

10 Q IN YOUR EXAMINATION OF LAN LEE AND YUEFEI GE'S
11 COMPUTERS, IN FACT, YOU DIDN'T FIND ANY NETLISTS;
12 RIGHT?

13 A I DON'T RECALL IF I FOUND ANY NETLISTS. WE
14 DIDN'T FIND ANY NETLISTS THAT WERE DEEMED TO BE --
15 DEEMED TO CONTAIN SENSITIVE INFORMATION FROM
16 NETLOGIC OR OTHER COMPANIES.

17 Q DO YOU RECALL IF THERE WERE ANY NETLISTS ON
18 OUR CLIENT'S COMPUTERS?

19 A NO, I DON'T RECALL.

20 Q AND DO YOU RECALL IF THERE WERE ANY SCHEMATICS
21 ON OUR CLIENT'S COMPUTERS?

22 A AGAIN, I'M NOT AN ENGINEER, SO SCHEMATICS IS A
23 VERY BROAD TERM. THERE WERE SEVERAL DIAGRAMS,
24 CIRCUIT DIAGRAMS, SCHEMATICS THAT WE USED MANY
25 TERMS INTERCHANGEABLY.

1 Q WHEN YOU SAY "WE," WHO ARE YOU TALKING ABOUT?

2 A MYSELF, MY PEERS, AS WELL AS THE NETLOGIC
3 REPRESENTATIVES.

4 Q AND DID YOU ASK THEM HOW THEY USED THE WORD
5 "SCHEMATICS"?

6 A NO, I DIDN'T.

7 Q WHAT THEY MEANT BY IT?

8 A NO, I DIDN'T.

9 Q YOU DIDN'T FIND ANY ARCHITECTURAL
10 SPECIFICATIONS ON LAN LEE OR YUEFEI GE'S COMPUTERS;
11 RIGHT?

12 A YOU'RE GETTING INTO TERMS THAT I CAN'T GIVE
13 YOU A SOLID ANSWER ON.

14 Q WELL, JUST TO BE CLEAR, WE'RE TALKING ABOUT
15 THE THREE DOCUMENTS, THOSE THREE DOCUMENTS THAT WE
16 JUST WENT OVER WITH BEFORE?

17 A YEAH, THAT'S CLEAR TO ME.

18 Q AND TO YOUR KNOWLEDGE, THOSE ARE NOT
19 ARCHITECTURAL SPECIFICATIONS?

20 THE COURT: YOU NEED A FOUNDATION THAT HE
21 KNOWS THOSE TERMS, AND I'M SATISFIED THAT THE
22 WITNESS --

23 MR. SWANSON: DOESN'T.

24 THE COURT: -- HAS TESTIFIED CONSISTENTLY
25 THAT THOSE ARE NOT TERMS THAT HE USED AND WOULD NOT

1 FEEL COMFORTABLE ANSWERING ONE WAY OR THE OTHER.

2 MR. SWANSON: VERY WELL.

3 Q NOW, YOU KNEW THAT THE INTELLECTUAL PROPERTY
4 FOR NETLOGIC'S NEWEST CHIP COULD BE DOWNLOADED AND
5 IT WAS CONTAINED ON TWO C.D.'S; RIGHT?

6 A YEAH. I THINK MR. JANKOV EXPLAINED THAT AT
7 ONE POINT, OR ROLAND DID, THAT ASPECTS OF THEIR
8 NEWEST INTELLECTUAL PROPERTY COULD BE CONTAINED ON
9 C.D.'S, YES.

10 Q AND YOU KNEW THAT THEY COULD BE SENT EVEN AS
11 AN E-MAIL ATTACHMENT; CORRECT?

12 A POSSIBLY. WE EXPLORED THAT POSSIBILITY.

13 Q AND YOU KNEW THAT THERE WAS ACTUALLY NOTHING
14 PREVENTING SOMEONE FROM WALKING OUT OF NETLOGIC
15 WITH C.D.'S BECAUSE THEY DIDN'T HAVE ANY SECURITY
16 CHECKING PEOPLE COMING IN AND OUT TO SEE WHAT THEY
17 HAD?

18 A NO, THAT'S INACCURATE. THEY DID HAVE A BADGE
19 ACCESS, I BELIEVE.

20 Q AND DID YOU UNDERSTAND THAT WHEN SOMEONE LEFT
21 THE BUILDING THEY HAD THEIR PERSONS AND THEIR BAGS
22 CHECKED --

23 A NO.

24 Q I'M SORRY. IF YOU COULD WAIT UNTIL I'M DONE
25 WITH MY QUESTION.

1 A I'M SORRY.

2 Q -- TO SEE IF THEY WERE CARRYING ANYTHING WITH
3 THEM?

4 A NO, I DON'T THINK THEY HAD ANYBODY SEARCHING.

5 Q NOW, YOU ALSO KNEW, DID YOU NOT, THAT AT ONE
6 POINT YUEFEI GE HAD HAD THE ENTIRE ARCHITECTURE OF
7 THE PEGASUS PROJECT ON HIS HOME COMPUTER; CORRECT?

8 A NO, THAT'S NOT CORRECT.

9 HE JUST SAID THAT -- I KNEW HE HAD THE
10 ENTIRE ARCHITECTURE, AND THAT'S A VERY SPECIFIC
11 TERM.

12 YUEFEI ADMITTED IN AN INTERVIEW THAT HE
13 HAD A PEGASUS DATA SHEET AT HIS HOME, BUT I DID NOT
14 KNOW WHAT THAT INCLUDED. HE DIDN'T PRODUCE THAT
15 DOCUMENT FOR ME TO EVALUATE AND DETERMINE EXACTLY
16 WHAT HE HAD.

17 Q YOU INTERVIEWED YUEFEI GE AT YOUR OFFICES;
18 RIGHT?

19 A THAT'S CORRECT.

20 Q IN SEPTEMBER OF 2003; CORRECT?

21 A SEPTEMBER 10TH, 2003.

22 Q AND IN THE COURSE OF THAT YOU TOOK NOTES OF
23 YOUR INTERVIEW; RIGHT?

24 A UH-HUH, YES.

25 Q NOW, WHEN YOU DO AN INTERVIEW OF A WITNESS,

1 YOU START OFF BY HANDWRITING YOUR NOTES; RIGHT?

2 A THAT'S CORRECT.

3 Q AND YOU DO THAT AS YOU'RE MEETING WITH THE
4 PERSON? YOU WRITE DOWN WHAT IT IS THAT THEY'RE
5 TELLING YOU; CORRECT?

6 A THAT'S CORRECT.

7 Q AND THEN YOU USE THOSE NOTES TO WRITE UP A
8 WRITTEN REPORT LATER; RIGHT?

9 A THAT'S CORRECT.

10 Q THE HANDWRITTEN NOTES ARE CONTEMPORANEOUS WITH
11 THE MEETING WITH THE WITNESS?

12 A THAT'S CORRECT.

13 Q THE TYPED UP NOTES OFTEN HAPPEN A LITTLE BIT
14 LATER; RIGHT?

15 A THAT'S CORRECT.

16 Q NOW, IN YOUR NOTES OF YOUR MEETING WITH
17 YUEFEI GE, YOU SAID THAT GE ADVISED HE DOWNLOADED
18 AN ELECTRONIC VERSION OF THE PEGASUS DATA SHEET
19 FROM HIS NETLOGIC WORK STATION.

20 DO YOU RECALL THAT?

21 A YEAH, THAT'S WHAT I HAVE IN MY REPORT.

22 Q OKAY. IN FACT, WHAT HE SAID TO YOU WHEN YOU
23 ASKED HIM WHAT DID YOU DOWNLOAD, HE TOLD YOU THE
24 PEGASUS DOCUMENT ARCHITECTURE DOCUMENT; CORRECT?

25 A I'M NOT LOOKING AT MY NOTES.

1 Q WOULD IT REFRESH YOUR RECOLLECTION TO TAKE A
2 LOOK AT YOUR NOTES?

3 A SURE.

4 Q DOES THAT REFRESH YOUR RECOLLECTION AS TO WHAT
5 HE ACTUALLY TOLD YOU IN THE MEETING?

6 A YEAH, I SEE IT.

7 Q HE TOLD YOU HE HAD THE PEGASUS DOCUMENT,
8 ARCHITECTURE DOCUMENT; CORRECT?

9 A THAT'S WHAT IT SAYS HERE, YES.

10 Q AND NOT THE DATA SHEET; RIGHT?

11 A THAT'S WHAT THIS NOTE SAYS AND THAT'S WHAT
12 THIS DOCUMENT SAYS.

13 AS I SAID, WE HAVE CHANGED MANY TERMS,
14 BOTH THE SUBJECT AND MYSELF, AS WELL AS NETLOGIC
15 PERSONAL.

16 Q AND FOR YOU DOES THE TERM "DATA SHEET" AND
17 "ARCHITECTURE DOCUMENT" MEAN THE SAME THING?

18 A I'M NOT AN ENGINEER, SO I CAN'T TELL YOU.

19 Q YOU DON'T KNOW WHAT ARCHITECTURE DOCUMENT
20 MEANS, DO YOU?

21 A THAT'S WHAT I TESTIFIED TO, YES.

22 Q OKAY. BUT WHEN HE SAID ARCHITECTURE DOCUMENT,
23 YOU WROTE DOWN DATA SHEET IN YOUR REPORT; RIGHT?

24 A OKAY. THAT'S WHAT I HAVE HERE, DATA SHEET.

25 Q ARE YOU FAMILIAR WITH WHAT PEGASUS IS? DID

1 YOU LEARN THAT IN YOUR INVESTIGATION?

2 A VAGUELY. THIS IS ONE OF THE NETLOGIC PRODUCT
3 LINES.

4 Q IT WAS, IN FACT, THE NEXT GENERATION AFTER THE
5 5512; RIGHT?

6 A I BELIEVE IT WAS, YES.

7 Q AND SO IT WAS IN THAT WAY MORE ADVANCED THAN
8 THE 5512; RIGHT?

9 A YOU'RE ASKING ME AN ENGINEERING TERM THAT I
10 CAN'T TESTIFY TO.

11 Q IT WAS THE NEXT GENERATION?

12 A THAT'S NOT THE ANSWER I GAVE.

13 Q RIGHT. AND YOU DIDN'T FIND ANYWHERE ON MY
14 CLIENT'S COMPUTER ANY PEGASUS ARCHITECTURE
15 DOCUMENTS; CORRECT?

16 A I DON'T BELIEVE WE DID.

17 Q AND YOU DIDN'T FIND ANY PEGASUS ARCHITECTURE
18 DOCUMENTS INCLUDED IN ANY OF THE DOCUMENTS THAT
19 WE'RE TALKING ABOUT HERE; RIGHT (INDICATING)?

20 A THE THREE WE DISCUSSED THIS MORNING?

21 Q YES.

22 A I DON'T BELIEVE SO. BUT, AGAIN, I'M NOT AN
23 ENGINEER. I CAN'T TELL YOU WHAT IS PEGASUS AND
24 WHAT IS NOT PEGASUS.

25 Q ALL RIGHT. SO WHY DON'T WE FIND AND START

1 WITH EXHIBIT 18.

2 DO YOU HAVE THAT IN FRONT OF YOU?

3 A YES.

4 Q NOW, THERE WAS -- WHEN YOU ANALYZE A DOCUMENT
5 USING YOUR -- THE PROGRAM THAT YOU WERE USING, I'M
6 SORRY, WHAT IS THE NAME OF THAT PROGRAM AGAIN?

7 A F.T.K.

8 Q F.T.K.?

9 A YES.

10 Q IT WILL NOT JUST GENERATE THE DOCUMENT, BUT IT
11 WILL ALSO TELL YOU WHERE THAT DOCUMENT IS FOUND;
12 RIGHT? IT WILL GIVE YOU THE PATH SO THAT YOU CAN
13 GO BACK AND FIND IT?

14 A THAT'S CORRECT.

15 Q AND THAT WILL CREATE A RECORD OF BOTH WHERE
16 THAT DOCUMENT WAS FOUND, BUT ALSO INFORMATION
17 ABOUT, FOR EXAMPLE, WHEN IT WAS CREATED, WHEN IT
18 WAS MODIFIED, AND WHEN IT WAS LAST ACCESSED; RIGHT?

19 A YEAH. MY UNDERSTANDING IS THAT IT DOES CREATE
20 THAT, BUT THAT RECORD IS NOT -- THE PATH, OF
21 COURSE, THEY'RE GOING TO TELL YOU WHERE IT CAME
22 FROM, BUT THE CREATION DATE AND THE MODIFICATION
23 DATE CAN CHANGE.

24 Q AND IF YOU OPEN IT UP, YOU CAN ACTUALLY CREATE
25 A NEW MODIFICATION DATE; RIGHT?

1 A CORRECT. THAT'S THE WAY I UNDERSTAND IT.

2 Q OKAY. SO I WANT TO SHOW YOU WHAT HAS BEEN
3 MARKED AS EXHIBIT 111.

4 THE COURT: 112 IT WOULD BE.

5 MR. SWANSON: 112.

6 (WHEREUPON, DEFENDANTS' EXHIBIT NUMBER 112
7 WAS MARKED FOR IDENTIFICATION.)

8 BY MR. SWANSON:

9 Q TELL ME IF YOU RECOGNIZE THAT DOCUMENT.

10 A I RECOGNIZE THIS AS THE KIND OF THE HEADER
11 THAT IS CREATED FROM THE F.T.K. PROGRAM, THE FIRST
12 PAGE.

13 Q RIGHT. SO WHEN YOU ARE GOING THROUGH THE
14 F.T.K. PROGRAM AND YOU FIND SOMETHING THAT YOU -- I
15 GUESS YOU BOOKMARK IT; IS THAT RIGHT? THIS IS
16 SOMETHING THAT --

17 A YEAH.

18 Q IT WILL GENERATE A PAGE THAT WILL PROVIDE YOU
19 WITH INFORMATION ABOUT THAT DOCUMENT; RIGHT?

20 A RIGHT.

21 MR. SWANSON: NOW, YOUR HONOR, I ASK THAT
22 EXHIBIT 112 BE ADMITTED INTO EVIDENCE.

23 MR. PARRELLA: NO OBJECTION.

24 THE COURT: 112 IS IN EVIDENCE.

25 ///

1 (WHEREUPON, DEFENDANTS' EXHIBIT NUMBER 112,
2 HAVING BEEN PREVIOUSLY MARKED FOR
3 IDENTIFICATION, WAS ADMITTED INTO
4 EVIDENCE.)

5 MR. SWANSON: MAY WE PUT THAT UP ON THE
6 SCREEN.

7 Q ACCORDING TO THIS BOOKMARK -- WELL, FIRST OF
8 ALL, THIS BOOKMARK RELATES TO EXHIBIT 18; RIGHT?

9 A YES.

10 Q AND IT HAS, I SEE IN THE MIDDLE THE LETTERS
11 CRE COLON. DO YOU SEE THAT?

12 A YES.

13 Q AND DO YOU UNDERSTAND THAT TO STAND FOR
14 CREATED?

15 A I WOULD IMAGINE THAT'S WHAT IT STANDS FOR.

16 Q IT SAYS CRE COLON, 6-15-2002?

17 A YES.

18 Q AND IT HAS MOD. DO YOU UNDERSTAND THAT TO BE
19 MODIFIED?

20 A I WOULD IMAGINE, YES.

21 Q 6-18-02, AND ACCESSED IT HAS 6-17-02?

22 A YES.

23 Q IS THAT RIGHT?

24 A YES.

25 Q AND ACCORDING TO THIS REPORT, THIS WAS LAST

1 ACCESSED EITHER THE 17TH OR 18TH OF JUNE 2002;
2 RIGHT?

3 A THIS DOCUMENT.

4 Q I'M SORRY. ACCORDING TO THE REPORT THAT WAS
5 GENERATED BY YOUR --

6 A THIS EXACT DOCUMENT.

7 Q THAT'S WHAT I'M TALKING ABOUT, THIS EXACT
8 DOCUMENT. THIS EXACT DOCUMENT.

9 A BUT THERE WERE NUMEROUS COPIES OF THESE, SO
10 EVERY TIME ONE IS MODIFIED THERE COULD BE AN
11 ADDITIONAL COPY THAT IS IDENTICAL TO THE SAME
12 THING.

13 Q AND THEN EACH OF THOSE WOULD THEN HAVE WHEN IT
14 WAS MODIFIED, ACCESSED, CREATED; RIGHT?

15 A IT SHOULD, YES.

16 Q SO THE DOCUMENT THAT WE'RE TALKING ABOUT HERE,
17 THOUGH, IS THE ONE THAT CONTAINS THE MERGER OF, YOU
18 SAY, SOME 5512 INFORMATION AND SOME GLC DATA SHEET
19 INFORMATION; RIGHT?

20 A THAT'S WHAT NETLOGIC SAID.

21 Q THAT'S WHAT NETLOGIC TOLD YOU; RIGHT?

22 AND THAT DOCUMENT WE HAVE THIS
23 INFORMATION ON, THAT DOCUMENT WAS NEVER TRANSLATED
24 INTO CHINESE; CORRECT?

25 A THIS DOCUMENT WAS ALWAYS IN THE FORM THAT WE

1 IDENTIFIED IN ENGLISH, YES.

2 Q ALL RIGHT. UNLIKE THE BUSINESS PLAN, FOR
3 EXAMPLE, THAT WAS TRANSLATED INTO CHINESE, THIS ONE
4 NEVER WAS; RIGHT?

5 A THAT'S MY UNDERSTANDING, YES.

6 Q UNLIKE WHAT YOU CALL THE SICO SNPC DATA SHEET,
7 THAT WAS ALSO TRANSLATED IN CHINESE; RIGHT?

8 A YES, THAT WAS IN CHINESE.

9 Q AND THERE'S NO EVIDENCE THAT THIS DOCUMENT WAS
10 EVER SENT TO ANYBODY; RIGHT?

11 A UM, THIS EXACT DOCUMENT? NO.

12 Q OKAY. THE ONE THAT CONTAINS THESE -- THIS
13 INFORMATION FROM THE TWO DIFFERENT FOLDERS.

14 NOW, LET'S JUST TAKE A LOOK AT IT.

15 THE COVER PAGE, IF WE COULD LOOK AT THE
16 FIRST PAGE OF THE DOCUMENT. IT SAYS NSE 5512;
17 RIGHT?

18 A YES.

19 Q AND THAT'S THE NAME OF NETLOGIC'S CHIP; RIGHT?

20 A THAT'S CORRECT.

21 Q I MEAN, THAT'S THEIR TRADEMARK; RIGHT?

22 A YES.

23 Q IF YOU LOOK AT THE NEXT PAGE, THE DESCRIPTION,
24 IT SAYS "THE NSE 5512 DEVICE IS A NETWORK SEARCH
25 ENGINE WHICH PERFORMS SEARCHES ON DATABASES," AND

1 IT GOES ON. CORRECT?

2 A YES.

3 Q IF YOU LOOK UNDER PRODUCT FEATURES IT SAYS
4 "THE NSE 5512 GLC." RIGHT?

5 A RIGHT.

6 Q THESE ARE NETLOGIC'S NAMES; RIGHT?

7 A THAT'S CORRECT.

8 Q THE WORD "SICO" APPEARS ONLY ONCE IN THIS
9 WHOLE DOCUMENT; RIGHT?

10 A YEAH, IT APPEARS ON 2610.

11 Q AND AT 2610 IT SAYS, "THE SICO NETWORK SEARCH
12 ENGINE." RIGHT?

13 A RIGHT.

14 Q BUT THROUGHOUT THIS AT EVERY OTHER PLACE WHERE
15 THE CHIP IS IDENTIFIED, IT'S IDENTIFIED AS THE
16 NSE 5512 OR THE NSE 5512 GLC; RIGHT?

17 A YES.

18 Q OKAY. SO THE DOCUMENT THAT YOU BELIEVE
19 ACTUALLY MAY HAVE BEEN SENT TO SOMEONE IS EXHIBIT
20 15; RIGHT?

21 MR. PARRELLA: YOUR HONOR, I DON'T THINK
22 THERE WAS ANY TESTIMONY REGARDING THAT. I THINK
23 THIS MISCHARACTERIZES THE TESTIMONY.

24 MR. SWANSON: ALL RIGHT. I'LL REPHRASE,
25 YOUR HONOR.

1 Q CAN YOU TAKE A LOOK AT EXHIBIT 15?

2 A YES.

3 Q THIS IS THE DOCUMENT CALLED "SICO HIGH SPEED
4 NETWORK CO-PROCESSOR (SNCP-1)."

5 A YES, I HAVE IT.

6 Q AND YOU DESCRIBED THIS IN YOUR TESTIMONY AS
7 THE SNPC DATA SHEET; RIGHT?

8 A YES.

9 Q AND WHAT IS A DATA SHEET?

10 A THIS IS THE TERM THAT -- THE IDENTIFICATION
11 TERM THAT NETLOGIC PROVIDED ME BASED ON THEIR
12 ASSESSMENT.

13 Q AND DO YOU KNOW WHAT FUNCTIONS A DATA SHEET
14 SERVES? WHY DO YOU HAVE A DATA SHEET?

15 A YEAH. IT'S BASICALLY THE BLUEPRINT FOR THE
16 DEVELOPMENT OF A CHIP AND THEY COME IN DIFFERENT
17 FORMS.

18 Q SO YOUR TESTIMONY IS THAT THE DATA SHEET IS
19 THE BLUEPRINT FOR DEVELOPING A CHIP; RIGHT?

20 A PARTS OF A CHIP CAN BE, YES.

21 Q SO THE -- FOR ACTUALLY DESIGNING THE CIRCUITRY
22 OF THE CHIP, THAT'S WHAT YOU FIND IN THE DATA
23 SHEET; IS THAT RIGHT?

24 A THE TERM "DATA SHEET" WAS USED INTERCHANGEABLY
25 WITH SEVERAL DIFFERENT DOCUMENTS, AND --

1 Q I'M ASKING YOU WHAT YOU MEAN BY DATA SHEET,
2 AND YOU'RE SAYING THAT THE DATA SHEET, AS I
3 UNDERSTAND IT, IS THE BLUEPRINT FOR DESIGNING A
4 CHIP; IS THAT CORRECT?

5 A AN ENGINEER FROM NETLOGIC MICROSYSTEMS
6 IDENTIFIED THIS AS A DATA SHEET AND THAT'S WHY I
7 TERMED IT A DATA SHEET.

8 Q OKAY. MY QUESTION TO YOU IS, DO YOU SAY THAT
9 A BLUEPRINT FOR DESIGNING A CHIP IS THE DATA SHEET?

10 A I ALREADY SAID THAT I CAN'T GIVE YOU THE TERM
11 BETWEEN -- WHAT THE DIFFERENCE IS BETWEEN A DATA
12 SHEET AND AN ARCHITECTURE IS.

13 Q ALL RIGHT. I'M ASKING YOU -- I'M ASKING YOU,
14 IS THE DATA SHEET THE BLUEPRINT FOR DESIGNING A
15 CHIP?

16 A IN A VAGUE, IN A LAYMAN'S --

17 MR. PARRELLA: I'M GOING TO OBJECT. I
18 THINK THE WITNESS HAS GIVEN HIS KNOWLEDGE AND GIVEN
19 AN ANSWER.

20 THE COURT: SUSTAINED AS TO REQUIRING THE
21 WITNESS TO DEFINE WHAT IS A DATA SHEET.

22 YOU CAN ASK HIM WHAT WAS TOLD IF IT WAS
23 TOLD TO HIM, AND YOU CAN ASK HIM WHAT HIS
24 UNDERSTANDING WAS IF HE HAD AN UNDERSTANDING.

25 BUT I'M INCREASINGLY CONCERNED THAT WE'RE

1 SPENDING TIME WITH THE INVESTIGATOR TRYING TO GET
2 HIM TO CHARACTERIZE THE TECHNICAL INFORMATION, AND
3 THERE MAY BE OTHER WITNESSES WHO CAN PROVIDE THAT
4 BETTER TO US, AND THAT IT'S UNDULY CONSUMPTIVE OF
5 TIME HAVING TO HAVE HIM TRYING TO DEFINE THE
6 TECHNICAL QUALITY OF THE DOCUMENT RATHER THAN
7 FINDING VARIOUS TERMS IN IT, THE FACT OF WHERE IT
8 WAS LOCATED AND HE FOUND IT SIGNIFICANT TO HIS
9 INVESTIGATION.

10 BUT TO HAVE HIM NOW TO GO THROUGH THE
11 TASK OF INVESTIGATING THE TECHNICAL NATURE OF THE
12 DOCUMENT, IT SEEMS TO ME TO BE IRRELEVANT GIVEN THE
13 LIMITED ROLE HE HAD WITH RESPECT TO THE DOCUMENTS.

14 BY MR. SWANSON:

15 Q WELL, LET'S THEN TALK ABOUT THE CONVERSATIONS
16 THAT YOU HAD WITH NETLOGIC TO UNDERSTAND WHAT THIS
17 DOCUMENT WAS.

18 YOU MET WITH NETLOGIC PERSONNEL ON
19 NOVEMBER 4TH, 2004 TO REVIEW THIS DOCUMENT; RIGHT?

20 A THAT'S RIGHT. WHEN YOU SAY "THIS DOCUMENT,"
21 YOU MEAN EXHIBIT 15?

22 Q I MEAN EXHIBIT 15.

23 A THAT SOUNDS ABOUT RIGHT.

24 Q AND YOU MET WITH ROLAND CORTES, THE GENERAL
25 COUNSEL; IS THAT RIGHT?

1 A THAT'S RIGHT.

2 Q AND VARAD SRINIVASAN, THE CHIEF TECHNICAL
3 OFFICER; RIGHT?

4 A RIGHT.

5 Q AND YOU REVIEWED THIS PROJECT PROPOSAL WITH
6 THEM.

7 AS I UNDERSTAND FROM YOUR TESTIMONY
8 YESTERDAY, YOU ACTUALLY TOOK THIS TO NETLOGIC'S
9 OFFICES AND WERE THERE WHILE THEY REVIEWED IT;
10 RIGHT?

11 A THAT'S CORRECT. I BELIEVE SO.

12 Q AND HOW LONG DID THAT MEETING LAST?

13 A I DON'T RECALL IF WE HAD TWO MEETINGS, ONE TO
14 PRELIMINARILY LOOK AT IT AND THEN A SECOND FOR THEM
15 TO GATHER THE DATA SHEETS NEEDED TO COMPARE THE
16 DATA.

17 IF MEMORY SERVES ME CORRECTLY, I BELIEVE
18 THE FIRST MEETING WAS SHORT, AND I WANT TO SAY
19 THERE WAS A SECOND MEETING WHERE I CAME BACK WHERE
20 THEY OFFICIALLY EVALUATED IT.

21 Q SO AT ONE POINT THEY ACTUALLY SAT DOWN AND
22 WENT OVER THIS DOCUMENT AND COMPARED IT TO THEIR
23 OWN DATA SHEETS; IS THAT RIGHT?

24 A AT ONE POINT THEY DID THAT, YES.

25 Q AND YOU WERE THERE WITH THEM WHEN THEY DID

1 THAT; RIGHT?

2 A I BELIEVE I WAS, YES.

3 Q AND THIS, AS YOU SAID, WAS ONE OF THE TWO OR
4 THREE DOCUMENTS AT ISSUE IN THIS CASE THAT MAY
5 CONTAIN TRADE SECRET INFORMATION; CORRECT?

6 A THAT'S CORRECT.

7 Q AND SO UNDERSTANDING WHAT THIS DOCUMENT WAS,
8 WAS IMPORTANT TO YOU IN YOUR INVESTIGATION, WASN'T
9 IT?

10 A YES.

11 Q AND THEY, THEY DESCRIBED THE WAYS THIS
12 DOCUMENT WAS LIKE NETLOGIC DOCUMENTS; RIGHT?

13 A YES.

14 Q THEY, IN FACT, TOOK DETAILED NOTES SECTION BY
15 SECTION ABOUT WHAT WAS SIMILAR TO THIS DOCUMENT AND
16 TO THEIR DOCUMENTS; RIGHT?

17 A YEAH, I BELIEVE THEY TOOK DETAILED NOTES
18 BECAUSE I COULDN'T LEAVE THE DOCUMENT WITH THEM.

19 Q AND YOU DIDN'T WRITE ANY REPORT ABOUT THAT
20 MEETING; RIGHT?

21 A I EXPECTED TO RECEIVE A LETTER AS A RESULT OF
22 THAT MEETING AND I WAS WAITING FOR THE LETTER --
23 FOR HIM TO WRITE ONE.

24 Q MY QUESTION TO YOU IS THAT YOU DIDN'T WRITE
25 ANY REPORT -- HOW LONG DID YOU MEET WITH THEM?

1 A I DON'T REMEMBER THE TIME.

2 Q YOU WERE GOING OVER IT. WAS IT -- WAS IT 15
3 MINUTES? AN HOUR? TWO HOURS?

4 A LESS THAN AN HOUR. AN HOUR TO TWO HOURS I
5 WOULD HAVE TO ESTIMATE. I DON'T REMEMBER BEING
6 THERE ALL DAY.

7 Q AN HOUR TO TWO HOURS?

8 A RIGHT.

9 Q WITH THEM GOING OVER THIS DOCUMENT THAT YOU
10 FOUND?

11 A RIGHT.

12 Q AND TRYING TO DETERMINE WHETHER IT CONTAINED
13 TRADE SECRET INFORMATION; RIGHT?

14 A THAT'S CORRECT.

15 Q DID YOU TAKE ANY NOTES AT THAT MEETING?

16 A NO, I DIDN'T.

17 Q YOU DIDN'T WRITE DOWN A THING?

18 A NO.

19 Q YOU DIDN'T WRITE ANY REPORT?

20 THE COURT: WELL, NOTES, REPORTS, HE SAID
21 NO. SO MOVE ON.

22 MR. SWANSON: ALL RIGHT.

23 THE WITNESS: I ALREADY TESTIFIED I
24 DIDN'T WRITE A NOTE.

25 BY MR. SWANSON:

1 Q OKAY.

2 A SO I DIDN'T HAVE ANY NOTES.

3 Q IN FACT, THE ONLY THING THAT YOU DID WAS
4 INCLUDE A BRIEF SUMMARY IN YOUR PROSECUTOR MEMO
5 ABOUT THAT MEETING; CORRECT?

6 A YES, I RECALL DOING THAT.

7 Q SPECIFICALLY, YOU SAID -- DO YOU RECALL WHAT
8 YOU WROTE ABOUT THAT MEETING?

9 A FROM THE PROS REPORT?

10 Q FROM YOUR PROSECUTION REPORT?

11 A I RECALL DOCUMENTING THAT WE HAD RECEIVED A
12 PRELIMINARY ASSESSMENT REGARDING THE TRADE SECRET
13 ASPECTS OF THE SNCP-1 DOCUMENT.

14 Q AND DO YOU RECALL WHAT YOU SAID ABOUT THAT?

15 A NO. I WOULD HAVE TO LOOK AT THE PROS REPORT
16 TO REFRESH MY RECOLLECTION.

17 Q I'LL DIRECT YOUR ATTENTION TO THE FIRST THREE
18 PARAGRAPHS.

19 (PAUSE IN PROCEEDINGS.)

20 THE WITNESS: OKAY. I READ IT.

21 BY MR. SWANSON:

22 Q OKAY. WHAT YOU WROTE -- THIS IS AGAIN THE SUM
23 TOTAL OF WHAT HAPPENED, YOUR WRITTEN RECOLLECTION
24 OF THAT MEETING; RIGHT?

25 A RIGHT.

1 Q AND THAT A PROSECUTION REPORT WAS CONDUCTED BY
2 MR. CORTES AND MR. SRINIVASAN; RIGHT?

3 A THAT'S CORRECT.

4 Q AND THE SICO SNCP-1 DATA SHEET WAS DERIVED
5 FROM NLM -- THAT'S NETLOGIC?

6 A RIGHT.

7 Q AND NLM REVISION DATA SHEET.

8 THE SICO DATA SHEET ALSO CONTAINS ASPECTS
9 FROM THE NSC 5512 GLC, REVISION 6, OF THE POINT
10 DATA SHEET; RIGHT?

11 A YES.

12 Q THE SICO SNCP-1 DATA SHEET CONSISTS OF TAX,
13 PIN DESCRIPTIONS, DESCRIPTIONS AND FUNCTIONS
14 IDENTICAL TO THOSE FOUND IN THE 5512 AND GLC DATA
15 SHEETS; RIGHT?

16 A THAT'S WHAT I WROTE.

17 Q NOW, YOU SAID THAT -- IF I UNDERSTAND YOUR
18 TESTIMONY FROM YESTERDAY -- BLESS YOU -- SICO CHIP
19 DESIGNS ALSO RELATE TO NETLOGIC MICROSYSTEMS DATA
20 SHEET; RIGHT?

21 A THE TWO DOCUMENTS, EXHIBIT 15 AND 18, I
22 BELIEVE, YEAH, 15 AND 18 GO BACK TO SICO TECHNOLOGY
23 OR NETLOGIC TECHNOLOGY.

24 Q WELL, WHEN YOU SAY THAT THEY ALL RESOLVE TO
25 NETLOGIC TECHNOLOGY, WHAT DOES THAT MEAN?

1 A THAT MEANS THE ASSESSMENT BY NETLOGIC REVEALED
2 THAT THE INTELLECTUAL PROPERTY WAS DERIVED FROM
3 NETLOGIC.

4 Q OKAY. AND AMONG THE THINGS THAT YOU SAY THAT
5 THEY TOLD YOU WERE, AND I REPEAT HERE, PIN
6 DESCRIPTIONS IDENTICAL TO THOSE FOUND IN THE DATA
7 SHEETS; RIGHT?

8 A THAT WAS THE INFORMATION PROVIDED TO ME, YES.

9 Q THEY TOLD YOU THAT THEY WERE IDENTICAL PIN
10 DESCRIPTIONS; CORRECT?

11 A THAT'S WHAT I WROTE IN THE REPORT.

12 Q DID THEY EVER TELL YOU THAT THE PIN
13 DESCRIPTIONS WERE NOT IDENTICAL?

14 A THE SNCP-1 DATA SHEET HAD MANY ASPECTS THAT
15 WERE --

16 Q MY QUESTION IS, DID THEY EVER TELL YOU THAT
17 THE PIN DESCRIPTIONS WERE NOT IDENTICAL?

18 A YES, THERE WERE SOME DIFFERENCES, YES.

19 Q OKAY. AND YOU DID NOT PUT THAT IN YOUR
20 REPORT; RIGHT?

21 A NO.

22 Q AND YOU WROTE "PIN DESCRIPTIONS IDENTICAL."
23 CORRECT?

24 A RIGHT.

25 Q PIN DESCRIPTIONS ARE NOT IDENTICAL; CORRECT?

1 A THE -- WELL, I CAN'T TELL YOU EXACTLY WHAT A
2 PIN DESCRIPTION IS, SO ESPECIALLY NOT AT THIS STAGE
3 SIX YEARS AFTER THE FACT. I PROBABLY UNDERSTOOD IT
4 THEN.

5 THERE'S NUMEROUS PORTIONS OF THIS
6 DOCUMENT WHERE --

7 Q MY QUESTION IS THAT SIMPLY THE PIN
8 DESCRIPTIONS ARE NOT IDENTICAL; CORRECT? NOT
9 CORRECT? YOU DON'T KNOW?

10 A I CAN'T TELL YOU. I DON'T KNOW WHAT ASPECT OF
11 THE SHEET WE'RE TALKING ABOUT, SO --

12 Q LET ME ASK YOU THIS: YOU SAID TO ME THAT THEY
13 TOLD YOU THAT THE PIN DESCRIPTIONS WERE NOT
14 IDENTICAL; RIGHT?

15 A THERE WERE ASPECTS THAT HAD BEEN CHANGED, FOR
16 EXAMPLE, SPEEDS HAD BEEN DOUBLED.

17 Q I'M ASKING --

18 A I CAN'T GIVE YOU THE TECHNICAL ANSWER. I KNOW
19 WHAT YOU'RE ASKING.

20 Q I'M NOT ASKING YOU A TECHNICAL QUESTION. YOU
21 SAID TO ME THE PIN DESCRIPTIONS WERE NOT IDENTICAL.

22 YOU WROTE HERE THE PIN DESCRIPTIONS WERE
23 IDENTICAL; CORRECT? THAT'S ALL I'M ASKING.

24 THE COURT: THE WITNESS DID NOT SAY THAT.
25 HE SAID THAT HE WAS TOLD CERTAIN INFORMATION.

1 MR. SWANSON: THAT'S WHAT I'M TRYING TO
2 ASK. I'M SORRY.

3 THE COURT: SO YOU NEED TO FRAME YOUR
4 QUESTION IN TERMS OF WHETHER HE WAS TOLD.

5 BY MR. SWANSON:

6 Q YOU WERE TOLD THE PIN DESCRIPTIONS WERE NOT
7 IDENTICAL; CORRECT?

8 A I WAS TOLD THE PIN DESCRIPTION -- AGAIN, I'M
9 TRYING TO ENVISION HOW A PIN DESCRIPTION RELATES TO
10 THIS AND HOW IT RELATES TO THIS DOCUMENT. THERE
11 WERE MANY ASPECTS THAT WE EVALUATED. AND I
12 REMEMBER THERE WERE ASPECTS --

13 Q HERE'S THE SIMPLE QUESTION: WERE YOU OR WERE
14 YOU NOT TOLD THAT THE PIN DESCRIPTIONS WERE
15 IDENTICAL?

16 A THAT'S WHAT I HAVE WRITTEN IN MY REPORT.

17 Q THAT THEY WERE IDENTICAL?

18 A THAT THE PIN DESCRIPTIONS WERE IDENTICAL THAT.

19 Q THAT THEY WERE IDENTICAL. AND YOU SAID
20 YESTERDAY THAT IF THERE ARE DIFFERENCES THAT ARE
21 RELEVANT AND SUBSTANTIAL, THEY'RE GOING TO GO IN
22 YOUR REPORT; CORRECT?

23 A THAT'S CORRECT.

24 Q THEY TOLD YOU THAT THE INSTRUCTIONS IN THE
25 SICO DOCUMENT AND THE NETLOGIC DOCUMENT WERE

1 IDENTICAL; IS THAT RIGHT?

2 A I DON'T RECALL.

3 Q ALL RIGHT. YOU WROTE HERE --

4 A ARE YOU TALKING ABOUT THE PROS REPORT?

5 Q YOU WROTE IN YOUR PROSECUTION REPORT?

6 A YES.

7 Q I UNDERSTAND THIS IS BASED ON WHAT YOU WERE
8 TOLD BY NETLOGIC, THAT THE SNPC DATA SHEET CONSISTS
9 OF INSTRUCTIONS IDENTICAL TO THOSE FOUND IN THE
10 NETLOGIC DATA SHEETS; RIGHT?

11 A IT SAYS IT CONTAINS ASPECTS FROM THE DATA
12 SHEET.

13 Q CAN YOU READ THE LAST SENTENCE BACK, PLEASE?

14 A YOU WANT ME TO READ THE LAST SENTENCE.

15 Q STARTING SICO SNCP?

16 A YES. THE SICO SNCP CONSISTS OF TEXT, PIN
17 DESCRIPTIONS, AND FUNCTIONS FOUND IN THE
18 NSE 5512/NSE 5512 GLC DATA SHEET.

19 Q AND THEY TOLD YOU -- MR. CORTES AND
20 MR. SRINIVASAN TOLD YOU THAT THE INSTRUCTIONS IN
21 THE NETLOGIC DATA SHEET WERE IDENTICAL TO THOSE
22 FOUND --

23 A YES, THAT'S WHAT I WROTE HERE.

24 THE COURT: JUST A MOMENT. WAIT FOR HIM
25 TO FINISH HIS QUESTION.

1 BY MR. SWANSON:

2 Q -- IDENTICAL TO THOSE FOUND IN THE SICO
3 DOCUMENT; CORRECT?

4 A THAT'S WHAT I WROTE HERE.

5 Q AND IS THAT WHAT THEY TOLD YOU?

6 A THAT'S WHAT THEY TOLD ME. THAT'S WHY I WROTE
7 IT.

8 Q DID THEY ALSO TELL YOU THAT THE SICO DOCUMENT
9 CONTAINED MANY THINGS NOT FOUND IN THE NETLOGIC
10 DATA SHEET?

11 A I WOULDN'T CATEGORIZE IT AS MANY THINGS, BUT
12 THERE WERE ASPECTS THAT WERE EXAGGERATED.

13 Q DID THEY TELL YOU THAT THERE WERE PAGES OF
14 SCHEMATIC DRAWINGS CONTAINED IN THE NETLOGIC
15 DOCUMENT THAT WERE NOT FOUND IN -- SORRY -- IN THE
16 SICO DOCUMENT THAT WERE NOT FOUND IN THE NETLOGIC
17 DOCUMENT? DID THEY TELL YOU THAT OR NOT?

18 A I DON'T REMEMBER.

19 Q YOU DIDN'T PUT THAT IN YOUR REPORT; RIGHT?

20 A I PUT THAT THERE WERE ASPECTS, CONTAINS
21 ASPECTS THAT ARE THE SAME. IT DOESN'T MEAN
22 EVERYTHING.

23 Q NO. DID YOU SAY IN YOUR REPORT THAT THERE
24 WERE SCHEMATICS IN THE SICO DOCUMENT THAT ARE FOUND
25 NOWHERE IN THE NETLOGIC DOCUMENTS?

1 A I DON'T SEE IT IN HERE.

2 Q DID YOU SAY THAT? DID YOU REPORT THAT THERE
3 WERE OTHER SECTIONS OF THE SICO DOCUMENT THAT
4 WERE -- THAT YOU WERE TOLD THAT WERE DIFFERENT FROM
5 WHAT WAS IN --

6 A THAT IS NOT IN THIS REPORT.

7 Q I'M SORRY. COULD YOU LET ME FINISH?

8 THE COURT: COUNSEL, IT APPEARS TO ME
9 THAT THE FOUNDATION FOR YOUR QUESTION IS PUTTING
10 BEFORE THE JURY MATTERS THAT ARE NOT IN THE REPORT.
11 YOU CAN SAY A LOT OF THINGS THAT ARE NOT IN THE
12 REPORT.

13 I'M CONTENT TO ALLOW YOU TO ASK THINGS
14 THAT ARE IN THE REPORT.

15 BUT, AGAIN, IF YOU'RE GOING TO MAKE UP A
16 QUESTION AND FRAME IT IN TERMS OF WHAT HE WAS NOT
17 TOLD AND YOU'RE LOOKING RIGHT AT THE DOCUMENT WHICH
18 SHOWS EVERYTHING THAT HE WROTE, IT'S AN IMPROPER
19 QUESTION TO SAY THAT "YOU DID NOT WRITE" BECAUSE
20 THAT'S AN ENTIRE UNIVERSE OF THINGS.

21 SO MOVE ON IF YOU WANT TO CROSS-EXAMINE
22 HIM ABOUT WHAT HE DID WRITE.

23 NOW, THE ABSENCE OF SOMETHING THAT IS IN
24 EVIDENCE THAT PERHAPS IF HE WAS TOLD SOMETHING THAT
25 HE DIDN'T PUT IT IN HIS REPORT, THAT WOULD BE

1 DIFFERENT. YOU CAN LAY A FOUNDATION THAT HE WAS
2 TOLD SOMETHING AND HE DIDN'T PUT IT IN THE REPORT.

3 BUT IF YOU'RE ASKING ABOUT THINGS THAT HE
4 WASN'T TOLD AND YOU DON'T LAY A FOUNDATION THAT IT
5 WAS NOT IN THE REPORT, THEN IT BECOMES IRRELEVANT.
6 BY MR. SWANSON:

7 Q WERE YOU TOLD THAT THE SICO DOCUMENT CONTAINED
8 SCHEMATIC DRAWINGS NOT FOUND IN THE NETLOGIC
9 DOCUMENTS?

10 A I DON'T THINK I UNDERSTAND THAT QUESTION.
11 COULD YOU REPHRASE THAT?

12 Q WERE YOU TOLD BY MR. CORTES AND
13 MR. SRINIVASAN --

14 A YES.

15 Q -- AFTER THEY REVIEWED THE SICO DOCUMENT --

16 A OKAY.

17 Q -- THAT THEY IDENTIFIED IN THAT DOCUMENT
18 SCHEMATICS THAT WERE NOT CONTAINED IN THE NETLOGIC
19 DATA SHEETS?

20 A I DON'T RECALL THAT DETAIL.

21 Q WERE YOU TOLD THAT WHEN THEY REVIEWED THE
22 OTHER PORTIONS OF THE DOCUMENT FROM SICO, OTHER
23 THAN THE SCHEMATICS, THAT THERE WERE A NUMBER OF
24 AREAS IN SICO'S DOCUMENT THAT WERE DIFFERENT FROM
25 WHAT WAS CONTAINED IN THE NETLOGIC DOCUMENT?

1 A I WAS TOLD THAT THERE WERE DIFFERENCES BETWEEN
2 THE DOCUMENT, BUT THE BASIS OF THE DOCUMENT WAS
3 DERIVED IDENTICALLY FROM THE NETLOGIC DOCUMENT.

4 Q DID YOU ASK WHAT THE DIFFERENCES WERE?

5 A YES.

6 Q AND WHAT WERE THEY?

7 A THEY WERE, LIKE I SAID, SOME OF THE DESIGN --
8 LOOK AT PAGE 00549. THAT PARTICULAR SCHEMATIC
9 DRAWING, THE BLOCK CONFIGURATION NUMBER WAS CLEARLY
10 CUT AND PASTED AND DOUBLED. SO THAT WAS SOMETHING
11 THAT WAS CLEARLY DIFFERENT.

12 Q WHAT ELSE? WHAT WERE THE OTHER DIFFERENCES
13 THEY TOLD YOU ABOUT?

14 A I CAN LOOK AT THE DOCUMENT AND TRY TO TELL YOU
15 EVERYTHING.

16 Q I'M JUST ASKING --

17 A WELL, I DON'T RECALL EVERYTHING THAT THEY TOLD
18 ME THAT WAS A CONCERN, BUT I DO RECALL THEM TELLING
19 ME THERE WERE DIFFERENCES IN THE DOCUMENT.

20 Q AND YOU DON'T HAVE ANY RECORD OF WHAT THEY
21 TOLD YOU THAT WAS DIFFERENT; RIGHT?

22 A AND I EXPECTED TO GET A LETTER THAT WHAT YOU
23 DEFINED AS THE --

24 Q MESSED UP DATA SHEET?

25 A -- MESSED UP DATA SHEET, THEY PROVIDED A

1 LETTER FOR THAT, AND MY INTENTION WAS TO DO THIS
2 INTERVIEW, HAVE THEM EVALUATE IT, AND PROVIDE THIS
3 LETTER AND --

4 Q AND IT NEVER CAME?

5 A AND THAT'S WHY THERE'S NOT THAT MUCH OF A
6 RECORD WITH THIS PARTICULAR DOCUMENT.

7 Q NOW, TAKE A LOOK AT THIS DOCUMENT AND TAKE A
8 LOOK AT THE THIRD DOCUMENT THAT IS AT ISSUE,
9 EXHIBIT 16?

10 A OKAY. I'M THERE.

11 Q NOW, THIS IS A DOCUMENT THAT HAS BEEN REFERRED
12 TO AS THE SPICE MODEL; RIGHT?

13 A CORRECT.

14 Q BEFORE WE GET INTO THE DETAILS OF THIS, I WANT
15 TO REVIEW WITH YOU SOMETHING YOU TALKED ABOUT
16 YESTERDAY CONCERNING A DOCUMENT THAT CONTAINED
17 OTHER INFORMATION ABOUT THE SPICE MODEL THAT YOU
18 FOUND TO BE RELEVANT.

19 YOU RECALL THAT YOU REVIEWED A DOCUMENT
20 ENTITLED "CAPITAL EXPENSE REPORT." IS THAT RIGHT?

21 A YEAH. CAN YOU IDENTIFY THE EXHIBIT SO I CAN
22 LOOK AT THAT?

23 Q YEAH, 17.

24 A OKAY.

25 Q AND IF WE COULD PUT UP PAGE 2594.

1 AND BEFORE WE DO, ACTUALLY, IS THAT THE
2 PAGE THAT CONTAINED THE INFORMATION?

3 A YEAH, I SEE IT ON 2594.

4 Q PAGE 2594. OH, BLESS YOU.

5 AND HERE IT SAYS IN A SECTION CALLED
6 "OTHER DESIGN AND TEST SOFTWARE," IT APPEARS TO BE
7 \$400,000; IS THAT RIGHT?

8 A YEAH, THAT'S WHAT IT LOOKS LIKE.

9 Q AND ONE OF THE THINGS LISTED THERE IS HSPICE;
10 RIGHT?

11 A CORRECT.

12 Q NOW, YOU, IN WRITING YOUR PROSECUTION MEMO,
13 IDENTIFY THIS COST OF HSPICE AS MR. LEE'S MOTIVE
14 FOR HAVING MISAPPROPRIATED THE SOFTWARE; RIGHT?

15 A POTENTIAL MOTIVE, YES.

16 Q AND THAT THE SPICE MODEL SOFTWARE, ALONG WITH
17 OTHER SOFTWARE SOUGHT BY SICO, WAS VALUED AT
18 \$400,000, RIGHT, ACCORDING TO THAT DOCUMENT?

19 A YEAH. I BELIEVE THERE WAS MORE THAN ONE
20 DOCUMENT THAT IDENTIFIED THIS, BUT I'M NOT SURE --
21 OBVIOUSLY THIS IS 400,000. IF I WROTE --

22 Q I KNOW. YOU WROTE 400,000. I DIDN'T MEAN TO
23 MISSPEAK THERE.

24 A I BELIEVE THERE WAS MORE THAN ONE DOCUMENT,
25 BUT, YEAH.

1 Q AND --

2 A I HAVE THE PROS REPORT IF THAT'S WHAT YOU'RE
3 LOOKING FOR.

4 Q OKAY. TAKE A LOOK AT PAGE 19 OF YOUR
5 PROSECUTION REPORT.

6 (PAUSE IN PROCEEDINGS.)

7 BY MR. SWANSON:

8 Q DOES THAT REFRESH YOUR RECOLLECTION ABOUT WHAT
9 YOU SAID?

10 A YEAH.

11 Q AND IS IT CORRECT THAT WHAT YOU WERE SAYING IS
12 THAT THE SPICE MODEL SOFTWARE, ALONG WITH OTHER
13 SOFTWARE SOUGHT BY SICO, WAS VALUED AT \$400,000;
14 CORRECT?

15 A CORRECT.

16 Q AND THAT THIS DOCUMENT IDENTIFIES -- AND BY
17 "THIS DOCUMENT" YOU'RE REFERRING TO THE BUSINESS
18 REPORT THAT IS UP ON THE SCREEN; RIGHT?

19 A RIGHT.

20 Q -- IDENTIFIES LEE'S MOTIVE FOR
21 MISAPPROPRIATING TSMC SPICE MODEL SOFTWARE FROM
22 NLM; RIGHT?

23 A RIGHT.

24 Q NOW, THE MOTIVE WOULD BE I GUESS BECAUSE IT
25 COSTS SO MUCH; RIGHT?

1 A WELL, THE MOTIVE WOULD BE BECAUSE YOU NEED TO
2 DESIGN A CHIP.

3 Q AND THE HSPICE HERE, AS YOU TESTIFIED TO
4 YESTERDAY, REFERS TO TSMC'S HSPICE MODEL SOFTWARE;
5 RIGHT?

6 A YES.

7 Q AND THAT WHAT YOU CONTEND IT IS; RIGHT?

8 A YES.

9 Q AND THAT'S WHAT YOU CONTEND IT IS?

10 A YES, BASED ON CONDUCT BY TSMC AND ITS OWNER.

11 Q TSMC DOESN'T MAKE HSPICE, DOES IT?

12 A TSMC EVALUATED THIS INFORMATION.

13 Q I'M ASKING YOU, DO YOU KNOW IF TSMC MAKES
14 HSPICE SOFTWARE?

15 A TSMC EVALUATED THIS DATA SHEET. I DON'T KNOW
16 WHO OWNS HSPICE.

17 Q DO YOU KNOW IF, I'M JUST ASKING IF YOU KNOW,
18 THAT HSPICE SOFTWARE IS ACTUALLY A PRODUCT
19 MANUFACTURED BACK THEN BY A COMPANY CALLED AVANTI?

20 A NO, I DIDN'T KNOW THAT.

21 Q DID YOU KNOW THAT IT IS A SOFTWARE PROGRAM?

22 THE COURT: NOW YOU'RE DOING WHAT I TOLD
23 YOU YOU CAN'T DO, COUNSEL. HE SAID HE DOESN'T
24 KNOW.

25 YOUR ASKING HIM A WHOLE BUNCH OF

1 QUESTIONS ABOUT WHAT HE DOESN'T KNOW IS IMPROPER.

2 MR. SWANSON: OKAY.

3 Q DO YOU -- YOU UNDERSTAND THIS TO BE -- LET ME
4 JUST MAKE SURE I GET YOUR TESTIMONY CORRECT -- THAT
5 HSPICE REFERS TO TSMC CORPORATION'S CHIP MODELING
6 SOFTWARE IN LAYMAN'S TERMS; IS THAT RIGHT?

7 A THAT'S WHAT NETLOGIC TOLD ME THAT THIS WAS A
8 PRODUCT THAT THEY HAD LICENSED FROM TSMC.

9 Q THAT'S NOT WHAT I ASKED. I ASKED, IS IT
10 CORRECT THAT THIS YOU'RE REFERRING TO HSPICE, WHICH
11 IS TSMC'S CHIP MODELING SOFTWARE, IN LAYMAN'S
12 TERMS?

13 A CAN YOU ASK THE QUESTION ONE MORE TIME?

14 Q YEP. ARE YOU REFERRING TO EXHIBIT 16 HERE --

15 A YES.

16 Q -- AS THE HSPICE TSMC'S CHIP MODELING
17 SOFTWARE?

18 A YES, THAT'S WHAT I'M REFERRING TO.

19 Q AND THIS DOCUMENT, NUMBER 16, IS YOU CONTEND
20 SOFTWARE; RIGHT?

21 A I'M NOT AN ENGINEER. I CAN'T TELL YOU. I
22 HAVE BEEN TOLD IT'S SOURCE CODE. I HAVE BEEN TOLD
23 IT'S SOFTWARE.

24 Q WELL, TAKE A LOOK AT YOUR PROSECUTION REPORT,
25 IF YOU WOULD?

1 A YES.

2 Q YOU DESCRIBE THIS AS SPICE MODEL SOFTWARE;
3 CORRECT?

4 A NOT ON PAGE 19. I DESCRIBE IT AS SOURCE CODE.

5 Q WELL, LET'S TAKE A LOOK AT --

6 A YES, SOURCE CODE SOFTWARE, SPICE MODEL
7 SOFTWARE, YES.

8 Q SAME THING IN THE AFFIDAVIT IN CONNECTION WITH
9 THE SEARCH WARRANT; RIGHT?

10 A RIGHT.

11 Q DO YOU KNOW THE DIFFERENCE BETWEEN THE SPICE
12 MODEL AND SPICE SOFTWARE?

13 A NO, I DO NOT.

14 Q LET'S TALK ABOUT SOME OF THE OTHER DOCUMENTS
15 THAT YOU FOUND.

16 A OKAY.

17 Q WHY DON'T WE START WITH EXHIBIT 813. THESE
18 ARE THE 18 QUESTIONS?

19 A I'M THERE.

20 Q AND WHY DON'T WE FLIP THROUGH TO THE ENGLISH
21 TRANSLATION IF WE COULD?

22 A CAN I SEE THE ORIGINAL? I THINK MY
23 TRANSLATION IS A DIFFERENT VERSION.

24 Q IF YOU COULD, TO BEGIN WITH, FLIP TO THE THIRD
25 PAGE. IF WE COULD PUT THAT UP AFTER THE 18TH

1 QUESTION.

2 DO YOU SEE WHERE IT SAYS XIAO JIA?

3 A UH-HUH.

4 Q WHO IS THAT?

5 A I DON'T KNOW WHO XIAO JIA IS.

6 Q DID YOU EVER ASK SOMEBODY WHO THAT IS?

7 A YES.

8 Q AND WHAT DID THEY TELL YOU?

9 MR. PARRELLA: OBJECTION, YOUR HONOR.

10 THE COURT: SUSTAINED.

11 WHO DID YOU ASK?

12 THE WITNESS: I ACTUALLY ASKED A LINGUIST

13 IF IT WAS A TERM OR NAME IN THE F.B.I. TO DETERMINE

14 IF IT WAS A NICKNAME OR NAME FOR SOMETHING.

15 BY MR. SWANSON:

16 Q AND WHAT DID YOU LEARN?

17 A I RECALL IT WAS SOMETHING ABOUT LITTLE ONE OR

18 SOMETHING LIKE THAT.

19 Q YOU HAD A CHANCE TO TALK TO KENT YUKAWA;

20 RIGHT?

21 A YES.

22 Q AND A NUMBER OF TIMES; RIGHT?

23 A TWICE, I BELIEVE.

24 Q KENT YUKAWA WAS THE -- ONE OF THE FOUR PEOPLE

25 WORKING ON SICO; RIGHT?

1 A THAT'S CORRECT.

2 Q AND HE WAS THE ONE WHO WAS OVER IN CHINA IN
3 THE SPRING OF 2003; RIGHT?

4 A YES.

5 Q AND COULD YOU FLIP TO THE LAST PAGE HERE?

6 A OKAY.

7 Q THE LAST TWO SENTENCES, "TELL YOUR FRIENDS,
8 LET THEM CHOOSE. IF IT BECOMES NECESSARY, YOU MAY
9 REALLY HAVE TO GET BACK TO CHINA AND COMPLETE THE
10 COLLABORATION PROCESS."

11 DO YOU SEE THAT?

12 A YES, YES.

13 Q DID THAT LEAD YOU TO SUSPECT THAT MAYBE THIS
14 WAS SOMETHING THAT WAS BETWEEN BOSEN AND
15 KENT YUKAWA?

16 A NO, IT DIDN'T LEAD ME TO BELIEVE THAT.

17 Q DID YOU EVER ASK KENT YUKAWA WHAT XIAO JIA
18 MEANT?

19 A I DON'T KNOW IF I EVER ASKED KENT YUKAWA. I
20 WOULD HAVE TO REFER TO MY 302 NOTES TO REFRESH MY
21 RECOLLECTION.

22 Q ALL RIGHT. LET'S TAKE A LOOK AT THIS
23 DOCUMENT. IT'S A LIST OF QUESTIONS AND ANSWERS;
24 RIGHT?

25 A YES.

1 Q THE FIRST SEVERAL QUESTIONS TALK ABOUT MONEY;
2 RIGHT?

3 A YES.

4 Q THEN ON QUESTION 10 -- CAN I DIRECT YOU TO
5 PAGE 2, QUESTION 10.

6 IT SAYS, "WHY DOES THE GENERAL ARMAMENT
7 DEPARTMENT WANT TO SUBMIT A BID TO INVEST IN THIS
8 PROJECT? WHICH IS THEIR PRIORITY? IS IT THE
9 PRESUPPOSED RETURNS ON THEIR FUNDS OR THE
10 TECHNOLOGY?"

11 THE ANSWER: "THEY DON'T NEED ANY RETURN
12 ON THE FUNDS. THERE'S NO QUESTION OF 'WHY.' IT'S
13 JUST THAT OUR OPERATION HAS REACHED THIS POINT."

14 DO YOU SEE THAT?

15 A YEAH, I SEE THAT.

16 Q IN QUESTION 12 IT ASKED ABOUT JOINT
17 COLLABORATION WITH THE GAD, AND THE ANSWER: "IT
18 WILL NOT INVOLVE INTELLECTUAL PROPERTY."

19 DO YOU SEE THAT?

20 A YES, SIR.

21 Q AND "THE INTERNATIONAL MARKET, NOR WILL IT
22 FIGHT WITH YOU FOR THE RETURN."

23 DO YOU SEE THAT?

24 A YES.

25 Q QUESTION 13: "WHAT IS THEIR OPINION IN OUR

1 FUTURE DEVELOPMENT."

2 "THEY WON'T GET INVOLVED IN OUR
3 OPERATIONS."

4 DO YOU SEE THAT?

5 A YES.

6 Q AND QUESTION 17: "DOES THE INVESTOR RECOGNIZE
7 THE COMPANY'S OPERATIONAL INDEPENDENCE?"

8 "THIS IS BETWEEN SICO MICROSYSTEMS AND
9 BEIJING FBNI."

10 DO YOU SEE THAT?

11 A YES.

12 Q AND QUESTION 18: "WHAT IS THE INVESTOR'S
13 OPINION ON BOARD MEMBERS?"

14 ANSWER: ONLY TO BE SUCCESSFUL. CHINA
15 THAT DOES NOT NEED FINANCIAL GAIN.

16 CORRECT?

17 A YES.

18 Q AND IS THERE ANYTHING IN THIS DOCUMENT TO
19 INDICATE THAT THE GAD, IF THEY WERE TO DO WHAT IS
20 SAID HERE, WOULD BE GETTING INTELLECTUAL PROPERTY
21 THROUGH THIS DEAL?

22 MR. PARRELLA: OBJECTION, YOUR HONOR.
23 THIS DOCUMENT STANDS FOR ITSELF.

24 THE COURT: SUSTAINED.

25 BY MR. SWANSON:

1 Q IN YOUR INVESTIGATION, DID YOU LEARN ANYTHING
2 MORE ABOUT WHAT THE DEFENDANTS, MY CLIENT, MR. GE,
3 LAN LEE KNEW ABOUT WHAT RELATIONSHIP THE GAD COULD
4 HAVE OTHER THAN WHAT WAS IN THIS DOCUMENT?

5 A I BELIEVE AT THE POINT THAT I FOUND THIS
6 DOCUMENT WE HAD CEASED COMMUNICATIONS, I BELIEVE.

7 I TRIED MANY TIMES TO DETERMINE WHAT THIS
8 DOCUMENT MEANT FROM KENT YUKAWA AND WAS NOT ABLE
9 TO. I WAS NOT ABLE TO ASCERTAIN A DIRECT ANSWER.

10 Q DID KENT YUKAWA EVER TELL YOU THAT THEY HAD
11 INFORMATION, "THEY" MEANING MY CLIENT, MR. LEE --
12 DIFFERENT THAN WHAT WAS IN THIS DOCUMENT?

13 MR. PARRELLA: OBJECTION.

14 THE COURT: SUSTAINED.

15 BY MR. SWANSON:

16 Q DID YOU EVER LEARN IN YOUR FURTHER
17 INVESTIGATION, TALKING TO KENT YUKAWA OR OTHERS, OF
18 ANY INFORMATION INDICATING THAT MR. LEE OR MR. GE
19 HAD INFORMATION ABOUT THE GAD AND ITS RELATIONSHIP
20 TO AN INVESTMENT OTHER THAN THIS?

21 A THAT WAS KIND OF A LONG, COMPOUND QUESTION.

22 Q DO YOU WANT ME TO TRY IT AGAIN?

23 A COULD YOU BREAK IT DOWN, YES.

24 Q YOUR INVESTIGATION CONTINUED AFTER YOU GOT
25 THIS DOCUMENT; RIGHT?

1 A THAT'S CORRECT.

2 Q YOU TALKED TO KENT YUKAWA?

3 A YES.

4 Q YOU DID EVERYTHING YOU COULD TO TRY TO FIND
5 OUT WHAT THIS WAS ABOUT?

6 A I WOULD HAVE LOVED TO HAVE KNOWN MORE ABOUT
7 WHAT THIS WAS ABOUT.

8 Q AND AT THE END OF THE DAY, BY THAT I MEAN NOW,
9 SIX YEARS LATER --

10 A YEAH.

11 Q -- THERE'S NOTHING ELSE YOU LEARNED IN YOUR
12 INVESTIGATION ABOUT WHAT THE DEFENDANTS KNEW ABOUT
13 THE RELATIONSHIP WITH THE GAD BEYOND THIS DOCUMENT;
14 RIGHT?

15 A NO, THAT'S NOT CORRECT.

16 Q OKAY.

17 A THE --

18 THE COURT: JUST A MOMENT. YOU HAVEN'T
19 BEEN ASKED A FURTHER QUESTION YET.

20 BY MR. SWANSON:

21 Q GO RIGHT AHEAD.

22 THE COURT: GO RIGHT AHEAD WITH WHAT?

23 BY MR. SWANSON:

24 Q WITH ANYTHING THEY LEARNED ABOUT THEIR
25 RELATIONSHIP WITH THE GAD.

1 A SO IF YOU GO TO EXHIBIT -- WHICH EXHIBIT IS
2 THE BUSINESS PLAN? IS IT 6?

3 Q IS IT 6?

4 A I'M NOT SURE. I'D HAVE TO LOOK HERE.

5 MR. PARRELLA: 14.

6 THE WITNESS: 14? NOT THAT BUSINESS
7 PLAN. OH, WAIT.

8 MR. PARRELLA: 12 AND 14 ARE BUSINESS
9 PLANS.

10 THE WITNESS: NO, IT'S NOT THIS ONE.

11 YES, EXHIBIT 6. TRANSLATION.

12 BY MR. SWANSON:

13 Q 2421, PERHAPS.

14 A LET ME FIND IT.

15 (PAUSE IN PROCEEDINGS.)

16 THE WITNESS: YES, 2421.

17 BY MR. SWANSON:

18 Q OKAY. AND WHAT DOES IT SAY THERE THAT IS
19 RELEVANT TO THE QUESTION I ASKED?

20 A IT DRAWS THE CONNECTION, AND IT STATES --
21 WOULD YOU LIKE ME TO READ IT?

22 Q PARAGRAPH 3?

23 A YES.

24 Q GO RIGHT AHEAD.

25 A ALL OF THE SUBJECT PERSONNEL WITH ALL RANKS --

1 Q AND ACTUALLY IT MIGHT BE EASIER IF WE CAN WAIT
2 ONE SECOND SO WE CAN GET IT UP ON THE SCREEN SO THE
3 JURY CAN FOLLOW. 2421.

4 (PAUSE IN PROCEEDINGS.)

5 THE COURT: WE HAVE IT.

6 BY MR. SWANSON:

7 Q ALL RIGHT. GO RIGHT AHEAD.

8 A SO FIRST IN PARAGRAPH 2 IT STRESSES
9 COORDINATION WITH ALL OF THE PARTIES.

10 AND THEN IN NUMBER 3 OF THE DOCUMENT, AND
11 THIS IS IN THE SECTION THAT IS CALLED INDIVIDUAL
12 AND BENEFITS GUARANTEED PERSONNEL RELOCATING TO
13 CHINA" AND IT STATES THAT "ALL RANKS MAY NOT MAKE
14 CONTACT WITH THE CHINESE MILITARY NOR RESELL WITH
15 THE CHINESE MILITARY ANY PROJECT DOCUMENTS,
16 TECHNOLOGY, OR ACHIEVEMENTS," AND THAT DRAWS A
17 CONNECTION TO THIS DOCUMENT.

18 Q RIGHT. AND JUST TO BE CLEAR, THE LANGUAGE
19 HERE IS CONSISTENT WITH WHAT IS IN THE DOCUMENT IN
20 THAT THERE IS NOT TO BE ANY RESELLING OF ANY
21 TECHNOLOGY TO THE MILITARY.

22 A I -- YOU'RE ASKING ME TO EVALUATE THE TWO
23 DOCUMENTS.

24 Q FAIR ENOUGH. FAIR ENOUGH. AND I TAKE YOUR
25 POINT.

1 SO THAT'S IT THEN? IN TERMS OF THE GAD,
2 THAT'S IT, RIGHT, THE TWO THINGS THAT WE JUST
3 LOOKED AT?

4 A YES.

5 Q OKAY. ONE OTHER THING ABOUT THIS CONTRACT.

6 YOU IDENTIFIED THE SECTIONS THAT YOU SAID
7 WERE IMPORTANT. I WOULD ASK YOU TO GO TO THE LAST
8 PAGE, 2428.

9 A OF THE CONTRACT HERE?

10 Q OF THE CONTRACT.

11 A OKAY.

12 Q IT WASN'T SIGNED; RIGHT?

13 A NO, THIS WASN'T SIGNED. THIS WAS AN
14 ELECTRONIC VERSION.

15 Q DID YOU EVER FIND A SIGNED COPY?

16 A NO, I DID NOT.

17 Q NOW, YOU TALKED ALSO YESTERDAY ABOUT THE 863
18 PROGRAM, AND I WANT TO MAKE SURE THAT I UNDERSTAND
19 YOUR TESTIMONY ON THIS CORRECTLY.

20 YOU TESTIFIED YESTERDAY THAT WHEN ASKED,
21 "DO YOU BELIEVE THAT THERE WAS SOMETHING ILLEGAL OR
22 WRONG WITH A U.S. CITIZEN NEGOTIATING OR TRYING TO
23 GET FUNDS FROM THE 863 PROJECT AS LONG AS THEY DO
24 NOT USE TRADE SECRETS," YOU ANSWERED "YES."
25 CORRECT?

1 A YEAH, I DO BELIEVE I ANSWERED THAT.

2 Q "AND ON WHAT DO YOU BASE THAT OPINION?"

3 AND YOU SAID, "AN ABUNDANCE OF PUBLIC
4 SOURCE INFORMATION DOCUMENTING THE 863 PROGRAM, ITS
5 FINANCE VENTURES WITH NEFARIOUS ILLEGAL INTENT."

6 IS THAT RIGHT?

7 A YES.

8 Q SO IS IT YOUR POSITION, JUST TO BE CLEAR THAT
9 IT IS ILLEGAL OR WRONG FOR YOU TO --

10 MR. PARRELLA: OBJECTION, YOUR HONOR.
11 THOSE ARE TWO DIFFERENT TERMS. I THINK WE NEED TO
12 BE ACCURATE WITH THE QUESTION.

13 THE COURT: I'LL SUSTAIN IT AS COMPOUND.
14 BY MR. SWANSON:

15 Q YEAH. SO THE QUESTION YOU WERE ASKED
16 YESTERDAY WAS, "DO YOU BELIEVE THAT THERE IS
17 SOMETHING ILLEGAL OR WRONG WITH A U.S. CITIZEN
18 NEGOTIATING OR TRYING TO GET FUNDS FROM THE 863
19 PROJECT, AS LONG AS THEY DO NOT USE TRADE SECRETS?"

20 LET'S BREAK IT DOWN. ILLEGAL?

21 A NO.

22 Q WRONG?

23 A WRONG IS A MORAL TERM.

24 WOULD IT GIVE AN F.B.I. AGENT THAT WORKS
25 COUNTER-INTELLIGENCE A REASON TO INVESTIGATE? YES.

1 Q DO YOU THINK -- THAT'S NOT MY QUESTION.

2 THE COURT: WELL, I'M NOT SURE THAT THIS
3 IS RELEVANT INFORMATION TO ASK HIS BELIEFS.

4 IF IT FUELLED HIS INVESTIGATION AND SENT
5 HIM IN A DIFFERENT DIRECTION, THAT MIGHT BE A
6 DIFFERENT MATTER.

7 THERE'S NO GOVERNMENT OBJECTION TO HIM
8 TESTIFYING IN THIS AREA, BUT IT DOES SEEM TO THE
9 COURT THAT ONCE I OPEN THIS DOOR, I HAVE TO ALLOW
10 FURTHER EXAMINATION AND IT'S UNDULY CONSUMPTIVE OF
11 TIME TO GET HIS BELIEFS ABOUT THE LAW.

12 HIS INVESTIGATION IS WHAT HE'S HERE TO
13 TESTIFY ABOUT.

14 SO I'LL ASK YOU TO STICK WITH THAT AREA.
15 BY MR. SWANSON:

16 Q PART OF WHAT THREW YOU INTO INVESTIGATING
17 FURTHER HERE WAS BECAUSE YOU SAW THAT THERE WAS THE
18 POTENTIAL FOR 863 FUNDING; RIGHT?

19 A AT THE MORE ADVANCED STAGES OF THE
20 INVESTIGATION, YES, THAT IS TRUE.

21 Q AND LET'S GO BACK. THE 863 PROGRAM IS NOT
22 SOMETHING THAT YOU WERE FAMILIAR WITH BEFORE YOU
23 STARTED THIS CASE; RIGHT?

24 A THE OFFICE I WORKED IN, THIS WAS A TERM THAT
25 WAS USED. I PROBABLY WOULD HAVE HEARD THE TERM

1 BEFORE I STARTED THIS CASE, YES.

2 Q SO SOMETIME DURING THIS TIME YOU WERE IN THE
3 FIELD AND SOMEONE MENTIONED THE 863 PROGRAM TO YOU?

4 A THERE WERE EXACT CASES THAT DEALT WITH THIS.

5 Q AND SO THE FACT THAT THERE WAS AN 863 PROGRAM
6 IS SOMETHING THAT WAS -- THAT PIQUED YOUR INTEREST;
7 IS THAT RIGHT?

8 A THAT WAS A CLUE.

9 Q AND IS ONE OF THE REASONS IT PIQUED YOUR
10 INTEREST THAT --

11 THE COURT: HE DIDN'T ADOPT THAT TERM.
12 HE SAID IT WAS A CLUE.

13 BY MR. SWANSON:

14 Q IT WAS A CLUE. IT WAS SOMETHING THAT CAUSED
15 YOU TO CONTINUE TO LOOK FURTHER, OR CAUSED YOU TO
16 CONTINUE TO LOOK FURTHER; RIGHT?

17 A IN THE INVESTIGATION, YES.

18 Q AND ONE OF THE THINGS THAT YOU WERE CONCERNED
19 ABOUT AND CAUSED YOU TO LOOK FURTHER INTO IT IS
20 THAT YOUR BELIEF THAT IT'S WRONG FOR A U.S. CITIZEN
21 TO TRY TO GET FUNDS FROM THE 863 PROGRAM; IS THAT
22 RIGHT?

23 A I DON'T THINK THAT'S AN ACCURATE
24 REPRESENTATION OF WHAT I SAID.

25 IT GIVES AN F.B.I. AGENT --

1 THE COURT: HE HASN'T ASK YOU WHAT YOU
2 SAID. HE ASKED YOU WHAT YOU BELIEVED.

3 AND I SUPPOSE THAT AS AN INVESTIGATOR,
4 SOME OF YOUR BELIEFS MIGHT BE IMPORTANT TO HOW YOU
5 CONDUCT YOUR INVESTIGATION.

6 SO I'LL PERMIT YOU TO ANSWER AS TO
7 WHETHER OR NOT HE HAS PROPERLY CHARACTERIZED YOUR
8 BELIEF.

9 THE WITNESS: I'M NOT SURE I UNDERSTAND,
10 YOUR HONOR.

11 THE COURT: HIS QUESTION WAS, DO YOU
12 BELIEVE THAT TO OBTAIN FUNDING FROM THE 863 PROGRAM
13 WAS WRONG?

14 THE WITNESS: AGAIN, I FEEL THIS IS A
15 MORAL QUESTION, AND FROM AN INVESTIGATIVE
16 PERSPECTIVE IT --

17 THE COURT: YOU CAN TELL US "I HAD NO
18 BELIEF ONE WAY OR THE OTHER," OR YOU CAN TELL US
19 YOU BELIEVED IT WAS WRONG, OR YOU CAN TELL US YOU
20 DID NOT BELIEVE IT WAS WRONG.

21 BUT YOU'VE GOT TO ANSWER THIS QUESTION.

22 IN OTHER WORDS, DID YOU HAVE A BELIEF ONE
23 WAY OR ANOTHER?

24 THE WITNESS: NO, I DIDN'T HAVE A BELIEF.
25 A BELIEF IS NOT A TERM I WOULD USE FOR THIS.

1 THE COURT: YOU NEED TO LAY A FOUNDATION
2 FOR THIS.

3 BY MR. SWANSON:

4 Q OKAY. DID YOU HAVE A SUSPICION IT WAS WRONG?

5 A A SUSPICION WOULD BE A MORE ACCURATE TERM. I
6 HAD A SUSPICION THIS WOULD REQUIRE FURTHER
7 INVESTIGATION.

8 Q WELL, MY QUESTION TO YOU IS THIS: DID YOU
9 HAVE A SUSPICION THAT IT WAS WRONG FOR A U.S.
10 CITIZEN TO NEGOTIATE TO GET FUNDS FROM THE 863
11 PROJECT?

12 A I THINK THAT ANYBODY THAT WAS NEGOTIATING WITH
13 THE 863 PROGRAM, MY SUSPICION WOULD BE THAT IT
14 WOULD WARRANT POSSIBLE INVESTIGATION, YES.

15 Q OKAY. WHEN YOU LOOKED INTO 863, YOU DID WHAT
16 YOU CALLED OPEN SOURCE INVESTIGATION; RIGHT?

17 A THERE WAS SOME, SOME, YES.

18 Q AND THAT INCLUDES GOING ON THE WEB TO LOOK FOR
19 THINGS; RIGHT?

20 A YES.

21 Q AND IN THE COURSE OF DOING THAT --

22 A UH-HUH.

23 Q -- DID YOU LEARN THAT STUDENTS AT THE
24 UNIVERSITY OF CHICAGO RECEIVE 863 FUNDING?

25 A I NEVER STATED THAT THE ENTIRE 863 PROGRAM WAS

1 NEFARIOUS.

2 Q AND NOR IS THAT MY QUESTION. DID YOU?

3 A I IDENTIFIED MANY THINGS ABOUT THE 863
4 PROGRAM.

5 BUT DID I IDENTIFIED THAT THERE WERE
6 STUDENTS IN CHICAGO RECEIVING IT? NO, I DON'T
7 RECALL THAT.

8 Q HOW ABOUT STUDENTS AT VARIOUS AMERICAN
9 UNIVERSITIES RECEIVING 863 FUNDING?

10 A NO, I DON'T RECALL EXACTLY WHAT I GOT FROM
11 PUBLIC SOURCE RECORDS.

12 Q IS THAT SUSPICIOUS?

13 THE COURT: COUNSEL, HE DIDN'T ASK IF
14 SOMETHING WAS SUSPICIOUS. IT WAS CAUSE FOR
15 SPECULATION.

16 WE'RE AT ABOUT 10:30. LET'S TAKE OUR
17 BREAK AT THIS POINT AND WE'LL COME BACK IN ABOUT
18 TEN MINUTES.

19 (WHEREUPON, A RECESS WAS TAKEN.)

20 THE COURT: READY TO RESUME?

21 MR. SWANSON: YES, YOUR HONOR.

22 THE COURT: SUMMON THE JURY.

23 (WHEREUPON, THE FOLLOWING PROCEEDINGS
24 WERE HELD IN THE PRESENCE OF THE JURY:)

25 THE COURT: VERY WELL. PLEASE BE SEATED.

1 YOU MAY RESUME YOUR EXAMINATION.

2 MR. SWANSON: THANK YOU, YOUR HONOR.

3 Q AGENT SIEBER, YOU HAD SAID EARLIER IN
4 REFERENCE TO EXHIBIT 18, THE MESSED UP DATA SHEET,
5 THAT THERE WERE OTHER COPIES OF THAT VERY DOCUMENT;
6 IS THAT RIGHT?

7 A THERE WERE MANY COPIES OF MANY DOCUMENTS. I'M
8 NOT SURE THERE WERE MANY COPIES OF THIS DOCUMENT.

9 MY POINT SIMPLY WAS THAT YOU WERE
10 BRINGING UP THE FACT THAT THE REVISIONS AND
11 MODIFICATIONS AND THERE WERE SOME DOCUMENTS
12 IDENTIFIED ON BOTH COMPUTERS AND WE ONLY USED ONE
13 FOR EVIDENCE.

14 Q LET ME ASK YOU IF YOU ARE AWARE THAT THERE
15 WERE ANY OTHER COPIES FOUND ON EITHER OF THEIR
16 COMPUTERS OF EITHER THE DOCUMENTS, THE MESSED UP
17 DATA SHEET, EXHIBIT 18 --

18 MR. PARRELLA: YOUR HONOR, COULD WE
19 IDENTIFY THIS BY EXHIBIT NUMBER AND NOT THROW A
20 NICKNAME ON IT? I THINK IT'S IMPROPER FOR COUNSEL
21 TO REFER TO THIS AS REFERENCED --

22 THE COURT: OVERRULED. I THINK THERE WAS
23 SOME REFERENCE TO IT BY SOMEONE, BUT I DON'T RECALL
24 WHOM.

25 BUT IT'S OKAY AS LONG AS WE UNDERSTAND

1 THE DOCUMENT.

2 THE QUESTION I UNDERSTAND IS IF THERE
3 WERE MULTIPLE COPIES BEYOND THE ONE OFFERED INTO
4 EVIDENCE FOUND ON VARIOUS COMPUTERS.

5 MR. PARRELLA: I HAVE NO OBJECTION TO
6 THAT. I JUST WANT TO BE CLEAR ON THAT. IT'S JUST
7 THE CHARACTERIZATION.

8 THE COURT: I SEE.

9 THE WITNESS: TO ANSWER THE QUESTION, MY
10 EXHIBIT LIST HERE SAYS IT WAS FOUND ON MR. GE'S
11 PERSONAL COMPUTER AND I DON'T -- WITHOUT LOOKING AT
12 THE FORENSICS EVIDENCE, I CAN'T TELL YOU IF IT WAS
13 FOUND ANYWHERE ELSE.

14 BY MR. SWANSON:

15 Q ARE YOU AWARE OF ANY OTHER COPIES FOUND WITH
16 THAT LAST ACCESS DATE ON IT?

17 A I'M NOT AWARE OF.

18 Q WERE YOU GIVEN DOCUMENTS BY NETLOGIC THAT THEY
19 TOLD YOU CONTAINED THEIR TRADE SECRETS?

20 A THEY NEVER FURNISHED ME ANY DOCUMENTS
21 CONTAINING ADDITIONAL TRADE SECRETS OTHER THAN WHAT
22 WE IDENTIFIED. THEY NEVER GAVE ME ANYTHING OF
23 THEIR INTELLECTUAL PROPERTY, NO, I DON'T BELIEVE
24 SO.

25 Q SO THEY NEVER GAVE YOU A COPY OF THE 5512 DATA

1 SHEET?

2 A TO HANG ON TO? NO. I HAVE SEEN IT, BUT I
3 CERTAINLY DON'T HAVE A COPY OF IT.

4 Q OR THE GLC DATA SHEET?

5 A I DON'T BELIEVE SO, NO.

6 Q NOW --

7 A I WOULD JUST LIKE TO BE CLEAR THAT THERE'S
8 BEEN A NEW CASE AGENT ON THIS CASE FOR THE PAST
9 THREE YEARS, SO WE'RE TALKING IN THE TIMEFRAME
10 HERE.

11 Q I'M JUST ASKING ABOUT WHAT YOU KNOW?

12 A OKAY. WELL, WHAT I KNOW, NO.

13 Q REGARDING THE 863 PROGRAM, IN YOUR
14 INVESTIGATION ABOUT 863, DID YOU LEARN THAT THE
15 DOCUMENT THAT IS EXHIBIT 10 IN EVIDENCE, THE
16 APPLICATION FOR 863 FUNDING IS SOMETHING YOU JUST
17 GET ON-LINE?

18 A YES, I DID LEARN THAT.

19 Q THAT YOU DON'T ACTUALLY TO HAVE TO GIVE THEM
20 ANY INFORMATION. IT'S JUST A SITE YOU GO TO AND
21 DOWNLOAD IT; RIGHT?

22 A YES, I DID DETERMINE THAT.

23 Q THE DOCUMENT IN EVIDENCE HERE IS NOT FILLED
24 OUT IN ANY WAY; RIGHT?

25 A THAT'S CORRECT.

1 Q WAS ANY DOCUMENT, 863 APPLICATION DOCUMENT,
2 FOUND ANYWHERE WITH THE DEFENDANTS THAT WAS FILLED
3 OUT IN ANY WAY?

4 A THERE'S A REFERENCE TO HAVING AN APPLIED -- TO
5 MR. LEE HAVING APPLIED TO 863 PROGRAM AT THE
6 QINGHUA UNIVERSITY IN ONE OF THE LETTERS.

7 Q MY QUESTION IS, WAS THERE ANY DOCUMENT
8 FOUND --

9 A YES, THAT'S THE DOCUMENT I FOUND.

10 Q -- WITH THE 863 APPLICATION FILLED OUT IN ANY
11 WAY?

12 A THE LETTER I'M REFERENCING HAS A REFERENCE TO
13 THE APPLICATION FOR --

14 Q DID YOU HAVE THE ATTACHMENT?

15 A I DID NOT HAVE THE ATTACHMENT.

16 Q THE NEXT EXHIBIT, EXHIBIT 11, THESE ARE -- YOU
17 DESCRIBED THESE AS THE DENIED GUIDELINES FOR
18 APPLYING; IS THAT RIGHT?

19 A STANDARDS FOR RESEARCH. THAT'S WHAT I HAVE
20 HERE WRITTEN IN MY NOTES.

21 Q IS YOUR TESTIMONY THAT THERE ARE GUIDELINES
22 FOR APPLYING?

23 A GENERALLY, YES, GENERALLY APPLYING FOR 863
24 APPLICATION.

25 Q AREN'T THEY ACTUALLY THE STANDARDS FOR

1 EVALUATION RATHER THAN AN EXPLANATION OF HOW TO
2 APPLY?

3 A I BELIEVE I ALSO READ THE TITLE DURING MY
4 TESTIMONY YESTERDAY.

5 Q I'M ASKING YOU WHETHER THEY ARE DOCUMENTS THAT
6 EXPLAIN HOW PROGRAMS ARE EVALUATED RATHER THAN HOW
7 YOU MIGHT APPLY, OR DO YOU KNOW?

8 A I -- I'M NOT AN EXPERT ON THIS DOCUMENT IN
9 ENGINEERING TERMS, BUT, OKAY.

10 Q DID YOU READ IT?

11 A DID I READ THE DOCUMENT? YES, I READ THE
12 TRANSLATION OF THIS DOCUMENT. NOT --

13 Q OKAY.

14 A NOT VERBATIM, BUT I GLANCED THROUGH IT.

15 Q OKAY. NOW, IN THE COURSE OF YOUR
16 INVESTIGATION INTO THIS OFFENSE THAT YOU ALLEGED
17 AGAINST MR. LEE AND MR. GE --

18 THE COURT: WELL, THE GOVERNMENT SEEKS AN
19 INDICTMENT, SO IT'S IMPROPER TO CLAIM THAT THIS
20 WITNESS HAS ALLEGED ANY --

21 MR. SWANSON: IT'S A BAD STRUCTURAL
22 QUESTION, YOUR HONOR. LET ME TRY AGAIN.

23 Q IN YOUR INVESTIGATION, DID YOU INVESTIGATE HOW
24 OTHER COMPANIES HANDLE DATA SHEETS?

25 A IN MY PROFESSIONAL EXPERIENCE ON OTHER CASES

1 AT THE SAME TIME?

2 Q WELL, FIRST IN CONNECTION WITH THIS
3 INVESTIGATION DID YOU?

4 A GENERALLY WE -- I MEAN, I WORK WITH MANY
5 COMPANIES, BUT I DON'T THINK I DEALT WITH THIS
6 SPECIFIC TOPIC WITH OTHER COMPANIES.

7 THIS CASE CONSUMED MY TIME DURING THIS
8 TIME PERIOD.

9 Q DURING THE COURSE OF YOUR WORK ON THIS CASE,
10 DID YOU INVESTIGATE HOW OTHER COMPANIES HANDLE DATA
11 SHEETS?

12 A WITH THE EXCEPTION OF TSMC'S HSPICE, NO, I
13 DON'T THINK SO.

14 Q AND THAT'S NOT A DATA SHEET; RIGHT?

15 A IT'S A SOFTWARE PROGRAM AS I WAS TOLD, YES.

16 Q IT'S NOT A DATA SHEET; RIGHT?

17 A I'M NOT AN ENGINEER, SO I'M NOT GOING TO SAY
18 IT'S A DATA SHEET. I'M NOT GOING TO SAY IT'S
19 SOFTWARE. I'M NOT PROFICIENT IN ENGINEERING.

20 Q DID YOU INVESTIGATE WHAT ENGINEERS AT NETLOGIC
21 WERE TOLD ABOUT HOW TO HANDLE DATA SHEETS?

22 A I ASKED WHAT WAS INCLUDED IN THEIR EMPLOYMENT
23 AGREEMENT.

24 Q DID IT SAY ANYTHING ABOUT DATA SHEETS?

25 A I DON'T RECALL OFF THE TOP OF MY HEAD WHAT THE

1 LANGUAGE WAS.

2 Q DID YOU ASK ABOUT ANY TRAINING THAT THEY
3 RECEIVED?

4 A YEAH, WE ASKED IF THEY WERE TRAINED.

5 Q AND DID YOU GET ANY EVIDENCE OF ANY TRAINING?

6 A OTHER THAN DISCUSSIONS, I DON'T BELIEVE I
7 RECEIVED ANY PAPERWORK SHOWING TRAINING.

8 Q YOU SAID THAT ONE OF THE THINGS THAT YOU TRIED
9 TO DETERMINE WAS WHETHER THEY HAD ADEQUATE SECURITY
10 AROUND THESE DOCUMENTS; RIGHT?

11 A THAT'S CORRECT.

12 Q AND YOU WERE TOLD BY MR. JANKOV THAT THEY HAD
13 A WRITTEN POLICY SAYING THAT YOU COULDN'T TAKE
14 NETLOGIC INFORMATION OUT OF THE BUILDING; RIGHT?

15 MR. PARRELLA: OBJECTION, YOUR HONOR.
16 THIS IS HEARSAY.

17 THE COURT: OVERRULED.

18 THE WITNESS: I RECALL HAVING THIS
19 DISCUSSION, YES.

20 BY MR. SWANSON:

21 Q DID YOU ASK HIM FOR A COPY OF THAT POLICY?

22 A I HAVE SEVERAL THINGS THAT I RECEIVED FROM
23 THEM, THE EMPLOYMENT AGREEMENT, AND I HAVE TO SEE
24 WHAT YOU HAVE TO VERIFY WHAT YOU'RE ASKING.

25 Q WELL, NOW, JUST TO BE CLEAR, ISN'T IT TRUE

1 THAT MR. JANKOV TOLD YOU THAT THEY HAD A WRITTEN
2 POLICY THAT PROHIBITED PEOPLE TAKING INFORMATION,
3 NETLOGIC INFORMATION OUT OF THE BUILDING?

4 A IF YOU COULD REFER ME TO THE 302, I COULD
5 REFRESH MY RECOLLECTION. I HAVE THEM UP HERE IF
6 YOU WANT TO TELL ME WHICH ONE.

7 Q I'LL DIRECT YOUR ATTENTION TO THE SECOND TO
8 THE LAST PARAGRAPH, THE LAST TWO SENTENCES IN THAT
9 PARAGRAPH.

10 A OKAY. THIS IS A SUMMARY OF A 302 THAT I
11 DIDN'T WRITE, BUT I THINK IT'S REFERRING TO THE
12 JUNE 4TH INTERVIEW. IS THAT --

13 Q THAT IS CORRECT, YES.

14 A IF YOU COULD JUST GIVE ME TWO SECONDS TO READ
15 THIS.

16 Q YES.

17 (PAUSE IN PROCEEDINGS.)

18 THE WITNESS: YES, I SEE A PARAGRAPH
19 HERE. WOULD YOU LIKE ME TO READ IT?

20 BY MR. SWANSON:

21 Q NO. JUST ASK IF IT REFRESHES YOUR
22 RECOLLECTION THAT YOU WERE TOLD THAT THEY HAD A
23 WRITTEN POLICY --

24 A YES.

25 Q -- PROHIBITING EMPLOYEES FROM TAKING

1 CONFIDENTIAL INFORMATION OUT OF THE CONFINES OF THE
2 COMPANY?

3 A YES.

4 Q DID YOU ASK FOR A COPY OF THAT POLICY?

5 A I TESTIFIED THAT I RECEIVED SEVERAL DOCUMENTS,
6 AND I'M NOT SURE IF THAT'S CONTAINED IN THE
7 EMPLOYMENT AGREEMENT THAT WE DO HAVE.

8 Q DID YOU ASK FOR A COPY OF THAT POLICY?

9 A YEAH, WE HAVE A SIGNED AGREEMENT.

10 Q AND DID YOU ASK FOR THE POLICY THAT MR. JANKOV
11 WAS REFERRING TO?

12 A I CAN'T TELL YOU.

13 Q DID YOU LOOK THROUGH THE MATERIAL THAT YOU GOT
14 FROM MR. JANKOV AND NETLOGIC IN RESPONSE TO YOUR
15 REQUEST FOR THEIR POLICIES?

16 A I DON'T -- THERE'S NOTHING HERE THAT SAYS WHAT
17 I RECEIVED THAT DAY. I DON'T HAVE ANY OTHER
18 ATTACHMENTS WITH THIS.

19 Q DID YOU LEARN THAT THEY, IN FACT, DON'T HAVE
20 SUCH A POLICY IN YOUR REVIEW OF THEIR MATERIAL?

21 A NO, I DIDN'T.

22 Q YOU MET WITH MR. JANKOV ON JUNE 11TH; IS THAT
23 RIGHT?

24 A CORRECT.

25 Q AND YOU DISCUSSED WITH HIM A MEETING THAT HAD

1 TAKEN PLACE BETWEEN HIM AND YUEFEI GE AND LAN LEE
2 IN MARCH OF THAT YEAR; IS THAT RIGHT?

3 A YES.

4 Q YOU -- IT LOOKS LIKE YOU'RE REFERRING TO
5 NOTES. ARE YOU REFERRING TO NOTES TO REFRESH YOUR
6 RECOLLECTION?

7 A YEAH, I WOULD HAVE TO FIND IT.

8 Q I WOULD BE GLAD TO HAND ONE TO YOU.

9 A I HAVE ONE HERE. WE'RE TALKING ABOUT THE JUNE
10 11TH?

11 Q THAT'S CORRECT.

12 A OKAY.

13 Q DIRECTING YOUR ATTENTION TO THE BOTTOM OF 698
14 IF YOU NEED TO REFRESH YOUR RECOLLECTION.

15 DO YOU RECALL DISCUSSING WITH MR. JANKOV
16 A MEETING THAT HE HAD WITH YUEFEI GE AND LAN LEE IN
17 MARCH OF 2003?

18 A YES.

19 Q AND DO YOU RECALL ASKING HIM ABOUT WHAT TOOK
20 PLACE AT THAT MEETING?

21 A GENERALLY, YES.

22 Q AND THEN INCLUDING THE INFORMATION THAT YOU
23 GOT FROM THAT CONVERSATION INTO THIS F.B.I.
24 DOCUMENT; CORRECT?

25 A THAT'S CORRECT. THIS IS A -- NOT A VERBATIM

1 TRANSCRIPT, BUT A DOCUMENT REFLECTING THE FACTS AS
2 I UNDERSTOOD THEM FROM THE INTERVIEW.

3 Q AND OBVIOUSLY IMPORTANT -- OBVIOUSLY IT'S
4 IMPORTANT TO MAKE SURE THAT YOU ACCURATELY WRITE
5 WHAT HE TELLS YOU; RIGHT?

6 A THAT'S RIGHT.

7 Q AND HE TOLD YOU --

8 MR. PARRELLA: OBJECTION, YOUR HONOR.
9 THIS IS HEARSAY. HE'S ASKING WHAT MR. JANKOV TOLD
10 AGENT SIEBER ABOUT A THIRD CONVERSATION HE HAD.

11 THE COURT: I DON'T UNDERSTAND THIS TO BE
12 OFFERED FOR THE TRUTH OF IT THOUGH. THE OBJECTION
13 IS OVERRULED.

14 BY MR. SWANSON:

15 Q HE ASKED YOU THAT -- SORRY.

16 HE TOLD YOU THAT HE HAD WARNED MR. LEE --

17 MR. PARRELLA: I HAVE AN OBJECTION AGAIN,
18 YOUR HONOR. MR. JANKOV WAS ON THE STAND. HE WAS
19 CROSS-EXAMINED ABOUT THIS PARTICULAR ISSUE. HE WAS
20 CONFRONTED WITH IT, AND HE MADE HIS STATEMENT.

21 THE COURT: THE OBJECTION IS OVERRULED.
22 THIS CAN BE IMPEACHMENT OF THAT TESTIMONY.

23 MR. PARRELLA: WELL, IN THAT CASE IT'S
24 IMPEACHMENT BY EXTRINSIC EVIDENCE, WHICH IS
25 IMPROPER.

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THE COURT: OVERRULED.

BY MR. SWANSON:

Q HE TOLD YOU THAT MR. LEE AND MR. GE WERE WARNED THAT THEIR ACTIVITIES WERE IN CONFLICT --

A YES.

Q -- WITH THEIR RESPONSIBILITIES WITH NETLOGIC; IS THAT RIGHT?

A YES, THAT'S RIGHT.

Q AND HE TOLD THEM TO FOCUS ON THEIR RESPECTIVE PROJECTS AT NETLOGIC; IS THAT RIGHT?

A YES.

Q AND THEN MR. JANKOV TOLD YOU THAT MR. LEE AND MR. GE DID NOT CONFIRM OR DENY THEIR BUSINESS RELATIONSHIP OR THEIR ENDEAVORS TO START A COMPANY; IS THAT RIGHT?

A THAT'S RIGHT.

Q IN YOUR TESTIMONY YOU SAID THAT MR. GE ADMITTED TO YOU WHEN HE MET WITH YOU IN SEPTEMBER OF '03 THAT HE DOWNLOADED THE 5512 DATA SHEET WITHOUT AUTHORIZATION.

FIRST OF ALL, LET ME JUST ASK YOU, IS THAT YOUR TESTIMONY?

A IT SOUNDS CORRECT. I WOULD LIKE TO LOOK AT THE 302 TO REFRESH MY RECOLLECTION.

Q DO YOU HAVE A COPY?

1 A YES, I DO. THANK YOU.

2 (PAUSE IN PROCEEDINGS.)

3 THE WITNESS: ARE YOU TALKING ABOUT THE
4 FOURTH PARAGRAPH DOWN, AUGUST AND SEPTEMBER OF
5 2002?

6 BY MR. SWANSON:

7 Q CORRECT.

8 THE COURT: AND WHAT IS THE QUESTION?

9 BY MR. SWANSON:

10 Q THE QUESTION IS THAT YOU SAID THAT MR. GE TOLD
11 YOU THAT HE DOWNLOADED THESE DOCUMENTS -- HE
12 ADMITTED HE DOWNLOADED THEM WITHOUT AUTHORIZATION;
13 IS THAT RIGHT.

14 A I ASKED HIM IF HE WAS AUTHORIZED TO DOWNLOAD
15 THEM.

16 Q AND WHAT DID HE SAY?

17 A HE SAID HE WAS NOT AUTHORIZED.

18 Q AND, IN FACT, WASN'T IT THE CASE THAT WHAT HE
19 SAID IS THAT HE DID NOT ASK IF HE COULD?

20 A YOU KNOW, MY NOTES AND WHAT IS IN THIS REPORT
21 IS THE DOCUMENTATION OF THE FACTS AS I UNDERSTOOD
22 THEM AT THE INTERVIEW.

23 Q WOULD IT REFRESH YOUR RECOLLECTION OF WHAT WAS
24 SAID IF YOU TOOK AT WHAT WAS SAID AT THE MEETING?

25 A I WOULD BE HAPPY TO, BUT MY POINT IS THAT THIS

1 IS NOT A VERBATIM TRANSCRIPT.

2 WHERE WOULD YOU LIKE ME TO LOOK?

3 Q THE TOP THIRD.

4 A OKAY. I SEE HE DID NOT ASK --

5 Q I'M JUST ASKING IF THIS REFRESHES YOUR
6 RECOLLECTION.

7 A YEAH, THAT'S MY WRITING.

8 Q AND ISN'T IT THE CASE THAT WHAT MR. GE
9 ACTUALLY SAID TO YOU WAS HE DIDN'T ASK IF HE COULD
10 DOWNLOAD THE DOCUMENT?

11 A YEAH. I INTERPRETED THAT AS HE DID NOT HAVE
12 AUTHORIZATION.

13 Q AND THAT WAS YOUR INTERPRETATION?

14 A THAT'S RIGHT.

15 Q NOW, IN THE COURSE OF YOUR INVESTIGATION OF
16 THE COMPUTERS, YOU GOT RESULTS FROM MR. LEE'S AND
17 MR. GE'S COMPUTERS SEPARATELY; RIGHT?

18 IN OTHER WORDS, YOU COULD TELL WHAT CAME
19 FROM MR. LEE'S COMPUTER APART FROM WHAT CAME FROM
20 MR. GE'S COMPUTER?

21 A YES, AS YOU DESCRIBED A FILE PATENT INDICATING
22 WHICH COMPUTER IT WOULD COME FROM.

23 Q AFTER YOU GOT THOSE ROUTES, YOU MET WITH
24 ROLAND CORTES AND VARAD SRINIVASAN, AS WE TALKED
25 ABOUT, ON AUGUST 29; CORRECT?

1 A YES.

2 Q AND THE PURPOSE OF THAT MEETING WAS TO REVIEW
3 THE COMPILATION OF COMPUTER FILES THAT HAD BEEN
4 FOUND IN THE ANALYSIS OF THOSE COMPUTERS; RIGHT?

5 A YEAH, I BELIEVE THAT WAS THE DATE, YES.

6 Q NOW, ONE OF THE KEY ISSUES WAS WHETHER OR NOT
7 MR. GE OR MR. LEE HAD PERMISSION TO HAVE ANY OF
8 THOSE FILES THAT YOU FOUND ON THEIR COMPUTER;
9 RIGHT?

10 A IN PART, YES.

11 Q AND THAT WAS ONE OF THE ISSUES?

12 A YES.

13 Q AND WHAT YOU WROTE IN YOUR REPORT?

14 A WHICH REPORT ARE YOU REFERRING TO?

15 Q OF THE MEETING ON AUGUST 29TH, 2003 -- IF YOU
16 NEEDED TO REFRESH YOUR RECOLLECTION, JUST LET ME
17 KNOW.

18 A I'VE GOT THAT COPY.

19 I DON'T HAVE A COPY.

20 Q WOULD YOU LIKE A COPY?

21 A IF YOU HAVE ONE, YEAH. THANK YOU.

22 Q YOU WROTE THAT MR. CORTES IDENTIFIED A DATA
23 SHEET ORIGINATING ON GE'S HARD DRIVE; RIGHT?

24 A CORRECT.

25 Q AND YOU ASKED HIM FURTHER ABOUT THAT, AND IF

1 YOU FLIP TO THE NEXT PAGE -- IF YOU NEED TO REFRESH
2 YOUR RECOLLECTION?

3 A YES, I DO.

4 Q YOU SAY THAT MR. CORTES TOLD YOU THAT MR. GE
5 HAD NEVER WORKED ON THE 5512 OR THE 5512 GLC
6 PROJECTS AND, THEREFORE, THERE WAS NO REASON FOR
7 HIM TO POSSESS ELECTRONIC COPIES; RIGHT?

8 A THAT'S WHAT I'M READING, YES.

9 Q AND IS THAT -- IS THAT YOUR BEST RECOLLECTION?

10 A WELL, YOU DIDN'T FINISH THE SENTENCE. THE
11 SENTENCE SAYS NOT ON HIS HOME COMPUTER.

12 Q NOT ON HIS HOME COMPUTER, EXACTLY.

13 NOW, IN FACT, WHEN YOU MET WITH
14 MR. CORTES ON AUGUST 29TH, YOU TOLD HIM THAT THAT
15 DATA SHEET ORIGINATED ON MR. LEE'S COMPUTER; ISN'T
16 THAT RIGHT?

17 A WHEN I MET WITH HIM WHEN?

18 Q WHEN YOU MET WITH HIM ON THE 29TH.

19 A OKAY.

20 MR. PARRELLA: DO YOU HAVE A DATE HERE?

21 MR. SWANSON: AUGUST 29TH, 2003, SAME
22 MEETING.

23 Q YOU MADE ROUGH NOTES IN ADVANCE OF WRITING
24 THIS REPORT; RIGHT?

25 A I MAY HAVE.

1 Q TO REFRESH YOUR RECOLLECTION, WOULD YOU LIKE
2 TO TAKE A LOOK?

3 A YES. THESE ARE NOTES AS A RESULT OF THE
4 INTERVIEW, NOT IN ADVANCE OF THE INTERVIEW.

5 Q CORRECT. THESE ARE NOTES THAT YOU TOOK DURING
6 THE INTERVIEW; RIGHT?

7 A RIGHT. YOU WERE SAYING IT WAS IN ADVANCE OF
8 THE INTERVIEW.

9 Q I'M SORRY. THEY WERE IN ADVANCE OF WRITING
10 THE REPORT?

11 A YES.

12 Q MY MISTAKE.

13 IN OTHER WORDS, THEY WERE THE KIND OF
14 NOTES THAT YOU WRITE WHILE THE MEETING IS
15 HAPPENING; RIGHT?

16 A RIGHT.

17 Q AND THEN WHAT YOU DO, BECAUSE THE MEETING IS
18 NOT TAPE RECORDED, IS THAT YOU TAKE YOUR NOTES AND
19 TURN THEM INTO A REPORT; RIGHT?

20 A THAT'S CORRECT.

21 Q AND THE REPORT IS THE OFFICIAL RECORD?

22 A RIGHT.

23 Q THAT GOES TO THE PROSECUTOR; RIGHT?

24 A IT CAN BE USED IN COURT, YES.

25 Q AND IN YOUR WRITTEN REPORT YOU SAID THAT --

1 LET'S REFER BACK --

2 A YOU'RE TALKING AUGUST 29TH HERE?

3 Q YES. THE DATA SHEET WAS ON GE'S HARD DRIVE;
4 CORRECT?

5 A YES.

6 Q IN FACT, AS YOUR HANDWRITTEN NOTES SHOW,
7 CORTES IDENTIFIED THE DATA SHEET CREATED ON LEE'S
8 HARD DRIVE; RIGHT?

9 A YEAH.

10 Q AND YOU WENT ON TO SAY THAT CORTES ADVISED
11 THAT THERE WAS ABSOLUTELY NO REASON THAT LEE SHOULD
12 HAVE BEEN IN POSSESSION OF THE DATA SHEET; RIGHT?
13 THAT'S WHAT HE TOLD YOU IN THAT MEETING; CORRECT?

14 A YEAH. THERE'S TWO POSSIBLE EXPLANATIONS.

15 Q WELL, I'M JUST ASKING YOU. IS THAT WHAT HE
16 TOLD YOU IN THE MEETING?

17 A AGAIN, CAN YOU ASK ME AGAIN, PLEASE?

18 Q THAT LEE, LAN LEE DID NOT HAVE ANY REASON TO
19 HAVE THAT DOCUMENT; RIGHT? DO YOU REMEMBER RIGHT
20 NOW WHAT WAS SAID --

21 THE COURT: JUST ONE MOMENT. ONLY ASK
22 ONE QUESTION AT A TIME.

23 THE WITNESS: I'M A LITTLE CONFUSED OF
24 WHERE YOU ARE IN THIS DOCUMENT ACTUALLY.

25 BY MR. SWANSON:

1 Q VERY WELL. TAKE A LOOK AT THESE NOTES. THEY
2 WERE CONTEMPORANEOUS WITH THE MEETING, RIGHT?

3 A YES.

4 Q AND THIRD PARAGRAPH DOWN.

5 A OKAY.

6 Q CORTES ADVISED THERE WAS ABSOLUTELY NO REASON
7 THAT LEE SHOULD HAVE BEEN IN POSSESSION OF THE
8 NSE 5512 GLC DATA SHEET BECAUSE HE DID NOT WORK IN
9 THE MARKETING GROUP; RIGHT?

10 A OKAY. OKAY.

11 Q AND THEN YOU WROTE UP YOUR NOTES AND TURNED
12 THOSE NOTES INTO THE OFFICIAL DOCUMENT?

13 A OKAY.

14 Q YOU CHANGED LEE TO GE, DIDN'T YOU?

15 A YOU'RE ASSUMING THAT THIS IS --

16 THE COURT: JUST A MOMENT. WAIT.

17 BY MR. SWANSON:

18 Q ALL RIGHT.

19 A THE ANSWER IS NO.

20 Q THE OFFICIAL DOCUMENT SAYS THAT MR. CORTES
21 TOLD YOU THAT MR. GE WAS NOT AUTHORIZED; RIGHT?

22 A YOU ARE TALKING ABOUT -- YOU MAY BE TALKING
23 ABOUT SEVERAL DIFFERENT DOCUMENTS HERE.

24 NSE 5512 GLC DATA SHEET REFERS TO
25 DIFFERENT DOCUMENTS, AND GLC IS EVEN A BROADER TERM

1 IN TERMS OF THIS INVESTIGATION.

2 SO IF YOU'RE IMPLYING THAT I
3 INTENTIONALLY CHANGED THE NAME, THERE'S ABSOLUTELY
4 NO WAY.

5 Q CAN YOU EXPLAIN WHY YOU CHANGED THE NAME THEN?

6 A NO, I CAN'T.

7 Q THEN YOU'VE ANSWERED MY QUESTION.

8 A BUT WE HAVE TWO DIFFERENT DOCUMENTS HERE.

9 MR. SWANSON: NO FURTHER QUESTIONS, YOUR
10 HONOR, AT THIS TIME.

11 THE COURT: ANY REDIRECT?

12 MR. NOLAN: MAY I JUST HAVE A MOMENT WITH
13 COUNSEL?

14 (PAUSE IN PROCEEDINGS.)

15 MR. SWANSON: YOUR HONOR, I'M SORRY.
16 COULD I JUST REOPEN FOR TWO QUICK QUESTIONS?

17 THE COURT: CERTAINLY.

18 BY MR. SWANSON:

19 Q IN FACT, YOU KNEW FROM YOUR INTERVIEW WITH
20 YUEFEI GE -- AND WE'RE STILL LOOKING AT THE SAME
21 NOTES. SORRY. WE'RE LOOKING AT THE HANDWRITTEN
22 NOTES FROM THE INTERVIEW WITH YUEFEI GE THAT HE WAS
23 ACTUALLY TOLD HE COULD TAKE THE PAPER HOME,
24 YUEFEI GE WAS?

25 MR. PARRELLA: I'M GOING TO OBJECT TO THE

1 FORM OF THE QUESTION. I THINK IT'S CONFUSING.

2 THE COURT: SUSTAINED.

3 BY MR. SWANSON:

4 Q YOU HAD A MEETING WITH YUEFEI GE ON SEPTEMBER
5 10TH; RIGHT?

6 A YES.

7 Q AND YOU DISCUSSED WHETHER OR NOT HE -- YOU HAD
8 A DISCUSSION ABOUT WHAT DOCUMENTS HE HAD; RIGHT?

9 A YES.

10 THE COURT: JUST A MOMENT. CAN I HAVE A
11 DISCUSSION WITH COUNSEL AT THE SIDE-BAR.

12 (SIDE-BAR CONFERENCE.)

13 THE COURT: VERY WELL. I HAD THE BENEFIT
14 OF A SIDE-BAR CONVERSATION.

15 YOU MAY RESUME YOUR EXAMINATION.

16 MR. SWANSON: YES, YOUR HONOR. JUST ONE
17 SEC.

18 (PAUSE IN PROCEEDINGS.)

19 BY MR. SWANSON:

20 Q YOU SAID IN YOUR REPORT THAT YOU WROTE OF THE
21 INTERVIEW WITH YUEFEI GE ON SEPTEMBER 10TH OF 2003
22 THAT MR. GE SAID THAT HE DOWNLOADED AN ELECTRONIC
23 VERSION OF THE PEGASUS DATA SHEET, WE ALREADY
24 TALKED ABOUT THAT, BUT FROM HIS NETLOGIC WORK
25 STATION AND DOWNLOADED ONTO HIS HOME COMPUTER IN

1 SEPTEMBER OF 2002 AND ADMITTED HE DID NOT ASK VARAD
2 OR ANY OTHER SUPERVISING OFFICIAL TO DOWNLOAD OR
3 INSTALL IT ON HIS HOME COMPUTER; RIGHT?

4 A THAT'S CORRECT.

5 Q AND ISN'T IT TRUE THAT HE ALSO TOLD YOU THAT
6 HE COULD TAKE THE HARD COPY HOME?

7 A YEAH, HE MENTIONED THAT HIS MANAGER SAID THAT
8 HE COULD TAKE A PAPER COPY OF IT TO STUDY FOR THE
9 PURPOSE OF HIS EMPLOYMENT.

10 Q THANK YOU.

11 MR. SWANSON: NO FURTHER QUESTIONS AT
12 THIS TIME, YOUR HONOR.

13 THE COURT: ANY REDIRECT?

14 MR. PARRELLA: YES, YOUR HONOR.

15 **REDIRECT EXAMINATION**

16 BY MR. PARRELLA:

17 Q ARE YOU ORGANIZED NOW?

18 A PARDON ME?

19 Q ARE YOU ORGANIZED NOW?

20 A YES, THANK YOU.

21 Q AGENT, YOU WERE ASKED ON CROSS-EXAMINATION
22 ABOUT HOW YOU WOULD COME TO THE CONCLUSION THAT
23 SOMETHING IS OR THAT YOU MIGHT SUSPECT THAT
24 SOMETHING IS A TRADE SECRET AND YOU WERE ASKED
25 ABOUT MARKINGS ON DOCUMENTS.

1 CAN YOU TELL US IN YOUR OWN MIND WHAT
2 ROLE MARKINGS ON A DOCUMENT WOULD PLAY?

3 A THE MARKINGS --

4 MR. NOLAN: OBJECTION, YOUR HONOR. NO
5 FOUNDATION.

6 MR. PARRELLA: YOUR HONOR, THIS WAS
7 DIRECTLY GONE INTO ON CROSS-EXAMINATION ABOUT --

8 THE COURT: WELL, THERE WAS SOME
9 EXAMINATION AND I UNDERSTOOD FROM THE WITNESS'S
10 TESTIMONY THAT HE RELIED ON THE COMPANY'S
11 ASSESSMENT.

12 BUT THERE WAS SOME TESTIMONY THAT THERE
13 WERE MARKINGS AND SO THE ROLE THAT THE MARKINGS
14 WOULD HAVE IN GENERAL IS WHAT YOU'RE ASKING OR THE
15 ROLE THAT THESE MARKINGS HAD ON THESE PARTICULAR
16 DOCUMENTS?

17 MR. PARRELLA: WELL, THE
18 CROSS-EXAMINATION WAS ASKED IN GENERAL, AND SO
19 THAT'S THE WAY I'M FRAMING IT.

20 THE COURT: SO THIS IS IN GENERAL WHAT
21 ROLE MARKINGS HAVE WITH RESPECT TO YOUR
22 INVESTIGATION.

23 THE WITNESS: SO GENERALLY SPEAKING,
24 THESE WOULD DESIGNATE A DOCUMENT WHATEVER THAT
25 AGREED UPON TERM IS AS BEING INTELLECTUAL PROPERTY

1 OF A PARTICULAR COMPANY.

2 BY MR. PARRELLA:

3 Q AND WHAT -- IN YOUR COMING TO AN INVESTIGATIVE
4 CONCLUSION OR IN ITS USE IN YOUR INVESTIGATION, HOW
5 WOULD MARKINGS INTERACT WITH OTHER EVIDENCE THAT
6 SOMETHING WAS A TRADE SECRET?

7 MR. NOLAN: LACKS FOUNDATION, YOUR HONOR.
8 I TRIED TO GET INTO THIS AND YOU SAID THEY WEREN'T
9 RELEVANT AS I RECALL. SOMETHING GENERALLY TO THAT
10 EFFECT.

11 THE COURT: WELL, SINCE THE WITNESS
12 HASN'T EXPRESSED AN OPINION THAT SOMETHING IS OR IS
13 NOT A TRADE SECRET THE FORM OF THE QUESTION GIVES
14 THE COURT PAUSE BECAUSE HIS ROLE, AS HE SAID, IS
15 NOT ONE WHERE HE MAKES A JUDGMENT ONE WAY OR THE
16 OTHER, BUT DETERMINES WHETHER OR NOT THERE IS CAUSE
17 TO INVESTIGATE THAT THERE MIGHT BE THE USE OF
18 INTELLECTUAL PROPERTY AND THAT THE WORD TRADE
19 SECRETS OR OTHERS ARE NOT OF SIGNIFICANCE TO HIM IN
20 ANY PARTICULAR WAY.

21 IT COULD BE THE WORD "BLUE" WOULD BE
22 SUFFICIENT AS I UNDERSTOOD HIS DIRECT, OR ACTUALLY
23 HIS TESTIMONY ON CROSS-EXAMINATION.

24 SO REPHRASE YOUR QUESTION.

25 BY MR. PARRELLA:

1 Q WELL -- SO WHEN YOU'RE PROCEEDING WITH YOUR
2 INVESTIGATION, DID YOU COME TO A CONCLUSION
3 REGARDING THE TRADE SECRET STATUS OF AN ITEM SOLELY
4 BECAUSE OF ITS MARKINGS?

5 A NO.

6 MR. NOLAN: OBJECTION. FORM OF THE
7 QUESTION. I DON'T THINK HE COMES TO A CONCLUSION.

8 ASSUMES FACTS THAT HAVEN'T BEEN BROUGHT
9 UP ON CROSS THAT HE COMES TO A CONCLUSION.

10 THE COURT: SUSTAINED. THE JURY WILL
11 DISREGARD THE ANSWER.

12 MR. PARRELLA: THANK YOU, YOUR HONOR.
13 I'LL MOVE ON.

14 Q YOU HAD STATED THAT THE -- THAT AT A CERTAIN
15 POINT IN TIME YOU BECAME AWARE OF THE PHONE CALLS
16 THAT WERE MADE TO THE F.B.I.; CORRECT?

17 A THAT'S CORRECT.

18 Q DO YOU KNOW WHERE THOSE PHONE CALLS WERE MADE,
19 IN OTHER WORDS, TO WHAT F.B.I. OFFICE?

20 A YES.

21 Q AND WHERE WAS THAT?

22 A THE SACRAMENTO DIVISION.

23 Q AND HOW DID YOU ULTIMATELY END UP GETTING THE
24 INFORMATION?

25 A THE F.B.I. IS STRUCTURED IN A WAY THAT

1 INFORMATION COMES TO THE OFFICE THAT COVERS A
2 PARTICULAR AREA OF RESPONSIBILITY AND ONE OF THE
3 COMPANIES WAS MENTIONED IN THE COMPLAINT WAS
4 MOUNTAIN VIEW, AND SO IT WORKED ITS WAY TO THE PALO
5 ALTO R.A., WHICH WORKED IT'S WAY TO THE MOUNTAIN
6 VIEW OFFICE AT THE TIME.

7 Q AND BY THE WAY, YOU REFERENCED 302 AND COUNSEL
8 HAS AS WELL. TELL US WHAT THAT IS?

9 A 302 IS A DOCUMENTATION OF A MEETING. IT'S NOT
10 A VERBATIM TRANSCRIPT. IT IS A DOCUMENT THAT CAN
11 BE USED IN COURT AND IT IDENTIFIES A SEQUENCE OF
12 EVENTS AND FACTS ARTICULATED AS THEY ARE UNDERSTOOD
13 BY THE INVESTIGATOR AT THAT TIME.

14 Q SO, IN FACT, IT'S A REPORT FOR OUR PURPOSES?

15 A YES.

16 Q AND DO YOU SOMETIMES MAKE HANDWRITTEN NOTES
17 PRIOR TO CREATING A 302?

18 A SOMETIMES.

19 Q AND ARE THERE OTHER TIMES WHEN YOU DO NOT?

20 A YES.

21 Q AND ARE THERE -- WHEN ARE 302'S GENERALLY
22 CREATED?

23 A 302'S ARE GENERALLY CREATED DURING A
24 SIGNIFICANT INTERVIEW IN A CRIMINAL CASE.

25 Q AND ARE THERE TIMES THAT THINGS THAT ARE IN

1 302'S ARE NOT IN NOTES?

2 A YES.

3 Q AND WHY WOULD THAT BE?

4 A YOU DON'T HAVE TIME TO TAKE THE NOTES. SOME
5 302'S ARE WRITTEN FROM NO NOTES AT ALL.

6 IF AN EFFORT TO DEVELOP A RAPPORT WITH
7 SOMEBODY IS BEING MADE, THEN YOU MIGHT NOT TAKE
8 NOTES.

9 Q SO YOU WERE ASKED ON CROSS-EXAMINATION
10 QUESTIONS ABOUT ATTEMPTING TO DETERMINE THE
11 IDENTITY OF THE ANONYMOUS CALLER THAT MADE THE
12 CALLS TO THE F.B.I.

13 DO YOU RECALL THOSE QUESTIONS?

14 A YES.

15 Q NOW, DURING THE COURSE OF INVESTIGATING THAT
16 PARTICULAR ISSUE, DID YOU EVER SPEAK TO YUNCHUN LI,
17 WHO IS YUEFEI GE'S WIFE?

18 A NO.

19 Q YOU WERE ASKED ON CROSS-EXAMINATION QUESTIONS
20 ABOUT REFERENCES YOU HAD MADE TO COMPLAINANTS BOTH
21 IN THE SEARCH WARRANT APPLICATION AND IN SOME
22 REPORTS.

23 CAN YOU EXPLAIN WHY YOU USED THE TERM
24 "COMPLAINANTS"?

25 A THE F.B.I.'S FORM FOR INTAKE OF GENERAL

1 INFORMATION OR ALLEGATIONS IS AN FD-71. IT'S A
2 FORM BASICALLY THAT TAKES THE NAME OF THE
3 INDIVIDUAL FILING THE COMPLAINT, ADDRESS, PHONE
4 NUMBER, DATE OF BIRTH, AND THEY'RE REFERRED TO IN
5 THAT FORM AS THE COMPLAINANT.

6 Q OKAY. COULD WE PUT UP 8, PLEASE.

7 NOW, AGENT, YOU WERE ASKED ON
8 CROSS-EXAMINATION ABOUT WHETHER THERE WERE OTHER
9 REFERENCES REGARDING HAVING AN APPLICATION BEING
10 MADE TO THE 863 PROGRAM BY THE DEFENDANTS. DO YOU
11 RECALL --

12 A YES.

13 Q -- THAT AREA OF QUESTIONING? AND YOU
14 REFERENCED GOVERNMENT'S EXHIBIT 8. LET ME DIRECT
15 YOUR ATTENTION TO THE FINAL PARAGRAPH OF THAT,
16 PLEASE.

17 A I SEE THAT.

18 Q CAN YOU READ THAT, PLEASE?

19 A "ATTACHED PLEASE FIND AN OFFER OF EMPLOYMENT
20 FOR THE POSITION OF PROGRAM CONSULTANT FROM QINGHUS
21 UNIVERSITY FOR ITS 863 MEMORY PROJECT (SRAM AND
22 FLASH MEMORY) ALONG WITH THE BUSINESS PLAN, THE
23 TECHNICAL REPORT FOR THE SNCP-1 NETWORK
24 CO-PROCESSOR, AND RESUMES OF THE TEAM MEMBERS."

25 Q AND THIS WAS A LETTER TO WHOM?

1 A TO PROFESSOR JIANG.

2 Q AND WHO SIGNED THIS LETTER?

3 A LAN LEE.

4 Q AND WAS THERE AN ATTACHMENT TO THIS ITEM?

5 A WE DO NOT POSSESS THE ATTACHMENT TO THIS ITEM.

6 MR. PARRELLA: I HAVE NOTHING FURTHER,
7 YOUR HONOR.

8 MR. SWANSON: YOUR HONOR, COULD I HAVE
9 ONE QUICK QUESTION, YOUR HONOR?

10 THE COURT: DO YOU WANT TO SUGGEST THAT
11 THERE'S A BASIS FOR RECROSS?

12 MR. SWANSON: THERE IS, YOUR HONOR.

13 THE COURT: WHAT NEW MATTER WAS OPENED?

14 MR. SWANSON: IT IS THE CHARACTERIZATION
15 OF EXHIBIT 8.

16 THE COURT: THE CHARACTERIZATION OF IT?

17 MR. SWANSON: YES, THAT LAST PARAGRAPH
18 THAT WE JUST SPOKE ABOUT.

19 THE COURT: THE COURT WILL GRANT LIMITED
20 RECROSS WITH RESPECT TO THAT DOCUMENT.

21 **RECROSS-EXAMINATION**

22 BY MR. SWANSON:

23 Q AGENT SIEBER, THE LETTER ATTACHED AS EXHIBIT 8
24 DESCRIBES AN OFFER OF EMPLOYMENT FOR A POSITION OF
25 PROGRAM CONSULTANT AT QINGHUA UNIVERSITY FOR ITS

1 863 MEMORY PROJECT; CORRECT?

2 A YES.

3 Q AND IT DOES NOT SAY THAT IT CONTAINS AN 863
4 APPLICATION; CORRECT?

5 A I DON'T SEE THAT.

6 Q THANK YOU.

7 MR. NOLAN: CAN I HAVE ONE QUESTION ON
8 THE SAME DOCUMENT, YOUR HONOR?

9 THE COURT: CERTAINLY.

10 **RECROSS-EXAMINATION**

11 BY MR. NOLAN:

12 Q YOU INDICATED THAT THIS WAS SIGNED BY MR. LEE;
13 IS THAT CORRECT?

14 A THERE'S A COMPUTER PRINTED.

15 Q AND YOU INTERPRETED SIGNED IN A COMPUTER TO BE
16 THE SAME?

17 A NO, IT'S NOT THE SAME.

18 Q AND SO IT'S NOT ACCURATE TO SAY IT WAS SIGNED;
19 CORRECT?

20 A THAT WOULD BE ACCURATE.

21 Q AND IS THERE ANY INDICATION THAT THIS WAS EVER
22 SENT?

23 A I BELIEVE THIS DOCUMENT WAS FOUND IN -- I
24 WOULD HAVE TO VERIFY, BUT MANY OF THESE DOCUMENTS
25 ARE FOUND AND DELETED IN WHAT IS CALLED SLACK SPACE

1 AND THAT'S WHY THERE IS NO ATTACHMENT WITH THIS
2 DOCUMENT. SO IT'S HARD TO SAY IF IT WAS SENT OR
3 NOT.

4 Q SO IF SOMEONE TYPED IT AND IT WAS FOUND IN
5 LOST SPACE, YOU DON'T KNOW WHERE IT WAS FOUND?

6 A WELL, IT WAS FOUND ON MR. LEE'S COMPUTER.

7 Q I UNDERSTAND. YOU HAVE NO IDEA WHETHER IT WAS
8 SENT?

9 A NO, I HAVE NO WAY TO DETERMINE WHETHER IT WAS
10 SENT.

11 Q THANK YOU.

12 MR. NOLAN: YOUR HONOR, NOTHING FURTHER.

13 THE COURT: ANYTHING FURTHER?

14 MR. PARRELLA: NO, YOUR HONOR.

15 THE COURT: ALL RIGHT. THE WITNESS MAY
16 BE EXCUSED. YOU MAY STEP DOWN.

17 CALL YOUR NEXT WITNESS.

18 MR. PARRELLA: YOUR HONOR, THE UNITED
19 STATES WILL CALL CHRISTIAN CANO.

20 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

21 **CHRISTIAN CANO,**

22 BEING CALLED AS A WITNESS ON BEHALF OF THE
23 PLAINTIFF, HAVING BEEN FIRST DULY SWORN, WAS EXAMINED
24 AND TESTIFIED AS FOLLOWS:

25 THE WITNESS: I DO.

1 THE CLERK: PLEASE BE SEATED.

2 PLEASE STATE YOUR FULL NAME AND SPELL
3 YOUR LAST NAME FOR THE RECORD.

4 THE WITNESS: CHRISTIAN D. CANO.
5 C-A-N-O.

6 MR. PARRELLA: THANK YOU, YOUR HONOR.

7 **DIRECT EXAMINATION**

8 BY MR. PARRELLA:

9 Q AGENT CANO, COULD YOU TELL US HOW YOU'RE
10 EMPLOYED, PLEASE.

11 A I'M EMPLOYED WITH THE FEDERAL BUREAU OF
12 INVESTIGATION.

13 Q AND HOW LONG HAVE YOU -- WELL, WHAT IS YOUR
14 TITLE?

15 A SPECIAL AGENT.

16 Q AND HOW LONG HAVE YOU BEEN A SPECIAL AGENT?

17 A APPROXIMATELY SEVEN AND A HALF YEARS.

18 Q AND WERE YOU SO EMPLOYED IN THE TIMEFRAME OF
19 LATE 2002 AND INTO 2003?

20 A YES, I WAS.

21 Q AND WHERE WERE YOU ASSIGNED BACK THEN?

22 A THE SAN FRANCISCO DIVISION, PALO ALTO RESIDENT
23 AGENCY.

24 Q AND HOW LONG WERE YOU ASSIGNED TO THAT
25 DIVISION?

1 A AT THAT TIME I HAD BEEN ASSIGNED TO THE
2 DIVISION APPROXIMATELY ONE YEAR.

3 Q AND DID THERE COME A TIME WHEN YOU WERE
4 TRANSFERRED OUT OF THAT DIVISION?

5 A YES.

6 Q AND WHEN WAS THAT?

7 A SEPTEMBER OF 2004.

8 Q AND WHERE DID YOU GO?

9 A THE SAN JUAN PUERTO RICO DIVISION.

10 Q AND HOW LONG WERE YOU THERE?

11 A FOUR YEARS AND THREE MONTHS.

12 Q AND WHERE ARE YOU NOW?

13 A THE TAMPA DIVISION, ORLANDO RESIDENT AGENCY.

14 Q AND SO IN THE GENERAL TIMEFRAME OF MAY, JUNE,
15 OR LATE SPRING OR INTO MAY, JUNE OF 2003, DID YOU
16 BECOME INVOLVED IN THE INVESTIGATION INVOLVING AN
17 ENTITY REFERRED TO AS NETLOGIC MICROSYSTEMS?

18 A YES, I DID.

19 Q AND HOW DID YOU GET INVOLVED IN THAT?

20 A OUR OFFICE RECEIVED INFORMATION INDICATING
21 THAT LAN LEE, WHO WAS EMPLOYED BY NETLOGIC
22 MICROSYSTEMS, WAS MAYBE ATTEMPTING TO STEAL THEIR
23 INTELLECTUAL PROPERTY.

24 Q OKAY. AND WERE YOU THE CASE AGENT ON THE
25 MATTER?

1 A I WAS NOT. I WAS ASSISTING SPECIAL AGENT
2 DAVID SIEBER.

3 Q AND DID YOU HAVE OTHER MATTERS PENDING AT THAT
4 TIME YOURSELF --

5 A YES, I DID.

6 Q -- THAT YOU WERE THE CASE AGENT ON?

7 A YES.

8 Q SO LET ME JUST BRING YOU TO THE TIMEFRAME OF
9 JUNE 4TH, 2003.

10 DO YOU RECALL A MEETING OCCURRING ON THAT
11 DATE?

12 A YES.

13 Q AND WERE YOU PRESENT AT THAT?

14 A YES, I WAS.

15 Q OKAY. CAN YOU TELL US ABOUT THAT MEETING,
16 JUST WHERE IT WAS AND WHO ATTENDED?

17 A CAN I REFER TO MY 302?

18 Q YES, IF YOU NEED TO REFRESH YOUR RECOLLECTION,
19 JUST REVIEW THE 302 AND JUST LOOK UP.

20 MR. NOLAN: CAN I TAKE A LOOK AT WHAT HE
21 HAS BEEN REFERRING TO, COUNSEL?

22 MR. PARRELLA: WELL, IT HASN'T BEEN
23 REFERRED TO YET.

24 MR. NOLAN: OKAY.

25 BY MR. PARRELLA:

1 Q CAN YOU JUST IDENTIFY WHAT YOU'RE REFERRING
2 TO? JUST GIVE US THE DATE ON IT.

3 A OH, SURE.

4 (PAUSE IN PROCEEDINGS.)

5 THE WITNESS: WHAT DATE DID YOU SAY?

6 BY MR. PARRELLA:

7 Q WELL, LET ME ASK YOU THIS WAY. LET ME DIRECT
8 YOU TO JUNE 11TH, 2003. DID YOU ATTEND A MEETING
9 ON THAT DAY?

10 A YES, I DID.

11 Q HAD YOU ATTENDED ANY MEETINGS BEFORE THEN?

12 A NO.

13 Q AND WERE YOU AWARE OF ANY?

14 A YES. ON JUNE 4TH, 2003 IT'S MY UNDERSTANDING
15 THAT SPECIAL AGENT SIEBER --

16 MR. NOLAN: OBJECTION, YOUR HONOR. IF
17 HE'S AWARE AS A RESULT OF HEARSAY, THAT'S ONE
18 THING.

19 IF HE WASN'T THERE, THEN HE DOESN'T HAVE
20 ANYTHING TO REFRESH HIS RECOLLECTION.

21 THE COURT: WELL, YOU CAN ANSWER THAT YES
22 OR NO AND THEN WE'LL SEE WHETHER OR NOT THE
23 FOUNDATION IS LAID.

24 BY MR. PARRELLA:

25 Q SO THE ANSWER WAS YES, YOU WERE AWARE THAT

1 THERE WAS A MEETING ON JUNE 4TH, 2003?

2 A YES, I WAS.

3 Q AND YOU WERE NOT PRESENT?

4 A NO, I WAS NOT.

5 Q NOW LET'S MOVE TO JUNE 11TH, 2003.

6 WERE YOU PRESENT AT A MEETING WITH
7 NETLOGIC MICROSYSTEMS?

8 A YES, I WAS.

9 Q AND WHERE DID THAT OCCUR?

10 A AT THE OFFICES OF THEIR LEGAL COUNSEL.

11 Q AND CAN YOU JUST BRIEFLY SUMMARIZE WHAT YOU
12 LEARNED AT THAT MEETING?

13 A IN SUMMARY THEY --

14 MR. NOLAN: OBJECTION. IRRELEVANT, YOUR
15 HONOR.

16 THE COURT: OVERRULED.

17 THE WITNESS: THEY ADVISED US THAT THEY
18 HAD FOR SOME TIME HAD BEEN -- HAD AN INVESTIGATION,
19 AN INTERNAL INVESTIGATION WITH LAN LEE --

20 MR. NOLAN: OBJECTION, HEARSAY.

21 THE COURT: OVERRULED.

22 THE WITNESS: THEY HAD AN INTERNAL
23 INVESTIGATION OF LAN LEE BASED ON E-MAILS THAT THEY
24 RECEIVED INDICATING THAT THEY -- THAT LAN LEE MAY
25 BE ATTEMPTING TO STEAL THEIR INTELLECTUAL PROPERTY,

1 AND IN ADDITION TO USING THAT INTELLECTUAL PROPERTY
2 TO CREATE HIS OWN COMPANY, HE WAS ALSO ATTEMPTING
3 TO ACQUIRE FUNDING IN CHINA.

4 AND THEY PROVIDED US WITH COPIES OF THE
5 E-MAILS THAT THEY RECEIVED, IN ADDITION TO A
6 PRESENTATION WITH THE SUMMARY OF THEIR
7 INVESTIGATION TO DATE.

8 THE COURT: IT SEEMS THAT THIS WITNESS'S
9 TESTIMONY IS CHARACTERIZING WHAT HE WAS TOLD.

10 IT'S NOT BEING ALLOWED FOR THE TRUTH OF
11 WHAT THEY WERE SAYING, BUT JUST AS INFORMATION THAT
12 WAS BEING GIVEN TO HIM AND OTHERS AND TO EXPLAIN
13 WHAT CONDUCT.

14 IT COULD BE THAT THIS INFORMATION WAS
15 TRUE OR FALSE. THAT WAS NOT THE IMPORTANT PART OF
16 THIS.

17 IT WAS JUST THE REASON FOR THE MEETING
18 AND WHAT WAS SAID DURING THE COURSE OF THE MEETING.

19 YOU MAY PROCEED.

20 MR. PARRELLA: THANK YOU, YOUR HONOR.

21 Q SO AFTER THAT MEETING, DID THE INVESTIGATION
22 CONTINUE?

23 A YES, IT DID.

24 Q AND WHO WAS DIRECTING IT?

25 A SPECIAL AGENT SIEBER WAS THE CASE AGENT.

1 Q AND HOW OFTEN WERE YOU WORKING WITH HIM, WOULD
2 YOU SAY?

3 A AT THAT TIME WE WERE WORKING PRETTY MUCH DOING
4 EVERYTHING TOGETHER.

5 Q OKAY. AND SO LET ME MOVE YOU TO JULY 29TH,
6 2003. WERE YOU WORKING TOGETHER THAT DAY?

7 A UM --

8 Q JULY 29TH, 2003?

9 A I'M NOT SURE WHAT DATE THAT WAS.

10 Q OKAY. WOULD YOU LOOKING AT YOUR REPORT
11 REFRESH YOUR RECOLLECTION?

12 A I CAN TRY AND FIND THE REPORT.

13 Q OKAY. TELL US WHAT YOU ARE LOOKING AT THEN
14 AND SET IT ASIDE.

15 A YES, I WAS WORKING WITH SPECIAL AGENT SIEBER
16 ON THAT DAY.

17 Q OKAY. AND DID YOU GO TO NETLOGIC
18 MICROSYSTEMS' OFFICES?

19 A YES, I DID.

20 Q AND ULTIMATELY DID YOU MEET WITH YUEFEI GE?

21 A YES.

22 Q AND ON THAT DATE DID YOU REQUEST CONSENT TO
23 SEARCH YUEFEI GE'S COMPUTERS --

24 A YES.

25 Q -- FROM HIM?

1 OKAY. 21. SHOWING THE WITNESS WHAT HAS
2 PREVIOUSLY BEEN MARKED AS GOVERNMENT'S EXHIBIT 21.

3 NOW, AGENT, DO YOU SEE THAT DOCUMENT?

4 A YES, I DO.

5 Q AND DO YOU RECOGNIZE THAT?

6 A YES.

7 Q AND WHAT IS THAT?

8 A THIS IS THE FD-26.4. IT'S THE CONSENT TO
9 SEARCH IN MANDARIN CHINESE.

10 Q AND NOW HOW DID YOU -- WITHDRAWN.

11 DID YOU UTILIZE THIS DOCUMENT DURING THAT
12 MEETING WITH YUEFEI GE ON JULY 29TH, 2003?

13 A YES.

14 Q AND CAN YOU TELL US HOW YOU USED IT?

15 A I ASKED YUEFEI GE IF HE WOULD CONSENT TO A
16 SEARCH OF HIS E-MAIL ADDRESSES AND OF HIS HOME
17 COMPUTERS AS WELL.

18 Q OKAY. AND WHAT DID HE SAY?

19 A HE AGREED TO IT.

20 Q DID YOU UTILIZE ANY OTHER FORMS?

21 A YES. I PRESENTED HIM, YUEFEI, WITH THE
22 ENGLISH VERSION AS WELL. I READ THE ENGLISH
23 VERSION TO HIM, AND THEN I ASKED HIM TO READ BOTH
24 THE ENGLISH VERSION AND THE MANDARIN CHINESE
25 VERSION TO ENSURE HE UNDERSTOOD, AND HE READ THEM

1 BOTH AND I ASKED HIM IF HE UNDERSTOOD AND HE SAID
2 YES.

3 AND I HAD HIM FILL IN THE HANDWRITTEN
4 PORTION WHERE IT SAYS -- WHERE IT LISTS HIS E-MAIL
5 ADDRESS AND HIS HOME ADDRESS.

6 Q AND DID HE SIGN THAT?

7 A YES, HE DID.

8 Q DID YOU SIGN THAT?

9 A YES.

10 MR. PARRELLA: OKAY. YOUR HONOR, I'LL
11 OFFER THAT AS EXHIBIT 21.

12 THE COURT: EXHIBIT 21 IS IN EVIDENCE.

13 (WHEREUPON, PLAINTIFF'S EXHIBIT NUMBER 21,
14 HAVING BEEN PREVIOUSLY MARKED FOR
15 IDENTIFICATION, WAS ADMITTED INTO
16 EVIDENCE.)

17 MR. PARRELLA: THANK YOU.

18 Q SO AFTER THAT WAS COMPLETE, DID YOU GO TO
19 YUEFEI GE'S RESIDENCE?

20 A YES, I DID.

21 Q AND WHAT WAS DONE THERE? OR LET ME SAY YOU
22 ULTIMATELY WENT TO YUEFEI GE'S RESIDENCE?

23 A YES.

24 Q AND WHAT WAS DONE THERE?

25 A THE -- ANOTHER AGENT AND SPECIAL AGENT SIEBER

1 WERE INSIDE OF THE HOUSE. THEY IMAGED HIS HARD
2 DRIVES.

3 Q OKAY. AND WAS THE FORM UTILIZED AGAIN?

4 A YES. AT THE CONCLUSION OF THE SEARCH IT WAS
5 SIGNED ON THE BACK BY SPECIAL AGENT SIEBER AND
6 YUEFEI GE.

7 Q OKAY. DID YOU SIGN THE BACK?

8 A YES.

9 Q OKAY. THANK YOU. YOU CAN SET THAT ASIDE.

10 SO DID YOU CONTINUE THE INVESTIGATION, OR
11 DID AGENT SIEBER CONTINUE THE INVESTIGATION?

12 A YES.

13 Q AND DID YOU CONTINUE TO WORK WITH HIM?

14 A YES.

15 Q OKAY. AND, AGAIN, DID YOU HAVE OTHER MATTERS
16 AS WELL?

17 A I DID.

18 Q OKAY. SO LET ME DIRECT YOUR ATTENTION NOW TO
19 SEPTEMBER 10TH, 2003.

20 ON THAT DATE DID YOU MEET WITH YUEFEI GE
21 AGAIN?

22 A YES.

23 Q AND WHERE DID THAT OCCUR?

24 A AT THE PALO ALTO RESIDENT AGENCY.

25 Q AND THAT'S THE F.B.I. OFFICE?

1 A YES.

2 Q AND WHERE DID IT OCCUR WITHIN THE OFFICE?

3 A IN THE -- WE HAVE A CONFERENCE ROOM. THAT'S
4 WHERE THE INTERVIEW WAS CONDUCTED.

5 Q AND DID YOU -- WHO SET UP THAT MEETING?

6 A SPECIAL AGENT SIEBER.

7 Q SO, UM, WAS THERE AN INTERVIEW OR --
8 WITHDRAWN.

9 WAS THERE A CONVERSATION DURING THIS
10 MEETING?

11 A YES.

12 Q AND WHO WAS PRESENT?

13 A YUEFEI GE, SPECIAL AGENT SIEBER, AND MYSELF.

14 Q AND CAN YOU TELL US BRIEFLY WHAT YUEFEI GE
15 SAID?

16 A YUEFEI GE ADVISED US THAT HE HAD DOWNLOADED
17 AND INSTALLED ON HIS HOME COMPUTER, WITHOUT
18 AUTHORIZATION, THE PEGASUS DATA SHEET, THE NSE 5512
19 DATA SHEET, ALSO KNOWN AS THE THOR DATA SHEET, AND
20 THE NSE 5512 GLC DATA SHEET.

21 HE ADVISED THAT HE HAD DOWNLOADED ALL
22 THREE OF THOSE AND INSTALLED THEM ON HIS OWN
23 COMPUTER WITHOUT AUTHORIZATION.

24 HE THEN PROCEEDED TO TELL US ABOUT A
25 MEETING THAT YUEFEI GE HAD, THAT HE HAD WITH

1 LAN LEE AND XIAODONG YANG AT THE RESIDENCE OF
2 MR. YANG.

3 GE ADVISED THAT HE TOOK WITH HIM TO THAT
4 MEETING THE ELECTRONIC DATA SHEETS OF THE 5512, THE
5 NSE 5512, AND THE NSE 5512 GLC.

6 GE ADVISED THAT AT HIS HOME ON HIS HOME
7 COMPUTER HE HAD ALTERED THOSE DATA SHEETS AND THE
8 ALTERATIONS INCLUDED REMOVING THE HEADERS AND
9 FOOTERS THAT CONTAINED NETLOGIC MICROSYSTEMS'
10 CONFIDENTIALITY DISCLAIMER.

11 AND IN ONE INSTANCE HE ADVISED HE
12 REPLACED THE TERM "NSE 5512" WITH THE TERM "SICO."

13 GE ADVISED US THAT USING THE DATA SHEETS
14 FOR SICO'S BUSINESS PLAN WOULD ALLOW THEM TO GET A
15 JUMP START FOR THEIR COMPANY.

16 HE THEN LATER DESCRIBED SOME COMMENTS
17 THAT LAN LEE MADE, AND THOSE COMMENTS WERE LAN LEE
18 SAID THAT DURING THE MEETING THAT THEY SHOULD USE
19 THE DESIGN, THE CHIP DESIGN FOR THE TCAM4 CHIP
20 DESIGN, THAT'S NETLOGIC'S CHIP, AS THE BASIS FOR
21 THEIR DESIGN.

22 AND HE ALSO SUGGESTED THAT THEY SHOULD
23 CUT AND PASTE PORTIONS OF THE TEXT AND DIAGRAMS OF
24 THE DATA SHEETS INTO THE SICO BUSINESS PLAN.

25 AND THEN LASTLY HE INDICATED THAT THEY

1 HAD A SECOND MEETING AT YUEFEI GE'S HOME WHERE THEY
2 CONTINUED TO MODIFY AND CUT AND PASTE FROM THE DATA
3 SHEETS INTO THE SICO BUSINESS PLAN.

4 Q WAS THERE ANY DISCUSSION ABOUT THE STATUS OF
5 SICO?

6 A IF I CAN REFRESH MY RECOLLECTION AND REFER TO
7 MY --

8 Q ARE YOU UTILIZING YOUR 302?

9 A YES.

10 Q OKAY. REFRESH YOUR RECOLLECTION AND THEN
11 PLEASE LOOK UP.

12 (PAUSE IN PROCEEDINGS.)

13 THE WITNESS: GE ADVISED THAT LEE HAD
14 TRAVELLED ONCE TO CHINA TO OBTAIN VENTURE CAPITAL
15 FUNDING BUT WAS NOT SUCCESSFUL FOR THE SICO
16 COMPANY, FOR SICO.

17 BY MR. PARRELLA:

18 Q OKAY. NOW, DID YOU DISCUSS AN INDIVIDUAL --
19 OR DID MR. GE DISCUSS AN INDIVIDUAL BY THE NAME OF
20 XIAODONG YANG?

21 A YES.

22 Q AND DID YOU DISCUSS WHAT HIS ROLE MIGHT HAVE
23 BEEN IN SICO?

24 A WE DID. HE ADVISED -- XIAO -- GE ADVISED THAT
25 XIAODONG YANG WAS THE INDIVIDUAL WHO WOULD

1 TRANSLATE THE SICO BUSINESS PLAN INTO MANDARIN.

2 AND THEY ALSO ASKED XIAODONG YANG IF HE
3 COULD ASSIST IN DEVELOPMENT OF THE CHIP, BUT YANG
4 ADVISED THAT HE DID NOT POSSESS THAT TECHNICAL
5 CAPABILITY.

6 Q SO ABOUT HOW LONG DID THIS MEETING LAST?

7 A I DON'T RECALL.

8 Q OKAY. SO AT THE CONCLUSION OF THE MEETING,
9 WHAT HAPPENED?

10 A CAN YOU RESTATE?

11 Q WELL, DID MR. GE LEAVE OR DID --

12 A YEAH, HE LEFT.

13 Q OKAY.

14 A THAT WAS IT.

15 Q OKAY. DO YOU KNOW HOW HE ARRIVED AND HOW HE
16 LEFT?

17 A NO.

18 Q AND WAS ANYBODY WAITING FOR HIM OR ANYTHING
19 LIKE THAT THAT YOU'RE AWARE OF?

20 A NO.

21 Q SO LET ME DIRECT YOUR ATTENTION NOW TO
22 SEPTEMBER 12TH, 2003.

23 ON THAT DATE WERE YOU PRESENT AT A
24 MEETING WITH LAN LEE?

25 A YES, I WAS.

1 Q AND WHO HAD -- WITHDRAWN.

2 DID YOU ARRANGE FOR THAT MEETING?

3 A NO, I HADN'T.

4 Q AND WHO HAD?

5 A SPECIAL AGENT SIEBER.

6 Q AND WAS HE PRESENT AT THAT MEETING?

7 A YES, HE WAS.

8 Q AND WAS THERE A CONVERSATION THAT OCCURRED AT
9 THAT TIME?

10 A YES.

11 Q I MIGHT HAVE ASKED THIS BUT -- SO FORGIVE ME
12 IF I DID, BUT WHO WAS PRESENT AT THAT MEETING?

13 A LAN LEE, SPECIAL AGENT SIEBER AND MYSELF.

14 Q NOBODY ELSE?

15 A NO.

16 Q AND CAN YOU TELL US WHAT THE CONVERSATION WAS
17 THAT YOU HAD DURING THAT MEETING?

18 A WE SPOKE TO LAN LEE ABOUT IF HE WAS AWARE
19 ABOUT USING --

20 MR. NOLAN: IS THIS CUMULATIVE?

21 OBJECTION, YOUR HONOR. CUMULATIVE. WE'RE TALKING
22 ABOUT THE SAME THING.

23 THE COURT: OVERRULED.

24 THE WITNESS: LAN LEE ADVISED US THAT HE
25 WAS AWARE THAT USING NETLOGIC'S DATA SHEETS,

1 NETLOGIC'S CONFIDENTIAL INFORMATION WAS AGAINST THE
2 EMPLOYMENT AGREEMENT, HIS EMPLOYMENT AGREEMENT WITH
3 NETLOGIC.

4 THEN WE ASKED HIM IF HE HAD EVER USED OR
5 ALTERED THE DATA SHEETS FROM NETLOGIC AND HE SAID
6 HE HAD NOT.

7 AFTER SAYING THAT HE NEVER USED THEM, WE
8 SHOWED HIM A COPY OF ALTERED DATA SHEETS THAT WE
9 OBTAINED FROM THE SEARCH OF YUEFEI GE'S HOME
10 COMPUTER AND HE SAID HE DID NOT RECOGNIZE THEM.

11 AND HE ALSO STATED THAT HE NEVER RECALLED
12 BEING IN A MEETING WHERE XIAODONG YANG TRANSLATED
13 SICO'S BUSINESS PLAN INTO MANDARIN.

14 HE LATER STATED THAT HE DID RECALL DOING
15 SOME CUTTING AND PASTING INTO THE SICO BUSINESS
16 PLAN, BUT HE COULD NOT RECALL WHAT THE SOURCE OF
17 THE DOCUMENT WAS.

18 Q DID HE DISCUSS THE ISSUE OF DOWNLOADING ITEMS
19 ONTO HIS COMPUTER?

20 A YES, WE DID.

21 Q AND COULD YOU TELL US WHAT WAS SAID?

22 A HE SAID HE NEVER DOWNLOADED ANY ITEMS ONTO HIS
23 COMPUTER.

24 Q AND DID YOU DISCUSS TRAVEL TO CHINA?

25 A IF I CAN REFRESH MY RECOLLECTION?

1 Q YES.

2 A REFER TO THE 302.

3 (PAUSE IN PROCEEDINGS.)

4 THE WITNESS: YES, WE DID.

5 BY MR. PARRELLA:

6 Q AND CAN YOU TELL US WHAT WAS SAID?

7 A LEE ADVISED THAT HE TRAVELLED TO CHINA WITH
8 SICO'S BUSINESS PLAN, BUT HE ADVISED -- HE TOLD US
9 THAT HE DID NOT RECALL TAKING THE MANDARIN OR THE
10 TRANSLATED VERSION TO CHINA.

11 Q OKAY. AND WAS THERE ANY OTHER CONVERSATION?

12 A YEAH. HE ALSO INDICATED THAT HE DID NOT
13 BELIEVE THAT HE -- IN THAT PLAN HE INCLUDED -- OR
14 THAT THE PLAN CONTAINED ANY CONFIDENTIAL
15 INFORMATION FOR NETLOGIC MICROSYSTEMS.

16 Q SO WHAT HAPPENED AT THE END OF THE MEETING?

17 A TO LEAVE THE PARTY ON HIS OWN.

18 Q AND DO YOU KNOW HOW HE LEFT?

19 A NO.

20 Q DID YOU KNOW IF ANYBODY WAS WAITING FOR HIM?

21 A NO.

22 Q OKAY. DID YOU CONTINUE WORKING WITH AGENT
23 SIEBER ON THIS INVESTIGATION?

24 A I DID.

25 Q AND I'M SORRY. TELL US WHEN YOU WERE

1 TRANSFERRED TO PUERTO RICO AGAIN? CAN YOU REMIND
2 US OF THAT?

3 A SEPTEMBER OF 2004.

4 MR. PARRELLA: YOUR HONOR, I HAVE NOTHING
5 FURTHER OF THIS WITNESS.

6 THE COURT: VERY WELL. YOU MAY
7 CROSS-EXAMINE.

8 MR. NOLAN: THANK YOU, YOUR HONOR.

9 **CROSS-EXAMINATION**

10 BY MR. NOLAN:

11 Q YOU INDICATED, SIR, THAT AT SOME CONVERSATION
12 SOMEBODY SAID THERE WAS A DISCUSSION ABOUT SOMEONE
13 USING THE TCAM4 DESIGN FOR THEIR PROJECT; CORRECT?

14 A YES.

15 Q AND YOU UNDERSTOOD TCAM4 TO BE A NETLOGIC
16 TRADE SECRET; CORRECT?

17 A I DIDN'T SAY THAT.

18 Q DID IT BELONG TO NETLOGIC?

19 A ARE YOU ASKING ME IF I SAID IT, OR ARE YOU
20 ASKING ME IF IT BELONGED TO IT?

21 Q IS THAT YOUR UNDERSTANDING WHEN YOU HEARD THAT
22 THEY WERE GOING TO USE THE TCAM4 DESIGN?

23 A MY UNDERSTANDING IS THAT LAN LEE SAID THAT
24 THEY WERE GOING TO USE THE TCAM4 DESIGN AS THE
25 BASIS FOR THEIR CHIP.

1 Q DID YOU UNDERSTAND THE TCAM CHIP TO BE
2 NETLOGIC'S PROPERTY?

3 MR. PARRELLA: OBJECTION. COULD WE HAVE
4 A TIMEFRAME OF THIS?

5 BY MR. NOLAN:

6 Q AT THE CONVERSATION YOU WERE REFERRING TO. I
7 THINK IT WAS WITH MR. GE. CORRECT?

8 A CORRECT.

9 Q AND YOU SAID THAT THEY TALKED ABOUT USING THE
10 TCAM4 DESIGN?

11 A CORRECT.

12 Q WAS THAT NETLOGIC'S DESIGN THAT YOU
13 UNDERSTOOD?

14 A THAT'S MY UNDERSTANDING.

15 Q THAT WAS YOUR UNDERSTANDING. OKAY. THANK
16 YOU.

17 NOW, IN THE JUNE 11TH INTERVIEW -- WELL,
18 LET ME ASK YOU A COUPLE OF OTHER QUESTIONS FIRST.

19 YOU JUST TALKED ABOUT AN INTERVIEW WITH
20 MR. LEE ON OCTOBER 14TH; CORRECT? SEPTEMBER 14TH
21 OR SEPTEMBER 12TH?

22 A SEPTEMBER 12TH.

23 Q SEPTEMBER 12TH. AND YOU SAID THAT MR. LEE
24 SAID THAT HE -- WHAT ABOUT TRANSLATING SOMETHING?
25 DID HE SAY HE WASN'T AWARE OF THE FACT THAT HIS

1 BUSINESS PLAN WAS TRANSLATED INTO CHINESE?

2 A COULD YOU RESTATE THE QUESTION? I'M NOT
3 FOLLOWING.

4 Q I'M SORRY. DO YOU REMEMBER WHAT YOU SAID
5 ABOUT -- ABOUT WHAT HE SAID WASN'T TRANSLATED INTO
6 CHINESE?

7 A ARE YOU ASKING ME WHAT I JUST STATED
8 PREVIOUSLY?

9 Q THAT'S RIGHT.

10 A I STATED THAT LEE DID NOT RECALL TAKING THE
11 TRANSLATED VERSION OF THE SICO BUSINESS PLAN TO
12 CHINA WITH HIM.

13 Q AND ISN'T IT TRUE THAT YOUR REPORT ON PAGE 2
14 INDICATES THAT HE DID RECALL TAKING THE SICO
15 BUSINESS PLAN TO CHINA?

16 THE COURT: WELL, I'M NOT SURE THAT'S
17 IMPEACHING HIS STATEMENT THAT YOU'RE EXAMINING HIM
18 ABOUT HAS TO DO WITH THE CHINESE TRANSLATED
19 VERSION.

20 MR. NOLAN: ALL RIGHT.

21 THE COURT: SO YOU'RE NOW I UNDERSTAND TO
22 BE ASKING HIM ABOUT AN ENGLISH VERSION.

23 MR. NOLAN: OKAY.

24 THE COURT: SO THE QUESTION IS NOT --

25 MR. NOLAN: ALL RIGHT.

1 Q WOULD YOU DO ME A FAVOR AND TAKE A LOOK AT THE
2 FIRST PARAGRAPH OF PAGE 2 AND SEE WHETHER OR NOT IT
3 REFRESHES YOUR RECOLLECTION ABOUT WHETHER OR NOT
4 YOU'RE SURE THAT MR. LEE SAID THAT HE DID NOT
5 REMEMBER TAKING A TRANSLATED VERSION OF THE
6 BUSINESS PLAN TO CHINA?

7 A SURE. I CAN READ IT FOR YOU.

8 Q WHAT'S THAT?

9 A I CAN READ IT FOR YOU.

10 Q NO. DOES IT REFRESH YOUR RECOLLECTION AS TO
11 WHETHER OR NOT THAT STATEMENT IS ACCURATE?

12 A IT SAYS --

13 Q I'M SORRY. DOES IT REFRESH YOUR RECOLLECTION
14 AS TO WHETHER OR NOT THAT STATEMENT IS ACCURATE?

15 A I STILL BELIEVE MY STATEMENT IS ACCURATE.

16 Q ALL RIGHT.

17 A HE SAID HE DIDN'T TAKE TRANSLATED VERSIONS TO
18 CHINA.

19 Q IS THERE ANYWHERE IN YOUR REPORT THAT SAYS
20 THAT?

21 A THAT SAYS WHAT?

22 Q THAT HE DIDN'T REMEMBER TAKING A TRANSLATED
23 VERSION OF THE BUSINESS PLAN TO CHINA?

24 A HE SAYS HE DIDN'T RECALL TAKING THE TRANSLATED
25 VERSION OF THE DATA SHEETS THAT WERE CUT AND PASTE

1 INTO THE BUSINESS PLAN.

2 Q HE SAID HE DIDN'T RECALL TAKING A TRANSLATED
3 VERSION OF THE DATA SHEETS TO CHINA; CORRECT?

4 A REPEAT THE QUESTION.

5 Q HE SAID HE DIDN'T TAKE OR RECALL TAKING A
6 TRANSLATED VERSION OF THE DATA SHEETS?

7 A THAT'S WHAT I SAID.

8 Q DO YOU DISTINGUISH BETWEEN DATA SHEETS AND
9 BUSINESS PLAN?

10 A THE DATA SHEETS WERE TRANSLATED, AND IT'S MY
11 UNDERSTANDING THAT THE DATA SHEETS WERE TRANSLATED
12 AND CUT AND PASTE INTO THE BUSINESS PLAN.

13 Q SO YOU BELIEVE THAT THE BUSINESS PLAN
14 CONTAINED THE DATA SHEET?

15 A YES.

16 Q SO AS FAR AS -- HE DOES SAY THAT HE TOOK THE
17 BUSINESS PLAN TO CHINA; CORRECT?

18 A THE ONE THAT WASN'T TRANSLATED.

19 Q IS THERE ANYWHERE THAT HE SAYS THAT HE DIDN'T
20 TAKE THE BUSINESS PLAN TO CHINA OTHER THAN THE
21 STATEMENT THAT HE DIDN'T TAKE A TRANSLATED
22 VERSION --

23 A NO.

24 Q -- OF THE DATA SHEET?

25 A NO.

1 Q AND YOU SAID THAT HE NEVER DOWNLOADED ANYTHING
2 ONTO HIS COMPUTER OR DOWNLOADED THE DATA SHEET ONTO
3 HIS COMPUTER?

4 A THE DATA SHEETS.

5 Q THE DATA SHEETS. HE DID DOWNLOAD INFORMATION
6 ONTO HIS COMPUTER; CORRECT?

7 A COULD YOU BE MORE SPECIFIC?

8 Q WHEN YOU TALKED TO HIM, ISN'T IT TRUE THAT HE
9 TRIED TO EXPLAIN TO YOU THAT HE WAS USING
10 NONCONFIDENTIAL PUBLIC INFORMATION TO DO THE WORK
11 FOR SICO?

12 MR. PARRELLA: I'M OBJECTING. I THINK
13 THAT'S --

14 MR. NOLAN: HE BROUGHT IT UP IN HIS
15 ANSWER. I'M SORRY, YOUR HONOR.

16 THE COURT: WELL, BUT THIS DOES REQUIRE
17 SPECULATION AS TO WHAT HE WAS TRYING TO
18 COMMUNICATE.

19 YOU CAN ASK WHAT HE SAID.

20 MR. NOLAN: ALL RIGHT. THANK YOU.

21 THE COURT: AND THAT WOULD BE FAIR.

22 MR. NOLAN: RIGHT.

23 Q HE SAID THAT HE DID NOT BELIEVE THAT THE
24 BUSINESS PLAN CONTAINED ANY CONFIDENTIAL PORTIONS
25 OF THE NLM 5512 OR 5512 GLC DATA SHEETS; CORRECT?

1 A CORRECT.

2 Q AND HE REITERATED THAT MORE THAN ONCE DURING
3 THE CONVERSATION; ISN'T THAT CORRECT?

4 A I WOULD HAVE TO REFER TO MY NOTES TO ANSWER
5 THAT.

6 Q LET ME JUST TURN NOW TO THE JUNE 11TH MEETING.

7 THE COURT: ALL RIGHT. CAN WE USE THIS
8 JUNE 11TH MEETING AS THE STARTING POINT AFTER OUR
9 LUNCH BREAK?

10 IT'S A LITTLE BEFORE NOON AND THERE ARE
11 SOME MATTERS THAT I WANT TO TAKE UP WITH THE
12 PARTIES.

13 SO MEMBERS OF THE JURY, LET ME EXCUSE YOU
14 A LITTLE BIT EARLY. REMEMBER MY ADMONITIONS AND
15 I'LL SEE YOU PROMPTLY AT 1:00 O'CLOCK.

16 (WHEREUPON, THE PROCEEDINGS IN THIS
17 MATTER WERE HELD OUT OF THE PRESENCE OF THE JURY:)

18 THE COURT: YOU MAY STEP DOWN.

19 MR. PARRELLA: CAN THE WITNESS LEAVE?

20 THE COURT: YES, YOU MAY BE EXCUSED.

21 PLEASE BE SEATED.

22 I ONLY HAD ONE MATTER THAT I WANTED TO
23 CLARIFY FROM -- ACTUALLY IT WAS THE EXAMINATION OF
24 THE PREVIOUS WITNESS, AND IT DID OCCUR TO ME THAT
25 IN KEEPING WITH THE COURT'S PRETRIAL RULING, THE

1 GOVERNMENT HAS NOT OFFERED INTO EVIDENCE ANY
2 STATEMENTS MADE BY THE DEFENDANTS IN THE COURSE OF
3 THE INTERVIEWS THAT TOOK PLACE, I BELIEVE THEY WERE
4 IN JULY, AT THE COMPANY.

5 BUT IN THE LAST PART OF THE EXAMINATION
6 OF THE PREVIOUS WITNESS, THE DATES WEREN'T CLEAR TO
7 ME, BUT IT APPEARED THAT THE DEFENSE WAS ATTEMPTING
8 TO IMPEACH THE WITNESS WITH EVIDENCE OF A
9 DIFFERENCE BETWEEN WHAT THE WITNESS MIGHT HAVE SAID
10 IN THOSE INTERVIEWS AND WHAT WAS PUT IN THE REPORT,
11 WHICH SINCE THE DATE WASN'T CLEAR TO ME, I WASN'T
12 SURE WHETHER THAT OPENED THE DOOR THAT THE DEFENSE
13 WERE -- WAS ATTEMPTING TO PUT INTO EVIDENCE
14 STATEMENTS MADE BY THE DEFENDANTS IN THOSE
15 INTERVIEWS THAT THE COURT HAS KEPT OUT.

16 MR. SWANSON: COULD I RESPOND, YOUR
17 HONOR?

18 THE COURT: YES.

19 MR. SWANSON: I APOLOGIZE FOR ANY LACK OF
20 CONFUSION ABOUT THE DATES.

21 BUT I THINK IF THE COURT WERE TO LOOK
22 BACK AT THE DOCUMENTS THAT I WAS REFERENCING, THEY
23 ALL REFER TO AN INTERVIEW IN SEPTEMBER. NONE REFER
24 TO AN INTERVIEW IN JULY, NOR WAS I IN ANY WAY
25 ATTEMPTING TO CONTRAST WHAT WAS SAID IN ONE AS

1 OPPOSED TO WHAT WAS SAID IN THE OTHER.

2 THE COURT: VERY WELL. THAT CLARIFIES,
3 AS FAR AS THE COURT IS CONCERNED, UNLESS THE
4 GOVERNMENT HAS A DIFFERENT POSITION.

5 MR. PARRELLA: NO. I ASSUMED THOSE
6 QUESTIONS TO BE DIRECTED TO THE SEPTEMBER 14TH OR
7 RATHER THAN THE SEPTEMBER 12TH.

8 THE COURT: VERY WELL.

9 MR. NOLAN: WE WANT TO PRESERVE OUR
10 RECORD TO THE CONSENT FORMS FOR ANY APPELLATE
11 ISSUES BASED UPON THE STATEMENT TO BE SUPPRESSED,
12 EVEN THOUGH THE CONSENT IS NOT, AND SO THE COURT
13 SAID THAT WE DID NOT HAVE TO OBJECT SIMULTANEOUSLY
14 TO THAT EVIDENCE COMING IN.

15 THE COURT: YES. I HAVE INDICATED TO YOU
16 PREVIOUSLY, SO FAR AS THE COURT IS CONCERNED, THE
17 RULING WITH RESPECT TO THE CONSENT FORMS AND THE
18 SEARCH INCIDENT TO THOSE WAS OVER THE DEFENSE
19 OBJECTIONS.

20 YOU PRESERVED YOUR RIGHT TO CHALLENGE
21 THAT ON APPEAL, AND YOU NEED NOT RESTATE THOSE
22 OBJECTIONS HERE DURING THE TRIAL AS THE GOVERNMENT
23 USES THAT INFORMATION DURING THE COURSE OF THE
24 TRIAL.

25 MR. NOLAN: RIGHT. AND ONE OTHER MATTER

1 IF I MIGHT, YOUR HONOR.

2 WHEN I CROSS-EXAMINED THE WITNESS ABOUT
3 THE SEPTEMBER 4TH MEETING, AND THIS WAS
4 MR. SIEBER --

5 THE COURT: THE PREVIOUS WITNESS?

6 MR. NOLAN: THE PREVIOUS WITNESS.

7 THE COURT: YES.

8 MR. NOLAN: THE FIRST TIME THE DEFENSE
9 WAS AWARE OF THAT SEPTEMBER 4TH MEETING WAS WHEN WE
10 RECEIVED A REPORT OF OCTOBER --

11 MR. SWANSON: JUNE, JUNE, JUNE.

12 MR. NOLAN: I'M SORRY. THE JUNE 4TH
13 MEETING WITH THE NETLOGIC PEOPLE WHERE THEY DID NOT
14 REVEAL THAT THEY WERE AWARE OF THE E-MAILS.
15 JUNE 4TH BETWEEN THE F.B.I., JANKOV, THE LAWYERS,
16 DO YOU RECALL THAT?

17 THE COURT: I'M USING THIS AS A PREFACE
18 TO SOMETHING YOU WANT TO TELL ME.

19 MR. NOLAN: I UNDERSTAND THAT.

20 THE COURT: GET TO WHAT YOU WANT TO TELL
21 ME.

22 MR. NOLAN: I WILL GET TO IT.

23 WE WERE NOT AWARE OF THAT UNTIL WE GOT A
24 REPORT OF OCTOBER 18TH, 2009.

25 I WOULD LIKE TO ASK THE COURT IF I COULD

1 SUBPOENA THE NOTES OF THE NETLOGIC PEOPLE WHO WERE
2 PRESENT, BECAUSE OBVIOUSLY A DECISION WAS MADE BY
3 NETLOGIC NOT TO BE CANDID WITH THE F.B.I.

4 WE HAVE BEEN PREVENTED FROM GETTING ANY
5 RECORD OF THAT BECAUSE THERE'S BEEN NO RECORD.

6 WE ONLY FOUND OUT ABOUT THAT BECAUSE OF A
7 REFERENCE TO A 302 WHERE THE WITNESS SAID
8 MR. CORTES APOLOGIZED FOR NOT BEING FORTHCOMING.

9 AND WE HAVE BEEN TRYING TO FIND THAT
10 BRADY MATERIAL.

11 AND WHAT I WOULD LIKE TO DO IS TO
12 SUBPOENA THE ATTORNEY'S NOTES AND REPORTS FROM BOTH
13 INSIDE COUNSEL AND OUTSIDE COUNSEL TO BE BROUGHT
14 INTO THE COURT FOR THE COURT'S REVIEW TO DETERMINE
15 WHETHER OR NOT THEY ARE PRIVILEGED AND WHETHER OR
16 NOT THEY ARE RELEVANT AND WHETHER OR NOT THE
17 PRIVILEGE SHOULD BE OUTWEIGHED BY OUR RIGHT TO GET
18 THOSE NOTES, BECAUSE IT MAY SHOW A MOTIVE BY
19 NETLOGIC NOT TO COOPERATE WITH THE F.B.I. OR TO
20 EXAGGERATE THEIR PROTECTION OF TRADE SECRETS.

21 THIS IS ALL NEW TO US. WHEN I ASKED, DID
22 THEY FAIL TO TELL YOU THIS, THIS, THIS, AND THIS, I
23 WAS GUESSING. I WAS TRULY GUESSING BECAUSE I HAD
24 NEVER BEEN GIVEN THAT INFORMATION.

25 THE COURT: WELL, THERE ARE A NUMBER OF

1 MATTERS YOU RAISE, AND I WON'T GO INTO THEM FULLY
2 HERE, BUT TO THE EXTENT THAT YOU'RE CALLING IT
3 BRADY MATERIAL, IT WOULD BE IN THE HANDS OF THE
4 GOVERNMENT.

5 AND I DON'T UNDERSTAND YOU TO BE ASKING
6 THAT THE GOVERNMENT DISCLOSE INFORMATION IN ITS
7 HANDS.

8 MR. NOLAN: NO.

9 THE COURT: BUT YOU'RE NOW ASKING THE
10 COURT FOR PERMISSION TO SUBPOENA INFORMATION FROM A
11 WITNESS, AND I'M NOT SURE YOU NEED TO ASK
12 PERMISSION FROM THE COURT TO ISSUE A SUBPOENA DUCES
13 TECUM IF THAT'S WHAT YOU WANT, THAT IS, THE
14 DOCUMENTS THEMSELVES.

15 IT IS IN THE COURSE OF TRIAL AND THE
16 COURT WOULD BE CONCERNED IF YOU SOUGHT A SUBPOENA
17 AND FOR SOME REASON YOU WOULD, ON THE BASIS OF
18 THAT, ARGUE THAT IT IS A REASON TO DELAY THE TRIAL.

19 BUT LET ME SEE IF ANY OF THE OTHER
20 PARTIES WANT TO ADDRESS THIS MATTER HAVING TO DO
21 WITH THE REQUEST THAT THE COURT GIVE PERMISSION TO
22 ISSUE A SUBPOENA TO THE THIRD PARTIES.

23 MR. PARRELLA: WELL, YOUR HONOR,
24 HONESTLY, I DON'T THINK IT'S APPROPRIATE FOR THE
25 GOVERNMENT TO OPPOSE OR SUPPORT THAT POSITION.

1 THE COURT: I JUST WANT TO GIVE YOU AN
2 OPPORTUNITY.

3 MR. PARRELLA: THANK YOU. I DON'T KNOW
4 ABOUT THE POSITION OF THE OTHER PARTIES.

5 MR. NOLAN: I'M NOT INTERESTED IN A
6 CONTINUANCE. WE FOUGHT THIS ALL OF THE WAY UP.

7 WE WEREN'T ON NOTICE UNTIL THIS WITNESS
8 TESTIFIED THAT THEY FAILED TO DO IT, AND THE FACT
9 THAT WE HAVE NOTICE RECORD OF ALL OF THAT --

10 THE COURT: YOU'RE PRESUMING THAT THERE
11 ARE DOCUMENTS.

12 BUT WHAT I WOULD SUGGEST, SINCE THERE ARE
13 LAWYERS REPRESENTING THOSE COMPANIES WHO HAVE BEEN
14 ATTENDING THE TRIAL, IS THAT YOU BRING THE SUBJECT
15 UP WITH THEM AS TO, FIRST, WHETHER OR NOT THERE ARE
16 RECORDS THAT WOULD BE THE SUBJECT OF A SUBPOENA AND
17 COME BACK TO THE COURT IF YOU BELIEVE THERE'S A
18 NEED FOR THE COURT TO GET INVOLVED.

19 BECAUSE AS I SAID, IT'S NOT USUALLY THE
20 PROVINCE OF THE COURT TO PERMIT OR NOT PERMIT
21 SUBPOENAS. SUBPOENAS ARE FROM THE COURT, BUT YOU
22 DON'T NEED PERMISSION.

23 IT'S USUALLY THE OBJECTION TO THE
24 SUBPOENA OR EFFORT TO SUPPRESS IT THAT THE COURT
25 GETS INVOLVED.

1 MR. NOLAN: THAT'S TRUE.

2 THE COURT: SO I'LL ALLOW YOU TO TAKE
3 WHATEVER COURSE YOU WISH AND BRING IT BACK TO ME IF
4 YOU BELIEVE THERE'S A NEED.

5 COUNSEL?

6 MR. NOLAN: AND AGAIN --

7 THE COURT: JUST A MOMENT. COUNSEL.

8 MS. WRIGHT: SUSANNA WRIGHT FOR NETLOGIC
9 MICROSYSTEMS.

10 JUST FOR CLARIFICATION, I BELIEVE IT IS
11 THE COURT'S DUTY. THERE IS -- UNDER RULE 17(C), IT
12 IS REQUIRED FOR THE PARTY REQUESTING A SUBPOENA TO
13 FIRST MAKE A SHOWING, AND THEN THE COURT MUST, I
14 BELIEVE UNDER THE LOCAL RULES THAT, THAT THE COURT
15 MUST MAKE A DETERMINATION.

16 I'M SORRY. DEFENSE COUNSEL IS REQUIRED
17 TO ASK THE COURT'S PERMISSION BEFORE ANY SUBPOENA
18 MAY ISSUE.

19 WE'RE HAPPY TO DISCUSS WITH DEFENDANTS.

20 I THINK THE CONCERN HERE IS THAT AS I
21 UNDERSTAND WHAT DEFENSE COUNSEL IS REQUESTING IS
22 THAT THEY ARE REQUESTING ATTORNEY DOCUMENTS AND
23 PRIVILEGED DOCUMENTS AND I THINK THAT'S THE
24 CONCERN.

25 WE'RE CERTAINLY -- THEY HAVE SUBMITTED

1 NUMEROUS SUBPOENAS FROM NETLOGIC AND WE PROVIDED
2 THEM WITH A GREAT DEAL OF INFORMATION, AND I
3 BELIEVE THEY HAVE REQUESTED PREVIOUSLY DOCUMENTS
4 PERTAINING TO THESE MEETINGS AND REQUESTED
5 PRIVILEGED DOCUMENTS AND THIS COURT HAS ALREADY
6 RULED THAT THEY WERE NOT ENTITLED TO PRIVILEGED
7 DOCUMENTS.

8 THE COURT: THANK YOU FOR YOUR STATEMENT.

9 IT STILL OCCURS TO ME THEN THAT IT WOULD
10 BE PROFITABLE FOR THE TWO OF YOU TO MEET AND
11 CONFER, IF YOU'RE WILLING TO.

12 AND IF, AS A RESULT OF THAT, THE DEFENSE
13 TAKES A POSITION THAT IT NEEDS THE INTERCESSION OF
14 THE COURT, YOU NEED TO MAKE A FORMAL REQUEST FOR
15 THAT.

16 COUNSEL DOES REMIND ME THAT THE COMPANIES
17 WHOSE TECHNOLOGY ARE AT ISSUE IN THIS CASE HAVE
18 ASSERTED A TRADE SECRET PRIVILEGE WHICH THE COURT
19 HAS ATTEMPTED TO RECOGNIZE AND HONOR DURING THE
20 COURSE OF THESE PROCEEDINGS.

21 AND TO THE EXTENT THAT THEY WOULD ASSERT
22 AN ATTORNEY-CLIENT PRIVILEGE ON BEHALF OF THEIR
23 CLIENT, THAT, TOO, WOULD BE A MATTER THAT YOU WOULD
24 NEED TO FORMALLY BRING TO THE COURT OUT OF THE
25 PRESENCE OF THE JURY SO THAT WE CAN DEAL WITH IT.

1 SO YOU NEED TO MAKE A FORMAL PRESENTATION
2 TO THE COURT BY WAY OF A MOTION IF YOU COME TO A
3 DETERMINATION THAT WHAT YOU'RE ASKING FOR IS
4 SUBJECT TO A PRIVILEGE.

5 TO THE EXTENT THAT YOUR REQUEST IS FOR
6 DOCUMENTS THAT ARE NOT GENERATED IN A COMMUNICATION
7 BETWEEN A CLIENT AND AN ATTORNEY, AND THE
8 INFORMATION WOULD BE OUTSIDE OF THAT, THAT WOULD BE
9 PERHAPS A DIFFERENT MATTER.

10 BUT I WOULD ASK YOU TO MEET AND CONFER
11 AND COME BACK TO ME AT AN APPROPRIATE TIME WITH
12 RESPECT TO THIS.

13 COUNSEL, DID YOU STAND TO ADDRESS THIS
14 ISSUE?

15 MR. SWANSON: I STOOD TO ADDRESS ANOTHER
16 ISSUE, AND IT INVOLVES MR. CANO'S TESTIMONY,
17 SOMETHING I WANTED TO RUN BY THE COURT BEFORE I
18 CROSS-EXAMINE AGENT CANO. IT'S THE SUBJECT OF A
19 PREVIOUS RULING.

20 THE GOVERNMENT ASKED THAT WE NOT BE
21 ALLOWED TO INQUIRE OF AGENT CANO OF A STATEMENT
22 THAT MY CLIENT MADE THAT HE BELIEVED THAT THE 5512,
23 5512 GLC AND PEGASUS DATA SHEETS WERE PUBLIC
24 INFORMATION.

25 FOR TWO REASONS I THINK THAT IS NOW

1 ADMISSIBLE AND PROPERLY THE SUBJECT OF
2 CROSS-EXAMINATION.

3 THE FIRST IS THAT HE BROUGHT IT UP
4 HIMSELF ON DIRECT REGARDING LAN LEE. IT'S A
5 SUBJECT THAT CAME UP ON BOTH INTERVIEWS, AND THE
6 RECORD WILL NOW APPEAR THAT LAN LEE SAID IT IN HIS
7 INTERVIEW. YUEFEI GE DID NOT SAY IT IN HIS.

8 THE SECOND IS THAT HE HAS TESTIFIED --
9 AGENT CANO HAS TESTIFIED THAT MY CLIENT DOWNLOADED
10 DATA SHEETS, ADMITTED HE DOWNLOADED THEM WITHOUT
11 AUTHORIZATION. THAT'S GOING TO BE THE SUBJECT OF
12 FURTHER INFORMATION. THAT'S NOT, IN FACT, WHAT HE
13 WAS TOLD, BUT IT GIVES THE IMPRESSION THAT WHAT HE
14 BELIEVES THAT HE WAS DOING HAD SOME IMPROPRIETY
15 ABOUT IT WHICH THIS STATEMENT IS NECESSARY TO
16 REBUT.

17 SO FOR BOTH OF THOSE REASONS TO LEAVE
18 THAT OUT AT THIS POINT WHEN THEY HAVE OFFERED IT AS
19 TO LAN LEE WOULD BE TO LEAVE A MISIMPRESSION IN THE
20 RECORD.

21 THE COURT: WHAT IS THE GOVERNMENT'S
22 POSITION?

23 MR. PARRELLA: WELL, IF I UNDERSTAND THE
24 DEFENSE CORRECTLY, THE TESTIMONY THAT CAME OUT WAS
25 THAT -- THAT HE SEEKS TO GET OUT IS THAT YUEFEI GE

1 IS STATING THAT LAN LEE TOLD HIM SOMETHING.

2 IS THAT WHAT HE'S SAYING?

3 MR. SWANSON: NO. I'M TRYING TO GET IN
4 WHAT LAN LEE TOLD THE AGENT WHEN HE WAS INTERVIEWED
5 ON SEPTEMBER 10TH, SPECIFICALLY "GEE ALSO BELIEVED
6 THAT NLM'S DATA SHEETS WERE PUBLIC INFORMATION."

7 THAT'S ALL. IT'S WHAT HE TOLD AGENT
8 CANO, WHICH IS THE SAME THING THAT AGENT CANO
9 TESTIFIED THAT MR. LEE TOLD HIM.

10 THE COURT: I UNDERSTAND WHAT THE DEFENSE
11 WANTS.

12 WHAT IS THE GOVERNMENT'S POSITION?

13 MR. FAZIOLI: YOUR HONOR, THIS PRECISE
14 ISSUE WAS LITIGATED AT MOTIONS IN LIMINE. IT'S
15 ADMISSIBLE AGAINST THE DEFENDANT AS AN EXCEPTION TO
16 THE HEARSAY RULE AS A STATEMENT AGAINST INTEREST.

17 IT'S NOT ADMISSIBLE IF PROFFERED BY THE
18 DEFENSE. THE COURT RULED THAT, FOR VARIOUS
19 REASONS, THE DEFENDANT MAY HAVE HAD AN INCENTIVE TO
20 MODIFY HIS TESTIMONY.

21 IT'S HEARSAY. IT'S NOT WITHIN ANY
22 EXCEPTION.

23 THE FACT THAT IT WAS BROUGHT IN ON DIRECT
24 EXAMINATION BECAUSE IT'S AN EXCEPTION TO THE
25 HEARSAY RULE DOES NOT ALLOW THE DEFENSE TO

1 INTRODUCE HEARSAY TO REBUT IT.

2 THE COURT: VERY WELL. IT DOES APPEAR TO
3 ME THAT UNDER THE RULE OF COMPLETENESS YOU COULD
4 HAVE STAYED AWAY FROM THAT WHOLE MATTER, BUT HAVING
5 BROUGHT IT IN AND HAVING BROUGHT IN STATEMENTS MADE
6 AND TO LEAVE THE IMPRESSION THAT THERE WAS AN
7 ACKNOWLEDGEMENT OF HAVING TAKEN IT WITHOUT THE
8 EXPLANATION LEAVES THE IMPRESSION THAT THERE WAS AN
9 ACKNOWLEDGEMENT OF HAVING TAKEN IT IMPROPERLY.

10 AND, INDEED, THE -- SO I WILL PERMIT ON
11 CROSS-EXAMINATION THE DEFENSE TO ASK THE COMPLETE
12 STATEMENT THAT WAS MADE WITH RESPECT TO THAT AS
13 UNDER THE RULE OF COMPLETENESS.

14 MR. SWANSON: THANK YOU, YOUR HONOR.

15 THE COURT: VERY WELL. I'LL SEE YOU AT
16 1:00 O'CLOCK.

17 (WHEREUPON, THE LUNCH RECESS WAS TAKEN.)
18
19
20
21
22
23
24
25

1 **AFTERNOON SESSION**

2
3 (WHEREUPON, THE FOLLOWING PROCEEDINGS
4 WERE HELD IN THE PRESENCE OF THE JURY:)

5 THE COURT: VERY WELL. PLEASE BE SEATED.
6 YOU MAY RESUME YOUR EXAMINATION.

7 MR. NOLAN: THANK YOU.

8 **CROSS-EXAMINATION (RESUMED)**

9 BY MR. NOLAN:

10 Q I WANT TO GO BACK TO THE MEETING ON JUNE 11TH,
11 2003 WHEN YOU WERE PRESENT AT NETLOGIC MICROSYSTEMS
12 COMPANY. CORRECT?

13 A NO.

14 Q I'M SORRY. THIS WAS AT THE GIBSON, DUNN &
15 CRUTCHER LAW FIRM?

16 A CORRECT.

17 Q AND PRESENT THERE WERE THE PRESIDENT AND CHIEF
18 EXECUTIVE OFFICER, MR. JANKOV; CORRECT?

19 A CORRECT.

20 Q AND MR. CORTES, THE SENIOR DIRECTOR OF LEGAL
21 AFFAIRS?

22 A CORRECT.

23 Q AND A MAN BY THE NAME OF LON ALLEN, WHO WAS A
24 BOARD OF DIRECTORS MEMBER; CORRECT?

25 A YES.

1 Q AND VARAD SRINIVASAN, THE VICE-PRESIDENT OF
2 PRODUCT DEVELOPMENT; CORRECT?

3 A YES.

4 Q AND DAVID COOK, SOMEBODY FROM A SECURITY FIRM;
5 WINSTON KRONE, ANOTHER PERSON FROM A SECURITY FIRM;
6 AND ANOTHER PERSON FROM GIBSON, DUNN WAS PRESENT;
7 CORRECT?

8 A YES.

9 Q AND ANOTHER LAWYER FROM GIBSON, DUNN, STEVEN
10 JOHNSON; CORRECT?

11 A YES.

12 Q AND WHEN YOU WENT INTO THIS MEETING WITH THE
13 OTHER AGENT, WERE YOU AWARE THAT NETLOGIC HAD
14 RECEIVED ANONYMOUS E-MAILS?

15 A NO, WE WERE NOT.

16 Q AND WHEN THE ISSUE CAME -- THE ISSUE FIRST
17 CAME UP IN THE MEETING.

18 WHO BROUGHT UP THE ISSUE OF NETLOGIC
19 RECEIVING ANONYMOUS E-MAILS?

20 A I COULDN'T TESTIFY TO WHO BROUGHT UP THE ISSUE
21 FIRST. I KNOW IT WAS DISCUSSED.

22 Q WELL, LET ME ASK YOU THIS: WAS IT DISCUSSED
23 AS A RESULT OF ANY QUESTION BY YOU OR MR. SIEBER?

24 A I WOULDN'T BE ABLE TO ANSWER THAT.

25 Q ALL RIGHT. HOW LONG WERE YOU IN THE MEETING

1 BEFORE YOU LEARNED THAT NETLOGIC HAD RECEIVED
2 ANONYMOUS E-MAILS?

3 A I COULDN'T TELL YOU IF IT WAS FIVE MINUTES OR
4 20 MINUTES. I JUST KNOW WE DISCUSSED THAT.

5 Q WHEN YOU DISCUSSED IT, YOU WERE AWARE THAT A
6 CONVERSATION HAD PREVIOUSLY BEEN HAD WITH MEMBERS
7 OF NETLOGIC'S ATTORNEYS, OUTSIDE ATTORNEYS AND
8 DIRECTORS; CORRECT?

9 A PREVIOUS CONVERSATION WITH WHO?

10 Q YOU WERE AWARE THAT MR. SIEBER HAD PREVIOUS
11 CONVERSATIONS WITH THESE INDIVIDUALS; CORRECT?

12 A I'M AWARE THAT MR. SIEBER HAD A PREVIOUS
13 MEETING WITH INDIVIDUALS FROM NETLOGIC. WHO WAS
14 PRESENT, I'M NOT SURE.

15 Q DO YOU REMEMBER EITHER YOU -- WELL, DO YOU
16 REMEMBER ANYONE AT THIS MEETING EXPLAINING TO YOU
17 THE REASON THAT THEY DIDN'T TELL YOU -- I'M
18 SORRY -- THE REASON THAT THEY DIDN'T TELL THE
19 F.B.I. UNTIL THIS DATE THAT THEY HAD RECEIVED
20 ANONYMOUS E-MAILS AND WERE CONDUCTING THEIR OWN
21 INVESTIGATION?

22 A YES, I REMEMBER THAT WE WERE TOLD THAT THEY
23 BASICALLY SAID FOR -- I'M NOT SURE IF IT WAS LEGAL
24 REASONS, BUT THEY DID NOT DISCLOSE DURING THE FIRST
25 MEETING THAT MR. SIEBER HAD WITH NETLOGIC.

1 THEY ADVISED US THAT THEY WERE -- THEY
2 HAD AN INVESTIGATION AND THEY DID NOT DISCLOSE IT
3 TO US AT THAT TIME.

4 Q DID THEY TELL YOU WHY THEY HADN'T DISCUSSED IT
5 WITH YOU?

6 A I BELIEVE I NEED TO REFRESH MY RECOLLECTION.
7 CAN I LOOK BACK AT THE 302?

8 Q OH, PLEASE, DO, IF YOU CAN RECALL.

9 (PAUSE IN PROCEEDINGS.)

10 THE WITNESS: YES, MR. CORTES ADVISED US
11 THAT WHEN WE HAD THE MEETING WITH THEM, HE HAD YET
12 TO CONSULT WITH THEIR LEGAL COUNSEL AND THAT IS
13 WHAT HE ADVISED US.

14 BY MR. NOLAN:

15 Q DID EITHER OF YOU ASK QUESTIONS ABOUT WHY THEY
16 NEEDED TO CONSULT WITH THEIR LEGAL COUNSEL BEFORE
17 THEY TOLD YOU ABOUT LEARNING ABOUT THESE E-MAILS
18 AND THEIR INVESTIGATION?

19 A NO.

20 Q DID ANYONE QUESTION THE LEGAL COUNSEL THERE
21 AND ASK THEM WHY -- WHEN THEY FOUND OUT ABOUT IT?

22 A NO.

23 Q AND WHO WAS IT THAT SAID THAT THEY HAD TO
24 CONSULT WITH A LEGAL COUNSEL BEFORE THEY -- LET ME
25 ASK YOU THIS: WOULD IT BE FAIR TO CHARACTERIZE

1 THEIR MEETING IN YOUR OPINION AS NOT BEING CANDID
2 ON JUNE 4TH?

3 MR. PARRELLA: I OBJECT TO THIS, YOUR
4 HONOR. IT CALLS FOR A CONCLUSION.

5 THE COURT: SUSTAINED.

6 BY MR. NOLAN:

7 Q DID YOU CONSIDER OPENING AN INVESTIGATION OF
8 NETLOGIC FOR OBSTRUCTION OF JUSTICE AS A RESULT OF
9 THE INFORMATION THAT YOU RECEIVED ON JUNE 11TH,
10 THAT THEY HAD WITHHELD INFORMATION FROM YOU?

11 A NO.

12 Q DID YOU CONSIDER THE INFORMATION THAT THEY
13 WITHHELD FROM YOU TO BE SIGNIFICANT INFORMATION?

14 A YES.

15 Q DID YOU CONDUCT ANY INQUIRY OF ANYONE AT THE
16 MEETING IN REGARDS TO THEIR FAILURE TO GIVE YOU
17 SIGNIFICANT INFORMATION AT A PRIOR MEETING?

18 A NO.

19 Q DID ANYONE ELSE AT THE MEETING EXPRESS ANY
20 OPINION OR EXPLANATION AS TO WHY THEY DIDN'T GIVE
21 YOU SIGNIFICANT INFORMATION AT A PRIOR MEETING?

22 MR. PARRELLA: OBJECTION. HEARSAY.

23 THE COURT: OVERRULED.

24 THE WITNESS: NO.

25 MR. NOLAN: THANK YOU. NO FURTHER

1 QUESTIONS.

2 THE COURT: DO YOU WISH TO EXAMINE THE
3 WITNESS?

4 MR. SWANSON: YES, YOUR HONOR, THANK YOU.

5 **CROSS-EXAMINATION**

6 BY MR. SWANSON:

7 Q AGENT CANO, YOU TALKED ABOUT THIS JUNE 11TH,
8 2003 MEETING AT NETLOGIC.

9 DO YOU RECALL THAT? DO YOU RECALL THAT
10 MEETING?

11 A IT WAS AT GIBSON, DUNN.

12 Q I'M SORRY. AT GIBSON, DUNN & CRUTCHER WITH
13 THE NETLOGIC PERSONNEL; RIGHT?

14 A CORRECT.

15 Q AND AT THIS MEETING YOU LEARNED THAT NETLOGIC
16 HAD ALREADY HIRED A FIRM TO HELP THEM ANALYZE
17 LAN LEE AND YUEFEI GE'S COMPUTERS; RIGHT?

18 A I KNOW THAT THEY HAD HIRED SAFIRROSETTI TO
19 HELP THEM ANALYZE INFORMATION. I DO NOT RECALL IF
20 IT WAS BOTH LAN LEE AND YUEFEI GE OR JUST LAN LEE.

21 Q OKAY. AND THEY REPORTED TO YOU, "THEY" THE
22 NETLOGIC PERSONNEL, REPORTED TO YOU ON THE RESULTS
23 OF THAT INVESTIGATION; RIGHT? THEY DID A
24 POWERPOINT PRESENTATION FOR YOU; RIGHT?

25 A YES.

1 Q AND IT DESCRIBED EVERYTHING THAT THEY HAD DONE
2 SO FAR TO SEE IF THERE WAS ANY EVIDENCE OF ANY
3 INTELLECTUAL PROPERTY OR TRADE SECRET THEFT; RIGHT?

4 A IT DESCRIBED THE INVESTIGATION TO DATE.

5 Q AND IT DESCRIBED, AMONG OTHER THINGS, THE
6 INVESTIGATION BY SAFIRROSETTI AS TO WHETHER THERE
7 HAD BEEN ANY OTHER -- OR ANY DOWNLOADS OF
8 INTELLECTUAL PROPERTY FROM NETLOGIC'S SERVERS THAT
9 WAS UNAUTHORIZED BY LAN LEE; RIGHT?

10 A CAN YOU --

11 Q YEP.

12 A I'M NOT SURE I UNDERSTAND YOUR QUESTION.

13 Q ONE OF THE THINGS YOU LEARNED WAS WHETHER
14 SAFIRROSETTI HAD FOUND ANY EVIDENCE THAT
15 INTELLECTUAL PROPERTY BELONGING TO NETLOGIC HAD
16 BEEN DOWNLOADED BY YUEFEI GE AND LAN LEE; RIGHT?

17 A I DON'T RECALL IF WE SPECIFICALLY ASKED THEM
18 THAT QUESTION, BUT --

19 Q WOULD IT REFRESH YOUR RECOLLECTION TO TAKE A
20 LOOK AT THE PROSECUTOR REPORT OF THE INVESTIGATION?

21 A THE ONE DATED JUNE 11, 2003?

22 Q NO, I'M SORRY. A REPORT DATED NOVEMBER 4TH,
23 2004 SUMMARIZING THE INVESTIGATION. I'M JUST
24 ASKING IF IT WOULD REFRESH YOUR RECOLLECTION TO
25 TAKE A LOOK AT THAT.

1 A SURE. I NEED A COPY OF THAT.

2 Q YEP, I'LL HAND IT TO YOU.

3 DIRECTING YOUR ATTENTION TO THE SECOND
4 FULL BOTTOM PARAGRAPH.

5 DOES THAT REFRESH YOUR RECOLLECTION ABOUT
6 WHAT YOU LEARNED --

7 A YES.

8 Q -- AT THE MEETING ON JUNE 11TH ABOUT WHAT
9 SAFIRROSETTI FOUND?

10 A YES.

11 Q AND IS IT CORRECT THAT BASED ON THAT
12 PRESENTATION IT WAS NOT CLEAR IF NETLOGIC'S
13 INTELLECTUAL PROPERTY HAD BEEN DOWNLOADED OR
14 E-MAILED FROM EITHER LAN LEE OR YUEFEI GE'S WORK
15 STATIONS?

16 A THAT'S CORRECT.

17 Q NOW, YOU ALSO LEARNED AT THAT MEETING THAT THE
18 ARCHITECTURE FOR NETLOGIC'S NEWEST CHIP COULD BE
19 DOWNLOADED EASILY ONTO TWO COMPACT DISKS; RIGHT?

20 A YES.

21 Q AND AS PART OF YOUR CONVERSATION YOU TALKED
22 ABOUT, WITH MR. JANKOV ABOUT A MEETING THAT HE HAD
23 HAD WITH YUEFEI GE AND LAN LEE A COUPLE MONTHS
24 PREVIOUSLY; RIGHT?

25 A ARE YOU REFERRING TO -- COULD YOU BE A LITTLE

1 MORE SPECIFIC --

2 Q YES.

3 A -- ON THE --

4 Q AT THE MEETING YOU HAD ON JUNE 11TH AT GIBSON,
5 DUNN, RON JANKOV, THE PRESIDENT OF NETLOGIC, WAS
6 PRESENT; CORRECT?

7 A YES.

8 Q AND HE RECOUNTED TO YOU DETAILS OR A
9 DISCUSSION OF A MEETING THAT HE HAD HAD WITH
10 LAN LEE AND YUEFEI GE; RIGHT?

11 A YES.

12 Q AND SPECIFICALLY THAT ON MARCH 27TH OF 2003 HE
13 CONFRONTED LAN LEE AND YUEFEI GE; IS THAT RIGHT?

14 A CORRECT.

15 Q AND HE HAD WARNED THEM THAT THEIR ACTIVITIES
16 TO ESTABLISH A NEW COMPANY WERE IN DIRECT CONFLICT
17 WITH THEIR RESPONSIBILITIES AT NETLOGIC; CORRECT?

18 MR. PARRELLA: YOUR HONOR, I'M OBJECTING
19 TO THIS. IT'S HEARSAY UNLESS IT'S FRAMED TO THE
20 AGENT THAT IT'S FOR THE PURPOSE OF HIS
21 INVESTIGATION AND THAT IT'S UTILIZED ONLY FOR THAT
22 PURPOSE.

23 THE COURT: WELL, YOU'RE CORRECT THAT
24 WITH RESPECT TO ALL OF THESE MATTERS WHERE THE
25 STATEMENTS ARE BEING MADE TO THE AGENTS, THE ISSUE

1 THAT IT'S BEING ADMITTED FOR IS TO EXPLAIN WHY THEY
2 WERE TAKING CERTAIN ACTIONS.

3 IT WOULD BE THE COURT'S PREFERENCE IF YOU
4 WOULD ASK WHAT ACTION YOU TOOK AND THEN GO TO THOSE
5 STATEMENTS JUST TO MAKE SURE THAT IT DID CAUSE AN
6 ACTION AS OPPOSED TO BEING ADMITTED FOR OTHER
7 PURPOSES.

8 BUT THIS IS CROSS-EXAMINATION, SO I'LL
9 PERMIT THE QUESTION TO BE PUT AS TO WHETHER OR NOT
10 CERTAIN INFORMATION WAS GIVEN TO THE INVESTIGATING
11 OFFICER BY THE COMPANY OFFICIALS.

12 MR. SWANSON: AND TO BE CLEAR, YOUR
13 HONOR, THIS IS BEING OFFERED FOR ITS IMPEACHMENT
14 VALUE.

15 THE COURT: WELL, WE'LL SEE.

16 MR. SWANSON: VERY WELL.

17 Q YOU SPOKE WITH MR. JANKOV AGAIN ABOUT THE
18 MEETING THAT HE HAD WITH YUEFEI GE AND LAN LEE;
19 CORRECT?

20 A CORRECT.

21 Q AND HE TOLD YOU THAT THEIR ACTIVITIES TO START
22 A NETWORK PROCESSOR COMPANY WERE IN DIRECT CONFLICT
23 WITH THEIR RESPONSIBILITIES AT NETLOGIC; IS THAT
24 RIGHT?

25 A CORRECT.

1 Q AND HE ASKED THEM TO FOCUS ON THEIR RESPECTIVE
2 PROJECTS AT NETLOGIC; IS THAT RIGHT?

3 A CORRECT.

4 Q AND MR. JANKOV THEN TOLD YOU THAT MR. LEE AND
5 MR. GE DID NOT CONFIRM OR DENY THEIR BUSINESS
6 RELATIONSHIP OR THEIR ENDEAVORS TO START A COMPANY;
7 IS THAT RIGHT?

8 A CORRECT.

9 Q LET'S TURN TO THE SEPTEMBER 10TH MEETING WITH
10 MY CLIENT THAT YOU TESTIFIED ABOUT.

11 YOU TESTIFIED THAT YUEFEI GE ADMITTED
12 THAT HE HAD DOWNLOADED AND INSTALLED WITHOUT
13 AUTHORIZATION THE PEGASUS DATA SHEET, THE 5512 DATA
14 SHEET, AND THE 5512 GLC DATA SHEET; IS THAT
15 CORRECT?

16 A YES.

17 Q NOW, IN ADVANCE OF YOUR TESTIFYING HERE TODAY,
18 DID YOU HAVE AN OPPORTUNITY TO REVIEW THE REPORT
19 THAT WAS WRITTEN BY AGENT SIEBER OF THAT
20 INVESTIGATION?

21 A YES, I DID.

22 Q AND OF THAT PARTICULAR INTERVIEW?

23 A YES.

24 Q AND DID YOU ALSO HAVE AN OPPORTUNITY TO
25 INTERVIEW THE ROUGH NOTES THAT WERE PREPARED BY

1 AGENT SIEBER AT THE TIME THAT THE INTERVIEW
2 ACTUALLY TOOK PLACE?

3 A I SAW THEM AND -- I DIDN'T REVIEW THEM, BUT I
4 SAW THEM.

5 Q YOU SAW THEM BUT YOU DIDN'T REVIEW THEM.

6 SO JUST TO BE CLEAR, YOU SAW THE ROUGH
7 NOTES BUT YOU DID NOT REVIEW THEM; IS THAT CORRECT?

8 A UH-HUH.

9 Q NOW, LET'S TAKE THIS PIECE BY PIECE.

10 THE PEGASUS DATA SHEET, WHAT YUEFEI GE
11 ACTUALLY SPOKE ABOUT WHEN HE SPOKE ABOUT PEGASUS
12 WAS PEGASUS ARCHITECTURE, NOT A PEGASUS DATA SHEET;
13 IS THAT CORRECT?

14 A I CAN'T ASSUME WHAT HE WAS TALKING ABOUT. HE
15 STATES -- IN THERE IT STATES HE WORKED ON THE
16 PEGASUS.

17 Q I'M NOT SAYING WHAT IT SAYS IN THE REPORT.

18 I'M ASKING WHAT HE SAID.

19 A WELL, THAT'S WHAT HE SAID.

20 Q AND YOUR MEMORY TODAY OF WHAT HE ACTUALLY SAID
21 THE WORD HE USED WAS?

22 A PEGASUS.

23 Q AND THEN HE USED THE WORD DATA SHEET OR
24 ARCHITECTURE.

25 AND LET ME ASK, WOULD IT REFRESH YOUR

1 RECOLLECTION TO TAKE A LOOK AT THE ROUGH NOTES OF
2 THAT MEETING?

3 A SURE.

4 (PAUSE IN PROCEEDINGS.)

5 BY MR. SWANSON:

6 Q OKAY. DOES THAT REFRESH YOUR RECOLLECTION?

7 A DATA SHEETS.

8 Q HE SAYS PEGASUS DOCUMENT, ARCHITECTURE
9 DOCUMENT, OR DATA SHEET? I'M ASKING FOR YOUR
10 RECOLLECTION.

11 A DATA SHEETS.

12 Q AND THAT'S YOUR RECOLLECTION NOW SIX YEARS
13 LATER OF THE WORD HE USED IN THAT MEETING; IS THAT
14 RIGHT?

15 A YES.

16 Q DID YOU EVER LEARN THAT THERE HAS NEVER BEEN
17 SUCH A THING AS A PEGASUS DATA SHEET?

18 A NO.

19 Q IN YOUR INVESTIGATION DID YOU EVER LEARN THAT
20 NETLOGIC NEVER EVEN MADE A DATA SHEET FOR THE
21 PEGASUS?

22 A NO.

23 Q OKAY. YOU THEN SAID THAT -- YOU TESTIFIED
24 THAT HE ADMITTED HE DOWNLOADED AND INSTALLED THE
25 PEGASUS DATA SHEET WITHOUT AUTHORIZATION.

1 ISN'T IT, IN FACT, THE CASE THAT WHAT HE
2 SAID WAS THAT HE DID NOT ASK RUDY BERAHA IF HE
3 COULD DOWNLOAD IT?

4 A HE DIDN'T ASK FOR AUTHORIZATION TO DOWNLOAD OR
5 INSTALL IT.

6 Q WHAT I'M SAYING IS, ISN'T IT THE CASE THAT
7 WHAT HE ACTUALLY SAID TO YOU IN THIS MEETING IS, "I
8 DIDN'T ASK RUDY BERAHA. I DIDN'T ASK RUDY BERAHA
9 IF I COULD DOWNLOAD IT"?

10 A I'M TELLING YOU WHAT HE SAID WAS THAT HE DID
11 NOT ASK FOR PERMISSION TO DOWNLOAD OR INSTALL IT.

12 Q ALL RIGHT. USED "AUTHORIZATION" THE FIRST
13 TIME AND "PERMISSION" THE SECOND.

14 WHAT IS THE WORD YOU'RE SAYING HE USED?

15 A AUTHORIZATION.

16 Q AND DOES THAT WORD "AUTHORIZATION" APPEAR TO
17 YOUR KNOWLEDGE ANYWHERE IN THE ROUGH NOTES?

18 A IT DOESN'T HAVE TO.

19 Q YOU'RE REMEMBERING SIX YEARS LATER NOW THAT
20 THE WORD HE USED THERE WAS "AUTHORIZATION"?

21 A YES.

22 Q OKAY. NOW, AS TO THE DATA SHEETS FOR THE
23 5512, HE DIDN'T SAY ANYTHING ABOUT WHETHER HE HAD
24 RECEIVED AUTHORIZATION TO DOWNLOAD THE 5512 DATA
25 SHEET, DID HE?

1 A CAN YOU RESTATE THE QUESTION?

2 Q YEP. HE DIDN'T SAY ANYTHING ABOUT WHETHER HE
3 HAD RECEIVED AUTHORIZATION TO DOWNLOAD THE 5512
4 DATA SHEET, DID HE?

5 A NO.

6 Q OR THE 5512 GLC?

7 A THE 5512 HE DID SAY HE NEVER -- THAT BERAHA
8 NEVER GAVE HIM AUTHORIZATION.

9 Q AND, AGAIN, THE WORD THAT YOU RECALL HIM USING
10 TODAY IS "AUTHORIZATION"; IS THAT RIGHT?

11 A YES.

12 Q ALL RIGHT. AND, AGAIN, THAT WORD DOES NOT
13 APPEAR ANYWHERE IN THE ROUGH NOTES; IS THAT
14 CORRECT?

15 A IT DOESN'T HAVE TO.

16 Q NOW, YOU ALSO TESTIFIED THAT WHAT HE SAID WAS
17 THAT HAVING THE DATA SHEET WOULD HELP JUMP START
18 THE BUSINESS; IS THAT RIGHT?

19 A THAT'S CORRECT.

20 Q AND, IN FACT, WHAT HE SAID WAS THAT IT WOULD
21 HELP JUMP START THE BUSINESS PLAN; ISN'T THAT
22 RIGHT?

23 A IT SAYS HELP SICO'S BUSINESS PLAN PROVIDE A
24 JUMP START.

25 Q ALL RIGHT. WELL, WHY DON'T YOU JUST READ IT

1 AS IT SAYS IT?

2 A "GE STATED THAT USING THE DATA SHEETS FROM
3 NETLOGIC MICROSYSTEMS GAVE SICO'S BUSINESS PLAN A
4 JUMP START."

5 Q GAVE ITS BUSINESS PLAN A JUMP START; CORRECT?
6 NOT ITS BUSINESS?

7 A RIGHT.

8 Q NOW, YOU ALSO SAID THAT LAN LEE SAID THAT THEY
9 WOULD USE THE TCAM4 DESIGN AS THE BASIS OF THE CHIP
10 DESIGN.

11 IN FACT, WHAT HE SAID WAS USE THE TCAM
12 DESIGN, NOT THE TCAM4?

13 A THAT'S CORRECT.

14 Q TCAM -- TCAM -- DO YOU KNOW WHAT TCAM IS?

15 A NO.

16 Q ARE YOU AWARE THAT THIS IS -- LET ME JUST ASK
17 WITHOUT -- I KNOW YOU DON'T KNOW WHAT IT IS, BUT
18 LET ME JUST ASK, WITHOUT KNOWING WHAT IT IS, ARE
19 YOU AWARE THAT IT IS THE TERM --

20 THE COURT: NO, YOU'RE TESTIFYING THEN.

21 SO YOU AREN'T ABLE TO --

22 BY MR. SWANSON:

23 Q ARE YOU AWARE OF ANYTHING ABOUT THE WORD
24 "TCAM" THAT INDICATES THAT IT'S NETLOGIC AS OPPOSED
25 TO ANYBODY ELSE WHO MAKES A TCAM CHIP?

1 A NO.

2 Q NOW, HE ALSO TOLD YOU -- YOU SAY THAT -- YOU
3 TESTIFIED THAT THEY WERE PLANNING TO BUILD A TCAM
4 CHIP.

5 HE ACTUALLY TOLD YOU THAT THEIR BUSINESS
6 PLAN ORIGINALLY WAS TO DESIGN A DIFFERENT CHIP;
7 ISN'T THAT RIGHT?

8 A THAT'S CORRECT.

9 Q IT'S CALLED AN ADC CHIP; RIGHT?

10 A YES.

11 Q AND WHICH IS AN INDUSTRIAL MEASUREMENT CHIP
12 RATHER THAN A SEARCH CHIP; RIGHT?

13 A THAT'S WHAT THEY STATED. I COULDN'T TELL YOU.

14 Q AND IN THE COURSE OF THIS INTERVIEW HE ALSO
15 TOLD YOU, YUEFEI GE TOLD YOU THAT HE BELIEVED THAT
16 NETLOGIC'S NSE 5512 DATA SHEET WAS PUBLIC
17 INFORMATION; CORRECT?

18 A YES.

19 Q HE TOLD YOU THAT HE BELIEVED THAT NSE 5512'S
20 GLC DATA SHEET WAS PUBLIC INFORMATION; CORRECT?

21 MR. PARRELLA: YOUR HONOR, I'M GOING TO
22 OBJECT TO THIS AS HEARSAY.

23 THE COURT: WELL, IT DOES -- IT'S NOT
24 BEING OFFERED FOR THAT PURPOSE.

25 IN OTHER WORDS, I'M ALLOWING THIS WITNESS

1 TO TELL US WHAT WAS SAID AND IT'S JUST TO GIVE
2 CONTEXT TO THE EARLIER TESTIMONY ABOUT WHAT WAS
3 SAID.

4 AND SO UNDER THE NOTION THAT YOU OUGHT TO
5 HAVE A COMPLETE STATEMENT OF WHAT WAS SAID, I'M
6 ALLOWING IT.

7 IT COULD BE THAT WHOEVER IS SPEAKING IS
8 NOT TELLING THE TRUTH.

9 BUT THIS WITNESS IS TELLING US WHAT WAS
10 SAID.

11 IT'S UP TO YOU TO MAKE A JUDGMENT FROM
12 THE EVIDENCE IN THE CASE WHETHER OR NOT THESE
13 STATEMENTS ARE TRUE OR NOT.

14 ACTUALLY, I'LL ALLOW THIS IN NOT FOR THE
15 PURPOSE OF PROVING THE TRUTH OF WHAT THE SPEAKER
16 WAS BELIEVING, BUT AS EXPLAINING THE CIRCUMSTANCES
17 UNDER WHICH THE INVESTIGATOR WAS COMING TO
18 UNDERSTAND AS TO WHAT THEY HAD, WHY THEY HAD IT.

19 AND IT'S REALLY GOING TO BE YOUR JOB AS
20 THE JURY IN THIS CASE ULTIMATELY TO DECIDE WHETHER
21 OR NOT THERE WAS A PARTICULAR BELIEF ABOUT THE
22 NATURE OF THE DOCUMENT AND UNDER WHAT CIRCUMSTANCES
23 THE DEFENDANTS CAME TO HAVE POSSESSION, IF THERE IS
24 EVIDENCE OF POSSESSION.

25 YOU MAY ANSWER THE QUESTION, THOUGH, AS

1 TO WHETHER HE MADE A STATEMENT.

2 BY MR. SWANSON:

3 Q AND JUST TO REPEAT THE QUESTION: YUEFEI GE
4 TOLD YOU IN THIS MEETING THAT HE BELIEVED THAT THE
5 NSE 5512 GLC DATA SHEET WAS PUBLIC INFORMATION;
6 CORRECT?

7 A YES.

8 MR. SWANSON: NO FURTHER QUESTIONS, YOUR
9 HONOR.

10 THE COURT: ANY REDIRECT?

11 MR. PARRELLA: NO, YOUR HONOR.

12 THE COURT: VERY WELL.

13 AGENT CANO, YOU MAY BE EXCUSED.

14 CALL YOUR NEXT WITNESS.

15 MR. PARRELLA: WE CALL VARAD SRINIVASAN.

16 MR. SWANSON: YOUR HONOR, COULD WE
17 APPROACH THE SIDE-BAR FOR A MOMENT?

18 THE COURT: YES. COUNSEL APPROACH.

19 (SIDE-BAR CONFERENCE.)

20 THE COURT: BEFORE YOU TESTIFY, SINCE WE
21 ARE ASKING TECHNICAL QUESTIONS, I'M GOING TO ASK
22 THAT YOU MEET AND CONFER WITH THE GOVERNMENT ON AN
23 ISSUE THAT JUST CAME TO THE COURT'S ATTENTION.

24 AND JUST SO THAT YOU DON'T HAVE TO SPEAK
25 IN WHISPERED TONES, WHY DON'T YOU STEP OUTSIDE OF

1 THE COURTROOM FOR THAT CONFERENCE AND THEN WE'LL
2 CALL YOU RIGHT IN RIGHT AFTER THAT.

3 AND WE'LL JUST TAKE A BREAK HERE IN
4 PLACE. IT SHOULD TAKE ONLY A MOMENT.

5 (PAUSE IN PROCEEDINGS.)

6 THE CLERK: RAISE YOUR RIGHT HAND.

7 **VARADARAJAN SRINIVASAN,**

8 BEING CALLED AS A WITNESS ON BEHALF OF THE
9 PLAINTIFF, HAVING BEEN FIRST DULY SWORN, WAS EXAMINED
10 AND TESTIFIED AS FOLLOWS:

11 THE WITNESS: YES, I DO.

12 THE CLERK: PLEASE BE SEATED.

13 PLEASE STATE YOUR FULL NAME AND SPELL
14 YOUR LAST NAME FOR THE RECORD.

15 THE WITNESS: MY FULL NAME IS VARADARAJAN
16 SRINIVASAN. LAST NAME IS SPELLED S, AS IN SAM, R,
17 AS IN ROBERT, I-N, AS IN NANCY, I-V, AS IN VICTOR,
18 A-S-A-N, AS IN NANCY.

19 THE COURT: I THINK YOU HAVE IT
20 UPSIDE-DOWN. MAYBE ON THE OTHER SIDE. THAT'S IT.

21 THE CLERK: THANK YOU.

22 MR. PARRELLA: THANK YOU, YOUR HONOR.

23 **DIRECT EXAMINATION**

24 BY MR. PARRELLA:

25 Q GOOD AFTERNOON, MR. SRINIVASAN.

1 A OKAY.

2 Q CAN YOU TELL US HOW YOU ARE EMPLOYED?

3 A I'M CURRENTLY THE CHIEF TECHNOLOGY OFFICER AND
4 VICE-PRESIDENT OF PRODUCT DEVELOPMENT AT NETLOGIC.

5 Q AND HOW LONG HAVE YOU HAD THAT POSITION?

6 A I HAVE BEEN THE VICE-PRESIDENT OF PRODUCT
7 DEVELOPMENT SINCE I JOINED THE COMPANY IN MARCH OF
8 '96.

9 I HAVE BEEN THE CHIEF TECHNOLOGY OFFICER
10 ALSO STARTING SOMETIME IN 1996.

11 Q AND WHAT DID YOU DO BEFORE YOU WORKED FOR
12 NETLOGIC?

13 A BEFORE COMING TO NETLOGIC I WAS WITH A
14 SEMICONDUCTOR COMPANY CALLED QUALITY SEMICONDUCTOR.

15 Q AND HOW LONG DID YOU WORK THERE?

16 A I WORKED THERE FOR ABOUT SEVEN YEARS.

17 Q WHAT DID YOU DO THERE?

18 A I WAS DOING DESIGNS, CIRCUIT DESIGNS THERE.

19 Q AND WHAT WAS YOUR TITLE?

20 A MY TITLE AT THE TIME WAS DIRECTOR OF DESIGN.

21 Q AND CAN YOU TELL US ABOUT YOUR EDUCATION, ANY
22 DEGREES YOU MAY HAVE?

23 A I GOT MY BACHELOR'S AND MASTER'S IN ELECTRICAL
24 ENGINEERING IN INDIA.

25 AND I CAME TO THE UNITED STATES AND I

1 JOINED NORTH CAROLINA UNIVERSITY AND I GOT MY PH.D.
2 IN SOLID STATE ELECTRONICS.

3 Q AND CAN YOU TELL US ABOUT WHAT THE DUTIES AND
4 RESPONSIBILITIES OF THE CHIEF TECHNOLOGY OFFICER
5 FOR NETLOGIC WOULD BE?

6 A CURRENTLY I SUPERVISE TWO DIRECTORS OF DESIGN
7 WHO, IN TURN, ARE RESPONSIBLE FOR TAKING CARE OF
8 FULL PROJECTS FOR THE COMPANY. THAT'S MY PRIMARY
9 RESPONSIBILITY.

10 Q OKAY. NOW, CAN YOU TELL ME IN 2002, 2003 WHAT
11 WAS YOUR -- WHAT WERE YOUR DUTIES WITHIN THE
12 COMPANY?

13 A IN 2002, 2003 I HAD THE SAME TITLES AND THE
14 SAME RESPONSIBILITY. I HAD PEOPLE WORKING FOR ME
15 DOING SEVERAL DESIGNS, AND I WAS SUPERVISING THOSE
16 GROUPS.

17 Q SO DID YOU DURING THAT TIME PERIOD, 2002,
18 2003, DID YOU ACTUALLY SUPERVISE INDIVIDUAL
19 ENGINEERS?

20 A YES, I DID.

21 Q AND DO YOU DO THAT NOW?

22 A YES, I DO.

23 Q OKAY. SO CAN YOU TELL US A LITTLE BIT ABOUT
24 NETLOGIC MICROSYSTEMS' BUSINESS DURING 2002, 2003?

25 A DURING 2002 AND 2003, NETLOGIC WAS BUILDING

1 AND -- DESIGNING AND BUILDING SEMICONDUCTOR DEVICES
2 CALLED NETWORK SEARCH ENGINES AND THAT WAS OUR
3 PRIMARY BUSINESS.

4 Q AND THAT WAS YOUR -- EXCUSE ME?

5 A THAT WAS OUR PRIMARY BUSINESS.

6 Q AND WERE YOU -- WITHDRAWN.

7 WERE YOU FAMILIAR WITH PRODUCTS
8 IDENTIFIED AS THE NSE 5512 AND 5512 GLC?

9 A YES, I AM.

10 Q CAN YOU TELL US WHAT THEY ARE?

11 A THE NSE 5512 AND 5512 GLC DURING THE 2002,
12 2003 TIMEFRAME WERE THE LEADING PRODUCTS WHAT WERE
13 CALLED THE NETWORK SEARCH ENGINES AND THEY WERE
14 PROPRIETARY AND LEADING PRODUCTS AT THAT TIME.

15 Q AND WHAT DID THEY DO?

16 A THE NETWORK SEARCH ENGINES IN GENERAL DO --
17 THEY ARE PLACED IN ROUTERS AND THEY SERVICE WHAT WE
18 CALL POST --

19 THE COURT: YOU SPEAK VERY QUICKLY, SO
20 I'M GOING TO ASK YOU TO MODERATE YOUR SPEED BECAUSE
21 I KNOW YOU'RE TALKING ABOUT AN AREA THAT IS
22 FAMILIAR TO YOU, BUT IT'S NOT QUITE AS FAMILIAR TO
23 US. SO --

24 THE WITNESS: THANK YOU.

25 THESE PRODUCTS GO INTO WHAT WE CALL

1 NETWORK ROUTERS. THESE ROUTERS RECEIVE ELECTRONIC
2 PACKETS AND THEY DECIDE, BASED ON WHERE THEY ARE
3 COMING FROM AND WHERE THEY NEED TO GO, HOW TO SEND
4 THEM OUT ON THEIR WAY THROUGH ELECTRONIC MEANS.

5 SO THEY SERVICE WHAT WE NORMALLY CALL
6 POST OFFICE CLEARING HOUSES.

7 WE RECEIVE A LETTER, I LOOK AT THE
8 DESTINATION AND SEND IT ON.

9 AND SO THESE THINGS RECEIVE ELECTRONIC
10 PACKETS AND THEY LOOK UP THE ADDRESSES AND THEY
11 SEND THEM ON THEIR WAY ELECTRONICALLY. THAT'S WHAT
12 THESE THINGS DO.

13 Q LET'S TAKE THE 5512. CAN YOU TELL US ABOUT
14 THE DEVELOPMENT HISTORY OF THE 5512?

15 A THE 5512, AS THE NAME IMPLIES, WAS THE FIFTH
16 GENERATION OF THE NETWORK SEARCH ENGINE THAT
17 NETLOGIC DID.

18 IT WAS BUILT UPON FOUR PREVIOUS
19 GENERATIONS, WE CALLED THEM 1000, 2000, 3000 AND
20 4000 SERIES AND ALL OF THE DEVELOPMENT --

21 THE COURT: WE'RE NOT HAVING TROUBLE WITH
22 THE VOLUME. IT'S THE SPEED.

23 THE WITNESS: ALL OF THE DEVELOPMENT DONE
24 UP TO THAT POINT.

25 BY MR. PARRELLA:

1 Q AND SO HOW DID -- HOW DOES A CHIP IN GENERAL,
2 BUT IN PARTICULAR 5512, BE -- GO INTO DEVELOPMENT?

3 A THE 5512 -- ANY PRODUCT THAT WE DEVELOP
4 INITIALLY STARTS WITH WHAT WE LEARN FROM THE
5 PREVIOUS GENERATIONS, AND ALSO OUR MARKETING
6 INTERACTING WITH ALL OF THE CUSTOMER NEEDS.

7 SO THE MARKETING DEPARTMENT GOES TO
8 CUSTOMERS, LOOKS AT THE REQUIREMENTS AND BRINGS
9 BACK THE SPECIFICATIONS THAT THE CUSTOMERS WOULD
10 LIKE TO SEE IN THE NEXT GENERATION.

11 THAT, PLUS OUR KNOW-HOW TOGETHER, THE
12 DEFINITION OF THE NEXT GENERATION PRODUCT. THAT'S
13 HOW THE 5512 PRODUCT WAS CONCEIVED.

14 Q SO THAT'S THE FIRST STEP?

15 A THAT WAS THE FIRST STEP.

16 Q WHAT WOULD BE THE NEXT STEP?

17 A THE NEXT STEP WOULD BE FOR THE MARKETING AND
18 THE ENGINEERING, WHICH INCLUDES THE DESIGN AND
19 APPLICATION, TO GET TOGETHER TO COME UP WITH A
20 SPECIFICATION FOR THE PRODUCT, WHICH WE WOULD BE --
21 WHICH IS LIKE A GUIDE. SO EVERYONE KNOWS WHEN IT
22 IS SPECIFIED WHAT THE PRODUCT IS GOING TO DO.

23 SUBSEQUENTLY THE MARKETING IS USED AS A
24 BASIS FOR SELLING THE PRODUCT TO THE CUSTOMERS.

25 THE DESIGN USES THIS DOCUMENT TO COMPLETE

1 THE DOCUMENT, AND THE APPLICATION BASED ON THE SAME
2 DOCUMENT COMES UP WITH AN APPLICATION TO HELP THE
3 CUSTOMERS.

4 Q AND WHAT IS THAT DOCUMENT CALLED?

5 A WE REFER TO THE DOCUMENT AS A DATA SHEET.

6 Q OKAY. SO WHAT IS THE NEXT STEP IN DEVELOPING
7 THE PRODUCT?

8 A WELL, THE NEXT STEP IS FOR THE DESIGN
9 ENGINEERING TO USE A GUIDING DOCUMENT WHICH WE CALL
10 A DATA SHEET, AND BASED ON THE SPECIFICATIONS IN
11 THERE TO DEVELOP THE DESIGN, CREATE THE CIRCUIT
12 DIAGRAMS AND RUN ASSIMILATIONS AND FINALLY GET
13 READY SO IT CAN BE MANUFACTURED.

14 Q SO -- AND WHERE WOULD NETLOGIC MICROSYSTEMS --
15 HOW WOULD THEY HAVE IT MANUFACTURED?

16 A NETLOGIC MICROSYSTEMS HAS AN AGREEMENT WITH
17 FOUNDRY, WE CALL IT A FOUNDRY CALLED TSMC, TAIWAN
18 SEMICONDUCTOR MANUFACTURING CORPORATION, IN TAIWAN.

19 THAT IS WHERE WE MANUFACTURE OUR DEVICES.

20 Q AND HOW DO YOU COMMUNICATE WITH THEM TO GET
21 YOUR CHIPS MANUFACTURED?

22 A AFTER GETTING AN INITIAL AGREEMENT THAT THEY
23 WILL MANUFACTURE OUR DEVICES, WE RECEIVE THE
24 DOCUMENTS FROM THEM THAT HELP US IN DOING THE
25 DESIGN, SPECIFICALLY FOR THE MANUFACTURING

1 SPECIFICATIONS THAT THEY HAVE.

2 AND ONCE THE DESIGN IS COMPLETE, WE SEND
3 ALL OF THE WORK THAT IS NECESSARY FOR BUILDING THIS
4 CHIP ON SILICON TO TSMC.

5 Q OKAY. SO TAKING THE 5512 AND THE 5512 GLC
6 CHIPS, AT THE TIME OF 2002, 2003 CAN YOU TELL US
7 HOW YOU WOULD COMPARE THOSE TO COMPETITORS' CHIPS
8 THAT WERE ON THE MARKET?

9 A WELL, THE 2000 -- THE 2002, 2003 TIMEFRAME,
10 BOTH THE 5512 AND 5512 GLC WERE STATE OF THE ART
11 AND LEADING.

12 WE BELIEVE THAT AT THE TIME THAT WE KNOW
13 IS TRUE THAT WE HEARD OF OUR COMPETITION IN THE NSE
14 TECHNOLOGY, THE NETWORK SEARCH ENGINE TECHNOLOGY.

15 AND SO MUCH SO, LEADING NETWORK COMPANIES
16 GAVE US THE SPECIFICATION FOR THEIR DEVICE KNOWING
17 THAT WE HAD THE MOST ADVANCED TECHNOLOGY FOR THE
18 NETWORK SEARCH ENGINES.

19 Q NOW, HOW DID THE 5512 -- WELL, WITHDRAWN.

20 WHAT IS THE DIFFERENCE BETWEEN THE TWO
21 PRODUCTS, 5512 AND 5512 GLC, IN LARGE TIMES?

22 A THE 5512 GLC WAS SPECIFICALLY BUILT FOR ONE OF
23 THE NETWORK COMPANIES HERE, CISCO MICROSYSTEMS, AND
24 IT INCORPORATE THE MANY OF THE SPECIFICATIONS THEY
25 WANTED TO SEE IN THE DEVICE AND THEY GAVE US ALL OF

1 THOSE DETAILS IN CONFIDENCE AND SO WE COULD
2 INCORPORATE THOSE SPECIFICATIONS INTO THE DEVICE
3 AND SUBSEQUENTLY THEY COULD USE IT.

4 THE 5512, THE NSE 5512 WAS TO BE MARKETED
5 TO ALL OF THE REST OF THE COMPANIES TO WHICH WE
6 WILL TAKE THE SPECIFICATION TO THEM, AND 5512 GLC
7 INCORPORATED OUR SPECIFICATION ACCOMPANIED THE
8 REQUIREMENTS THAT CISCO MICROSYSTEMS WANTED TO SEE
9 IN THE DEVICE.

10 Q SO THE GLC -- WITH THE GLC CISCO KIND OF HAS
11 CERTAIN REQUIREMENTS THAT NETLOGIC WOULD HAVE TO
12 BUILD OUT?

13 A THAT IS CORRECT.

14 Q AND WITH THE 5512 NETLOGIC WOULD PRESENT
15 REQUIREMENTS TO ITS CUSTOMERS THAT ITS CUSTOMERS
16 WOULD HAVE TO BUILD OUT?

17 A THAT IS CORRECT.

18 Q OKAY. SO MAYBE YOU COULD EXPLAIN TO US HOW --
19 THE PROCESS BY WHICH A CUSTOMER OF NETLOGIC WOULD
20 BUILD OUT ITS SYSTEM TO BE ABLE TO UTILIZE THE 5512
21 CHIP.

22 A THE FIRST THING THAT THE CUSTOMER WOULD NEED
23 IS THE SPECIFICATION, ONCE AGAIN, WHAT WE CALL THE
24 DATA SHEET, THE GUIDE. THAT IS THE STARTING POINT.

25 AND HERE WE SIGNED A NONDISCLOSURE

1 AGREEMENT BECAUSE THE TECHNOLOGY WAS SO SENSITIVE,
2 WE WANTED TO PROTECT THAT WITH NETLOGIC.

3 AND AFTER WE SIGNED THE AGREEMENT, WE
4 PROVIDED THEM WITH THE DATA SHEET AND THE
5 CONVERSATIONS FROM THAT POINT ON WITH THE MARKETING
6 AND APPLICATION DEPARTMENTS.

7 Q AND SO WOULD THERE NEED TO BE ACTUAL, A
8 PHYSICAL BUILD OUT OF THEIR SYSTEM THAT WOULD BE
9 UNIQUE TO ACCEPTING NETLOGIC TECHNOLOGY?

10 A YES, BOTH OF THESE ARE PROPRIETARY.

11 TALKING ABOUT THE NSE 5512, WE VIEW THE
12 SPECIFICATION AS TO WHAT THE CHIP LOOKS LIKE, THE
13 SUPPLIES TO BE PROVIDED, ALL OF THE DIFFERENT
14 SIGNALS, WHERE THEY ARE LOCATED AND SO ON, AND THE
15 CUSTOMER NEEDS ALL OF THIS INFORMATION TO BUILD
16 THEIR SYSTEM SO THAT THE DEVICE WILL OPERATE
17 PROPERLY.

18 Q WOULD A CUSTOMER BE ABLE TO THEN JUST TAKE AN
19 NSE 5512 CHIP FROM NETLOGIC AND JUST PLUG IT INTO
20 ANY SYSTEM THAT IT HAD ALREADY?

21 A THEY WON'T BE ABLE TO DO THAT.

22 Q OKAY. AND WHAT WOULD ALLOW THEM TO --
23 WITHDRAWN.

24 IS THERE ANYTHING THAT WOULD ALLOW THEM
25 TO BUILD THEIR SYSTEM OUT TO RECEIVE THE TECHNOLOGY

1 FROM NETLOGIC?

2 A WELL, WHAT ALLOWED THEM TO USE THE TECHNOLOGY
3 THAT WE HAVE AND THE DEVICE THAT WE HAVE IS FIRST
4 AND FOREMOST OUR DATA SHEET SO THAT THEY HAVE ALL
5 OF THE SPECIFICATION OF WHAT THE DEVICE IS AND HOW
6 TO USE IT.

7 Q SO YOU MENTIONED THE DATA SHEET SEVERAL TIMES,
8 SO LET'S TALK ABOUT THAT.

9 CAN YOU TELL US WHAT IN YOUR
10 UNDERSTANDING OF DATA SHEET IS?

11 A DATA SHEET IN A DESIGN, I CALL THEM THE
12 GUIDING DOCUMENT BECAUSE EVERYBODY NEEDS TO OPERATE
13 FROM A SET OF SPECIFICATIONS, SO THERE'S AN
14 UNDERSTANDING OF WHAT THE DEVICE IS GOING TO DO
15 ONCE IT'S BUILT.

16 SO THE DATA SHEET, ONCE IT'S SIGNED OFF,
17 MEANING ONCE ALL OF THE DEPARTMENTS HAVE LOOKED AT
18 IT AND THEY ALL APPROVE IT, THE MARKETING USES THAT
19 TO MARKET THE DEVICE, AND THEY USE THE DOCUMENT TO
20 BUILD THE DEVICE TO THE SPECIFICATION, AND SO WHEN
21 THE DEVICE COMES OUT AS DEFINED IN THE DATA SHEET,
22 SO EVERYBODY KNOWS THE DEVICE THAT THEY'RE GOING TO
23 GET.

24 Q SO WHAT DOES THE DATA SHEET ACTUALLY CONTAIN?

25 A IT ACTUALLY CONTAINS VARIOUS SECTIONS. SOME

1 OF THE SECTIONS DEAL WITH THE PHYSICAL
2 CHARACTERISTICS OF THE DEVICE AND ALL OF WHAT WE
3 CALL EXTERNAL CONNECTIONS AND WHERE THEY ARE
4 LOCATED.

5 AND SOME OF THE SPECIFICATIONS REFER TO
6 INTERNALLY HOW THE CHIP IS ARCHITECTED.

7 SOME OF THE DEVICE -- SOME OF THE
8 SECTIONS DEAL WITH THE TIMINGS OF ALL OF THE
9 SIGNALS THAT NEED TO GO IN BECAUSE ALL OF THE
10 SIGNALS THAT GO IN, THEY HAVE RELATIVE TIMING THAT
11 NEEDS TO BE FOLLOWED.

12 AND SOME OF THE VOLTAGE LEVELS THAT ARE
13 TO BE PUT IN THERE AND HOW MUCH POWER DISSIPATES SO
14 THE SYSTEM CAN ALLOW FOR SO MUCH COOLING AND SO ON.

15 IT IS A VERY DIFFERENT SECTION DEALING
16 WITH ALL OF THE SPECIFICATIONS.

17 Q AND ARE SOME OF THOSE SECTIONS IN ANY CASE
18 CONFIDENTIAL?

19 MR. NOLAN: OBJECTION, YOUR HONOR.
20 OBJECTION.

21 THE COURT: ON?

22 MR. NOLAN: IT'S NOT CLEAR WHAT HE'S
23 REFERRING TO.

24 THE COURT: THE SECTIONS? THE OBJECTION
25 IS OVERRULED.

1 MR. NOLAN: CONFIDENTIAL, I MEANT.

2 THE COURT: OVERRULED.

3 BY MR. PARRELLA:

4 Q YOU CAN ANSWER, YEAH.

5 A OKAY. CAN YOU PLEASE READ THE QUESTION?

6 Q SO THE SECTIONS OF THE DATA SHEET, ARE THEY
7 CONFIDENTIAL?

8 A UM, ALL OF THE SECTIONS OF THE DATA SHEET AS
9 WELL, AS THE ENTIRE DATA SHEET, IS CONFIDENTIAL.

10 Q AND WHY IS THAT?

11 MR. NOLAN: EXCUSE ME, YOUR HONOR. ARE
12 WE ASKING HIS PERSONAL OPINION OR AS A LEGAL
13 CONCLUSION?

14 THE COURT: WELL, THESE ARE
15 CHARACTERIZATIONS I ASSUME OF THE CHIEF TECHNICAL
16 OFFICER OF THE COMPANY.

17 MEMBERS OF THE JURY, I HAVEN'T PREVIOUSLY
18 GIVEN YOU THIS INSTRUCTION. PERHAPS IT WOULD BE
19 APPROPRIATE NOW.

20 THERE ARE OCCASIONS WHEN WITNESSES ARE
21 CALLED WHO HAVE AN EXPERTISE IN A PARTICULAR AREA
22 AND WE WILL ALLOW THEM TO TESTIFY AND GIVE OPINION
23 TESTIMONY.

24 ORDINARILY WITNESSES ARE RESTRICTED TO
25 FACTUAL MATTERS, WHAT THEY HAVE SEEN OR HEARD OR

1 DID.

2 BUT IF A PERSON HAS SPECIALIZED KNOWLEDGE
3 OR EDUCATION OR SKILL BEYOND OUR OWN COMMON
4 UNDERSTANDING, THE COURT WILL PERMIT THEM TO
5 TESTIFY AS EXPERT WITNESSES.

6 AND SO ON A TECHNICAL LEVEL THE QUESTION
7 OF -- THAT IS NOW BEING PUT TO THE WITNESS, AND
8 PERHAPS OTHERS, HAS A COMBINATION OF BOTH A
9 TECHNICAL LEVEL, THAT IS, THIS IS INFORMATION THAT
10 THE WITNESS WOULD REGARD AS CONFIDENTIAL, MEANING
11 IT IS KEPT WITHIN THE COMPANY AND IT COULD BE THAT
12 THIS IS ALSO GOING TO LEAD TO QUESTIONS OF THE
13 WITNESS AS TO WHETHER OR NOT IT WAS TREATED A
14 PARTICULAR WAY WITHIN THE COMPANY AND REGARDED BY
15 THE COMPANY AS ONE OF ITS TRADE SECRETS. AND THOSE
16 ARE ALSO MATTERS OF OPINION OR CHARACTERIZATION OF
17 THE WITNESS.

18 ULTIMATELY, AS I HAVE SAID BEFORE, YOU
19 WILL HAVE TO DECIDE UNDER MY DEFINITION OF TRADE
20 SECRETS WHETHER SOMETHING QUALIFIES.

21 WE'LL PERMIT THE WITNESSES TO TESTIFY AS
22 TO WHETHER THEY HAVE AN OPINION IF THEY'RE
23 QUALIFIED AS EXPERTS WITH RESPECT TO THEM BEING
24 TRADE SECRETS, BUT THAT IS JUST EVIDENCE THAT YOU
25 MAY CONSIDER IN MAKING YOUR OWN DECISION ABOUT

1 THAT.

2 EXPERT WITNESSES ARE JUST LIKE EVERY
3 OTHER WITNESS. YOU -- BASED ON THEIR KNOWLEDGE AND
4 EXPERIENCE, YOU MAY FIND THAT THERE ARE SOME PARTS
5 OF THEIR TESTIMONY THAT YOU BELIEVE AND SOME PARTS
6 YOU DON'T BELIEVE.

7 THAT'S A MATTER FOR YOU TO DECIDE.

8 YOU MAY PROCEED, COUNSEL.

9 MR. PARRELLA: THANK YOU.

10 Q WELL, LET ME JUST ASK IT AGAIN. THE NSE 5512
11 DATA SHEET, ARE YOU FAMILIAR WITH THAT?

12 A YES, I AM.

13 Q AND ARE THERE ANY REVISIONS OF THAT, BY THE
14 WAY?

15 A YES, FOLLOWING THE 2000 -- IT GOES THROUGH
16 REVISIONS SUBSEQUENT TO THE 2002, 2003 TIMEFRAME WE
17 MAKE ENHANCEMENTS.

18 Q OKAY. SO I'M REFERRING NOW TO THE VERSION
19 THAT WAS IN EFFECT IN 2002 AND 2003.

20 A RIGHT.

21 Q AND WAS THAT CONFIDENTIAL?

22 A YES, IT IS.

23 MR. NOLAN: AND CAN WE GET AN
24 IDENTIFICATION OF WHAT THAT IS SPECIFICALLY, YOUR
25 HONOR.

1 THE COURT: OVERRULED.

2 BY MR. PARRELLA:

3 Q WAS THAT MARKED AS CONFIDENTIAL?

4 A YES, IT WAS.

5 Q AND HOW -- WITHDRAWN.

6 YOU MENTIONED EARLIER THAT NONDISCLOSURE
7 AGREEMENTS WERE REQUIRED --

8 A THAT'S CORRECT.

9 Q -- IN ORDER TO VIEW THAT?

10 THE COURT: I DON'T THINK HE DID.

11 BY MR. PARRELLA:

12 Q WELL, WERE NONDISCLOSURE AGREEMENTS REQUIRED
13 BEFORE THAT WAS ALLOWED TO BE VIEWED?

14 A YES.

15 Q AND WHO WOULD HAVE TO SIGN THOSE NONDISCLOSURE
16 AGREEMENTS?

17 A A NONDISCLOSURE AGREEMENT CAN BE SIGNED BY ANY
18 OFFICER OF THE COMPANY AND THE OUTSIDE COMPANY THAT
19 WOULD LIKE TO RECEIVE THE DATA SHEET.

20 Q SO THERE'S NONDISCLOSURE AGREEMENTS BETWEEN
21 NETLOGIC AND ITS CUSTOMERS?

22 A THAT IS CORRECT.

23 Q AND ARE YOU INVOLVED IN THE CREATION OF THOSE?

24 A I'M NOT INVOLVED IN THE CREATION OF
25 NONDISCLOSURE AGREEMENT.

1 Q AND ARE YOU INVOLVED IN THE PROCESS OF
2 REVIEWING THEM OR SIGNING THEM?

3 A I DON'T RECALL REVIEWING THEM, BUT FROM TIME
4 TO TIME I HAVE BEEN ASKED TO SIGN THEM.

5 Q OKAY. AND TO YOUR KNOWLEDGE, HAS NETLOGIC
6 EVER ALLOWED A 5512 OR A 5512 GLC DATA SHEET TO GO
7 TO A CUSTOMER OUTSIDE OF THE COMPANY WITHOUT A
8 NONDISCLOSURE AGREEMENT?

9 A NO.

10 Q WHAT ABOUT WITHIN THE COMPANY? IN OTHER
11 WORDS, EMPLOYEES OF NETLOGIC MICROSYSTEMS?

12 A THE EMPLOYEES OF THE COMPANY CAN RECEIVE A
13 COPY OF THE DATA SHEET ONCE THEY COME INTO THE
14 COMPANY AS AN EMPLOYEE AND SIGN THE COMPANY, YOU
15 KNOW, PROPRIETARY AGREEMENTS.

16 Q OKAY. SO LET ME DIRECT YOUR ATTENTION AGAIN
17 TO THE 5512 DATA SHEET THAT EXISTED IN 2002, 2003,
18 THE VERSION THAT EXISTED BACK THEN.

19 DID THAT DOCUMENT -- WAS THAT DOCUMENT --
20 AS CHIEF TECHNOLOGY OFFICER OF THE COMPANY, WAS
21 THAT DOCUMENT TO YOU A TRADE SECRET?

22 A YES, IT IS.

23 Q AND DID YOU DERIVE ANY BENEFIT FROM THE FACT
24 THAT IT WAS KEPT SECRET?

25 MR. NOLAN: YOUR HONOR, I'M GOING TO

1 OBJECT, YOUR HONOR. THAT'S IRRELEVANT.

2 WHAT IS RELEVANT IS WHAT IS IN THE
3 INDICTMENT AND WHAT IS SPECIFICALLY CHARGED.

4 THE COURT: THE OBJECTION IS OVERRULED.
5 BY MR. PARRELLA:

6 Q SO DID YOU DERIVE ANY BENEFIT? IN OTHER
7 WORDS, DID NETLOGIC DERIVE ANY BENEFIT?

8 A YES, NETLOGIC DID.

9 MR. NOLAN: LACKS EXPERTISE, YOUR HONOR.
10 OBJECTION. NOT AN EXPERT.

11 THE COURT: WELL, I HAVE DECLARED THE
12 CHIEF TECHNICAL OFFICER AS AN EXPERT AND IT IS
13 WITHIN THE AREA OF THE EXPERTISE OF THE CHIEF
14 TECHNICAL OFFICER AS TO WHETHER OR NOT THE COMPANY
15 DERIVES BENEFIT FROM ITS TRADE SECRETS.

16 THE OBJECTION IS OVERRULED.
17 BY MR. PARRELLA:

18 Q SO CAN YOU TELL US WHAT THOSE BENEFITS MAY BE
19 OR WERE?

20 A BY KEEPING IT AS A TRADE SECRET, WE WERE ABLE
21 TO HAVE -- ENJOY THE BENEFITS OF BEING THE SOLE
22 SUPPLIER OF SUCH AN ADVANCED PRODUCT TO CUSTOMERS,
23 BOTH OUTSIDE CUSTOMERS, AND ALSO THE GLC WHICH GOES
24 TO THE CISCO MICROSYSTEMS.

25 Q AND SO CAN YOU DESCRIBE HOW KEEPING THE DATA

1 SHEETS AND THE INFORMATION WITHIN THEM OF THE 5512
2 AND THE GLC SECRET THAT AFFECTS YOUR COMPETITIVE
3 POSITION WITH OTHER CHIP DESIGN COMPANIES?

4 A WELL, THE -- THE DATA SHEET INSIDE CONTAINS
5 ALL OF THE SPECIFICATIONS OF WHAT THE CHIP IS GOING
6 TO DO.

7 SOME OF THEM HAVE TO DO WITH THE SPECIAL
8 FUNCTIONS THAT WE HAVE PUT IN THERE, AND TALKING
9 ABOUT THE GLC, SOME OF THEM HAVE IN THE DESCRIPTION
10 SPECIAL FEATURES AND FUNCTIONS THAT CISCO
11 MICROSYSTEMS WANTED US TO PUT IN THERE.

12 BY REVEALING ALL OF THAT, WE WILL BE AT A
13 GREAT DISADVANTAGE BECAUSE SOMEBODY ELSE WOULD BE
14 ABLE TO GET ALL OF THE BENEFITS OF OUR INTERACTION
15 WITH THE CUSTOMERS AND BUILDING UP THE
16 SPECIFICATION WITH AN INSTANT ACCESS TO ALL OF THIS
17 DATA.

18 Q NOW, I ASKED YOU SPECIFICALLY ABOUT THE 5512,
19 BUT THE 5512 GLC, WAS THAT ALSO A DATA SHEET, AS
20 THE CHIEF TECHNOLOGY OFFICER, A TRADE SECRET TO
21 YOU?

22 A YES, IT IS A TRADE SECRET.

23 Q NOW, ARE YOU FAMILIAR WITH THE TERM "SPICE
24 MODEL"?

25 A YES, I AM.

1 Q AND CAN YOU TELL US WHAT YOU UNDERSTAND THAT
2 TO BE?

3 A SPICE MODEL REFERS TO THE SPECIFICATION OF THE
4 TRANSISTORS, WHICH ARE THE BUILDING BLOCKS OF OUR
5 SILICON CHIPS THAT THE TSMC OR THE FOUNDRY WILL BE
6 MANUFACTURING FOR US.

7 Q AND HOW DOES -- WELL, WITHDRAW.

8 DOES NETLOGIC MICROSYSTEMS UTILIZE THE
9 SPICE MODEL IN ITS DESIGN PROCESS?

10 A YES, WE DO USE SPICE MODELS.

11 Q HOW IS THAT USED?

12 A THE SPICE MODELS ARE USED IN CONJUNCTION WITH
13 THE DESIGN, WHAT THE DESIGN ENGINEER DOES.

14 SINCE EVERY DESIGN HAS TO BE FINELY
15 MANUFACTURED, WE NEED TO HAVE THE SPECIFICATION FOR
16 THE TRANSISTORS THAT THE MANUFACTURING FOUNDRY IS
17 GOING TO BUILD FOR US.

18 SO WE TAKE THE SPECIFICATION AND IN
19 CONNECTION WITH THE DESIGN THAT THE DESIGN ENGINEER
20 HAS PRODUCED, WE DO WHAT IS CALLED VERIFICATION
21 ASSIMILATION.

22 AND THAT TEST SAYS WHETHER THE DEVICE IS
23 GOING TO MEET THE SPECIFICATION IN THE DATA SHEET.

24 Q AND WHY -- IS THAT IMPORTANT?

25 A THAT'S ABSOLUTELY IMPORTANT BECAUSE THAT'S

1 WHAT WE SPECIFY TO THE CUSTOMERS.

2 Q SO DESCRIBE HOW THE ASSIMILATION PROCESS
3 WORKS?

4 A AN ENGINEER, ONCE HE COMPLETES A DESIGN, HE
5 TAKES A SPICE MODEL AND ALSO PUTS THE DESIGN, AND
6 THERE ARE SOFTWARE PACKAGES WHICH CAN TAKE THESE
7 TWO AND DO WHAT IS CALLED VERIFICATION AND THEN
8 TELL THE DESIGN ENGINEER WHETHER THE CHIP IS GOING
9 TO WORK, OR IF IT'S NOT GOING TO WORK, WHERE THE
10 PROBLEMS ARE.

11 SO THE SPICE MODELS ARE USED IN
12 CONJUNCTION WITH THE DESIGN TO VERIFY THE DESIGN.

13 Q AND ARE THERE MORE THAN ONE VERSION OF SPICE
14 MODEL?

15 A YES, THERE ARE SEVERAL VERSIONS OF SPICE
16 MODELS.

17 Q AND HOW MANY, IF YOU KNOW, DOES NETLOGIC USE?

18 A I DON'T HAVE A COUNT, BUT I WOULD SAY IT WOULD
19 BE SEVERAL, MAYBE A DOZEN.

20 Q OKAY. AND HOW DOES NETLOGIC OBTAIN THESE?

21 A WE APPROACH THE FOUNDRY, IN THIS CASE IT WAS
22 TSMC, SO IT WAS TAIWAN SEMICONDUCTOR MANUFACTURING
23 COMPANY, TSMC, AND WE TELL THEM WE WOULD LIKE TO
24 MANUFACTURE THE DEVICES AT THE FOUNDRY.

25 AND THEY, IN TURN, REQUIRE NETLOGIC TO

1 DESIGN A NONDISCLOSURE AGREEMENT FOR THEM TO
2 PROVIDE US WITH THE SPICE MODELS.

3 Q AND I'M SHOWING THE WITNESS GOVERNMENT'S 16.
4 WOULD YOU TAKE A LOOK AT THIS, PLEASE. YOU CAN
5 TAKE IT OUT OF THE SLEEVE IF YOU NEED TO.

6 JUST REVIEWING THE FRONT PAGE OF THAT,
7 PLEASE.

8 A YES.

9 Q OKAY. IS THAT A VERSION OF THE VERSION OF THE
10 SPICE MODEL USED BY NETLOGIC?

11 A YES, THIS IS THE SPICE MODEL THAT WE USED.

12 Q OKAY. THANK YOU. YOU CAN SET THAT ASIDE.

13 HOW ARE THE SPICE MODELS SAVED OR
14 PRESERVED ON -- WITHIN NETLOGIC?

15 A ALL THE SPICE MODELS ARE STORED IN WHAT WE
16 CALL A LIBRARY LOCATION WHICH RESIDES IN THE
17 NETLOGIC NETWORK.

18 AND IT IS ACCESSED BY AN ENGINEER WHO HAS
19 A NEED TO ACCESS IT THROUGH AN ACCOUNT NUMBER AND A
20 PASSWORD.

21 Q OKAY. SO MAYBE YOU CAN EXPLAIN. LET'S TAKE A
22 STEP BACK.

23 EXPLAIN THE NETLOGIC NETWORK FIRST, THE
24 COMPUTER NETWORK?

25 A NETLOGIC -- ANY EMPLOYEE WHO JOINS THE COMPANY

1 IS GIVEN AN ACCOUNT NAME AND THEN A PASSWORD.

2 TO ACCESS ANY OF THE DOCUMENTS, LIKE
3 SPICE MODEL, SCHEMATICS THAT YOU CALL DIAGRAMS
4 SOMETIMES, WHEN YOU ENTER THE PREMISES YOU NEED TO
5 LOG IN WITH YOUR USER NAME AND YOU NEED TO PUT IN
6 THE PASSWORD SO YOU'LL BE ABLE TO ACCESS THE
7 DOCUMENTS.

8 Q AND IS THE NETWORK DIVIDED UP IN ANY WAY?

9 A THE NETWORK IS DIVIDED UP IN THE SENSE NOT ALL
10 DOCUMENTS ARE ACCESSIBLE TO EVERYBODY.

11 Q SO MAYBE YOU CAN DESCRIBE THAT.

12 A FOR EXAMPLE, SOME OF THE DESIGN DOCUMENTS THE
13 MARKETING WILL NOT BE ABLE TO ACCESS BECAUSE WE
14 BELIEVE THAT THERE'S NO NEED FOR THEM.

15 AND THE DESIGN CANNOT FREELY ACCESS ALL
16 OF THE DOCUMENTS FOR THE MARKETING.

17 Q HOW WOULD IT PREVENT THEM FROM FREELY
18 ACCESSING?

19 A WELL, IF YOU ARE A DESIGN ENGINEER, BECAUSE OF
20 THE FACT THAT YOU'RE PUT IN THE GROUP OF ENGINEERS,
21 THESE GROUPS, YOU WILL HAVE A DESCRIPTION OF WHAT
22 YOU CAN AND WHAT YOU CANNOT ACCESS.

23 Q AND THE MARKETING WOULD ALSO HAVE THAT?

24 A YES. THE PEOPLE IN THE MARKETING WILL BE PUT
25 IN THE MARKETING GROUP AND THEY WOULD BE ABLE TO

1 ACCESS THE MARKETING DOCUMENTS, BUT NOT WHAT IS IN
2 THE DESIGN DOCUMENT.

3 Q WHERE WOULD THE SPICE MODEL BE KEPT THEN --
4 WELL, WITHDRAWN.

5 WHO WOULD HAVE ACCESS TO THE SPICE MODEL?

6 A ANY ENGINEER WHO IS INVOLVED IN ANY DESIGN AT
7 NETLOGIC WILL HAVE ACCESS TO SPICE MODELS.

8 Q AND WHY IS THAT ALLOWED?

9 A WITHOUT THE SPICE MODEL THE DESIGN ENGINEER
10 WILL NOT BE ABLE TO COMPLETE HIS DESIGN BECAUSE
11 SPICE MODELS REQUIRE THE PROCESS OF VERIFICATION
12 AND HE NEEDS TO ACCESS THAT.

13 Q AND SO IN YOUR ROLE AS CHIEF TECHNOLOGY
14 OFFICER, DO YOU HAVE COMMUNICATION WITH STAFF
15 ENGINEERS?

16 A YES, I DO.

17 Q AND DESIGN ENGINEERS?

18 A YES, I DO.

19 Q AND CAN YOU TELL US WHAT A SENIOR STAFF
20 ENGINEER IS?

21 A A SENIOR STAFF YEAR IS ONE WITH A CERTAIN
22 NUMBER OF YEARS OF EXPERIENCE IN OUR JUDGMENT AND
23 IS ABLE TO DO HIS DUTIES, AND SOMETIMES EVEN GIVE
24 GUIDANCE, SUPERVISE SOME JUNIOR ENGINEERS.

25 Q AND WHAT ABOUT DESIGN ENGINEER?

1 A A DESIGN ENGINEER, IF THE TITLE IS JUST DESIGN
2 ENGINEER, GENERALLY THAT PERSON DOESN'T HAVE TOO
3 MANY YEARS OF EXPERIENCES AND NOT CAPABLE OF
4 SUPERVISING OTHER ENGINEERS AND STAFF.

5 Q AND SLIGHTLY LOWER THAN A SENIOR DESIGN
6 ENGINEER?

7 A THAT IS CORRECT.

8 Q NOW, AS TECHNICAL OFFICER, DID YOU HAVE
9 COMMUNICATIONS WITH THESE ENGINEERS?

10 A YES.

11 Q AND DESCRIBE THE KIND OF COMMUNICATIONS YOU
12 WOULD HAVE.

13 A MOST TYPICAL KIND OF COMMUNICATION IS I WOULD
14 GENERALLY WALK AROUND THE CUBICLES AND SPEND A FEW
15 MINUTES TALKING ABOUT WHAT THEY WERE DOING, IF THEY
16 NEEDED ANY HELP, IF THERE WERE ANY PROBLEMS, THE
17 PROGRESS. THAT'S COMMON.

18 Q AND DID YOU ACTUALLY ALSO REVIEW WORK PRODUCT?

19 A FROM TIME TO TIME, YES, I REVIEWED WORK.

20 Q OKAY. DID YOU, AS PART OF YOUR ROLE AS CHIEF
21 TECHNOLOGY OFFICER, COMMUNICATE INTELLECTUAL
22 PROPERTY POLICIES?

23 A I'M SORRY?

24 Q DID YOU COMMUNICATE INTELLECTUAL PROPERTY
25 POLICIES TO ANY OF THE ENGINEERS?

1 A YES, FROM TIME TO TIME, I HAVE COMMUNICATED
2 THAT.

3 Q AND SO HOW WOULD YOU DO THAT?

4 A IT WOULD BE SOME --

5 MR. NOLAN: EXCUSE ME, YOUR HONOR. IT
6 WOULD BE IRRELEVANT HOW HE WOULD. IT WOULD BE HOW
7 HE DID.

8 THE COURT: SUSTAINED.

9 BY MR. PARRELLA:

10 Q HOW DID YOU DO IT?

11 A IT WOULD BE IN THE FORM OF THE DISCUSSION
12 SAYING YES --

13 MR. NOLAN: EXCUSE ME, YOUR HONOR. I
14 DON'T BELIEVE THAT'S A RESPONSE SUFFICIENT.

15 THE COURT: YES. IT'S -- THE WOULD BE AS
16 A MATTER OF FACT, HOW YOU DID SOMETHING IN THE
17 PAST.

18 AND I PRESUME IT'S WITHIN THIS 2002 AND
19 2003 TIME PERIOD.

20 I TAKE IT THIS IS CUSTOM AND HABIT KIND
21 OF TESTIMONY.

22 WHAT WAS YOUR CUSTOM AND HABIT WITH
23 RESPECT TO THESE MATTERS AT THE TIME, NOT WHAT
24 WOULD HAVE BEEN?

25 THE WITNESS: SINCE IT WAS SEVERAL YEARS

1 AGO AND MY MANNER OF SUPERVISION MIGHT HAVE
2 CHANGED, I CAN ONLY BASE THIS ON MY RECOLLECTION OF
3 HOW I USED TO SUPERVISE THOSE PEOPLE AT THE TIME.

4 BY MR. PARRELLA:

5 Q OKAY. SO PLEASE DESCRIBE.

6 A SO IT WOULD BE FROM GOING AROUND AND TELLING
7 THEM THAT THIS IS THE STATE OF THE ART PRODUCT AND
8 WE HAVE A LOT RIDING ON THIS ONE, SO YOU'VE GOT TO
9 KEEP EVERYTHING IN THIS ONE CONFIDENTIAL BECAUSE NO
10 CUSTOMER SHOULD BE ABLE TO GET AN IDEA OF WHAT
11 WE'RE DOING.

12 Q NOW, WOULD THE 5512 AND THE 5512 GLC FALL INTO
13 THE CATEGORY OF THOSE PRODUCTS?

14 A THEY DO.

15 Q AND DID YOU, IN THE COURSE OF YOUR
16 COMMUNICATIONS THAT YOU JUST DESCRIBED, REFERENCE
17 THOSE ITEMS, THOSE PRODUCTS?

18 A YES, I DID.

19 Q AND NOW, LET ME DIRECT YOUR ATTENTION, DID YOU
20 KNOW AN INDIVIDUAL NAMED LAN LEE?

21 A YES, I DID.

22 Q AND WERE YOU INVOLVED IN HIS HIRING?

23 A YES, I WAS.

24 Q AND DURING THE TIME PERIOD OF 2002, 2003 WERE
25 YOU -- WELL, WITHDRAWN.

1 WHAT WAS YOUR BUSINESS RELATIONSHIP WITH
2 HIM?

3 A HE WAS SENIOR DESIGN ENGINEER AT THAT TIME, SO
4 I WAS SUPERVISING HIM AT THE TIME.

5 Q AND WERE YOU HIS DIRECT SUPERVISOR?

6 A I WAS HIS DIRECT SUPERVISOR FOR PART OF THE
7 TIME, AND THEN I WAS NOT HIS DIRECT SUPERVISOR FOR
8 THE REMAINING TIME HE WAS AT NETLOGIC.

9 Q NOW, ALSO AT THE TIMEFRAME DID YOU KNOW OF AN
10 INDIVIDUAL BY THE NAME OF YUEFEI GE?

11 A YES, I DID.

12 Q AND SAME QUESTION. WERE YOU HIS -- DID YOU
13 INTERACT WITH HIM?

14 A YES, I DID.

15 Q NOW, THESE POLICIES THAT YOU COMMUNICATED AND
16 IN THE MANNER THAT YOU STATED, DID YOU COMMUNICATE
17 THEM THEN TO LAN LEE AND YUEFEI GE?

18 A YES, I DID.

19 Q AND CAN YOU TELL US, TO THE BEST OF YOUR
20 RECOLLECTION, HOW OFTEN THAT WOULD BE?

21 MR. NOLAN: EXCUSE ME, YOUR HONOR. I
22 OBJECT TO THE QUESTION.

23 MR. PARRELLA: THAT WAS.

24 MR. NOLAN: I THINK WE'RE GETTING NOW TO
25 SPECIFIC. WAS IT -- WHEN DID HE DO IT?

1 THE COURT: WELL, THAT'S UP TO THE
2 EXAMINING ATTORNEY AS TO HOW TO ASK THE QUESTION.

3 BUT THE FORM OF THE QUESTION, "HOW WOULD
4 IT HAVE BEEN," IS SUSTAINED.

5 MR. PARRELLA: THANK YOU.

6 Q DO YOU RECALL SPECIFIC DATES WHEN YOU HAD
7 THESE CONVERSATIONS WITH LAN LEE AND YUEFEI GE?

8 A NO.

9 Q SO CAN YOU TELL US APPROXIMATELY HOW OFTEN YOU
10 HAD THESE CONVERSATIONS?

11 A UM, THESE CONVERSATIONS I WOULD SAY MAYBE JUST
12 ONCE.

13 Q OKAY. AND WHEN WOULD THAT BE? WHEN WAS THAT
14 IN THE PROCESS?

15 A IN THE PROCESS IT WOULD BE FAIRLY EARLY ON TO
16 IMPRESS UPON THEM THE SECRET NATURE OF THE DESIGN
17 AS IT WAS ADOPTED.

18 Q I'D LIKE TO SHOW YOU WHAT IS MARKED
19 GOVERNMENT'S EXHIBIT 25 AND GOVERNMENT'S EXHIBIT
20 29.

21 YOUR HONOR, I'M GOING TO SEEK AFTER
22 ADMISSION TO UTILIZE THESE ITEMS IN COMPARISON WITH
23 OTHER ITEMS ALREADY IN EVIDENCE.

24 SO I'M NOT PROVIDING COPIES TO THE JURY
25 AT THIS JUNCTURE.

1 SO CAN YOU TAKE GOVERNMENT'S EXHIBIT 25,
2 PLEASE. AND TELL IS WHAT THAT IS.

3 A THIS IS THE DATA SHEET FOR THE PRODUCT
4 NSE 5512.

5 Q AND WHAT -- CAN YOU TELL US WHAT VERSION AND
6 WHAT DATE?

7 A WELL, THIS IS VERSION 0.3 AND IT IS DATED MAY
8 24TH, 2002.

9 MR. PARRELLA: THANK YOU. I'LL OFFER
10 THAT AS GOVERNMENT'S EXHIBIT 25.

11 THE COURT: EXHIBIT 25 IS IN EVIDENCE.
12 (WHEREUPON, PLAINTIFF'S EXHIBIT NUMBER 25,
13 HAVING BEEN PREVIOUSLY MARKED FOR
14 IDENTIFICATION, WAS ADMITTED INTO
15 EVIDENCE.)

16 BY MR. PARRELLA:

17 Q AND CAN YOU TAKE 29.

18 A YES.

19 Q WHAT IS THAT?

20 A PAGE 29 OF THE DOCUMENT?

21 Q NO, I'M SORRY. DOCUMENT NUMBER 29, EXHIBIT
22 NUMBER 29.

23 A OH, EXHIBIT 29.

24 Q AND WHAT IS THAT?

25 A OKAY, THIS IS A DATA SHEET. THIS IS FOR A

1 SPECIFIC PRODUCT, NSE 5512 GLC.

2 Q AND CAN YOU GIVE US THE REVISION AND DATE?

3 A THIS IS REVISION 0.6 AND THE DATE IS FEBRUARY
4 2002.

5 MR. PARRELLA: I'LL OFFER THAT AS 29.

6 THE COURT: EXHIBIT 29 IS IN EVIDENCE.

7 (WHEREUPON, PLAINTIFF'S EXHIBIT NUMBER 29,
8 HAVING BEEN PREVIOUSLY MARKED FOR
9 IDENTIFICATION, WAS ADMITTED INTO
10 EVIDENCE.)

11 BY MR. PARRELLA:

12 Q WHAT I'D LIKE TO DO IS SHOW YOU GOVERNMENT'S
13 EXHIBIT 18 IN EVIDENCE, AND CAN YOU TAKE THAT OUT,
14 PLEASE.

15 HAVE YOU SEEN THAT DOCUMENT BEFORE?

16 A YES, I HAVE.

17 Q AND WHAT I'D LIKE YOU TO DO IS LOOK AT THE
18 FRONT PAGE AND -- WHICH IS MARKED 2598 AT THE VERY
19 BOTTOM. IT'S 002598.

20 A 2598, YES.

21 Q YES. AND TELL US HOW THIS DIFFERS FROM, IF AT
22 ALL -- WELL, WITHDRAWN.

23 COMPARE THIS TO THE NSE 5512 DATA SHEET
24 IN EXHIBIT 25.

25 A THIS ONE, THE FRONT PAGE --

1 THE COURT: THIS? YOU NEED TO TELL US
2 WHICH ONE YOU'RE REFERRING TO.

3 THE WITNESS: OKAY. I'M REFERRING TO
4 EXHIBIT NUMBER 18, THE FRONT PAGE.

5 WHAT I SEE IS THAT -- LOOKING AT THE
6 EXHIBIT 25, THE TITLE THAT IS IN THE CENTER OF THE
7 PAGE, "NSE 5512," AND THE WORDING BELOW, "NETWORK
8 SEARCH ENGINE," THAT HAS BEEN MOVED TO THE TOP
9 LEFT-HAND SIDE, AND THE NUMBERS AND THE DATE HAVE
10 BEEN REMOVED AND THE NETLOGIC LOGO HAS BEEN
11 REMOVED.

12 BY MR. PARRELLA:

13 Q OKAY. LET'S MOVE TO THE NEXT PAGE, 2599. CAN
14 YOU COMPARE THIS ONE?

15 A YES. RIGHT ON THE TOP THE NETLOGIC LOGO HAS
16 BEEN REMOVED AND THE PRODUCT NUMBER, NSE 5512, HAS
17 BEEN REMOVED.

18 AND GOING ALL OF THE WAY TO THE BOTTOM,
19 THE DILUTION NUMBER AND THE DATES HAVE BEEN
20 REMOVED, AND THE NOTES HERE WHICH SAYS NETLOGIC
21 MICROSYSTEMS CONFIDENTIAL INFORMATION SUBJECT TO
22 CHANGE WITHOUT NOTICE AND AVAILABLE NDA ONLY.

23 THE COURT: I TAKE IT WE DO NOT HAVE FOR
24 DISPLAY A COMPARISON SO THAT WE, THE JURY AND I,
25 CAN SEE THOSE DIFFERENCES.

1 MR. PARRELLA: WELL, I CAN CALL UP THE
2 55 -- THE EXHIBIT 25.

3 THE COURT: WELL, I'M JUST ASKING A
4 QUESTION. I DON'T KNOW WHETHER YOUR TECHNOLOGY
5 WILL DO IT. I WAS JUST ASKING.

6 RATHER THAN HAVE THE WITNESS GO THROUGH
7 AND WE TRY AND KEEP TRACK OF WHAT HE'S LOOKING AT,
8 LOOKING AT ONLY ONE DOCUMENT IS DIFFICULT.

9 MR. PARRELLA: RIGHT. WELL, CAN WE PULL
10 UP BOTH DOCUMENTS.

11 THE COURT: THE JURY HAS A COPY OF
12 EXHIBIT 18; CORRECT?

13 MR. PARRELLA: THAT'S CORRECT.

14 THE COURT: AND SO YOU HAVE A COPY OF
15 EXHIBIT, WHATEVER IS THE COMPARISON EXHIBIT SO THAT
16 THEN WE CAN -- THE JURY CAN LOOK AT THEIR VERSION
17 OF EXHIBIT 18 AND YOU CAN HAVE DISPLAYED THEN THE
18 VERSION OF 25 AND 29.

19 MR. PARRELLA: WE HAVE ON THE SCREEN
20 EXHIBIT 25 ON THE RIGHT AND EXHIBIT 29 ON THE LEFT.

21 THE COURT: ALL RIGHT. SO YOU WERE ABLE
22 TO DO WHAT I WAS ASKING.

23 SO WE ARE ON A DIFFERENT PAGE.

24 MR. PARRELLA: LET'S MOVE TO THE SECOND
25 PAGE OF EACH OF THESE, WHICH IS 2599 ON THE

1 DOCUMENT.

2 THE COURT: I DON'T WANT TO SLOW US DOWN,
3 SO --

4 MR. PARRELLA: WELL, LET ME JUST PROCEED,
5 YOUR HONOR, BECAUSE I THINK WE ALL -- WE HAVE SOME
6 OTHER ITEMS TO COVER THAT WE CAN DO QUICKLY.

7 THE COURT: IT LOOKS LIKE IT'S STARTING
8 TO HAPPEN. IT'S JUST NOT AS QUICK AS I WAS
9 THINKING IT MIGHT BE TO SPEED US UP.

10 SO WHAT WE'RE NOW SEEING -- I SEE TWO
11 DOCUMENTS DISPLAYED. I'M NOW SEEING THE TWO
12 DOCUMENTS THAT ARE BEING COMPARED OR NOT?

13 MR. PARRELLA: YES.

14 Q SO THIS IS -- CAN YOU TAKE A LOOK AT THESE TWO
15 DOCUMENTS, IT'S PAGE 2599, WHICH IS THE SECOND PAGE
16 OF EXHIBIT 18, AND PAGE 17465, WHICH IS THE SECOND
17 PAGE OF EXHIBIT 25, AND TAKE A LOOK AT THEM,
18 PLEASE.

19 A I HAVE THEM.

20 Q OKAY. AND TELL US HOW THEY COMPARE.

21 A UM, STARTING FROM THE TOP, THE NETLOGIC LOGO
22 AND THE PRODUCT NUMBER, NSE 5512, HAVE BEEN REMOVED
23 AND WHAT WE CALL THE FOOTER AT THE BOTTOM, THE
24 DILUTION NUMBER, THE DATE AND THE CONFIDENTIALITY
25 AND THE FACT AND THE PAGE NUMBER HAVE BEEN REMOVED.

1 I'M LOOKING AT THE TEXT INSIDE AND IT
2 STARTS WITH THE DESCRIPTION AND IT'S -- THE WORDING
3 IS IDENTICAL.

4 Q WELL, WHAT IS THE WORDING IDENTICAL TO?

5 A SO STARTING UNDER THE DESCRIPTION, IT SAYS THE
6 NSE 5512 DEVICE IS A NETWORK SEARCH ENGINE WHICH
7 PERFORMS, AND ON AND ON AND ON. YOU READ THAT AND
8 IT COMES ALL OF THE WAY TO THE BOTTOM.

9 AND THE TWO PARAGRAPHS ON THE DOCUMENT ON
10 THE LEFT, WHICH IS THE NSE 5512, ARE ACCOMPANIED TO
11 ONE PARAGRAPH AND PUT AS THE DESCRIPTION.

12 Q OKAY. SO LET ME ASK YOU THIS: THE PARAGRAPH
13 UNDER DESCRIPTION, AND THIS WILL BE -- WE'LL FOLLOW
14 THIS FORMAT THROUGHOUT THE EXAMINATION.

15 THE PARAGRAPH UNDER DESCRIPTION, WERE YOU
16 ABLE TO IDENTIFY WHETHER THAT CAME FROM THE NSE
17 5512 DATA SHEET OR THE 5512 GLC DATA SHEET?

18 AND WHAT I'M REFERRING TO IS PARAGRAPH
19 UNDER 18 OF THE DESCRIPTION.

20 A THE PARAGRAPH DESCRIPTION COMES FROM THE
21 NSE 5512 DATA SHEET.

22 Q AND DO YOU KNOW WHAT PAGE?

23 A IT'S PAGE NUMBER 2 OF THE 5512 DATA SHEET.

24 Q NOW, HOW ABOUT THE PRODUCT FEATURES PARAGRAPH
25 WHICH STARTS WITH THE NSE 5512 GLC?

1 A THE PRODUCT FEATURES SWITCHES OVER TO THE
2 CISCO SPECIFIC PRODUCT, WHICH IS THE NSE 5512 GLC,
3 WHICH IS A DIFFERENT DATA SHEET.

4 Q AND WERE YOU ABLE TO IDENTIFY WHERE THAT
5 DOCUMENT CAME FROM?

6 A YES. IT'S ON PAGE NUMBER 1 OF EXHIBIT 29 BACK
7 ON THE TOP WHERE WE SEE PRODUCT FEATURES, BELOW
8 THAT EXIST THE NSE 5512 GLC IS A HIGH PERFORMANCE
9 DEVICE, HIGH PERFORMANCE, HIGH DENSITY AND SO ON
10 AND ON AND ON.

11 THAT PARAGRAPH IS WHAT FORMS THE
12 PARAGRAPH OF PRODUCT FEATURES IN 2599.

13 Q OKAY. NOW, UNDERNEATH THAT, STILL ON EXHIBIT
14 18, YOU'LL SEE THE -- WHERE IT STARTS IVP4/IPV6 AND
15 DOWN TO THE BOTTOM.

16 WERE YOU ABLE TO IDENTIFY WHERE THAT CAME
17 FROM?

18 A YES. ALL OF THOSE THINGS THAT ARE STARTING
19 THE TITLE FUNCTIONS ARE SEQUENTIALLY THE SAME AS
20 WHAT WE FIND IN THE NSE 5512 DATA SHEET ON PAGE
21 NUMBER 1.

22 Q AND SO WE WERE ABLE -- OKAY. THANK YOU.

23 NOW, LET'S TURN TO THE NEXT PAGE, 2600,
24 AND THE PARAGRAPH UNDER FEATURES.

25 WERE YOU ABLE TO, ON EXHIBIT 18 --

1 A YES.

2 Q -- FIND ON EXHIBIT 18 I SHOULD SAY, WERE YOU
3 ABLE TO IDENTIFY WHERE THAT CAME FROM?

4 A OKAY. THOSE -- REFERRING TO PAGE NUMBER 2600
5 OUT OF THE TITLE FEATURES, ALL OF THOSE COME FROM
6 THE NSE 5512 DATA SHEET PAGE NUMBER 2.

7 Q OKAY. LET'S MOVE ALONG TO PAGE 2601 AND LOOK
8 AT THE ITEM NAMED LINE CARD APPLICATION.

9 A YES.

10 Q WERE YOU ABLE TO IDENTIFY WHERE THAT CAME
11 FROM?

12 A YES. THAT COMES FROM THE LINE CARD
13 APPLICATION THAT IS SHOWN HERE ON PAGE NUMBER 2 OF
14 EXHIBIT 25.

15 Q AND WHAT IS A LINE CARD APPLICATION?

16 A A LINE CARD APPLICATION IS TO SHOW TYPICALLY
17 HOW THE NSE 5512 IS USED IN A SYSTEM.

18 THE LINE CARDS ARE CARDS THAT ARE GOING
19 TO NETWORKING, SO IT SHOWS HOW A CERTAIN DEVICE MAY
20 BE USED.

21 Q I'M SORRY TO INTERRUPT, BUT CAN YOU TELL US
22 WHAT A LINE CARD IS?

23 A A LINE CARD IS, AS THE NAME SPECIFIES, IT'S A
24 CARD THAT GOES INTO THE NETWORKING EQUIPMENT AND IT
25 HAS SEVERAL DEVICES SO IT CAN PERFORM ITS OPERATION

1 FULLY.

2 GOING THROUGH THIS, THE PHY STANDS FOR
3 WHAT IS CALLED THE PHYSICAL DEVICE.

4 SUBSEQUENT TO THAT YOU SEE A FRAMER AND
5 THEN A NETWORK PROCESSER, A TRAFFIC MANAGER AND A
6 SWITCH FABRIC.

7 BELOW THAT YOU SEE THE REFERENCE TO THE
8 NSE 5512. IN THE LINE CARD, WHICH GOES INTO A
9 NETWORK ROUTER, THIS IS A TYPICAL APPLICATION OF
10 HOW THE NSE 5512 CAN BE USED.

11 Q OKAY. SO YOU TOLD US WHAT A LINE CARD IS.
12 NOW LET'S ASK WHAT A CARD IS.

13 A A CARD IS REFERRING TO A PHYSICAL THING THAT
14 HAS A LOT OF ELECTRONIC COMPONENTS, WHICH MEANS IT
15 MAY HAVE SEMICONDUCTOR DEVICES, IT MAY HAVE
16 RESISTORS, CAPACITORS, ALL OF THEM PUT INTO I
17 BELIEVE IT'S A PLASTIC CARD.

18 AND THIS FORMS THE BASIS FOR A FUNCTION
19 IN THE NETWORK.

20 Q WOULD THIS DIAGRAM OF A LINE CARD APPLICATION
21 BE SOMETHING THAT WAS CONFIDENTIAL?

22 A I WOULDN'T CONSIDER THIS BY ITSELF
23 CONFIDENTIAL, BUT ITS PRESENCE IN THE DATA SHEET,
24 THAT IS CONFIDENTIAL.

25 Q LET'S MOVE ALONG UNDER THE SECTION OF

1 CONTENTS.

2 CAN YOU TELL US, IF YOU GO THROUGH THE
3 NEXT FEW PAGES THROUGH 2606, WERE YOU ABLE TO
4 DETERMINE WHERE THOSE CAME FROM?

5 A THOSE COME FROM THE EXHIBIT 25, PAGE NUMBER 4.

6 Q OKAY. THAT'S THE 5512 DATA SHEET?

7 A YEAH, EXHIBIT 25 WHICH IS AN NSC 5512 DATA
8 SHEET, AN NETLOGIC CONFIDENTIAL DATA SHEET, AND
9 STARTING AT THE TOP IT CONTAINS A DESCRIPTION AND
10 ALL OF THE WAY DOWN, THEY ALL COME FROM PAGE NUMBER
11 4 OF THE 5512 DATA SHEET.

12 Q OKAY. SO LET'S TURN TO PAGE 2607. AND LOOK
13 AT THE ITEM LISTED.

14 AND WE'RE, AGAIN, ON 2607 ON EXHIBIT 18
15 AND THE ITEMS UNDERNEATH THE HEADING PIN
16 DESCRIPTIONS. DO YOU SEE THAT?

17 A YES.

18 Q AND THAT CONTINUES THROUGH FOR TWO PAGES TO
19 2608. ARE WE ON THE SAME PAGE NOW, THE PAGES?

20 A YES.

21 Q NOW, WERE YOU ABLE TO DETERMINE WHERE THE PIN
22 DESCRIPTIONS CAME FROM?

23 A THE PIN DESCRIPTIONS COME FROM THE NSE 5512
24 DATA SHEET, WHICH IS EXHIBIT NUMBER 25, PAGE NUMBER
25 8.

1 Q AND IS THAT EXACTLY THE SAME AS TO WHAT IS ON
2 PAGE NUMBER 8?

3 A YES, IT IS. THERE ARE SOME CHANGES THAT HAVE
4 BEEN MADE TO THE PIN LABELS, BUT IF YOU REVIEW THE
5 DETAILS OF EACH PIN DESCRIPTION INSIDE, YOU FIND
6 THAT IT'S EXACTLY THE SAME AS WHAT IS DESCRIBED IN
7 THE NSE 5512 DATA SHEET.

8 Q SO ARE THE -- CAN YOU POINT OUT ONE OF THE
9 CHANGES, PLEASE?

10 A SO ONE THING THAT -- LOOK UNDER THE RBUS
11 SECTION.

12 SO THE RBUS, IT SAYS 230, IT LOOKS
13 DIFFERENT FROM THE RBUS 490.

14 SO THIS DESCRIPTION HERE LOOKS LIKE IT IS
15 DIFFERENT, BUT IF SUBSEQUENTLY THIS IS DISCONNECTED
16 DETAIL IN THE BODY OF THE DATA SHEET, IF YOU REVIEW
17 THAT, YOU'LL FIND THAT IT ACTUALLY DESCRIBED THE
18 RBUS 490, WHICH IS WHAT WE HAVE IN THE NSE 5512
19 DATA SHEET.

20 Q OKAY. I JUST WANT TO BE CLEAR WHAT YOU'RE
21 TALKING ABOUT.

22 YOU WERE REFERRING FIRST TO EXHIBIT 18;
23 CORRECT?

24 A EXHIBIT 18 RBUS 230.

25 Q OKAY. RBUS 230. AND YOU SAID LATER IN THIS

1 SAME DOCUMENT -- WELL, WITHDRAWN.

2 YOU SAID THAT THAT IS DIFFERENT, THAT
3 VALUE IS DIFFERENT THAN WHAT IS IN THE 5512;
4 CORRECT?

5 A THAT IS CORRECT.

6 Q OKAY.

7 A SO HERE IT SAYS RBUS 250, SO THAT'S DIFFERENT
8 FROM WHAT WE HAVE IN THE NSE 5512 DATA SHEET, PAGE
9 8, WHICH SAYS RBUS 490.

10 BUT ALL OF THESE THINGS HAVE A
11 DESCRIPTION INSIDE, AND WHEN WE REVIEW THE
12 DESCRIPTION WE FIND THAT IT ACTUALLY DESCRIBES RBUS
13 490 EXACTLY AS IT IS DESCRIBED IN THE NSE 5512 DATA
14 SHEET.

15 Q AND JUST TO BE CLEAR, THAT DESCRIPTION IS
16 CONTAINED IN EXHIBIT 18?

17 A THAT IS CONTAINED IN EXHIBIT 18, THAT'S
18 CORRECT.

19 Q OKAY. SO ANY OTHER -- ON PAGE 2607, ANY OTHER
20 ITEMS LIKE THAT?

21 A WELL, THE OTHER THING IS THAT IT SAYS
22 CMF[3:0], AND THAT IS DIFFERENT FROM THE NETLOGIC
23 DATA SHEET NSE 5512, WHICH SAYS SMF[3:0], WHICH IS
24 MAYBE LIKE 9 OR 10 ON THE PAGE.

25 HOWEVER, WHEN YOU GO INSIDE AND SEE THE

1 DESCRIPTION --

2 Q AND LET ME JUST STOP YOU THERE. INSIDE WHERE?

3 A INSIDE --

4 Q EXHIBIT 18?

5 A INSIDE EXHIBIT 18.

6 IT ACTUALLY REFERS TO THIS. RATHER THAN
7 A CMF, IT REFERS TO THAT AS SMF.

8 Q OKAY. LET'S TURN THE PAGE TO 2608 AND LET'S
9 LOOK AT THIS PAGE.

10 IS THERE ANYTHING ON THIS PAGE THAT IS
11 DIFFERENT THAN THE PIN DESCRIPTIONS FROM EXHIBIT
12 25?

13 A NO, IT IS NOT.

14 Q ARE THERE ANY OF THE ITEMS OF THE SORT THAT
15 YOU JUST DESCRIBED FROM THE PREVIOUS PAGE?

16 A YES, THERE ARE SOME LABELS THAT HAVE BEEN
17 CHANGED.

18 HOWEVER, WHEN YOU LOOK AT THE BODY OF THE
19 DESCRIPTION OF THOSE THINGS IN EXHIBIT 18, THEY
20 DESCRIBE IT EXACTLY AS IT IS DESCRIBED IN THE
21 NSE 5512 DATA SHEET.

22 Q OKAY. SO IN EXHIBIT 18 THE LABELS OR THE
23 COLUMN IS LABELLED SIGNAL NAME?

24 A YES.

25 Q CORRECT? ON SOME OF THEM HAVE BEEN CHANGED,

1 BUT THE BODY OF THEM IS EXACTLY THE SAME?

2 A THAT IS CORRECT.

3 Q ALL RIGHT. SO COULD WE POINT THEM OUT? HOW
4 ABOUT THE FIRST ONE OUT UNDERSCORE VALID?

5 A OKAY. OUT UNDERSCORE VALID REFERS TO A SINGLE
6 PIN THAT WE HAVE IN THIS DEVICE, AND ITS FUNCTION
7 IS TO PUT OUT THE SIGNAL WHEN THE DATA AND THE
8 INFORMATION THAT THE DEVICE IS PUTTING OUT IS
9 VALID, WHICH MEANS SOMEBODY CAN READ THAT AND
10 ASSUME THAT IT'S A VALID DATA.

11 Q OKAY. SO IS THAT LABELLED DIFFERENTLY IN
12 EXHIBIT 5512, EXHIBIT 25?

13 A YES, IT IS. IT'S LABELLED DIFFERENTLY, BUT
14 THE DESCRIPTION IS THE SAME.

15 Q THE DESCRIPTION IN?

16 A THE DESCRIPTION IN EXHIBIT 18 AND EXHIBIT 25
17 ARE THE SAME.

18 Q AND SO IS THAT SIGNIFICANT, THE FACT THAT THE
19 LABEL IS DIFFERENT?

20 A IT IS NOT.

21 Q HOW ABOUT UNDER THE, ABOUT HALFWAY DOWN 2608
22 WHERE IT SAYS DPERR?

23 A YES. ONCE AGAIN, THE LABEL IS DIFFERENT.
24 HOWEVER THE FUNCTION AS DESCRIBED, WHICH IS IN THE
25 LAST COLUMN WHICH IS EXACTLY WHAT IS DESCRIBED IN

1 THE 5512 DATA SHEET.

2 Q AND WHAT FUNCTION DOES THAT CORRESPOND IN THE
3 5512?

4 A IT CORRESPONDS TO WHAT IS REFERRED TO HERE AS
5 DPEO.

6 Q LET ME DIRECT YOUR ATTENTION TO THE VDDQ
7 SIGNAL NAME ON 2608. DO YOU SEE THAT?

8 A YES, I DO.

9 Q AND WHAT DOES THAT REFER TO?

10 A THAT REFERS TO THE PINS WHERE ONE OF THE
11 VOLTAGES HAVE TO BE CONNECTED.

12 Q AND DOES THAT VALUE OR THE VALUE ASSOCIATED
13 WITH THAT DIFFER WITH SOMETHING IN THE NSE 5512?

14 A YES. IN THE NSE 5512 IT SAYS -- IT GIVES A
15 NUMBER 20, BUT IN THE EXHIBIT 18 IT SAYS MANY.

16 Q AND IS THAT SIGNIFICANT?

17 A NO, IT IS NOT.

18 Q WHY IS THAT?

19 A IN THESE DESIGNS ALL OF THE SIGNAL PINS ARE
20 FIRST ALLOCATED, AND FROM THE REMAINING PINS WE
21 ALLOCATE CONNECTION POINTS, WHICH IS NUMBER OF
22 CONNECTION POINTS WHERE WE SUPPLY THE VOLTAGE TO
23 THE DEVICE, AND IT'S NOT SIGNIFICANT IF IT'S 20 AS
24 DESCRIBED IN THE DATA SHEET, IT GOES TO 18, IT GOES
25 TO 22. IT'S OF NO SIGNIFICANCE.

1 Q OKAY. SO LET'S TURN TO THE NEXT PAGE, WHICH
2 IS 2609.

3 AND THE FIRST HEADING, PACKAGE THERMAL
4 CHARACTERISTICS FOR 529 FCBGA, DO YOU SEE THAT?

5 A YES, I DO.

6 Q WHAT DOES FCBGA STAND FOR?

7 A FCBGA IS AN ACRONYM FOR FLIP CHIP, BALL GRID
8 ARRAY.

9 Q AND WHAT DOES THAT REFER TO?

10 A IT'S REFERRING TO A SPECIFIC PACKAGE INTO
11 WHICH WE'RE GOING TO PUT THIS DEVICE.

12 Q AND WHAT DOES FLIP CHIP MEAN?

13 A THERE ARE SEVERAL WAYS OF PACKAGING A
14 SEMICONDUCTOR PIECE INTO A PACKAGE. SOMETIMES IT'S
15 PUT WITH THE TOP FACING UP ON THE PACKAGE AND
16 SOMETIMES IT'S FLIPPED UPSIDE-DOWN, AND THIS
17 SPECIFIC TECHNOLOGY REQUIRES OR INDICATES THAT THE
18 SILICON PIECE IS GOING TO BE A FLIP UPSIDE-DOWN AND
19 THEN PUT IN THE PACKAGE.

20 Q AND SO YOU REFERENCED A PACKAGE. WHAT EXACTLY
21 DO YOU MEAN BY THAT?

22 A PACKAGE IS AN ENCAPSULATION OF THE PIECE OF
23 SILICON WHICH HAS ALL OF THE CIRCUITRY AND IT SEEMS
24 THE SILICON FROM THE CHARACTERISTICS, LIKE MOISTURE
25 AND HEAT AND SO ON, IT ALSO BRINGS UP ALL OF THE

1 CONNECTION POINTS FROM THE SILICON CHIP OUTSIDE SO
2 SOMEBODY CAN USE THAT IN A SYSTEM.

3 Q OKAY. AND WHAT IS A BALL GRID ARRAY?

4 A BALL REFERS TO, JUST AS THE NAME IMPLIES, A
5 BALL OF METAL THAT WOULD BE ON THIS PACKAGE.

6 GRID REFERS TO A GRID OF SPACE. IN THIS
7 SPECIFIC CASE IT HAS 23 BY 23 PINS, WHICH IS LIKE A
8 SQUARE.

9 AND IF YOU LOOK AT THIS PACKAGE YOU'RE
10 FINE. IT'S TOTALLY POPULATED 23 ON THE OTHER SIDE
11 WITH BALLS.

12 SO THE BALL GRID ARRAY, SO THIS INDICATES
13 THAT YOU HAVE AN ARRAY OF BALLS IN A GRID FORMATION
14 INTO WHICH THIS DEVICE IS SITTING UPSIDE-DOWN.

15 Q OKAY. AND WHAT FUNCTIONS DO THE BALLS SERVE?

16 A BALLS ARE THE MEANS TO CONNECT THE SILICON
17 INSIDE TO THE CAR OR THE BALL INTO WHICH DEVICE IS
18 GOING TO BE PUT OUT.

19 Q ARE THEY ELECTRICALLY CONNECTED?

20 A YES, ALL OF THE BALLS ARE ELECTRICAL.

21 Q OKAY. AND HOW DID THE -- YOU REFERRED TO
22 PINS?

23 A YES.

24 Q OKAY. CAN YOU TELL US WHAT THEY ARE?

25 A OKAY. SO IN THIS CASE -- OKAY. COULD YOU

1 POSE THE QUESTION AGAIN?

2 Q YOU REFERRED TO PINS BEFORE; CORRECT? CAN YOU
3 TELL US WHAT THEY ARE?

4 A OKAY. THE PINS, THERE ARE SEVERAL TYPES OF
5 PACKAGES. THE PACKAGE THAT WE JUST TALKED ABOUT IS
6 THE ONE THAT HAS BALLS ON THE OUTSIDE FOR MAKING
7 ELECTRICAL CONNECTIONS.

8 THERE ARE ALSO PACKAGES WHERE THERE ARE
9 PINS INSTEAD OF BALLS TO MAKE THE ELECTRICAL
10 CONNECTIONS.

11 Q OKAY. AND SO IN THAT CASE YOU WOULDN'T HAVE
12 THE BALLS?

13 A WE WOULD NOT HAVE THE BALLS.

14 Q YOU WOULD HAVE PINS?

15 A THAT'S CORRECT.

16 Q OKAY. SO UNDERNEATH IT -- WELL, LET ME ASK
17 YOU, THAT -- THAT CHART THERE, WERE YOU ABLE TO
18 IDENTIFY WHERE THAT CAME FROM?

19 A YES, IT COMES FROM PAGE NUMBER 17 OF NSE 5512
20 CONFIDENTIAL DATA SHEET.

21 Q AND UNDERNEATH IT WHERE IT'S PACKAGED THERMAL
22 CHARACTERISTICS OF 529 PBGA?

23 A I DID NOT FIND ANY REFERENCE TO THAT IN THE
24 NSE 5512 DATA SHEET.

25 Q AND WHAT IS PBGA?

1 A PBGA STANDS FOR PLASTIC BALL GRID ARRAY.

2 Q NOW, JUST REVIEWING BACK PAGES 2607 AND 2608
3 UNDER THE PIN DESCRIPTIONS, ARE THOSE -- IS THE
4 INFORMATION CONTAINED WITHIN THAT, THAT COMES FROM
5 THE 5512, IS THAT CONFIDENTIAL TO NETLOGIC
6 MICROSYSTEMS?

7 A YES, IT IS CONFIDENTIAL.

8 Q AND IS THAT IMPORTANT THAT IT BE KEPT SECRET?

9 A ABSOLUTELY.

10 Q HOW ABOUT ON PAGE 2609, THE ONE PORTION THAT
11 YOU IDENTIFIED AS COMING FROM THE 5512, THE TOP?

12 A YES, IT IS CONFIDENTIAL.

13 Q LET'S MOVE TO PAGE 2610 UNDER THE FUNCTIONAL
14 DESCRIPTION.

15 A YES.

16 Q DO YOU SEE THAT PARAGRAPH?

17 A YES, I DO.

18 Q WERE YOU ABLE TO IDENTIFY WHERE THAT PARAGRAPH
19 CAME FROM?

20 A THAT PARAGRAPH UNDER THE DESCRIPTION BELOW
21 COMES FROM PAGE NUMBER 18 OF NSE 5512 DATA SHEET.

22 Q AND HOW ABOUT THE WORD SICO?

23 A THE WORD SICO -- SO THAT IS NOT PRESENT.

24 THE -- WE HAVE IN THE 5512 DATA SHEET THE
25 NSE 5512 NETWORK SEARCH ENGINE, THAT IS CHANGING

1 AND THAT HAS BEEN CHANGED TO THE SICO, S-I-C-O,
2 NETWORK SEARCH ENGINE. IT HAS BEEN ALTERED.

3 Q AND DO YOU SEE THE BLOCKED DEVICE UNDERNEATH
4 IT?

5 A YES.

6 Q AND WHERE DID THAT COME FROM?

7 A THAT CAME FROM THE NSE 5512 DATA SHEET.

8 Q AND ARE THOSE CONFIDENTIAL?

9 A YES. IT'S THE FACT THAT IT'S PLACED ON THE
10 DATA SHEET MAKES IT CONFIDENTIAL.

11 Q OKAY. SO THE INFORMATION CONTAINED WITHIN IT,
12 WOULD YOU SAY THAT'S CONFIDENTIAL IN AND OF ITSELF?

13 A YES, IT IS.

14 Q AND WHAT ABOUT UNDERNEATH THE -- WHERE IT HAS
15 A BLOCKED DIAGRAM 1.1, AND THAT CONTINUES TO THE
16 NEXT PAGE, 2611. WERE YOU ABLE TO IDENTIFY WHERE
17 THAT COMES FROM?

18 A YES, I AM.

19 Q AND WHERE DOES THAT COME FROM?

20 A I WILL HAVE TO FLIP. THAT COMES FROM THE
21 NSE 5512 GLC DATA SHEET, WHICH I BELIEVE IS --

22 Q 29?

23 A -- EXHIBIT 29, PAGE 12.

24 Q OKAY. AND WHAT DOES THAT BLOCK DIAGRAM REFER
25 TO?

1 A THAT BLOCK DIAGRAM DESCRIBES THE CISCO
2 SPECIFIC PRODUCT, THE NSE 5512 GLC, AND ITS
3 INTERNAL BLOCK ARRANGEMENTS.

4 Q OKAY. IS THAT DIAGRAM CONFIDENTIAL, TOO?

5 A THAT DIAGRAM IS CONFIDENTIAL.

6 Q AND WHAT ABOUT UNDERNEATH 1.2 WHERE IT SAYS
7 ARCHITECTURE AND THE REST OF THE PAGE?

8 A YES, THAT IS CONFIDENTIAL, TOO.

9 Q WELL, WERE YOU ABLE TO IDENTIFY WHERE IT COMES
10 FROM?

11 A YES. IT COMES FROM THE NSE 5512 GLC DATA
12 SHEET, PAGE NUMBER 12.

13 Q MOVING ON TO STAMP NUMBER 2612, THE NEXT PAGE
14 OF EXHIBIT 18.

15 FIGURE 3, THE BLOCK ARCHITECTURE, WHERE
16 DOES THAT COME FROM IF YOU'RE ABLE TO IDENTIFY IT?

17 A THAT COMES FROM THE NSE 5512 GLC DATA SHEET,
18 PAGE NUMBER 14.

19 Q AND WHAT DOES THAT BLOCK ARCHITECTURE REFER
20 TO?

21 A THAT BLOCK ARCHITECTURE REFERS TO THE CISCO
22 SPECIFIC PRODUCT, NSE 5512 GLC, INTERNAL BLOCK
23 ARCHITECTURE.

24 Q AND IS THAT CONFIDENTIAL TO NETLOGIC?

25 A IT IS CONFIDENTIAL TO NETLOGIC.

1 Q OKAY. AND THE NEXT DIAGRAM -- I'M SORRY.
2 THE NEXT PARAGRAPH STARTING WITH 1.31.

3 A YES.

4 Q I SHOULD SAY THE NEXT THREE PARAGRAPHS?

5 A YES.

6 Q WERE YOU ABLE TO IDENTIFY WHERE THEY CAME
7 FROM?

8 A THAT COMES FROM THE NSE 5512 GLC. THIS IS A
9 SPECIFIC DATA SHEET, PAGE NUMBER 14, STARTING PAGE
10 NUMBER 14, AND RUNNING ON UP TO PAGE NUMBER 15.

11 Q OKAY. SO LET'S GO TO THE VERY BOTTOM NOW,
12 BLOCK LEVEL DESCRIPTION.

13 A YES.

14 Q AND BEFORE WE DO THAT, I'M SORRY, I DIDN'T
15 ASK, THE PARAGRAPHS THAT WE WERE JUST REFERRING TO,
16 1.3.1 THROUGH 1.3.3, ARE THOSE CONFIDENTIAL TO
17 NETLOGIC?

18 A YES, THEY ARE CONFIDENTIAL.

19 Q SO LET'S MOVE TO BLOCK LEVEL DESCRIPTION ON
20 THE BOTTOM.

21 A OKAY.

22 Q AND WERE YOU ABLE TO IDENTIFY WHERE THAT COMES
23 FROM? AND THAT CONTINUES THROUGH FROM 2612 THROUGH
24 2613 UP TO THE BLOCK DIAGRAM?

25 A YES.

1 Q AND WHERE DOES THAT COME FROM?

2 A THAT COMES FROM THE NSE 5512 DATA SHEET, PAGE
3 NUMBER 19.

4 Q OKAY. AND THAT'S EXHIBIT 25?

5 A EXHIBIT 25.

6 THE COURT: CAN I INTERRUPT? WE'RE
7 ALMOST AT A QUARTER OF THE HOUR. I DO WANT TO
8 RAISE A QUESTION WITH RESPECT TO WHETHER OR NOT
9 THERE ARE WAYS THAT WE CAN EXPEDITE THIS.

10 WHY DON'T WE TAKE OUR BREAK AT THIS
11 POINT. IT'S ABOUT 20 TO THE HOUR. WE'LL COME BACK
12 IN ABOUT TEN MINUTES, MEMBERS OF THE JURY.

13 COUNSEL REMAIN, PLEASE.

14 (WHEREUPON, THE PROCEEDINGS IN THIS
15 MATTER WERE HELD OUT OF THE PRESENCE OF THE JURY:)

16 THE COURT: VERY WELL.

17 MR. PARRELLA: MAY THE WITNESS STEP DOWN?

18 THE COURT: CERTAINLY.

19 WE'RE MEETING OUT OF THE PRESENCE OF THE
20 JURY.

21 IT DOES OCCUR TO ME THAT -- PERHAPS
22 YOU'RE NEARING THE END OF THIS, BUT TO THE EXTENT
23 THAT THERE MIGHT BE OTHER WITNESSES WHO ARE ALSO
24 MAKING TECHNICAL ANALYSIS, IT SOUNDS AS THOUGH THIS
25 IS NOT AN ANALYSIS WHICH HAS BEEN DONE AND RENDERED

1 IN A REPORT SO THAT, FOR EXAMPLE, YOU CAN READILY
2 SEE BETWEEN THE TWO THE PATTERN OF QUESTIONS ARE
3 WHETHER OR NOT HE'S ABLE TO TRACE THE SOURCE AND
4 WHETHER OR NOT IT'S REGARDED AS CONFIDENTIAL.

5 IT DOES SEEM TO ME THAT THERE MIGHT BE A
6 FASTER WAY TO DO THIS, BECAUSE AS I LOOK INTO THE
7 EYES OF THE JURY, IT'S VERY TEDIOUS FOR THEM TO
8 LISTEN TO THE ANALYSIS CONDUCTED ON A PAGE BY PAGE,
9 PARAGRAPH BY PARAGRAPH, AND SECTION BY SECTION IN
10 REAL TIME.

11 AND IT OCCURS TO ME THAT THIS IS
12 SOMETHING THAT THE WITNESS MIGHT HAVE DONE EARLIER
13 AND IT MIGHT BE POSSIBLE TO PRESENT THAT IN A
14 SUMMARY FASHION AS OPPOSED TO IN THE WAY IT'S BEING
15 DONE.

16 SO THAT'S THE FIRST COMMENT I WANTED TO
17 MAKE TO HAVE THE PARTIES CONSIDER THAT.

18 AND THEN THE SECOND, OF COURSE, I PRESUME
19 THAT THE QUESTION OF CONFIDENTIALITY, WHICH IS NOT
20 NECESSARILY THE ULTIMATE ISSUE, WILL LEAD TO
21 QUESTIONS WITH RESPECT TO WHETHER OR NOT PARTICULAR
22 INFORMATION WAS REGARDED AS A TRADE SECRET.

23 AND SO TO BURDEN US OVER AND OVER AND
24 OVER AGAIN WITH THINGS THAT ARE CONFIDENTIAL, WHICH
25 WILL ULTIMATELY NOT BE TENDERED AS TRADE SECRETS,

1 CAN BE CONFUSED TO THE JURY AS TO THOSE MATTERS,
2 UNLESS THE GOVERNMENT'S POSITION IS THAT SOLELY
3 BECAUSE IT'S CONFIDENTIAL THAT MAKES IT A TRADE
4 SECRET.

5 NOW, THAT COULD BE THE POSITION. WHAT IS
6 YOUR PROFFER IN THAT REGARD?

7 MR. PARRELLA: WELL, THE WITNESS HAS
8 ALREADY TESTIFIED THAT FOR CERTAIN THINGS THE MERE
9 PLACEMENT OF IT INSIDE OF THE DATA SHEET IS --
10 MAKES IT CONFIDENTIAL.

11 IN OTHER WORDS, THERE MAY BE INFORMATION
12 THAT MAY BE KNOWN IN OTHER AREAS, IN OTHER PLACES,
13 BUT IT'S NOT KNOWN TO BE PART OF THIS PRODUCT, PART
14 OF THIS DATA SHEET. SO THAT IS PART OF IT.

15 BUT -- AND HE'S ALSO TESTIFIED THAT THE
16 DATA SHEET AS A WHOLE IS WHAT THEY CONSIDER THEIR
17 TRADE SECRET.

18 I WILL ALSO SEEK TO IDENTIFY SORT OF
19 WITHIN IT CERTAIN THINGS THAT MIGHT BE CONSIDERED
20 TRADE SECRETS WITHIN THAT.

21 BUT OUR POSITION IS THAT THE DATA SHEET
22 AS A WHOLE IS A TRADE SECRET.

23 I DIDN'T REALIZE --

24 THE COURT: BUT WHY IS IT NECESSARY TO
25 ASK REPEATEDLY WHETHER A PARTICULAR SUBSET OF IT IS

1 CONFIDENTIAL IF THE GOVERNMENT'S POSITION IS THAT
2 THE ENTIRE DOCUMENT IS A TRADE SECRET, MEANING THAT
3 IT WOULD BE AS A WHOLE CONSIDERED A TRADE SECRET?

4 THAT'S WHY I'M ASKING FOR YOUR PROFFER.
5 IF THAT'S YOUR PROFFER, AND THAT UNLIKE CERTAIN
6 CIRCUMSTANCES WHERE THERE ARE CONFIDENTIAL
7 DOCUMENTS, THERE ARE DOCUMENTS CONTAINING
8 CONFIDENTIAL INFORMATION, BUT THERE'S ANOTHER
9 SECTION OF IT THAT WOULD ALSO CONTAIN TRADE SECRET
10 INFORMATION, UNLESS YOU'RE USING THE TERMS SO THAT
11 IF YOU'RE DOING THAT, YOU'RE CREATING CONFUSION
12 THAT I WILL INSTRUCT THE JURY THAT NOT EVERY
13 CONFIDENTIAL THING QUALIFIES AS A TRADE SECRET.

14 SO I'M JUST A LITTLE CONCERNED THAT THE
15 EVIDENCE THAT YOU'RE PRESENTING, THAT IT'S NOT
16 GOING TO LEAVE THE JURY CONFUSED WHEN THEY GO BACK
17 TO REVIEW THE TESTIMONY AND THEY DETERMINE THAT
18 WHAT THEY HEARD QUALIFIES AS A TRADE SECRET BECAUSE
19 OF THE OTHER ELEMENTS THAT ARE NECESSARY TO PROVE
20 TRADE SECRET.

21 NOW, IF YOU CLAIM THAT THE ENTIRE
22 DOCUMENT IS A TRADE SECRET, IT SEEMS TO ME THAT TO
23 AVOID THE CONFUSION YOU OUGHT TO MOVE TO HOW THAT
24 DOCUMENT WAS TREATED THAT QUALIFIES THE DOCUMENT AS
25 A TRADE SECRET, AS OPPOSED TO WHETHER THERE WAS

1 INFORMATION WITHIN IT THAT IS CONFIDENTIAL.

2 NOW, I WILL -- I CAN APPRECIATE THAT YOU
3 WOULD BE GOING THROUGH THIS FOR THE PURPOSE OF
4 SHOWING THE SIMILARITY BETWEEN THE DOCUMENTS.

5 THAT PART I AM JUST -- I'M JUST ASKING IF
6 THERE'S AN EXPEDITED WAY TO DO THAT PART.

7 BUT TO THE EXTENT THAT YOU'RE ALSO USING
8 THIS TO PROVE THAT THERE ARE TRADE SECRETS, THE
9 CONFUSING FACTOR THAT I AM ANTICIPATING IS THE
10 DIFFERENCE BETWEEN QUESTIONS HAVING TO DO WITH
11 CONFIDENTIALITY AND DECISIONS THE JURY WILL HAVE TO
12 MAKE WITH RESPECT TO TRADE SECRET STATUS.

13 MR. PARRELLA: I APPRECIATE THAT, AND I
14 DO APPRECIATE THE FACT THAT THIS IS SOMEWHAT
15 TEDIOUS.

16 HOWEVER, IT DOES, FROM THE GOVERNMENT'S
17 PERSPECTIVE, IT -- WE'RE SHOWING HOW THE DEFENDANTS
18 BUILT A DOCUMENT THAT THEY POSSESSED BY STEALING
19 FROM VARIOUS DOCUMENTS THAT BELONGED TO NETLOGIC
20 AND ASSEMBLED THIS WITH VARIOUS DIFFERENT --

21 THE COURT: WELL, I'M JUST SUGGESTING
22 THERE ARE WAYS.

23 FOR EXAMPLE, IF YOU HAD COLOR CODED
24 EVERYTHING THAT IS DIFFERENT SO THAT EVERYTHING
25 THAT IS NOT COLOR CODED WOULD REMAIN WHITE, YOU

1 WOULD BE ABLE TO SEE THE DIFFERENCE VERY READILY.
2 THE JURY COULD BE -- COULD SEE IT.

3 THE WAY -- I'M NOT CRITICIZING YOUR
4 MAKING THE SHOWING. IT'S THE TIME YOU'RE TAKING TO
5 HAVE A WITNESS WHO HAS AN ACCENT, AND THIS IS WITH
6 ALL DUE RESPECT TO HIM, BUT IT'S VERY DIFFICULT FOR
7 THE TRIER OF FACT TO STAY UP WITH HIM AS HE GOES
8 THROUGH AND EXPLAINS, JUMPING AS HE DOES IN HIS
9 TESTIMONY WITH TWO DIFFERENT DOCUMENTS.

10 SO IF YOU HAVE A COMPARISON AND THEY ARE
11 THE SAME BUT THERE ARE DIFFERENCES, YOU CAN
12 HIGHLIGHT THE DIFFERENCES AND HAVE HIM TESTIFY,
13 EXCEPT FOR THOSE DIFFERENCES, EVERYTHING IS THE
14 SAME.

15 AND THEN BY GOING TO A DIFFERENCE WHICH
16 IS NUMBERED SOMEHOW, HE WOULD BE ABLE TO EXPLAIN
17 WHY THAT DIFFERENCE, PERHAPS, DOESN'T MAKE A
18 DIFFERENCE, WHICH IS ANOTHER WAY THAT YOU'RE DOING
19 IT.

20 BUT IT'S JUST VERY DIFFICULT WITH THE
21 METHOD THAT YOU'RE USING TO ANTICIPATE HOW IT MIGHT
22 BE REPEATED, NOT ONLY WITH THIS WITNESS, BUT I WAS
23 TOLD THERE WERE SEVEN TECHNICAL EXPERTS, AND SO I'M
24 CONCERNED -- THE REASON THE COURT IS MAKING ITS
25 COMMENTS IS TO ANTICIPATE THAT THERE WOULD BE

1 OTHERS THAT YOU WOULD DO THE SAME THING AND
2 THEREFORE MAYBE SOME FORETHOUGHT WITH RESPECT TO
3 THIS WOULD BE -- WOULD HELP.

4 I'M ALSO MAKING THE COMMENT BECAUSE TO
5 THE EXTENT THAT I ALLOW YOU TO GO THROUGH EVERY
6 PARAGRAPH IN THE WAY THAT YOU'RE DOING IT, I HAVE
7 TO GIVE THE DEFENSE AN OPPORTUNITY TO GO THROUGH
8 EVERY PARAGRAPH IF THEY WOULD WISH TO POINT OUT
9 OTHER ASPECTS OF IT THAT THE WITNESS HASN'T, OR TO
10 CROSS-EXAMINE.

11 MR. PARRELLA: IF I COULD JUST -- I COULD
12 INFORM THE COURT, WE DON'T HAVE SEVEN EXPERTS THAT
13 ARE GOING THROUGH IN ANYTHING NEAR THIS DETAIL.
14 THIS IS THE ONLY ONE.

15 THE COURT: ALL RIGHT.

16 MR. PARRELLA: SO WE DON'T HAVE SEVEN
17 EXPERTS ANYWAY. WE HAVE THREE OTHER PEOPLE WHO
18 WILL TESTIFY.

19 THE COURT: THE OTHER WAY IT WOULD HELP
20 US, BECAUSE IT'S DIFFICULT TO MEMORIALIZE FOR THE
21 JURY THE SIGNIFICANCE OF THE JURY, THAT THE WITNESS
22 IS DRAWING OUT, WITHOUT UNDERLYING OR BLOCKING OR
23 SOMEHOW. I'M JUST LOOKING INTO THEIR EYES.

24 I'M SURE YOU'RE APPRECIATING WHAT IS
25 GOING ON AS WELL.

1 MR. PARRELLA: I'M OBVIOUSLY TRYING TO
2 CREATE A RECORD AS WELL SO I CAN PROCEED, YOU KNOW,
3 IN SUMMATION WITH THIS, BUT I'M GOING TO TAKE YOUR
4 COMMENT TO HEART.

5 THE COURT: YES. AND SO I WILL DO MORE
6 FREQUENT BREAKS OR SOMETHING OF THAT KIND AS HE
7 GOES THROUGH THIS WITH THE LEVEL OF DETAIL THAT
8 HE'S DOING.

9 AND THEN AS TO THE CONFIDENTIALITY
10 QUESTIONS?

11 MR. PARRELLA: WELL, WE THINK THAT SOME
12 OF THESE INDIVIDUAL ITEMS MAY CONSIST OF TRADE
13 SECRETS AS WELL, SO IN THE INDIVIDUAL ITEMS -- BUT,
14 YOU KNOW, OUR POSITION IS THAT THE DATA SHEET AS A
15 WHOLE COMBINES CONFIDENTIAL ELEMENTS AND MAYBE EVEN
16 SOME PUBLICLY KNOWN ELEMENTS IN SUCH A WAY THAT IT
17 CREATES A TRADE SECRET AS A WHOLE.

18 MR. FAZIOLI: ALSO, YOUR HONOR, THERE
19 COULD BE CIRCUMSTANCES WHERE THERE COULD BE
20 DIAGRAMS OR SUBSECTIONS OF THE DATA SHEETS WHICH
21 ARE TRADE SECRETS, THAT IF THE DEFENDANTS KNOWINGLY
22 TOOK THOSE SUBSECTIONS AND DIAGRAMS OUT OF THE
23 NETLOGIC DATA SHEET AND PLACED IT INTO THEIR OWN
24 DATA SHEET, THAT THAT LIFTING OF THOSE TRADE
25 SECRETS WOULD BE A THEFT OF TRADE SECRETS.

1 THE COURT: AND TO THE EXTENT THAT YOU
2 WERE ASKING QUESTIONS OF THE WITNESS DIRECTED
3 TOWARD TRADE SECRETS AND USING THAT NOMENCLATURE, I
4 WOULDN'T BE EXPRESSING THAT CONCERN.

5 BUT YOU LEFT THAT NOMENCLATURE AND YOU
6 NOW HAVE A WHOLE SERIES OF QUESTIONS ON
7 CONFIDENTIALITY, WHICH MAY BE SYNONYMOUS, BUT SO
8 FAR AS THE COURT IS CONCERNED, YOUR PROFFER IS NOT
9 THAT. THAT'S WHY I WAS ASKING WHAT IS THE PROFFER.

10 I AM WILLING TO INSTRUCT THE JURY TO --
11 IN A WAY THAT WILL HELP TO EXPEDITE THIS BECAUSE
12 THE QUESTION THAT THEY HAVE TO DECIDE IS NOT
13 WHETHER PARAGRAPH 13.1.1 IS CONFIDENTIAL, BUT
14 WHETHER OR NOT THERE WAS POSSESSION OF TRADE
15 SECRETS WITH A CERTAIN FRAME OF MIND.

16 SO IT'S ONLY THAT, THAT THE REASON THAT I
17 DECIDED I WOULD TAKE THIS MOMENT TO COMMENT ON IT.

18 I DON'T EXPECT THAT ANY OF YOU WOULD HAVE
19 ANY COMMENT WITH RESPECT TO THIS.

20 MR. NOLAN: WE WOULD HAVE STIPULATED,
21 YOUR HONOR, I MEAN, THAT THERE WAS COPIED ONE FROM
22 THE OTHER.

23 AND WE WERE SITTING THERE SAYING -- YOU
24 KNOW, IF WE HAD A CHOICE WE WOULD SAY, HEY, ONE WAS
25 COPIED FROM THE OTHER.

1 CROSS-EXAMINATION IS VERY SIMPLE.

2 THE COURT: YEAH. IT DOESN'T SEEM TO ME
3 THAT THE QUESTION OF WHETHER OR NOT SOME OF THE
4 INFORMATION WAS COPIED MAY NOT BE AN ISSUE OF
5 DISPUTE, BUT THERE -- I DON'T KNOW THAT.

6 AND SO I'LL PERMIT THE GOVERNMENT TO TRY
7 AND PROVE THAT ONE DOCUMENT CONTAINS PASSAGES THAT
8 THE WITNESS SAYS. I'M SAYING THAT'S OKAY.

9 I'M SAYING THERE MAY BE A FASTER WAY TO
10 SHOW THAT AND TO CROSS-REFERENCE THAT, BECAUSE
11 THROUGH NUMBERS OR COLORS YOU CAN SHOW THAT.

12 AND WE DO APPRECIATE THAT WE HAVE A
13 TECHNICIAN WHO CAN PUT THEM UP SIDE-BY-SIDE, BUT AT
14 THE SAME TIME SHE'S NOT ABLE TO HIGHLIGHT THE
15 RELEVANT PORTIONS SIDE-BY-SIDE AND SO IT'S JUST
16 DIFFICULT TO FOLLOW IS ALL.

17 ALL RIGHT. I'LL SEE YOU. WE'LL START UP
18 AGAIN AT ABOUT 3:00 O'CLOCK.

19 (WHEREUPON, A RECESS WAS TAKEN.)

20 (WHEREUPON, THE FOLLOWING PROCEEDINGS
21 WERE HELD IN THE PRESENCE OF THE JURY:)

22 THE COURT: PLEASE BE SEATED.

23 MEMBERS OF THE JURY, I HAD AN OPPORTUNITY
24 DURING THE BREAK TO SPEAK ABOUT SOME OF THE SLOW
25 TECHNICAL NATURE OF THIS, AND YOU'LL HAVE TO

1 APPRECIATE THAT IN THE NATURE OF THIS CASE THERE
2 WILL BE CASES WHERE THE PARTIES WILL GO THROUGH
3 SOME DOCUMENT WITH GREATER DETAIL THAN OTHERS, AND
4 I HAVE ENCOURAGED THEM TO DO THEIR BEST TO TRY AND
5 PRESENT SOME OF THE TESTIMONY IN A MORE SUMMARY
6 FASHION AND I'LL CONTINUE TO DO THAT.

7 YOUR JOB IS TO LISTEN TO THE EVIDENCE AND
8 MAKE YOUR JUDGMENTS IN THE CASE BASED ON THE LAW
9 AND THE EVIDENCE.

10 YOU MAY PROCEED, COUNSEL.

11 MR. PARRELLA: THANK YOU.

12 Q MR. SRINIVASAN, I JUST WANT TO SORT OF DIRECT
13 YOUR ATTENTION BACK TO THE FIRST FEW PAGES THAT WE
14 STARTED WITH, PIN DESCRIPTION IN EXHIBIT 18, AND I
15 THINK WE WERE ON 2612.

16 YOU TESTIFIED THOSE ITEMS WERE
17 CONFIDENTIAL -- WITHDRAWN.

18 YOU TESTIFIED THAT THOSE ITEMS WERE TAKEN
19 EITHER FROM THE 5512 DATA SHEET OR THE 5512 GLC
20 DATA SHEET?

21 A THAT IS CORRECT.

22 Q AND THAT THEY WERE CONFIDENTIAL?

23 A THAT IS CORRECT.

24 Q AND ON THOSE ITEMS DID NETLOGIC DERIVE VALUE
25 FROM THE FACT THAT THOSE ITEMS WERE KEPT SECRET?

1 MR. NOLAN: OBJECTION, YOUR HONOR, IN
2 TERMS OF COMPOUND BECAUSE I DON'T KNOW WHAT ITEMS
3 HE'S REFERRING TO. I'M SORRY.

4 THE COURT: THE OBJECTION IS OVERRULED ON
5 COMPOUND.

6 BUT THE QUESTION DID INDICATE BOTH
7 CONFIDENTIAL AND TRADE SECRETS, AND SO I'LL ASK YOU
8 TO REFRAME YOUR QUESTION SO THAT WE'RE CLEAR AS TO
9 WHETHER OR NOT YOU'RE TREATING THOSE TWO TERMS AS
10 THE SAME.

11 BY MR. PARRELLA:

12 Q WELL, I WAS JUST -- THE ITEMS THAT YOU
13 TESTIFIED THAT WERE CONFIDENTIAL ON THOSE PAGES,
14 DID YOU DERIVE -- EXCUSE ME.

15 DID NETLOGIC DERIVE AN ECONOMIC BENEFIT
16 FROM THE FACT THAT THEY WERE TRADE SECRET?

17 A YES, THEY DID.

18 MR. NOLAN: I'M GOING TO OBJECT TO GOING
19 BACK TO ALL OF THE PAGES. I JUST DON'T KNOW WHAT
20 THE RECORD IS GOING TO LOOK LIKE.

21 THE COURT: THE OBJECTION IS OVERRULED.

22 BY MR. PARRELLA:

23 Q AND THE ITEMS THAT WERE IN THE NSE 5512 DATA
24 SHEET AND IN THE 5512 GLC DATA SHEET, AS C.T.O. OF
25 NETLOGIC, DO YOU BELIEVE THAT REASONABLE STEPS WERE

1 TAKEN TO KEEP THOSE ITEMS SECRET?

2 A YES, I DO.

3 Q AND THOSE ITEMS -- WERE THOSE STEPS TYPICAL OF
4 THE INDUSTRY IN YOUR EXPERIENCE?

5 A YES, THEY ARE.

6 Q OKAY. SO THE ITEMS THAT YOU HAVE TESTIFIED TO
7 PRIOR ON FROM PAGES ON EXHIBIT 18, 2607 AND UP TO,
8 I THINK WE'RE AT PAGE 2613, DO YOU CONSIDER THEM
9 TRADE SECRETS?

10 A YES, THEY ARE.

11 Q OF NETLOGIC MICROSYSTEMS?

12 A OF NETLOGIC MICROSYSTEMS.

13 Q NOW, WHAT I'D LIKE TO DO IS -- AND I DON'T
14 WANT TO CONFUSE ANYTHING, BUT I WOULD LIKE TO SEE
15 IF WE CAN MOVE THROUGH THE SOURCE OF THESE
16 PARAGRAPHS IN EXHIBIT 18 A LITTLE BIT QUICKER.

17 SO LET ME JUST REFER YOU TO -- FROM PAGES
18 2613 THROUGH PAGE -- THROUGH AND INCLUDING PAGE
19 2626.

20 WERE YOU ABLE TO LOCATE THE SOURCE OF THE
21 ITEMS THAT WERE CONTAINED IN THOSE PAGES?

22 A YES, I WAS.

23 Q AND WHERE WERE THEY TAKEN FROM?

24 A THEY WERE TAKEN FROM EITHER THE NSE 5512 OR
25 THE NSE 5512 GLC DATA SHEET.

1 Q OKAY. CAN YOU IDENTIFY WHICH OF THE
2 PARAGRAPHS WITHIN THOSE -- THAT PAGE RANGE WERE
3 TAKEN FROM GLC, IF ANY?

4 A YES. I'LL REFER BACK TO THAT.

5 Q AND WE'LL TAKE FROM YOUR ANSWER THAT ALL OTHER
6 THINGS WERE TAKEN FROM THE NSE 5512?

7 A YES.

8 Q OKAY. PROCEED.

9 THE COURT: YOU DIDN'T ASK HIM TO DO IT.
10 YOU ASKED HIM IF HE COULD DO IT.

11 MR. PARRELLA: I THOUGHT I SAID PROCEED.

12 Q WOULD YOU PLEASE TELL US WHICH OF THOSE
13 PARAGRAPHS COME FROM GLC?

14 A OKAY. I'VE DONE THIS ON MY TIME AND I HAVE A
15 COPY THAT I HAVE MARKED THAT IS WITH ME. IF I'M
16 ABLE TO USE THAT, THAT WILL SPEED UP THINGS.

17 Q YOU HAVE A COPY OF THE EXHIBIT?

18 A I HAVE A COPY OF ONE OF THE EXHIBITS, BUT
19 WHERE I HAVE COMPARED THESE TWO DATA SHEETS AND
20 DONE MY HOMEWORK AS TO WHICH COMES FROM WHERE.

21 Q OKAY. SO YOU CAN USE THAT TO REFRESH YOUR
22 RECOLLECTION, IF YOU NEED TO.

23 A SO YOU WANT ME TO START FROM WHICH PAGE?

24 Q 2613 THROUGH -- WE'LL TAKE FOR NOW THROUGH
25 2626.

1 A REFERRING TO PAGE NUMBER 2613, ALL OF THE TEXT
2 ABOVE THE TABLE WHICH YOU SEE COMES FROM NSE 5512
3 PAGE 19.

4 AND THE TABLE THAT IS DESCRIBED AS BLOCK
5 WITH 32KX72 ORGANIZATION COMES FROM NSE 5512 PAGE
6 19.

7 THE PARAGRAPH BELOW STARTING WITH THE
8 TITLE "EXAMPLE OF DATA SHEET ORGANIZATION FOR
9 CONCURRENT SEARCHING," C-O-N-C-U-R-R-E-N-T, COMES
10 FROM NSE 5512 DATA SHEET, PAGE 20.

11 THE ENTIRE PAGE, 2614, COMES FROM
12 NSE 5512 DATA SHEET, PAGE 20.

13 Q OKAY.

14 A GOING OVER TO 2615, THE TOP DIAGRAM DESCRIBED
15 ON THE SIDE AS BLOCK DIAGRAM, FOR EXAMPLE, OF
16 CONCURRENT SEARCHING COMES FROM NSE 5512 DATA
17 SHEET, PAGE NUMBER 21.

18 EVERYTHING STARTING FROM DATABASE MEMORY
19 MAX ON THAT PAGE COMES FROM THE NSE 5512 GLC DATA
20 SHEET, PAGE NUMBER 22.

21 MOVING ON TO PAGE 2616 OF EXHIBIT 18, THE
22 TABLE AT THE TOP DESCRIBED AS DATABASE FORMAT COMES
23 FROM THE NSE 5512 DATA SHEET, PAGE NUMBER 22.

24 AND STARTING WITH THE DESCRIPTIONS AND UP
25 TO THE TABLE, THAT IS DESCRIBED AS HARDWARE AND

1 SOFTWARE TABLE. THEY ALL COME FROM NSE 5512 DATA
2 SHEET, PAGE 23.

3 THE NEXT COMES FROM NSE 5512, PAGE NUMBER
4 24.

5 AND MOVING ON TO PAGE NUMBER 17.

6 THE TOP TWO PARAGRAPHS OF 2617 COMES FROM
7 NSE 5512, PAGE 24.

8 THE REST OF THE PAGE, EXCLUDING THE LAST
9 LINE, COMES FROM THE NSE 5512, PAGE NUMBER 25.

10 AND THE LAST LINE OF 2617 COMES FROM
11 NSE 5512, PAGE NUMBER 26.

12 GOING ON TO PAGE NUMBER 2618, THE TOP
13 LEVEL TEXT AND THE TWO TABLES THAT FOLLOW THAT
14 COMES FROM NSE 5512, PAGE NUMBER 26.

15 THE REST OF THE PAGE, STARTING WITH DATA
16 BUS AT DPR10, THEY COME FROM THE NSE 5512 DATA
17 SHEET, PAGE NUMBER 27.

18 GOING ON TO 2619 OF EXHIBIT 18, THE TEXT
19 ON THE TOP PLUS LITTLE DIAGRAM SHOWN, THAT COMES
20 FROM THE NSE 5512, PAGE NUMBER 27.

21 THE REST OF THE PAGE, STARTING WITH SOFT
22 ERROR OUTPUT FLAG, COMES FROM NSE 5512, PAGE NUMBER
23 28.

24 MOVING ON TO 2620 OF EXHIBIT 18, THE
25 TABLE RIGHT ON TOP, SOFT ERROR PARITY BYPASS, THAT

1 COMES FROM NSE 5512, PAGE NUMBER 28.

2 THE REST OF THE PAGE OF 2628 COMES FROM
3 THE NSE 5512 DATA SHEET, PAGE NUMBER 29.

4 MOVING ON TO PAGE 2621 OF EXHIBIT 18, THE
5 ENTIRE PAGE, WHICH ARE THREE TABLES, COMES FROM THE
6 NSE 5512, PAGE 30.

7 MOVING ON TO 20622 OF EXHIBIT 18, THE
8 ENTIRE PAGE COMES FROM THE NSE 5512 DATA SHEET,
9 PAGE NUMBER 31.

10 MOVING ON TO 2623 OF EXHIBIT 18, THE
11 ENTIRE PAGE COMES FROM NSE 5512 DATA SHEET, PAGE
12 NUMBER 32.

13 2624, EXHIBIT 18, THE ENTIRE PAGE COMES
14 FROM THE NSE 5512 DATA SHEET, PAGE NUMBER 33.

15 2625 OF EXHIBIT 18, THE ENTIRE PAGE,
16 WHICH CONSISTS OF TWO DETAILED TABLES, COMES FROM
17 NSE 5512 DATA SHEET, PAGE NUMBER 34.

18 2626 OF EXHIBIT 18, THE ENTIRE PAGE WITH
19 THE DETAILED TABLE COMES FROM NSE 5512, PAGE NUMBER
20 35.

21 Q SO LET'S STOP THERE. THESE ITEMS THAT YOU
22 JUST TESTIFIED TO IN THIS RECENT SERIES OF PAGES
23 ENDING IN 2626, WERE THESE CONFIDENTIAL TO NETLOGIC
24 MICROSYSTEMS?

25 A THEY ARE CONFIDENTIAL TO NETLOGIC

1 MICROSYSTEMS.

2 Q DID NETLOGIC DERIVE VALUE FROM THE FACT THAT
3 THEY WERE KEPT SECRET?

4 A YES, YES, IT DID.

5 Q AND WERE REASONABLE STEPS TAKEN TO KEEP THEM
6 SECRET?

7 A YES, WE DID.

8 Q AND IN YOUR POSITION AS C.T.O., WERE THEY
9 TRADE SECRETS OF NETLOGIC?

10 A YES, THEY ARE.

11 Q SO LET'S MOVE TO 2627, REGISTERS, STARTING
12 WITH REGISTERS, AND GOING THROUGH TO 2631 UP TO
13 WHERE IT SAYS "INSTRUCTION SET."

14 WERE ALL OF THOSE ITEMS CONTAINED IN
15 THESE PAGES TAKEN FROM THE NSE 5512 DATA SHEET?

16 A YES, THEY ARE.

17 Q OKAY. NOW LET'S GO -- AND THE SAME QUESTIONS
18 ABOUT THESE ITEMS.

19 WERE THESE ITEMS CONTAINED IN PAGES 2627
20 THROUGH 2631 UP TO THE CONSTRUCTION SET, WERE THEY
21 CONFIDENTIAL TO NETLOGIC MICROSYSTEMS?

22 A YES, THEY WERE.

23 Q DID THE COMPANY DERIVE VALUE FROM THE FACT
24 THAT THEY WERE SECRET?

25 A YES, THEY DID.

1 Q AND WERE REASONABLE STEPS TAKEN TO MAINTAIN
2 THEIR SECRECY?

3 A YES, THEY DID.

4 Q SO AS CHIEF TECHNOLOGY OFFICER, WERE THOSE
5 ITEMS TRADE SECRETS OF NETLOGIC?

6 A YES, THEY ARE TRADE SECRETS OF NETLOGIC.

7 Q SO NOW WE'RE UP TO INSTRUCTION SET ON 2631.
8 CAN YOU JUST TELL -- AND IF YOU CAN JUST TAKE THE
9 NEXT TWO PAGES. I'M SORRY. THE NEXT ONE UP TO
10 READ OPERATIONS -- SO NOT INCLUDING READ
11 OPERATIONS. THAT WOULD BE 2631 AND 2632?

12 A OKAY.

13 Q SO TELL US IF YOU WERE ABLE TO DETERMINE THE
14 SOURCE OF THOSE ITEMS?

15 A STARTING --

16 Q WE'RE LOOKING, JUST FOR THE RECORD, AT EXHIBIT
17 18?

18 A STARTING WITH THE TITLE WHERE IT SAYS
19 INSTRUCTION SET ON PARAGRAPH 3, WHICH SAYS
20 INSTRUCTION OVERVIEW AND SUBPARAGRAPH 3.1, WHICH
21 SAYS INSTRUCTION SET SUMMARY, THAT SECTION COMES
22 FROM NSE 5512 GLC DATA SHEET, PAGE NUMBER 25, WHICH
23 IS EXHIBIT 29.

24 Q OKAY.

25 A THE LAST TWO LINES OF 2631 COMES FROM THE

1 NSE 5512 DATA SHEET, PAGE NUMBER 48.

2 AND WHEN WE GO OVER TO 2632 --

3 Q YES.

4 A -- OF EXHIBIT 18, THE FIRST THREE LINES ON TOP
5 COMES FROM THE NSE 5512 DATA SHEET, PAGE NUMBER 48.

6 BELOW THAT INSTRUCTION SET TABLE, IT
7 COMES FROM THE 5512 DATA SHEET, PAGE NUMBER 48.

8 BELOW THE TABLE WITH THE TITLE 3.2.1.5
9 ACCURACY FOR PIO MOVE, COPY, OPERATIONS.

10 THAT PARAGRAPH, INCLUDING THE TABLE 8
11 BELOW, THAT COMES FROM THE NSE 5512 GLC CISCO
12 SPECIFIC DATA SHEET, PAGE NUMBER 28.

13 Q OKAY. LET ME STOP YOU THERE.

14 SO THOSE ITEMS ON 2631 AND 2632, WERE
15 THOSE CONFIDENTIAL TO NETLOGIC MICROSYSTEMS?

16 A THEY ARE.

17 Q AND DID YOU -- DID THE COMPANY DERIVE VALUE
18 FROM THE FACT THAT THEY WERE KEPT SECRET?

19 A THEY DID.

20 Q WERE REASONABLE STEPS TAKEN TO MAINTAIN THEIR
21 SECRECY?

22 A YES.

23 Q SO WERE THOSE ITEMS, IN YOUR POSITION AS
24 C.T.O., TRADE SECRETS?

25 A YES, THEY ARE.

1 MR. NOLAN: EXCUSE ME. I THINK HE SHOULD
2 BE ASKED HIS OPINION, IF THEY'RE OPINIONS.

3 THE COURT: THAT IS WHAT HE'S BEING
4 ASKED.

5 MR. NOLAN: THAT'S FINE. THANK YOU.
6 BY MR. PARRELLA:

7 Q SO I WOULD DIRECT YOUR ATTENTION TO THE BOTTOM
8 OF 2632 WHERE IT STATES READ OPERATION.

9 SO GOING FROM THERE THROUGH PAGE?

10 THE COURT: UNLESS THERE'S SOME
11 SIGNIFICANCE, I'M GOING TO SUSPEND THIS PROCESS AND
12 ASK YOU TO GO ON TO SOMETHING NEW AND DIFFERENT.

13 YOU CAN ASK A CONCLUSIONARY QUESTION IF
14 THERE IS SOMETHING HERE THAT DOESN'T FIT THE
15 PATTERN.

16 MR. PARRELLA: I WILL.

17 THE COURT: BUT OTHERWISE LET'S MOVE ON
18 TO OTHER MATTERS.

19 MR. PARRELLA: THIS IS THE FINAL PORTION
20 OF THIS.

21 Q SO THE FINAL PORTION GOING FROM 2632 TO 2642,
22 WERE ALL OF THOSE PARAGRAPHS TAKEN -- STARTING AT
23 READ OPERATIONS ON 2632, WERE ALL OF THOSE ITEMS
24 TAKEN FROM THE 55, NSE 5512 DATA SHEET?

25 A THEY ALL COME FROM THE NSE 5512 DATA SHEET.

1 Q AND NOW LET ME DIRECT YOUR ATTENTION NOW TO A
2 SPECIFIC ITEM HERE ON PAGE 2638.

3 CAN YOU LOOK -- ARE YOU THERE?

4 A YES.

5 Q CAN YOU LOOK UNDER RESULTS PLUS FORMAT?

6 A YES.

7 Q AND THAT WILL HELP FOR ONE CYCLE?

8 A YES.

9 Q AND WHERE UNDER THE SECOND COLUMN OF THE
10 SECOND CHART THERE?

11 A UH-HUH.

12 Q CAN YOU READ THAT, PLEASE?

13 A OKAY. THERE ARE TWO TABLES HERE. THE FIRST
14 ONE SAYS A BUS FORMAT DATA HELD FOR TWO CYCLES.

15 AND BELOW THAT UNDER THE TABLE IT SAYS
16 RBUS FORMAT, DATA HELD FOR ONE CYCLE.

17 Q AND WHAT IS THE VALUE UNDER THE RBUS OUTPUT?

18 A SO THIS ONE SAYS RBUS OUTPUT [49:25].

19 AND NEXT TO THAT IS RBUS OUTPUT [24:0].

20 Q AND DOES THAT HAVE ANY SIGNIFICANCE TO YOU IN
21 YOUR REVIEW -- TO YOU IN YOUR REVIEW OF THIS
22 DOCUMENT?

23 A YES, IT DOES.

24 Q TELL US WHAT IT IS.

25 A AS I TESTIFIED BEFORE, WHEN YOU LOOK AT THE

1 PIN DESCRIPTION ON THE EXHIBIT 18, IT SAYS RBUS 24,
2 WHICH APPEARS TO BE DIFFERENT FROM NSE 5512 DATA
3 SHEET.

4 BUT WHEN YOU READ THE DIFFERENCE OF THE
5 PIN INSIDE WHICH IS ON PAGE 2688, THIS DESCRIBES
6 RBUS WITH 50 PIN OUTPUT EXACTLY AS DESCRIBED IN
7 NSE 5512 DATA SHEET.

8 Q WHY DOES THE DESCRIPTION SEEM TO CONTAIN A
9 NUMERAL 49 AND YOU'RE REFERRING TO 50?

10 A IT IS COMMON FOR DIGITAL ENGINEERS TO START
11 WITH 0 AND GO TO A SET NUMBER.

12 SO 0 IS CONSIDERED 1, 1 IS CONSIDERED 2
13 AND ON.

14 SO WHEN YOU SEE THE NUMBERS 0 THROUGH 49,
15 IT MEANS YOU HAVE 50 AS A VALUE.

16 Q OKAY. NOW, THE ONES THAT WE DISCUSSED IN THIS
17 LAST BLOCK HERE IN THE -- I THINK IT WAS 2632 TO
18 2642 -- WERE THESE CONFIDENTIAL TO NETLOGIC
19 MICROSYSTEMS?

20 A THEY ARE CONFIDENTIAL.

21 Q AND DID THE COMPANY DERIVE VALUE FROM THE FACT
22 THAT THEY WERE CONFIDENTIAL?

23 A YES, THEY DID.

24 Q AND WERE REASONABLE STEPS TAKEN TO MAINTAIN
25 THEIR SECRECY?

1 A YES.

2 Q AND SO AS CHIEF TECHNOLOGY OFFICER, WERE THESE
3 TRADE SECRETS TO YOU?

4 A YES, THEY ARE TRADE SECRETS.

5 Q OKAY. NOW, YOU CAN SET EXHIBIT 18 AND 29 --
6 I'M SORRY. SET EXHIBIT 18 ASIDE.

7 AND DO YOU HAVE EXHIBIT 15?

8 A EXHIBIT 15?

9 Q YES.

10 A I DON'T BELIEVE I HAVE EXHIBIT 15.

11 Q OKAY. HERE'S EXHIBIT 15.

12 NOW, COULD YOU TAKE A LOOK AT EXHIBIT 15
13 AND TELL ME, HAVE YOU REVIEWED THIS DOCUMENT IN THE
14 PAST?

15 A I'VE SEEN A DOCUMENT IN CHINESE LIKE THIS, BUT
16 IT'S DIFFICULT FOR ME TO TESTIFY I'VE SEEN EXACTLY
17 THE SAME.

18 Q I'M SORRY.

19 A BUT IT APPEARS FAMILIAR.

20 Q SO I TAKE IT YOU DON'T READ CHINESE
21 CHARACTERS?

22 A I DO NOT.

23 Q OKAY. SO LET'S TURN TO THE TRANSLATION THEN,
24 I'M SORRY, WHICH IS IN THE BACK.

25 (PAUSE IN PROCEEDINGS.)

1 BY MR. PARRELLA:

2 Q OKAY. NOW, HAVE YOU REVIEWED THIS DOCUMENT,
3 THE TRANSLATION?

4 A YES, I HAVE.

5 Q AND WERE YOU -- DID YOU COMPARE IT TO THE
6 NSE 5512 DATA SHEET AND THE NSE 5512 GLC DATA
7 SHEET?

8 A YES, I DID.

9 Q AS WELL AS OTHER DOCUMENTS?

10 A YES.

11 Q OKAY. AND WERE YOU ABLE TO FIND ANY ITEMS
12 CONTAINED WITHIN GOVERNMENT 15, THE TRANSLATION NOW
13 THAT WE'RE TALKING ABOUT, THAT CAME FROM THE
14 NSE 5512?

15 A YES, I WAS ABLE TO ASCERTAIN THAT THERE WERE
16 SECTIONS THAT CAME FROM NSE 5512 DATA SHEET.

17 Q OKAY. AND WERE THERE ITEMS IN THIS DOCUMENT,
18 GOVERNMENT'S EXHIBIT 15, THE TRANSLATION, THAT CAME
19 FROM CONFIDENTIAL -- WITHDRAWN. THAT CAME --
20 WITHDRAW THE QUESTION.

21 COULD YOU IDENTIFY ON THE PAGE 482, THE
22 FIRST PAGE, WHETHER THERE WAS ANYTHING TAKEN ON
23 THAT PAGE?

24 A YES, THE LINE CARD APPLICATION --

25 MR. NOLAN: EXCUSE ME. VAGUE. IT WAS

1 TAKEN FROM THE 5512?

2 MR. PARRELLA: YES.

3 Q TAKEN FROM THE 5512 DATA SHEET.

4 A YES, ON PAGE 000482 AT THE BOTTOM, IT
5 DESCRIBES A LINE CARD APPLICATION.

6 THAT DIAGRAM IS TAKEN FROM NSE 5512, PAGE
7 2.

8 Q OKAY. SO NOW LET ME HAVE YOU REVIEW UP TO
9 PAGE 000486 WHICH WOULD CONTINUE THROUGH THE CHIP
10 PIN DESCRIPTION, AND CAN YOU TELL US IF THERE IS
11 ANYTHING WITHIN THOSE PAGES, WHICH IS 483 THROUGH
12 486, THAT YOU WERE ABLE TO IDENTIFY AS COMING FROM
13 THE NSE 5512 DATA SHEET?

14 A YES, THERE ARE SECTIONS THAT COME FROM THE
15 NSE 5512 DATA SHEET, AND THERE'S ONE ELEMENT THAT
16 COMES FROM NSE 5512 GLC DATA SHEET.

17 Q AND CAN YOU TELL US ABOUT THE -- AND TURN TO
18 PAGE 485 AND THE CHIP PIN DESCRIPTION?

19 A YES.

20 Q AND CAN YOU TELL US WHERE THIS CAME FROM, IF
21 YOU KNOW?

22 A GOING THROUGH THE TABLE STARTING WITH THE
23 COLUMN BELOW SIGNAL, IT SAYS INSD AND THEN ON UP TO
24 THE ROW IT SAYS CE.

25 THESE ARE TAKEN FROM NSE 5512 DATA SHEET,

1 PAGE NUMBER 8 IN THE EXACT SAME ORDER AS IT APPEARS
2 THERE.

3 Q CONTINUE.

4 A AND SKIPPING OVER TWO LINES, WHICH IS OE AND
5 WE AND STARTING WITH THE NOTE WHICH SAYS RESET AND
6 ALL OF THE WAY TO THE BOTTOM OF THE PAGE, THEY ALL
7 COME FROM NSE 5512 DATA SHEET, PAGE NUMBER 8, IN
8 THE SAME SEQUENCE AS IT APPEARS THERE.

9 Q ALL RIGHT. TO THE NEXT PAGE?

10 A NEXT PAGE, SKIPPING THE FIRST THREE ROWS, IT
11 SAYS SEK; THE NEXT ONE SAYS TM, SPACE, IM; AND THEN
12 TM SPACE O.

13 THE REST OF IT, INST SPACE V DOWN BELOW
14 ALL OF THE WAY UP TO THE NC, THEY COME FROM
15 NSE 5512 DATA SHEET, PAGE NUMBER 8.

16 THE ONE ROW WHICH SAYS INST V COMES FROM
17 NSE 5512 GLC DATA SHEET, PAGE NUMBER 17, AS THIS IS
18 SPECIFICATION TO THE NSE 5512 GLC PRODUCT.

19 Q NOW, THE INFORMATION THAT YOU JUST TESTIFIED
20 TO ON THESE PAGES FROM 482 THROUGH 486, WAS THIS
21 CONFIDENTIAL TO NETLOGIC MICROSYSTEMS?

22 A IT IS.

23 Q AND, AGAIN, DID YOU -- DID THE COMPANY DERIVE
24 VALUE FROM THE FACT THAT IT WAS CONFIDENTIAL?

25 A IT DID.

1 Q AND WERE REASONABLE STEPS TAKEN TO KEEP IT
2 SECRET?

3 A YES, WE DID.

4 Q AND SO WERE THESE -- AS C.T.O., DID YOU
5 CONSIDER THESE TO BE TRADE SECRET?

6 A YES, I DID.

7 Q LET'S MOVE TO PAGE 8. AND I'M SORRY. THAT'S
8 PAGE 487 ON THE BOTTOM.

9 SO FROM PAGE 487 TO LINE 40, ANY ITEMS
10 TAKEN FROM THE NSE 5512 OR THE NSE 5512 GLC DATA
11 SHEET?

12 A YES.

13 Q AND FIRST LET ME DIRECT YOUR ATTENTION TO THE
14 BLOCK DIAGRAM ON PAGE 487. CAN YOU TELL US WHAT
15 THAT IS?

16 A THAT IS THE DESCRIPTION OF THE DIFFERENT
17 FUNCTIONAL BLOCKS INSIDE THE NSE 5512 DEVICE.

18 Q AND DO YOU KNOW WHERE THAT COMES FROM?

19 A I DO NOT.

20 Q HAVE YOU SEEN ANYTHING LIKE THAT BEFORE?

21 A I HAVE SEEN SIMILAR DIAGRAMS, BUT I CAN'T
22 TESTIFY THAT I'VE SEEN EXACTLY THE SAME ONE.

23 Q ON THIS PARTICULAR DIAGRAM?

24 A THIS PARTICULAR DIAGRAM.

25 Q SO THAT'S ON PAGE 487?

1 A THAT'S CORRECT.

2 Q MOVING ON TO THE ITEMS ON PAGE 488 AND 489.

3 A YES.

4 Q WERE YOU ABLE TO IDENTIFY WHERE THEY WERE
5 FROM?

6 A YES, I WAS.

7 Q AND WHERE WERE THEY FROM?

8 A KEEPING IN MIND THAT I'M READING THE ENGLISH
9 DATA SHEET TRANSLATED IN CHINESE AND BACK TO
10 ENGLISH, THE PARAGRAPH 4.2.2 LABELLED ARCHITECTURE
11 AND MEMORY BLOCKS COMES FROM NSE 5512 GLC DATA
12 SHEET, PAGE NUMBER 12.

13 Q OKAY.

14 A AND BELOW THAT IS TABLE 3, WHICH COMES FROM
15 NSE 5512 GLC DATA SHEET, PAGE NUMBER 13.

16 AND BELOW THAT IS 4.2.3 BLOCK
17 ARCHITECTURE, THAT TEXT COMES FROM NSE 5512 GLC
18 DATA SHEET, PAGE NUMBER 13.

19 AND BELOW THAT IS A DIAGRAM CALLED
20 PICTURE 4, WHICH IS HOW IT'S LABELLED IN GLC, BUT
21 THIS IS IN PICTURE 3 COMES FROM NSE 5512 GLC DATA
22 SHEET, PAGE NUMBER 14.

23 MOVING ON TO 000489, THE PARAGRAPH 4.2.4,
24 DYNAMIC BLOCK MASK, COMES FROM NSE 5512 GLC DATA
25 SHEET, PAGE 14.

1 THE ONE BELOW 4.2.5, STATIC BLOCK MASK,
2 THE LAST TWO LINES COMES FROM THE -- THE
3 DESCRIPTION COMES FROM THE NSE 5512 GLC DATA SHEET
4 PAGE NUMBER 15.

5 THE PARAGRAPH BELOW 4.3, DESCRIPTION AT
6 BLOCK LEVEL.

7 THE ENTIRE PARAGRAPH WHICH APPEARS AS
8 THREE PARAGRAPHS IN NSE 5512 DATA SHEET COMES FROM
9 THE DATA SHEET, PAGE NUMBER 19.

10 SKIPPING THE PARAGRAPH WHICH CONSISTS OF
11 TWO LINES AND STARTING WITH THE PARAGRAPH IT SAYS
12 "THE DEVICE SUPPORTS," THAT PARAGRAPHS COMES FROM
13 THE NSE 5512 GLC DATA SHEET, PAGE 19.

14 AND MOVING ON TO 000490, 4.3.2, THAT
15 PARAGRAPH COMES FROM THE NSE 5512 GLC DATA SHEET,
16 PAGE NUMBER 22.

17 THE TABLE BELOW, DATA WORD ADDRESS
18 FORMAT, COMES FROM THE NSE 5512 DATA SHEET, PAGE
19 NUMBER 22.

20 Q NOW, THE ITEMS THAT YOU JUST TESTIFIED TO,
21 AGAIN, WERE THEY CONFIDENTIAL TO NETLOGIC
22 MICROSYSTEMS?

23 A THEY ARE.

24 Q AND DID THE COMPANY DERIVE VALUE FROM THE FACT
25 THAT THEY WERE CONFIDENTIAL?

1 A IT DID.

2 Q AND WERE REASONABLE STEPS TAKEN TO KEEP THOSE
3 ITEMS CONFIDENTIAL?

4 A YES.

5 Q SO IN YOUR ESTIMATION WAS THE ITEMS AND THEIR
6 PLACEMENT WITHIN THIS DOCUMENT, OR WITHIN THE DATA
7 SHEET, A TRADE SECRET?

8 A YES, IT IS.

9 Q SO I'D LIKE YOU TO TAKE FROM 491 THROUGH TO
10 497 WHERE WE WILL CONCLUDE.

11 TAKE A LOOK AT THAT AND TELL US IF YOU
12 WERE ABLE TO DETERMINE WHERE THESE ITEMS CAME FROM,
13 OR SOME OF THESE ITEMS?

14 A YES, I WAS.

15 Q AND JUST TAKE 491. WERE YOU ABLE TO DETERMINE
16 THE SOURCE FOR THESE?

17 A YES. THE SECTION STARTING AT THE TOP
18 5.REGISTER, THE FIRST PARAGRAPH 5.1, DEVICE ID
19 REGISTER. THAT COMES FROM NSE 5512 DATA SHEET,
20 PAGE NUMBER 36.

21 PARAGRAPH 5.2, LOGICAL TABLE REGISTER,
22 THAT COMES FROM NSE 5512 DATA SHEET, PAGE NUMBER
23 36.

24 Q WHAT IS A LOGICAL TABLE REGISTER IN BROAD
25 TERMS?

1 A WHAT WE ENABLE THE CUSTOMER TO DO IS TO --
2 RATHER THAN OPERATE THE DEVICE AS ONE UNIT, BE ABLE
3 TO DIVIDE THE CENTRAL PORTION OF IT WHICH STORES
4 THE ADDRESSES INTO SEVERAL SEGMENTS SO THAT THEY
5 CAN USE IT AS MULTIPLE DEVICE, EVEN THOUGH
6 EVERYTHING RESIDES ON THE SAME CHIP.

7 IT ALLOWS THE USER, THE CUSTOMER, TO USE
8 THIS DEVICE TO STORE DIFFERENT TYPES OF DATA.

9 RATHER THAN TO JUST STORE ONE TYPE OF
10 DATA AS THE ADDRESS, THEY CAN STORE VERY SOLID
11 TYPES OF DATA SUCH AS A CONTROL LIST AND SO ON.

12 Q AND IS THAT AN IMPORTANT FEATURE IN THE
13 PRODUCT?

14 A YES, IT'S ONE OF THE KEY FEATURES IN THE
15 PRODUCT.

16 Q SO THE TABLE UNDERNEATH THAT, AND I CALL IT A
17 TABLE WHICH STARTS IN THE UPPER LEFT WITH BIT
18 LOCATION, WHAT IS THAT?

19 A OKAY. SO THIS GIVES YOU IN ABSOLUTE DETAIL
20 THE INFORMATION THAT THE CUSTOMER NEEDS TO OPERATE
21 THIS IN THIS WHAT IS CALLED THE LOGICAL TABLE
22 REGISTER MODE. ARE.

23 WHEN YOU SEE BIT LOCATION, YOU HAVE A 72
24 BIT STORAGE, AND IT SAYS YOU NEED TO STORE IT IN
25 THIS FASHION AND IT MERGES INTO DIFFERENT BLOCKS SO

1 YOU CAN PUT VARIOUS TYPES OF DATA.

2 Q SO DID YOU LOCATE THE SOURCE OF THIS
3 PARTICULAR DATA?

4 A THIS TABLE COMES FROM NSE 5512 DATA SHEET,
5 PAGE NUMBER 36.

6 Q AND GOING ALL OF THE WAY THROUGH TO PAGE 493,
7 IS EVERYTHING COMING FROM THE NSE 5512 DATA SHEET?

8 A YES, THEY ARE.

9 Q AND THE ITEMS THAT YOU JUST TESTIFIED TO IN
10 THIS SECTION, ARE THOSE CONFIDENTIAL TO NETLOGIC
11 MICROSYSTEMS?

12 A THEY ARE.

13 Q DID THE COMPANY DERIVE VALUE FROM THE FACT
14 THAT THEY WERE KEPT SECRET?

15 A IT DID.

16 Q IN YOUR OPINION, WERE REASONABLE STEPS TAKEN
17 TO MAINTAIN THE SECRECY?

18 A YES.

19 Q AND SO AS C.T.O., DID YOU CONSIDER THEM TRADE
20 SECRETS?

21 A YES, I DID.

22 Q WITHIN THE DATA SHEET I SHOULD SAY.

23 LET ME DIRECT YOUR ATTENTION NOW FINALLY
24 TO PAGES 494 THROUGH 497.

25 A YES.

1 Q CAN YOU TELL US IN THESE PAGES, DID YOU REVIEW
2 THEM?

3 A YES, I DID.

4 Q AND DID YOU DETERMINE THE SOURCE OF ANY OF
5 THESE ITEMS IN THIS PAGES?

6 A I COULD RECOMMEND THE SOURCE OF SOME OF THE
7 ITEMS ON THESE PAGES.

8 Q OKAY. AND HOW ABOUT ON PAGE 494?

9 A ON PAGE 494 WE HAVE A TABLE, THE TABLE ON TOP,
10 WHICH STARTS WITH THE THIRD LINE FROM THE TOP 0045,
11 FOLLOWED BY EIGHT 0'S, AND IT SAYS SPECIAL AND IT
12 SAYS MOP INSTRUCTION.

13 THAT LINE AND THE TWO LINES BELOW, THEY
14 COME FROM NSE 5512 DATA SHEET, PAGE NUMBER 48,
15 WHERE IT APPEARS IN THE SAME ORDER WITH THE SAME
16 DESCRIPTION.

17 Q AND WHAT DOES THAT REFER TO, IN FACT?

18 A OKAY. THESE ARE WHAT WE CALL OPERATIONAL
19 CODE. IT TELLS THE CUSTOMER HOW TO INSTRUCT THIS
20 DEVICE TO DO VARIOUS FUNCTIONS.

21 Q OKAY. AND IS THAT IMPORTANT TO THE DEVICE?

22 A IT'S CRITICAL. WITHOUT THESE THE USER WOULD
23 NOT BE ALLOWED TO USE IT.

24 Q SO LET'S MOVE ON. NEXT PAGE.

25 A ON PAGE NUMBER 495, I COULDN'T RECOMMEND THE

1 SOURCE FOR THIS, ANYTHING ON THIS PAGE.

2 Q 496?

3 A I COULDN'T RECOMMEND THE SOURCE FOR ANY OF THE
4 STUFF ON THIS PAGE.

5 Q 497?

6 A 497, THE PARAGRAPH 7.1, BUFFER DESCRIPTION,
7 THE PARAGRAPH AND THE TABLE BELOW, THEY ALL COME
8 FROM THE NSE 5512 DATA SHEET, PAGE NUMBER 57.

9 AND GOING BELOW, PARAGRAPH 7.2, BUFFER
10 ELECTRIC CHARACTERISTICS, THAT COMES FROM THE
11 NSE 5512 DATA SHEET, PAGE NUMBER 58.

12 Q NOW, LET ME DIRECT YOUR ATTENTION TO THE CHART
13 ON PAGE 497. ARE THE VALUES CONTAINED WITHIN THAT
14 CHART THE SAME AS THE VALUES CONTAINED WITHIN THE
15 CHART ON THE NSE 5512 DATA SHEET, PAGE 57?

16 A THE TYPICAL VALUES ARE THE SAME.

17 AND THE CODE THAT IS USED, WHICH IS THE
18 FIRST TWO COLUMNS AFTER THE DESCRIPTION, THEY ARE
19 THE SAME.

20 WHAT IS DIFFERENT IS THE COLUMN BELOW
21 MAIN AND MAX. THE DIFFERENCE IS NOT SIGNIFICANT.
22 I WOULD CONSIDER THOSE TO BE THE SAME.

23 Q AND SO THE FIRST TWO COLUMNS STARTING ON THE
24 LEFT SIDE, IS THAT WHAT --

25 A THE FIRST TWO COLUMNS STARTING ON THE LEFT

1 SIDE WHERE IT SAYS 11011011, THEY ARE EXACTLY THE
2 SAME.

3 THE DESCRIPTION HERE IN THE DATA SHEETS,
4 IT SAYS HIGH HIGH. PEOPLE OF SKILL IN THE ART,
5 HIGH IS KNOWN AS 1 AND LOW IS KNOWN AS 0.

6 Q AND WHY IS THAT IMPORTANT TO THE OPERATION OF
7 THE DEVICE?

8 A IT IS WITH THESE PARAMETERS THAT THE USER IS
9 ABLE TO RECOMMEND WHAT WE CALL THE SIGNAL STRENGTH
10 THAT IS COMING OUT OF THE DEVICE.

11 THIS IS AN INDICATION OF HOW STRONG THE
12 SIGNAL COMING OUT OF THE DEVICE IS.

13 Q AND WHY IS THAT IMPORTANT?

14 A THAT'S IMPORTANT BECAUSE THAT'S WHAT ENABLES
15 THE BOARD DESIGNER TO DO THE BOARD DESIGN
16 APPROPRIATELY.

17 Q SO LET'S STOP THERE AND YOU CAN SET THAT
18 EXHIBIT ASIDE.

19 BY THE WAY, THE LAST FEW PAGES THAT YOU
20 JUST TESTIFIED TO, WERE THOSE ALL CONFIDENTIAL TO
21 NETLOGIC MICROSYSTEMS, THE PARTS THAT YOU
22 IDENTIFIED?

23 A YES, IT IS.

24 Q AND DERIVED -- DID THE COMPANY DERIVE VALUE
25 FROM THE FACT THAT IT WAS SECRET?

1 A IT DID.

2 Q AND WERE REASONABLE STEPS TAKEN TO KEEP THEM
3 SECRET?

4 A YES.

5 Q AND SO IN YOUR ESTIMATION AS C.T.O., WERE
6 THOSE TRADE SECRETS?

7 A THEY ARE.

8 Q AND THE FACT THAT THEY WERE PLACED IN THE DATA
9 SHEET IS ALSO A TRADE SECRET?

10 A YES, THEY ARE.

11 Q OKAY. THANK YOU.

12 NOW, JUST A FEW GENERAL QUESTIONS.

13 CAN YOU TELL US JUST IN -- THANK YOU.

14 CAN YOU TELL US HOW AN NSE 5512 CHIP
15 OPERATES? ACTUALLY, LET ME REPHRASE THAT.

16 CAN YOU TELL US WHAT ITS FUNCTION IS IN
17 GENERAL?

18 THE COURT: WELL, WE'VE HAD THAT IN TERMS
19 OF IT IN THE SYSTEM.

20 I'M NOT CERTAIN WHAT YOU'RE ASKING.

21 BY MR. PARRELLA:

22 Q OKAY. WHAT I'M ASKING IS WE'VE HAD TESTIMONY
23 AND YOU HAVE GIVEN US SOME TESTIMONY ABOUT WHAT IT
24 ACTUALLY DOES.

25 HOW DOES IT OPERATE INSIDE TO ACHIEVE

1 THAT?

2 A INSIDE OF THE DEVICE.

3 SO THE NSE 5512 HAS VERY SIMPLE SIGNALS.
4 WE HAVE INSTRUCTIONS GIVEN TO THE DEVICE AND WE
5 HAVE THE DATA GIVEN TO THE DEVICE AND WE HAVE WHAT
6 IS CALLED CONTROL PINS GIVEN TO THE DEVICE.

7 WE ALSO HAVE POWER GIVEN TO THE DEVICE.

8 Q AND HOW ARE YOU GIVING THIS TO THE DEVICE?

9 A ALL OF THESE ARE APPLIED TO THE DEVICE THROUGH
10 THE BALLS THAT WE TALKED ABOUT IN THE PACKAGE,
11 FCBGA. THE BALLS ARE WHAT PROVIDE A CONNECTION TO
12 THE DEVICE INSIDE TO THE BALL.

13 SO THE DEVICE IS ABLE TO DECODE THE
14 INSTRUCTIONS BECAUSE IT IS SET TO DO SO, AND BASED
15 ON THE DATA IT HAS INSIDE AND THE KEY IT RECEIVES,
16 IT'S ABLE TO DO ITS FUNCTION.

17 ITS FUNCTION IS BASICALLY TO DO A SEARCH
18 OF THE DATA SHEET TO FIND THE KEY THAT IT HAS BEEN
19 GIVEN, AND THEN OUTPUT THE DATA AND SAY, YES, I
20 FOUND THE KEY. IT'S PRESENT HERE. AND NO, I DID
21 NOT FIND THE KEY.

22 THAT'S ITS BASIC FUNCTION.

23 Q SO WHAT IS THE DATA SHEET THAT IT IS LOOKING
24 IN?

25 A THE DATA SHEET THAT IT IS LOOKING IN CONSISTS

1 OF WHAT WE CALL THE INTERNET PROTOCOL ADDRESS.

2 Q OKAY. AND WHERE IS THAT LOCATED?

3 A THAT'S LOCATED IN THE CENTRAL PART OF THE CHIP
4 WHICH WE CALL THE CORE, C-O-R-E, CORE.

5 Q OKAY. AND HOW DOES THE CHIP UTILIZE THAT
6 CORE?

7 A THE USER, WHEN HE DESIGNS THIS INTO THE SYSTEM
8 AS A PART OF INITIALIZATION, HE PUTS IN ALL OF THE
9 ADDRESSES THAT ARE RELEVANT TO THE SYSTEM.

10 Q SO HOW MANY WOULD THAT BE?

11 A TYPICALLY IT WILL HAVE ABOUT A QUARTER MILLION
12 ADDRESSES ASSIGNED TO THE DEVICE.

13 Q AND WHAT TYPE OF ADDRESSES ARE THESE?

14 A THOSE ARE INTERNET PROTOCOL ADDRESSES.

15 Q SO THAT'S FAIR TO SAY A LOCATION ON THE
16 INTERNET THAT A -- SOME DATA MIGHT BE GOING TO?

17 A THAT IS CORRECT. THE SYSTEM AS WELL AS SOME
18 LOCATIONS AND ALL OF THAT ARE ASSIGNED BY SOME
19 CONSORTIUM, BUT I.P. ADDRESSES IN SHORT -- THE I.P.
20 REFERENCES TO THE INTERNET PROTOCOL, AND RATHER
21 THAN SAY INTERNET PROTOCOL, THEY'RE CALLED I.P.
22 ADDRESSES, AND THEY RESIDE IN THE CORE PART OF THE
23 DEVICE.

24 AND WHEN IT RECEIVES THE ADDRESS, IT'S
25 ABLE TO LOOK THROUGH THE QUARTER MILLION ADDRESSES

1 IT HAS RESIDING INSIDE, AND IN A VERY SHORT TIME,
2 I'M TALKING ABOUT A SHORT TIME, 3 BILLIONTHS OF A
3 SECOND, IT'S SAYING YES, IT IS PRESENT, AND IT ALSO
4 IS ABLE TO PROVIDE THAT, WHICH MEANS A LOCATION
5 WHERE IT FOUND IT.

6 Q OKAY. AND WHAT IF IT IS NOT PRESENT, WHAT
7 DOES THE CHIP DO?

8 A THE CHIP SAYS I COULD NOT FIND IT AND THERE'S
9 AN ASSOCIATED PROCESSOR WITH IT.

10 THEN IT DECIDES TO TAKE IT UPON ITSELF TO
11 FIND OUT HOW TO DEAL WITH THE ADDRESS.

12 Q OKAY. ARE THESE NETWORKS CHIPS UTILIZED IN
13 COMBINATION?

14 A I'M SORRY?

15 Q IN COMBINATION? ARE THEY UTILIZED?

16 A YES.

17 Q AND HOW IS THAT USED?

18 A THIS DEVICE, NSE 5512 CHIPS, ARE USED IN
19 CONJUNCTION WITH SOME OF THE DEVICES.

20 AS WE SAW IN THE BLOCK DIAGRAM, THESE
21 THINGS RESIDE IN WHAT IS CALLED IN THE DATA PLANE,
22 WHICH MEANS THE DATA COMES IN AT A VERY HIGH SPEED
23 AND THEY --

24 Q THEY COME AT A VERY HIGH SPEED?

25 A THEY COME AT A VERY HIGH DATA RATE OR A VERY

1 HIGH SPEED, AND THESE THINGS ARE IN COMMUNICATION
2 WITH WHAT IS CALLED A CONTROL PLANE DEVICE.

3 THE CONTROL PLANE DEVICE HAS THE
4 KNOWLEDGE OF ALL OF THE NETWORK CONNECTIONS, WHICH
5 COULD BE A FIBER-OPTIC CABLE OR A WIRE AND IT ALSO
6 HAS KNOWLEDGE OF ALL OF THE DIFFERENT ROUTERS AND
7 TERMINALS, AND IT DECIDES HOW TO FILL UP A TABLE.

8 SO WHEN THE PACKET COMES IN WITH THE
9 ADDRESS, THIS NSE, WHICH IS THE SEARCH ENGINE, IS
10 ABLE TO LOOK IT UP AND DECIDE, OKAY, THIS PACKET
11 NEEDS TO GO THROUGH THAT WIRE TO THAT LOCATION.

12 Q OKAY. SO TELL US WHAT A PACKET IS JUST SO WE
13 KNOW.

14 A JUST LIKE WE HAVE A MAIL WHICH IS NICELY
15 WRAPPED IN AN ENVELOPE, A PACKET I'M REFERRING TO
16 AS AN ELECTRONIC PACKET.

17 WHEN WE SEND ANY ELECTRONIC MESSAGE, LIKE
18 AN E-MAIL OR ATTACHMENT, IT'S BROKEN UP INTO SMALL
19 CHUNKS AND IT HAS ATTACHED TO IT THE ADDRESS, LIKE
20 THE FROM ADDRESS AND THE TO ADDRESS, AND WHICH IS
21 TWO ADDRESSES, AND WITH THIS INFORMATION IT'S ABLE
22 TO SEND THIS PACKET ON ITS WAY.

23 Q OKAY. SO THE DATA IS BROKEN UP INTO PACKETS?

24 A YES.

25 Q AND HOW DOES IT BECOME REASSEMBLED?

1 A THE BITS AND PIECES OF DATA THAT IS SENT ALL
2 OF THE WAY REACHES A DESTINATION AND THERE IS A
3 ROUTER AT THE DESTINATION WHICH KNOWS THAT, OKAY,
4 THIS PACKET, THESE PACKETS HAVE REACHED THEIR
5 DESTINATION AND THERE IS A DIFFERENT DEVICE,
6 SILICON CHIP, WHICH REASSEMBLES ALL OF THE PACKAGE
7 AND SENDS IT ON TO THE DESTINATION AS A WHOLE PIECE
8 OF INFORMATION.

9 Q SO YOU SAID THAT THE DEVICE, THE NSE 5512
10 DECIDES WHAT ROUTE?

11 A YES.

12 Q A PACKET WILL TAKE FROM ITS SOURCE TO ITS
13 DESTINATION; CORRECT?

14 A YES.

15 Q AND CAN YOU DESCRIBE THAT PROCESS OF SOMETHING
16 TRAVELLING OVER THAT ROUTE?

17 A YES.

18 Q OR A PACKET TRAVELLING OVER THAT ROUTE I
19 SHOULD SAY?

20 A I'M GOING TO USE THE ANALOGY OF U.S. MAIL
21 AGAIN.

22 WHEN I SEND A LETTER FROM HERE TO, SAY,
23 SOMEBODY IN BROOKLYN, IT DOESN'T -- THE TRUCK
24 DOESN'T GO FROM THE POST OFFICE HERE ALL OF THE WAY
25 TO BROOKLYN. IT GOES THROUGH WHAT WE CALL IN THE

1 NETWORK INDUSTRY HOPS.

2 Q HOPS?

3 A H-O-P-S, HOPS, OR JUMPS.

4 AND SO THE MAIL THAT IS DROPPED IN THE
5 MAILBOX HERE GOES THROUGH SEVERAL POST OFFICES
6 BEFORE IT REACHES THE DESTINATION.

7 THE ELECTRONIC PACKETS DO SOMETHING VERY
8 SIMILAR. YOU SEND AN E-MAIL FROM HERE WITH AN
9 ATTACHMENT TO SOMEBODY, SAY, IN BOSTON, IT WON'T
10 DIRECTLY GO FROM HERE TO BOSTON BECAUSE THERE IS NO
11 WIRE CONNECTING FROM HERE TO BOSTON.

12 THE ROUTER, WHAT I CALL THE CONTROL
13 PLANE, THAT DECIDES THAT ANY MAIL THAT IS GOING TO
14 BOSTON IS GOING TO BE ROUTED TO, SAY, MEMPHIS
15 FIRST.

16 AND THE ROUTER IN MEMPHIS WILL SAY IT
17 WILL NEED TO GO TO NEW YORK AND FROM THERE IT WILL
18 GO TO BOSTON.

19 SO THESE ARE CALLED HOPS, BUT THESE
20 THINGS HAPPEN IN A FAST REALTIME, MEANING
21 MILLISECONDS.

22 A TYPICAL PACKET FROM SOURCE TO
23 DESTINATION WILL GO FROM MAYBE FIVE TO TEN HOPS
24 BEFORE IT REACHES THE DESTINATION.

25 Q OKAY. AND ARE ALL OF THE PACKETS FROM, SAY, A

1 ONE PARTICULAR E-MAIL AND IF THAT'S BROKEN INTO
2 MANY PACKETS, WILL ALL OF THOSE PACKETS GO THROUGH
3 THE SAME HOPS?

4 A IF THERE IS NO CHANGE IN THE NETWORK, THAT
5 MEANS NO LINE WENT DOWN, THEY WILL ALL GO THROUGH
6 THE SAME HOPS.

7 THIS IS NOT STATIC IN THE SENSE WE HAVE
8 LINES GOING DOWN, THE ROUTERS GOING DOWN.

9 SO THE CONTROL PLANE, WHICH IS THE BRAIN
10 OF THE WHOLE THING, DECIDES, OKAY, IF THIS WENT
11 DOWN, WE NEED TO GET THE PACKET JUST THROUGH A
12 DIFFERENT WAY.

13 SO THIS DYNAMIC SYSTEM RESPONDS TO ANY
14 CHANGE IN THE NETWORK THROUGH A CONNECTION, LIKE IF
15 A FIBER-OPTIC CONNECTION WENT DOWN OR A ROUTER WENT
16 DOWN AT A SPECIFIC PLACE AND WE ARE JUST THE TABLE
17 INSIDE OF THE SEARCH ENGINE, SO THE SEARCH ENGINE
18 SAYS, OKAY, THIS LOCATION, WHICH WAS, SAY, X, RIGHT
19 NOW IT'S GOING TO BE Y.

20 SO FROM NOW ON ANY DESTINATION WITH THIS
21 ADDRESS IS GOING TO BE ROUTED TO THIS NEW
22 DESTINATION.

23 Q HOW DOES THE NSE 5512, HOW IS IT AWARE OF
24 THESE PROBLEMS IN THE INTERNET THAT MAY CAUSE IT TO
25 NEED TO REROUTE PACKETS?

1 A THE CIRCUIT ITSELF IS NOT AWARE. IT DOESN'T
2 HAVE THE KNOWLEDGE AND THE AWARENESS OF THE
3 CONDITIONS OF THE NETWORK.

4 THAT IS -- THAT AWARENESS IS PRESENT, THE
5 KNOWLEDGE IS PRESENT IN WHAT WE CALL THE CONTROL
6 PLANE DEVICES.

7 SO THEY KEEP IN TOUCH WITH ALL OF THE
8 ROUTERS. THIS IS LIKE A HANDSHAKE. THEY ARE AWARE
9 OF ALL OF THE CONNECTIONS THAT ARE PRESENT,
10 CONNECTIONS THAT ARE FAULTY.

11 THEY'RE ALSO AWARE OF CONGESTION SO THEY
12 DECIDE HOW TO MONITOR THE TABLE OR KEEP THE TABLE
13 THE SAME OR MAYBE REARRANGE THE TABLE.

14 AND THE SEARCH ENGINE SIMPLY TAKES THE
15 ORDERS FROM THE CONTROL PLANE AND FILLS THE TABLE
16 AND MAKES THE DECISION AT A HIGH RATE.

17 Q SO DID NETLOGIC BUILD THE -- IN THE NSE 5512
18 OR THE GLC, DOES THAT CONTAIN A CONTROL PLANE
19 WITHIN IT?

20 A IT DOES NOT. THE CONTROL PLANE IS OUTSIDE OF
21 THE NSE.

22 Q SO WHO, WHO IN AN NSE 5512 CHIP INSTALLATION
23 OR, OR DEVICE, WHO WOULD TYPICALLY BUILD THAT?

24 A TAKING, FOR INSTANCE, THE NSE 5512 GLC, ONCE
25 THEY GIVE ALL OF THE SPECIFICATIONS FOR THE SEARCH

1 ENGINE THAT THEY'RE BUILDING FOR CISCO SYSTEMS,
2 THEY ARE GOING TO BUILD A CONTROL PLANE BOARD TO
3 WORK WITH THE NSE 5512 SEARCH ENGINE.

4 SO TOGETHER THEY WORK TOGETHER IN ROUTING
5 THE PACKETS.

6 Q AND HOW DOES THE DATA SHEET FOR 5512 AND THE
7 5512 GLC PLAY INTO THAT BUILD OUT, SAY, BY CISCO?

8 A THE PHYSICAL DEVICE BY ITSELF HAS NO
9 DESCRIPTION OF WHAT IT IS AND HOW TO USE IT.

10 ALL THE DESCRIPTION, PHYSICAL AS WELL AS
11 ELECTRICAL, FUNCTIONAL, EVERYTHING IS CONTAINED IN
12 THIS DOCUMENT WHAT WE CALL DATA SHEET.

13 WE PROVIDE THE CUSTOMER WITH THE DATA
14 SHEET AND WITH ALL OF THE INFORMATION CONTAINED IN
15 IT THEY ARE ABLE TO BUILD A SYSTEM.

16 Q OKAY. NOW, IS THERE A SOFTWARE COMPONENT FOR
17 THIS AS WELL?

18 A YES, THERE IS.

19 Q AND CAN YOU TELL US WHAT THAT IS?

20 A THE SOFTWARE COMPONENT IS THE ONE THAT IS ABLE
21 TO TAKE INSTRUCTIONS, TAKE THE INSTRUCTIONS FROM
22 THE CONTROL PLANE AND MODIFY -- AND CONVERT THAT
23 INTO ELECTRICAL SIGNALS AND PROVIDE THAT TO THE
24 NSE 5512.

25 Q OKAY. AND HOW IS THAT ACCOMPLISHED?

1 A WE PROVIDE ALL OF THE DETAILS OF HOW THE 5512
2 GLC WORKS AND WE PROVIDE THEM WITH THE NECESSARY
3 INSTRUCTIONS TO THE CUSTOMER, IN THE CASE OF GLC
4 IT'S CISCO SYSTEMS, AND WE PROVIDE THEM WITH THE
5 SOFTWARE THAT GOES WITH THAT SO THAT THEY'RE ABLE
6 TO PUT THIS DEVICE IN AND THEY'RE ABLE TO PUT THE
7 SOFTWARE INTO THE SYSTEM AND MAKE THE WHOLE THING
8 WORK.

9 Q ALL RIGHT. SO DOES THE SOFTWARE -- IS THE
10 SOFTWARE INFORMATION THAT YOU JUST DESCRIBED, IS
11 THAT CONTAINED IN THE DATA SHEET AS WELL?

12 A THE SOFTWARE INFORMATION IS NOT CONTAINED
13 INSIDE OF THE DATA SHEET.

14 Q OKAY. WHAT INFORMATION ABOUT SOFTWARE IS IN
15 THE DATA SHEET, IF ANY?

16 A I WOULD CONSIDER ALL OF THE INSTRUCTIONS AND
17 WHAT WE CALL OP CODES, OR OPERATIONS CODES, THOSE
18 ARE PART OF SOFTWARE.

19 Q AND WHY WOULD YOU CONSIDER OPERATION CODES
20 PART OF THE SOFTWARE?

21 A IT'S BASICALLY THOSE PINS OR THOSE
22 INSTRUCTIONS BECAUSE THEY CONTROL THE DEVICE.

23 IT'S THROUGH THE OP CODES OR THE
24 OPERATIONAL CODES THAT THE CONTROL SYSTEM IS ABLE
25 TO OPERATE THE DEVICE TO SAY, YES, I NEED TO WRITE

1 IN THE LOCATION, I NEED TO DELETE THIS INFORMATION
2 INTO THE LOCATION, I NEED TO TAKE THIS KEY AND MAKE
3 A SEARCH.

4 SO ALL OF THE CONTROLS WILL BE PROVIDED
5 TO THE CHIP. THE CHIP BASICALLY FUNCTIONS AS
6 WHATEVER IT IS ASKED TO DO. IT DOESN'T HAVE ANY
7 INTELLIGENCE, SO THE CONTROLLING INSTRUCTIONS ARE
8 CONSIDERED PART OF THE SOFTWARE AND THEY'RE COMING
9 FROM THE CONTROL PLANE.

10 Q AND CAN YOU TELL US -- AND HAVE YOU HEARD THE
11 TERM, I'M SURE YOU HAVE, CAM?

12 A YES, I HAVE.

13 Q AND WHAT DOES THAT STAND FOR?

14 A CAM STANDS FOR CONTENT ADDRESSABLE MEMORY.

15 Q AND CAN YOU BRIEFLY EXPLAIN THAT IN CONTEXT?

16 A YES, I HAVE BEEN ASKED TO DO THAT AND I ALWAYS
17 USE AN EXAMPLE, IN THE CASE OF A MEMORY --

18 THE COURT: CAN YOU DO CAM IN TWO
19 MINUTES?

20 THE WITNESS: YES. YES, YOUR HONOR.

21 THE COURT: I WAS THINKING YOU WOULD SAY
22 NO. JOE MONTANA USED TO DO MARVELS IN TWO MINUTES,
23 SO --

24 THE WITNESS: NO, YOUR HONOR. I READ
25 YOUR MIND.

1 LET'S COME BACK TO THIS. OBVIOUSLY WE'RE
2 NOT GOING TO BE DONE WITH YOUR TESTIMONY HERE IN
3 THE NEXT COUPLE OF MINUTES, SO WE'LL RECESS FOR THE
4 DAY.

5 WE'LL COME BACK TO THIS MATTER TOMORROW
6 MORNING AT 9:00 O'CLOCK. REMEMBER MY ADMONITIONS.

7 (WHEREUPON, THE PROCEEDINGS IN THIS
8 MATTER WERE HELD OUT OF THE PRESENCE OF THE JURY:)

9 THE COURT: WE'RE MEETING OUT OF THE
10 PRESENCE OF THE JURY.

11 I JUST WANTED TO RAISE A TIMING QUESTION
12 AND JUST KIND OF MAKE SURE THAT WE WERE ON SCHEDULE
13 BECAUSE I -- THE CROSS-EXAMINATION IN SOME
14 INSTANCES HAVE EXCEEDED THE DIRECT, BUT I PRESUME
15 THAT THE TWO SIDES HAVE TALKED TO EACH OTHER, AND
16 IF YOU AREN'T, THAT'S WHY I'M MAKING THESE
17 COMMENTS.

18 I WANT YOU TO CONTINUE TO COMMUNICATE
19 WITH EACH OTHER WITH RESPECT TO THE TIMING. WE
20 HAVE NOW TWO MORE SESSIONS THIS WEEK, AND WE WON'T
21 BE IN SESSION ON WEDNESDAY MORNING OF NEXT WEEK.

22 I ACTUALLY SHOULD BE LOOKING AT THE
23 ACTUAL TRIAL SCHEDULE. I DON'T RECALL WHETHER I
24 WROTE DOWN THE GOVERNMENT'S ESTIMATE AS TO WHEN IT
25 WOULD REST ITS CASE, AND WHEN I SPOKE TO YOU I WAS

1 EXPECTING THAT THE GOVERNMENT'S CASE WOULD INVOLVE
2 MULTIPLE EXPERTS BECAUSE I HAD THAT IN MY MIND.

3 WHEN DO YOU EXPECT THAT YOU WILL CLOSE
4 THE GOVERNMENT'S CASE?

5 MR. PARRELLA: WE THINK TUESDAY, YOUR
6 HONOR.

7 THE COURT: AND THAT'S PRESUMING
8 REASONABLE CROSS-EXAMINATION FOR THIS WITNESS?

9 MR. PARRELLA: ACTUALLY IT'S PRESUMING
10 THE SAME TYPE OF CROSS-EXAMINATION THAT HAS BEEN
11 GOING ON. SO IT'S KIND OF LENGTHY.

12 MR. NOLAN: I THINK THAT'S CONSISTENT
13 WITH WHAT THEY SAID EARLIER, YOUR HONOR.

14 THE COURT: VERY WELL. SO WHEN YOU SAY
15 TUESDAY, YOU MEAN AT THE END OF THE DAY ON TUESDAY,
16 OR ARE YOU EXPECTING AT SOME POINT DURING THE DAY
17 ON TUESDAY?

18 MR. PARRELLA: I THINK IT WOULD BE
19 REASONABLE TO SAY SOMEWHERE IN THE MIDPOINT OF
20 TUESDAY.

21 I CAN TELL YOU THAT I DON'T BELIEVE ANY
22 OF OUR WITNESSES, CERTAINLY ON DIRECT, WILL BE AS
23 LENGTHY AS MR. SRINIVASAN THAT WE HAVE LEFT.

24 THE COURT: I SEE. VERY WELL.

25 ANYTHING FURTHER OUT OF THE PRESENCE OF

1 THE JURY?

2 MR. SWANSON: TWO THINGS, YOUR HONOR.

3 THIS WITNESS SEEMED TO BE TESTIFYING FROM
4 SOME REPORT THAT HE PREPARED IN CONNECTION WITH HIS
5 ANALYSIS. WE HAVE NEVER RECEIVED THAT REPORT AND
6 WE WOULD LIKE A COPY OF IT.

7 THE COURT: ANY OBJECTION?

8 MR. PARRELLA: I DON'T HAVE ANY
9 OBJECTION, BUT I ALSO -- I DON'T KNOW THAT THERE IS
10 ONE. I THINK HE SAID HE HAD A COPY OF IT AND HE
11 HAD SOME NOTES ON IT, BUT I CAN --

12 THE COURT: TAKE THAT UP WITH THE COMPANY
13 LAWYERS.

14 IT DOES SEEM TO ME THAT IT WOULD EXPEDITE
15 US GREATLY. IT'S ACTUALLY THAT KIND OF THING THAT
16 I WAS HOPING WOULD SERVE AS A SUMMARY, THAT IS, ON
17 THE DOCUMENT ITSELF OR SOMEPLACE TO MAKE
18 CROSS-REFERENCES SO THAT THERE COULD BE A
19 MEANINGFUL CROSS-EXAMINATION BECAUSE IF HE'S MADE A
20 MISTAKE OR SOMETHING DOESN'T TIE, TO GO BACK TO THE
21 TRANSCRIPT AND FIND ALL OF THAT WOULD BE VERY
22 DIFFICULT AND TIME-CONSUMING.

23 AND IF HE HAS SOME KIND OF A CHART OR
24 DIAGRAM OR SOME REFERENCES ON THE DOCUMENT THAT HIS
25 COUNSEL WOULD PERMIT HIM TO, TO SHOW OR, OR WHICH

1 HAS BEEN RENDERED AS A REPORT, LET THE DEFENSE KNOW
2 IF THERE'S ANY OBJECTION TO THEIR HAVING AN
3 OPPORTUNITY TO SEE IT OR USE IT AND MAYBE EVEN
4 INTRODUCE IT BECAUSE IT COULD HAVE EVIDENTIARY
5 VALUE INDEPENDENT OF HIS TESTIMONY.

6 MR. SWANSON: WELL, AND, YOUR HONOR,
7 PERHAPS WE COULD DEAL WITH THAT NOW BECAUSE I THINK
8 THAT THERE ARE THREE ATTORNEYS ON BEHALF OF THE
9 COMPANY PRESENT IN THE COURTROOM. SO --

10 THE COURT: I WANT YOU TO DEAL WITH IT
11 AND LET ME KNOW IF I NEED TO DEAL WITH IT.

12 MR. SWANSON: GOT IT.

13 ONE OTHER THING. THERE'S THE ISSUE OF
14 THE NEWLY DISCLOSED EVIDENCE.

15 WE'LL FIND OUT, I ASSUME TONIGHT, WHAT IT
16 IS. WE STILL DON'T KNOW WHAT IT IS.

17 THE COURT: OH, YES, THANK YOU FOR
18 BRINGING THAT TO MY MIND.

19 I -- AT THE SIDE-BAR I WAS ALERTED THAT
20 THE CURRENT WITNESS, WHEN LOOKING AT A DOCUMENT,
21 SAID THAT HE RECOGNIZED SOME PORTION OF THE
22 DOCUMENT AS CONTAINING WHAT THE COMPANY WOULD
23 REGARD AS TRADE SECRET WHICH HAD NOT BEEN
24 PREVIOUSLY IDENTIFIED, AND THAT IT ALSO IS NOT PART
25 OF WHAT THE GOVERNMENT IS USING AS A BASIS FOR THE

1 CLAIMS IN THE CASE.

2 HOWEVER, THE GOVERNMENT INDICATED THAT IT
3 WOULD STILL WISH TO ASK THE WITNESS ABOUT THAT
4 INFORMATION BECAUSE IF INDEED IT IS WHAT THE
5 COMPANY REGARDS AS TRADE SECRET OR CONFIDENTIAL
6 INFORMATION, IT COULD BE CIRCUMSTANTIAL EVIDENCE
7 THAT WOULD SUPPORT THE GOVERNMENT'S CLAIM WITH
8 RESPECT TO OTHER PARTS THAT ARE AT ISSUE.

9 THE DEFENSE EXPRESSED SOME SURPRISE THAT
10 THEY HAD NOT HAD THE BENEFIT OF THIS DISCLOSURE
11 PREVIOUSLY AND THAT, AS I UNDERSTOOD IT FROM WHAT
12 WAS BEING TOLD TO ME AT THE SIDE-BAR, NEITHER HAD
13 THE GOVERNMENT.

14 AND SO AS I UNDERSTOOD THE DEFENSE
15 MOTION, IT WAS TO PRECLUDE THE WITNESS FROM
16 TESTIFYING ABOUT THAT.

17 MR. SWANSON: THAT'S CORRECT, YOUR HONOR.

18 THE COURT: THIS HAD TO DO WITH THE
19 PEGASUS PROJECT?

20 MR. PARRELLA: THAT'S CORRECT.

21 THE COURT: AND SO WHAT IS THE
22 GOVERNMENT'S PROFFER AS TO WHAT THE WITNESS WOULD
23 BE ASKED AND WHAT HE WOULD ANSWER WITH RESPECT TO
24 THIS?

25 MR. PARRELLA: WELL, WHAT WE BELIEVE

1 WOULD BE THAT THE WITNESS WOULD SAY I LOOKED AT
2 THIS CIRCUIT DIAGRAM WHICH WAS CONTAINED WITHIN
3 EXHIBIT 18, I'M SORRY, EXHIBIT 15 AND ULTIMATELY
4 COMPARED IT OR RECOGNIZED IT AS A CIRCUIT DIAGRAM
5 FROM THE PEGASUS PROJECT.

6 THE COURT: WHY IS THIS ANY DIFFERENT
7 THAN WHAT WE HAVE HAD UP UNTIL NOW?

8 MR. SWANSON: WELL, IN TWO WAYS.

9 FIRST, HE HAS NEVER SAID THAT ANY CIRCUIT
10 DIAGRAM THAT IS CONTAINED IN THE PROJECT PROPOSAL
11 FROM SICO WAS IDENTICAL TO ANYTHING THAT NETLOGIC
12 HAD.

13 IN FACT, THEY HAD REPRESENTED TO US IN
14 SOME HANDWRITTEN NOTES THAT HAD BEEN TURNED OVER
15 THAT, IN FACT, THAT WASN'T THE CASE.

16 AND, SECOND, THIS CASE HAS NEVER INVOLVED
17 PEGASUS IN TERMS OF ITS DOCUMENTS AT ALL. WE HAVE
18 NEVER SEEN THE PEGASUS DOCUMENTS.

19 I HAVE NO IDEA WHAT IS IN THEM. I HAVE
20 NO WAY OF LOOKING AT THIS SAYING IS THIS THE SAME
21 AND HAVING MY EXPERT LOOK AT THIS AND SAY IS THIS
22 THE SAME OR DIFFERENT?

23 WE HAVE NO WAY TO PREPARE FOR THIS AT
24 THIS POINT.

25 THE COURT: SO IS THIS INFORMATION

1 DIFFERENT IN THE SENSE THAT, ONE, IS IT A CIRCUIT
2 DRAWING?

3 MR. SWANSON: CORRECT.

4 THE COURT: AND UP UNTIL NOW YOU HAVE NOT
5 BEEN ADVISED BY THE GOVERNMENT THAT IT WOULD TRY TO
6 PROVE THAT ANY CIRCUIT DRAWING AND ANY INFORMATION
7 ASSOCIATED WITH THE DEFENDANT WAS TAKEN FROM
8 NETLOGIC OR FROM THE TAIWAN COMPANY?

9 MR. SWANSON: CORRECT.

10 MR. NOLAN: AND ALSO PRODUCT, DIFFERENT
11 PRODUCT.

12 THE COURT: WELL, I'M NOT -- IT'S NOT A
13 PRODUCT. IT'S A DRAWING. THE INFORMATION IS A
14 TECHNICAL THING; RIGHT?

15 MR. SWANSON: CORRECT. BUT IT COMES FROM
16 A DOCUMENT THAT HAS NEVER BEEN ALLEGED AS A STOLEN
17 TRADE SECRET AND, THEREFORE, WE HAVE NEVER EVEN
18 SEEN IT, MUCH LESS --

19 THE COURT: THE ONLY REASON I'M CONCERNED
20 IS THAT IF IT IS IN A DOCUMENT THAT THE GOVERNMENT
21 HAS PUT IN EVIDENCE, AND THAT WAS BEING USED FOR
22 PURPOSES OF THEIR STARTING UP THE SICO PROJECT OR
23 THEIR WORK ON SICO, IT'S ALREADY IN EVIDENCE.

24 AND SO THE FACT FINDER WOULD BE DEPRIVED
25 OF KNOWING THAT THERE ARE PORTIONS OF THIS DOCUMENT

1 THAT THE COMPANY CONSIDERED SECRET BECAUSE AS I
2 UNDERSTAND IT, THE DATA SHEET ITSELF IS NOT, BUT
3 EVERYTHING IN THE DATA SHEET IS.

4 BUT THERE ARE CIRCUITS OR OTHER THINGS
5 THAT MAY BE SECRET THAT ARE NOT CONTAINED IN THE
6 DOCUMENT.

7 IF THE PROFFER THAT I'M RECEIVING IS THAT
8 THERE IS A SCHEMATIC IN THE DOCUMENT AND THAT UP
9 UNTIL NOW NEITHER THE GOVERNMENT NOR THE DEFENSE
10 HAVE RECOGNIZED WHERE THE SCHEMATIC CAME FROM, IT'S
11 ALWAYS BEEN THERE, AND THAT THE JURY SHOULD BE
12 DEPRIVED OF THE TESTIMONY OF THE WITNESS AS TO WHAT
13 THAT CIRCUIT DIAGRAM IS, I CAN'T CONCEIVE OF A
14 BASIS FOR NOT PERMITTING THE WITNESS TO, TO EXPLAIN
15 THAT THIS IS A CIRCUIT THAT IS PART OF THE
16 COMPANY'S TRADE SECRETS.

17 MR. NOLAN: HE'S RELYING UPON MATERIAL WE
18 HAVEN'T SEEN, JUDGE. WE HAVE NOT GOTTEN THE
19 DISCOVERY OF WHAT HE CLAIMS IS A TRADE SECRET. WE
20 NEED TO GET WHAT IT IS, GET IT TO OUR EXPERTS, HAVE
21 THEM LOOK AT IT AND COMPARE IT TO OUR PRODUCT
22 AND/OR OUR PROPOSAL.

23 THE COURT: AND WITH RESPECT TO THE OTHER
24 MATTERS, YOU HAD THAT?

25 MR. NOLAN: WE HAD THAT, ABSOLUTELY.

1 THE COURT: WHAT IS THE GOVERNMENT'S
2 POSITION ON THAT?

3 MR. PARRELLA: FIRST OF ALL, IT WAS THE
4 DEFENSE THAT PUT THE PEGASUS PROJECT AT ISSUE IN
5 THIS TRIAL. IT WAS NEVER MENTIONED BY THE
6 GOVERNMENT.

7 THE DEFENSE OPENED ON IT, THEY HAVE
8 CROSS-EXAMINED WITNESSES ON IT. SO THEY WERE
9 PREPARED FOR THIS PARTICULAR ISSUE, MAYBE NOT FOR
10 THIS PARTICULAR ITEM, BUT THAT WAS PART OF THEIR
11 PRESENTATION THROUGHOUT THE COURSE OF THIS TRIAL,
12 THAT NO CIRCUIT DIAGRAMS, NO SCHEMATICS WERE TAKEN.

13 THEY HAD THE OPPORTUNITY TO TAKE PEGASUS
14 DOCUMENTS AND THEY DIDN'T TAKE PEGASUS DOCUMENTS.

15 SO WHILE THIS ITEM HERE MIGHT HAVE BEEN
16 UNEXPECTED BECAUSE IT WAS IDENTIFIED JUST, YOU
17 KNOW, RECENTLY, LAST NIGHT OR WHATEVER, THE FACT
18 THAT THERE WAS PEGASUS INVOLVEMENT IN THE CASE HAS
19 BEEN FRONT AND CENTER IN THE DEFENSE CASE.

20 NOW, HAD THEY WANTED THE PEGASUS --

21 THE COURT: WELL, LET ME DO IT THIS WAY:
22 I'M OBVIOUSLY DEALING WITH TWO ISSUES. FIRST, THE
23 LACK OF DISCLOSURE.

24 I HAVE NOT BEEN ASKED, UP UNTIL NOW, TO
25 MAKE ANY RULING REQUIRING DISCLOSURE. IT'S BEEN

1 DONE AS A RESULT OF COOPERATION OF THE TWO PARTIES
2 AND THE GOVERNMENT HAS BEEN REQUIRED TO DISCLOSE
3 ANYTHING THAT IT'S RELYING UPON IN ITS
4 CASE-IN-CHIEF, AND IT SOUNDS LIKE THIS IS SOMETHING
5 THAT IS EVEN A SURPRISE TO THE GOVERNMENT.

6 SO I DON'T VISIT THAT ON THE GOVERNMENT.

7 BUT LET'S DO IT IN -- THE FIRST INSTANCE
8 IS TO REQUEST THE COURT TO HAVE THE DIAGRAM ITSELF
9 SUBJECT TO ALL PROTECTIVE ORDERS YOU'RE OPERATING
10 UNDER DISCLOSED TO YOU SO THAT YOU CAN MAKE THE
11 COMPARISON, BECAUSE IF IT'S A SIMPLE -- AS I
12 UNDERSTAND IT, THESE ARE NOT VOLUMINOUS DOCUMENTS
13 THAT WE'RE TALKING ABOUT. IT'S A SIMPLE
14 SCHEMATIC -- TO HAVE THAT DISCLOSED TO YOU BY THE
15 COMPANY BEFORE THE WITNESS IS ABLE TO TESTIFY ABOUT
16 IT.

17 AND THEN COME BACK TO ME AFTER THAT,
18 AFTER YOU HAVE SEEN THE DOCUMENT AND ADDRESS ME AS
19 TO WHETHER OR NOT THERE'S ANYTHING SIGNIFICANTLY
20 DIFFERENT ABOUT IT THAT WOULD DEPRIVE YOU OF AN
21 OPPORTUNITY TO GET A REASONABLE ANALYSIS OF IT BY
22 THE EXPERTS THAT YOU'RE PLANNING TO CALL IF ANY.

23 SO IS IT NETLOGIC?

24 MR. PARRELLA: THIS IS A NETLOGIC
25 DOCUMENT.

1 THE COURT: ARE THE NETLOGIC LAWYERS
2 HERE?

3 MR. JOHNSON: YES, YOUR HONOR.

4 THE COURT: ANY PROBLEM WITH PROVIDING
5 ACCESS TO COUNSEL TO THE SCHEMATIC IF THE WITNESS
6 USED ANY, BECAUSE I HAVEN'T HEARD THE BASIS BECAUSE
7 THIS IS A SCHEMATIC -- I HAVEN'T -- I'M USING THE
8 TERM LOOSELY, BUT AS A SCHEMATIC?

9 MR. JOHNSON: NO, YOUR HONOR. BUT WE
10 WOULD WANT TO MARK THAT PARTICULAR PAGE AS TRIAL
11 PROTECTED MATERIAL, TRADE SECRET.

12 MR. NOLAN: AND, YOUR HONOR, COULD WE
13 ESTABLISH WHEN THEY FOUND OUT THAT THEIR WITNESS
14 HAD DISCOVERED THIS POSSIBILITY, BECAUSE IF THERE'S
15 BEEN SOME DELAY THAT WE HAVE BEEN PREJUDICED BY, I
16 THINK THE COURT NEEDS TO DETERMINE THAT.

17 THE COURT: WELL, I HEARD LAST NIGHT. SO
18 WHO IS THE "WE" YOU'RE TALKING ABOUT?

19 MR. NOLAN: WELL, COUNSEL FOR THE
20 GOVERNMENT SAYS THAT THEY FOUND OUT LAST NIGHT, I
21 GUESS.

22 IS THAT RIGHT?

23 MR. PARRELLA: WELL, WHAT WE FOUND OUT
24 WAS THAT THERE WAS A SCHEMATIC THAT WAS LIKELY
25 IDENTIFIED.

1 WE FIRMED THAT UP TODAY WITH THE ACTUAL
2 SCHEMATIC, WHICH I CAN GIVE YOU THE PAGE NUMBER.

3 MR. NOLAN: I'M TRYING TO FIND OUT WHEN
4 COUNSEL FOUND OUT FROM COUNSEL FROM NETLOGIC.

5 THE COURT: THIS IS EXHIBIT 15.

6 MR. PARRELLA: IT'S ACTUALLY -- YEAH,
7 IT'S EXHIBIT 15.

8 THE COURT: WHAT PAGE?

9 MR. PARRELLA: PAGE 503, WHICH IS IN THE
10 TRANSLATION, AND IT'S ALSO IN THE CHINESE LANGUAGE
11 VERSION, WHICH IS WHAT I BELIEVE IS ULTIMATELY --

12 THE COURT: WELL, I HAVE THAT AND IT DOES
13 APPEAR TO ME TO BE A GATE LEVEL KIND OF DIAGRAM
14 WITH SYMBOLS FOR TRANSISTORS AND MULTIPLEXORS.

15 MR. PARRELLA: SO JUST FOR THE RECORD,
16 THAT'S ALSO IN THE CHINESE LANGUAGE PORTION. THAT
17 DIAGRAM IS 474.

18 MR. NOLAN: COULD COUNSEL INFORM US
19 WHETHER IT WAS LAST NIGHT THAT HE FOUND OUT OR
20 YESTERDAY THAT HE FOUND OUT FROM COUNSEL FROM
21 NETLOGIC?

22 MR. PARRELLA: LAST NIGHT.

23 MR. NOLAN: AND CAN WE FIND OUT FROM
24 NETLOGIC WHEN THEY BECAME AWARE OF IT? THAT'S ALL.
25 CAN WE HAVE A RECORD ON THIS?

1 THE COURT: DO YOU KNOW WHEN THE WITNESS
2 MADE HIS REALIZATION THAT THIS COMES FROM THE
3 PEGASUS DOCUMENTS?

4 MR. JOHNSON: YES, YOUR HONOR. IT WAS
5 LAST NIGHT, AND WE INFORMED THE GOVERNMENT LAST
6 NIGHT.

7 THE COURT: IT'S LABELED A TYPICAL
8 CIRCUIT DIAGRAM OF A 4 BIT ENCODER.

9 HAVE YOU LOOKED TO SEE IF THAT'S HOW IT'S
10 LABELLED IN THE NETLOGIC DOCUMENTS?

11 MR. JOHNSON: I HAVE NOT.

12 I BELIEVE THE WITNESS HAS, YOUR HONOR.
13 AND I CAN'T TELL YOU --

14 THE COURT: AND HE'S GONE NOW?

15 MS. WRIGHT: YES, YOUR HONOR. I CAN
16 CHECK TO SEE IF HE'S IN THE HALL, BUT HE WAS TOLD
17 HE COULD LEAVE.

18 THE COURT: ALL RIGHT. SO MAKE YOUR
19 DISCLOSURE, AND THEN FIRST THING IN THE MORNING
20 LET'S TAKE IT UP AFTER YOU GET THE DISCLOSURE WITH
21 THE APPROPRIATE PROTECTIVE ORDERS -- I TAKE IT THAT
22 C5 IS NOT A PART OF --

23 MR. PARRELLA: NOT TO MY KNOWLEDGE.

24 THE COURT: THERE ARE CIRCUIT DIAGRAMS
25 HERE. I SEE C6 IS A CIRCUIT DIAGRAM, C7 IS A

1 CIRCUIT DIAGRAM.

2 WE'RE ONLY TALKING ABOUT C8 AS A CIRCUIT
3 DIAGRAM.

4 MR. SWANSON: MY UNDERSTANDING IS THAT
5 WE'RE ONLY TALKING ABOUT ONE OF THOSE, YOUR HONOR,
6 AND THAT'S THE FIRST ONE.

7 THE COURT: ALL RIGHT. VERY WELL.

8 VERIFY THAT BECAUSE I WOULD WANT TO DEAL
9 WITH THE WHOLE PROBLEM, AND THEN COME AT 8:30 AND
10 WE'LL TAKE THIS UP AT 8:30.

11 YOU'RE USUALLY HERE BY THEN.

12 (WHEREUPON, THE EVENING RECESS WAS
13 TAKEN.)

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CERTIFICATE OF REPORTERS

WE, THE UNDERSIGNED OFFICIAL COURT REPORTERS OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT, CERTIFICATE INCLUSIVE, CONSTITUTES A TRUE, FULL AND CORRECT TRANSCRIPT OF OUR SHORTHAND NOTES TAKEN AS SUCH OFFICIAL COURT REPORTER OF THE PROCEEDINGS HEREINBEFORE ENTITLED AND REDUCED BY COMPUTER-AIDED TRANSCRIPTION TO THE BEST OF OUR ABILITY.

/s/

IRENE RODRIGUEZ, CSR, CRR
CERTIFICATE NUMBER 8076

/s/

LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595