EXHIBIT 1

```
1
               UNITED STATES DISTRICT COURT
 2
               FOR THE DISTRICT OF COLUMBIA
 3
       AMERICAN SOCIETY FOR : NO.
       TESTING AND MATERIALS : 1:13-cv-01215-TSC-
 4
 5
       d/b/a ASTM
                           : DAR
 6
       INTERNATIONAL;
       NATIONAL FIRE
       PROTECTION
8
       ASSOCIATION, INC.; :
9
       and AMERICAN SOCIETY :
10
       OF HEATING,
       REFRIGERATION, AND
11
12
       AIR CONDITIONING
13
       ENGINEERS,
       Plaintiffs
14
             vs.
       PUBLIC.RESOURCE.ORG,
15
       INC.,
       Defendant
16
17
             Videotaped deposition of JOHN C.
      JAROSZ taken at the law offices of Veritext
18
      Legal Solutions, 1250 I Street NW,
19
20
      Washington, DC, commencing at 10:09 a.m.
21
      THURSDAY, AUGUST 27, 2015, before Debbie
22
      Leonard, Registered Diplomate Reporter,
23
      Certified Realtime Reporter.
24
25
      PAGES 1 - 260
                                                    Page 1
```

		_	
1	it.	1	beyond the document production to verify that
2	Objection to form. You're	2	information.
3	asking him to recall, without having	3	Q. But you don't recall seeing any
4	all the materials in front of him?	4	defective materials yourself, correct?
5	MR. BRIDGES: Yeah.	5	A. That's correct. I do not.
6	MR. FEE: Okay.	6	Q. You just relied upon the word
7	THE WITNESS: It's all laid out	7	of others, correct?
8	in my report, and the sources are	8	MR. FEE: Objection. Vague.
9	provided in my report. I've not	9	Mischaracterizes his testimony.
10	memorized all those.	10	THE WITNESS: I relied upon
11	BY MR. BRIDGES:	11	written documents I saw and
12	Q. But I don't think your report	12	conversations that I had.
13	refers to upside-down materials, does it?	13	BY MR. BRIDGES:
14	A. I don't recall for sure, but I	14	Q. What written documents did you
15	thought some of the documents that I cited	15	see that discussed these issues?
16	make reference to those materials. I'm not	16	MR. FEE: Objection. Asked and
17	sure that I cited the, for instance,	17	answered.
18	upside-down materials, but I think I have	18	THE WITNESS: And I'm sorry. I
19	discussions about that phenomenon.	19	can't point you to the particular
20	Q. With whom?	20	ones. Perhaps, through the course of
21	A. In written materials that I've	21	the day, my memory will be refreshed
22	cited.	22	on that.
23	Q. Have you had oral discussions	23	BY MR. BRIDGES:
24	about what you have referred to as that	24	Q. If you relied upon those
25	phenomenon?	25	written documents, would you have cited to
	Page 22		Page 24
1	A. Yes.	1	those written documents in your report?
1 2	A. Yes.O. With whom?	1 2	those written documents in your report? A. Perhaps.
2	A. Yes.Q. With whom?A. Counsel here.	1 2 3	A. Perhaps.
3	Q. With whom?A. Counsel here.	2	A. Perhaps.Q. Why do you say "perhaps"?
2	Q. With whom?A. Counsel here.Q. With anybody else?	2 3 4	A. Perhaps.Q. Why do you say "perhaps"?A. I can't say with absolute
2 3 4 5	Q. With whom?A. Counsel here.Q. With anybody else?A. I don't think so. It's	2 3 4 5	A. Perhaps.Q. Why do you say "perhaps"?A. I can't say with absolutecertainty what I do. But often, if something
2 3 4 5 6	Q. With whom?A. Counsel here.Q. With anybody else?A. I don't think so. It'spossible, but I'm not recalling anything	2 3 4 5 6	 A. Perhaps. Q. Why do you say "perhaps"? A. I can't say with absolute certainty what I do. But often, if something is a direct support for a factual
2 3 4 5 6 7	 Q. With whom? A. Counsel here. Q. With anybody else? A. I don't think so. It's possible, but I'm not recalling anything else. 	2 3 4 5 6 7	A. Perhaps. Q. Why do you say "perhaps"? A. I can't say with absolute certainty what I do. But often, if something is a direct support for a factual observation, I will often cite that source,
2 3 4 5 6 7 8	 Q. With whom? A. Counsel here. Q. With anybody else? A. I don't think so. It's possible, but I'm not recalling anything else. Q. And when you say discussions 	2 3 4 5 6 7 8	A. Perhaps. Q. Why do you say "perhaps"? A. I can't say with absolute certainty what I do. But often, if something is a direct support for a factual observation, I will often cite that source, but not always.
2 3 4 5 6 7	Q. With whom? A. Counsel here. Q. With anybody else? A. I don't think so. It's possible, but I'm not recalling anything else. Q. And when you say discussions with "counsel here," you're referring to the	2 3 4 5 6 7	A. Perhaps. Q. Why do you say "perhaps"? A. I can't say with absolute certainty what I do. But often, if something is a direct support for a factual observation, I will often cite that source, but not always. Q. What previous strike that.
2 3 4 5 6 7 8 9 10	Q. With whom? A. Counsel here. Q. With anybody else? A. I don't think so. It's possible, but I'm not recalling anything else. Q. And when you say discussions with "counsel here," you're referring to the counsel at the table here today at the	2 3 4 5 6 7 8 9	A. Perhaps. Q. Why do you say "perhaps"? A. I can't say with absolute certainty what I do. But often, if something is a direct support for a factual observation, I will often cite that source, but not always. Q. What previous strike that. What training or education have
2 3 4 5 6 7 8 9	Q. With whom? A. Counsel here. Q. With anybody else? A. I don't think so. It's possible, but I'm not recalling anything else. Q. And when you say discussions with "counsel here," you're referring to the	2 3 4 5 6 7 8 9	A. Perhaps. Q. Why do you say "perhaps"? A. I can't say with absolute certainty what I do. But often, if something is a direct support for a factual observation, I will often cite that source, but not always. Q. What previous strike that. What training or education have you ever received with respect to standards
2 3 4 5 6 7 8 9 10 11 12	Q. With whom? A. Counsel here. Q. With anybody else? A. I don't think so. It's possible, but I'm not recalling anything else. Q. And when you say discussions with "counsel here," you're referring to the counsel at the table here today at the deposition?	2 3 4 5 6 7 8 9 10 11	A. Perhaps. Q. Why do you say "perhaps"? A. I can't say with absolute certainty what I do. But often, if something is a direct support for a factual observation, I will often cite that source, but not always. Q. What previous strike that. What training or education have you ever received with respect to standards development organizations?
2 3 4 5 6 7 8 9 10 11 12 13	Q. With whom? A. Counsel here. Q. With anybody else? A. I don't think so. It's possible, but I'm not recalling anything else. Q. And when you say discussions with "counsel here," you're referring to the counsel at the table here today at the deposition? A. Correct. And we should add to that	2 3 4 5 6 7 8 9 10 11 12 13	A. Perhaps. Q. Why do you say "perhaps"? A. I can't say with absolute certainty what I do. But often, if something is a direct support for a factual observation, I will often cite that source, but not always. Q. What previous strike that. What training or education have you ever received with respect to standards development organizations? MR. FEE: Objection to form.
2 3 4 5 6 7 8 9 10 11 12 13 14	Q. With whom? A. Counsel here. Q. With anybody else? A. I don't think so. It's possible, but I'm not recalling anything else. Q. And when you say discussions with "counsel here," you're referring to the counsel at the table here today at the deposition? A. Correct. And we should add to that Jordana Rubel, who's been a person that I've	2 3 4 5 6 7 8 9 10 11 12 13	A. Perhaps. Q. Why do you say "perhaps"? A. I can't say with absolute certainty what I do. But often, if something is a direct support for a factual observation, I will often cite that source, but not always. Q. What previous strike that. What training or education have you ever received with respect to standards development organizations? MR. FEE: Objection to form. THE WITNESS: I don't recall if
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. With whom? A. Counsel here. Q. With anybody else? A. I don't think so. It's possible, but I'm not recalling anything else. Q. And when you say discussions with "counsel here," you're referring to the counsel at the table here today at the deposition? A. Correct. And we should add to that Jordana Rubel, who's been a person that I've had conversations with over the last several	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Perhaps. Q. Why do you say "perhaps"? A. I can't say with absolute certainty what I do. But often, if something is a direct support for a factual observation, I will often cite that source, but not always. Q. What previous strike that. What training or education have you ever received with respect to standards development organizations? MR. FEE: Objection to form. THE WITNESS: I don't recall if I've had a course in standard
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. With whom? A. Counsel here. Q. With anybody else? A. I don't think so. It's possible, but I'm not recalling anything else. Q. And when you say discussions with "counsel here," you're referring to the counsel at the table here today at the deposition? A. Correct. And we should add to that Jordana Rubel, who's been a person that I've had conversations with over the last several months.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Perhaps. Q. Why do you say "perhaps"? A. I can't say with absolute certainty what I do. But often, if something is a direct support for a factual observation, I will often cite that source, but not always. Q. What previous strike that. What training or education have you ever received with respect to standards development organizations? MR. FEE: Objection to form. THE WITNESS: I don't recall if I've had a course in standard development. Probably it has been
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. With whom? A. Counsel here. Q. With anybody else? A. I don't think so. It's possible, but I'm not recalling anything else. Q. And when you say discussions with "counsel here," you're referring to the counsel at the table here today at the deposition? A. Correct. And we should add to that Jordana Rubel, who's been a person that I've had conversations with over the last several months. Q. What did you do to verify any	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Perhaps. Q. Why do you say "perhaps"? A. I can't say with absolute certainty what I do. But often, if something is a direct support for a factual observation, I will often cite that source, but not always. Q. What previous strike that. What training or education have you ever received with respect to standards development organizations? MR. FEE: Objection to form. THE WITNESS: I don't recall if I've had a course in standard development. Probably it has been part of some of the economics courses
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. With whom? A. Counsel here. Q. With anybody else? A. I don't think so. It's possible, but I'm not recalling anything else. Q. And when you say discussions with "counsel here," you're referring to the counsel at the table here today at the deposition? A. Correct. And we should add to that Jordana Rubel, who's been a person that I've had conversations with over the last several months. Q. What did you do to verify any of the statements to you from counsel about	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Perhaps. Q. Why do you say "perhaps"? A. I can't say with absolute certainty what I do. But often, if something is a direct support for a factual observation, I will often cite that source, but not always. Q. What previous strike that. What training or education have you ever received with respect to standards development organizations? MR. FEE: Objection to form. THE WITNESS: I don't recall if I've had a course in standard development. Probably it has been part of some of the economics courses that I've taken over the years.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. With whom? A. Counsel here. Q. With anybody else? A. I don't think so. It's possible, but I'm not recalling anything else. Q. And when you say discussions with "counsel here," you're referring to the counsel at the table here today at the deposition? A. Correct. And we should add to that Jordana Rubel, who's been a person that I've had conversations with over the last several months. Q. What did you do to verify any of the statements to you from counsel about these facts you've referred to about the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. Perhaps. Q. Why do you say "perhaps"? A. I can't say with absolute certainty what I do. But often, if something is a direct support for a factual observation, I will often cite that source, but not always. Q. What previous strike that. What training or education have you ever received with respect to standards development organizations? MR. FEE: Objection to form. THE WITNESS: I don't recall if I've had a course in standard development. Probably it has been part of some of the economics courses that I've taken over the years. In my profession and the work
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. With whom? A. Counsel here. Q. With anybody else? A. I don't think so. It's possible, but I'm not recalling anything else. Q. And when you say discussions with "counsel here," you're referring to the counsel at the table here today at the deposition? A. Correct. And we should add to that Jordana Rubel, who's been a person that I've had conversations with over the last several months. Q. What did you do to verify any of the statements to you from counsel about these facts you've referred to about the materials that the defendant has	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Perhaps. Q. Why do you say "perhaps"? A. I can't say with absolute certainty what I do. But often, if something is a direct support for a factual observation, I will often cite that source, but not always. Q. What previous strike that. What training or education have you ever received with respect to standards development organizations? MR. FEE: Objection to form. THE WITNESS: I don't recall if I've had a course in standard development. Probably it has been part of some of the economics courses that I've taken over the years. In my profession and the work that I've done in the last 30 years,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. With whom? A. Counsel here. Q. With anybody else? A. I don't think so. It's possible, but I'm not recalling anything else. Q. And when you say discussions with "counsel here," you're referring to the counsel at the table here today at the deposition? A. Correct. And we should add to that Jordana Rubel, who's been a person that I've had conversations with over the last several months. Q. What did you do to verify any of the statements to you from counsel about these facts you've referred to about the materials that the defendant has disseminated?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Perhaps. Q. Why do you say "perhaps"? A. I can't say with absolute certainty what I do. But often, if something is a direct support for a factual observation, I will often cite that source, but not always. Q. What previous strike that. What training or education have you ever received with respect to standards development organizations? MR. FEE: Objection to form. THE WITNESS: I don't recall if I've had a course in standard development. Probably it has been part of some of the economics courses that I've taken over the years. In my profession and the work that I've done in the last 30 years, I've had occasion to look at and
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. With whom? A. Counsel here. Q. With anybody else? A. I don't think so. It's possible, but I'm not recalling anything else. Q. And when you say discussions with "counsel here," you're referring to the counsel at the table here today at the deposition? A. Correct. And we should add to that Jordana Rubel, who's been a person that I've had conversations with over the last several months. Q. What did you do to verify any of the statements to you from counsel about these facts you've referred to about the materials that the defendant has disseminated? A. I don't think I did separate	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Perhaps. Q. Why do you say "perhaps"? A. I can't say with absolute certainty what I do. But often, if something is a direct support for a factual observation, I will often cite that source, but not always. Q. What previous strike that. What training or education have you ever received with respect to standards development organizations? MR. FEE: Objection to form. THE WITNESS: I don't recall if I've had a course in standard development. Probably it has been part of some of the economics courses that I've taken over the years. In my profession and the work that I've done in the last 30 years, I've had occasion to look at and evaluate standards organizations and
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. With whom? A. Counsel here. Q. With anybody else? A. I don't think so. It's possible, but I'm not recalling anything else. Q. And when you say discussions with "counsel here," you're referring to the counsel at the table here today at the deposition? A. Correct. And we should add to that Jordana Rubel, who's been a person that I've had conversations with over the last several months. Q. What did you do to verify any of the statements to you from counsel about these facts you've referred to about the materials that the defendant has disseminated? A. I don't think I did separate verification. I may have seen some documents	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Perhaps. Q. Why do you say "perhaps"? A. I can't say with absolute certainty what I do. But often, if something is a direct support for a factual observation, I will often cite that source, but not always. Q. What previous strike that. What training or education have you ever received with respect to standards development organizations? MR. FEE: Objection to form. THE WITNESS: I don't recall if I've had a course in standard development. Probably it has been part of some of the economics courses that I've taken over the years. In my profession and the work that I've done in the last 30 years, I've had occasion to look at and evaluate standards organizations and the output from those organizations.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. With whom? A. Counsel here. Q. With anybody else? A. I don't think so. It's possible, but I'm not recalling anything else. Q. And when you say discussions with "counsel here," you're referring to the counsel at the table here today at the deposition? A. Correct. And we should add to that Jordana Rubel, who's been a person that I've had conversations with over the last several months. Q. What did you do to verify any of the statements to you from counsel about these facts you've referred to about the materials that the defendant has disseminated? A. I don't think I did separate verification. I may have seen some documents that provide or provided confirmation of that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. Perhaps. Q. Why do you say "perhaps"? A. I can't say with absolute certainty what I do. But often, if something is a direct support for a factual observation, I will often cite that source, but not always. Q. What previous strike that. What training or education have you ever received with respect to standards development organizations? MR. FEE: Objection to form. THE WITNESS: I don't recall if I've had a course in standard development. Probably it has been part of some of the economics courses that I've taken over the years. In my profession and the work that I've done in the last 30 years, I've had occasion to look at and evaluate standards organizations and the output from those organizations. So it is among the topics that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. With whom? A. Counsel here. Q. With anybody else? A. I don't think so. It's possible, but I'm not recalling anything else. Q. And when you say discussions with "counsel here," you're referring to the counsel at the table here today at the deposition? A. Correct. And we should add to that Jordana Rubel, who's been a person that I've had conversations with over the last several months. Q. What did you do to verify any of the statements to you from counsel about these facts you've referred to about the materials that the defendant has disseminated? A. I don't think I did separate verification. I may have seen some documents	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Perhaps. Q. Why do you say "perhaps"? A. I can't say with absolute certainty what I do. But often, if something is a direct support for a factual observation, I will often cite that source, but not always. Q. What previous strike that. What training or education have you ever received with respect to standards development organizations? MR. FEE: Objection to form. THE WITNESS: I don't recall if I've had a course in standard development. Probably it has been part of some of the economics courses that I've taken over the years. In my profession and the work that I've done in the last 30 years, I've had occasion to look at and evaluate standards organizations and the output from those organizations.

1	consulting career.	1	standards development organization that
2	BY MR. BRIDGES:	l .	you've worked on?
3	Q. In what context?	3	A. Again, I'd have to go back and
4	A. There have been several matters	4	look at my records. I can't right now recite
5	I've had, litigations, that have involved	5	any, but there very well could be one or
6	standard setting organizations and the	6	more.
7	outputs from those organizations.	7	Q. Did you review any of your work
8	Q. What organizations?	8	in from earlier copyright cases involving
9	A. Well, some that come to mind	9	standards development organizations in
10	are ETSI, IEEE, the Blu-ray Association,	10	connection with your work in this case?
11	MPEG, MPEG L.A., the Philips 6C and Philips	11	A. Not to the best of my memory,
12	3C organizations. Those are among the ones	12	no.
13	that come to mind.	13	Q. What background do you have in
14	Q. And what types of litigation	14	the creation of standards by standard
15	did your work relating to those standard	15	development organizations?
16	setting organizations involve?	16	MR. FEE: Objection to form.
17	MR. FEE: Objection to form.	17	THE WITNESS: In the context of
18	THE WITNESS: It was almost all	18	some of my consulting assignments, I
19	intellectual property litigation, with	19	have examined processes undertaken by
20	probably the bulk of the analyses	20	SDOs.
21	undertaken with regard to patent	21	BY MR. BRIDGES:
22	rights.	22	Q. Anything else?
23	BY MR. BRIDGES:	23	A. Nothing else comes to mind.
24	Q. Do you recall	24	I've certainly looked at the output
25	A. I guess I should there were	25	associated with those processes, but there's
	Page 26		Page 28
1	probably some breach of contract matters as	1	nothing else that comes to mind.
1 2	probably some breach of contract matters as well.	1 2	nothing else that comes to mind. Q. What processes undertaken by
	well.	l .	Q. What processes undertaken by
2	well. Q. Did you work on any matters	2	-
2 3	well. Q. Did you work on any matters involving copyright law where you became	2 3	Q. What processes undertaken by standards development organizations did you examine?
2 3 4	well. Q. Did you work on any matters involving copyright law where you became familiar with the work and outputs of	2 3 4	Q. What processes undertaken by standards development organizations did you examine? MR. FEE: Objection. Are you
2 3 4 5	well. Q. Did you work on any matters involving copyright law where you became	2 3 4 5	Q. What processes undertaken by standards development organizations did you examine?
2 3 4 5 6	well. Q. Did you work on any matters involving copyright law where you became familiar with the work and outputs of standards setting organizations before this case?	2 3 4 5 6	Q. What processes undertaken by standards development organizations did you examine? MR. FEE: Objection. Are you asking prior to the report still? MR. BRIDGES: Yes.
2 3 4 5 6 7	well. Q. Did you work on any matters involving copyright law where you became familiar with the work and outputs of standards setting organizations before this case? A. Probably, but I cannot say that	2 3 4 5 6 7	Q. What processes undertaken by standards development organizations did you examine? MR. FEE: Objection. Are you asking prior to the report still? MR. BRIDGES: Yes. MR. FEE: Okay.
2 3 4 5 6 7 8	well. Q. Did you work on any matters involving copyright law where you became familiar with the work and outputs of standards setting organizations before this case? A. Probably, but I cannot say that with absolute certainty. I've been involved	2 3 4 5 6 7 8	Q. What processes undertaken by standards development organizations did you examine? MR. FEE: Objection. Are you asking prior to the report still? MR. BRIDGES: Yes.
2 3 4 5 6 7 8 9	well. Q. Did you work on any matters involving copyright law where you became familiar with the work and outputs of standards setting organizations before this case? A. Probably, but I cannot say that with absolute certainty. I've been involved in several matters over a course of many	2 3 4 5 6 7 8 9	Q. What processes undertaken by standards development organizations did you examine? MR. FEE: Objection. Are you asking prior to the report still? MR. BRIDGES: Yes. MR. FEE: Okay. THE WITNESS: I'm not quite
2 3 4 5 6 7 8 9 10 11	well. Q. Did you work on any matters involving copyright law where you became familiar with the work and outputs of standards setting organizations before this case? A. Probably, but I cannot say that with absolute certainty. I've been involved in several matters over a course of many years.	2 3 4 5 6 7 8 9 10 11	Q. What processes undertaken by standards development organizations did you examine? MR. FEE: Objection. Are you asking prior to the report still? MR. BRIDGES: Yes. MR. FEE: Okay. THE WITNESS: I'm not quite MR. BRIDGES: Or other than in this case.
2 3 4 5 6 7 8 9 10 11 12	well. Q. Did you work on any matters involving copyright law where you became familiar with the work and outputs of standards setting organizations before this case? A. Probably, but I cannot say that with absolute certainty. I've been involved in several matters over a course of many years. Q. Can you name any copyright	2 3 4 5 6 7 8 9 10 11 12	Q. What processes undertaken by standards development organizations did you examine? MR. FEE: Objection. Are you asking prior to the report still? MR. BRIDGES: Yes. MR. FEE: Okay. THE WITNESS: I'm not quite MR. BRIDGES: Or other than in this case. MR. FEE: Okay.
2 3 4 5 6 7 8 9 10 11 12 13	well. Q. Did you work on any matters involving copyright law where you became familiar with the work and outputs of standards setting organizations before this case? A. Probably, but I cannot say that with absolute certainty. I've been involved in several matters over a course of many years. Q. Can you name any copyright matter involving a standards development	2 3 4 5 6 7 8 9 10 11 12 13	Q. What processes undertaken by standards development organizations did you examine? MR. FEE: Objection. Are you asking prior to the report still? MR. BRIDGES: Yes. MR. FEE: Okay. THE WITNESS: I'm not quite MR. BRIDGES: Or other than in this case. MR. FEE: Okay. THE WITNESS: I'm not quite
2 3 4 5 6 7 8 9 10 11 12 13 14	well. Q. Did you work on any matters involving copyright law where you became familiar with the work and outputs of standards setting organizations before this case? A. Probably, but I cannot say that with absolute certainty. I've been involved in several matters over a course of many years. Q. Can you name any copyright matter involving a standards development organization that you recall?	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. What processes undertaken by standards development organizations did you examine? MR. FEE: Objection. Are you asking prior to the report still? MR. BRIDGES: Yes. MR. FEE: Okay. THE WITNESS: I'm not quite MR. BRIDGES: Or other than in this case. MR. FEE: Okay. THE WITNESS: I'm not quite sure what you're asking. I've seen
2 3 4 5 6 7 8 9 10 11 12 13 14 15	well. Q. Did you work on any matters involving copyright law where you became familiar with the work and outputs of standards setting organizations before this case? A. Probably, but I cannot say that with absolute certainty. I've been involved in several matters over a course of many years. Q. Can you name any copyright matter involving a standards development organization that you recall? A. Not now, without going back and	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. What processes undertaken by standards development organizations did you examine? MR. FEE: Objection. Are you asking prior to the report still? MR. BRIDGES: Yes. MR. FEE: Okay. THE WITNESS: I'm not quite MR. BRIDGES: Or other than in this case. MR. FEE: Okay. THE WITNESS: I'm not quite sure what you're asking. I've seen discussion of the some of the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	well. Q. Did you work on any matters involving copyright law where you became familiar with the work and outputs of standards setting organizations before this case? A. Probably, but I cannot say that with absolute certainty. I've been involved in several matters over a course of many years. Q. Can you name any copyright matter involving a standards development organization that you recall? A. Not now, without going back and looking at my records.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. What processes undertaken by standards development organizations did you examine? MR. FEE: Objection. Are you asking prior to the report still? MR. BRIDGES: Yes. MR. FEE: Okay. THE WITNESS: I'm not quite MR. BRIDGES: Or other than in this case. MR. FEE: Okay. THE WITNESS: I'm not quite sure what you're asking. I've seen discussion of the some of the processes of various organizations.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	well. Q. Did you work on any matters involving copyright law where you became familiar with the work and outputs of standards setting organizations before this case? A. Probably, but I cannot say that with absolute certainty. I've been involved in several matters over a course of many years. Q. Can you name any copyright matter involving a standards development organization that you recall? A. Not now, without going back and looking at my records. Q. Would they be listed in the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. What processes undertaken by standards development organizations did you examine? MR. FEE: Objection. Are you asking prior to the report still? MR. BRIDGES: Yes. MR. FEE: Okay. THE WITNESS: I'm not quite MR. BRIDGES: Or other than in this case. MR. FEE: Okay. THE WITNESS: I'm not quite sure what you're asking. I've seen discussion of the some of the processes of various organizations. I'm not I'm not quite sure what
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	well. Q. Did you work on any matters involving copyright law where you became familiar with the work and outputs of standards setting organizations before this case? A. Probably, but I cannot say that with absolute certainty. I've been involved in several matters over a course of many years. Q. Can you name any copyright matter involving a standards development organization that you recall? A. Not now, without going back and looking at my records. Q. Would they be listed in the cases attached to Exhibit 1?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. What processes undertaken by standards development organizations did you examine? MR. FEE: Objection. Are you asking prior to the report still? MR. BRIDGES: Yes. MR. FEE: Okay. THE WITNESS: I'm not quite MR. BRIDGES: Or other than in this case. MR. FEE: Okay. THE WITNESS: I'm not quite sure what you're asking. I've seen discussion of the some of the processes of various organizations. I'm not I'm not quite sure what you're asking. Perhaps you could ask
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	well. Q. Did you work on any matters involving copyright law where you became familiar with the work and outputs of standards setting organizations before this case? A. Probably, but I cannot say that with absolute certainty. I've been involved in several matters over a course of many years. Q. Can you name any copyright matter involving a standards development organization that you recall? A. Not now, without going back and looking at my records. Q. Would they be listed in the cases attached to Exhibit 1? A. That would summarize some of my	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. What processes undertaken by standards development organizations did you examine? MR. FEE: Objection. Are you asking prior to the report still? MR. BRIDGES: Yes. MR. FEE: Okay. THE WITNESS: I'm not quite MR. BRIDGES: Or other than in this case. MR. FEE: Okay. THE WITNESS: I'm not quite sure what you're asking. I've seen discussion of the some of the processes of various organizations. I'm not I'm not quite sure what you're asking. Perhaps you could ask it somewhat differently.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	well. Q. Did you work on any matters involving copyright law where you became familiar with the work and outputs of standards setting organizations before this case? A. Probably, but I cannot say that with absolute certainty. I've been involved in several matters over a course of many years. Q. Can you name any copyright matter involving a standards development organization that you recall? A. Not now, without going back and looking at my records. Q. Would they be listed in the cases attached to Exhibit 1? A. That would summarize some of my records. The cases that are embodied in my	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. What processes undertaken by standards development organizations did you examine? MR. FEE: Objection. Are you asking prior to the report still? MR. BRIDGES: Yes. MR. FEE: Okay. THE WITNESS: I'm not quite MR. BRIDGES: Or other than in this case. MR. FEE: Okay. THE WITNESS: I'm not quite sure what you're asking. I've seen discussion of the some of the processes of various organizations. I'm not I'm not quite sure what you're asking. Perhaps you could ask it somewhat differently. BY MR. BRIDGES:
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	well. Q. Did you work on any matters involving copyright law where you became familiar with the work and outputs of standards setting organizations before this case? A. Probably, but I cannot say that with absolute certainty. I've been involved in several matters over a course of many years. Q. Can you name any copyright matter involving a standards development organization that you recall? A. Not now, without going back and looking at my records. Q. Would they be listed in the cases attached to Exhibit 1? A. That would summarize some of my records. The cases that are embodied in my tab 1 are those that led to deposition or	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. What processes undertaken by standards development organizations did you examine? MR. FEE: Objection. Are you asking prior to the report still? MR. BRIDGES: Yes. MR. FEE: Okay. THE WITNESS: I'm not quite MR. BRIDGES: Or other than in this case. MR. FEE: Okay. THE WITNESS: I'm not quite sure what you're asking. I've seen discussion of the some of the processes of various organizations. I'm not I'm not quite sure what you're asking. Perhaps you could ask it somewhat differently. BY MR. BRIDGES: Q. Well, no. You said, quote, "I
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	well. Q. Did you work on any matters involving copyright law where you became familiar with the work and outputs of standards setting organizations before this case? A. Probably, but I cannot say that with absolute certainty. I've been involved in several matters over a course of many years. Q. Can you name any copyright matter involving a standards development organization that you recall? A. Not now, without going back and looking at my records. Q. Would they be listed in the cases attached to Exhibit 1? A. That would summarize some of my records. The cases that are embodied in my tab 1 are those that led to deposition or trial testimony. I've been involved in many	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. What processes undertaken by standards development organizations did you examine? MR. FEE: Objection. Are you asking prior to the report still? MR. BRIDGES: Yes. MR. FEE: Okay. THE WITNESS: I'm not quite MR. BRIDGES: Or other than in this case. MR. FEE: Okay. THE WITNESS: I'm not quite sure what you're asking. I've seen discussion of the some of the processes of various organizations. I'm not I'm not quite sure what you're asking. Perhaps you could ask it somewhat differently. BY MR. BRIDGES: Q. Well, no. You said, quote, "I have examined processes undertaken by SDOs."
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	well. Q. Did you work on any matters involving copyright law where you became familiar with the work and outputs of standards setting organizations before this case? A. Probably, but I cannot say that with absolute certainty. I've been involved in several matters over a course of many years. Q. Can you name any copyright matter involving a standards development organization that you recall? A. Not now, without going back and looking at my records. Q. Would they be listed in the cases attached to Exhibit 1? A. That would summarize some of my records. The cases that are embodied in my tab 1 are those that led to deposition or trial testimony. I've been involved in many matters beyond those.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. What processes undertaken by standards development organizations did you examine? MR. FEE: Objection. Are you asking prior to the report still? MR. BRIDGES: Yes. MR. FEE: Okay. THE WITNESS: I'm not quite MR. BRIDGES: Or other than in this case. MR. FEE: Okay. THE WITNESS: I'm not quite sure what you're asking. I've seen discussion of the some of the processes of various organizations. I'm not I'm not quite sure what you're asking. Perhaps you could ask it somewhat differently. BY MR. BRIDGES: Q. Well, no. You said, quote, "I have examined processes undertaken by SDOs." So my question is, what
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	well. Q. Did you work on any matters involving copyright law where you became familiar with the work and outputs of standards setting organizations before this case? A. Probably, but I cannot say that with absolute certainty. I've been involved in several matters over a course of many years. Q. Can you name any copyright matter involving a standards development organization that you recall? A. Not now, without going back and looking at my records. Q. Would they be listed in the cases attached to Exhibit 1? A. That would summarize some of my records. The cases that are embodied in my tab 1 are those that led to deposition or trial testimony. I've been involved in many matters beyond those. Q. But sitting here, you cannot	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. What processes undertaken by standards development organizations did you examine? MR. FEE: Objection. Are you asking prior to the report still? MR. BRIDGES: Yes. MR. FEE: Okay. THE WITNESS: I'm not quite MR. BRIDGES: Or other than in this case. MR. FEE: Okay. THE WITNESS: I'm not quite sure what you're asking. I've seen discussion of the some of the processes of various organizations. I'm not I'm not quite sure what you're asking. Perhaps you could ask it somewhat differently. BY MR. BRIDGES: Q. Well, no. You said, quote, "I have examined processes undertaken by SDOs." So my question is, what processes undertaken by standards development
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	well. Q. Did you work on any matters involving copyright law where you became familiar with the work and outputs of standards setting organizations before this case? A. Probably, but I cannot say that with absolute certainty. I've been involved in several matters over a course of many years. Q. Can you name any copyright matter involving a standards development organization that you recall? A. Not now, without going back and looking at my records. Q. Would they be listed in the cases attached to Exhibit 1? A. That would summarize some of my records. The cases that are embodied in my tab 1 are those that led to deposition or trial testimony. I've been involved in many matters beyond those.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. What processes undertaken by standards development organizations did you examine? MR. FEE: Objection. Are you asking prior to the report still? MR. BRIDGES: Yes. MR. FEE: Okay. THE WITNESS: I'm not quite MR. BRIDGES: Or other than in this case. MR. FEE: Okay. THE WITNESS: I'm not quite sure what you're asking. I've seen discussion of the some of the processes of various organizations. I'm not I'm not quite sure what you're asking. Perhaps you could ask it somewhat differently. BY MR. BRIDGES: Q. Well, no. You said, quote, "I have examined processes undertaken by SDOs." So my question is, what

1	A. It sounds like the same	1	manufacturers only. Others include a wider
2	question to me.	2	array of companies.
3	Q. Specifically, what processes	3	In all instances, though, the
4	did you examine?	4	companies are trying to the standards
5	A. That still sounds like the same	5	setting organizations are trying to develop
6	question, but let me try to answer it by	6	at least some form of consensus sometimes
7	saying I've looked, for instance, at the	7	it's very broad consensus; sometimes it's
8	mechanisms that ETSI undertook in developing	8	more narrow consensus about what would be
9	standards. So I am familiar generally with	9	good for that standards setting organization.
10	the processes that it follows. Similarly	10	Sometimes the SSOs are
11	with regard to other standard setting	11	interested in what's best for the
12	organizations.	12	manufacturers and the ability for them to
13	Q. What other standard setting	13	supply in an interoperable environment. In
14	organizations?	14	some cases, the SSOs are very alert to the
15	A. Well, I think I identified	15	needs of consumers and users of products and
16	those a few moments ago. Do you want me to	16	services that comply with standards.
17	repeat those?	17	Q. You've distinguished between
18	Q. Well, if are you saying	18	standards setting organizations and standard
19	that, for all of those organizations, you	19	development organizations. What is the
20	examined their processes?	20	distinction that you that you identify
21	A. In some dimension, probably for	21	between the two?
22	most of the organizations, I had at least	22	A. I think I said I didn't know if
23	some knowledge of the process. I can't say	23	there is for sure a distinction, but I think
24	that I investigated in depth all of the	24	an SSO is perhaps a broader concept than an
25	processes for all of the organizations that	25	SDO, but I might be wrong on that.
	Page 30		Page 32
1	have been involved in my consulting	1	I Imove the commonics I
1	have been involved in my consulting	1	I know the companies I
2	assignments that are standards oriented.	2	the plaintiffs here are SDOs. The
2 3	assignments that are standards oriented. Q. What do you recall about your	2 3	the plaintiffs here are SDOs. The associations are, among other things, in the
2 3 4	assignments that are standards oriented. Q. What do you recall about your investigation of the processes by which	2 3 4	the plaintiffs here are SDOs. The associations are, among other things, in the business of creating and developing
2 3 4 5	assignments that are standards oriented. Q. What do you recall about your investigation of the processes by which standards development organizations create	2 3 4 5	the plaintiffs here are SDOs. The associations are, among other things, in the business of creating and developing standards.
2 3 4 5 6	assignments that are standards oriented. Q. What do you recall about your investigation of the processes by which standards development organizations create their standards?	2 3 4	the plaintiffs here are SDOs. The associations are, among other things, in the business of creating and developing standards. There could be other SSOs that
2 3 4 5	assignments that are standards oriented. Q. What do you recall about your investigation of the processes by which standards development organizations create their standards? A. I should say I SDO is	2 3 4 5 6 7	the plaintiffs here are SDOs. The associations are, among other things, in the business of creating and developing standards. There could be other SSOs that have different constituents that are of
2 3 4 5 6 7 8	assignments that are standards oriented. Q. What do you recall about your investigation of the processes by which standards development organizations create their standards? A. I should say I SDO is probably not the right term to use. I should	2 3 4 5 6 7 8	the plaintiffs here are SDOs. The associations are, among other things, in the business of creating and developing standards. There could be other SSOs that have different constituents that are of interest to them. I don't know for sure that
2 3 4 5 6 7 8 9	assignments that are standards oriented. Q. What do you recall about your investigation of the processes by which standards development organizations create their standards? A. I should say I SDO is probably not the right term to use. I should probably say standards setting organizations.	2 3 4 5 6 7 8 9	the plaintiffs here are SDOs. The associations are, among other things, in the business of creating and developing standards. There could be other SSOs that have different constituents that are of interest to them. I don't know for sure that an SSO is a broader concept than an SDO, but
2 3 4 5 6 7 8 9 10	assignments that are standards oriented. Q. What do you recall about your investigation of the processes by which standards development organizations create their standards? A. I should say I SDO is probably not the right term to use. I should probably say standards setting organizations. There may be a distinction between an SSO and	2 3 4 5 6 7 8 9	the plaintiffs here are SDOs. The associations are, among other things, in the business of creating and developing standards. There could be other SSOs that have different constituents that are of interest to them. I don't know for sure that an SSO is a broader concept than an SDO, but it could be.
2 3 4 5 6 7 8 9 10 11	assignments that are standards oriented. Q. What do you recall about your investigation of the processes by which standards development organizations create their standards? A. I should say I SDO is probably not the right term to use. I should probably say standards setting organizations. There may be a distinction between an SSO and an SDO.	2 3 4 5 6 7 8 9 10	the plaintiffs here are SDOs. The associations are, among other things, in the business of creating and developing standards. There could be other SSOs that have different constituents that are of interest to them. I don't know for sure that an SSO is a broader concept than an SDO, but it could be. Q. What do you understand to be
2 3 4 5 6 7 8 9 10 11 12	assignments that are standards oriented. Q. What do you recall about your investigation of the processes by which standards development organizations create their standards? A. I should say I SDO is probably not the right term to use. I should probably say standards setting organizations. There may be a distinction between an SSO and an SDO. But, generally, each SSO has a	2 3 4 5 6 7 8 9 10 11 12	the plaintiffs here are SDOs. The associations are, among other things, in the business of creating and developing standards. There could be other SSOs that have different constituents that are of interest to them. I don't know for sure that an SSO is a broader concept than an SDO, but it could be. Q. What do you understand to be the constituents of the plaintiffs in this
2 3 4 5 6 7 8 9 10 11 12 13	assignments that are standards oriented. Q. What do you recall about your investigation of the processes by which standards development organizations create their standards? A. I should say I SDO is probably not the right term to use. I should probably say standards setting organizations. There may be a distinction between an SSO and an SDO. But, generally, each SSO has a process that's unique to its organization.	2 3 4 5 6 7 8 9 10 11 12 13	the plaintiffs here are SDOs. The associations are, among other things, in the business of creating and developing standards. There could be other SSOs that have different constituents that are of interest to them. I don't know for sure that an SSO is a broader concept than an SDO, but it could be. Q. What do you understand to be the constituents of the plaintiffs in this case?
2 3 4 5 6 7 8 9 10 11 12 13 14	assignments that are standards oriented. Q. What do you recall about your investigation of the processes by which standards development organizations create their standards? A. I should say I SDO is probably not the right term to use. I should probably say standards setting organizations. There may be a distinction between an SSO and an SDO. But, generally, each SSO has a process that's unique to its organization. Some solicit input from a wide range of	2 3 4 5 6 7 8 9 10 11 12 13	the plaintiffs here are SDOs. The associations are, among other things, in the business of creating and developing standards. There could be other SSOs that have different constituents that are of interest to them. I don't know for sure that an SSO is a broader concept than an SDO, but it could be. Q. What do you understand to be the constituents of the plaintiffs in this case? MR. FEE: Objection to form.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	assignments that are standards oriented. Q. What do you recall about your investigation of the processes by which standards development organizations create their standards? A. I should say I SDO is probably not the right term to use. I should probably say standards setting organizations. There may be a distinction between an SSO and an SDO. But, generally, each SSO has a process that's unique to its organization. Some solicit input from a wide range of constituents; some from a more narrow range.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	the plaintiffs here are SDOs. The associations are, among other things, in the business of creating and developing standards. There could be other SSOs that have different constituents that are of interest to them. I don't know for sure that an SSO is a broader concept than an SDO, but it could be. Q. What do you understand to be the constituents of the plaintiffs in this case? MR. FEE: Objection to form. THE WITNESS: I laid that out
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	assignments that are standards oriented. Q. What do you recall about your investigation of the processes by which standards development organizations create their standards? A. I should say I SDO is probably not the right term to use. I should probably say standards setting organizations. There may be a distinction between an SSO and an SDO. But, generally, each SSO has a process that's unique to its organization. Some solicit input from a wide range of constituents; some from a more narrow range. The ones that I have examined	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	the plaintiffs here are SDOs. The associations are, among other things, in the business of creating and developing standards. There could be other SSOs that have different constituents that are of interest to them. I don't know for sure that an SSO is a broader concept than an SDO, but it could be. Q. What do you understand to be the constituents of the plaintiffs in this case? MR. FEE: Objection to form. THE WITNESS: I laid that out in my report. In summary, I believe
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	assignments that are standards oriented. Q. What do you recall about your investigation of the processes by which standards development organizations create their standards? A. I should say I SDO is probably not the right term to use. I should probably say standards setting organizations. There may be a distinction between an SSO and an SDO. But, generally, each SSO has a process that's unique to its organization. Some solicit input from a wide range of constituents; some from a more narrow range. The ones that I have examined have all been fairly careful in the work that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	the plaintiffs here are SDOs. The associations are, among other things, in the business of creating and developing standards. There could be other SSOs that have different constituents that are of interest to them. I don't know for sure that an SSO is a broader concept than an SDO, but it could be. Q. What do you understand to be the constituents of the plaintiffs in this case? MR. FEE: Objection to form. THE WITNESS: I laid that out in my report. In summary, I believe they try to include in the process
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	assignments that are standards oriented. Q. What do you recall about your investigation of the processes by which standards development organizations create their standards? A. I should say I SDO is probably not the right term to use. I should probably say standards setting organizations. There may be a distinction between an SSO and an SDO. But, generally, each SSO has a process that's unique to its organization. Some solicit input from a wide range of constituents; some from a more narrow range. The ones that I have examined have all been fairly careful in the work that they've done, seeking input at many steps	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	the plaintiffs here are SDOs. The associations are, among other things, in the business of creating and developing standards. There could be other SSOs that have different constituents that are of interest to them. I don't know for sure that an SSO is a broader concept than an SDO, but it could be. Q. What do you understand to be the constituents of the plaintiffs in this case? MR. FEE: Objection to form. THE WITNESS: I laid that out in my report. In summary, I believe they try to include in the process both those both supply-side
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	assignments that are standards oriented. Q. What do you recall about your investigation of the processes by which standards development organizations create their standards? A. I should say I SDO is probably not the right term to use. I should probably say standards setting organizations. There may be a distinction between an SSO and an SDO. But, generally, each SSO has a process that's unique to its organization. Some solicit input from a wide range of constituents; some from a more narrow range. The ones that I have examined have all been fairly careful in the work that they've done, seeking input at many steps along the way.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	the plaintiffs here are SDOs. The associations are, among other things, in the business of creating and developing standards. There could be other SSOs that have different constituents that are of interest to them. I don't know for sure that an SSO is a broader concept than an SDO, but it could be. Q. What do you understand to be the constituents of the plaintiffs in this case? MR. FEE: Objection to form. THE WITNESS: I laid that out in my report. In summary, I believe they try to include in the process both those both supply-side entities and demand-side entities.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	assignments that are standards oriented. Q. What do you recall about your investigation of the processes by which standards development organizations create their standards? A. I should say I SDO is probably not the right term to use. I should probably say standards setting organizations. There may be a distinction between an SSO and an SDO. But, generally, each SSO has a process that's unique to its organization. Some solicit input from a wide range of constituents; some from a more narrow range. The ones that I have examined have all been fairly careful in the work that they've done, seeking input at many steps along the way. Some organizations, like SDOs	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	the plaintiffs here are SDOs. The associations are, among other things, in the business of creating and developing standards. There could be other SSOs that have different constituents that are of interest to them. I don't know for sure that an SSO is a broader concept than an SDO, but it could be. Q. What do you understand to be the constituents of the plaintiffs in this case? MR. FEE: Objection to form. THE WITNESS: I laid that out in my report. In summary, I believe they try to include in the process both those both supply-side entities and demand-side entities. BY MR. BRIDGES:
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	assignments that are standards oriented. Q. What do you recall about your investigation of the processes by which standards development organizations create their standards? A. I should say I SDO is probably not the right term to use. I should probably say standards setting organizations. There may be a distinction between an SSO and an SDO. But, generally, each SSO has a process that's unique to its organization. Some solicit input from a wide range of constituents; some from a more narrow range. The ones that I have examined have all been fairly careful in the work that they've done, seeking input at many steps along the way. Some organizations, like SDOs at issue here, seek a broader array of inputs	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	the plaintiffs here are SDOs. The associations are, among other things, in the business of creating and developing standards. There could be other SSOs that have different constituents that are of interest to them. I don't know for sure that an SSO is a broader concept than an SDO, but it could be. Q. What do you understand to be the constituents of the plaintiffs in this case? MR. FEE: Objection to form. THE WITNESS: I laid that out in my report. In summary, I believe they try to include in the process both those both supply-side entities and demand-side entities. BY MR. BRIDGES: Q. Who else are plaintiffs'
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	assignments that are standards oriented. Q. What do you recall about your investigation of the processes by which standards development organizations create their standards? A. I should say I SDO is probably not the right term to use. I should probably say standards setting organizations. There may be a distinction between an SSO and an SDO. But, generally, each SSO has a process that's unique to its organization. Some solicit input from a wide range of constituents; some from a more narrow range. The ones that I have examined have all been fairly careful in the work that they've done, seeking input at many steps along the way. Some organizations, like SDOs at issue here, seek a broader array of inputs than do others.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the plaintiffs here are SDOs. The associations are, among other things, in the business of creating and developing standards. There could be other SSOs that have different constituents that are of interest to them. I don't know for sure that an SSO is a broader concept than an SDO, but it could be. Q. What do you understand to be the constituents of the plaintiffs in this case? MR. FEE: Objection to form. THE WITNESS: I laid that out in my report. In summary, I believe they try to include in the process both those both supply-side entities and demand-side entities. BY MR. BRIDGES: Q. Who else are plaintiffs' constituents?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	assignments that are standards oriented. Q. What do you recall about your investigation of the processes by which standards development organizations create their standards? A. I should say I SDO is probably not the right term to use. I should probably say standards setting organizations. There may be a distinction between an SSO and an SDO. But, generally, each SSO has a process that's unique to its organization. Some solicit input from a wide range of constituents; some from a more narrow range. The ones that I have examined have all been fairly careful in the work that they've done, seeking input at many steps along the way. Some organizations, like SDOs at issue here, seek a broader array of inputs than do others. Some organizations, standards	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	the plaintiffs here are SDOs. The associations are, among other things, in the business of creating and developing standards. There could be other SSOs that have different constituents that are of interest to them. I don't know for sure that an SSO is a broader concept than an SDO, but it could be. Q. What do you understand to be the constituents of the plaintiffs in this case? MR. FEE: Objection to form. THE WITNESS: I laid that out in my report. In summary, I believe they try to include in the process both those both supply-side entities and demand-side entities. BY MR. BRIDGES: Q. Who else are plaintiffs' constituents? MR. FEE: Same objection.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	assignments that are standards oriented. Q. What do you recall about your investigation of the processes by which standards development organizations create their standards? A. I should say I SDO is probably not the right term to use. I should probably say standards setting organizations. There may be a distinction between an SSO and an SDO. But, generally, each SSO has a process that's unique to its organization. Some solicit input from a wide range of constituents; some from a more narrow range. The ones that I have examined have all been fairly careful in the work that they've done, seeking input at many steps along the way. Some organizations, like SDOs at issue here, seek a broader array of inputs than do others. Some organizations, standards setting organizations, include primarily or	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	the plaintiffs here are SDOs. The associations are, among other things, in the business of creating and developing standards. There could be other SSOs that have different constituents that are of interest to them. I don't know for sure that an SSO is a broader concept than an SDO, but it could be. Q. What do you understand to be the constituents of the plaintiffs in this case? MR. FEE: Objection to form. THE WITNESS: I laid that out in my report. In summary, I believe they try to include in the process both those both supply-side entities and demand-side entities. BY MR. BRIDGES: Q. Who else are plaintiffs' constituents? MR. FEE: Same objection. THE WITNESS: I can't think of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	assignments that are standards oriented. Q. What do you recall about your investigation of the processes by which standards development organizations create their standards? A. I should say I SDO is probably not the right term to use. I should probably say standards setting organizations. There may be a distinction between an SSO and an SDO. But, generally, each SSO has a process that's unique to its organization. Some solicit input from a wide range of constituents; some from a more narrow range. The ones that I have examined have all been fairly careful in the work that they've done, seeking input at many steps along the way. Some organizations, like SDOs at issue here, seek a broader array of inputs than do others. Some organizations, standards	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	the plaintiffs here are SDOs. The associations are, among other things, in the business of creating and developing standards. There could be other SSOs that have different constituents that are of interest to them. I don't know for sure that an SSO is a broader concept than an SDO, but it could be. Q. What do you understand to be the constituents of the plaintiffs in this case? MR. FEE: Objection to form. THE WITNESS: I laid that out in my report. In summary, I believe they try to include in the process both those both supply-side entities and demand-side entities. BY MR. BRIDGES: Q. Who else are plaintiffs' constituents? MR. FEE: Same objection.

l .			
1	Q. So those would be harms caused	1	think basically what I'm saying is
2	by a court decision?	2	what would or addressing, is what
3	MR. FEE: Same objection.	3	would be the harm to the plaintiffs if
4	THE WITNESS: By continuing	4	there's no permanent injunction.
5	activities by the defendant that are	5	BY MR. BRIDGES:
6	not halted by the Court.	6	Q. Well, what did you mean by
7	BY MR. BRIDGES:	7	"losing copyright protection" in the
8	Q. Well, it comes across, frankly,	8	paragraph in the heading VI on page 48?
9	in your report as though you're identifying	9	A. In essence, you can think of it
10	harms that would flow from a court decision.	10	as what would happen if there's no permanent
11	MR. FEE: Objection.	11	injunction. In other words, what the
12	BY MR. BRIDGES:	12	defendant has done in the past and what it's
13	Q. Is that correct or not?	13	likely to do in the future is allowed to
14	A. No, I think you	14	continue.
15	MR. FEE: Mischaracterizes the	15	Q. And you immediately go into
16	report.	16	paragraph 112 talking about Emily Bremer,
17	THE WITNESS: you misread	17	correct?
18	it. I don't think I said that or	18	A. I don't know what you mean by
19	meant to say that.	19	"immediately." It's the first paragraph in
20	BY MR. BRIDGES:	20	Section VI.
21	Q. So what harms have occurred	21	Q. Right. Was Emily Bremer in the
22	from the from the defendant's conduct to	22	passage you referred to referring to the
23	date?	23	presence or absence of a permanent injunction
24	A. At the risk of repeating	24	in this case?
25	myself, some of that is summarized in	25	A. I don't think explicitly she
	Page 66		Page 68
1	paragraph 133 with regard to tangible	1	was addressing that issue no
1 2	paragraph 133, with regard to tangible evidence on harm. With regard to other	1 2	was addressing that issue, no. O. Do you think implicitly she was
2	evidence on harm. With regard to other	2	Q. Do you think implicitly she was
2 3	evidence on harm. With regard to other evidence, it's throughout the report.	2 3	Q. Do you think implicitly she was referring to this case?
2 3 4	evidence on harm. With regard to other evidence, it's throughout the report. Q. So why would it make a	2 3 4	Q. Do you think implicitly she was referring to this case? A. No. I thought you were asking
2 3 4 5	evidence on harm. With regard to other evidence, it's throughout the report. Q. So why would it make a difference to what the defendant's harms	2 3 4 5	Q. Do you think implicitly she was referring to this case? A. No. I thought you were asking about permanent injunction. I don't think
2 3 4 5 6	evidence on harm. With regard to other evidence, it's throughout the report. Q. So why would it make a difference to what the defendant's harms are strike strike that.	2 3 4 5 6	Q. Do you think implicitly she was referring to this case? A. No. I thought you were asking about permanent injunction. I don't think she was addressing the an injunction
2 3 4 5 6 7	evidence on harm. With regard to other evidence, it's throughout the report. Q. So why would it make a difference to what the defendant's harms are strike strike that. Why would it make a defendants	2 3 4 5 6 7	Q. Do you think implicitly she was referring to this case? A. No. I thought you were asking about permanent injunction. I don't think she was addressing the an injunction issue. She was addressing the concept of
2 3 4 5 6 7 8	evidence on harm. With regard to other evidence, it's throughout the report. Q. So why would it make a difference to what the defendant's harms are strike strike that. Why would it make a defendants [sic] to the plaintiffs' harms if the	2 3 4 5 6 7 8	Q. Do you think implicitly she was referring to this case? A. No. I thought you were asking about permanent injunction. I don't think she was addressing the an injunction issue. She was addressing the concept of copyright protection.
2 3 4 5 6 7 8 9	evidence on harm. With regard to other evidence, it's throughout the report. Q. So why would it make a difference to what the defendant's harms are strike strike that. Why would it make a defendants [sic] to the plaintiffs' harms if the plaintiffs' harms were continue with	2 3 4 5 6 7 8 9	Q. Do you think implicitly she was referring to this case? A. No. I thought you were asking about permanent injunction. I don't think she was addressing the an injunction issue. She was addressing the concept of copyright protection. Q. And that's what you quoted her
2 3 4 5 6 7 8 9	evidence on harm. With regard to other evidence, it's throughout the report. Q. So why would it make a difference to what the defendant's harms are strike strike that. Why would it make a defendants [sic] to the plaintiffs' harms if the plaintiffs' harms were continue with strike that.	2 3 4 5 6 7 8 9	Q. Do you think implicitly she was referring to this case? A. No. I thought you were asking about permanent injunction. I don't think she was addressing the an injunction issue. She was addressing the concept of copyright protection. Q. And that's what you quoted her for, right, was for the concept of copyright
2 3 4 5 6 7 8 9 10 11	evidence on harm. With regard to other evidence, it's throughout the report. Q. So why would it make a difference to what the defendant's harms are strike strike that. Why would it make a defendants [sic] to the plaintiffs' harms if the plaintiffs' harms were continue with strike that. Is it your testimony that harms	2 3 4 5 6 7 8 9 10	Q. Do you think implicitly she was referring to this case? A. No. I thought you were asking about permanent injunction. I don't think she was addressing the an injunction issue. She was addressing the concept of copyright protection. Q. And that's what you quoted her for, right, was for the concept of copyright protection for standards?
2 3 4 5 6 7 8 9 10 11 12	evidence on harm. With regard to other evidence, it's throughout the report. Q. So why would it make a difference to what the defendant's harms are strike strike that. Why would it make a defendants [sic] to the plaintiffs' harms if the plaintiffs' harms were continue with strike that. Is it your testimony that harms to plaintiffs would be different depending on	2 3 4 5 6 7 8 9 10 11 12	Q. Do you think implicitly she was referring to this case? A. No. I thought you were asking about permanent injunction. I don't think she was addressing the an injunction issue. She was addressing the concept of copyright protection. Q. And that's what you quoted her for, right, was for the concept of copyright protection for standards? MR. FEE: Objection. You're
2 3 4 5 6 7 8 9 10 11 12 13	evidence on harm. With regard to other evidence, it's throughout the report. Q. So why would it make a difference to what the defendant's harms are strike strike that. Why would it make a defendants [sic] to the plaintiffs' harms if the plaintiffs' harms were continue with strike that. Is it your testimony that harms to plaintiffs would be different depending on the particular basis of the Court's ruling?	2 3 4 5 6 7 8 9 10 11 12 13	Q. Do you think implicitly she was referring to this case? A. No. I thought you were asking about permanent injunction. I don't think she was addressing the an injunction issue. She was addressing the concept of copyright protection. Q. And that's what you quoted her for, right, was for the concept of copyright protection for standards? MR. FEE: Objection. You're referring just to paragraph 112?
2 3 4 5 6 7 8 9 10 11 12 13	evidence on harm. With regard to other evidence, it's throughout the report. Q. So why would it make a difference to what the defendant's harms are strike strike that. Why would it make a defendants [sic] to the plaintiffs' harms if the plaintiffs' harms were continue with strike that. Is it your testimony that harms to plaintiffs would be different depending on the particular basis of the Court's ruling? MR. FEE: Objection. Vague.	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. Do you think implicitly she was referring to this case? A. No. I thought you were asking about permanent injunction. I don't think she was addressing the an injunction issue. She was addressing the concept of copyright protection. Q. And that's what you quoted her for, right, was for the concept of copyright protection for standards? MR. FEE: Objection. You're referring just to paragraph 112? BY MR. BRIDGES:
2 3 4 5 6 7 8 9 10 11 12 13 14 15	evidence on harm. With regard to other evidence, it's throughout the report. Q. So why would it make a difference to what the defendant's harms are strike strike that. Why would it make a defendants [sic] to the plaintiffs' harms if the plaintiffs' harms were continue with strike that. Is it your testimony that harms to plaintiffs would be different depending on the particular basis of the Court's ruling? MR. FEE: Objection. Vague. THE WITNESS: I I don't	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Do you think implicitly she was referring to this case? A. No. I thought you were asking about permanent injunction. I don't think she was addressing the an injunction issue. She was addressing the concept of copyright protection. Q. And that's what you quoted her for, right, was for the concept of copyright protection for standards? MR. FEE: Objection. You're referring just to paragraph 112? BY MR. BRIDGES: Q. You may answer.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	evidence on harm. With regard to other evidence, it's throughout the report. Q. So why would it make a difference to what the defendant's harms are strike strike that. Why would it make a defendants [sic] to the plaintiffs' harms if the plaintiffs' harms were continue with strike that. Is it your testimony that harms to plaintiffs would be different depending on the particular basis of the Court's ruling? MR. FEE: Objection. Vague. THE WITNESS: I I don't understand your question.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Do you think implicitly she was referring to this case? A. No. I thought you were asking about permanent injunction. I don't think she was addressing the an injunction issue. She was addressing the concept of copyright protection. Q. And that's what you quoted her for, right, was for the concept of copyright protection for standards? MR. FEE: Objection. You're referring just to paragraph 112? BY MR. BRIDGES: Q. You may answer. MR. FEE: Objection to form.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	evidence on harm. With regard to other evidence, it's throughout the report. Q. So why would it make a difference to what the defendant's harms are strike strike that. Why would it make a defendants [sic] to the plaintiffs' harms if the plaintiffs' harms were continue with strike that. Is it your testimony that harms to plaintiffs would be different depending on the particular basis of the Court's ruling? MR. FEE: Objection. Vague. THE WITNESS: I I don't understand your question. BY MR. BRIDGES:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Do you think implicitly she was referring to this case? A. No. I thought you were asking about permanent injunction. I don't think she was addressing the an injunction issue. She was addressing the concept of copyright protection. Q. And that's what you quoted her for, right, was for the concept of copyright protection for standards? MR. FEE: Objection. You're referring just to paragraph 112? BY MR. BRIDGES: Q. You may answer. MR. FEE: Objection to form. THE WITNESS: I I don't
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	evidence on harm. With regard to other evidence, it's throughout the report. Q. So why would it make a difference to what the defendant's harms are strike strike that. Why would it make a defendants [sic] to the plaintiffs' harms if the plaintiffs' harms were continue with strike that. Is it your testimony that harms to plaintiffs would be different depending on the particular basis of the Court's ruling? MR. FEE: Objection. Vague. THE WITNESS: I I don't understand your question. BY MR. BRIDGES: Q. It looks as though you're	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Do you think implicitly she was referring to this case? A. No. I thought you were asking about permanent injunction. I don't think she was addressing the an injunction issue. She was addressing the concept of copyright protection. Q. And that's what you quoted her for, right, was for the concept of copyright protection for standards? MR. FEE: Objection. You're referring just to paragraph 112? BY MR. BRIDGES: Q. You may answer. MR. FEE: Objection to form. THE WITNESS: I I don't understand the question.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	evidence on harm. With regard to other evidence, it's throughout the report. Q. So why would it make a difference to what the defendant's harms are strike strike that. Why would it make a defendants [sic] to the plaintiffs' harms if the plaintiffs' harms were continue with strike that. Is it your testimony that harms to plaintiffs would be different depending on the particular basis of the Court's ruling? MR. FEE: Objection. Vague. THE WITNESS: I I don't understand your question. BY MR. BRIDGES: Q. It looks as though you're stating what the harms would be if the Court	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. Do you think implicitly she was referring to this case? A. No. I thought you were asking about permanent injunction. I don't think she was addressing the an injunction issue. She was addressing the concept of copyright protection. Q. And that's what you quoted her for, right, was for the concept of copyright protection for standards? MR. FEE: Objection. You're referring just to paragraph 112? BY MR. BRIDGES: Q. You may answer. MR. FEE: Objection to form. THE WITNESS: I I don't understand the question. BY MR. BRIDGES:
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	evidence on harm. With regard to other evidence, it's throughout the report. Q. So why would it make a difference to what the defendant's harms are strike strike that. Why would it make a defendants [sic] to the plaintiffs' harms if the plaintiffs' harms were continue with strike that. Is it your testimony that harms to plaintiffs would be different depending on the particular basis of the Court's ruling? MR. FEE: Objection. Vague. THE WITNESS: I I don't understand your question. BY MR. BRIDGES: Q. It looks as though you're stating what the harms would be if the Court found that incorporation by reference would	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Do you think implicitly she was referring to this case? A. No. I thought you were asking about permanent injunction. I don't think she was addressing the an injunction issue. She was addressing the concept of copyright protection. Q. And that's what you quoted her for, right, was for the concept of copyright protection for standards? MR. FEE: Objection. You're referring just to paragraph 112? BY MR. BRIDGES: Q. You may answer. MR. FEE: Objection to form. THE WITNESS: I I don't understand the question. BY MR. BRIDGES: Q. You quoted her in
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	evidence on harm. With regard to other evidence, it's throughout the report. Q. So why would it make a difference to what the defendant's harms are strike strike that. Why would it make a defendants [sic] to the plaintiffs' harms if the plaintiffs' harms were continue with strike that. Is it your testimony that harms to plaintiffs would be different depending on the particular basis of the Court's ruling? MR. FEE: Objection. Vague. THE WITNESS: I I don't understand your question. BY MR. BRIDGES: Q. It looks as though you're stating what the harms would be if the Court found that incorporation by reference would cause the plaintiffs to lose copyright	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Do you think implicitly she was referring to this case? A. No. I thought you were asking about permanent injunction. I don't think she was addressing the an injunction issue. She was addressing the concept of copyright protection. Q. And that's what you quoted her for, right, was for the concept of copyright protection for standards? MR. FEE: Objection. You're referring just to paragraph 112? BY MR. BRIDGES: Q. You may answer. MR. FEE: Objection to form. THE WITNESS: I I don't understand the question. BY MR. BRIDGES: Q. You quoted her in paragraph 112, correct?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	evidence on harm. With regard to other evidence, it's throughout the report. Q. So why would it make a difference to what the defendant's harms are strike strike that. Why would it make a defendants [sic] to the plaintiffs' harms if the plaintiffs' harms were continue with strike that. Is it your testimony that harms to plaintiffs would be different depending on the particular basis of the Court's ruling? MR. FEE: Objection. Vague. THE WITNESS: I I don't understand your question. BY MR. BRIDGES: Q. It looks as though you're stating what the harms would be if the Court found that incorporation by reference would cause the plaintiffs to lose copyright protection; is that correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Do you think implicitly she was referring to this case? A. No. I thought you were asking about permanent injunction. I don't think she was addressing the an injunction issue. She was addressing the concept of copyright protection. Q. And that's what you quoted her for, right, was for the concept of copyright protection for standards? MR. FEE: Objection. You're referring just to paragraph 112? BY MR. BRIDGES: Q. You may answer. MR. FEE: Objection to form. THE WITNESS: I I don't understand the question. BY MR. BRIDGES: Q. You quoted her in paragraph 112, correct? A. Yes. From one of her two
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	evidence on harm. With regard to other evidence, it's throughout the report. Q. So why would it make a difference to what the defendant's harms are strike strike that. Why would it make a defendants [sic] to the plaintiffs' harms if the plaintiffs' harms were continue with strike that. Is it your testimony that harms to plaintiffs would be different depending on the particular basis of the Court's ruling? MR. FEE: Objection. Vague. THE WITNESS: I I don't understand your question. BY MR. BRIDGES: Q. It looks as though you're stating what the harms would be if the Court found that incorporation by reference would cause the plaintiffs to lose copyright protection; is that correct? A. I don't	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Do you think implicitly she was referring to this case? A. No. I thought you were asking about permanent injunction. I don't think she was addressing the an injunction issue. She was addressing the concept of copyright protection. Q. And that's what you quoted her for, right, was for the concept of copyright protection for standards? MR. FEE: Objection. You're referring just to paragraph 112? BY MR. BRIDGES: Q. You may answer. MR. FEE: Objection to form. THE WITNESS: I I don't understand the question. BY MR. BRIDGES: Q. You quoted her in paragraph 112, correct? A. Yes. From one of her two articles, yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	evidence on harm. With regard to other evidence, it's throughout the report. Q. So why would it make a difference to what the defendant's harms are strike strike that. Why would it make a defendants [sic] to the plaintiffs' harms if the plaintiffs' harms were continue with strike that. Is it your testimony that harms to plaintiffs would be different depending on the particular basis of the Court's ruling? MR. FEE: Objection. Vague. THE WITNESS: I I don't understand your question. BY MR. BRIDGES: Q. It looks as though you're stating what the harms would be if the Court found that incorporation by reference would cause the plaintiffs to lose copyright protection; is that correct? A. I don't MR. FEE: Objection. Vague.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. Do you think implicitly she was referring to this case? A. No. I thought you were asking about permanent injunction. I don't think she was addressing the an injunction issue. She was addressing the concept of copyright protection. Q. And that's what you quoted her for, right, was for the concept of copyright protection for standards? MR. FEE: Objection. You're referring just to paragraph 112? BY MR. BRIDGES: Q. You may answer. MR. FEE: Objection to form. THE WITNESS: I I don't understand the question. BY MR. BRIDGES: Q. You quoted her in paragraph 112, correct? A. Yes. From one of her two articles, yes. Q. Right. Regarding the concept
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	evidence on harm. With regard to other evidence, it's throughout the report. Q. So why would it make a difference to what the defendant's harms are strike strike that. Why would it make a defendants [sic] to the plaintiffs' harms if the plaintiffs' harms were continue with strike that. Is it your testimony that harms to plaintiffs would be different depending on the particular basis of the Court's ruling? MR. FEE: Objection. Vague. THE WITNESS: I I don't understand your question. BY MR. BRIDGES: Q. It looks as though you're stating what the harms would be if the Court found that incorporation by reference would cause the plaintiffs to lose copyright protection; is that correct? A. I don't	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Do you think implicitly she was referring to this case? A. No. I thought you were asking about permanent injunction. I don't think she was addressing the an injunction issue. She was addressing the concept of copyright protection. Q. And that's what you quoted her for, right, was for the concept of copyright protection for standards? MR. FEE: Objection. You're referring just to paragraph 112? BY MR. BRIDGES: Q. You may answer. MR. FEE: Objection to form. THE WITNESS: I I don't understand the question. BY MR. BRIDGES: Q. You quoted her in paragraph 112, correct? A. Yes. From one of her two articles, yes.

1			
1	A. Generally. I think she's	1	Q. "Such products"
2	talking about standards development and	2	A. And in the next two sentences.
3	incorporation by reference. I don't remember	3	Q. And these are other products
4	if she said at the very beginning of the	4	that "could include more sophisticated
5	article that it was about copyright	5	Web-based availability, published
6	protection, but she certainly talks about	6	compilations of incorporated standards, and
7	copyright protection.	7	other ancillary products that incorporate the
8	Q. And you're quoting her about	8	standards"; isn't that correct?
9	losing copyright protection, and you're	9	A. You didn't read that right. It
10	placing it in the context of harms of the	10	starts "such products could include."
11	loss of copyright protection, correct?	11	Q. Okay. Otherwise, that reading
12	MR. FEE: Objection to form.	12	is correct, correct?
13	THE WITNESS: This excerpt	13	A. I think so.
14	doesn't specifically talk about losing	14	Q. You consider that to be harm to
15	copyright protection, but it talks	15	the plaintiffs?
16	about the concept of it. If there was	16	MR. FEE: Objection. Vague.
17	no longer copyright protection granted	17	THE WITNESS: It could be, yes.
18	to the SDOs, what would be the	18	It's likely to be, if the copyright
19	repercussions.	19	infringement or the assumption of a
20	BY MR. BRIDGES:	20	copyright infringement continues. It
21	Q. And that's the context that you	21	could broaden.
22	identified in the first line of	22	BY MR. BRIDGES:
23	paragraph 112, correct?	23	Q. Right. But the fact that these
24	A. Yes.	24	other types of products would enter the
25	MR. FEE: Objection to form.	25	marketplace is part of the harm that you
	Page 70		Page 72
1	BY MR. BRIDGES:	1	envision from the defendant in this case?
2	Q. Let me direct your attention to	2	MR. FEE: Objection to form.
3	paragraph 35 of your report. It says, "With	3	THE WITNESS: It's potential
4	regard to expansion beyond the specific	4	there's a potential that the defendant
	actions of Public Resource here, the	5	could do that. There's also the
5	actions of Lablic Resource here, the	-	could do that. There's also the
5 6	'product' offerings of Public Resource -	6	potential that other parties could do
6	'product' offerings of Public Resource -	6	potential that other parties could do
6 7	'product' offerings of Public Resource - scans of paper copies of standards with some	6 7	potential that other parties could do that.
6 7 8	'product' offerings of Public Resource - scans of paper copies of standards with some rekeying of text and some redrawing of	6 7 8	potential that other parties could do that. BY MR. BRIDGES:
6 7 8 9	'product' offerings of Public Resource - scans of paper copies of standards with some rekeying of text and some redrawing of diagrams (with some containing errors) - represent a rudimentary first step in the use of Plaintiffs' standards that is likely to	6 7 8 9 10 11	potential that other parties could do that. BY MR. BRIDGES: Q. What
6 7 8 9 10	'product' offerings of Public Resource - scans of paper copies of standards with some rekeying of text and some redrawing of diagrams (with some containing errors) - represent a rudimentary first step in the use	6 7 8 9 10	potential that other parties could do that. BY MR. BRIDGES: Q. What A. I don't know for sure what the
6 7 8 9 10 11	'product' offerings of Public Resource - scans of paper copies of standards with some rekeying of text and some redrawing of diagrams (with some containing errors) - represent a rudimentary first step in the use of Plaintiffs' standards that is likely to	6 7 8 9 10 11	potential that other parties could do that. BY MR. BRIDGES: Q. What A. I don't know for sure what the defendant has in mind.
6 7 8 9 10 11 12	'product' offerings of Public Resource - scans of paper copies of standards with some rekeying of text and some redrawing of diagrams (with some containing errors) - represent a rudimentary first step in the use of Plaintiffs' standards that is likely to become much more sophisticated if the Court	6 7 8 9 10 11 12	potential that other parties could do that. BY MR. BRIDGES: Q. What A. I don't know for sure what the defendant has in mind. Q. Why did you take into account
6 7 8 9 10 11 12 13	'product' offerings of Public Resource - scans of paper copies of standards with some rekeying of text and some redrawing of diagrams (with some containing errors) - represent a rudimentary first step in the use of Plaintiffs' standards that is likely to become much more sophisticated if the Court holds that third parties are free to use	6 7 8 9 10 11 12 13	potential that other parties could do that. BY MR. BRIDGES: Q. What A. I don't know for sure what the defendant has in mind. Q. Why did you take into account harms caused by other parties in this case?
6 7 8 9 10 11 12 13 14	'product' offerings of Public Resource - scans of paper copies of standards with some rekeying of text and some redrawing of diagrams (with some containing errors) - represent a rudimentary first step in the use of Plaintiffs' standards that is likely to become much more sophisticated if the Court holds that third parties are free to use Plaintiffs' standards with impunity after they are incorporated by reference into law." Do you see that?	6 7 8 9 10 11 12 13 14	potential that other parties could do that. BY MR. BRIDGES: Q. What A. I don't know for sure what the defendant has in mind. Q. Why did you take into account harms caused by other parties in this case? A. Because
6 7 8 9 10 11 12 13 14 15 16 17	'product' offerings of Public Resource - scans of paper copies of standards with some rekeying of text and some redrawing of diagrams (with some containing errors) - represent a rudimentary first step in the use of Plaintiffs' standards that is likely to become much more sophisticated if the Court holds that third parties are free to use Plaintiffs' standards with impunity after they are incorporated by reference into law."	6 7 8 9 10 11 12 13 14 15 16 17	potential that other parties could do that. BY MR. BRIDGES: Q. What A. I don't know for sure what the defendant has in mind. Q. Why did you take into account harms caused by other parties in this case? A. Because MR. FEE: Objection. Lack of
6 7 8 9 10 11 12 13 14 15 16 17 18	'product' offerings of Public Resource - scans of paper copies of standards with some rekeying of text and some redrawing of diagrams (with some containing errors) - represent a rudimentary first step in the use of Plaintiffs' standards that is likely to become much more sophisticated if the Court holds that third parties are free to use Plaintiffs' standards with impunity after they are incorporated by reference into law." Do you see that? A. Yes, I do. Q. That is your statement,	6 7 8 9 10 11 12 13 14 15 16 17 18	potential that other parties could do that. BY MR. BRIDGES: Q. What A. I don't know for sure what the defendant has in mind. Q. Why did you take into account harms caused by other parties in this case? A. Because MR. FEE: Objection. Lack of foundation. Go ahead. THE WITNESS: If no copyright
6 7 8 9 10 11 12 13 14 15 16 17 18 19	'product' offerings of Public Resource - scans of paper copies of standards with some rekeying of text and some redrawing of diagrams (with some containing errors) - represent a rudimentary first step in the use of Plaintiffs' standards that is likely to become much more sophisticated if the Court holds that third parties are free to use Plaintiffs' standards with impunity after they are incorporated by reference into law." Do you see that? A. Yes, I do. Q. That is your statement, correct?	6 7 8 9 10 11 12 13 14 15 16 17 18 19	potential that other parties could do that. BY MR. BRIDGES: Q. What A. I don't know for sure what the defendant has in mind. Q. Why did you take into account harms caused by other parties in this case? A. Because MR. FEE: Objection. Lack of foundation. Go ahead. THE WITNESS: If no copyright protection is allowed here, in other
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	'product' offerings of Public Resource - scans of paper copies of standards with some rekeying of text and some redrawing of diagrams (with some containing errors) - represent a rudimentary first step in the use of Plaintiffs' standards that is likely to become much more sophisticated if the Court holds that third parties are free to use Plaintiffs' standards with impunity after they are incorporated by reference into law." Do you see that? A. Yes, I do. Q. That is your statement, correct? A. Yes.	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	potential that other parties could do that. BY MR. BRIDGES: Q. What A. I don't know for sure what the defendant has in mind. Q. Why did you take into account harms caused by other parties in this case? A. Because MR. FEE: Objection. Lack of foundation. Go ahead. THE WITNESS: If no copyright protection is allowed here, in other words, there's no permanent
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	'product' offerings of Public Resource - scans of paper copies of standards with some rekeying of text and some redrawing of diagrams (with some containing errors) - represent a rudimentary first step in the use of Plaintiffs' standards that is likely to become much more sophisticated if the Court holds that third parties are free to use Plaintiffs' standards with impunity after they are incorporated by reference into law." Do you see that? A. Yes, I do. Q. That is your statement, correct? A. Yes. Q. What are the steps that you're	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	potential that other parties could do that. BY MR. BRIDGES: Q. What A. I don't know for sure what the defendant has in mind. Q. Why did you take into account harms caused by other parties in this case? A. Because MR. FEE: Objection. Lack of foundation. Go ahead. THE WITNESS: If no copyright protection is allowed here, in other words, there's no permanent injunction, Public Resource and other
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	'product' offerings of Public Resource - scans of paper copies of standards with some rekeying of text and some redrawing of diagrams (with some containing errors) - represent a rudimentary first step in the use of Plaintiffs' standards that is likely to become much more sophisticated if the Court holds that third parties are free to use Plaintiffs' standards with impunity after they are incorporated by reference into law." Do you see that? A. Yes, I do. Q. That is your statement, correct? A. Yes. Q. What are the steps that you're envisioning there beyond the rudimentary	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	potential that other parties could do that. BY MR. BRIDGES: Q. What A. I don't know for sure what the defendant has in mind. Q. Why did you take into account harms caused by other parties in this case? A. Because MR. FEE: Objection. Lack of foundation. Go ahead. THE WITNESS: If no copyright protection is allowed here, in other words, there's no permanent injunction, Public Resource and other parties like it will have freedom to
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	'product' offerings of Public Resource - scans of paper copies of standards with some rekeying of text and some redrawing of diagrams (with some containing errors) - represent a rudimentary first step in the use of Plaintiffs' standards that is likely to become much more sophisticated if the Court holds that third parties are free to use Plaintiffs' standards with impunity after they are incorporated by reference into law." Do you see that? A. Yes, I do. Q. That is your statement, correct? A. Yes. Q. What are the steps that you're envisioning there beyond the rudimentary first step that you identify?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	potential that other parties could do that. BY MR. BRIDGES: Q. What A. I don't know for sure what the defendant has in mind. Q. Why did you take into account harms caused by other parties in this case? A. Because MR. FEE: Objection. Lack of foundation. Go ahead. THE WITNESS: If no copyright protection is allowed here, in other words, there's no permanent injunction, Public Resource and other parties like it will have freedom to do what the plaintiffs believe they
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	'product' offerings of Public Resource - scans of paper copies of standards with some rekeying of text and some redrawing of diagrams (with some containing errors) - represent a rudimentary first step in the use of Plaintiffs' standards that is likely to become much more sophisticated if the Court holds that third parties are free to use Plaintiffs' standards with impunity after they are incorporated by reference into law." Do you see that? A. Yes, I do. Q. That is your statement, correct? A. Yes. Q. What are the steps that you're envisioning there beyond the rudimentary	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	potential that other parties could do that. BY MR. BRIDGES: Q. What A. I don't know for sure what the defendant has in mind. Q. Why did you take into account harms caused by other parties in this case? A. Because MR. FEE: Objection. Lack of foundation. Go ahead. THE WITNESS: If no copyright protection is allowed here, in other words, there's no permanent injunction, Public Resource and other parties like it will have freedom to do what the plaintiffs believe they should not have freedom to do.
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	'product' offerings of Public Resource - scans of paper copies of standards with some rekeying of text and some redrawing of diagrams (with some containing errors) - represent a rudimentary first step in the use of Plaintiffs' standards that is likely to become much more sophisticated if the Court holds that third parties are free to use Plaintiffs' standards with impunity after they are incorporated by reference into law." Do you see that? A. Yes, I do. Q. That is your statement, correct? A. Yes. Q. What are the steps that you're envisioning there beyond the rudimentary first step that you identify?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	potential that other parties could do that. BY MR. BRIDGES: Q. What A. I don't know for sure what the defendant has in mind. Q. Why did you take into account harms caused by other parties in this case? A. Because MR. FEE: Objection. Lack of foundation. Go ahead. THE WITNESS: If no copyright protection is allowed here, in other words, there's no permanent injunction, Public Resource and other parties like it will have freedom to do what the plaintiffs believe they

		_	
1	Q. In other words, if the Court	1	standards.
2	makes a decision in a certain way, there will	2	Q. What further harm would
3	be harms from persons or entities other than	3	Public.Resource.Org cause to plaintiffs with
4	Public.Resource.Org to the plaintiffs? Is	4	respect to the standards at issue in this
5	that your testimony?	5	case if no if the Court does not
6	MR. FEE: Objection to form.	6	permanently enjoin Public.Resource.Org?
7	THE WITNESS: You used the	7	MR. FEE: Objection to form.
8	phrase "in a certain way." I don't	8	THE WITNESS: If there's no
9	know what you mean by that. I'm	9	permanent injunction, there will, in
10	addressing the issue of whether there	10	essence, be a message sent to the
11	should be a permanent injunction or	11	marketplace that the standards that
12	not.	12	have already been disseminated are out
13	BY MR. BRIDGES:	13	there and can be used by others.
14	Q. So your view is that, if the	14	So right now my expectation is
15	Court does not enter a permanent injunction,	15	that some number of consumers of the
16	the plaintiffs will suffer harms from parties	16	standards have been reluctant or
17	other than Public.Resource.Org. Is that your	17	unknowing as to the standards
18	testimony?	18	disseminated by Public Resource. Now
19	A. That potential exists. I don't	19	there will be more knowledge about
20	know for sure. That's, in part, why the harm	20	that and more approval of that
21	is irreparable or very difficult to quantify.	21	activity. That is if there's no
22	Q. The what harm?	22	permanent injunction.
23	A. Continuing activity of Public	23	BY MR. BRIDGES:
24	Resource and others. I don't know exactly	24	Q. What harms will plaintiffs
25	what will happen, but the potential is that	25	suffer if the Court rules that the plaintiffs
	Page 74	25	Page 76
1	there could be your broad discomination of	1	do not own the conveights in this case?
	there could be very broad dissemination of	$\begin{vmatrix} 1 \\ 2 \end{vmatrix}$	do not own the copyrights in this case?
2	the standards, which would impact these SDOs tremendously.		MR. FEE: Objection. Calls for
			enoculation
3	*	3	speculation.
4	Q. What harm would	4	THE WITNESS: In essence,
5	Q. What harm would Public.Resource.Org cause to plaintiffs if	4 5	THE WITNESS: In essence, you're asking if there's no copyright
4 5 6	Q. What harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction?	4 5 6	THE WITNESS: In essence, you're asking if there's no copyright infringement?
4 5 6 7	Q. What harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. A permanent injunction would	4 5 6 7	THE WITNESS: In essence, you're asking if there's no copyright infringement? BY MR. BRIDGES:
4 5 6 7 8	Q. What harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. A permanent injunction would lack of a permanent injunction would harm the	4 5 6 7 8	THE WITNESS: In essence, you're asking if there's no copyright infringement? BY MR. BRIDGES: Q. No. What harms have you
4 5 6 7 8 9	Q. What harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. A permanent injunction would lack of a permanent injunction would harm the SDOs.	4 5 6 7 8 9	THE WITNESS: In essence, you're asking if there's no copyright infringement? BY MR. BRIDGES: Q. No. What harms have you identified what harms the plaintiffs would
4 5 6 7 8 9 10	Q. What harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. A permanent injunction would lack of a permanent injunction would harm the SDOs. Q. That wasn't my question. My	4 5 6 7 8 9 10	THE WITNESS: In essence, you're asking if there's no copyright infringement? BY MR. BRIDGES: Q. No. What harms have you identified what harms the plaintiffs would suffer if the Court rules that the plaintiffs
4 5 6 7 8 9 10 11	Q. What harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. A permanent injunction would lack of a permanent injunction would harm the SDOs. Q. That wasn't my question. My question was, what harm would	4 5 6 7 8 9 10 11	THE WITNESS: In essence, you're asking if there's no copyright infringement? BY MR. BRIDGES: Q. No. What harms have you identified what harms the plaintiffs would suffer if the Court rules that the plaintiffs do not own the copyrights at issue, that
4 5 6 7 8 9 10 11 12	Q. What harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. A permanent injunction would lack of a permanent injunction would harm the SDOs. Q. That wasn't my question. My question was, what harm would Public.Resource.Org cause to plaintiffs if	4 5 6 7 8 9 10 11 12	THE WITNESS: In essence, you're asking if there's no copyright infringement? BY MR. BRIDGES: Q. No. What harms have you identified what harms the plaintiffs would suffer if the Court rules that the plaintiffs do not own the copyrights at issue, that there are no copyrights that the plaintiffs
4 5 6 7 8 9 10 11 12 13	Q. What harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. A permanent injunction would lack of a permanent injunction would harm the SDOs. Q. That wasn't my question. My question was, what harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction?	4 5 6 7 8 9 10 11 12 13	THE WITNESS: In essence, you're asking if there's no copyright infringement? BY MR. BRIDGES: Q. No. What harms have you identified what harms the plaintiffs would suffer if the Court rules that the plaintiffs do not own the copyrights at issue, that there are no copyrights that the plaintiffs own
4 5 6 7 8 9 10 11 12 13 14	Q. What harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. A permanent injunction would lack of a permanent injunction would harm the SDOs. Q. That wasn't my question. My question was, what harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. At the very least, it's	4 5 6 7 8 9 10 11 12 13 14	THE WITNESS: In essence, you're asking if there's no copyright infringement? BY MR. BRIDGES: Q. No. What harms have you identified what harms the plaintiffs would suffer if the Court rules that the plaintiffs do not own the copyrights at issue, that there are no copyrights that the plaintiffs own MR. FEE: Objection to form.
4 5 6 7 8 9 10 11 12 13 14 15	Q. What harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. A permanent injunction would lack of a permanent injunction would harm the SDOs. Q. That wasn't my question. My question was, what harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. At the very least, it's associated with its historical dissemination	4 5 6 7 8 9 10 11 12 13 14 15	THE WITNESS: In essence, you're asking if there's no copyright infringement? BY MR. BRIDGES: Q. No. What harms have you identified what harms the plaintiffs would suffer if the Court rules that the plaintiffs do not own the copyrights at issue, that there are no copyrights that the plaintiffs own MR. FEE: Objection to form. BY MR. BRIDGES:
4 5 6 7 8 9 10 11 12 13 14 15 16	Q. What harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. A permanent injunction would lack of a permanent injunction would harm the SDOs. Q. That wasn't my question. My question was, what harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. At the very least, it's associated with its historical dissemination of these standards, and there would be, in	4 5 6 7 8 9 10 11 12 13 14 15 16	THE WITNESS: In essence, you're asking if there's no copyright infringement? BY MR. BRIDGES: Q. No. What harms have you identified what harms the plaintiffs would suffer if the Court rules that the plaintiffs do not own the copyrights at issue, that there are no copyrights that the plaintiffs own MR. FEE: Objection to form. BY MR. BRIDGES: Q at issue in this case?
4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. What harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. A permanent injunction would lack of a permanent injunction would harm the SDOs. Q. That wasn't my question. My question was, what harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. At the very least, it's associated with its historical dissemination of these standards, and there would be, in essence, a carte blanche for other	4 5 6 7 8 9 10 11 12 13 14 15 16 17	THE WITNESS: In essence, you're asking if there's no copyright infringement? BY MR. BRIDGES: Q. No. What harms have you identified what harms the plaintiffs would suffer if the Court rules that the plaintiffs do not own the copyrights at issue, that there are no copyrights that the plaintiffs own MR. FEE: Objection to form. BY MR. BRIDGES: Q at issue in this case? A. I haven't addressed or thought
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. What harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. A permanent injunction would lack of a permanent injunction would harm the SDOs. Q. That wasn't my question. My question was, what harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. At the very least, it's associated with its historical dissemination of these standards, and there would be, in essence, a carte blanche for other organizations or individuals to access those.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE WITNESS: In essence, you're asking if there's no copyright infringement? BY MR. BRIDGES: Q. No. What harms have you identified what harms the plaintiffs would suffer if the Court rules that the plaintiffs do not own the copyrights at issue, that there are no copyrights that the plaintiffs own MR. FEE: Objection to form. BY MR. BRIDGES: Q at issue in this case? A. I haven't addressed or thought about that issue. There are also, don't
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. What harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. A permanent injunction would lack of a permanent injunction would harm the SDOs. Q. That wasn't my question. My question was, what harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. At the very least, it's associated with its historical dissemination of these standards, and there would be, in essence, a carte blanche for other organizations or individuals to access those. So my expectation is that the	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	THE WITNESS: In essence, you're asking if there's no copyright infringement? BY MR. BRIDGES: Q. No. What harms have you identified what harms the plaintiffs would suffer if the Court rules that the plaintiffs do not own the copyrights at issue, that there are no copyrights that the plaintiffs own MR. FEE: Objection to form. BY MR. BRIDGES: Q at issue in this case? A. I haven't addressed or thought about that issue. There are also, don't forget, trademark issues.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. What harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. A permanent injunction would lack of a permanent injunction would harm the SDOs. Q. That wasn't my question. My question was, what harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. At the very least, it's associated with its historical dissemination of these standards, and there would be, in essence, a carte blanche for other organizations or individuals to access those. So my expectation is that the dissemination of the materials that have	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	THE WITNESS: In essence, you're asking if there's no copyright infringement? BY MR. BRIDGES: Q. No. What harms have you identified what harms the plaintiffs would suffer if the Court rules that the plaintiffs do not own the copyrights at issue, that there are no copyrights that the plaintiffs own MR. FEE: Objection to form. BY MR. BRIDGES: Q at issue in this case? A. I haven't addressed or thought about that issue. There are also, don't forget, trademark issues. Q. I'm asking about copyright, so
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. What harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. A permanent injunction would lack of a permanent injunction would harm the SDOs. Q. That wasn't my question. My question was, what harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. At the very least, it's associated with its historical dissemination of these standards, and there would be, in essence, a carte blanche for other organizations or individuals to access those. So my expectation is that the dissemination of the materials that have already been disseminated will expand.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE WITNESS: In essence, you're asking if there's no copyright infringement? BY MR. BRIDGES: Q. No. What harms have you identified what harms the plaintiffs would suffer if the Court rules that the plaintiffs do not own the copyrights at issue, that there are no copyrights that the plaintiffs own MR. FEE: Objection to form. BY MR. BRIDGES: Q at issue in this case? A. I haven't addressed or thought about that issue. There are also, don't forget, trademark issues. Q. I'm asking about copyright, so I ask you to confine your answers to my
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. What harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. A permanent injunction would lack of a permanent injunction would harm the SDOs. Q. That wasn't my question. My question was, what harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. At the very least, it's associated with its historical dissemination of these standards, and there would be, in essence, a carte blanche for other organizations or individuals to access those. So my expectation is that the dissemination of the materials that have already been disseminated will expand. It could also be the case that	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE WITNESS: In essence, you're asking if there's no copyright infringement? BY MR. BRIDGES: Q. No. What harms have you identified what harms the plaintiffs would suffer if the Court rules that the plaintiffs do not own the copyrights at issue, that there are no copyrights that the plaintiffs own MR. FEE: Objection to form. BY MR. BRIDGES: Q at issue in this case? A. I haven't addressed or thought about that issue. There are also, don't forget, trademark issues. Q. I'm asking about copyright, so I ask you to confine your answers to my questions.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. What harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. A permanent injunction would lack of a permanent injunction would harm the SDOs. Q. That wasn't my question. My question was, what harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. At the very least, it's associated with its historical dissemination of these standards, and there would be, in essence, a carte blanche for other organizations or individuals to access those. So my expectation is that the dissemination of the materials that have already been disseminated will expand. It could also be the case that Public Resource will undertake further	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE WITNESS: In essence, you're asking if there's no copyright infringement? BY MR. BRIDGES: Q. No. What harms have you identified what harms the plaintiffs would suffer if the Court rules that the plaintiffs do not own the copyrights at issue, that there are no copyrights that the plaintiffs own MR. FEE: Objection to form. BY MR. BRIDGES: Q at issue in this case? A. I haven't addressed or thought about that issue. There are also, don't forget, trademark issues. Q. I'm asking about copyright, so I ask you to confine your answers to my questions. My question is, what you
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. What harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. A permanent injunction would lack of a permanent injunction would harm the SDOs. Q. That wasn't my question. My question was, what harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. At the very least, it's associated with its historical dissemination of these standards, and there would be, in essence, a carte blanche for other organizations or individuals to access those. So my expectation is that the dissemination of the materials that have already been disseminated will expand. It could also be the case that Public Resource will undertake further activities that would disseminate either	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	THE WITNESS: In essence, you're asking if there's no copyright infringement? BY MR. BRIDGES: Q. No. What harms have you identified what harms the plaintiffs would suffer if the Court rules that the plaintiffs do not own the copyrights at issue, that there are no copyrights that the plaintiffs own MR. FEE: Objection to form. BY MR. BRIDGES: Q at issue in this case? A. I haven't addressed or thought about that issue. There are also, don't forget, trademark issues. Q. I'm asking about copyright, so I ask you to confine your answers to my questions. My question is, what you assume for purposes of your analysis that
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. What harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. A permanent injunction would lack of a permanent injunction would harm the SDOs. Q. That wasn't my question. My question was, what harm would Public.Resource.Org cause to plaintiffs if there is no permanent injunction? A. At the very least, it's associated with its historical dissemination of these standards, and there would be, in essence, a carte blanche for other organizations or individuals to access those. So my expectation is that the dissemination of the materials that have already been disseminated will expand. It could also be the case that Public Resource will undertake further	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE WITNESS: In essence, you're asking if there's no copyright infringement? BY MR. BRIDGES: Q. No. What harms have you identified what harms the plaintiffs would suffer if the Court rules that the plaintiffs do not own the copyrights at issue, that there are no copyrights that the plaintiffs own MR. FEE: Objection to form. BY MR. BRIDGES: Q at issue in this case? A. I haven't addressed or thought about that issue. There are also, don't forget, trademark issues. Q. I'm asking about copyright, so I ask you to confine your answers to my questions. My question is, what you

```
1
            I assume that there's copyright
                                                    1 plaintiffs deserve copyright protection for
        A.
 2 infringement. I don't know that I've made an
                                                      these standards?
   explicit assumption with regard to ownership.
 3
                                                   3
                                                               MR. FEE: Objection to form.
                                                               THE WITNESS: I don't have an
             And you assume infringement
                                                   4
4
    without assuming ownership of the copyrights?
                                                   5
                                                           opinion on that one way or the other.
5
            I haven't made any explicit
                                                           I have not thought about that topic.
                                                   6
   assumption with regard to ownership. I know
                                                   7
                                                      BY MR. BRIDGES:
   that's an issue in this case, but it's well
                                                   8
                                                           Q. Do you have any expertise in
                                                      copyright law as a field of law?
   beyond my expertise.
                                                   9
             So if it turns out that -- do
                                                   10
                                                               MR. FEE: Objection. Vague.
10
        O.
11 you understand your testimony to have any
                                                               THE WITNESS: No, I don't have
                                                  11
12 bearing on whether plaintiffs' standards are
                                                  12
                                                           legal expertise. I have expertise in
                                                           looking at harm associated with
13
   copyrightable?
                                                  13
14
            MR. FEE: Objection. Calls for
                                                  14
                                                           copyright infringement.
                                                  15 BY MR. BRIDGES:
15
        speculation.
16
            I would instruct you to not
                                                  16
                                                           Q. Do you have any expertise with
17
        disclose any communications you had
                                                      respect to harm caused by invalidation of
                                                  17
        with counsel that weren't the basis
18
                                                  18
                                                      copyrights?
19
        for any of your opinions in this case.
                                                  19
                                                               MR. FEE: Same objection.
                                                               THE WITNESS: I'm not quite
20
        You can otherwise answer.
                                                  20
21
            THE WITNESS: Could you read
                                                  21
                                                           sure I'm fully appreciating your
                                                           question. Again, I'm an expert in the
22
        that back or ask it again, please?
                                                  22
                                                           economics of IP protection. One of
23 BY MR. BRIDGES:
                                                  23
24
        Q. Do you understand your
                                                  24
                                                           the areas in which I do work is harm
25 testimony and opinions in this case to have
                                                  25
                                                           associated with copyright protection.
                                           Page 78
                                                                                              Page 80
   any bearing on whether plaintiffs' standards
                                                   1 BY MR. BRIDGES:
    are copyrightable?
                                                   2
                                                           Q. Have you done any work in this
            MR. FEE: Same objection and
3
                                                   3 case to quantify what harms plaintiffs would
        instruction. Plus objection, calls
                                                   4 suffer if a court were to rule that they
4
        for a legal conclusion.
                                                      lacked copyright rights in the standards at
5
            THE WITNESS: I don't know one
                                                      issue in this case?
 6
7
        way or the other. I've not taken on
                                                   7
                                                               MR. FEE: Objection to form.
8
        that assignment.
                                                   8
                                                               Go ahead.
   BY MR. BRIDGES:
                                                   9
                                                               THE WITNESS: Not explicitly,
9
10
             Do you understand whether your
                                                   10
                                                           to my knowledge.
11 testimony and opinions in this case are
                                                  11
                                                      BY MR. BRIDGES:
    relevant to whether plaintiffs deserve
                                                               Have you done anything
                                                  12
                                                           Q.
   copyright protection in this case?
                                                      implicitly?
13
                                                  13
14
            MR. FEE: Objection. Calls for
                                                  14
                                                               MR. FEE: Same objection.
15
        a legal conclusion.
                                                               THE WITNESS: Not to my
                                                  15
16
            And same objection with respect
                                                  16
                                                           knowledge.
        to communications between you and
17
                                                  17 BY MR. BRIDGES:
18
        counsel that were not the bases for
                                                           Q. Have you done any work in this
                                                  18
        your opinions or your report.
                                                      case to analyze the incentives that
19
                                                      participants have in the standards
            THE WITNESS: I don't know one
20
21
        way or the other. I did not take on
                                                  21
                                                      development process?
                                                               MR. FEE: Objection to form.
        that assignment.
                                                  22
22
23 BY MR. BRIDGES:
                                                  23
                                                           Vague.
24
        Q. Do you mean by your analysis
                                                  24
                                                               THE WITNESS: I have in the
25 and opinions to suggest in any way that
                                                           sense that I've examined the materials
                                                  25
                                           Page 79
                                                                                              Page 81
```

```
Right. Or approximately
                                                   1
                                                              THE WITNESS: Again, I don't
 1
        Q.
 2 $3 million?
                                                   2
                                                          have an estimate.
3
        A. Are you limiting it just to
                                                   3
                                                     BY MR. BRIDGES:
   90.1 or all its standards?
                                                          Q. Do you know -- did ASHRAE pay
                                                   4
                                                   5 for the time, the hotel bills, and the plane
5
        Q. Well, that's a good question.
   What -- what's -- what did you intend the
                                                   6 fares of its volunteer members in updating
   last sentence in paragraph 76 to refer to?
                                                   7
                                                     the ASHRAE 90.1 standard?
   All of its standards or 90.1?
                                                   8
                                                          A. I would expect rarely. It's
                                                      possible that there are certain instances in
9
        A. I think it's all of its
10 standards, but we could visit the screenshot
                                                  10 which there was some set of out-of-pocket
                                                      expenses covered, but I would imagine the
11 from the Web site to confirm that.
12
        O. Okav.
                                                  12
                                                      bulk of the time it's the volunteer's
        A. I -- I could be wrong. I don't
13
                                                  13
                                                      employer.
14 think I am, but I could be.
                                                  14
                                                              MR. BRIDGES: Sorry. How long
             Okay. In the previous
                                                          have we been going? I didn't get when
15
                                                  15
16 sentence, you say, "ASHRAE and its volunteer
                                                  16
                                                          we went back on.
   members devoted more than 86,400 man-hours, 17
                                                              MR. FEE: 34 minutes.
18 3,600 hotel nights, and 1,200 round-trip
                                                  18 BY MR. BRIDGES:
19 flights as part of the process."
                                                  19
                                                          Q. Did you speak with Emily Bremer
            And that -- "the process"
                                                  20 at any point in this case?
20
21 appears to refer to updating the ASHRAE 90.1
                                                  21
                                                          A.
                                                               No.
22
   standard, correct?
                                                  22
                                                               How did you become acquainted
                                                          O.
                                                  23 with her writings?
23
        A.
             Yes.
24
             When you say "ASHRAE and its
                                                  24
                                                          A. I think Kevin Fee and/or
        O.
25 volunteer members," and then you give those
                                                  25 Jordana Rubel brought to my attention that
                                           Page 90
                                                                                             Page 92
   statistics, those statistics refer primarily
                                                   1 she had written on this topic. I don't
                                                   2 recall whether then we separately obtained
   to the man-hours, hotel nights, and
                                                   3 her two articles or Mr. Fee slash Ms. Rubel
 3
   round-trip flights of the volunteer members?
            MR. FEE: Objection. Vague.
                                                      provided those to us.
4
            THE WITNESS: Probably. As
5
                                                   5
                                                          Q. What independent work did you
        opposed to ASHRAE-employed staff.
                                                   6
                                                     do to research writings regarding the
6
   BY MR. BRIDGES:
                                                      economics of standards development?
        Q. Do you know how much ASHRAE's
                                                              MR. FEE: Objection to form.
8
                                                   8
   volunteer members and their employers --
                                                   9
                                                              THE WITNESS: We did
9
                                                  10
10 strike that.
                                                          independent research in the sense that
                                                          people that work with me did a
11
            Do you know how much ASHRAE's
                                                  11
12 volunteer members and their employers spent
                                                          literature search to determine what
                                                  12
13 in salaries and disbursements for the
                                                          writings had been done in the area.
                                                  13
14 man-hours, hotel nights, and round-trip
                                                              I was previously aware of some
                                                  14
15 flights that were part of the process of
                                                          amount of the scholarship to begin
                                                  15
16 updating the ASHRAE 90.1 standard?
                                                  16
                                                          with.
17
        A. I don't know, but it -- I would
                                                  17 BY MR. BRIDGES:
18 imagine it's a noticeable amount, but I don't
                                                          Q. How is that literature search
                                                  18
19 know the amount.
                                                      reflected in any documents?
                                                  19
                                                               The results are shown in my
20
             What would be your best
                                                  20
        Q.
21 estimate?
                                                      tab 2, and in particular it is page 2 of my
                                                      tab 2, at the bottom.
22
        A. I don't have a best estimate.
23
        Q. Would it be probably over
                                                  23
                                                          Q.
                                                               And were these items found by
24 $10 million?
                                                  24 you or your team?
                                                              MR. FEE: Objection to form.
            MR. FEE: Objection to form.
25
                                                  25
                                           Page 91
                                                                                             Page 93
```

1 2			
2.	THE WITNESS: Yes, with the	1	the various plaintiffs.
_	exception that, in the first instance,	2	Q. With whom?
3	lawyers at Morgan Lewis brought to our	3	A. They are all identified in
4	attention the Bremer the existence	4	paragraph 10 of my report.
5	of Bremer articles.	5	Q. Which of those did you
6	BY MR. BRIDGES:	6	personally have conversations with?
7	Q. Did you study any of the	7	A. All of them, as I recall. It's
8	materials that Bremer strike that.	8	possible there's someone I did not, but I'm
9	Bremer's articles are law	9	not remembering that being the case.
10	review articles, correct?	10	Q. Approximately how long did you
11	A. Yes.	11	spend with did you have conversations with
12	Q. Did any plaintiff did your	12	any of them together?
13	team's research identify any articles that	13	A. Yes, several of them were
14	you chose not to include in tab 2?	14	together.
15	A. I don't think so.	15	Q. Which ones?
16	Q. Did any plaintiff or its	16	A. I don't recall all
17	counsel furnish you with correspondence	17	combinations. I can say with some confidence
18	between the plaintiffs and Emily Bremer for	18	that there was never more than one plaintiff
19	review?	19	on a call. In other words, there were
20	A. No, not to my knowledge.	20	several people from a particular plaintiff on
21	Q. How many conversations with	21	a call, but not more than one plaintiff.
22	representatives of the plaintiffs did you	22	So I had various combinations
23	have?	23	of calls with ASTM that may have occurred on
24	MR. FEE: Objection.	24	three occasions; with NFPA, one or two
25	I would instruct you not to	25	occasions; and with ASHRAE, one or two
23	Page 94	23	Page 96
1		1	
1	answer questions regarding communications with counsel, unless	1	occasions.
	communications with counsel, unless		
2		2	Q. And approximately how long
3	they formed the basis of your	3	total did you spend in conversations with
3 4	they formed the basis of your opinions, in which case you can answer	3 4	total did you spend in conversations with representatives of each plaintiff?
3 4 5	they formed the basis of your opinions, in which case you can answer questions with respect to those	3 4 5	total did you spend in conversations with representatives of each plaintiff? MR. FEE: Objection to form.
3 4 5 6	they formed the basis of your opinions, in which case you can answer questions with respect to those conversations.	3 4 5 6	total did you spend in conversations with representatives of each plaintiff? MR. FEE: Objection to form. THE WITNESS: Cumulatively,
3 4 5 6 7	they formed the basis of your opinions, in which case you can answer questions with respect to those conversations. BY MR. BRIDGES:	3 4 5 6 7	total did you spend in conversations with representatives of each plaintiff? MR. FEE: Objection to form. THE WITNESS: Cumulatively, somewhere between three and five hours
3 4 5 6 7 8	they formed the basis of your opinions, in which case you can answer questions with respect to those conversations. BY MR. BRIDGES: Q. So I I'll change my question	3 4 5 6 7 8	total did you spend in conversations with representatives of each plaintiff? MR. FEE: Objection to form. THE WITNESS: Cumulatively, somewhere between three and five hours is my best guess right now.
3 4 5 6 7 8 9	they formed the basis of your opinions, in which case you can answer questions with respect to those conversations. BY MR. BRIDGES: Q. So I I'll change my question slightly.	3 4 5 6 7 8 9	total did you spend in conversations with representatives of each plaintiff? MR. FEE: Objection to form. THE WITNESS: Cumulatively, somewhere between three and five hours is my best guess right now. BY MR. BRIDGES:
3 4 5 6 7 8 9 10	they formed the basis of your opinions, in which case you can answer questions with respect to those conversations. BY MR. BRIDGES: Q. So I I'll change my question slightly. How many how many	3 4 5 6 7 8 9 10	total did you spend in conversations with representatives of each plaintiff? MR. FEE: Objection to form. THE WITNESS: Cumulatively, somewhere between three and five hours is my best guess right now. BY MR. BRIDGES: Q. When you say cumulative
3 4 5 6 7 8 9 10 11	they formed the basis of your opinions, in which case you can answer questions with respect to those conversations. BY MR. BRIDGES: Q. So I I'll change my question slightly. How many how many conversations did you have with non-lawyer	3 4 5 6 7 8 9 10 11	total did you spend in conversations with representatives of each plaintiff? MR. FEE: Objection to form. THE WITNESS: Cumulatively, somewhere between three and five hours is my best guess right now. BY MR. BRIDGES: Q. When you say cumulative "cumulatively," you mean for all plaintiffs?
3 4 5 6 7 8 9 10 11 12	they formed the basis of your opinions, in which case you can answer questions with respect to those conversations. BY MR. BRIDGES: Q. So I I'll change my question slightly. How many how many conversations did you have with non-lawyer employees or former employees of the	3 4 5 6 7 8 9 10 11 12	total did you spend in conversations with representatives of each plaintiff? MR. FEE: Objection to form. THE WITNESS: Cumulatively, somewhere between three and five hours is my best guess right now. BY MR. BRIDGES: Q. When you say cumulative "cumulatively," you mean for all plaintiffs? A. Yes. Meaning I'm I've added
3 4 5 6 7 8 9 10 11 12 13	they formed the basis of your opinions, in which case you can answer questions with respect to those conversations. BY MR. BRIDGES: Q. So I I'll change my question slightly. How many how many conversations did you have with non-lawyer employees or former employees of the plaintiffs?	3 4 5 6 7 8 9 10 11 12 13	total did you spend in conversations with representatives of each plaintiff? MR. FEE: Objection to form. THE WITNESS: Cumulatively, somewhere between three and five hours is my best guess right now. BY MR. BRIDGES: Q. When you say cumulative "cumulatively," you mean for all plaintiffs? A. Yes. Meaning I'm I've added up the conversations I had across all three
3 4 5 6 7 8 9 10 11 12 13 14	they formed the basis of your opinions, in which case you can answer questions with respect to those conversations. BY MR. BRIDGES: Q. So I I'll change my question slightly. How many how many conversations did you have with non-lawyer employees or former employees of the plaintiffs? A. None that the that did not	3 4 5 6 7 8 9 10 11 12 13 14	total did you spend in conversations with representatives of each plaintiff? MR. FEE: Objection to form. THE WITNESS: Cumulatively, somewhere between three and five hours is my best guess right now. BY MR. BRIDGES: Q. When you say cumulative "cumulatively," you mean for all plaintiffs? A. Yes. Meaning I'm I've added up the conversations I had across all three plaintiffs.
3 4 5 6 7 8 9 10 11 12 13 14 15	they formed the basis of your opinions, in which case you can answer questions with respect to those conversations. BY MR. BRIDGES: Q. So I I'll change my question slightly. How many how many conversations did you have with non-lawyer employees or former employees of the plaintiffs? A. None that the that did not include the lawyers.	3 4 5 6 7 8 9 10 11 12 13 14 15	total did you spend in conversations with representatives of each plaintiff? MR. FEE: Objection to form. THE WITNESS: Cumulatively, somewhere between three and five hours is my best guess right now. BY MR. BRIDGES: Q. When you say cumulative "cumulatively," you mean for all plaintiffs? A. Yes. Meaning I'm I've added up the conversations I had across all three plaintiffs. Q. Right. What's your best
3 4 5 6 7 8 9 10 11 12 13 14 15 16	they formed the basis of your opinions, in which case you can answer questions with respect to those conversations. BY MR. BRIDGES: Q. So I I'll change my question slightly. How many how many conversations did you have with non-lawyer employees or former employees of the plaintiffs? A. None that the that did not include the lawyers. Q. Right. I'm so I'm asking	3 4 5 6 7 8 9 10 11 12 13 14 15 16	total did you spend in conversations with representatives of each plaintiff? MR. FEE: Objection to form. THE WITNESS: Cumulatively, somewhere between three and five hours is my best guess right now. BY MR. BRIDGES: Q. When you say cumulative "cumulatively," you mean for all plaintiffs? A. Yes. Meaning I'm I've added up the conversations I had across all three plaintiffs. Q. Right. What's your best estimate as to the period of time you spent
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	they formed the basis of your opinions, in which case you can answer questions with respect to those conversations. BY MR. BRIDGES: Q. So I I'll change my question slightly. How many how many conversations did you have with non-lawyer employees or former employees of the plaintiffs? A. None that the that did not include the lawyers. Q. Right. I'm so I'm asking you to tell me what they were. If the	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	total did you spend in conversations with representatives of each plaintiff? MR. FEE: Objection to form. THE WITNESS: Cumulatively, somewhere between three and five hours is my best guess right now. BY MR. BRIDGES: Q. When you say cumulative "cumulatively," you mean for all plaintiffs? A. Yes. Meaning I'm I've added up the conversations I had across all three plaintiffs. Q. Right. What's your best estimate as to the period of time you spent with each plaintiff?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	they formed the basis of your opinions, in which case you can answer questions with respect to those conversations. BY MR. BRIDGES: Q. So I I'll change my question slightly. How many how many conversations did you have with non-lawyer employees or former employees of the plaintiffs? A. None that the that did not include the lawyers. Q. Right. I'm so I'm asking you to tell me what they were. If the presence of lawyer if you had a	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	total did you spend in conversations with representatives of each plaintiff? MR. FEE: Objection to form. THE WITNESS: Cumulatively, somewhere between three and five hours is my best guess right now. BY MR. BRIDGES: Q. When you say cumulative "cumulatively," you mean for all plaintiffs? A. Yes. Meaning I'm I've added up the conversations I had across all three plaintiffs. Q. Right. What's your best estimate as to the period of time you spent with each plaintiff? A. With ASTM, it may have been two
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	they formed the basis of your opinions, in which case you can answer questions with respect to those conversations. BY MR. BRIDGES: Q. So I I'll change my question slightly. How many how many conversations did you have with non-lawyer employees or former employees of the plaintiffs? A. None that the that did not include the lawyers. Q. Right. I'm so I'm asking you to tell me what they were. If the presence of lawyer if you had a conversation with a with an employee or	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	total did you spend in conversations with representatives of each plaintiff? MR. FEE: Objection to form. THE WITNESS: Cumulatively, somewhere between three and five hours is my best guess right now. BY MR. BRIDGES: Q. When you say cumulative "cumulatively," you mean for all plaintiffs? A. Yes. Meaning I'm I've added up the conversations I had across all three plaintiffs. Q. Right. What's your best estimate as to the period of time you spent with each plaintiff? A. With ASTM, it may have been two to three hours. For NFPA, one to two hours.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	they formed the basis of your opinions, in which case you can answer questions with respect to those conversations. BY MR. BRIDGES: Q. So I I'll change my question slightly. How many how many conversations did you have with non-lawyer employees or former employees of the plaintiffs? A. None that the that did not include the lawyers. Q. Right. I'm so I'm asking you to tell me what they were. If the presence of lawyer if you had a conversation with a with an employee or former employee of the plaintiff, I'd like to	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	total did you spend in conversations with representatives of each plaintiff? MR. FEE: Objection to form. THE WITNESS: Cumulatively, somewhere between three and five hours is my best guess right now. BY MR. BRIDGES: Q. When you say cumulative "cumulatively," you mean for all plaintiffs? A. Yes. Meaning I'm I've added up the conversations I had across all three plaintiffs. Q. Right. What's your best estimate as to the period of time you spent with each plaintiff? A. With ASTM, it may have been two to three hours. For NFPA, one to two hours. For ASHRAE, one to two hours. That's my best
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	they formed the basis of your opinions, in which case you can answer questions with respect to those conversations. BY MR. BRIDGES: Q. So I I'll change my question slightly. How many how many conversations did you have with non-lawyer employees or former employees of the plaintiffs? A. None that the that did not include the lawyers. Q. Right. I'm so I'm asking you to tell me what they were. If the presence of lawyer if you had a conversation with a with an employee or former employee of the plaintiff, I'd like to know what that was. So the fact that lawyers	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	total did you spend in conversations with representatives of each plaintiff? MR. FEE: Objection to form. THE WITNESS: Cumulatively, somewhere between three and five hours is my best guess right now. BY MR. BRIDGES: Q. When you say cumulative "cumulatively," you mean for all plaintiffs? A. Yes. Meaning I'm I've added up the conversations I had across all three plaintiffs. Q. Right. What's your best estimate as to the period of time you spent with each plaintiff? A. With ASTM, it may have been two to three hours. For NFPA, one to two hours. For ASHRAE, one to two hours. That's my best guess right now.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	they formed the basis of your opinions, in which case you can answer questions with respect to those conversations. BY MR. BRIDGES: Q. So I I'll change my question slightly. How many how many conversations did you have with non-lawyer employees or former employees of the plaintiffs? A. None that the that did not include the lawyers. Q. Right. I'm so I'm asking you to tell me what they were. If the presence of lawyer if you had a conversation with a with an employee or former employee of the plaintiff, I'd like to know what that was. So the fact that lawyers may have been present wouldn't excuse it from	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	total did you spend in conversations with representatives of each plaintiff? MR. FEE: Objection to form. THE WITNESS: Cumulatively, somewhere between three and five hours is my best guess right now. BY MR. BRIDGES: Q. When you say cumulative "cumulatively," you mean for all plaintiffs? A. Yes. Meaning I'm I've added up the conversations I had across all three plaintiffs. Q. Right. What's your best estimate as to the period of time you spent with each plaintiff? A. With ASTM, it may have been two to three hours. For NFPA, one to two hours. For ASHRAE, one to two hours. That's my best guess right now. * * *
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	they formed the basis of your opinions, in which case you can answer questions with respect to those conversations. BY MR. BRIDGES: Q. So I I'll change my question slightly. How many how many conversations did you have with non-lawyer employees or former employees of the plaintiffs? A. None that the that did not include the lawyers. Q. Right. I'm so I'm asking you to tell me what they were. If the presence of lawyer if you had a conversation with a with an employee or former employee of the plaintiff, I'd like to know what that was. So the fact that lawyers may have been present wouldn't excuse it from the scope of the answer.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	total did you spend in conversations with representatives of each plaintiff? MR. FEE: Objection to form. THE WITNESS: Cumulatively, somewhere between three and five hours is my best guess right now. BY MR. BRIDGES: Q. When you say cumulative "cumulatively," you mean for all plaintiffs? A. Yes. Meaning I'm I've added up the conversations I had across all three plaintiffs. Q. Right. What's your best estimate as to the period of time you spent with each plaintiff? A. With ASTM, it may have been two to three hours. For NFPA, one to two hours. For ASHRAE, one to two hours. That's my best guess right now. * * * (Jarosz Exhibit 2 and Jarosz-3
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	they formed the basis of your opinions, in which case you can answer questions with respect to those conversations. BY MR. BRIDGES: Q. So I I'll change my question slightly. How many how many conversations did you have with non-lawyer employees or former employees of the plaintiffs? A. None that the that did not include the lawyers. Q. Right. I'm so I'm asking you to tell me what they were. If the presence of lawyer if you had a conversation with a with an employee or former employee of the plaintiff, I'd like to know what that was. So the fact that lawyers may have been present wouldn't excuse it from the scope of the answer. A. I had somewhere between four	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	total did you spend in conversations with representatives of each plaintiff? MR. FEE: Objection to form. THE WITNESS: Cumulatively, somewhere between three and five hours is my best guess right now. BY MR. BRIDGES: Q. When you say cumulative "cumulatively," you mean for all plaintiffs? A. Yes. Meaning I'm I've added up the conversations I had across all three plaintiffs. Q. Right. What's your best estimate as to the period of time you spent with each plaintiff? A. With ASTM, it may have been two to three hours. For NFPA, one to two hours. For ASHRAE, one to two hours. That's my best guess right now. * * * (Jarosz Exhibit 2 and Jarosz-3 marked for identification.)
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	they formed the basis of your opinions, in which case you can answer questions with respect to those conversations. BY MR. BRIDGES: Q. So I I'll change my question slightly. How many how many conversations did you have with non-lawyer employees or former employees of the plaintiffs? A. None that the that did not include the lawyers. Q. Right. I'm so I'm asking you to tell me what they were. If the presence of lawyer if you had a conversation with a with an employee or former employee of the plaintiff, I'd like to know what that was. So the fact that lawyers may have been present wouldn't excuse it from the scope of the answer.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	total did you spend in conversations with representatives of each plaintiff? MR. FEE: Objection to form. THE WITNESS: Cumulatively, somewhere between three and five hours is my best guess right now. BY MR. BRIDGES: Q. When you say cumulative "cumulatively," you mean for all plaintiffs? A. Yes. Meaning I'm I've added up the conversations I had across all three plaintiffs. Q. Right. What's your best estimate as to the period of time you spent with each plaintiff? A. With ASTM, it may have been two to three hours. For NFPA, one to two hours. For ASHRAE, one to two hours. That's my best guess right now. * * * (Jarosz Exhibit 2 and Jarosz-3

1	record at 12:17. This is the end of	1	you interview?
2	media unit number 1.	2	A. I don't think I interviewed any
3	* * *	3	members of the public either.
4	(Recess from 12:17 p.m. to	4	Q. What steps did you do to
5	12:32 p.m.)	5	ascertain the views of the members of the
6	* * *	6	organizations, other than the employees?
7	THE VIDEOGRAPHER: On the	7	A. I read the materials that were
8	record at 12:32. This is the	8	produced here. I read the deposition
9	beginning of media unit 2 in the	9	testimony of the various individuals. I read
10	deposition of John Jarosz.	10	the articles published by Ms. Bremer. And I
11	BY MR. BRIDGES:	11	read the other academic literature and
12	Q. Mr. Jarosz, your report, as I	12	practical literature that I had.
13	referred to earlier, cites a number of	13	Q. Which of those sources stated
14	conversations with employees of the	14	the views of the non-employee members of the
15	plaintiffs. For what purpose did you have	15	various organizations?
16	conversations with the plaintiffs' employees?	16	A. I don't know that views of
17	A. To learn more about the	17	that their views were explicitly addressed in
18	organization and their view as to the impact	18	my report or represented. I understood what
19	of continued copyright protection	19	the impacts of the lack of honoring the
20	continued copyright infringement and	20	copyrights and trademarks would have, but I
21	trademark infringement.	21	don't know that I saw non-employee member
22	Q. What view did you learn from	22	views explicitly summarized.
23	them?	23	Q. So what steps did you do to
24	MR. FEE: Objection to form.	24	ascertain the views of the members of the
25	THE WITNESS: Well, I solicited	25	organizations
	Page 110		Page 112
l .			
1	and learned many facts about the	1	MR. FEE: Objection.
$\begin{vmatrix} 1 \\ 2 \end{vmatrix}$	and learned many facts about the organizations. I also learned that	1 2	MR. FEE: Objection. BY MR. BRIDGES:
2	organizations. I also learned that	2	BY MR. BRIDGES:
2 3	organizations. I also learned that each one of them viewed continued	2 3	BY MR. BRIDGES: Q other than their employees?
2 3 4	organizations. I also learned that each one of them viewed continued copyright infringement and trademark	2 3 4	BY MR. BRIDGES: Q other than their employees? MR. FEE: Asked and answered.
2 3 4 5	organizations. I also learned that each one of them viewed continued copyright infringement and trademark infringement as quite detrimental to	2 3 4 5	BY MR. BRIDGES: Q other than their employees? MR. FEE: Asked and answered. THE WITNESS: Well, I talked to
2 3 4 5 6	organizations. I also learned that each one of them viewed continued copyright infringement and trademark infringement as quite detrimental to their organizations, detrimental to	2 3 4 5 6	BY MR. BRIDGES: Q other than their employees? MR. FEE: Asked and answered. THE WITNESS: Well, I talked to the employees, and they interact with
2 3 4 5 6 7	organizations. I also learned that each one of them viewed continued copyright infringement and trademark infringement as quite detrimental to their organizations, detrimental to the members, detrimental to the	2 3 4 5 6 7	BY MR. BRIDGES: Q other than their employees? MR. FEE: Asked and answered. THE WITNESS: Well, I talked to the employees, and they interact with the members on a very regular basis,
2 3 4 5 6 7 8	organizations. I also learned that each one of them viewed continued copyright infringement and trademark infringement as quite detrimental to their organizations, detrimental to the members, detrimental to the public.	2 3 4 5 6 7 8	BY MR. BRIDGES: Q other than their employees? MR. FEE: Asked and answered. THE WITNESS: Well, I talked to the employees, and they interact with the members on a very regular basis, so they gave me some sense of what the
2 3 4 5 6 7 8 9	organizations. I also learned that each one of them viewed continued copyright infringement and trademark infringement as quite detrimental to their organizations, detrimental to the members, detrimental to the public. They viewed continued IP	2 3 4 5 6 7 8 9	BY MR. BRIDGES: Q other than their employees? MR. FEE: Asked and answered. THE WITNESS: Well, I talked to the employees, and they interact with the members on a very regular basis, so they gave me some sense of what the views of the members were.
2 3 4 5 6 7 8 9 10	organizations. I also learned that each one of them viewed continued copyright infringement and trademark infringement as quite detrimental to their organizations, detrimental to the members, detrimental to the public. They viewed continued IP infringement as potentially	2 3 4 5 6 7 8 9 10	BY MR. BRIDGES: Q other than their employees? MR. FEE: Asked and answered. THE WITNESS: Well, I talked to the employees, and they interact with the members on a very regular basis, so they gave me some sense of what the views of the members were. It also could be that some of
2 3 4 5 6 7 8 9 10 11	organizations. I also learned that each one of them viewed continued copyright infringement and trademark infringement as quite detrimental to their organizations, detrimental to the members, detrimental to the public. They viewed continued IP infringement as potentially devastating to their organizations.	2 3 4 5 6 7 8 9 10 11	BY MR. BRIDGES: Q other than their employees? MR. FEE: Asked and answered. THE WITNESS: Well, I talked to the employees, and they interact with the members on a very regular basis, so they gave me some sense of what the views of the members were. It also could be that some of the perspectives of the members are
2 3 4 5 6 7 8 9 10 11 12	organizations. I also learned that each one of them viewed continued copyright infringement and trademark infringement as quite detrimental to their organizations, detrimental to the members, detrimental to the public. They viewed continued IP infringement as potentially devastating to their organizations. BY MR. BRIDGES:	2 3 4 5 6 7 8 9 10 11 12	BY MR. BRIDGES: Q other than their employees? MR. FEE: Asked and answered. THE WITNESS: Well, I talked to the employees, and they interact with the members on a very regular basis, so they gave me some sense of what the views of the members were. It also could be that some of the perspectives of the members are reflected in some of the documents I
2 3 4 5 6 7 8 9 10 11 12 13	organizations. I also learned that each one of them viewed continued copyright infringement and trademark infringement as quite detrimental to their organizations, detrimental to the members, detrimental to the public. They viewed continued IP infringement as potentially devastating to their organizations. BY MR. BRIDGES: Q. These were their views?	2 3 4 5 6 7 8 9 10 11 12 13	BY MR. BRIDGES: Q other than their employees? MR. FEE: Asked and answered. THE WITNESS: Well, I talked to the employees, and they interact with the members on a very regular basis, so they gave me some sense of what the views of the members were. It also could be that some of the perspectives of the members are reflected in some of the documents I identified in tab 2.
2 3 4 5 6 7 8 9 10 11 12 13 14	organizations. I also learned that each one of them viewed continued copyright infringement and trademark infringement as quite detrimental to their organizations, detrimental to the members, detrimental to the public. They viewed continued IP infringement as potentially devastating to their organizations. BY MR. BRIDGES: Q. These were their views? A. Yes. I'm just paraphrasing, of	2 3 4 5 6 7 8 9 10 11 12 13 14	BY MR. BRIDGES: Q other than their employees? MR. FEE: Asked and answered. THE WITNESS: Well, I talked to the employees, and they interact with the members on a very regular basis, so they gave me some sense of what the views of the members were. It also could be that some of the perspectives of the members are reflected in some of the documents I identified in tab 2. BY MR. BRIDGES:
2 3 4 5 6 7 8 9 10 11 12 13 14 15	organizations. I also learned that each one of them viewed continued copyright infringement and trademark infringement as quite detrimental to their organizations, detrimental to the members, detrimental to the public. They viewed continued IP infringement as potentially devastating to their organizations. BY MR. BRIDGES: Q. These were their views? A. Yes. I'm just paraphrasing, of course.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	BY MR. BRIDGES: Q other than their employees? MR. FEE: Asked and answered. THE WITNESS: Well, I talked to the employees, and they interact with the members on a very regular basis, so they gave me some sense of what the views of the members were. It also could be that some of the perspectives of the members are reflected in some of the documents I identified in tab 2. BY MR. BRIDGES: Q. Well, I'm just trying to find
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	organizations. I also learned that each one of them viewed continued copyright infringement and trademark infringement as quite detrimental to their organizations, detrimental to the members, detrimental to the public. They viewed continued IP infringement as potentially devastating to their organizations. BY MR. BRIDGES: Q. These were their views? A. Yes. I'm just paraphrasing, of course. Q. What members did you interview?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	BY MR. BRIDGES: Q other than their employees? MR. FEE: Asked and answered. THE WITNESS: Well, I talked to the employees, and they interact with the members on a very regular basis, so they gave me some sense of what the views of the members were. It also could be that some of the perspectives of the members are reflected in some of the documents I identified in tab 2. BY MR. BRIDGES: Q. Well, I'm just trying to find out where it sounds as though strike
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	organizations. I also learned that each one of them viewed continued copyright infringement and trademark infringement as quite detrimental to their organizations, detrimental to the members, detrimental to the public. They viewed continued IP infringement as potentially devastating to their organizations. BY MR. BRIDGES: Q. These were their views? A. Yes. I'm just paraphrasing, of course. Q. What members did you interview? A. None, other than the employees.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	BY MR. BRIDGES: Q other than their employees? MR. FEE: Asked and answered. THE WITNESS: Well, I talked to the employees, and they interact with the members on a very regular basis, so they gave me some sense of what the views of the members were. It also could be that some of the perspectives of the members are reflected in some of the documents I identified in tab 2. BY MR. BRIDGES: Q. Well, I'm just trying to find out where it sounds as though strike that.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	organizations. I also learned that each one of them viewed continued copyright infringement and trademark infringement as quite detrimental to their organizations, detrimental to the members, detrimental to the public. They viewed continued IP infringement as potentially devastating to their organizations. BY MR. BRIDGES: Q. These were their views? A. Yes. I'm just paraphrasing, of course. Q. What members did you interview? A. None, other than the employees. I don't know if you call those "members" or	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	BY MR. BRIDGES: Q other than their employees? MR. FEE: Asked and answered. THE WITNESS: Well, I talked to the employees, and they interact with the members on a very regular basis, so they gave me some sense of what the views of the members were. It also could be that some of the perspectives of the members are reflected in some of the documents I identified in tab 2. BY MR. BRIDGES: Q. Well, I'm just trying to find out where it sounds as though strike that. It sounds as though a minute
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	organizations. I also learned that each one of them viewed continued copyright infringement and trademark infringement as quite detrimental to their organizations, detrimental to the members, detrimental to the public. They viewed continued IP infringement as potentially devastating to their organizations. BY MR. BRIDGES: Q. These were their views? A. Yes. I'm just paraphrasing, of course. Q. What members did you interview? A. None, other than the employees. I don't know if you call those "members" or not. But the volunteer membership, I didn't	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	BY MR. BRIDGES: Q other than their employees? MR. FEE: Asked and answered. THE WITNESS: Well, I talked to the employees, and they interact with the members on a very regular basis, so they gave me some sense of what the views of the members were. It also could be that some of the perspectives of the members are reflected in some of the documents I identified in tab 2. BY MR. BRIDGES: Q. Well, I'm just trying to find out where it sounds as though strike that. It sounds as though a minute ago you said you couldn't recall anything specifically calling out views of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	organizations. I also learned that each one of them viewed continued copyright infringement and trademark infringement as quite detrimental to their organizations, detrimental to the members, detrimental to the public. They viewed continued IP infringement as potentially devastating to their organizations. BY MR. BRIDGES: Q. These were their views? A. Yes. I'm just paraphrasing, of course. Q. What members did you interview? A. None, other than the employees. I don't know if you call those "members" or not. But the volunteer membership, I didn't go to. THE VIDEOGRAPHER: Excuse me.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	BY MR. BRIDGES: Q other than their employees? MR. FEE: Asked and answered. THE WITNESS: Well, I talked to the employees, and they interact with the members on a very regular basis, so they gave me some sense of what the views of the members were. It also could be that some of the perspectives of the members are reflected in some of the documents I identified in tab 2. BY MR. BRIDGES: Q. Well, I'm just trying to find out where it sounds as though strike that. It sounds as though a minute ago you said you couldn't recall anything specifically calling out views of non-employee members, correct?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	organizations. I also learned that each one of them viewed continued copyright infringement and trademark infringement as quite detrimental to their organizations, detrimental to the members, detrimental to the public. They viewed continued IP infringement as potentially devastating to their organizations. BY MR. BRIDGES: Q. These were their views? A. Yes. I'm just paraphrasing, of course. Q. What members did you interview? A. None, other than the employees. I don't know if you call those "members" or not. But the volunteer membership, I didn't go to. THE VIDEOGRAPHER: Excuse me. Counsel, could you move your	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	BY MR. BRIDGES: Q other than their employees? MR. FEE: Asked and answered. THE WITNESS: Well, I talked to the employees, and they interact with the members on a very regular basis, so they gave me some sense of what the views of the members were. It also could be that some of the perspectives of the members are reflected in some of the documents I identified in tab 2. BY MR. BRIDGES: Q. Well, I'm just trying to find out where it sounds as though strike that. It sounds as though a minute ago you said you couldn't recall anything specifically calling out views of non-employee members, correct? A. Correct. I think that's right.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	organizations. I also learned that each one of them viewed continued copyright infringement and trademark infringement as quite detrimental to their organizations, detrimental to the members, detrimental to the public. They viewed continued IP infringement as potentially devastating to their organizations. BY MR. BRIDGES: Q. These were their views? A. Yes. I'm just paraphrasing, of course. Q. What members did you interview? A. None, other than the employees. I don't know if you call those "members" or not. But the volunteer membership, I didn't go to. THE VIDEOGRAPHER: Excuse me.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MR. BRIDGES: Q other than their employees? MR. FEE: Asked and answered. THE WITNESS: Well, I talked to the employees, and they interact with the members on a very regular basis, so they gave me some sense of what the views of the members were. It also could be that some of the perspectives of the members are reflected in some of the documents I identified in tab 2. BY MR. BRIDGES: Q. Well, I'm just trying to find out where it sounds as though strike that. It sounds as though a minute ago you said you couldn't recall anything specifically calling out views of non-employee members, correct? A. Correct. I think that's right. Q. What did you do to verify the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	organizations. I also learned that each one of them viewed continued copyright infringement and trademark infringement as quite detrimental to their organizations, detrimental to the members, detrimental to the public. They viewed continued IP infringement as potentially devastating to their organizations. BY MR. BRIDGES: Q. These were their views? A. Yes. I'm just paraphrasing, of course. Q. What members did you interview? A. None, other than the employees. I don't know if you call those "members" or not. But the volunteer membership, I didn't go to. THE VIDEOGRAPHER: Excuse me. Counsel, could you move your microphone to your lapel? Thank you.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	BY MR. BRIDGES: Q other than their employees? MR. FEE: Asked and answered. THE WITNESS: Well, I talked to the employees, and they interact with the members on a very regular basis, so they gave me some sense of what the views of the members were. It also could be that some of the perspectives of the members are reflected in some of the documents I identified in tab 2. BY MR. BRIDGES: Q. Well, I'm just trying to find out where it sounds as though strike that. It sounds as though a minute ago you said you couldn't recall anything specifically calling out views of non-employee members, correct? A. Correct. I think that's right.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	organizations. I also learned that each one of them viewed continued copyright infringement and trademark infringement as quite detrimental to their organizations, detrimental to the members, detrimental to the public. They viewed continued IP infringement as potentially devastating to their organizations. BY MR. BRIDGES: Q. These were their views? A. Yes. I'm just paraphrasing, of course. Q. What members did you interview? A. None, other than the employees. I don't know if you call those "members" or not. But the volunteer membership, I didn't go to. THE VIDEOGRAPHER: Excuse me. Counsel, could you move your microphone to your lapel? Thank you. BY MR. BRIDGES:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	BY MR. BRIDGES: Q other than their employees? MR. FEE: Asked and answered. THE WITNESS: Well, I talked to the employees, and they interact with the members on a very regular basis, so they gave me some sense of what the views of the members were. It also could be that some of the perspectives of the members are reflected in some of the documents I identified in tab 2. BY MR. BRIDGES: Q. Well, I'm just trying to find out where it sounds as though strike that. It sounds as though a minute ago you said you couldn't recall anything specifically calling out views of non-employee members, correct? A. Correct. I think that's right. Q. What did you do to verify the statements that employees of the plaintiffs

1 States other than law review articles by 2 A. I did what I normally do in an assignment like this and look at the produced 4 materials. 5 Q. And the produced materials did 6 not call out specifically any views of 7 non-employee members of the plaintiff 8 organizations, correct? 9 A. I don't recall any specific 10 views being summarized. My memory may not be 11 perfect on that, though. 12 Q. What research, if any, did you 13 do among members of the public about whether 14 lack of copyright protection for the 15 plaintiff's standards would be detrimental to 16 the to the public? 14 Lack of copyrigh protection for the 16 the to the public? 15 A. The information that I reviewed 18 is in tab 2. I didn't have material beyond 19 what is identified in tab 2. 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 21 the public? 22 mR. FEE: Objection to form. 23 mR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address 2 mpointed to the Administrative Conference of the United States - Strike that. 25 memer articles, in part, address 2 mpointed to the Administrative Conference of the United States - Strike that. 26 mpointed to the Administrative Conference of the United States - Strike that. 27 mpost liber 1 don't. Tecall that stitting here now. 28 my Mr. BRIDGES: 30 mr. FEE: Objection to form. 41 that. I think some of the federal 2 government's circulars that I dentify, in part, reflect the 1995 and OMB Circular A-119 I think the 1995 and OMB Circular A-119 personally? 41 that. I spart, reflect the 1995 and OMB Circular A-119 conference of the United States - Strike that. 42 poyou know whether states in her law review articles reflect a deliberations of the Administrative Conference of the United States - Strike that. 43 personally? 44 the United States - Strike that. 45 possible. 46 pour benefit of the federal 2 mpointed to the Administrative Conference of the United States - Strike that. 47 pour benefit of the Administrative Conferenc				
3 axisgmment like this and look at the produced 4 materials. 5 Q. And the produced materials did 6 not call out specifically any views of 7 non-employee members of the plaintiff 8 organizations, correct? 9 A. I don't recall any specific 10 views being summarized. My memory may not be 11 perfect on that, though. 12 Q. What research, if any, did you 13 do among members of the public about whether 14 lack of copyright protection for the 15 plaintiff's standards would be detrimental to 16 the to the public? 17 A. The information that I reviewed 18 is in tab 2. I didn't have material beyond 19 what is identified in tab 2. 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: 1 think the 25 Bremer articles, in part, address 4 reviews, in particular the NTTAA of 5 1995 and OMB Circular A-119. I think 6 they, in part, reflect the 6 (D. Do you know wither alm verice articles?) 11 A. I don't. 12 A. I don't. 12 A. I don't. 13 BY MR. BRIDGES: 14 A. I don't. 15 A. I don't. 16 Wh. Bremer states in her law review articles? 16 Administrative Conference of the United 17 States regarding the conclusions that 18 any dissent in any relevant committee of the 18 Administrative Conference of the United 19 A. The information that I reviewed 10 A. The information that I reviewed 11 BY MR. BRIDGES: 12 Q. Do you know why persons get 13 pertaining to the deternal to the Administrative Conference of the United States in connection 14 deliberations, but my memory is not perfect. 15 A. I don't. 12 Q. Did you review of members of 15 States regarding the conclusions that 16 the-10 the public? 18 MR. BRIDGES: 29 Q. Do you know whether there was 19 Wh. BRIDGES: 20 Q. Do you know why persons get 21 don't recall that sitting here now. 22 Q. Do you know whether 23 MR. FEE: Objection to form. 24 The WITNESS: I don't. 25 A. I may have known that, but I 26 Do you know whether 27 There are probably other things. 28 BY MR. BRIDGES: 39 Q. Did you review of the p				· · · · · · · · · · · · · · · · · · ·
4 materials. Q. And the produced materials did 6 not call out specifically any views of 7 non-employee members of the plaintiff 8 organizations, correct? 9 A. I don't recall any specific 10 views being summarized. My memory may not be 11 perfect on that, though, 12 Q. What research, if any, did you 13 do among members of the public about whether 14 lack of copyright protection for the 15 plaintiff's standards would be detrimental to 16 the to the public? 17 A. The information that I reviewed 18 is in tab 2. I didn't have material beyond 19 what is identified in tab 2. 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address 26 Page 114 1 that. I think some of the federal 2 government's circulars that I 3 identify, in part, reflect the 4 reviews, in particular the NTTAA of 5 1995 and OMB Circular A-119. I think 6 they, in part, reflect public views. 7 There are probably other things. 8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review OMB Circular 13 pertaining to the discussions or 14 deliberations, but my memory is not perfect. 6 Q. Do you know whether there was 15 any dissent in any relevant committee of the 16 Administrative Conference of the United 17 States regarding the conclusions that 18 is in tab 2. I didn't have material beyond 19 MR. FEE: Objection to form. 20 Dyou know whether there was 21 appointed to the Administrative Conference of the United States in connection 22 Q. Do you know whether 23 MR. FEE: Objection to form. 24 The WITNESS: I think the 25 Bremer articles, in part, address 26 Page 114 1 don't recall that sitting here now. 27 Q. Do you know whether 28 MR. FEE: Objection to form. 29 Q. Did you review of MB Circular 20 Q. Do you know whether 21 MR. FEE: Objection to form. 21 MR. FEE: Objection to form. 22 Q. Do you know whether 23 MR. FEE: Objection to form. 24 Do you know wheth	2	· · · · · · · · · · · · · · · · · · ·		•
5 Q. And the produced materials did 6 not call out specifically any views of 7 non-employee members of the plaintiff 8 organizations, correct? 9 A. I don't recall any specific 10 views being summarized. My memory may not be 11 perfect on that, though. 12 Q. What research, if any, did you 13 do among members of the public about whether 14 lack of copyright protection for the 15 plaintiff's standards would be detrimental to 16 the to the public? 17 A. The information that I reviewed 18 is in tab 2. I didn't have material beyond 19 what is identified in tab 2. 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address 25 MR. FEE: Objection to form. 26 THE WITNESS: I think the 27 THE WITNESS: I think the 28 Bry MR. BRIDGES: 29 Q. Do you know whether 30 A. I don't recall I did. 40 The are probably other things. 41 A. I don't. 42 THE WITNESS: I think the 43 THE WITNESS: I think the 44 THE WITNESS: I think the 45 There are probably other things. 46 There are probably other things. 47 There are probably other things. 48 There are probably other things. 49 Q. Did you review OMB Circular 40 A. I don't recall that sitting here now. 41 A. I don't. 42 Do you know whether 42 THE WITNESS: I think the 43 I don't recall that sitting here now. 44 The witness of the Administrative Conference of the United States? 45 Am. I may have known that, but I 46 The WITNESS: I think the 47 The WITNESS: I think the 48 The WITNESS: I think the 49 The WITNESS: I think the 40 The WITNESS: I think the 41 The WITNESS: I think the 42 The WITNESS: I think the 43 The WITNESS: I think the 44 The WITNESS: I think the 45 The WITNESS: I think the 46 The WITNESS: I think the 47 The WITNESS: I think the 48 The WITNESS: I think the 49 The WITNESS: I think the 40 The WITNESS: I think the 41 The WITNESS: I think the 42 The WITNESS: I think the 43 The WITNESS: I think the 44 The WITNESS: I think the 45 The WITNESS: I think	3			<i>C</i> ,
6 not call out specifically any views of 7 non-employee members of the plaintiff 8 organizations, correct? 9 A. I don't recall any specific 10 views being summarized. My memory may not be 11 perfect on that, though. 12 Q. What research, if any, did you 13 do among members of the public about whether 14 lack of copyright protection for the 15 plaintiffs' standards would be detrimental to 16 the to the public? 17 A. The information that I reviewed 18 is in tab 2. I didn't have material beyond 19 what is identified in tab 2. 10 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address 26 government's circulars that I 27 government's circulars that I 28 government's circular sthat I 29 government's circular sthat I 21 government's circular sthat I 22 government's circular sthat I 23 identify, in part, reflect the 24 reviews, in part, reflect the 25 BP MR. BRIDGES: 26 A. I may have known that, but I 27 page 114 28 What part, reflect public views. 29 Q. Do you know whether 30 identify, in part, reflect public views. 31 hath. I think some of the federal 32 government's circulars that I 33 identify, in part, reflect public views. 4 reviews, in part, reflect public views. 5 There are probably other things. 6 PQ. Did you review OMB Circular 6 A-119 personally? 7 A. What particular materials or 8 meetings are you referring to? 9 Q. Any. 10 Q. Any. 11 A. Or of that body. 12 Q. Any. 13 Py MR. BRIDGES: 14 MR. FEE: Objection to form. 15 Page 114 16 what is defined in tab 2. 17 A. I may have known that, but I 18 in table views of members of the daministrative Conference of the United States in connection of the defined provide you information and they wave a fine part of the discussions or deliberations of the daministrative Conference of the United States in connection of with your research or analysis? 19 Q. Any. 20 A. I don't recall that itis 21 possible. 22 Q. Do sos tab 2 refer you to any	-			· ·
7 non-employee members of the plaintiff 8 organizations, correct? 9 A. I don't recall any specific 10 views being summarized. My memory may not be 11 perfect on that, though. 11 Q. What research, if any, did you 13 do among members of the public about whether 14 lack of copyright protection for the 15 plaintiffs' standards would be detrimental to 16 the — to the public? 17 A. The information that I reviewed 18 is in tab 2. I didn't have material beyond 18 what is identified in tab 2. 19 what is identified in tab 2. 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 21 the public? 22 MR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address 25 MR. FEE: Objection to form. 26 MR. FEE: Objection to form. 27 MR. FEE: Objection to form. 28 MR. FEE: Objection to form. 29 MR. FEE: Objection to form. 29 MR. FEE: Objection to form. 20 MR. FEE: Objection to form. 20 MR. FEE: Objection to form. 21 MR. FEE: Objection to form. 22 MR. FEE: Objection to form. 23 MR. FEE: Objection to form. 24 MR. FEE: Objection to form. 25 MR. FEE: Objection to form. 26 MR. FEE: Objection to form. 27 MR. FEE: Objection to form. 28 MR. FEE: Objection to form. 29 MR. FEE: Objection to form. 29 MR. FEE: Objection to form. 20 MR. FEE: Objection to form. 21 MR. FEE: Objection to form. 21 MR. FEE: Objection to form. 22 MR. FEE: Objection to form. 23 MR. FEE: Objection to form. 24 MR. FEE: Objection to form. 25 MR. FEE: Objection to form. 26 MR. FEE: Objection to form. 27 MR. FEE: Objection to form. 28 MR. FEE: Objection to form. 29 MR. FEE: Objection to form. 29 MR. FEE: Objection to form. 20 MR. FEE: Ob	5			
8 organizations, correct? 9 A. I don't recall any specific 10 views being summarized. My memory may not be perfect on that, though. 12 Q. What research, if any, did you 13 do among members of the public about whether 14 lack of copyright protection for the 15 plaintiffs' standards would be detrimental to 16 the — to the public? 17 A. The information that I reviewed 18 is in tab 2. I didn't have material beyond 19 what is identified in tab 2. 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address 25 Mr. FEE: Objection to form. 26 government's circulars that I identify, in part, reflect the 27 reviews, in particular the NTTAA of 28 government's circulars that I identify, in part, reflect the 29 Q. Did you review OMB Circular 20 A. I yes, As I recall, I did. 20 Q. Did you review any materials or 21 and A-119 personally? 22 Q. Did you review any materials or 23 pertaining to the discussions or 24 difference of the United States in her law review articles? 25 A. I don't. 26 A. I don't. 27 A. I don't. 28 MR. FEE: Objection. Vague. 38 A. I don't. 39 MR. BRIDGES: 30 MR. FEE: Objection to form. 31 States regarding the conclusions that 4 MR. FEE: Objection. Vague. 4 A. I don't. 4 MR. FEE: Objection to form. 4 Hey Mr. BRIDGES: 4 Do you know whether 5 Ms. Bremer states in her law review articles? 4 MR. FEE: Objection to form. 5 MR. FEE: Objection to form. 5 MR. FEE: Objection to form. 6 Vinited States? 6 View of the Administrative Conference of the United States in connection with your research or analysis? 10 MR. FEE: Objection to form. 11 deliberations of the Administrative Conference of the United States in connection with your research or analysis? 11 MR. FEE: Objection to form. 12 Q. Did you review any materials 13 pertaining to the discussions or or analysis? 14 deliberations of the Administrative Conference of the United States - strike that. 15 Views of the Administrative Confer	6			
9				
10 views being summarized. My memory may not be perfect on that, though. 11 perfect on that, though. 12 Q. What research, if any, did you all do among members of the public about whether lack of copyright protection for the lack of c		_	_	
11 perfect on that, though. 12 Q. What research, if any, did you 13 do among members of the public about whether 14 lack of copyright protection for the 15 plaintiffs' standards would be detrimental to 16 the to the public? 17 A. The information that I reviewed 18 is in tab 2. I didn't have material beyond 19 what is identified in tab 2. 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address 26 Bremer articles, in part, address 27 A. I may have known that, but I 28 page 114 1 that. I think some of the federal 29 government's circulars that I 31 identify, in part, reflect the 4 reviews, in particular he NTTAA of 5 1995 and OMB Circular A-119. I think 4 they, in part, reflect public views. 7 There are probably other things. 8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes, As I recall, I did. 12 Q. Did you review any materials or 13 pertaining to the discussions or 14 deliberations of the Administrative 15 plaintiffs' standards would be detrimental to 16 the to the public? 17 A. The information that I reviewed 18 is in tab 2. I didn't have material beyond 18 is in tab 2. I didn't have materials or 19 Q. Did you review any materials 19 pertain the views of members of 19 Q. Any. 20 A. I don't recall hat sitting here now. 21 don't recall that sitting here now. 22 Q. Do you know whether 23 don't recall that sitting here now. 24 United States. 25 Ms. Bremer's articles strike that. 26 Vo Do you know whether 27 MR. FEE: Objection to form. 28 BY MR. BRIDGES: 29 Did you review of the defined to the Administrative Conference of the 29 Did you review any materials 20 Q. Did you review any materials 21 pertaining to the discussions or 22 Q. Do you know whether 23 deliberations of the Administrative Conference of the United States in onnection of the Mr. FEE: Objection to form. 29 Did you review any materials or 20 Q. Did you review of materials o	-			
12 Q. What research, if any, did you 13 do among members of the public about whether 14 lack of copyright protection for the 15 plaintiffs standards would be detrimental to 16 the — to the public? 17 A. The information that I reviewed 18 is in tab 2. I didn't have material beyond 19 what is identified in tab 2. 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address 26 government's circulars that I 27 didn't have material beyond 28 mere articles, in part, address 29 mere articles, in part, address 20 mere articles, in part, address 21 didn't have material beyond 22 do no you know why persons get appointed to the Administrative Conference of the United States? 29 MR. FEE: Objection to form. 20 Q. Do you know why persons get appointed to the Administrative Conference of 2 the United States? 20 Do you know whether 21 don't recall that sitting here now. 22 Q. Do you know whether 23 don't recall that sitting here now. 24 The With state in the NTTAA of 1995 and OMB Circular A-119. I think they, in part, reflect public views. 25 There are probably other things. 26 Q. Did you review OMB Circular 27 A. Yes. As I recall, I did. 28 Q. Did you review OMB Circular and they may in fact, represent the views of some or all members, but I don't think that's — that either article is an official representation — A. The With your research or analysis? 28 MR. FEE: Objection to form. 29 Q. Did you review on materials or more thank they officially reflect that. I believe she gathered information, and they may, in fact, represent the views of some or all members, but I don't think that's — that either article is an official representation — A. — of that body. 29 Q. Does tab 2 refer you to any 29 Q. Does tab 2 refer you to any 29 Q. Does tab 2 refer you to any 29 Q. Does tab 2 refer you to any 29 Q. Does tab 2 refer you to any 29 Q. Does tab 2 refer you to any 29 Q. Does tab 2 refer you to any 29 Q.	l			
do among members of the public about whether lake of copyright protection for the lake of copyright protection for the beautiffs' standards would be detrimental to the to the public? A. The information that I reviewed is is in tab 2. I didn't have material beyond what is identified in tab 2. Q. So what in tab 2 reflects your 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? MR. FEE: Objection to form. 22 THE WITNESS: I think the 25 Bremer articles, in part, address 25 Bremer articles, in part, address 26 Mar. FEE: Objection to form. 27 THE WITNESS: I think the 27 September 1995 and OMB Circular A-119. I think 6 they, in part, reflect public views. 27 There are probably other things. 28 BY MR. BRIDGES: 29 Q. Do you know whether 3 Ms. Bremer's articles strike that. 4 Do you know whether 3 Ms. Bremer's law review articles reflect a 4 view of the Administrative Conference of the United States Strike that. 4 Do you know whether 3 Ms. Bremer's articles strike that. 4 Do you know whether 4 Do you know whether 5 Ms. Bremer's articles strike that. 4 Do you know whether 5 Ms. Bremer's law review articles reflect a 6 view of the Administrative Conference of the 7 United States Strike that. 1 Do you know whether 5 Ms. Bremer's law review articles reflect a 6 view of the Administrative Conference of the 7 United States Strike that. 1 Do you know whether 1 Do you know whethe	l	•		
14 lack of copyright protection for the 15 plaintiffs' standards would be detrimental to 16 the to the public? 17 A. The information that I reviewed 18 is in tab 2. I didn't have material beyond 19 what is identified in tab 2. 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address 26 page 114 1 that. I think some of the federal 27 government's circulars that I identify, in part, reflect the 28 BY MR. BRIDGES: 39 Q. Did you review OMB Circular 40 At 119 personally? 41 A. Yes. As I recall, I did. 41 deliberations of the Administrative 41 deliberations of the Administrative 42 Q. Did you review any materials 43 pertaining to the discussions or 44 discussions or deliberations of the Salministrative Conference of the United States? 45 A. I may have known that, but I Page 116 46 view of the Administrative Conference of the One of the One of the Administrative Conference of the One of the One of the Administrative Conference of				
15 plaintiffs' standards would be detrimental to 16 the to the public? 16 Administrative Conference of the United 17 A. The information that I reviewed 18 is in tab 2. I didn't have material beyond 18 what is identified in tab 2. 19 What is identified in tab 2. 19 What is identified in tab 2. 19 What is identified in tab 2. 10 Q. So what in tab 2 reflects your 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 22 MR. FEE: Objection to form. 23 appointed to the Administrative Conference of 24 the United States? 25 Bremer articles, in part, address 25 Bremer articles, in part, address 26 Page 114 Page 116	l			
the — to the public? A. The information that I reviewed 17	14			
17 States regarding the conclusions that 18 is in tab 2. I didn't have material beyond 19 what is identified in tab 2. 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address 26 Page 114 1 that. I think some of the federal 27 government's circulars that I identify, in part, reflect the 28 reviews, in particular the NTTAA of 29 Government's circulars that I 2 2 Q. Do you know whether 29 definition of the public views. 20 There are probably other things. 21 deliberations of the Administrative 22 deliberations of the Administrative 23 deliberations of the Administrative 24 deliberations of the Administrative 25 deliberations or deliberations of the Administrative 26 Q. Does tab 2 refer you to any 27 Q. Does tab 2 refer you to any 28 downmants that I reviewed in the views of the discussions or the Administrative Conference of the United 29 Q. Does tab 2 refer you to any 20 A. I don't recall, but it's 21 states regarding the conclusions that 38 Ms. Bremer states in her law review articles? 30 MR. FEE: Objection to form. 30 MR. FEE: Objection to form. 31 den't. 32 appointed to the Administrative Conference of the United States? 4 Do you know why persons get 4 appointed to the Administrative Conference of the United States? 4 Language appointed to the Administrative Conference of the United States? 4 Language appointed to the Administrative Conference of the United States? 5 A. I may have known that, but I Page 116 4 Do you know whether 5 Do you know whether 6 Wh. Bremer's lare at sitting here now. 6 Q. Do you know whether 7 United States? 8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes. As I recall plate at sitting here articles and the view of the Administrative Conference of the United States and the Administrative Conference of the United States and the Administrative Conference of the United States and the Administrative Conference of the Uni		=		•
18 is in tab 2. I didn't have material beyond 19 what is identified in tab 2. 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: 1 think the 25 Bremer articles, in part, address 26 Page 114 1 that. I think some of the federal 27 government's circulars that I 28 government's circulars that I 39 don't recall that sitting here now. 29 Q. Do you know whether 20 Q. Do you know whether 30 don't recall that sitting here now. 31 don't recall that sitting here now. 42 Q. Do you know whether 43 Ms. Bremer states in her law review articles? 44 HIVINESS: I don't. 45 BY MR. BRIDGES: 46 A. I may have known that, but I 47 Page 116 48 BY MR. FEE: Objection to form. 49 BY MR. BRIDGES: 40 Dyou know whether 41 Do you know whether 41 Do you know whether 42 Do you know whether 43 Ms. Bremer's articles? 41 A. Do you know whether 42 Do you know whether 43 Ms. Bremer's law review articles reflect a 44 reviews, in part, reflect public views. 45 There are probably other things. 46 There are probably other things. 47 There are probably other things. 48 BY MR. BRIDGES: 49 Q. Did you review OMB Circular 40 A-119 personally? 40 A-119 personally? 41 A. Yes. As I recall, I did. 41 Q. Did you review any materials 41 THE WITNESS: I don't. 41 deliberations of the Administrative 42 Do you know why persons get 43 appointed to the Administrative Conference of the United States? 42 A. I may have known that, but I 42 Do you know whether 43 Ms. Bremer's article sates? 44 the United States? 45 A. I may have known that, but I 46 boy you know whether 46 The United States? 46 View of the Administrative Conference of the United States in connection of the Administrative Conference of the United States in connection of with your research or analysis? 47 A. What particular the NTTAA of the United States in connection of with your research or analysis? 48 PAME. BRIDGES: 49 Q. Does tab 2 refer you to any of the discussions or deliberations of the documents that woul	l	*		
19 what is identified in tab 2. 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address 26 Page 114 1 that. I think some of the federal 27 government's circulars that I identify, in part, reflect the 1995 and OMB Circular A-119. I think they, in part, reflect public views. 25 There are probably other things. 26 BY MR. BRIDGES: 27 A. I may have known that, but I 28 Page 114 1 that. I think some of the federal government's circulars that I identify, in part, reflect the "Obyou know whether" 3 identify, in part, reflect the "Obyou know whether" 4 reviews, in particular the NTTAA of they, in part, reflect public views. 5 There are probably other things. 6 they, in part, reflect public views. 7 There are probably other things. 8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes, As I recall, I did. 12 Q. Did you review any materials or pertaining to the discussions or 13 that they officially reflect that. I believe she gathered information, and they may, in fact, represent the views of some or all members, but I don't think that's that either article is an official representation BY MR. BRIDGES: 20 Q. Does tab 2 refer you to any adocuments that would provide you information and documents that would provide you information and about the discussions or deliberations of the United States in connection and documents that would provide you information and they may, in fact, represent the views of some or all members, but I don't think that's that either article is an official representation BY MR. BRIDGES: 20 Q. Does tab 2 refer you to any 22 Q. Are you ware of the fact that her articles her law review articles as the views of any government entity and indicate				
20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address Page 114 1 that. I think some of the federal 2 government's circulars that I 3 identify, in part, reflect the 4 reviews, in particular the NTTAA of 5 1995 and OMB Circular A-119. I think 6 they, in part, reflect public views. 7 There are probably other things. 8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review any materials 13 pertaining to the discussions or 14 deliberations of the Administrative 15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 20 Q. Does tab 2 refer you to any 4 documents that would provide you information 4 about the discussions or deliberations of the 20 Administrative Conference of the United 21 BY MR. BRIDGES: 22 Q. Do you know why persons get 23 appointed to the Administrative Conference of 4 the United States? 24 A. I may have known that, but I 25 A. I may have known that, but I 26 Q. Do you know whether 27 Ms. Bremer's articles strike that. 28 Do you know whether 29 Q. Do you know whether 20 Q. Do you know whether 20 Q. Do you know whether 21 Ms. Bremer's articles strike that. 29 Do you know whether 20 Q. Do you know whether 20 Q. Do you know whether 21 Ms. Bremer's articles strike that. 29 Do you know whether 20 Q. Do you know whether 20 Q. Do you know whether 21 Ms. Bremer's articles strike that. 29 Do you know whether 20 Q. Do you know whether 20 Q. Do you know whether 21 Ms. Bremer's articles strike that. 20 Q or of any of its committees? 20 Q or of any of its committees? 21 HE WITNESS: I'm not aware 22 THE WITNESS: I don't. 21 BY MR. BRIDGES: 22 Q. Are you 23 Q. Are you 24 A of that body. 25 A. I don't reall hat sitting here now. 26 Q. Do you know whether 27 A. I may have	18			
21 steps to ascertain the views of members of 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address 26 Page 114 1 that. I think some of the federal 27 government's circulars that I 28 government's circulars that I 29 government's circulars that I 30 identify, in part, reflect the 41 reviews, in particular the NTTAA of 51 1995 and OMB Circular A-119. I think 62 they, in part, reflect public views. 63 There are probably other things. 64 BY MR. BRIDGES: 65 A. I may have known that, but I 66 Page 114 1 don't recall that sitting here now. 10 Q. Do you know whether 11 Ms. Bremer's articles strike that. 12 Do you know whether 13 Ms. Bremer's law review articles reflect a view of the Administrative Conference of the Vinted States 10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review any materials 13 pertaining to the discussions or 14 deliberations of the Administrative 15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 20 A. I don't recall, but it's 21 possible. 22 Q. Do you know why persons get 23 appointed to the Administrative Conference of the United States? 24 A. I may have known that, but I 25 don't recall that sitting here now. 26 Q. Do you know whether 27 Q. Do you know whether 28 Ms. Bremer's articles strike that. 29 View of the Administrative Conference of the Vinited States? 20 Q or of any of its committees? 21 THE WITNESS: I'm not aware 22 THE WITNESS: I'm not aware 23 the United States? 24 Ns. Bremer's articles beriative Conference of the Vinited States? 25 A. I may have known that, but I 20 Q. Do you know whether 26 Ws. Bremer's articles strike that. 29 Q or of any of its committees? 20 Q or of any of its committees? 21 THE WITNESS: I'm not aware 22 THE WITNESS: I'm not aware 23 that they officially reflect that. I 24 believe she gathered information, and 25 the United States? 26 Q. Does tab 2 re				-
22 the public? 23 MR. FEE: Objection to form. 24 THE WTINESS: I think the 25 Bremer articles, in part, address Page 114 1 that. I think some of the federal 2 government's circulars that I 3 identify, in part, reflect the 4 reviews, in particular the NTTAA of 5 1995 and OMB Circular A-119. I think 6 they, in part, reflect public views. 7 There are probably other things. 8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review any materials 13 pertaining to the discussions or 14 deliberations of the Administrative 15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 20 A. I don't recall that sitting here now. 22 Q. Do you know whether 3 Ms. Bremer's articles strike that. 4 Do you know whether 5 Ms. Bremer's articles reflect a 6 view of the Administrative Conference of the 7 United States 8 MR. FEE: Objection to form. 9 BY MR. BRIDGES: 10 Q or of any of its committees? 11 MR. FEE: Objection to form. 12 THE WITNESS: I'm not aware 13 pertaining to the discussions or 14 believe she gathered information, and 15 they may, in fact, represent the views 16 of some or all members, but I don't 17 think that's that either article is 18 meetings are you referring to? 19 Q. Any. 20 A. I don't recall, but it's 20 Q. Are you 21 possible. 21 A of that body. 22 Q. Are you 23 documents that would provide you information 24 about the discussions or deliberations of the 25 doministrative Conference of the United 26 Doy ou know whether 27 don't recall that sitting here now. 28 A. I may have known that, but I 29 Q. Doy ou know whether 3 don't recall that sitting here now. 4 Doy ou know whether 5 Ms. Bremer's articles strike that. 5 Doy ou know whether 6 Wh. Bermer's articles strike that. 6 United States? 10 Q or of any of its committees? 11 Lange of the Administrative Conference of the United States in connection of any of i	l	- ·		
23 appointed to the Administrative Conference of the United States? 24	l	-		
THE WITNESS: I think the Bremer articles, in part, address Page 114 1 that. I think some of the federal 2 government's circulars that I 3 identify, in part, reflect the 4 reviews, in particular the NTTAA of 5 1995 and OMB Circular A-119. I think 6 they, in part, reflect public views. 7 There are probably other things. 8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review any materials 13 pertaining to the discussions or 14 deliberations of the Administrative 15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 20 Does tab 2 refer you to any 21 documents that would provide you information 22 the United States? 25 A. I may have known that, but I Page 116 24 the United States? 25 A. I may have known that, but I Page 116 2 don't recall that sitting here now. 2 Q. Do you know whether 3 Ms. Bremer's articles strike that. 4 Do you know whether 5 Ms. Bremer's law review articles reflect a view of the Administrative Conference of the 6 view of the Administrative Conference of the 7 United States? 2 Q. Do you know whether 3 Ms. Bremer's articles strike that. 4 Do you know whether 5 Ms. Bremer's law review articles reflect a view of the Administrative Conference of the 6 view of the Administrative Conference of the 7 United States? A. I may have known that, but I Page 116 A on't recall that sitting here now. 2 Q. Do you know whether 3 Ms. Bremer's articles strike that. 4 Do you know whether 5 Ms. Bremer's law review articles reflect a view of the Administrative Conference of the 7 United States? A. I may have known that, but I Page 116 4 don't recall that sitting here now. 2 Q. Do you know whether 3 Ms. Bremer's articles strike that. 4 Do you know whether 5 Ms. Bremer's law review articles reflect a view of the Administrative Conference of the 10 view of the Administrative now of the Administrative Conference of the 11 delib	l	=		
25 Bremer articles, in part, address Page 114 1 that. I think some of the federal 2 government's circulars that I 3 identify, in part, reflect the 4 reviews, in particular the NTTAA of 5 1995 and OMB Circular A-119. I think 6 they, in part, reflect public views. 7 There are probably other things. 8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review any materials 13 pertaining to the discussions or 14 deliberations of the Administrative 15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 20 Does tab 2 refer you to any 21 documents that would provide you information 22 documents that would provide you information 23 domit recall that sitting here now. 24 Q. Do you know whether 25 Ms. Bremer's articles strike that. 26 Do you know whether 27 United States view of the Administrative Conference of the View of the Administrative Conference of the Views of some or all members, but I don't think that's that either article is an official representation 19 Q. Any. 20 A. I don't recall that sitting here now. 2 Q. Do you know whether 3 Ms. Bremer's articles strike that. 4 Do you know whether 5 Ms. Bremer's articles strike that. 5 Ms. Bremer's articles of the United States in conference of the View of the Administrative Conference of the United States in connection that they officially reflect that. I believe she gathered information, and they officially reflect that. I believe she gathered information of some or all members, but I don't think that's that either article is an official representation 19 Q. Any. 20 A. I don't recall, but it's 21 Q. Does tab 2 refer you to any 22 documents that would provide you information about the discussions or deliberations of the Views of any government entity and indicate	1			
1 that. I think some of the federal 2 government's circulars that I 3 identify, in part, reflect the 4 reviews, in particular the NTTAA of 5 1995 and OMB Circular A-119. I think 6 they, in part, reflect public views. 7 There are probably other things. 8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review any materials 13 pertaining to the discussions or 14 deliberations of the Administrative 15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 19 BY MR. BRIDGES: 20 Q. Does tab 2 refer you to any 21 don't recall that sitting here now. 22 Q. Do you know whether 3 Ms. Bremer's articles strike that. 4 Do you know whether 5 Ms. Bremer's law review articles reflect a view of the Administrative Conference of the United States 5 MR. FEE: Objection to form. 6 Vunited States 8 MR. FEE: Objection to form. 9 BY MR. BRIDGES: 10 Q or of any of its committees? 11 MR. FEE: Objection to form. 12 THE WITNESS: I'm not aware 13 that they officially reflect that. I believe she gathered information, and they may, in fact, represent the views 14 of some or all members, but I don't think that's that either article is an official representation 19 Q. Any. 19 BY MR. BRIDGES: 20 Q. Are you 21 possible. 21 A of that body. 22 Q. Are you 23 documents that would provide you information of the views of any government entity and indicate				
that. I think some of the federal government's circulars that I don't recall that sitting here now. Qounty of the Administrative Conference of the United States in connection A. What particular materials or whether and the Administrative Conference of the United States in connection A. What particular materials or meetings are you referring to? A. I don't recall that sitting here now. Qounty on whether A. Do you know whether By Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know thether Ms. Bremer's articles strike that. Do you know thether Ms. Bremer's articles strike that. Do you know thether Ms. Bremer's articles strike that. Do you know thether Ms. Bremer's articles strike that. Do you know thether Ms. Bremer's articles strike that. Do you know thether Ms. Bremer's articles strike that. Do you know thether Ms. Bremer's atticles strike that. Do you know thether Ms. Bremer's atticles strike that. Do you know thether Ms. Bremer's atticles strike that. Do you know thether Ms. Bremer's atticles strike that. Do you know thether Ms. Bremer's atticles strike that. I delieati	25		25	
2 government's circulars that I 3 identify, in part, reflect the 4 reviews, in particular the NTTAA of 5 1995 and OMB Circular A-119. I think 6 they, in part, reflect public views. 7 There are probably other things. 8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review any materials 13 pertaining to the discussions or 14 deliberations of the Administrative 15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 20 A. I don't recall, but it's 21 possible. 22 Q. Do you know whether 23 Ms. Bremer's articles strike that. 24 Do you know whether 25 Ms. Bremer's articles strike that. 26 Do you know whether 26 Ms. Bremer's articles strike that. 27 Do you know whether 28 Ms. Bremer's articles strike that. 28 Do you know whether 29 Ms. Bremer's articles strike that. 29 Do you know whether 20 Ns. Bremer's articles strike that. 20 Vuited States 21 Doyouknow whether 21 Do you know whether 24 Do you know whether 25 Ms. Bremer's law review articles reflect a 26 view of the Administrative Conference of the 27 United States 28 MR. FEE: Objection to form. 29 BY MR. BRIDGES: 20 THE WITNESS: I'm not aware 21 believe she gathered information, and 21 they may, in fact, represent the views 21 of some or all members, but I don't 22 think that's that either article is 23 an official representation 24 possible. 25 Q. Are you aware of the fact that 27 her articles her law review articles 28 pecifically disclaim her articles as the 29 views of any government entity and indicate		Page 114		Page 116
identify, in part, reflect the reviews, in particular the NTTAA of 1995 and OMB Circular A-119. I think they, in part, reflect public views. There are probably other things. BY MR. BRIDGES: Q. Did you review OMB Circular A-119 personally? A. Yes. As I recall, I did. Q. Did you review any materials pertaining to the discussions or deliberations of the Administrative conference of the United States in connection with your research or analysis? A. What particular materials or meetings are you referring to? Q. Does tab 2 refer you to any documents that would provide you information about the discussions or deliberations of the United Administrative Conference of the United Conference of the United Conference of the United States in connection about the discussions or deliberations of the Conference of the United States in connection A. I don't recall, but it's Conference of the United Co	1		1	
4 reviews, in particular the NTTAA of 5 1995 and OMB Circular A-119. I think 6 they, in part, reflect public views. 7 There are probably other things. 8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review any materials 13 pertaining to the discussions or 14 deliberations of the Administrative 15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 20 A A. I don't recall, but it's 21 possible. 22 Q. Does tab 2 refer you to any 23 documents that would provide you information 24 about the discussions or deliberations of the United 25 Ms. Bremer's law review articles reflect a 26 view of the Administrative Conference of the 27 United States 28 MR. FEE: Objection to form. 29 BY MR. BRIDGES: 10 Q or of any of its committees? 11 MR. FEE: Objection to form. 12 THE WITNESS: I'm not aware 13 that they officially reflect that. I 14 believe she gathered information, and 15 they may, in fact, represent the views 16 of some or all members, but I don't 17 think that's that either article is 28 an official representation 29 Q. Are you 20 Q. Are you aware of the fact that 20 Q. Are you aware of the fact that 21 her articles her law review articles 22 views of any government entity and indicate			2	
5 1995 and OMB Circular A-119. I think 6 they, in part, reflect public views. 7 There are probably other things. 8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review any materials 13 pertaining to the discussions or 14 deliberations of the Administrative 15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 20 A I don't recall, but it's 21 possible. 22 Q. Does tab 2 refer you to any 23 documents that would provide you information 24 about the discussions or deliberations of the United 25 Ms. Bremer's law review articles reflect a 26 view of the Administrative Conference of the 27 United States 28 MR. FEE: Objection to form. 29 BY MR. BRIDGES: 10 Q or of any of its committees? 11 MR. FEE: Objection to form. 12 THE WITNESS: I'm not aware 13 that they officially reflect that. I 14 believe she gathered information, and 15 they may, in fact, represent the views 16 of some or all members, but I don't 17 think that's that either article is 28 an official representation 29 Q. Are you 20 Q. Are you aware of the fact that 20 Are you aware of the fact that 21 her articles her law review articles 22 yeerifically disclaim her articles as the 23 view of the Administrative Conference of the 25 views of any government entity and indicate	3	· -	_	
they, in part, reflect public views. There are probably other things. BY MR. BRIDGES: Q. Did you review OMB Circular A-119 personally? A. Yes. As I recall, I did. Q. Did you review any materials pertaining to the discussions or deliberations of the Administrative Conference of the United States in connection with your research or analysis? A. What particular materials or meetings are you referring to? Q. Any. Q. Does tab 2 refer you to any documents that would provide you information about the discussions or feliberations of the United Administrative Conference of the United Conference of the United Conference of the United States in connection A. What particular materials or g. Any. Q. Any. Q. Any. Q. Are you A. I don't recall, but it's documents that would provide you information about the discussions or deliberations of the Administrative Conference of the Administrative Conference of the States BY MR. FEE: Objection to form. MR. FEE: Objection to form. Hand MR. FEE: Objection to form. The WITNESS: I'm not aware that they officially reflect that. I believe she gathered information, and they may, in fact, represent the views of some or all members, but I don't think that's that either article is an official representation BY MR. BRIDGES: Q. Are you PROVED AND AND AND AND AND AND AND AND AND AN	1	· •	4	
There are probably other things. BY MR. BRIDGES: Q. Did you review OMB Circular A-119 personally? A. Yes. As I recall, I did. Q. Did you review any materials pertaining to the discussions or deliberations of the Administrative Conference of the United States in connection with your research or analysis? A. What particular materials or meetings are you referring to? A. I don't recall, but it's Q. Does tab 2 refer you to any documents that would provide you information about the discussions or deliberations of the Administrative Conference of the United Tunited States BY MR. BRIDGES: MR. FEE: Objection to form. PRE: Objection to form. Hand I MR. FEE: Objection to form. THE WITNESS: I'm not aware that they officially reflect that. I believe she gathered information, and they may, in fact, represent the views of some or all members, but I don't think that's that either article is an official representation BY MR. BRIDGES: Q. Are you Q. Are you Q. Are you aware of the fact that documents that would provide you information about the discussions or deliberations of the Administrative Conference of the United	1		5	
8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review any materials 13 pertaining to the discussions or 14 deliberations of the Administrative 15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 19 BY MR. BRIDGES: 10 Q or of any of its committees? 11 MR. FEE: Objection to form. 12 THE WITNESS: I'm not aware 13 that they officially reflect that. I 14 believe she gathered information, and 15 they may, in fact, represent the views 16 of some or all members, but I don't 17 think that's that either article is 18 an official representation 19 Q. Any. 19 BY MR. BRIDGES: 20 A. I don't recall, but it's 21 possible. 22 Q. Does tab 2 refer you to any 23 documents that would provide you information 24 about the discussions or deliberations of the 25 Administrative Conference of the United 26 MR. FEE: Objection to form. 9 BY MR. BRIDGES: 10 Q or of any of its committees? 11 MR. FEE: Objection to form. 12 THE WITNESS: I'm not aware 13 that they officially reflect that. I 14 believe she gathered information, and 15 they may, in fact, represent the views 16 of some or all members, but I don't 17 think that's that either article is 28 an official representation 29 Q. Are you 20 Q. Are you 21 possible. 21 A of that body. 22 Q. Are you aware of the fact that 23 her articles her law review articles 24 specifically disclaim her articles as the 25 views of any government entity and indicate	6		6	
9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review any materials 13 pertaining to the discussions or 14 deliberations of the Administrative 15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 19 Q. Any. 19 BY MR. BRIDGES: 10 Q or of any of its committees? 11 MR. FEE: Objection to form. 12 THE WITNESS: I'm not aware 13 that they officially reflect that. I 14 believe she gathered information, and 15 they may, in fact, represent the views 16 of some or all members, but I don't 17 think that's that either article is 18 an official representation 19 Q. Any. 19 BY MR. BRIDGES: 20 Q. Are you 21 possible. 21 A of that body. 22 Q. Are you aware of the fact that 23 documents that would provide you information 24 about the discussions or deliberations of the 25 Administrative Conference of the United 26 Did you review any materials 27 THE WITNESS: I'm not aware 28 that they officially reflect that. I 29 believe she gathered information, and 20 they may, in fact, represent the views 21 of some or all members, but I don't 22 think that's that either article is 23 an official representation 24 Q. Are you 25 Q. Are you aware of the fact that 26 Administrative Conference of the United 27 A of that body. 28 Q. Are you aware of the fact that 29 Are articles her law review articles 20 yiews of any government entity and indicate	7			United States
10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review any materials 13 pertaining to the discussions or 14 deliberations of the Administrative 15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 20 A. I don't recall, but it's 20 Q. Are you 21 possible. 21 A of that body. 22 Q. Does tab 2 refer you to any 23 documents that would provide you information 24 about the discussions or deliberations of the 25 Administrative Conference of the United 26 MR. FEE: Objection to form. 11 MR. FEE: Objection to form. 12 THE WITNESS: I'm not aware 13 that they officially reflect that. I 14 believe she gathered information, and 15 they may, in fact, represent the views 16 of some or all members, but I don't 17 think that's that either article is 18 an official representation 19 BY MR. BRIDGES: 20 Q. Are you 21 possible. 21 A of that body. 22 Q. Are you aware of the fact that 23 her articles her law review articles 24 about the discussions or deliberations of the 25 Administrative Conference of the United 26 views of any government entity and indicate	l		8	-
A. Yes. As I recall, I did. Q. Did you review any materials pertaining to the discussions or deliberations of the Administrative Conference of the United States in connection with your research or analysis? A. What particular materials or meetings are you referring to? Q. Any. Pyss. As I recall, I did. THE WITNESS: I'm not aware that they officially reflect that. I believe she gathered information, and they may, in fact, represent the views of some or all members, but I don't think that's that either article is an official representation BY MR. BRIDGES: Q. Are you Q. Are you A of that body. Q. Are you aware of the fact that documents that would provide you information Administrative Conference of the United Did MR. FEE: Objection to form. THE WITNESS: I'm not aware that they officially reflect that. I that they officially reflect that. I believe she gathered information, and they may, in fact, represent the views of some or all members, but I don't think that's that either article is an official representation 19 BY MR. BRIDGES: Q. Are you 21 A of that body. Q. Are you aware of the fact that her articles her law review articles specifically disclaim her articles as the views of any government entity and indicate	9			
Q. Did you review any materials pertaining to the discussions or deliberations of the Administrative Conference of the United States in connection with your research or analysis? A. What particular materials or meetings are you referring to? Q. Any. Q. Any. BY MR. BRIDGES: Q. Does tab 2 refer you to any documents that would provide you information about the discussions or deliberations of the Administrative Conference of the United 12 THE WITNESS: I'm not aware 13 that they officially reflect that. I 14 believe she gathered information, and 15 they may, in fact, represent the views 16 of some or all members, but I don't 17 think that's that either article is 18 an official representation 19 Q. Are you 21 possible. 20 Q. Are you 21 A of that body. 22 Q. Are you aware of the fact that 23 her articles her law review articles 24 specifically disclaim her articles as the 25 views of any government entity and indicate	10	1 2	10	-
pertaining to the discussions or deliberations of the Administrative Conference of the United States in connection with your research or analysis? A. What particular materials or meetings are you referring to? Q. Any. BY MR. BRIDGES: A. I don't recall, but it's possible. Q. Does tab 2 refer you to any documents that would provide you information about the discussions or deliberations of the Administrative Conference of the United 13 that they officially reflect that. I believe she gathered information, and they may, in fact, represent the views of some or all members, but I don't think that's that either article is an official representation 19 BY MR. BRIDGES: Q. Are you 21 possible. Q. Are you aware of the fact that 23 her articles her law review articles 24 specifically disclaim her articles as the 25 views of any government entity and indicate		· · · · · · · · · · · · · · · · · · ·		· ·
deliberations of the Administrative Conference of the United States in connection with your research or analysis? A. What particular materials or meetings are you referring to? Q. Any. A. I don't recall, but it's possible. Q. Does tab 2 refer you to any documents that would provide you information about the discussions or deliberations of the Administrative Delieve she gathered information, and they may, in fact, represent the views of some or all members, but I don't think that's that either article is an official representation 19 BY MR. BRIDGES: Q. Are you 21 A of that body. Q. Are you aware of the fact that 23 her articles her law review articles 24 specifically disclaim her articles as the 25 views of any government entity and indicate	l	Q. Did you review any materials		
15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 19 BY MR. BRIDGES: 20 A. I don't recall, but it's 21 possible. 22 Q. Does tab 2 refer you to any 23 documents that would provide you information 24 about the discussions or deliberations of the 25 Administrative Conference of the United 26 they may, in fact, represent the views 17 think that's that either article is 28 an official representation 29 Q. Are you 20 Q. Are you 21 possible. 21 A of that body. 22 Q. Are you aware of the fact that 23 her articles her law review articles 24 specifically disclaim her articles as the 25 views of any government entity and indicate	13	pertaining to the discussions or	13	that they officially reflect that. I
with your research or analysis? A. What particular materials or meetings are you referring to? Q. Any. 19 Q. Any. 19 BY MR. BRIDGES: 20 Q. Are you 21 possible. 20 Q. Are you 21 possible. 21 A of that body. 22 Q. Are you aware of the fact that 23 documents that would provide you information 24 about the discussions or deliberations of the 25 Administrative Conference of the United 16 of some or all members, but I don't 17 think that's that either article is 28 an official representation 19 BY MR. BRIDGES: 20 Q. Are you 21 A of that body. 22 Q. Are you aware of the fact that 23 her articles her law review articles 24 specifically disclaim her articles as the 25 views of any government entity and indicate	14	deliberations of the Administrative	14	
17 think that's that either article is 18 meetings are you referring to? 19 Q. Any. 19 BY MR. BRIDGES: 20 A. I don't recall, but it's 21 possible. 21 A of that body. 22 Q. Does tab 2 refer you to any 23 documents that would provide you information 24 about the discussions or deliberations of the 25 Administrative Conference of the United 26 University of think that's that either article is 27 an official representation 28 Q. Are you 29 Q. Are you 20 Q. Are you aware of the fact that 21 A of that body. 22 Q. Are you aware of the fact that 23 her articles her law review articles 24 specifically disclaim her articles as the 25 views of any government entity and indicate	15	Conference of the United States in connection	15	they may, in fact, represent the views
18 meetings are you referring to? 19 Q. Any. 19 Any. 20 A. I don't recall, but it's 21 possible. 22 Q. Does tab 2 refer you to any 23 documents that would provide you information 24 about the discussions or deliberations of the 25 Administrative Conference of the United 26 Any. 18 an official representation 19 BY MR. BRIDGES: 20 Q. Are you 21 A of that body. 22 Q. Are you aware of the fact that 23 her articles her law review articles 24 specifically disclaim her articles as the 25 views of any government entity and indicate	16	with your research or analysis?	16	of some or all members, but I don't
19 Q. Any. 20 A. I don't recall, but it's 20 Q. Are you 21 possible. 21 A of that body. 22 Q. Does tab 2 refer you to any 23 documents that would provide you information 24 about the discussions or deliberations of the 25 Administrative Conference of the United 26 Page 19 BY MR. BRIDGES: 27 Q. Are you 28 Q. Are you aware of the fact that 29 Are articles her law review articles 20 Q. Are you aware of the fact that 21 Specifically disclaim her articles as the 22 Views of any government entity and indicate	17	A. What particular materials or	17	think that's that either article is
20 A. I don't recall, but it's 21 possible. 22 Q. Does tab 2 refer you to any 23 documents that would provide you information 24 about the discussions or deliberations of the 25 Administrative Conference of the United 20 Q. Are you 21 A of that body. 22 Q. Are you aware of the fact that 23 her articles her law review articles 24 specifically disclaim her articles as the 25 views of any government entity and indicate	18		18	an official representation
21 possible. 22 Q. Does tab 2 refer you to any 23 documents that would provide you information 24 about the discussions or deliberations of the 25 Administrative Conference of the United 26 A of that body. 27 Q. Are you aware of the fact that 28 her articles her law review articles 29 specifically disclaim her articles as the 29 views of any government entity and indicate		meetings are you referring to?		
Q. Does tab 2 refer you to any documents that would provide you information about the discussions or deliberations of the Administrative Conference of the United Q. Are you aware of the fact that 23 her articles her law review articles 24 specifically disclaim her articles as the 25 views of any government entity and indicate	1	- · · · · · · · · · · · · · · · · · · ·	19	BY MR. BRIDGES:
23 documents that would provide you information 24 about the discussions or deliberations of the 25 Administrative Conference of the United 26 documents that would provide you information 27 specifically disclaim her articles as the 28 views of any government entity and indicate	19	Q. Any.		
24 about the discussions or deliberations of the 25 Administrative Conference of the United 25 views of any government entity and indicate	19 20	Q. Any.A. I don't recall, but it's	20	Q. Are you
24 about the discussions or deliberations of the 25 Administrative Conference of the United 25 views of any government entity and indicate	19 20 21	Q. Any.A. I don't recall, but it's possible.Q. Does tab 2 refer you to any	20 21	Q. Are you A of that body.
	19 20 21 22	Q. Any.A. I don't recall, but it's possible.Q. Does tab 2 refer you to any	20 21 22	Q. Are youA of that body.Q. Are you aware of the fact that
Page 115 Page 117	19 20 21 22 23	 Q. Any. A. I don't recall, but it's possible. Q. Does tab 2 refer you to any documents that would provide you information 	20 21 22 23	Q. Are you A of that body. Q. Are you aware of the fact that her articles her law review articles
	19 20 21 22 23 24	 Q. Any. A. I don't recall, but it's possible. Q. Does tab 2 refer you to any documents that would provide you information about the discussions or deliberations of the Administrative Conference of the United 	20 21 22 23 24	Q. Are you A of that body. Q. Are you aware of the fact that her articles her law review articles specifically disclaim her articles as the

1 States other than law review articles by 2 A. I did what I normally do in an assignment like this and look at the produced 4 materials. 5 Q. And the produced materials did 6 not call out specifically any views of 7 non-employee members of the plaintiff 8 organizations, correct? 9 A. I don't recall any specific 10 views being summarized. My memory may not be 11 perfect on that, though. 12 Q. What research, if any, did you 13 do among members of the public about whether 14 lack of copyright protection for the 15 plaintiff's standards would be detrimental to 16 the to the public? 14 Lack of copyrigh protection for the 16 the to the public? 15 A. The information that I reviewed 18 is in tab 2. I didn't have material beyond 19 what is identified in tab 2. 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 21 the public? 22 mR. FEE: Objection to form. 23 mR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address 2 mpointed to the Administrative Conference of the United States - Strike that. 25 memer articles, in part, address 2 mpointed to the Administrative Conference of the United States - Strike that. 26 mpointed to the Administrative Conference of the United States - Strike that. 27 mpost liber 1 don't. Tecall that stitting here now. 28 my Mr. BRIDGES: 30 mr. FEE: Objection to form. 41 that. I think some of the federal 2 government's circulars that I dentify, in part, reflect the 1995 and OMB Circular A-119 I think the 1995 and OMB Circular A-119 personally? 41 that. I spart, reflect the 1995 and OMB Circular A-119 conference of the United States - Strike that. 42 poyou know whether states in her law review articles reflect a deliberations of the Administrative Conference of the United States - Strike that. 43 personally? 44 the United States - Strike that. 45 possible. 46 pour benefit of the federal 2 mpointed to the Administrative Conference of the United States - Strike that. 47 pour benefit of the Administrative Conferenc				
3 axisgmment like this and look at the produced 4 materials. 5 Q. And the produced materials did 6 not call out specifically any views of 7 non-employee members of the plaintiff 8 organizations, correct? 9 A. I don't recall any specific 10 views being summarized. My memory may not be 11 perfect on that, though. 12 Q. What research, if any, did you 13 do among members of the public about whether 14 lack of copyright protection for the 15 plaintiff's standards would be detrimental to 16 the to the public? 17 A. The information that I reviewed 18 is in tab 2. I didn't have material beyond 19 what is identified in tab 2. 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: 1 think the 25 Bremer articles, in part, address 4 reviews, in particular the NTTAA of 5 1995 and OMB Circular A-119. I think 6 they, in part, reflect the 6 (D. Do you know wither alm verice articles?) 11 A. I don't. 12 A. I don't. 12 A. I don't. 13 BY MR. BRIDGES: 14 A. I don't. 15 A. I don't. 16 Wh. Bremer states in her law review articles? 16 Administrative Conference of the United 17 States regarding the conclusions that 18 any dissent in any relevant committee of the 18 Administrative Conference of the United 19 A. The information that I reviewed 10 A. The information that I reviewed 11 BY MR. BRIDGES: 12 Q. Do you know why persons get 13 pertaining to the deternal to the Administrative Conference of the United States in connection 14 deliberations, but my memory is not perfect. 15 A. I don't. 12 Q. Did you review of members of 15 States regarding the conclusions that 16 the-10 the public? 18 MR. BRIDGES: 29 Q. Do you know whether there was 19 Wh. BRIDGES: 20 Q. Do you know why persons get 21 don't recall that sitting here now. 22 Q. Do you know whether 23 MR. FEE: Objection to form. 24 The WITNESS: I don't. 25 A. I may have known that, but I 26 Do you know whether 27 There are probably other things. 28 BY MR. BRIDGES: 39 Q. Did you review of the p				· · · · · · · · · · · · · · · · · · ·
4 materials. Q. And the produced materials did 6 not call out specifically any views of 7 non-employee members of the plaintiff 8 organizations, correct? 9 A. I don't recall any specific 10 views being summarized. My memory may not be 11 perfect on that, though, 12 Q. What research, if any, did you 13 do among members of the public about whether 14 lack of copyright protection for the 15 plaintiff's standards would be detrimental to 16 the to the public? 17 A. The information that I reviewed 18 is in tab 2. I didn't have material beyond 19 what is identified in tab 2. 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address 26 Page 114 1 that. I think some of the federal 2 government's circulars that I 3 identify, in part, reflect the 4 reviews, in particular the NTTAA of 5 1995 and OMB Circular A-119. I think 6 they, in part, reflect public views. 7 There are probably other things. 8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review OMB Circular 13 pertaining to the discussions or 14 deliberations, but my memory is not perfect. 6 Q. Do you know whether there was 15 any dissent in any relevant committee of the 16 Administrative Conference of the United 17 States regarding the conclusions that 18 is in tab 2. I didn't have material beyond 19 MR. FEE: Objection to form. 20 Dyou know whether there was 21 appointed to the Administrative Conference of the United States in connection 22 Q. Do you know whether 23 MR. FEE: Objection to form. 24 The WITNESS: I think the 25 Bremer articles, in part, address 26 Page 114 1 don't recall that sitting here now. 27 Q. Do you know whether 28 MR. FEE: Objection to form. 29 Q. Did you review of MB Circular 20 Q. Do you know whether 21 MR. FEE: Objection to form. 21 MR. FEE: Objection to form. 22 Q. Do you know whether 23 MR. FEE: Objection to form. 24 Do you know wheth	2	· · · · · · · · · · · · · · · · · · ·		•
5 Q. And the produced materials did 6 not call out specifically any views of 7 non-employee members of the plaintiff 8 organizations, correct? 9 A. I don't recall any specific 10 views being summarized. My memory may not be 11 perfect on that, though. 12 Q. What research, if any, did you 13 do among members of the public about whether 14 lack of copyright protection for the 15 plaintiff's standards would be detrimental to 16 the to the public? 17 A. The information that I reviewed 18 is in tab 2. I didn't have material beyond 19 what is identified in tab 2. 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address 25 MR. FEE: Objection to form. 26 THE WITNESS: I think the 27 THE WITNESS: I think the 28 Bry MR. BRIDGES: 29 Q. Do you know whether 30 A. I don't recall I did. 40 The are probably other things. 41 A. I don't. 42 THE WITNESS: I think the 43 THE WITNESS: I think the 44 THE WITNESS: I think the 45 There are probably other things. 46 There are probably other things. 47 There are probably other things. 48 There are probably other things. 49 Q. Did you review OMB Circular 40 A. I don't recall that sitting here now. 41 A. I don't. 42 Do you know whether 42 THE WITNESS: I think the 43 I don't recall that sitting here now. 44 The witness of the Administrative Conference of the United States? 45 Am. I may have known that, but I 46 The WITNESS: I think the 47 The WITNESS: I think the 48 The WITNESS: I think the 49 The WITNESS: I think the 40 The WITNESS: I think the 41 The WITNESS: I think the 42 The WITNESS: I think the 43 The WITNESS: I think the 44 The WITNESS: I think the 45 The WITNESS: I think the 46 The WITNESS: I think the 47 The WITNESS: I think the 48 The WITNESS: I think the 49 The WITNESS: I think the 40 The WITNESS: I think the 41 The WITNESS: I think the 42 The WITNESS: I think the 43 The WITNESS: I think the 44 The WITNESS: I think the 45 The WITNESS: I think	3			<i>C</i> ,
6 not call out specifically any views of 7 non-employee members of the plaintiff 8 organizations, correct? 9 A. I don't recall any specific 10 views being summarized. My memory may not be 11 perfect on that, though. 12 Q. What research, if any, did you 13 do among members of the public about whether 14 lack of copyright protection for the 15 plaintiffs' standards would be detrimental to 16 the to the public? 17 A. The information that I reviewed 18 is in tab 2. I didn't have material beyond 19 what is identified in tab 2. 10 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address 26 government's circulars that I 27 government's circulars that I 28 government's circular sthat I 29 government's circular sthat I 21 government's circular sthat I 22 government's circular sthat I 23 identify, in part, reflect the 24 reviews, in part, reflect the 25 BP MR. BRIDGES: 26 A. I may have known that, but I 27 page 114 28 What part, reflect public views. 29 Q. Do you know whether 30 identify, in part, reflect public views. 31 hath. I think some of the federal 32 government's circulars that I 33 identify, in part, reflect public views. 4 reviews, in part, reflect public views. 5 There are probably other things. 6 PQ. Did you review OMB Circular 6 A-119 personally? 7 A. What particular materials or 8 meetings are you referring to? 9 Q. Any. 10 Q. Any. 11 A. Or of that body. 12 Q. Any. 13 Py MR. BRIDGES: 14 MR. FEE: Objection to form. 15 Page 114 16 what is defined in tab 2. 17 A. I may have known that, but I 18 in table views of members of the daministrative Conference of the United States in connection of the defined provide you information and they wave a fine part of the discussions or deliberations of the daministrative Conference of the United States in connection of with your research or analysis? 19 Q. Any. 20 A. I don't recall that itis 21 possible. 22 Q. Do sos tab 2 refer you to any	-			· ·
7 non-employee members of the plaintiff 8 organizations, correct? 9 A. I don't recall any specific 10 views being summarized. My memory may not be 11 perfect on that, though. 11 Q. What research, if any, did you 13 do among members of the public about whether 14 lack of copyright protection for the 15 plaintiffs' standards would be detrimental to 16 the — to the public? 17 A. The information that I reviewed 18 is in tab 2. I didn't have material beyond 18 what is identified in tab 2. 19 what is identified in tab 2. 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 21 the public? 22 MR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address 25 MR. FEE: Objection to form. 26 MR. FEE: Objection to form. 27 MR. FEE: Objection to form. 28 MR. FEE: Objection to form. 29 MR. FEE: Objection to form. 29 MR. FEE: Objection to form. 20 MR. FEE: Objection to form. 20 MR. FEE: Objection to form. 21 MR. FEE: Objection to form. 22 MR. FEE: Objection to form. 23 MR. FEE: Objection to form. 24 MR. FEE: Objection to form. 25 MR. FEE: Objection to form. 26 MR. FEE: Objection to form. 27 MR. FEE: Objection to form. 28 MR. FEE: Objection to form. 29 MR. FEE: Objection to form. 29 MR. FEE: Objection to form. 20 MR. FEE: Objection to form. 21 MR. FEE: Objection to form. 21 MR. FEE: Objection to form. 22 MR. FEE: Objection to form. 23 MR. FEE: Objection to form. 24 MR. FEE: Objection to form. 25 MR. FEE: Objection to form. 26 MR. FEE: Objection to form. 27 MR. FEE: Objection to form. 28 MR. FEE: Objection to form. 29 MR. FEE: Objection to form. 29 MR. FEE: Objection to form. 20 MR. FEE: Ob	5			
8 organizations, correct? 9 A. I don't recall any specific 10 views being summarized. My memory may not be perfect on that, though. 12 Q. What research, if any, did you 13 do among members of the public about whether 14 lack of copyright protection for the 15 plaintiffs' standards would be detrimental to 16 the — to the public? 17 A. The information that I reviewed 18 is in tab 2. I didn't have material beyond 19 what is identified in tab 2. 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address 25 Mr. FEE: Objection to form. 26 government's circulars that I identify, in part, reflect the 27 reviews, in particular the NTTAA of 28 government's circulars that I identify, in part, reflect the 29 Q. Did you review OMB Circular 20 A. I yes, As I recall, I did. 20 Q. Did you review any materials or 21 and A-119 personally? 22 Q. Did you review any materials or 23 pertaining to the discussions or 24 difference of the United States in her law review articles? 25 A. I don't. 26 A. I don't. 27 A. I don't. 28 MR. FEE: Objection. Vague. 38 A. I don't. 39 MR. BRIDGES: 30 MR. FEE: Objection to form. 31 States regarding the conclusions that 4 MR. FEE: Objection. Vague. 4 A. I don't. 4 MR. FEE: Objection to form. 4 Hey Mr. BRIDGES: 4 Do you know whether 5 Ms. Bremer states in her law review articles? 4 MR. FEE: Objection to form. 5 MR. FEE: Objection to form. 5 MR. FEE: Objection to form. 6 Vinited States? 6 View of the Administrative Conference of the United States in connection with your research or analysis? 10 MR. FEE: Objection to form. 11 deliberations of the Administrative Conference of the United States in connection with your research or analysis? 11 MR. FEE: Objection to form. 12 Q. Did you review any materials 13 pertaining to the discussions or or analysis? 14 deliberations of the Administrative Conference of the United States - strike that. 15 Views of the Administrative Confer	6			
9				
10 views being summarized. My memory may not be perfect on that, though. 11 perfect on that, though. 12 Q. What research, if any, did you all do among members of the public about whether lack of copyright protection for the lack of c		_	_	
11 perfect on that, though. 12 Q. What research, if any, did you 13 do among members of the public about whether 14 lack of copyright protection for the 15 plaintiffs' standards would be detrimental to 16 the to the public? 17 A. The information that I reviewed 18 is in tab 2. I didn't have material beyond 19 what is identified in tab 2. 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address 26 Bremer articles, in part, address 27 A. I may have known that, but I 28 page 114 1 that. I think some of the federal 29 government's circulars that I 31 identify, in part, reflect the 4 reviews, in particular he NTTAA of 5 1995 and OMB Circular A-119. I think 4 they, in part, reflect public views. 7 There are probably other things. 8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes, As I recall, I did. 12 Q. Did you review any materials or 13 pertaining to the discussions or 14 deliberations of the Administrative 15 plaintiffs' standards would be detrimental to 16 the to the public? 17 A. The information that I reviewed 18 is in tab 2. I didn't have material beyond 18 is in tab 2. I didn't have materials or 19 Q. Did you review any materials 19 pertain the views of members of 19 Q. Any. 20 A. I don't recall hat sitting here now. 21 don't recall that sitting here now. 22 Q. Do you know whether 23 don't recall that sitting here now. 24 United States. 25 Ms. Bremer's articles strike that. 26 Vo Do you know whether 27 MR. FEE: Objection to form. 28 BY MR. BRIDGES: 29 Did you review of the defined to the Administrative Conference of the 29 Did you review any materials 20 Q. Did you review any materials 21 pertaining to the discussions or 22 Q. Do you know whether 23 deliberations of the Administrative Conference of the United States in onnection of the Mr. FEE: Objection to form. 29 Did you review any materials or 20 Q. Did you review of materials o	-			
12 Q. What research, if any, did you 13 do among members of the public about whether 14 lack of copyright protection for the 15 plaintiffs standards would be detrimental to 16 the — to the public? 17 A. The information that I reviewed 18 is in tab 2. I didn't have material beyond 19 what is identified in tab 2. 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address 26 government's circulars that I 27 didn't have material beyond 28 mere articles, in part, address 29 mere articles, in part, address 20 mere articles, in part, address 21 didn't have material beyond 22 do no you know why persons get appointed to the Administrative Conference of the United States? 29 MR. FEE: Objection to form. 20 Q. Do you know why persons get appointed to the Administrative Conference of 2 the United States? 20 Do you know whether 21 don't recall that sitting here now. 22 Q. Do you know whether 23 don't recall that sitting here now. 24 The With state in the NTTAA of 1995 and OMB Circular A-119. I think they, in part, reflect public views. 25 There are probably other things. 26 Q. Did you review OMB Circular 27 A. Yes. As I recall, I did. 28 Q. Did you review OMB Circular and they may in fact, represent the views of some or all members, but I don't think that's — that either article is an official representation — A. The With your research or analysis? 28 MR. FEE: Objection to form. 29 Q. Did you review on materials or more thank they officially reflect that. I believe she gathered information, and they may, in fact, represent the views of some or all members, but I don't think that's — that either article is an official representation — A. — of that body. 29 Q. Does tab 2 refer you to any 29 Q. Does tab 2 refer you to any 29 Q. Does tab 2 refer you to any 29 Q. Does tab 2 refer you to any 29 Q. Does tab 2 refer you to any 29 Q. Does tab 2 refer you to any 29 Q. Does tab 2 refer you to any 29 Q.	l			
do among members of the public about whether lake of copyright protection for the lake of copyright protection for the beautiffs' standards would be detrimental to the to the public? A. The information that I reviewed is is in tab 2. I didn't have material beyond what is identified in tab 2. Q. So what in tab 2 reflects your 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? MR. FEE: Objection to form. 22 THE WITNESS: I think the 25 Bremer articles, in part, address 25 Bremer articles, in part, address 26 Mar. FEE: Objection to form. 27 THE WITNESS: I think the 27 September 1995 and OMB Circular A-119. I think 6 they, in part, reflect public views. 27 There are probably other things. 28 BY MR. BRIDGES: 29 Q. Do you know whether 3 Ms. Bremer's articles strike that. 4 Do you know whether 3 Ms. Bremer's law review articles reflect a 4 view of the Administrative Conference of the United States Strike that. 4 Do you know whether 3 Ms. Bremer's articles strike that. 4 Do you know whether 4 Do you know whether 5 Ms. Bremer's articles strike that. 4 Do you know whether 5 Ms. Bremer's law review articles reflect a 6 view of the Administrative Conference of the 7 United States Strike that. 1 Do you know whether 5 Ms. Bremer's law review articles reflect a 6 view of the Administrative Conference of the 7 United States Strike that. 1 Do you know whether 1 Do you know whethe	l	•		
14 lack of copyright protection for the 15 plaintiffs' standards would be detrimental to 16 the to the public? 17 A. The information that I reviewed 18 is in tab 2. I didn't have material beyond 19 what is identified in tab 2. 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address 26 page 114 1 that. I think some of the federal 27 government's circulars that I identify, in part, reflect the 28 BY MR. BRIDGES: 39 Q. Did you review OMB Circular 40 At 119 personally? 41 A. Yes. As I recall, I did. 41 deliberations of the Administrative 41 deliberations of the Administrative 42 Q. Did you review any materials 43 pertaining to the discussions or 44 discussions or deliberations of the Salministrative Conference of the United States? 45 A. I may have known that, but I Page 116 46 view of the Administrative Conference of the One of the One of the Administrative Conference of the One of the One of the Administrative Conference of				
15 plaintiffs' standards would be detrimental to 16 the to the public? 16 Administrative Conference of the United 17 A. The information that I reviewed 18 is in tab 2. I didn't have material beyond 18 what is identified in tab 2. 19 What is identified in tab 2. 19 What is identified in tab 2. 19 What is identified in tab 2. 10 Q. So what in tab 2 reflects your 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 22 MR. FEE: Objection to form. 23 appointed to the Administrative Conference of 24 the United States? 25 Bremer articles, in part, address 25 Bremer articles, in part, address 26 Page 114 Page 116	l			
the — to the public? A. The information that I reviewed 17	14			
17 States regarding the conclusions that 18 is in tab 2. I didn't have material beyond 19 what is identified in tab 2. 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address 26 Page 114 1 that. I think some of the federal 27 government's circulars that I identify, in part, reflect the 28 reviews, in particular the NTTAA of 29 Government's circulars that I 2 2 Q. Do you know whether 29 definition of the public views. 20 There are probably other things. 21 deliberations of the Administrative 22 deliberations of the Administrative 23 deliberations of the Administrative 24 deliberations of the Administrative 25 deliberations or deliberations of the Administrative 26 Q. Does tab 2 refer you to any 27 Q. Does tab 2 refer you to any 28 downmants that I reviewed in the views of the discussions or the Administrative Conference of the United 29 Q. Does tab 2 refer you to any 20 A. I don't recall, but it's 21 states regarding the conclusions that 38 Ms. Bremer states in her law review articles? 30 MR. FEE: Objection to form. 30 MR. FEE: Objection to form. 31 den't. 32 appointed to the Administrative Conference of the United States? 4 Do you know why persons get 4 appointed to the Administrative Conference of the United States? 4 Language appointed to the Administrative Conference of the United States? 4 Language appointed to the Administrative Conference of the United States? 5 A. I may have known that, but I Page 116 4 Do you know whether 5 Do you know whether 6 Wh. Bremer's lare at sitting here now. 6 Q. Do you know whether 7 United States? 8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes. As I recall plate at sitting here articles and the view of the Administrative Conference of the United States and the Administrative Conference of the United States and the Administrative Conference of the United States and the Administrative Conference of the Uni		=		•
18 is in tab 2. I didn't have material beyond 19 what is identified in tab 2. 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: 1 think the 25 Bremer articles, in part, address 26 Page 114 1 that. I think some of the federal 27 government's circulars that I 28 government's circulars that I 39 don't recall that sitting here now. 29 Q. Do you know whether 20 Q. Do you know whether 30 don't recall that sitting here now. 31 don't recall that sitting here now. 42 Q. Do you know whether 43 Ms. Bremer states in her law review articles? 44 HIVINESS: I don't. 45 BY MR. BRIDGES: 46 A. I may have known that, but I 47 Page 116 48 BY MR. FEE: Objection to form. 49 BY MR. BRIDGES: 40 Dyou know whether 41 Do you know whether 41 Do you know whether 42 Do you know whether 43 Ms. Bremer's articles? 41 A. Do you know whether 42 Do you know whether 43 Ms. Bremer's law review articles reflect a 44 reviews, in part, reflect public views. 45 There are probably other things. 46 There are probably other things. 47 There are probably other things. 48 BY MR. BRIDGES: 49 Q. Did you review OMB Circular 40 A-119 personally? 40 A-119 personally? 41 A. Yes. As I recall, I did. 41 Q. Did you review any materials 41 THE WITNESS: I don't. 41 deliberations of the Administrative 42 Do you know why persons get 43 appointed to the Administrative Conference of the United States? 42 A. I may have known that, but I 42 Do you know whether 43 Ms. Bremer's article sates? 44 the United States? 45 A. I may have known that, but I 46 boy you know whether 46 The United States? 46 View of the Administrative Conference of the United States in connection of the Administrative Conference of the United States in connection of with your research or analysis? 47 A. What particular the NTTAA of the United States in connection of with your research or analysis? 48 PAME. BRIDGES: 49 Q. Does tab 2 refer you to any of the discussions or deliberations of the documents that woul	l	*		
19 what is identified in tab 2. 20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address 26 Page 114 1 that. I think some of the federal 27 government's circulars that I identify, in part, reflect the 1995 and OMB Circular A-119. I think they, in part, reflect public views. 25 There are probably other things. 26 BY MR. BRIDGES: 27 A. I may have known that, but I 28 Page 114 1 that. I think some of the federal government's circulars that I identify, in part, reflect the "Obyou know whether" 3 identify, in part, reflect the "Obyou know whether" 4 reviews, in particular the NTTAA of they, in part, reflect public views. 5 There are probably other things. 6 they, in part, reflect public views. 7 There are probably other things. 8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes, As I recall, I did. 12 Q. Did you review any materials or pertaining to the discussions or 13 that they officially reflect that. I believe she gathered information, and they may, in fact, represent the views of some or all members, but I don't think that's that either article is an official representation BY MR. BRIDGES: 20 Q. Does tab 2 refer you to any adocuments that would provide you information and documents that would provide you information and about the discussions or deliberations of the United States in connection and documents that would provide you information and they may, in fact, represent the views of some or all members, but I don't think that's that either article is an official representation BY MR. BRIDGES: 20 Q. Does tab 2 refer you to any 22 Q. Are you ware of the fact that her articles her law review articles as the views of any government entity and indicate				
20 Q. So what in tab 2 reflects your 21 steps to ascertain the views of members of 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address Page 114 1 that. I think some of the federal 2 government's circulars that I 3 identify, in part, reflect the 4 reviews, in particular the NTTAA of 5 1995 and OMB Circular A-119. I think 6 they, in part, reflect public views. 7 There are probably other things. 8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review any materials 13 pertaining to the discussions or 14 deliberations of the Administrative 15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 20 Q. Does tab 2 refer you to any 4 documents that would provide you information 4 about the discussions or deliberations of the 20 Administrative Conference of the United 21 BY MR. BRIDGES: 22 Q. Do you know why persons get 23 appointed to the Administrative Conference of 4 the United States? 24 A. I may have known that, but I 25 A. I may have known that, but I 26 Q. Do you know whether 27 Ms. Bremer's articles strike that. 28 Do you know whether 29 Q. Do you know whether 20 Q. Do you know whether 20 Q. Do you know whether 21 Ms. Bremer's articles strike that. 29 Do you know whether 20 Q. Do you know whether 20 Q. Do you know whether 21 Ms. Bremer's articles strike that. 29 Do you know whether 20 Q. Do you know whether 20 Q. Do you know whether 21 Ms. Bremer's articles strike that. 29 Do you know whether 20 Q. Do you know whether 20 Q. Do you know whether 21 Ms. Bremer's articles strike that. 29 Do you know hether 20 Q. Do you know hether 20 Q. Do you know whether 21 Ms. Bremer's articles strike that. 20 Q or of any of its committees? 20 Q or of any of its committees? 21 HE WITNESS: I'm not aware 22 The Witness strike that. 23 Have the United States. 24 Do you kno	18			
21 steps to ascertain the views of members of 22 the public? 23 MR. FEE: Objection to form. 24 THE WITNESS: I think the 25 Bremer articles, in part, address 26 Page 114 1 that. I think some of the federal 27 government's circulars that I 28 government's circulars that I 29 government's circulars that I 30 identify, in part, reflect the 41 reviews, in particular the NTTAA of 51 1995 and OMB Circular A-119. I think 62 they, in part, reflect public views. 63 There are probably other things. 64 BY MR. BRIDGES: 65 A. I may have known that, but I 66 Page 114 1 don't recall that sitting here now. 10 Q. Do you know whether 11 Ms. Bremer's articles strike that. 12 Do you know whether 13 Ms. Bremer's law review articles reflect a view of the Administrative Conference of the Vinted States 10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review any materials 13 pertaining to the discussions or 14 deliberations of the Administrative 15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 20 A. I don't recall, but it's 21 possible. 22 Q. Do you know why persons get 23 appointed to the Administrative Conference of the United States? 24 A. I may have known that, but I 25 don't recall that sitting here now. 26 Q. Do you know whether 27 Q. Do you know whether 28 Ms. Bremer's articles strike that. 29 View of the Administrative Conference of the Vinited States? 20 Q or of any of its committees? 21 THE WITNESS: I'm not aware 22 THE WITNESS: I'm not aware 23 the United States? 24 Ns. Bremer's articles beriative Conference of the Vinited States? 25 A. I may have known that, but I 20 Q. Do you know whether 26 Ws. Bremer's articles strike that. 29 Q or of any of its committees? 20 Q or of any of its committees? 21 THE WITNESS: I'm not aware 22 THE WITNESS: I'm not aware 23 that they officially reflect that. I 24 believe she gathered information, and 25 the United States? 26 Q. Does tab 2 re				-
22 the public? 23 MR. FEE: Objection to form. 24 THE WTINESS: I think the 25 Bremer articles, in part, address Page 114 1 that. I think some of the federal 2 government's circulars that I 3 identify, in part, reflect the 4 reviews, in particular the NTTAA of 5 1995 and OMB Circular A-119. I think 6 they, in part, reflect public views. 7 There are probably other things. 8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review any materials 13 pertaining to the discussions or 14 deliberations of the Administrative 15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 20 A. I don't recall that sitting here now. 22 Q. Do you know whether 3 Ms. Bremer's articles strike that. 4 Do you know whether 5 Ms. Bremer's articles reflect a 6 view of the Administrative Conference of the 7 United States 8 MR. FEE: Objection to form. 9 BY MR. BRIDGES: 10 Q or of any of its committees? 11 MR. FEE: Objection to form. 12 THE WITNESS: I'm not aware 13 pertaining to the discussions or 14 believe she gathered information, and 15 they may, in fact, represent the views 16 of some or all members, but I don't 17 think that's that either article is 18 meetings are you referring to? 19 Q. Any. 20 A. I don't recall, but it's 20 Q. Are you 21 possible. 21 A of that body. 22 Q. Are you 23 documents that would provide you information 24 about the discussions or deliberations of the 25 doministrative Conference of the United 26 Doy ou know whether 27 don't recall that sitting here now. 28 A. I may have known that, but I 29 Q. Doy ou know whether 3 don't recall that sitting here now. 4 Doy ou know whether 5 Ms. Bremer's articles strike that. 5 Doy ou know whether 6 Wh. Bermer's articles strike that. 6 United States? 10 Q or of any of its committees? 11 Lange of the Administrative Conference of the United States in connection of any of i	l	- ·		
23 appointed to the Administrative Conference of the United States? 24	l	-		
THE WITNESS: I think the Bremer articles, in part, address Page 114 1 that. I think some of the federal 2 government's circulars that I 3 identify, in part, reflect the 4 reviews, in particular the NTTAA of 5 1995 and OMB Circular A-119. I think 6 they, in part, reflect public views. 7 There are probably other things. 8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review any materials 13 pertaining to the discussions or 14 deliberations of the Administrative 15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 20 Does tab 2 refer you to any 21 documents that would provide you information 22 the United States? 25 A. I may have known that, but I Page 116 24 the United States? 25 A. I may have known that, but I Page 116 2 don't recall that sitting here now. 2 Q. Do you know whether 3 Ms. Bremer's articles strike that. 4 Do you know whether 5 Ms. Bremer's law review articles reflect a view of the Administrative Conference of the 6 view of the Administrative Conference of the 7 United States? 2 Q. Do you know whether 3 Ms. Bremer's articles strike that. 4 Do you know whether 5 Ms. Bremer's law review articles reflect a view of the Administrative Conference of the 6 view of the Administrative Conference of the 7 United States? A. I may have known that, but I Page 116 A on't recall that sitting here now. 2 Q. Do you know whether 3 Ms. Bremer's articles strike that. 4 Do you know whether 5 Ms. Bremer's law review articles reflect a view of the Administrative Conference of the 7 United States? A. I may have known that, but I Page 116 4 don't recall that sitting here now. 2 Q. Do you know whether 3 Ms. Bremer's articles strike that. 4 Do you know whether 5 Ms. Bremer's law review articles reflect a view of the Administrative Conference of the 10 view of the Administrative now of the Administrative Conference of the 11 delib	l	=		
25 Bremer articles, in part, address Page 114 1 that. I think some of the federal 2 government's circulars that I 3 identify, in part, reflect the 4 reviews, in particular the NTTAA of 5 1995 and OMB Circular A-119. I think 6 they, in part, reflect public views. 7 There are probably other things. 8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review any materials 13 pertaining to the discussions or 14 deliberations of the Administrative 15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 20 Does tab 2 refer you to any 21 documents that would provide you information 22 documents that would provide you information 23 domit recall that sitting here now. 24 Q. Do you know whether 25 Ms. Bremer's articles strike that. 26 Do you know whether 27 United States view of the Administrative Conference of the View of the Administrative Conference of the Views of some or all members, but I don't think that's that either article is an official representation 19 Q. Any. 20 A. I don't recall that sitting here now. 2 Q. Do you know whether 3 Ms. Bremer's articles strike that. 4 Do you know whether 5 Ms. Bremer's articles strike that. 5 Ms. Bremer's articles of the United States in conference of the View of the Administrative Conference of the United States in connection that they officially reflect that. I believe she gathered information, and they officially reflect that. I believe she gathered information of some or all members, but I don't think that's that either article is an official representation 19 Q. Any. 20 A. I don't recall, but it's 21 Q. Does tab 2 refer you to any 22 documents that would provide you information about the discussions or deliberations of the Views of any government entity and indicate	1			
1 that. I think some of the federal 2 government's circulars that I 3 identify, in part, reflect the 4 reviews, in particular the NTTAA of 5 1995 and OMB Circular A-119. I think 6 they, in part, reflect public views. 7 There are probably other things. 8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review any materials 13 pertaining to the discussions or 14 deliberations of the Administrative 15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 19 BY MR. BRIDGES: 20 Q. Does tab 2 refer you to any 21 don't recall that sitting here now. 22 Q. Do you know whether 3 Ms. Bremer's articles strike that. 4 Do you know whether 5 Ms. Bremer's law review articles reflect a view of the Administrative Conference of the United States 5 MR. FEE: Objection to form. 6 Vunited States 8 MR. FEE: Objection to form. 9 BY MR. BRIDGES: 10 Q or of any of its committees? 11 MR. FEE: Objection to form. 12 THE WITNESS: I'm not aware 13 that they officially reflect that. I believe she gathered information, and they may, in fact, represent the views 14 of some or all members, but I don't think that's that either article is an official representation 19 Q. Any. 19 BY MR. BRIDGES: 20 Q. Are you 21 possible. 21 A of that body. 22 Q. Are you 23 documents that would provide you information of the views of any government entity and indicate				
that. I think some of the federal government's circulars that I don't recall that sitting here now. Qounty of the Administrative Conference of the United States in connection A. What particular materials or whether and the Administrative Conference of the United States in connection A. What particular materials or meetings are you referring to? A. I don't recall that sitting here now. Qounty on whether A. Do you know whether By Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know whether Ms. Bremer's articles strike that. Do you know thether Ms. Bremer's articles strike that. Do you know thether Ms. Bremer's articles strike that. Do you know thether Ms. Bremer's articles strike that. Do you know thether Ms. Bremer's articles strike that. Do you know thether Ms. Bremer's articles strike that. Do you know thether Ms. Bremer's articles strike that. Do you know thether Ms. Bremer's atticles strike that. Do you know thether Ms. Bremer's atticles strike that. Do you know thether Ms. Bremer's atticles strike that. Do you know thether Ms. Bremer's atticles strike that. Do you know thether Ms. Bremer's atticles strike that. I delieati	25		25	
2 government's circulars that I 3 identify, in part, reflect the 4 reviews, in particular the NTTAA of 5 1995 and OMB Circular A-119. I think 6 they, in part, reflect public views. 7 There are probably other things. 8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review any materials 13 pertaining to the discussions or 14 deliberations of the Administrative 15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 20 A. I don't recall, but it's 21 possible. 22 Q. Do you know whether 23 Ms. Bremer's articles strike that. 24 Do you know whether 25 Ms. Bremer's articles strike that. 26 Do you know whether 26 Ms. Bremer's articles strike that. 27 Do you know whether 28 Ms. Bremer's articles strike that. 28 Do you know whether 29 Ms. Bremer's articles strike that. 29 Do you know whether 20 Ns. Bremer's articles strike that. 20 Vuited States 21 Doyouknow whether 21 Do you know whether 24 Do you know whether 25 Ms. Bremer's law review articles reflect a 26 view of the Administrative Conference of the 27 United States 28 MR. FEE: Objection to form. 29 BY MR. BRIDGES: 20 THE WITNESS: I'm not aware 21 believe she gathered information, and 21 they may, in fact, represent the views 21 of some or all members, but I don't 22 think that's that either article is 23 an official representation 24 possible. 25 Q. Are you aware of the fact that 27 her articles her law review articles 28 pecifically disclaim her articles as the 29 views of any government entity and indicate		Page 114		Page 116
identify, in part, reflect the reviews, in particular the NTTAA of 1995 and OMB Circular A-119. I think they, in part, reflect public views. There are probably other things. BY MR. BRIDGES: Q. Did you review OMB Circular A-119 personally? A. Yes. As I recall, I did. Q. Did you review any materials pertaining to the discussions or deliberations of the Administrative conference of the United States in connection with your research or analysis? A. What particular materials or meetings are you referring to? Q. Does tab 2 refer you to any documents that would provide you information about the discussions or deliberations of the United Administrative Conference of the United Conference of the United Conference of the United States in connection about the discussions or deliberations of the Conference of the United States in connection A. I don't recall, but it's Conference of the United Co	1		1	
4 reviews, in particular the NTTAA of 5 1995 and OMB Circular A-119. I think 6 they, in part, reflect public views. 7 There are probably other things. 8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review any materials 13 pertaining to the discussions or 14 deliberations of the Administrative 15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 20 A A. I don't recall, but it's 21 possible. 22 Q. Does tab 2 refer you to any 23 documents that would provide you information 24 about the discussions or deliberations of the United 25 Ms. Bremer's law review articles reflect a 26 view of the Administrative Conference of the 27 United States 28 MR. FEE: Objection to form. 29 BY MR. BRIDGES: 10 Q or of any of its committees? 11 MR. FEE: Objection to form. 12 THE WITNESS: I'm not aware 13 that they officially reflect that. I 14 believe she gathered information, and 15 they may, in fact, represent the views 16 of some or all members, but I don't 17 think that's that either article is 28 an official representation 29 Q. Are you 20 Q. Are you aware of the fact that 20 Q. Are you aware of the fact that 21 her articles her law review articles 22 views of any government entity and indicate			2	
5 1995 and OMB Circular A-119. I think 6 they, in part, reflect public views. 7 There are probably other things. 8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review any materials 13 pertaining to the discussions or 14 deliberations of the Administrative 15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 20 A I don't recall, but it's 21 possible. 22 Q. Does tab 2 refer you to any 23 documents that would provide you information 24 about the discussions or deliberations of the United 25 Ms. Bremer's law review articles reflect a 26 view of the Administrative Conference of the 27 United States 28 MR. FEE: Objection to form. 29 BY MR. BRIDGES: 10 Q or of any of its committees? 11 MR. FEE: Objection to form. 12 THE WITNESS: I'm not aware 13 that they officially reflect that. I 14 believe she gathered information, and 15 they may, in fact, represent the views 16 of some or all members, but I don't 17 think that's that either article is 28 an official representation 29 Q. Are you 20 Q. Are you aware of the fact that 20 Are you aware of the fact that 21 her articles her law review articles 22 yeerifically disclaim her articles as the 23 view of the Administrative Conference of the 25 views of any government entity and indicate	3	· -	_	
they, in part, reflect public views. There are probably other things. BY MR. BRIDGES: Q. Did you review OMB Circular A-119 personally? A. Yes. As I recall, I did. Q. Did you review any materials pertaining to the discussions or deliberations of the Administrative Conference of the United States in connection with your research or analysis? A. What particular materials or meetings are you referring to? Q. Any. Q. Does tab 2 refer you to any documents that would provide you information about the discussions or feliberations of the United Administrative Conference of the United Conference of the United Conference of the United States in connection A. What particular materials or g. Any. Q. Any. Q. Any. Q. Are you A. I don't recall, but it's documents that would provide you information about the discussions or deliberations of the Administrative Conference of the Administrative Conference of the States BY MR. FEE: Objection to form. MR. FEE: Objection to form. Hand MR. FEE: Objection to form. The WITNESS: I'm not aware that they officially reflect that. I believe she gathered information, and they may, in fact, represent the views of some or all members, but I don't think that's that either article is an official representation BY MR. BRIDGES: Q. Are you PROVED AND AND AND AND AND AND AND AND AND AN	1	· •	4	
There are probably other things. BY MR. BRIDGES: Q. Did you review OMB Circular A-119 personally? A. Yes. As I recall, I did. Q. Did you review any materials pertaining to the discussions or deliberations of the Administrative Conference of the United States in connection with your research or analysis? A. What particular materials or meetings are you referring to? A. I don't recall, but it's Q. Does tab 2 refer you to any documents that would provide you information about the discussions or deliberations of the Administrative Conference of the United Tunited States BY MR. BRIDGES: MR. FEE: Objection to form. PRE: Objection to form. Hand I MR. FEE: Objection to form. THE WITNESS: I'm not aware that they officially reflect that. I believe she gathered information, and they may, in fact, represent the views of some or all members, but I don't think that's that either article is an official representation BY MR. BRIDGES: Q. Are you Q. Are you Q. Are you aware of the fact that documents that would provide you information about the discussions or deliberations of the Administrative Conference of the United	1		5	
8 BY MR. BRIDGES: 9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review any materials 13 pertaining to the discussions or 14 deliberations of the Administrative 15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 19 BY MR. BRIDGES: 10 Q or of any of its committees? 11 MR. FEE: Objection to form. 12 THE WITNESS: I'm not aware 13 that they officially reflect that. I 14 believe she gathered information, and 15 they may, in fact, represent the views 16 of some or all members, but I don't 17 think that's that either article is 18 an official representation 19 Q. Any. 19 BY MR. BRIDGES: 20 A. I don't recall, but it's 21 possible. 22 Q. Does tab 2 refer you to any 23 documents that would provide you information 24 about the discussions or deliberations of the 25 Administrative Conference of the United 26 MR. FEE: Objection to form. 9 BY MR. BRIDGES: 10 Q or of any of its committees? 11 MR. FEE: Objection to form. 12 THE WITNESS: I'm not aware 13 that they officially reflect that. I 14 believe she gathered information, and 15 they may, in fact, represent the views 16 of some or all members, but I don't 17 think that's that either article is 28 an official representation 29 Q. Are you 20 Q. Are you 21 possible. 21 A of that body. 22 Q. Are you aware of the fact that 23 her articles her law review articles 24 specifically disclaim her articles as the 25 views of any government entity and indicate	6		6	
9 Q. Did you review OMB Circular 10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review any materials 13 pertaining to the discussions or 14 deliberations of the Administrative 15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 19 Q. Any. 19 BY MR. BRIDGES: 10 Q or of any of its committees? 11 MR. FEE: Objection to form. 12 THE WITNESS: I'm not aware 13 that they officially reflect that. I 14 believe she gathered information, and 15 they may, in fact, represent the views 16 of some or all members, but I don't 17 think that's that either article is 18 an official representation 19 Q. Any. 19 BY MR. BRIDGES: 20 Q. Are you 21 possible. 21 A of that body. 22 Q. Are you aware of the fact that 23 documents that would provide you information 24 about the discussions or deliberations of the 25 Administrative Conference of the United 26 Did you review any materials 27 THE WITNESS: I'm not aware 28 that they officially reflect that. I 29 believe she gathered information, and 20 they may, in fact, represent the views 21 of some or all members, but I don't 22 think that's that either article is 23 an official representation 24 Q. Are you 25 Q. Are you aware of the fact that 26 Administrative Conference of the United 27 A of that body. 28 Q. Are you aware of the fact that 29 Are articles her law review articles 20 yiews of any government entity and indicate	7			United States
10 A-119 personally? 11 A. Yes. As I recall, I did. 12 Q. Did you review any materials 13 pertaining to the discussions or 14 deliberations of the Administrative 15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 20 A. I don't recall, but it's 20 Q. Are you 21 possible. 21 A of that body. 22 Q. Does tab 2 refer you to any 23 documents that would provide you information 24 about the discussions or deliberations of the 25 Administrative Conference of the United 26 MR. FEE: Objection to form. 11 MR. FEE: Objection to form. 12 THE WITNESS: I'm not aware 13 that they officially reflect that. I 14 believe she gathered information, and 15 they may, in fact, represent the views 16 of some or all members, but I don't 17 think that's that either article is 18 an official representation 19 BY MR. BRIDGES: 20 Q. Are you 21 possible. 21 A of that body. 22 Q. Are you aware of the fact that 23 her articles her law review articles 24 about the discussions or deliberations of the 25 Administrative Conference of the United 26 views of any government entity and indicate	l		8	-
A. Yes. As I recall, I did. Q. Did you review any materials pertaining to the discussions or deliberations of the Administrative Conference of the United States in connection with your research or analysis? A. What particular materials or meetings are you referring to? Q. Any. Pyss. As I recall, I did. THE WITNESS: I'm not aware that they officially reflect that. I believe she gathered information, and they may, in fact, represent the views of some or all members, but I don't think that's that either article is an official representation BY MR. BRIDGES: Q. Are you Q. Are you A of that body. Q. Are you aware of the fact that documents that would provide you information Administrative Conference of the United Did MR. FEE: Objection to form. THE WITNESS: I'm not aware that they officially reflect that. I that they officially reflect that. I believe she gathered information, and they may, in fact, represent the views of some or all members, but I don't think that's that either article is an official representation 19 BY MR. BRIDGES: Q. Are you 21 A of that body. Q. Are you aware of the fact that her articles her law review articles specifically disclaim her articles as the views of any government entity and indicate	9			
Q. Did you review any materials pertaining to the discussions or deliberations of the Administrative Conference of the United States in connection with your research or analysis? A. What particular materials or meetings are you referring to? Q. Any. Q. Any. BY MR. BRIDGES: Q. Does tab 2 refer you to any documents that would provide you information about the discussions or deliberations of the Administrative Conference of the United 12 THE WITNESS: I'm not aware 13 that they officially reflect that. I 14 believe she gathered information, and 15 they may, in fact, represent the views 16 of some or all members, but I don't 17 think that's that either article is 18 an official representation 19 Q. Are you 21 possible. 20 Q. Are you 21 A of that body. 22 Q. Are you aware of the fact that 23 her articles her law review articles 24 specifically disclaim her articles as the 25 views of any government entity and indicate	10	1 2	10	-
pertaining to the discussions or deliberations of the Administrative Conference of the United States in connection with your research or analysis? A. What particular materials or meetings are you referring to? Q. Any. BY MR. BRIDGES: A. I don't recall, but it's possible. Q. Does tab 2 refer you to any documents that would provide you information about the discussions or deliberations of the Administrative Conference of the United 13 that they officially reflect that. I believe she gathered information, and they may, in fact, represent the views of some or all members, but I don't think that's that either article is an official representation 19 BY MR. BRIDGES: Q. Are you 21 possible. Q. Are you aware of the fact that 23 her articles her law review articles 24 specifically disclaim her articles as the 25 views of any government entity and indicate		· · · · · · · · · · · · · · · · · · ·		· ·
deliberations of the Administrative Conference of the United States in connection with your research or analysis? A. What particular materials or meetings are you referring to? Q. Any. A. I don't recall, but it's possible. Q. Does tab 2 refer you to any documents that would provide you information about the discussions or deliberations of the Administrative Delieve she gathered information, and they may, in fact, represent the views of some or all members, but I don't think that's that either article is an official representation 19 BY MR. BRIDGES: Q. Are you 21 A of that body. Q. Are you aware of the fact that 23 her articles her law review articles 24 specifically disclaim her articles as the 25 views of any government entity and indicate	l	Q. Did you review any materials		
15 Conference of the United States in connection 16 with your research or analysis? 17 A. What particular materials or 18 meetings are you referring to? 19 Q. Any. 19 BY MR. BRIDGES: 20 A. I don't recall, but it's 21 possible. 22 Q. Does tab 2 refer you to any 23 documents that would provide you information 24 about the discussions or deliberations of the 25 Administrative Conference of the United 26 they may, in fact, represent the views 17 think that's that either article is 28 an official representation 29 Q. Are you 20 Q. Are you 21 possible. 21 A of that body. 22 Q. Are you aware of the fact that 23 her articles her law review articles 24 specifically disclaim her articles as the 25 views of any government entity and indicate	13	pertaining to the discussions or	13	that they officially reflect that. I
with your research or analysis? A. What particular materials or meetings are you referring to? Q. Any. 19 Q. Any. 19 BY MR. BRIDGES: 20 Q. Are you 21 possible. 20 Q. Are you 21 possible. 21 A of that body. 22 Q. Are you aware of the fact that 23 documents that would provide you information 24 about the discussions or deliberations of the 25 Administrative Conference of the United 16 of some or all members, but I don't 17 think that's that either article is 28 an official representation 19 BY MR. BRIDGES: 20 Q. Are you 21 A of that body. 22 Q. Are you aware of the fact that 23 her articles her law review articles 24 specifically disclaim her articles as the 25 views of any government entity and indicate	14	deliberations of the Administrative	14	
17 think that's that either article is 18 meetings are you referring to? 19 Q. Any. 19 BY MR. BRIDGES: 20 A. I don't recall, but it's 21 possible. 21 A of that body. 22 Q. Does tab 2 refer you to any 23 documents that would provide you information 24 about the discussions or deliberations of the 25 Administrative Conference of the United 26 University of think that's that either article is 27 an official representation 28 Q. Are you 29 Q. Are you 20 Q. Are you aware of the fact that 21 A of that body. 22 Q. Are you aware of the fact that 23 her articles her law review articles 24 specifically disclaim her articles as the 25 views of any government entity and indicate	15	Conference of the United States in connection	15	they may, in fact, represent the views
18 meetings are you referring to? 19 Q. Any. 19 Any. 20 A. I don't recall, but it's 21 possible. 22 Q. Does tab 2 refer you to any 23 documents that would provide you information 24 about the discussions or deliberations of the 25 Administrative Conference of the United 26 Any. 18 an official representation 19 BY MR. BRIDGES: 20 Q. Are you 21 A of that body. 22 Q. Are you aware of the fact that 23 her articles her law review articles 24 specifically disclaim her articles as the 25 views of any government entity and indicate	16	with your research or analysis?	16	of some or all members, but I don't
19 Q. Any. 20 A. I don't recall, but it's 20 Q. Are you 21 possible. 21 A of that body. 22 Q. Does tab 2 refer you to any 23 documents that would provide you information 24 about the discussions or deliberations of the 25 Administrative Conference of the United 26 Page 19 BY MR. BRIDGES: 27 Q. Are you 28 Q. Are you aware of the fact that 29 Are articles her law review articles 20 Q. Are you aware of the fact that 21 Specifically disclaim her articles as the 22 Views of any government entity and indicate	17	A. What particular materials or	17	think that's that either article is
20 A. I don't recall, but it's 21 possible. 22 Q. Does tab 2 refer you to any 23 documents that would provide you information 24 about the discussions or deliberations of the 25 Administrative Conference of the United 20 Q. Are you 21 A of that body. 22 Q. Are you aware of the fact that 23 her articles her law review articles 24 specifically disclaim her articles as the 25 views of any government entity and indicate	18		18	an official representation
21 possible. 22 Q. Does tab 2 refer you to any 23 documents that would provide you information 24 about the discussions or deliberations of the 25 Administrative Conference of the United 26 A of that body. 27 Q. Are you aware of the fact that 28 her articles her law review articles 29 specifically disclaim her articles as the 29 views of any government entity and indicate		meetings are you referring to?		
Q. Does tab 2 refer you to any documents that would provide you information about the discussions or deliberations of the Administrative Conference of the United Q. Are you aware of the fact that 23 her articles her law review articles 24 specifically disclaim her articles as the 25 views of any government entity and indicate	1	- · · · · · · · · · · · · · · · · · · ·	19	BY MR. BRIDGES:
23 documents that would provide you information 24 about the discussions or deliberations of the 25 Administrative Conference of the United 26 documents that would provide you information 27 specifically disclaim her articles as the 28 views of any government entity and indicate	19	Q. Any.		
24 about the discussions or deliberations of the 25 Administrative Conference of the United 25 views of any government entity and indicate	19 20	Q. Any.A. I don't recall, but it's	20	Q. Are you
24 about the discussions or deliberations of the 25 Administrative Conference of the United 25 views of any government entity and indicate	19 20 21	Q. Any.A. I don't recall, but it's possible.Q. Does tab 2 refer you to any	20 21	Q. Are you A of that body.
	19 20 21 22	Q. Any.A. I don't recall, but it's possible.Q. Does tab 2 refer you to any	20 21 22	Q. Are youA of that body.Q. Are you aware of the fact that
Page 115 Page 117	19 20 21 22 23	 Q. Any. A. I don't recall, but it's possible. Q. Does tab 2 refer you to any documents that would provide you information 	20 21 22 23	Q. Are you A of that body. Q. Are you aware of the fact that her articles her law review articles
	19 20 21 22 23 24	 Q. Any. A. I don't recall, but it's possible. Q. Does tab 2 refer you to any documents that would provide you information about the discussions or deliberations of the Administrative Conference of the United 	20 21 22 23 24	Q. Are you A of that body. Q. Are you aware of the fact that her articles her law review articles specifically disclaim her articles as the

1 that they are her personal views? 2 A. I wouldn't be surprised and 3 may I may have read that, but I would 4 expect that that would be in the first 5 footnote of one or both articles. 6 Q. What did you do to examine the 7 alleged facts that the representatives of 8 plaintiffs stated to you in their 9 conversations with you? 9 conversations with you? 10 MR. FEE: Objection to form. 11 THE WITNESS: I looked at 12 MR, FEE: Objection to form. 13 THE WITNESS: I looked at 14 looked at the document production and to the other materials shown in tab 2. 15 BY MR. BRIDGES: 17 Q. You looked at the document production and to the other materials shown in tab 2. 16 BY MR. BRIDGES: 17 Q. You looked at the document production that the plaintiffs' counsel 19 furnished you? 19 A. In part. There were other 21 things in tab 2 that were not provided to me 22 by plaintiffs' counsel. 21 Q. What other materials in 23 Q. What other materials in 24 tab 2 strike that. 22 Please identify for me in tab 2 2 plaintiffs counsel. 23 Q. What other materials in 24 certainty, but let me give you my best guess. I believe all the depositions that are shown 6 on page 1. I believe the Bates ranges at the 7 very top of the page were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I don't know about the cases 17 and laws. I just don't remember if we separately gathered those or were provided by counsel. I don't know about the cases 17 and laws. I just don't remember if we separately gathered those or were provided by counsel. I don't know about the cases 19 and laws. I just don't remember if we separately gathered those or were provided by counsel. I don't know about the cases 19 and laws. I just don't remember if we separately gathered those or were provided by counsel. I don't know about the cases 19 and laws. I just don't remember if we separately gathered those or were provided to me 20 plaintiffs counsel, law there were conflicts within docume				
3 may — I may have read that, but I would 4 expect that that would be in the first 5 footnote of one or both articles. 6 Q. What did you do to examine the 7 alleged facts that the representatives of plaintiffs stated to you in their 9 conversations with you? 10 MR, FEE: Objection to form. 11 THE WITNESS: I hooked at — 12 MR, FEE: Objection to form. 11 THE WITNESS: I'm sorry. I 13 flooked at the document production and to the other materials shown in tab 2. 14 looked at the document production and to the other materials shown in tab 2. 15 BY MR, BRIDGES: 16 BY MR, BRIDGES: 17 Q. You looked at the document production and the plaintiffs' counsel plaintiffs' counsel things in tab 2 that were not provided to me to by plaintiffs' counsel. 19 furnished you? 10 La the materials that plaintiffs' counsel furnished you? 11 the materials that plaintiffs' counsel certainty, but let me give you my best guess. 15 I believe all the depositions that are shown on page I. I believe the Bates ranges at the very top of the page were provided by counsel. I believe the legal documents were provided by counsel. I believe the miscellaneous items were provided by those. 10 The deposition transcripts and enables and laws. I just don't remember if we separately gathered those or were provided by those. 11 The world with what we learned, that would prompt us to investigate at materials. If we found things that conflicted with what we learned, that conflicted with what we learned, that conflicted with that we learned, that conflicted with facts that were officited with facts that were officited with facts that were officited with facts that were provided by quinterfity for me in tab 2. 16 BY MR. BRIDGES: 11 Q. Did you investigate independently whether documents and other information we saw did not occurred the fanancial statements and plans were provided by counsel. I believe the legal documents were provided by counsel. I believe the legal documents were provided by counsel. I believe the miscellaneous items were provided by counsel. I bel	l .	•	1	
4 expect that that would be in the first footnote of one or both articles. 5 footnote of one or both articles. 6 Q. What did you do to examine the alleged facts that the representatives of splaintiffs stated to you in their conversations with you? 9 conversations with you? 10 MR. FEE: Objection to form. 11 THE WITNESS: I flooked at — 12 MR. FEE: Asked and answered. 13 THE WITNESS: The sorry. I looked at the document production and the other materials shown in tab 2. 14 looked at the document production and the other materials shown in tab 2. 15 TO Q. You looked at the document production that the plaintiffs' counsel provided to me by plaintiffs' counsel. 16 BY MR. BRIDGES: 18 production that the plaintiffs' counsel proposed to the strike that. 17 Q. You looked at the document production and the other materials from the production that the plaintiffs' counsel provided by plaintiffs' counsel. 18 production that the plaintiffs' counsel provided to me by plaintiffs' counsel. 29 Q. What odid you do to test the waldidity of the factual assertions that the Plaintiffs with the materials shown in tab 2. 15 THE WITNESS: Well, we looked at materials. If we found things that conflicted with what we learned, that would prompt us to investigate provided by plaintiffs' counsel provided to me by plaintiffs' counsel. 18 production that the plaintiffs' counsel provided to me by plaintiffs' counsel. 20 What other materials in tab 2 that were not provided to me by plaintiffs' counsel. 21 Q. Did you investigate independently whether documents existed that contradicted plaintiffs' statements of facts? 22 A. Not with that in mind. We looked at the documents and other information we learned from plaintiffs under to you in your conversations with the plaintiffs further. 22 The WITNESS: Well, we looked at materials. If with the informations that we learned, that would prompt us to investigate conflicted with what we learned, that would prompt us to investigate provided by plaintiff personnel, but I ming the wrong. 23 Q. What other mater	l .	•		
5 footnote of one or both articles. 6 Q. What did you do to examine the alleged facts that the representatives of a plaintiffs stated to you in their conversations with you? 10 MR. FEE: Objection to form. 11 THE WITNESS: Tlooked at	١.			-
6 Q What did you do to examine the alleged facts that the representatives of plaintiffs stated to you in their conversations with you? 9 conversations with you? 10 MR. FEE: Objection to form. 11 THE WITNESS: I looked at — 11 THE WITNESS: Well, we looked at materials. If we found things that conflicted with what we learned, that would prompt us to investigate would prompt us to investigate further. But I don't recall seeing any documentary evidence that would prompt us to investigate would prompt us to investigate further. But I don't recall seeing any documentary evidence that conflicted with facts that were provident to me by plaintiffs' counsel 18 provided by plaintiffs' counsel 21 things in tab 2 that were not provided to me by plaintiffs' counsel 22 tab 2 — strike that. 23 Q. What other materials in 24 tab 2 — strike that. 25 Please identify for me in tab 2 26 I the materials that plaintiffs' counsel 2 furnished you. 3 A. I don't know with absolute 4 certainty, but let me give you my best guess. 5 I believe all the depositions that are shown on page 1. I believe the Bates ranges at the very top of the page were provided by counsel. I believe the financial statements and plans were 12 provided by counsel. I believe the financial statements and plans were 12 provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the financial statements and plans were 12 provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the mescelaneous items were provided by counsel. I believe the mescelaneous items were provided by counsel. I believe the financial statements and plans were provided by counsel. I believe the financial statements and plans were provided by counsel. I believe the financial statements and plans were provided by counsel. I believe the financial statements and				· · · · · · · · · · · · · · · · · · ·
7 alleged facts that the representatives of 8 plaintiffs stated to you in their 9 conversations with you? 10 MR. FEE: Objection to form. 11 THE WITNESS: I looked at 4- 12 MR. FEE: Asked and answered. 12 MR. FEE: Asked and answered. 13 THE WITNESS: I'm sorry. I 14 looked at the document production and the other materials shown in tab 2. 16 BY MR. BRIDGES: 16 BY MR. BRIDGES: 17 Q. You looked at the document production and the other materials shown in tab 2. 19 furnished you? 19 might be wrong. 20 A. In part. There were other 21 things in tab 2 that were not provided to me 22 by plaintiffs' counsel. 23 Q. What other materials in 24 tab 2 strike that. 24 tab 2 strike that. 25 Please identify for me in tab 2 furnished you. 26 A. I don't know with absolute 4 certainty, but let me give you my best guess. 1 believe the Bates ranges at the 7 very top of the page were provided by counsel. 1 believe the financial statements and plans were 12 provided by counsel. 1 believe the miscellaneous items were provided by counsel. 1 believe the miscellaneous items were provided by toose. 1 The malyst reports, articles, 2 to books, and presentations, I think we gathered 2 all of those, with the possible exception of 4 the two Bremer articles. I don't recall that or very other and laws. I just don't remember if we 18 separately gathered those or were provided 2 all of those, with the possible exception of 2 the two Bremer articles. I don't recall that or very other page were provided 2 all of those, with the possible exception of 2 the two Bremer articles. I don't recall those or were provided 2 all of those, with the possible exception of 2 the two Bremer articles. I don't recall that or very other page were provided 2 all of those, with the possible exception of 2 the two Bremer articles. I don't recall if a counsel provided that or we obtained those 2 separately.	l			
8 plaintiffs stated to you in their 9 conversations with you? 10 MR. FEE: Objection to form. 11 THE WITNESS: I looked at — 12 MR. FEE: Asked and answered. 13 THE WITNESS: I'm sorry. I 14 looked at the document production and the other materials shown in tab 2. 15 BY MR. BRIDGES: 16 BY MR. BRIDGES: 17 Q. You looked at the document production that the plaintiffs' counsel pfurnished you? 20 A. In part. There were other things in tab 2 that were not provided to me by plaintiffs' counsel. 21 Q. What other materials in things in tab 2 that were not provided to me by plaintiffs' counsel. 22 Please identify for me in tab 2 23 C. What other materials in the materials that plaintiffs' counsel furnished you. 3 A. I don't know with absolute carriety, but let me give you my best guess. 4 Certainty, but let me give you my best guess. 5 I believe all the depositions that are shown of on page 1. I believe the Bates ranges at the very top of the page were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by c		· · · · · · · · · · · · · · · · · · ·		*
9 conversations with you? 10 MR. FEE: Objection to form. 11 THE WITNESS: I looked at 12 MR. FEE: Asked and answered. 13 THE WITNESS: I'm sorry. I 13 conflicted with store in the other materials shown in tab 2. 14 looked at the document production and the other materials shown in tab 2. 15 BY MR. BRIDGES: 16 by MR. BRIDGES: 17 conflicted with facts that were provided by plaintiffs counsel 18 production that the plaintiffs' counsel 19 furnished you? 19 might be wrong. 19 Labelieve the materials in 20 by laintiffs' counsel 21 to the materials that plaintiffs' counsel 22 to yell at tab 2 strike that. 25 Please identify for me in tab 2 please identify for me in tab 2 please identify for me in tab 2 to certainty, but let me give you my best guess. 5 I believe all the deposition that are shown on on page 1. I believe the Bates ranges at the very top of the page were provided by counsel. I believe the miscellaneous items were provided by counsel. I don't know about the cases 17 and laws. I just don't remember if we seeparately gathered those or were provided by toousel. I don't know about the cases 21 books, and presentations, I think we gathered 22 all of those, with the possible exception of 23 the two Bremer articles. I don't recall if 24 counsel provided that or we obtained those 25 separately. 19 MR. FEE: Objection to form. 10 Asked and answered. 12 materials. If we found things that conflicted with that wat we learned, that conflicted with thats to investigate 15 further. But I don't recall seeing any documentary evidence that 17 conflicted with facts that were 18 provided by plaintiffs' counsel 18 provided by plaintiff personnel, but I might be wrong. 20 BY MR. BRIDGES: 21 Q. Did you investigate 19 independently whether documents and other 20 conflicted with facts that were 21 might be wrong. 21 whether there were conflicts within documents 22 or conflicts between documents and other 24 independently whether documents and other 25 independently whether of the document sense with the information, but I don'				
10 MR. FEE: Objection to form. 11 THE WITNESS: Ilooked at	l .	- ·		* *
THE WITNESS: Ilooked at	l .	-		· ·
12 MR. FEE: Asked and answered. 13 THE WITNESS: I'm sorry. I 14 looked at the document production and the other materials shown in tab 2. 15 the other materials shown in tab 2. 16 BY MR. BRIDGES: 17 Q. You looked at the document production that the plaintiffs' counsel in things in tab 2 that were other in things in tab 2 that were not provided to me by plaintiffs' counsel. 23 Q. What other materials in 24 tab 2 strike that. 24 tab 2 strike that. 25 Please identify for me in tab 2 Page 118 26 the materials that plaintiffs' counsel furnished you. 27 A. I don't know with absolute decreating, but let me give you my best guess. I believe all the depositions that are shown on page 1. I believe the Bates ranges at the very top of the page were provided by counsel. 29 The deposition transcripts and to exhibits were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I believe the information we saw did not conflict with the information we saw did not independently whether other documents, apart from the documents plaintiffs furn	l .	· ·		
THE WITNESS: I'm sorry. I looked at the document production and the thore materials shown in tab 2. The sproduction that the plaintiffs' counsel provided to the the materials in tab 2. The materials that 2 is things in tab 2 that were not provided to me by plaintiffs' counsel. The materials that plaintiffs' counsel for please identify, but let me give you my best guess. I believe the miscellaneous items were provided by counsel. I believe the miscellaneous items were provided by counsel. I don't know about the cases and laws. I just don't recall see and presentations, I think we gathered all of those, with the possible exception of 3the two Bremer articles. I don't recall if the document said, plan that we gathered all of those, with the possible exception of 3the two Bremer articles. I don't recall if any would prompt us to investigate would prompt us to investigate any documentary evidence that would prompt us to investigate any documentary evidence that conflicted with facts that were provided by plaintiffs counsel. I believe the provided to provided by plaintiff personnel, but I might be wrong. BY MR. BRIDGES: Q. Did you investigate provided that conflicted with facts that were provided that conflicted with facts that were provided by plaintiffs' counsel. I with facts that were provided by plaintiffs' recunsel in the materials that plaintiffs' counsel. I with the materials that plaintiffs' counsel. I whether there were conflicts within documents or conflicts within documents or conflicts within documents and other information, but I don't recall that we saw anything that gave us substantial pause. There were provided by counsel. I believe the legal documents and plans were provided by counsel. I believe the miscellaneous items were provided to conflict with the information we learned from plaintiff personnel. I whether there were conflicts within documents or conflicts within documents or conflicts within documents or conflicts within documents and other information, but I don't recall that we saw anyth	l			·
14 looked at the document production and the other materials shown in tab 2. 15 BY MR. BRIDGES: 16 any documentary evidence that conflicted with facts that were provided by plaintiffs counsel 17 Q. You looked at the document 18 production that the plaintiffs' counsel 19 furnished you? 20 A. In part. There were other 21 things in tab 2 that were not provided to me 22 by plaintiffs' counsel. 23 Q. What other materials in 24 tab 2 strike that. 25 Please identify for me in tab 2 page 118 26 please identify for me in tab 2 furnished you. 27 A. I don't know with absolute 28 certainty, but let me give you my best guess. 29 The deposition transcripts and to exhibits were provided by counsel. I believe the Bates ranges at the very top of the page were provided by counsel. 29 The deposition transcripts and to exhibits were provided by counsel. I believe the miscellaneous items were provided by counsel. 30 The analyst reports, articles, and laws. I just don't recall if the would prompt us to investigate further. But I don't recall seeing any documentary evidence that conflicted with facts that were provided by plaintiff personnel, but I might be wrong. 31 A. I don't know with absolute 32 Q. What other materials in 23 contradicted plaintiffs' statements of facts? 24 A. Not with that in mind. We 25 looked at the documents and were mindful of Page 120 26 A. Not with that in mind. We 27 looked at the documents and were mindful of Page 120 28 A. I don't know with absolute and the example at the financial statements and plans. 4 certainty, but let me give you my best guess. 5 I believe the Bates ranges at the very top of the page were provided by counsel. 5 There were probably some things whether there was a conflict or not and some where there was a conflict or not and some where there was a conflict or not and some where there was a conflict or not and some where there was a conflict or not and some where there was a conflict or not and some where there was a conflict or not and some where was a conflict or not and some				-
the other materials shown in tab 2. 16 BY MR. BRIDGES: 17 Q. You looked at the document 18 production that the plaintiffs' counsel 19 furnished you? 20 A. In part. There were other 21 things in tab 2 that were not provided to me 22 by plaintiffs' counsel. 23 Q. What other materials in 24 tab 2 strike that. 25 Please identify for me in tab 2 26 furnished you. 27 The materials that plaintiffs' counsel 28 tertainty, but let me give you my best guess. 29 I believe all the depositions that are shown 29 on page 1. I believe the Bates ranges at the 29 very top of the page were provided by 20 counsel. 21 the financial statements and plans were 22 townsel. 23 The deposition transcripts and 24 exhibits were provided by counsel. I believe the legal documents were provided by counsel. I believe the legal to books, and presentations, I think we gathered all of those, with the possible exception of 23 the two Bremer articles. I don't recall if 24 counsel provided that or we obtained those 25 plaintiff yersonnel, but I don't recall seeing any documentary evidence that conflicted with facts that were conflicted with facts that were provided by counsel. 26 provided by counsel. 27 pour death of the provided by counsel. 28 play MR. BRIDGES: 29 A. Not with that in mind. We 29 looked at the documents and other independently whether documents and other independently such the recall that we saw anything that gave us substantial pause. 29 There were provided by counsel. I believe the legal independently whether of the information we learned from plaintiff personnel. 20 Did you investigate independently whether documents and other independently such the counsel independent provided by counsel. 21 There were provided by counsel. I believe the legal independently whether of the documents and other independent provided by counsel. 31 Independently whether of the document sand other independent provided by counsel. 32 provided by counsel. 33 information, but I don't recall the were were some uncertainties whether there were some uncert	l .			•
16 BY MR. BRIDGES: 17 Q. You looked at the document 18 production that the plaintiffs' counsel 19 furnished you? 20 A. In part. There were other 21 things in tab 2 that were not provided to me 22 by plaintiffs' counsel. 23 Q. What other materials in 24 tab 2 strike that. 25 Please identify for me in tab 2 26 runished you. 27 the materials that plaintiffs' counsel 28 furnished you. 29 A. In part. There were other 20 by plaintiffs' counsel. 21 things in tab 2 that were not provided to me 22 by plaintiffs' counsel. 23 Q. What other materials in 24 tab 2 strike that. 25 Please identify for me in tab 2 26 runished you. 27	1	_		
17 Q. You looked at the document 18 production that the plaintiffs' counsel 19 furnished you? 19 might be wrong. 20 A. In part. There were other 21 things in tab 2 that were not provided to me 22 by plaintiffs' counsel. 21 things in tab 2 that were not provided to me 22 by plaintiffs' counsel. 22 by plaintiffs' counsel. 23 Q. What other materials in 24 tab 2 strike that. 24 tab 2 strike that. 24 tab 2 strike that. 25 Please identify for me in tab 2 2				- I
18 production that the plaintiffs' counsel 19 furnished you? 20 A. In part. There were other 21 things in tab 2 that were not provided to me 22 by plaintiffs' counsel. 23 Q. What other materials in 24 tab 2 strike that. 25 Please identify for me in tab 2 2	l			
19 furnished you? 20 A. In part. There were other 21 things in tab 2 that were not provided to me 22 by plaintiffs' counsel. 23 Q. What other materials in 24 tab 2 strike that. 25 Please identify for me in tab 2 2 Page 118 1 the materials that plaintiffs' counsel 2 furnished you. 3 A. I don't know with absolute 4 certainty, but let me give you my best guess. 5 I believe all the depositions that are shown 6 on page 1. I believe the Bates ranges at the 7 very top of the page were provided by 8 counsel. 9 The deposition transcripts and 10 exhibits were provided by counsel. I believe 11 the financial statements and plans were 12 provided by counsel. I believe the miscellaneous items were provided by counsel. 14 believe the miscellaneous items were provided 15 by counsel. 15 by counsel. 16 I don't know about the cases 17 and laws. I just don't remember if we separately gathered those or were provided that or we obtained those 21 books, and presentations, I think we gathered 22 at counsel were provided that or we obtained those 23 books, and presentations, I think we gathered 24 counsel were provided that or we obtained those 25 separately. 26 Did you investigate 27 independently whether documents existed that contradicted plaintiffs' statements of facts? 28 A. Not with that in mind. We 29 tooked at the documents and were mindful of Page 120 20 whether there were conflicts within documents or conflicts between documents and other 21 information, but I don't recall that we saw 22 anything that gave us substantial pause. 23 the two freme were provided by counsel. I believe the rewere insignificant conflicts, but I there were some uncertainties whether 24 there were insignificant conflicts, but I think mostly the information we saw did not conflict with the information we saw did not of conflict with the information we saw did not of plaintiff personnel. 25 There were provided by counsel in the were insignificant conflicts, but I there were some uncertainties whether of there were insignificant conflicts within doo				
20 A. În part. There were other 21 things in tab 2 that were not provided to me 22 by plaintiffs' counsel. 23 Q. What other materials in 24 tab 2 strike that. 25 Please identify for me in tab 2 2		_		
21 things in tab 2 that were not provided to me 22 by plaintiffs' counsel. 23 Q. What other materials in 24 tab 2 strike that. 25 Please identify for me in tab 2 26 page 118 1 the materials that plaintiffs' counsel 27 furnished you. 28 A. I don't know with absolute 39 A. I don't know with absolute 40 certainty, but let me give you my best guess. 51 believe all the depositions that are shown 64 on page 1. I believe the Bates ranges at the 75 very top of the page were provided by 86 counsel. 19 The deposition transcripts and 10 exhibits were provided by counsel. I believe the miscellaneous items were provided by 11 believe the miscellaneous items were provided by by counsel. 12 I whether there were conflicts within documents or conflicts between documents and other 10 information, but I don't recall that we saw 11 anything that gave us substantial pause. 12 There were probably some things 13 documents were provided by counsel. I believe the miscellaneous items were provided by counsel. 14 believe the miscellaneous items were provided by counsel. 15 I don't know about the cases 16 I don't know about the cases 17 and laws. I just don't remember if we separately gathered those or were provided those. 17 The analyst reports, articles, 20 The analyst reports, articles, 21 books, and presentations, I think we gathered 22 all of those, with the possible exception of the two Bremer articles. I don't recall if 24 counsel provided that or we obtained those 25 tooked at the documents and were mindful of page 120 26 A. Not with that in mind. We 27 A. Not with that in mind. We 28 contradicted plaintiffs' statements of facts? 29 A. Not with that in mind. We 20 I whether there were conflicts within documents and other information, but I don't recall that we saw anything that gave us substantial pause. 29 The deposition transcripts and the very top of the page were provided by counsel. I believe the miscellaneous items were insignificant conflicts, but I 21 whether there were conflicts within documents or conflicts within do	l .	•		
22 by plaintiffs' counsel. 23 Q. What other materials in 24 tab 2 strike that. 25 Please identify for me in tab 2 26 It the materials that plaintiffs' counsel 27 furnished you. 28 A. I don't know with absolute 39 A. I don't know with absolute 40 certainty, but let me give you my best guess. 51 believe all the depositions that are shown on page 1. I believe the Bates ranges at the very top of the page were provided by counsel. 29 The deposition transcripts and 10 exhibits were provided by counsel. I believe the financial statements and plans were provided by counsel. I believe the miscellaneous items were provided by counsel. 30 The analyst reports, articles, 21 books, and presentations, I think we gathered 22 all of those, with the possible exception of 23 the two Bremer articles. I don't recall if 24 counsel provided that or we obtained those 25 separately. 26 I don't know even the provided that or we obtained those 26 separately. 27 Independently whether documents existed that 26 contradicted plaintiffs' statements of facts? 28 A. Not with that in mind. We 26 looked at the documents and were mindful of Page 120 A. Not with that in mind. We 26 looked at the documents and were mindful of Page 120 Whether there were conflicts within documents or conflicts between documents and other 3 information, but I don't recall that we saw 4 anything that gave us substantial pause. 5 There were probably some things whether there were some uncertainties whether 4 there were insignificant conflicts, but I 20 think mostly the information we saw did not 10 conflict with the information we saw did not 10 conflict with the information we saw did not 10 conflict with the information by some things whether there were some uncertainties whether 10 there was a conflict or not and some where 10 there was a conflict or not and some where 10 there was a conflict or not and some where 10 there was a conflict or not and some where 10 there was a conflict with the information by substantial pause. 10 there was a conflict or not and so		•		
Q. What other materials in 24 tab 2 strike that. Please identify for me in tab 2 Page 118 Page 118 1 the materials that plaintiffs' counsel turnished you. A. I don't know with absolute certainty, but let me give you my best guess. I believe all the deposition sthat are shown on page 1. I believe the Bates ranges at the very top of the page were provided by counsel. The deposition transcripts and exhibits were provided by counsel. I believe the financial statements and plans were provided by counsel. I believe the miscellaneous items were provided by counsel. I don't know about the cases I and laws. I just don't remember if we separately gathered those or were provided that or we obtained those I don't know about the possible exception of the two Bremer articles. I don't recall if all of those, with the possible exception of the two Bremer articles. I don't recall if and counsel said, and presentations, I think we gathered to separately. 23 contradicted plaintiffs' statements of facts? A. Not with that in mind. We looked at the documents and were mindful of Page 120 A. Not with that in mind. We looked at the documents and were mindful of Page 120 Whether there were conflicts within documents information, but I don't recall that we saw anything that gave us substantial pause. There were provibally some things where there were some uncertainties whether there was a conflict or not and some where there were some uncertainties whether there was a conflict or not and some where there were some uncertainties whether there were insignificant conflicts, but I whith mostly the information we saw did not conflict with the information we learned from 11 plaintiff personnel. Q. Did you investigate A. Not with the documents and other information, but I don't recall that we saw anything that gave us substantial pause. There were provided by counsel. I believe the misc or conflicts within documents and other information whe later where were some uncertainties whether there were conflicts within documents and oth	l .			
24 tab 2 strike that. 25 Please identify for me in tab 2 26 Page 118 27 It materials that plaintiffs' counsel 28 furnished you. 29 The deposition transcripts and 20 exhibits were provided by counsel. I believe the financial statements and plans were provided by counsel. I believe the miscellaneous items were provided by counsel. 20 I don't know about the cases and laws. I just don't remember if we separately gathered those. 20 The analyst reports, articles, 21 books, and presentations, I think we gathered 22 all of those, with the possible exception of 2 to two words and solution in tab 2 please identify for me in tab 2 please identify for me in tab 2 page 118 24 A. Not with that in mind. We looked at the documents and were mindful of Page 120 4 whether there were conflicts within documents or conflicts between documents and other and information, but I don't recall that we saw anything that gave us substantial pause. 4 anything that gave us substantial pause. 5 There were probably some things where there were some uncertainties whether there were some uncertainties whether there were some uncertainties whether there were some information we saw did not conflict with the information we saw did not conflict with the information we learned from plaintiff personnel. 10 plaintiff personnel. 11 plaintiff personnel. 12 Q. Did you investigate 13 independently whether other documents, apart from the documents plaintiffs furnished you, existed that contradicted plaintiffs' statements of facts 17 MR. FEE: Objection to form. 18 BY MR. BRIDGES: 19 Q in conversations with you? 20 A. Yes, in the sense that we gathered some information that we did not receive from plaintiffs' counsel, but all of that is identified in tab 2. 21 Counsel provided that or we obtained those 22 Separately. 23 A. Not with the documents and were mindful of ronflicts between documents and other information, but I don't recall that we saw anything that gave us substantial pause. 24 counsel. Jebieve the legal information, but I don't recal		* *		
25 Please identify for me in tab 2 Page 118 26 Page 120 1 the materials that plaintiffs' counsel 2 furnished you. 3 A. I don't know with absolute 4 certainty, but let me give you my best guess. 5 I believe all the depositions that are shown 6 on page 1. I believe the Bates ranges at the 7 very top of the page were provided by 8 counsel. 9 The deposition transcripts and 10 exhibits were provided by counsel. I believe 11 the financial statements and plans were 12 provided by counsel. I believe the legal 13 documents were provided by counsel. I believe the miscellaneous items were provided 15 by counsel. 16 I don't know about the cases 17 and laws. I just don't remember if we separately gathered those or were provided 18 BY MR. BRIDGES: 19 Q in conversations with you? 20 The analyst reports, articles, 21 booked at the documents and were mindful of Page 120 2 whether there were conflicts within documents and other 2 or conflicts between documents and other 3 information, but I don't ecall that we saw 4 anything that gave us substantial pause. 5 There were provably some things 6 where there were some uncertainties whether 7 there was a conflict or not and some where 8 there were insignificant conflicts, but I 9 think mostly the information we saw did not 10 conflict with the information we learned from 11 plaintiff personnel. 12 Q. Did you investigate 13 independently whether other documents, apart 14 from the documents plaintiffs furnished you, 15 existed that contradicted plaintiffs' 16 statements of facts 17 MR. FEE: Objection to form. 18 BY MR. BRIDGES: 19 Q in conversations with you? 20 A. Yes, in the sense that we 21 gathered some information that we did not 22 receive from plaintiffs' counsel, but all of 23 that is identified in tab 2. 24 counsel provided that or we obtained those 25 separately. 26 A. Well, as I said, I think the	1			
1 the materials that plaintiffs' counsel 2 furnished you. 3 A. I don't know with absolute 4 certainty, but let me give you my best guess. 5 I believe all the depositions that are shown 6 on page 1. I believe the Bates ranges at the 7 very top of the page were provided by 8 counsel. 9 The deposition transcripts and 10 exhibits were provided by counsel. I believe the financial statements and plans were 12 provided by counsel. I believe the miscellaneous items were provided 15 by counsel. 16 I don't know about the cases 17 and laws. I just don't remember if we 18 separately gathered those or were provided 19 those. 20 The analyst reports, articles, 21 books, and presentations, I think we gathered 22 all of those, with the possible exception of 25 the two Bremer articles. I don't recall if 26 counsel provided that or we obtained those 27 the whether there were conflicts within documents and other 28 information, but I don't recall that we saw 29 anything that gave us substantial pause. 20 There were probably some things 20 where there were some uncertainties whether 21 there was a conflict or not and some where 22 there were insignificant conflicts, but I 23 think mostly the information we saw did not 24 counsell provided by counsel. I 25 there were probably some things 26 where there were some uncertainties whether 27 there were some uncertainties whether 28 there were insignificant conflicts, but I 29 think mostly the information we saw did not 20 conflict with the information we learned from 29 the was a conflict or not and some where 29 there were insignificant conflicts, but I 29 think mostly the information we learned from 29 think mostly the information we learned from 20 conflict with the information we learned from 21 the was a conflict with the information we learned from 29 think mostly the information we saw did not 20 conflict with the information we learned from 21 the was a conflict or not and some where 22 there were insignificant conflicts, but I 23 think mostly the information we learned from 24 f				
the materials that plaintiffs' counsel furnished you. A. I don't know with absolute certainty, but let me give you my best guess. I believe all the depositions that are shown on page 1. I believe the Bates ranges at the very top of the page were provided by counsel. The deposition transcripts and exhibits were provided by counsel. I believe the financial statements and plans were provided by counsel. I believe the miscellaneous items were provided by counsel. I don't know about the cases and laws. I just don't remember if we separately gathered those or were provided that or we obtained those The analyst reports, articles, 21 don't know abreath of the two Bremer articles. I don't recall if curnished you. I whether there were conflicts within documents and other information, but I don't recall that we saw anything that gave us substantial pause. There were probably some things where there were some uncertainties whether there were insignificant conflicts, but I oundline there were some uncertainties whether there were insignificant conflicts, but I oundline there were insignificant conflicts, but I oundline there were some uncertainties whether there were insignificant conflicts, but I oundline there were some uncertainties whether there were insignificant conflicts, but I oundline there were some uncertainties whether there were insignificant conflicts, but I oundline there were some uncertainties whether there were insignificant conflicts, but I oundline there were some uncertainties whether there were insignificant conflicts, but I oundline there were insignificant conflicts, but I oundline there were insignificant conflicts, but I oundline there were some uncertainties whether there were insignificant conflicts, but I oundline there were insignificant co	23		23	
2 furnished you. 3 A. I don't know with absolute 4 certainty, but let me give you my best guess. 5 I believe all the depositions that are shown 6 on page 1. I believe the Bates ranges at the 7 very top of the page were provided by 8 counsel. 9 The deposition transcripts and 10 exhibits were provided by counsel. I believe 11 the financial statements and plans were 12 provided by counsel. I believe the legal 13 documents were provided by counsel. I 14 believe the miscellaneous items were provided 15 by counsel. 16 I don't know about the cases 17 and laws. I just don't remember if we 18 separately gathered those or were provided 19 those. 10 The analyst reports, articles, 10 books, and presentations, I think we gathered 21 all of those, with the possible exception of 22 the two Bremer articles. I don't recall if 24 counsel provided that or we obtained those 25 separately. 2 or conflicts between documents and other 3 information, but I don't recall that we saw 4 anything that gave us substantial pause. 5 There were probably some things 6 where there were some uncertainties whether 7 there was a conflict or not and some where 8 there were insignificant conflicts, but I 9 think mostly the information we saw did not 10 conflict with the information we learned from 11 plaintiff personnel. 12 Q. Did you investigate 13 independently whether other documents, apart 14 from the documents plaintiffs furnished you, 15 existed that contradicted plaintiffs' 16 statements of facts 17 MR. FEE: Objection to form. 18 BY MR. BRIDGES: 19 Q in conversations with you? 20 A. Yes, in the sense that we 21 gathered some information that we did not 22 receive from plaintiffs' counsel, but all of 23 that is identified in tab 2. 24 Q. Which part of tab 2? 25 A. Well, as I said, I think the	1		1	-1-41-41-41-4-4-4-4-4-4-4-4-4-4-4-4-4-4
A. I don't know with absolute 4 certainty, but let me give you my best guess. 5 I believe all the depositions that are shown 6 on page 1. I believe the Bates ranges at the 7 very top of the page were provided by 8 counsel. 9 The deposition transcripts and 10 exhibits were provided by counsel. I believe 11 the financial statements and plans were 12 provided by counsel. I believe the legal 13 documents were provided by counsel. I 14 believe the miscellaneous items were provided 15 by counsel. 16 I don't know about the cases 17 and laws. I just don't remember if we separately gathered those 19 The analyst reports, articles, 20 The analyst reports, articles, 21 books, and presentations, I think we gathered 22 all of those, with the possible exception of 23 the two Bremer articles. I don't recall if 24 counsel provided that or we obtained those 25 separately. 3 information, but I don't recall that we saw anything that gave us substantial pause. 5 There were probably some things where there were some uncertainties whether there was a conflict or not and some where there were insignificant conflicts, but I 9 think mostly the information we saw did not conflict with the information we learned from plaintiffs furnished you, existed that contradicted plaintiffs independently whether other documents, apart from the documents plaintiffs furnished you, existed that contradicted plaintiffs' statements of facts 17 MR. FEE: Objection to form. 18 BY MR. BRIDGES: 19 Q in conversations with you? 20 A. Yes, in the sense that we gathered some information that we did not receive from plaintiffs' counsel, but all of that is identified in tab 2. 21 Q. Which part of tab 2? 22 A. Well, as I said, I think the			_	
4 certainty, but let me give you my best guess. 5 I believe all the depositions that are shown 6 on page 1. I believe the Bates ranges at the 7 very top of the page were provided by 8 counsel. 9 The deposition transcripts and 10 exhibits were provided by counsel. I believe the financial statements and plans were 12 provided by counsel. I believe the legal 13 documents were provided by counsel. I 14 believe the miscellaneous items were provided by counsel. 15 believe the miscellaneous items were provided by counsel. 16 I don't know about the cases 17 and laws. I just don't remember if we separately gathered those or were provided those. 10 The analyst reports, articles, 20 The analyst reports, articles, 21 books, and presentations, I think we gathered all of those, with the possible exception of the two Bremer articles. I don't recall if counsel provided that or we obtained those 25 separately. 4 anything that gave us substantial pause. 5 There were probably some things whether there were some uncertainties whether there were insignificant conflicts, but I 7 there was a conflict or not and some where there were insignificant conflicts, but I 9 think mostly the information we saw did not conflicts with the information we learned from plaintiff personnel. 10 conflict with the information we learned from plaintiff personnel. 11 Q. Did you investigate independently whether other documents, apart from the documents plaintiffs furnished you, existed that contradicted plaintiffs' 14 statements of facts	1		_	
5 I believe all the depositions that are shown 6 on page 1. I believe the Bates ranges at the 7 very top of the page were provided by 8 counsel. 9 The deposition transcripts and 10 exhibits were provided by counsel. I believe 11 the financial statements and plans were 12 provided by counsel. I believe the legal 13 documents were provided by counsel. I 14 believe the miscellaneous items were provided 15 by counsel. 16 I don't know about the cases 17 and laws. I just don't remember if we 18 separately gathered those or were provided 19 think mostly the information we saw did not 10 conflict with the information we learned from 11 plaintiff personnel. 12 Q. Did you investigate 13 independently whether other documents, apart 14 from the documents plaintiffs' statements of facts 17 MR. FEE: Objection to form. 18 BY MR. BRIDGES: 19 Q in conversations with you? 20 The analyst reports, articles, 21 books, and presentations, I think we gathered 22 all of those, with the possible exception of 23 the two Bremer articles. I don't recall if 24 counsel provided that or we obtained those 25 separately. 26 The area of the page were provided by where there were some uncertainties whether 27 there was a conflict or not and some where 28 there were insignificant conflicts, but I 29 think mostly the information we saw did not 20 conflict with the information we learned from 21 plaintiff personnel. 22 Q. Did you investigate 23 independently whether other documents, apart 24 from the documents plaintiffs' 25 statements of facts 26 Statements of facts 27 MR. FEE: Objection to form. 28 BY MR. BRIDGES: 29 Q in conversations with you? 20 The analyst reports, articles, 21 gathered some information that we did not 22 receive from plaintiffs' counsel, but all of 23 that is identified in tab 2. 24 Q. Which part of tab 2? 25 A. Well, as I said, I think the				
6 on page 1. I believe the Bates ranges at the 7 very top of the page were provided by 8 counsel. 9 The deposition transcripts and 10 exhibits were provided by counsel. I believe 11 the financial statements and plans were 12 provided by counsel. I believe the legal 13 documents were provided by counsel. I 14 believe the miscellaneous items were provided 15 by counsel. 16 I don't know about the cases 17 and laws. I just don't remember if we 18 separately gathered those or were provided 19 those. 20 The analyst reports, articles, 21 books, and presentations, I think we gathered 22 all of those, with the possible exception of 23 the two Bremer articles. I don't recall if 24 counsel provided that or we obtained those 25 separately. 6 where there were some uncertainties whether 7 there was a conflict or not and some where 8 there were insignificant conflicts, but I 9 think mostly the information we saw did not 10 conflict with the information we learned from 11 plaintiff personnel. 12 Q. Did you investigate 13 independently whether other documents, apart 14 from the documents plaintiffs' statements of facts 17 MR. FEE: Objection to form. 18 BY MR. BRIDGES: 19 Q in conversations with you? 20 A. Yes, in the sense that we 21 gathered some information that we did not 22 receive from plaintiffs' counsel, but all of 23 that is identified in tab 2. 24 Q. Which part of tab 2? 25 A. Well, as I said, I think the				
7 very top of the page were provided by 8 counsel. 9 The deposition transcripts and 10 exhibits were provided by counsel. I believe 11 the financial statements and plans were 12 provided by counsel. I believe the legal 13 documents were provided by counsel. I 14 believe the miscellaneous items were provided 15 by counsel. 16 I don't know about the cases 17 and laws. I just don't remember if we 18 separately gathered those or were provided 19 there was a conflict or not and some where 10 think mostly the information we saw did not 10 conflict with the information we learned from 11 plaintiff personnel. 12 Q. Did you investigate 13 independently whether other documents, apart 14 from the documents plaintiffs furnished you, 15 existed that contradicted plaintiffs' 16 statements of facts 17 MR. FEE: Objection to form. 18 BY MR. BRIDGES: 19 Q in conversations with you? 20 A. Yes, in the sense that we 21 gathered some information that we did not 22 receive from plaintiffs' counsel, but all of 23 that is identified in tab 2. 24 Q. Which part of tab 2? 25 separately. 26 A. Well, as I said, I think the				
8 counsel. 9 The deposition transcripts and 10 exhibits were provided by counsel. I believe 11 the financial statements and plans were 12 provided by counsel. I believe the legal 13 documents were provided by counsel. I 14 believe the miscellaneous items were provided 15 by counsel. 16 I don't know about the cases 17 and laws. I just don't remember if we 18 separately gathered those or were provided 19 think mostly the information we saw did not 10 conflict with the information we learned from 11 plaintiff personnel. 12 Q. Did you investigate 13 independently whether other documents, apart 14 from the documents plaintiffs furnished you, 15 existed that contradicted plaintiffs' 16 statements of facts 17 MR. FEE: Objection to form. 18 BY MR. BRIDGES: 19 Q in conversations with you? 20 The analyst reports, articles, 21 books, and presentations, I think we gathered 22 all of those, with the possible exception of 23 the two Bremer articles. I don't recall if 24 counsel provided that or we obtained those 25 separately. 8 there were insignificant conflicts, but I 9 think mostly the information we saw did not conflict with the information we learned from 11 plaintiff personnel. 12 Q. Did you investigate 13 independently whether other documents, apart 14 from the documents of facts 15 statements of facts 17 MR. FEE: Objection to form. 18 BY MR. BRIDGES: 19 Q in conversations with you? 20 A. Yes, in the sense that we 21 gathered some information that we did not 22 receive from plaintiffs' counsel, but all of 23 that is identified in tab 2. 24 Q. Which part of tab 2? 25 A. Well, as I said, I think the	_		7	
The deposition transcripts and exhibits were provided by counsel. I believe the financial statements and plans were provided by counsel. I believe the legal documents were provided by counsel. I believe the miscellaneous items were provided by counsel. I don't know about the cases and laws. I just don't remember if we separately gathered those or were provided that or we obtained those separately. I the financial statements and plans were plaintiff personnel. Q. Did you investigate independently whether other documents, apart from the documents plaintiffs furnished you, existed that contradicted plaintiffs' statements of facts MR. FEE: Objection to form. BY MR. BRIDGES: Q. — in conversations with you? A. Yes, in the sense that we gathered some information that we did not receive from plaintiffs' counsel, but all of that is identified in tab 2. Q. Which part of tab 2? A. Well, as I said, I think the			ر ا	
10 exhibits were provided by counsel. I believe 11 the financial statements and plans were 12 provided by counsel. I believe the legal 13 documents were provided by counsel. I 14 believe the miscellaneous items were provided 15 by counsel. 16 I don't know about the cases 17 and laws. I just don't remember if we 18 separately gathered those or were provided 19 those. 20 The analyst reports, articles, 21 books, and presentations, I think we gathered 22 all of those, with the possible exception of 23 the two Bremer articles. I don't recall if 24 counsel by counsel. I 25 separately 26 existed that contradicted plaintiffs' 27 of the documents plaintiffs furnished you, 28 existed that contradicted plaintiffs' 29 statements of facts 29 The analyst reports, articles, 20 A. Yes, in the sense that we 21 gathered some information that we did not 22 receive from plaintiffs' counsel, but all of 23 that is identified in tab 2. 24 counsel provided that or we obtained those 25 separately. 26 A. Well, as I said, I think the	l			
11 the financial statements and plans were 12 provided by counsel. I believe the legal 13 documents were provided by counsel. I 14 believe the miscellaneous items were provided 15 by counsel. 16 I don't know about the cases 17 and laws. I just don't remember if we 18 separately gathered those or were provided 19 those. 10 The analyst reports, articles, 20 The analyst reports, articles, 21 books, and presentations, I think we gathered 22 all of those, with the possible exception of 23 the two Bremer articles. I don't recall if 24 counsel provided that or we obtained those 25 separately. 19 plaintiff personnel. 12 Q. Did you investigate 13 independently whether other documents, apart 14 from the documents plaintiffs furnished you, 15 existed that contradicted plaintiffs' 16 statements of facts 17 MR. FEE: Objection to form. 18 BY MR. BRIDGES: 19 Q in conversations with you? 20 A. Yes, in the sense that we 21 gathered some information that we did not 22 receive from plaintiffs' counsel, but all of 23 that is identified in tab 2. 24 Q. Which part of tab 2? 25 A. Well, as I said, I think the				· · · · · · · · · · · · · · · · · · ·
12 provided by counsel. I believe the legal 13 documents were provided by counsel. I 14 believe the miscellaneous items were provided 15 by counsel. 16 I don't know about the cases 17 and laws. I just don't remember if we 18 separately gathered those or were provided 19 those. 10 The analyst reports, articles, 21 books, and presentations, I think we gathered 22 all of those, with the possible exception of 23 the two Bremer articles. I don't recall if 24 counsel provided that or we obtained those 25 separately. 26 Did you investigate 17 Independently whether other documents, apart 18 from the documents plaintiffs furnished you, 19 existed that contradicted plaintiffs' 10 Statements of facts 17 MR. FEE: Objection to form. 18 BY MR. BRIDGES: 19 Q in conversations with you? 20 A. Yes, in the sense that we 21 gathered some information that we did not 22 receive from plaintiffs' counsel, but all of 23 that is identified in tab 2. 24 Q. Which part of tab 2? 25 A. Well, as I said, I think the	l		-	
documents were provided by counsel. I believe the miscellaneous items were provided by counsel. I don't know about the cases I and laws. I just don't remember if we separately gathered those or were provided those. The analyst reports, articles, Dooks, and presentations, I think we gathered all of those, with the possible exception of the two Bremer articles. I don't recall if counsel provided that or we obtained those separately. I don't know about the cases that we provided that or we obtained those that contradicted plaintiffs furnished you, existed that contradicted plaintiffs' statements of facts MR. FEE: Objection to form. BY MR. BRIDGES: Q in conversations with you? A. Yes, in the sense that we gathered some information that we did not receive from plaintiffs' counsel, but all of that is identified in tab 2. Q. Which part of tab 2? A. Well, as I said, I think the		•		*
believe the miscellaneous items were provided by counsel. I don't know about the cases I don't know about the cases And laws. I just don't remember if we separately gathered those or were provided those. The analyst reports, articles, books, and presentations, I think we gathered all of those, with the possible exception of the two Bremer articles. I don't recall if counsel provided that or we obtained those separately. The don't know about the cases that contradicted plaintiffs' existed that contradicted plaintiffs' statements of facts MR. FEE: Objection to form. BY MR. BRIDGES: Q in conversations with you? A. Yes, in the sense that we gathered some information that we did not receive from plaintiffs' counsel, but all of that is identified in tab 2. Q. Which part of tab 2? A. Well, as I said, I think the	l .			
15 by counsel. 16 I don't know about the cases 17 and laws. I just don't remember if we 18 separately gathered those or were provided 19 those. 19 Q in conversations with you? 20 The analyst reports, articles, 21 books, and presentations, I think we gathered 22 all of those, with the possible exception of 23 the two Bremer articles. I don't recall if 24 counsel provided that or we obtained those 25 separately. 15 existed that contradicted plaintiffs' 16 statements of facts 17 MR. FEE: Objection to form. 18 BY MR. BRIDGES: 19 Q in conversations with you? 20 A. Yes, in the sense that we 21 gathered some information that we did not 22 receive from plaintiffs' counsel, but all of 23 that is identified in tab 2. 24 Q. Which part of tab 2? 25 A. Well, as I said, I think the		_ ·		- · ·
I don't know about the cases 16 statements of facts 17 and laws. I just don't remember if we 18 separately gathered those or were provided 19 those. 19 Q in conversations with you? 20 The analyst reports, articles, 21 books, and presentations, I think we gathered 22 all of those, with the possible exception of 23 the two Bremer articles. I don't recall if 24 counsel provided that or we obtained those 25 separately. 16 statements of facts 17 MR. FEE: Objection to form. 18 BY MR. BRIDGES: 19 Q in conversations with you? 20 A. Yes, in the sense that we 21 gathered some information that we did not 22 receive from plaintiffs' counsel, but all of 23 that is identified in tab 2. 24 Q. Which part of tab 2? 25 A. Well, as I said, I think the	1	=		-
17 and laws. I just don't remember if we 18 separately gathered those or were provided 19 those. 19 The analyst reports, articles, 20 The analyst reports, articles, 21 books, and presentations, I think we gathered 22 all of those, with the possible exception of 23 the two Bremer articles. I don't recall if 24 counsel provided that or we obtained those 25 separately. 26 MR. FEE: Objection to form. 27 NR. FEE: Objection to form. 28 BY MR. BRIDGES: 29 A. Yes, in the sense that we 21 gathered some information that we did not 22 receive from plaintiffs' counsel, but all of 23 that is identified in tab 2. 24 Q. Which part of tab 2? 25 A. Well, as I said, I think the	1	•		_
18 separately gathered those or were provided 19 those. 19 The analyst reports, articles, 20 The analyst reports, articles, 21 books, and presentations, I think we gathered 22 all of those, with the possible exception of 23 the two Bremer articles. I don't recall if 24 counsel provided that or we obtained those 25 separately. 26 Separately. 27 Separately BY MR. BRIDGES: 28 Q in conversations with you? 29 A. Yes, in the sense that we 21 gathered some information that we did not 22 receive from plaintiffs' counsel, but all of 23 that is identified in tab 2. 24 Q. Which part of tab 2? 25 A. Well, as I said, I think the			17	MR. FEE: Objection to form.
19 those. 20 The analyst reports, articles, 21 books, and presentations, I think we gathered 22 all of those, with the possible exception of 23 the two Bremer articles. I don't recall if 24 counsel provided that or we obtained those 25 separately. 26 A. Yes, in the sense that we 27 gathered some information that we did not 28 that is identified in tab 2. 29 Q. Which part of tab 2? 20 A. Yes, in the sense that we 21 gathered some information that we did not 22 receive from plaintiffs' counsel, but all of 23 that is identified in tab 2. 24 Q. Which part of tab 2? 25 A. Well, as I said, I think the		•		· ·
The analyst reports, articles, 21 books, and presentations, I think we gathered 22 all of those, with the possible exception of 23 the two Bremer articles. I don't recall if 24 counsel provided that or we obtained those 25 separately. 20 A. Yes, in the sense that we 21 gathered some information that we did not 22 receive from plaintiffs' counsel, but all of 23 that is identified in tab 2. 24 Q. Which part of tab 2? 25 A. Well, as I said, I think the		1		Q in conversations with you?
21 books, and presentations, I think we gathered 22 all of those, with the possible exception of 23 the two Bremer articles. I don't recall if 24 counsel provided that or we obtained those 25 separately. 21 gathered some information that we did not 22 receive from plaintiffs' counsel, but all of 23 that is identified in tab 2. 24 Q. Which part of tab 2? 25 A. Well, as I said, I think the				
22 all of those, with the possible exception of 23 the two Bremer articles. I don't recall if 24 counsel provided that or we obtained those 25 separately. 26 receive from plaintiffs' counsel, but all of 27 that is identified in tab 2. 28 Q. Which part of tab 2? 29 A. Well, as I said, I think the	21	· ·	21	
23 the two Bremer articles. I don't recall if 24 counsel provided that or we obtained those 25 separately. 28 that is identified in tab 2. 29 Q. Which part of tab 2? 20 A. Well, as I said, I think the	l .	-		
25 separately. 25 A. Well, as I said, I think the	l			_
25 separately. 25 A. Well, as I said, I think the	24	counsel provided that or we obtained those	24	Q. Which part of tab 2?
Page 119 Page 121	25	-	25	· •
		Page 119		Page 121

1	Web sites we gathered ourselves, and I think	1	Q. What did you hear about
2	the reports and articles, with the exception	2	overseas litigation involving Public
3	of the Bremer articles, we gathered	3	Resource?
4	ourselves.	4	A. I think I heard that there was
5	Q. Do you know why you got no	5	a German or a suit in Germany, but I'm not
6	documents from NFPA, no Bates range documents	6	sure that I learned much more than that. I
7	from NFPA?	7	don't recall what status that suit what
8	MR. REHN: Object to form	8	the status of that suit is.
9	THE WITNESS: I don't know why	9	Q. Do you recall anyone disclosing
10	we did not receive Bates documents	10	to you litigation involving NFPA in the
11	THE REPORTER: Wait.	11	United States that pertained to standards and
12	MR. REHN: Sorry. Object to	12	copyright?
13	the form. Lacks foundation.	13	A. It's possible, but I don't
14	THE WITNESS: I don't know for	14	recall any, sitting here right now.
15	sure that we didn't receive	15	Q. Do you recall inquiring about
16	Bates-stamped documents, but I believe	16	public statements of fact that NFPA has made
17	some of the documents we received were	17	regarding copyright and standards in
18	NFPA documents.	18	litigation other than this litigation in the
19	BY MR. BRIDGES:	19	United States?
20	Q. Do you recall seeing any NFPA	20	MR. FEE: Objection to form.
21	documents that in which NFPA personnel	21	THE WITNESS: I do not.
	stated that they could not show any harm from	$\begin{vmatrix} 21\\22\end{vmatrix}$	BY MR. BRIDGES:
22	•	23	
23	the defendant's activities?		Q. Are you familiar with a case
24	A. Received any documents that	24	called Veeck, V-E-E-C-K?
25	said that? Page 122	25	A. I'm familiar with an opinion in
	1 agc 122		1 agc 124
l			
1	Q. Uh-huh.	1	the Veeck case.
1 2	A. Perhaps you would have	2	Q. What do you know about that
	A. Perhaps you would have something that would refresh my memory. I	_	Q. What do you know about that opinion?
2	A. Perhaps you would have	2 3 4	Q. What do you know about that opinion? MR. FEE: Objection.
2 3	A. Perhaps you would have something that would refresh my memory. I	2 3	Q. What do you know about that opinion?
2 3 4	A. Perhaps you would have something that would refresh my memory. I don't recall, sitting here right now, but	2 3 4	Q. What do you know about that opinion? MR. FEE: Objection.
2 3 4 5	A. Perhaps you would have something that would refresh my memory. I don't recall, sitting here right now, but it's possible.	2 3 4 5	Q. What do you know about that opinion? MR. FEE: Objection. I would instruct you not to
2 3 4 5 6	A. Perhaps you would have something that would refresh my memory. I don't recall, sitting here right now, but it's possible. Are you talking about	2 3 4 5 6	Q. What do you know about that opinion? MR. FEE: Objection. I would instruct you not to disclose anything you know about that
2 3 4 5 6 7	A. Perhaps you would have something that would refresh my memory. I don't recall, sitting here right now, but it's possible. Are you talking about historical historically no harm, or are	2 3 4 5 6 7	Q. What do you know about that opinion? MR. FEE: Objection. I would instruct you not to disclose anything you know about that opinion that was a result of
2 3 4 5 6 7 8 9	A. Perhaps you would have something that would refresh my memory. I don't recall, sitting here right now, but it's possible. Are you talking about historical historically no harm, or are you talking about prospectively?	2 3 4 5 6 7 8	Q. What do you know about that opinion? MR. FEE: Objection. I would instruct you not to disclose anything you know about that opinion that was a result of communications with counsel and that
2 3 4 5 6 7 8 9	A. Perhaps you would have something that would refresh my memory. I don't recall, sitting here right now, but it's possible. Are you talking about historical historically no harm, or are you talking about prospectively? Q. Either one. Did you do you	2 3 4 5 6 7 8 9	Q. What do you know about that opinion? MR. FEE: Objection. I would instruct you not to disclose anything you know about that opinion that was a result of communications with counsel and that did not form the basis of any of the
2 3 4 5 6 7 8 9 10 11	A. Perhaps you would have something that would refresh my memory. I don't recall, sitting here right now, but it's possible. Are you talking about historical historically no harm, or are you talking about prospectively? Q. Either one. Did you do you recall seeing any internal NFPA documents	2 3 4 5 6 7 8 9	Q. What do you know about that opinion? MR. FEE: Objection. I would instruct you not to disclose anything you know about that opinion that was a result of communications with counsel and that did not form the basis of any of the opinions in your report or any of the
2 3 4 5 6 7 8 9 10 11	A. Perhaps you would have something that would refresh my memory. I don't recall, sitting here right now, but it's possible. Are you talking about historical historically no harm, or are you talking about prospectively? Q. Either one. Did you do you recall seeing any internal NFPA documents that call into question where NF whether	2 3 4 5 6 7 8 9 10	Q. What do you know about that opinion? MR. FEE: Objection. I would instruct you not to disclose anything you know about that opinion that was a result of communications with counsel and that did not form the basis of any of the opinions in your report or any of the assumptions that you relied upon in
2 3 4 5 6 7 8 9 10 11 12	A. Perhaps you would have something that would refresh my memory. I don't recall, sitting here right now, but it's possible. Are you talking about historical historically no harm, or are you talking about prospectively? Q. Either one. Did you do you recall seeing any internal NFPA documents that call into question where NF whether NFPA has suffered any harm from the	2 3 4 5 6 7 8 9 10 11 12	Q. What do you know about that opinion? MR. FEE: Objection. I would instruct you not to disclose anything you know about that opinion that was a result of communications with counsel and that did not form the basis of any of the opinions in your report or any of the assumptions that you relied upon in reaching your conclusions. THE WITNESS: I did talk with
2 3 4 5 6 7 8 9 10 11 12 13	A. Perhaps you would have something that would refresh my memory. I don't recall, sitting here right now, but it's possible. Are you talking about historical historically no harm, or are you talking about prospectively? Q. Either one. Did you do you recall seeing any internal NFPA documents that call into question where NF whether NFPA has suffered any harm from the defendant's activities? A. I don't recall documents on it.	2 3 4 5 6 7 8 9 10 11 12 13	Q. What do you know about that opinion? MR. FEE: Objection. I would instruct you not to disclose anything you know about that opinion that was a result of communications with counsel and that did not form the basis of any of the opinions in your report or any of the assumptions that you relied upon in reaching your conclusions. THE WITNESS: I did talk with counsel about that case, and that case
2 3 4 5 6 7 8 9 10 11 12 13	A. Perhaps you would have something that would refresh my memory. I don't recall, sitting here right now, but it's possible. Are you talking about historical historically no harm, or are you talking about prospectively? Q. Either one. Did you do you recall seeing any internal NFPA documents that call into question where NF whether NFPA has suffered any harm from the defendant's activities? A. I don't recall documents on it.	2 3 4 5 6 7 8 9 10 11 12 13	Q. What do you know about that opinion? MR. FEE: Objection. I would instruct you not to disclose anything you know about that opinion that was a result of communications with counsel and that did not form the basis of any of the opinions in your report or any of the assumptions that you relied upon in reaching your conclusions. THE WITNESS: I did talk with
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Perhaps you would have something that would refresh my memory. I don't recall, sitting here right now, but it's possible. Are you talking about historical historically no harm, or are you talking about prospectively? Q. Either one. Did you do you recall seeing any internal NFPA documents that call into question where NF whether NFPA has suffered any harm from the defendant's activities? A. I don't recall documents on it. There may have been some deposition testimony about past activities, but I don't know if it	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. What do you know about that opinion? MR. FEE: Objection. I would instruct you not to disclose anything you know about that opinion that was a result of communications with counsel and that did not form the basis of any of the opinions in your report or any of the assumptions that you relied upon in reaching your conclusions. THE WITNESS: I did talk with counsel about that case, and that case didn't form any basis for any of my observations or conclusions here.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Perhaps you would have something that would refresh my memory. I don't recall, sitting here right now, but it's possible. Are you talking about historical historically no harm, or are you talking about prospectively? Q. Either one. Did you do you recall seeing any internal NFPA documents that call into question where NF whether NFPA has suffered any harm from the defendant's activities? A. I don't recall documents on it. There may have been some deposition testimony about past activities, but I don't know if it was activities prior to Public Resource	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. What do you know about that opinion? MR. FEE: Objection. I would instruct you not to disclose anything you know about that opinion that was a result of communications with counsel and that did not form the basis of any of the opinions in your report or any of the assumptions that you relied upon in reaching your conclusions. THE WITNESS: I did talk with counsel about that case, and that case didn't form any basis for any of my observations or conclusions here. BY MR. BRIDGES:
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Perhaps you would have something that would refresh my memory. I don't recall, sitting here right now, but it's possible. Are you talking about historical historically no harm, or are you talking about prospectively? Q. Either one. Did you do you recall seeing any internal NFPA documents that call into question where NF whether NFPA has suffered any harm from the defendant's activities? A. I don't recall documents on it. There may have been some deposition testimony about past activities, but I don't know if it was activities prior to Public Resource actions here or after.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. What do you know about that opinion? MR. FEE: Objection. I would instruct you not to disclose anything you know about that opinion that was a result of communications with counsel and that did not form the basis of any of the opinions in your report or any of the assumptions that you relied upon in reaching your conclusions. THE WITNESS: I did talk with counsel about that case, and that case didn't form any basis for any of my observations or conclusions here. BY MR. BRIDGES: Q. Why did the Veeck case not form
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. Perhaps you would have something that would refresh my memory. I don't recall, sitting here right now, but it's possible. Are you talking about historical historically no harm, or are you talking about prospectively? Q. Either one. Did you do you recall seeing any internal NFPA documents that call into question where NF whether NFPA has suffered any harm from the defendant's activities? A. I don't recall documents on it. There may have been some deposition testimony about past activities, but I don't know if it was activities prior to Public Resource actions here or after. Q. Do you recall learning about	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. What do you know about that opinion? MR. FEE: Objection. I would instruct you not to disclose anything you know about that opinion that was a result of communications with counsel and that did not form the basis of any of the opinions in your report or any of the assumptions that you relied upon in reaching your conclusions. THE WITNESS: I did talk with counsel about that case, and that case didn't form any basis for any of my observations or conclusions here. BY MR. BRIDGES: Q. Why did the Veeck case not form any basis for any of your observations or
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Perhaps you would have something that would refresh my memory. I don't recall, sitting here right now, but it's possible. Are you talking about historical historically no harm, or are you talking about prospectively? Q. Either one. Did you do you recall seeing any internal NFPA documents that call into question where NF whether NFPA has suffered any harm from the defendant's activities? A. I don't recall documents on it. There may have been some deposition testimony about past activities, but I don't know if it was activities prior to Public Resource actions here or after. Q. Do you recall learning about any litigation that NFPA had engaged in	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. What do you know about that opinion? MR. FEE: Objection. I would instruct you not to disclose anything you know about that opinion that was a result of communications with counsel and that did not form the basis of any of the opinions in your report or any of the assumptions that you relied upon in reaching your conclusions. THE WITNESS: I did talk with counsel about that case, and that case didn't form any basis for any of my observations or conclusions here. BY MR. BRIDGES: Q. Why did the Veeck case not form any basis for any of your observations or conclusions here?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Perhaps you would have something that would refresh my memory. I don't recall, sitting here right now, but it's possible. Are you talking about historical historically no harm, or are you talking about prospectively? Q. Either one. Did you do you recall seeing any internal NFPA documents that call into question where NF whether NFPA has suffered any harm from the defendant's activities? A. I don't recall documents on it. There may have been some deposition testimony about past activities, but I don't know if it was activities prior to Public Resource actions here or after. Q. Do you recall learning about any litigation that NFPA had engaged in pertaining to standards and copyright?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. What do you know about that opinion? MR. FEE: Objection. I would instruct you not to disclose anything you know about that opinion that was a result of communications with counsel and that did not form the basis of any of the opinions in your report or any of the assumptions that you relied upon in reaching your conclusions. THE WITNESS: I did talk with counsel about that case, and that case didn't form any basis for any of my observations or conclusions here. BY MR. BRIDGES: Q. Why did the Veeck case not form any basis for any of your observations or conclusions here? A. I don't know how to answer that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Perhaps you would have something that would refresh my memory. I don't recall, sitting here right now, but it's possible. Are you talking about historical historically no harm, or are you talking about prospectively? Q. Either one. Did you do you recall seeing any internal NFPA documents that call into question where NF whether NFPA has suffered any harm from the defendant's activities? A. I don't recall documents on it. There may have been some deposition testimony about past activities, but I don't know if it was activities prior to Public Resource actions here or after. Q. Do you recall learning about any litigation that NFPA had engaged in pertaining to standards and copyright? A. I think I heard that there's	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. What do you know about that opinion? MR. FEE: Objection. I would instruct you not to disclose anything you know about that opinion that was a result of communications with counsel and that did not form the basis of any of the opinions in your report or any of the assumptions that you relied upon in reaching your conclusions. THE WITNESS: I did talk with counsel about that case, and that case didn't form any basis for any of my observations or conclusions here. BY MR. BRIDGES: Q. Why did the Veeck case not form any basis for any of your observations or conclusions here? A. I don't know how to answer that question. I it didn't present any facts
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Perhaps you would have something that would refresh my memory. I don't recall, sitting here right now, but it's possible. Are you talking about historical historically no harm, or are you talking about prospectively? Q. Either one. Did you do you recall seeing any internal NFPA documents that call into question where NF whether NFPA has suffered any harm from the defendant's activities? A. I don't recall documents on it. There may have been some deposition testimony about past activities, but I don't know if it was activities prior to Public Resource actions here or after. Q. Do you recall learning about any litigation that NFPA had engaged in pertaining to standards and copyright? A. I think I heard that there's some overseas litigation involving Public	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. What do you know about that opinion? MR. FEE: Objection. I would instruct you not to disclose anything you know about that opinion that was a result of communications with counsel and that did not form the basis of any of the opinions in your report or any of the assumptions that you relied upon in reaching your conclusions. THE WITNESS: I did talk with counsel about that case, and that case didn't form any basis for any of my observations or conclusions here. BY MR. BRIDGES: Q. Why did the Veeck case not form any basis for any of your observations or conclusions here? A. I don't know how to answer that question. I it didn't present any facts that were specific to this case, as far as I
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. Perhaps you would have something that would refresh my memory. I don't recall, sitting here right now, but it's possible. Are you talking about historical historically no harm, or are you talking about prospectively? Q. Either one. Did you do you recall seeing any internal NFPA documents that call into question where NF whether NFPA has suffered any harm from the defendant's activities? A. I don't recall documents on it. There may have been some deposition testimony about past activities, but I don't know if it was activities prior to Public Resource actions here or after. Q. Do you recall learning about any litigation that NFPA had engaged in pertaining to standards and copyright? A. I think I heard that there's some overseas litigation involving Public Resource. Whether that involves NFPA, I	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. What do you know about that opinion? MR. FEE: Objection. I would instruct you not to disclose anything you know about that opinion that was a result of communications with counsel and that did not form the basis of any of the opinions in your report or any of the assumptions that you relied upon in reaching your conclusions. THE WITNESS: I did talk with counsel about that case, and that case didn't form any basis for any of my observations or conclusions here. BY MR. BRIDGES: Q. Why did the Veeck case not form any basis for any of your observations or conclusions here? A. I don't know how to answer that question. I it didn't present any facts that were specific to this case, as far as I recall.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Perhaps you would have something that would refresh my memory. I don't recall, sitting here right now, but it's possible. Are you talking about historical historically no harm, or are you talking about prospectively? Q. Either one. Did you do you recall seeing any internal NFPA documents that call into question where NF whether NFPA has suffered any harm from the defendant's activities? A. I don't recall documents on it. There may have been some deposition testimony about past activities, but I don't know if it was activities prior to Public Resource actions here or after. Q. Do you recall learning about any litigation that NFPA had engaged in pertaining to standards and copyright? A. I think I heard that there's some overseas litigation involving Public	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. What do you know about that opinion? MR. FEE: Objection. I would instruct you not to disclose anything you know about that opinion that was a result of communications with counsel and that did not form the basis of any of the opinions in your report or any of the assumptions that you relied upon in reaching your conclusions. THE WITNESS: I did talk with counsel about that case, and that case didn't form any basis for any of my observations or conclusions here. BY MR. BRIDGES: Q. Why did the Veeck case not form any basis for any of your observations or conclusions here? A. I don't know how to answer that question. I it didn't present any facts that were specific to this case, as far as I

1	answered.	1	A. Not sitting here right now, I
2	THE WITNESS: Again, I read the	2	don't.
3	case. I didn't do any analysis beyond	3	Q. Do you know whether ASHRAE took
4	that of that particular case.	4	over development of what became standard 90.1
5	BY MR. BRIDGES:	5	from any other group or entity?
6	Q. What steps did you take to	6	A. No, I do not.
7	ascertain what public harms flowed from the	7	Q. Have you ever quantified the
8	Court's decision in the Veeck case?	8	value of the contributions made by the
9	A. Other than reading the case,	9	volunteers of the various organizations to
10	the opinion in the case, I didn't do anything	10	the standards at issue in this case?
11	beyond that to understand the implications of	11	MR. FEE: Objection to form.
12	that holding.	12	THE WITNESS: Not other than
13	Q. You didn't do any investigation	13	having some sense of hours or a
14	as to the economic consequences to any	14	limited sense of dollars, but not
15	entity, industry, or person as a consequence	15	beyond that, no.
16	of the decision in the Veeck case, correct?	16	BY MR. BRIDGES:
17	MR. FEE: Objection to form.	17	Q. Can you put a rough dollar
18	THE WITNESS: I think that's	18	value on the time and expenses of the
19	correct, yes.	19	volunteers with respect to any of the
20	BY MR. BRIDGES:	20	standards in this case?
21	Q. How has the process of	21	MR. FEE: Objection to form.
22	standards development changed in the last 100	22	THE WITNESS: Not sitting here
23	years, to your knowledge?	23	right now. That would entail a little
24	A. I don't know the specifics, and	24	bit of a study. I have not done that.
25	I don't know that there is one standards	25	BY MR. BRIDGES:
	Page 130		Page 132
1	development process. I think there are a	1	Q. What what would be required?
2	variety of processes pursued by a number of	2	A. To understand basically the
3	SSOs or SDOs. I'm sure that there have been	3	out-of-pocket expenses incurred and the
4	changes on the margin. There may have been	4	opportunity costs incurred. So among other
5	larger changes. I just don't know. I have	5	things, one would want to look at time
6	not studied the trend in the standard	6	records, have an understanding of
7	development process over time.	7	compensation, have an understanding of the
8	Q. What changes are you aware of	8	activities of those individuals. Those
9	in the standards development process of NFPA	9	are would be among the inputs.
10	over the past 100 years?	10	Q. What changes are you aware of
11	A. I don't know. I've not studied	11	in the distribution of standards in the past
12	that topic.	12	100 years by the plaintiffs?
13	Q. What changes are you aware of	13	MR. FEE: Objection to form.
14	in the standards development process of the	14	THE WITNESS: I haven't
15	ASHRAE 90.1 standard?	15	investigated that particular issue,
16	A. I don't know. I've not studied	16	but I understand that some of the
17	that.	17	standards today are distributed
18	Q. How did ASHRAE come to develop	18	through the Internet that certainly
19	the 90.1 standard?	19	didn't exist 100 years ago.
20	A. I think, generally, a need was	20	Some of the standards are
21	identified and a group of constituents	21	distributed for free with limitations.
22	convened to derive a standard, but I don't	22	I don't know if that was true 100
23	know the specifics beyond that.	23	years ago, but it might have been.
24	Q. Do you know who identified the	24	I would expect some of the
25	need?	25	copying and dissemination capabilities
	Page 131		Page 133

1	are much greater today than they were	1	the right to reproduce, copy, or
2	in 1915, but I don't know that the	2	disseminate those standards but can
3	general methods of I don't know how	3	look at them online.
4	the general methods of distribution	4	BY MR. BRIDGES:
5	have changed.	5	Q. Have you used the reading rooms
6	BY MR. BRIDGES:	6	of any of the plaintiffs?
7	Q. What changes are you aware of	7	A. No, I have not.
8	in sales trends over the past 20 years?	8	Q. Have you reviewed the interface
9	MR. FEE: Objection to form.	9	that the have you reviewed the interfaces
10	THE WITNESS: I don't have data	10	that the plaintiffs offer to persons wishing
11	going back as far as 20 years ago. I	11	to view materials for free online?
12	have some information on publication	12	A. No, I don't think so.
13	sales, for instance, in tabs 3, 4, and	13	Q. Do you know what effect, if
14	5. They only that information only	14	any, the presence of those free materials on
15	goes back a few years, however.	15	the plaintiffs' Web sites has had on the
16	BY MR. BRIDGES:	16	plaintiffs' revenues?
17	Q. Did you review any information	17	MR. FEE: Objection to form.
18	earlier than the dates shown in the documents	18	THE WITNESS: No, I don't.
19	at tabs 3, 4, and 5?	19	BY MR. BRIDGES:
20		20	
21	MR. FEE: Objection. Vague. THE WITNESS: It's possible		Q. Have you have you
	that some of the source documents had	21	investigated that?
22		22	MR. FEE: Same objection.
23	earlier information, but I don't	23	THE WITNESS: I've been
24	recall that. I would need to look at	24	opening I've been open to learning
25	those source documents.	25	about that, but I haven't learned that
	Page 134		Page 136
1	BY MR. BRIDGES:	1	there's a direct or indirect effect.
1 2	BY MR. BRIDGES: Q. And those source documents	2	There might be, but I haven't seen
			There might be, but I haven't seen evidence of that.
2	Q. And those source documents would be within the Bates ranges identified in tab 2 of your report?	2	There might be, but I haven't seen
2 3	Q. And those source documents would be within the Bates ranges identified	2 3	There might be, but I haven't seen evidence of that.
2 3 4	Q. And those source documents would be within the Bates ranges identified in tab 2 of your report?	2 3 4	There might be, but I haven't seen evidence of that. BY MR. BRIDGES:
2 3 4 5	Q. And those source documents would be within the Bates ranges identified in tab 2 of your report? A. Within the Bates ranges or	2 3 4 5	There might be, but I haven't seen evidence of that. BY MR. BRIDGES: Q. My question was, have you
2 3 4 5	Q. And those source documents would be within the Bates ranges identified in tab 2 of your report? A. Within the Bates ranges or identified elsewhere in tab 2. For instance,	2 3 4 5 6	There might be, but I haven't seen evidence of that. BY MR. BRIDGES: Q. My question was, have you investigated that?
2 3 4 5 6 7	Q. And those source documents would be within the Bates ranges identified in tab 2 of your report? A. Within the Bates ranges or identified elsewhere in tab 2. For instance, the AS team ASTM audited audited	2 3 4 5 6 7	There might be, but I haven't seen evidence of that. BY MR. BRIDGES: Q. My question was, have you investigated that? MR. FEE: Same objection.
2 3 4 5 6 7 8	Q. And those source documents would be within the Bates ranges identified in tab 2 of your report? A. Within the Bates ranges or identified elsewhere in tab 2. For instance, the AS team ASTM audited audited consolidated financial statements, I think,	2 3 4 5 6 7 8	There might be, but I haven't seen evidence of that. BY MR. BRIDGES: Q. My question was, have you investigated that? MR. FEE: Same objection. THE WITNESS: Perhaps you could
2 3 4 5 6 7 8 9	Q. And those source documents would be within the Bates ranges identified in tab 2 of your report? A. Within the Bates ranges or identified elsewhere in tab 2. For instance, the AS team ASTM audited audited consolidated financial statements, I think, may not all be Bates-stamped. I could be	2 3 4 5 6 7 8 9	There might be, but I haven't seen evidence of that. BY MR. BRIDGES: Q. My question was, have you investigated that? MR. FEE: Same objection. THE WITNESS: Perhaps you could read back my answer.
2 3 4 5 6 7 8 9	Q. And those source documents would be within the Bates ranges identified in tab 2 of your report? A. Within the Bates ranges or identified elsewhere in tab 2. For instance, the AS team ASTM audited audited consolidated financial statements, I think, may not all be Bates-stamped. I could be wrong on that. But I would look in that set	2 3 4 5 6 7 8 9 10	There might be, but I haven't seen evidence of that. BY MR. BRIDGES: Q. My question was, have you investigated that? MR. FEE: Same objection. THE WITNESS: Perhaps you could read back my answer. BY MR. BRIDGES:
2 3 4 5 6 7 8 9 10	Q. And those source documents would be within the Bates ranges identified in tab 2 of your report? A. Within the Bates ranges or identified elsewhere in tab 2. For instance, the AS team ASTM audited audited consolidated financial statements, I think, may not all be Bates-stamped. I could be wrong on that. But I would look in that set of financial documents.	2 3 4 5 6 7 8 9 10 11	There might be, but I haven't seen evidence of that. BY MR. BRIDGES: Q. My question was, have you investigated that? MR. FEE: Same objection. THE WITNESS: Perhaps you could read back my answer. BY MR. BRIDGES: Q. I've heard the answer. It was
2 3 4 5 6 7 8 9 10 11 12	Q. And those source documents would be within the Bates ranges identified in tab 2 of your report? A. Within the Bates ranges or identified elsewhere in tab 2. For instance, the AS team ASTM audited audited consolidated financial statements, I think, may not all be Bates-stamped. I could be wrong on that. But I would look in that set of financial documents. Q. What do you know about what you	2 3 4 5 6 7 8 9 10 11 12	There might be, but I haven't seen evidence of that. BY MR. BRIDGES: Q. My question was, have you investigated that? MR. FEE: Same objection. THE WITNESS: Perhaps you could read back my answer. BY MR. BRIDGES: Q. I've heard the answer. It was not responsive to my question. The you said you did not know what effect, if any,
2 3 4 5 6 7 8 9 10 11 12 13	Q. And those source documents would be within the Bates ranges identified in tab 2 of your report? A. Within the Bates ranges or identified elsewhere in tab 2. For instance, the AS team ASTM audited audited consolidated financial statements, I think, may not all be Bates-stamped. I could be wrong on that. But I would look in that set of financial documents. Q. What do you know about what you said strike that. You said earlier that some	2 3 4 5 6 7 8 9 10 11 12 13 14	There might be, but I haven't seen evidence of that. BY MR. BRIDGES: Q. My question was, have you investigated that? MR. FEE: Same objection. THE WITNESS: Perhaps you could read back my answer. BY MR. BRIDGES: Q. I've heard the answer. It was not responsive to my question. The you said you did not know what effect, if any, the presence of those free materials on the
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. And those source documents would be within the Bates ranges identified in tab 2 of your report? A. Within the Bates ranges or identified elsewhere in tab 2. For instance, the AS team ASTM audited audited consolidated financial statements, I think, may not all be Bates-stamped. I could be wrong on that. But I would look in that set of financial documents. Q. What do you know about what you said strike that. You said earlier that some standards are distributed for free with some	2 3 4 5 6 7 8 9 10 11 12 13 14 15	There might be, but I haven't seen evidence of that. BY MR. BRIDGES: Q. My question was, have you investigated that? MR. FEE: Same objection. THE WITNESS: Perhaps you could read back my answer. BY MR. BRIDGES: Q. I've heard the answer. It was not responsive to my question. The you said you did not know what effect, if any, the presence of those free materials on the plaintiffs' Web sites has had on the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. And those source documents would be within the Bates ranges identified in tab 2 of your report? A. Within the Bates ranges or identified elsewhere in tab 2. For instance, the AS team ASTM audited audited consolidated financial statements, I think, may not all be Bates-stamped. I could be wrong on that. But I would look in that set of financial documents. Q. What do you know about what you said strike that. You said earlier that some standards are distributed for free with some limitations; is that correct?	2 3 4 5 6 7 8 9 10 11 12 13 14	There might be, but I haven't seen evidence of that. BY MR. BRIDGES: Q. My question was, have you investigated that? MR. FEE: Same objection. THE WITNESS: Perhaps you could read back my answer. BY MR. BRIDGES: Q. I've heard the answer. It was not responsive to my question. The you said you did not know what effect, if any, the presence of those free materials on the plaintiffs' Web sites has had on the plaintiffs' revenues.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. And those source documents would be within the Bates ranges identified in tab 2 of your report? A. Within the Bates ranges or identified elsewhere in tab 2. For instance, the AS team ASTM audited audited consolidated financial statements, I think, may not all be Bates-stamped. I could be wrong on that. But I would look in that set of financial documents. Q. What do you know about what you said strike that. You said earlier that some standards are distributed for free with some limitations; is that correct? A. Yes, that's my understanding.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	There might be, but I haven't seen evidence of that. BY MR. BRIDGES: Q. My question was, have you investigated that? MR. FEE: Same objection. THE WITNESS: Perhaps you could read back my answer. BY MR. BRIDGES: Q. I've heard the answer. It was not responsive to my question. The you said you did not know what effect, if any, the presence of those free materials on the plaintiffs' Web sites has had on the plaintiffs' revenues. And my question is, have you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. And those source documents would be within the Bates ranges identified in tab 2 of your report? A. Within the Bates ranges or identified elsewhere in tab 2. For instance, the AS team ASTM audited audited consolidated financial statements, I think, may not all be Bates-stamped. I could be wrong on that. But I would look in that set of financial documents. Q. What do you know about what you said strike that. You said earlier that some standards are distributed for free with some limitations; is that correct? A. Yes, that's my understanding. Q. What do you know about that?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	There might be, but I haven't seen evidence of that. BY MR. BRIDGES: Q. My question was, have you investigated that? MR. FEE: Same objection. THE WITNESS: Perhaps you could read back my answer. BY MR. BRIDGES: Q. I've heard the answer. It was not responsive to my question. The you said you did not know what effect, if any, the presence of those free materials on the plaintiffs' Web sites has had on the plaintiffs' revenues. And my question is, have you investigated that?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. And those source documents would be within the Bates ranges identified in tab 2 of your report? A. Within the Bates ranges or identified elsewhere in tab 2. For instance, the AS team ASTM audited audited consolidated financial statements, I think, may not all be Bates-stamped. I could be wrong on that. But I would look in that set of financial documents. Q. What do you know about what you said strike that. You said earlier that some standards are distributed for free with some limitations; is that correct? A. Yes, that's my understanding. Q. What do you know about that? MR. FEE: Objection. Vague.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	There might be, but I haven't seen evidence of that. BY MR. BRIDGES: Q. My question was, have you investigated that? MR. FEE: Same objection. THE WITNESS: Perhaps you could read back my answer. BY MR. BRIDGES: Q. I've heard the answer. It was not responsive to my question. The you said you did not know what effect, if any, the presence of those free materials on the plaintiffs' Web sites has had on the plaintiffs' revenues. And my question is, have you investigated that? MR. FEE: Same objection.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. And those source documents would be within the Bates ranges identified in tab 2 of your report? A. Within the Bates ranges or identified elsewhere in tab 2. For instance, the AS team ASTM audited audited consolidated financial statements, I think, may not all be Bates-stamped. I could be wrong on that. But I would look in that set of financial documents. Q. What do you know about what you said strike that. You said earlier that some standards are distributed for free with some limitations; is that correct? A. Yes, that's my understanding. Q. What do you know about that? MR. FEE: Objection. Vague. THE WITNESS: I've written	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	There might be, but I haven't seen evidence of that. BY MR. BRIDGES: Q. My question was, have you investigated that? MR. FEE: Same objection. THE WITNESS: Perhaps you could read back my answer. BY MR. BRIDGES: Q. I've heard the answer. It was not responsive to my question. The you said you did not know what effect, if any, the presence of those free materials on the plaintiffs' Web sites has had on the plaintiffs' revenues. And my question is, have you investigated that? MR. FEE: Same objection. THE WITNESS: No, I've not
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. And those source documents would be within the Bates ranges identified in tab 2 of your report? A. Within the Bates ranges or identified elsewhere in tab 2. For instance, the AS team ASTM audited audited consolidated financial statements, I think, may not all be Bates-stamped. I could be wrong on that. But I would look in that set of financial documents. Q. What do you know about what you said strike that. You said earlier that some standards are distributed for free with some limitations; is that correct? A. Yes, that's my understanding. Q. What do you know about that? MR. FEE: Objection. Vague. THE WITNESS: I've written about that in my report. I believe	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	There might be, but I haven't seen evidence of that. BY MR. BRIDGES: Q. My question was, have you investigated that? MR. FEE: Same objection. THE WITNESS: Perhaps you could read back my answer. BY MR. BRIDGES: Q. I've heard the answer. It was not responsive to my question. The you said you did not know what effect, if any, the presence of those free materials on the plaintiffs' Web sites has had on the plaintiffs' revenues. And my question is, have you investigated that? MR. FEE: Same objection. THE WITNESS: No, I've not undertaken a separate investigation.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. And those source documents would be within the Bates ranges identified in tab 2 of your report? A. Within the Bates ranges or identified elsewhere in tab 2. For instance, the AS team ASTM audited audited consolidated financial statements, I think, may not all be Bates-stamped. I could be wrong on that. But I would look in that set of financial documents. Q. What do you know about what you said strike that. You said earlier that some standards are distributed for free with some limitations; is that correct? A. Yes, that's my understanding. Q. What do you know about that? MR. FEE: Objection. Vague. THE WITNESS: I've written about that in my report. I believe that each one of the plaintiffs has	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	There might be, but I haven't seen evidence of that. BY MR. BRIDGES: Q. My question was, have you investigated that? MR. FEE: Same objection. THE WITNESS: Perhaps you could read back my answer. BY MR. BRIDGES: Q. I've heard the answer. It was not responsive to my question. The you said you did not know what effect, if any, the presence of those free materials on the plaintiffs' Web sites has had on the plaintiffs' revenues. And my question is, have you investigated that? MR. FEE: Same objection. THE WITNESS: No, I've not undertaken a separate investigation. I've been alert to that topic, but I
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. And those source documents would be within the Bates ranges identified in tab 2 of your report? A. Within the Bates ranges or identified elsewhere in tab 2. For instance, the AS team ASTM audited audited consolidated financial statements, I think, may not all be Bates-stamped. I could be wrong on that. But I would look in that set of financial documents. Q. What do you know about what you said strike that. You said earlier that some standards are distributed for free with some limitations; is that correct? A. Yes, that's my understanding. Q. What do you know about that? MR. FEE: Objection. Vague. THE WITNESS: I've written about that in my report. I believe that each one of the plaintiffs has provided what is sometimes called a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	There might be, but I haven't seen evidence of that. BY MR. BRIDGES: Q. My question was, have you investigated that? MR. FEE: Same objection. THE WITNESS: Perhaps you could read back my answer. BY MR. BRIDGES: Q. I've heard the answer. It was not responsive to my question. The you said you did not know what effect, if any, the presence of those free materials on the plaintiffs' Web sites has had on the plaintiffs' revenues. And my question is, have you investigated that? MR. FEE: Same objection. THE WITNESS: No, I've not undertaken a separate investigation. I've been alert to that topic, but I haven't assigned myself that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. And those source documents would be within the Bates ranges identified in tab 2 of your report? A. Within the Bates ranges or identified elsewhere in tab 2. For instance, the AS team ASTM audited audited consolidated financial statements, I think, may not all be Bates-stamped. I could be wrong on that. But I would look in that set of financial documents. Q. What do you know about what you said strike that. You said earlier that some standards are distributed for free with some limitations; is that correct? A. Yes, that's my understanding. Q. What do you know about that? MR. FEE: Objection. Vague. THE WITNESS: I've written about that in my report. I believe that each one of the plaintiffs has provided what is sometimes called a "reading room" so that people can look	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	There might be, but I haven't seen evidence of that. BY MR. BRIDGES: Q. My question was, have you investigated that? MR. FEE: Same objection. THE WITNESS: Perhaps you could read back my answer. BY MR. BRIDGES: Q. I've heard the answer. It was not responsive to my question. The you said you did not know what effect, if any, the presence of those free materials on the plaintiffs' Web sites has had on the plaintiffs' revenues. And my question is, have you investigated that? MR. FEE: Same objection. THE WITNESS: No, I've not undertaken a separate investigation. I've been alert to that topic, but I haven't assigned myself that investigation.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. And those source documents would be within the Bates ranges identified in tab 2 of your report? A. Within the Bates ranges or identified elsewhere in tab 2. For instance, the AS team ASTM audited audited consolidated financial statements, I think, may not all be Bates-stamped. I could be wrong on that. But I would look in that set of financial documents. Q. What do you know about what you said strike that. You said earlier that some standards are distributed for free with some limitations; is that correct? A. Yes, that's my understanding. Q. What do you know about that? MR. FEE: Objection. Vague. THE WITNESS: I've written about that in my report. I believe that each one of the plaintiffs has provided what is sometimes called a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	There might be, but I haven't seen evidence of that. BY MR. BRIDGES: Q. My question was, have you investigated that? MR. FEE: Same objection. THE WITNESS: Perhaps you could read back my answer. BY MR. BRIDGES: Q. I've heard the answer. It was not responsive to my question. The you said you did not know what effect, if any, the presence of those free materials on the plaintiffs' Web sites has had on the plaintiffs' revenues. And my question is, have you investigated that? MR. FEE: Same objection. THE WITNESS: No, I've not undertaken a separate investigation. I've been alert to that topic, but I haven't assigned myself that

```
1
             Was something that was --
                                                     1 SDOs, but the standard setting organizations
        Q.
 2 remained pending at the time you wrote this
                                                       that are the candidates are the ones that I
   report as something that you expected to do
                                                     3
                                                       identified earlier today.
   in the future?
                                                     4
                                                                 Which SDOs do you recall
                                                       treating copyright protection of their
5
        A.
             No.
                                                     5
                                                       standards as very important?
6
            MR. FEE: Objection. Vague.
            THE WITNESS: I'm sorry.
                                                            A. I just don't recall right now.
7
                                                     7
8
                                                     8 I -- I have some vague recollection that
            No.
   BY MR. BRIDGES:
                                                       copyright considerations are addressed by
9
                                                    10 ETSI, but I could be wrong on that.
10
        O.
             Did you study the practices of
11 any standards development organizations,
                                                            Q. What do you know about policies
                                                    11
12 other than the plaintiffs, for purposes of
                                                       or practices of the Blu-ray organization with
                                                    12
   your work in this case?
                                                       respect to copyright protection?
13
                                                   13
14
            MR. FEE: Objection. Vague.
                                                   14
                                                            A. I assume you're talking about
            THE WITNESS: Not that I
                                                      the Blu-ray Association? I may have known
15
16
        recall. I saw reference to other SDOs
                                                       when I was involved in that matter. I do not
17
        in the Bremer articles, for instance,
                                                       remember, sitting here now.
                                                   17
        but I didn't undertake a separate
                                                            Q. Do you recall that your report
18
                                                   18
                                                       actually refers to the Blu-ray Association?
19
        investigation of the practices of any
                                                   19
        other SDOs for purposes of my
                                                            A. I think I refer to Blu-ray
20
                                                   20
        assignment here.
                                                       standards. I don't recall if I refer to the
21
                                                   21
22 BY MR. BRIDGES:
                                                   22 Blu-ray Association, but perhaps you could
        Q. Are you aware of practices or
                                                       refresh my memory.
23
24 policies of other SDOs with reference to
                                                   24
                                                            Q. I believe you point it out at
25 either copyright or free availability of
                                                   25 the bottom of page 62. "While certain SDOs
                                                                                               Page 140
                                           Page 138
                                                     1 (e.g., the Blu-ray disc association) provide
   their materials?
1
2
            MR. FEE: Objection to form.
                                                       unrestricted access to their standard
 3
            THE WITNESS: I may have been
                                                       publications for free, the Plaintiffs here do
        aware through other assignments I've
                                                     4 not."
4
        undertaken in the past, but I didn't
                                                     5
5
                                                                Do you recall that?
        undertake any separate investigation
                                                     6
                                                            A. Now I do. Thank you for
6
        for purposes of this matter.
7
                                                       refreshing my memory.
   BY MR. BRIDGES:
                                                                What economic effects are you
 8
                                                     8
        Q. What awareness do you have of
                                                       aware of the fact that the Blu-ray Disc
9
                                                     9
                                                       Association provides unrestricted access to
   the practices or policies of other SDOs
10
                                                    10
    through other assignments you've undertaken
                                                       its standard publications for free?
11
                                                   11
    in the past?
                                                   12
                                                            A. I have not investigated that
12
                                                       issue, so I don't know.
13
            MR. FEE: Objection to form.
                                                   13
14
            THE WITNESS: I can only recall
                                                            Q. What other SDOs have you
                                                   14
        most generally that they view
                                                       identified that provide unrestricted access
15
        intellectual property protection as
16
                                                   16
                                                       to their standards for free?
        being very important, but I can't be
17
                                                   17
                                                                 I don't think I've identified
        any more specific than that.
                                                       any others in my report.
18
                                                   18
   BY MR. BRIDGES:
                                                                 Did you look for any others?
19
                                                   19
                                                            Q.
                                                                 Not that I recall.
20
             Which SDOs you -- do you recall
                                                   20
                                                            A.
21
   treating intellectual property protection as
                                                   21
                                                            O.
                                                                 Why not?
    very important?
22
                                                   22
                                                                 I don't know how to answer
23
        A.
             Well, again, I've -- I've dealt
                                                       that. I was aware of the Blu-ray Disc
24 with standards setting organizations. I
                                                       Association's policy in this regard, so I
25 don't know if any of those are technically
                                                   25 wrote about it here.
                                           Page 139
                                                                                               Page 141
```

1	Q. Why did you not consider the	1	perspective.
2	economic effects of free distribution of	2	BY MR. BRIDGES:
3	standards with respect to other	3	Q. And what is the relevance of
4	organizations?	4	economic analysis to that question, as you
5	A. I didn't quite see the	5	understand it?
6	relevance to this matter.	6	MR. FEE: Objection to form.
7	Q. Why?	7	Vague. Might also be construed to
8	A. I don't know how to prove a	8	require a legal conclusion.
9	negative.	9	THE WITNESS: Economists have a
10	Q. What's the negative you were	10	view and perspective at looking at
11	thinking of that would need to be proved or	11	issues that some courts have found to
12	disproved?	12	be useful.
13	A. That something is not relevant.	13	BY MR. BRIDGES:
14	Q. You just didn't see the	14	Q. Well, I'm asking, with specific
15	relevance?	15	relevance to this case, what do you
16	A. I don't understand how that	16	understand the importance of economic
17 18	would be helpful in the assignment that I had	17 18	analysis to be in this case
19	here.	19	MR. FEE: Objection. Calls BY MR. BRIDGES:
20	Q. And what was the assignment you had here?	20	Q as you have purported to
21	A. Well, I've laid it out	21	practice it?
$\begin{vmatrix} 21 \\ 22 \end{vmatrix}$	Q. I can read the report. I'm not	22	MR. FEE: Calls for a legal
23	asking you to read read the report. I'd	23	conclusion.
24	like your own words now, sitting here.	24	Also, to the extent that
25	MR. FEE: Objection.	25	responding to that would require you
23	Page 142	23	Page 144
1	BY MR. BRIDGES:	1	to disclose communications with
2	Q. How do you how do you	2	counsel that did not form the basis
3	view	3	for any of your opinions or
4	A. I'd like to answer it by	4	conclusions and did not provide any
5	looking at my report.	5	assumptions that were the basis for
6	Q. No, I'd like for you to give me	6	your opinions or conclusions, you
7	a straight answer, because if you're just	7	should not answer that portion of the
8	going to refer to the report, the report will	8	question.
9	speak for itself, and I don't need you to	9	THE WITNESS: I understand
10	read it to me.	10	that, generally, economists like me
11	I'd like for you to tell me	11	are quite helpful in determining
12	what you understand, sitting here, to have	12	questions of harm, particularly harm
13	been your assignment in this case.	13	as it relates to infringement of IP
14	MR. FEE: Objection.	14	rights.
15	You can answer the question	15	BY MR. BRIDGES:
16	however you deem appropriate.	16	Q. How do you distinguish between
17	THE WITNESS: I've aptly laid	17	harms that are caused by an infringement by
18	it out in my report, so I defer to the	18	the defendant versus harms that might be
19	words in my report.	19	caused by a court decision that plaintiffs
20	But I've, in essence, looked at	20	lack copyrights?
21	the topic of the impact of copyright	21	MR. FEE: Objection to the
22	and trademark infringement here, and	22	extent it calls for a legal
23	asked myself the question whether a	23	conclusion.
24	permanent injunction would be	24	THE WITNESS: I don't know how
125	appropriate from an economic	25	to answer that question. I didn't ask
25	Page 143	23	Page 145

1	Q. Why did you not consider the	1	perspective.
2	economic effects of free distribution of	2	BY MR. BRIDGES:
3	standards with respect to other	3	Q. And what is the relevance of
4	organizations?	4	economic analysis to that question, as you
5	A. I didn't quite see the	5	understand it?
6	relevance to this matter.	6	MR. FEE: Objection to form.
7	Q. Why?	7	Vague. Might also be construed to
8	A. I don't know how to prove a	8	require a legal conclusion.
9	negative.	9	THE WITNESS: Economists have a
10	Q. What's the negative you were	10	view and perspective at looking at
11	thinking of that would need to be proved or	11	issues that some courts have found to
12	disproved?	12	be useful.
13	A. That something is not relevant.	13	BY MR. BRIDGES:
14	Q. You just didn't see the	14	Q. Well, I'm asking, with specific
15	relevance?	15	relevance to this case, what do you
16	A. I don't understand how that	16	understand the importance of economic
17	would be helpful in the assignment that I had	17	analysis to be in this case
18	here.	18	MR. FEE: Objection. Calls
19	Q. And what was the assignment you	19	BY MR. BRIDGES:
20	had here?	20	Q as you have purported to
$\begin{vmatrix} 20 \\ 21 \end{vmatrix}$	A. Well, I've laid it out	21	practice it?
$\begin{vmatrix} 21\\22\end{vmatrix}$		22	-
23	Q. I can read the report. I'm not	l .	MR. FEE: Calls for a legal
24	asking you to read read the report. I'd	23	conclusion.
	like your own words now, sitting here.	24	Also, to the extent that
25	MR. FEE: Objection. Page 142	25	responding to that would require you Page 144
	-		
1	BY MR. BRIDGES:	1	to disclose communications with
2	-	2	to disclose communications with counsel that did not form the basis
1	BY MR. BRIDGES:	l .	to disclose communications with counsel that did not form the basis for any of your opinions or
2	BY MR. BRIDGES: Q. How do you how do you view A. I'd like to answer it by	2	to disclose communications with counsel that did not form the basis for any of your opinions or conclusions and did not provide any
2 3	BY MR. BRIDGES: Q. How do you how do you view	2 3	to disclose communications with counsel that did not form the basis for any of your opinions or
2 3 4	BY MR. BRIDGES: Q. How do you how do you view A. I'd like to answer it by	2 3 4	to disclose communications with counsel that did not form the basis for any of your opinions or conclusions and did not provide any
2 3 4 5	BY MR. BRIDGES: Q. How do you how do you view A. I'd like to answer it by looking at my report.	2 3 4 5	to disclose communications with counsel that did not form the basis for any of your opinions or conclusions and did not provide any assumptions that were the basis for
2 3 4 5 6	BY MR. BRIDGES: Q. How do you how do you view A. I'd like to answer it by looking at my report. Q. No, I'd like for you to give me	2 3 4 5 6	to disclose communications with counsel that did not form the basis for any of your opinions or conclusions and did not provide any assumptions that were the basis for your opinions or conclusions, you
2 3 4 5 6 7	BY MR. BRIDGES: Q. How do you how do you view A. I'd like to answer it by looking at my report. Q. No, I'd like for you to give me a straight answer, because if you're just	2 3 4 5 6 7	to disclose communications with counsel that did not form the basis for any of your opinions or conclusions and did not provide any assumptions that were the basis for your opinions or conclusions, you should not answer that portion of the
2 3 4 5 6 7 8	BY MR. BRIDGES: Q. How do you how do you view A. I'd like to answer it by looking at my report. Q. No, I'd like for you to give me a straight answer, because if you're just going to refer to the report, the report will	2 3 4 5 6 7 8	to disclose communications with counsel that did not form the basis for any of your opinions or conclusions and did not provide any assumptions that were the basis for your opinions or conclusions, you should not answer that portion of the question.
2 3 4 5 6 7 8 9	BY MR. BRIDGES: Q. How do you how do you view A. I'd like to answer it by looking at my report. Q. No, I'd like for you to give me a straight answer, because if you're just going to refer to the report, the report will speak for itself, and I don't need you to	2 3 4 5 6 7 8 9	to disclose communications with counsel that did not form the basis for any of your opinions or conclusions and did not provide any assumptions that were the basis for your opinions or conclusions, you should not answer that portion of the question. THE WITNESS: I understand
2 3 4 5 6 7 8 9 10	BY MR. BRIDGES: Q. How do you how do you view A. I'd like to answer it by looking at my report. Q. No, I'd like for you to give me a straight answer, because if you're just going to refer to the report, the report will speak for itself, and I don't need you to read it to me. I'd like for you to tell me	2 3 4 5 6 7 8 9 10	to disclose communications with counsel that did not form the basis for any of your opinions or conclusions and did not provide any assumptions that were the basis for your opinions or conclusions, you should not answer that portion of the question. THE WITNESS: I understand that, generally, economists like me are quite helpful in determining
2 3 4 5 6 7 8 9 10 11 12	BY MR. BRIDGES: Q. How do you how do you view A. I'd like to answer it by looking at my report. Q. No, I'd like for you to give me a straight answer, because if you're just going to refer to the report, the report will speak for itself, and I don't need you to read it to me. I'd like for you to tell me what you understand, sitting here, to have	2 3 4 5 6 7 8 9 10 11 12	to disclose communications with counsel that did not form the basis for any of your opinions or conclusions and did not provide any assumptions that were the basis for your opinions or conclusions, you should not answer that portion of the question. THE WITNESS: I understand that, generally, economists like me are quite helpful in determining questions of harm, particularly harm
2 3 4 5 6 7 8 9 10 11 12 13	BY MR. BRIDGES: Q. How do you how do you view A. I'd like to answer it by looking at my report. Q. No, I'd like for you to give me a straight answer, because if you're just going to refer to the report, the report will speak for itself, and I don't need you to read it to me. I'd like for you to tell me what you understand, sitting here, to have been your assignment in this case.	2 3 4 5 6 7 8 9 10 11 12 13	to disclose communications with counsel that did not form the basis for any of your opinions or conclusions and did not provide any assumptions that were the basis for your opinions or conclusions, you should not answer that portion of the question. THE WITNESS: I understand that, generally, economists like me are quite helpful in determining questions of harm, particularly harm as it relates to infringement of IP
2 3 4 5 6 7 8 9 10 11 12 13 14	BY MR. BRIDGES: Q. How do you how do you view A. I'd like to answer it by looking at my report. Q. No, I'd like for you to give me a straight answer, because if you're just going to refer to the report, the report will speak for itself, and I don't need you to read it to me. I'd like for you to tell me what you understand, sitting here, to have been your assignment in this case. MR. FEE: Objection.	2 3 4 5 6 7 8 9 10 11 12	to disclose communications with counsel that did not form the basis for any of your opinions or conclusions and did not provide any assumptions that were the basis for your opinions or conclusions, you should not answer that portion of the question. THE WITNESS: I understand that, generally, economists like me are quite helpful in determining questions of harm, particularly harm
2 3 4 5 6 7 8 9 10 11 12 13 14 15	BY MR. BRIDGES: Q. How do you how do you view A. I'd like to answer it by looking at my report. Q. No, I'd like for you to give me a straight answer, because if you're just going to refer to the report, the report will speak for itself, and I don't need you to read it to me. I'd like for you to tell me what you understand, sitting here, to have been your assignment in this case. MR. FEE: Objection. You can answer the question	2 3 4 5 6 7 8 9 10 11 12 13 14 15	to disclose communications with counsel that did not form the basis for any of your opinions or conclusions and did not provide any assumptions that were the basis for your opinions or conclusions, you should not answer that portion of the question. THE WITNESS: I understand that, generally, economists like me are quite helpful in determining questions of harm, particularly harm as it relates to infringement of IP rights. BY MR. BRIDGES:
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	BY MR. BRIDGES: Q. How do you how do you view A. I'd like to answer it by looking at my report. Q. No, I'd like for you to give me a straight answer, because if you're just going to refer to the report, the report will speak for itself, and I don't need you to read it to me. I'd like for you to tell me what you understand, sitting here, to have been your assignment in this case. MR. FEE: Objection. You can answer the question however you deem appropriate.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	to disclose communications with counsel that did not form the basis for any of your opinions or conclusions and did not provide any assumptions that were the basis for your opinions or conclusions, you should not answer that portion of the question. THE WITNESS: I understand that, generally, economists like me are quite helpful in determining questions of harm, particularly harm as it relates to infringement of IP rights. BY MR. BRIDGES: Q. How do you distinguish between
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	BY MR. BRIDGES: Q. How do you how do you view A. I'd like to answer it by looking at my report. Q. No, I'd like for you to give me a straight answer, because if you're just going to refer to the report, the report will speak for itself, and I don't need you to read it to me. I'd like for you to tell me what you understand, sitting here, to have been your assignment in this case. MR. FEE: Objection. You can answer the question however you deem appropriate. THE WITNESS: I've aptly laid	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	to disclose communications with counsel that did not form the basis for any of your opinions or conclusions and did not provide any assumptions that were the basis for your opinions or conclusions, you should not answer that portion of the question. THE WITNESS: I understand that, generally, economists like me are quite helpful in determining questions of harm, particularly harm as it relates to infringement of IP rights. BY MR. BRIDGES: Q. How do you distinguish between harms that are caused by an infringement by
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	BY MR. BRIDGES: Q. How do you how do you view A. I'd like to answer it by looking at my report. Q. No, I'd like for you to give me a straight answer, because if you're just going to refer to the report, the report will speak for itself, and I don't need you to read it to me. I'd like for you to tell me what you understand, sitting here, to have been your assignment in this case. MR. FEE: Objection. You can answer the question however you deem appropriate. THE WITNESS: I've aptly laid it out in my report, so I defer to the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	to disclose communications with counsel that did not form the basis for any of your opinions or conclusions and did not provide any assumptions that were the basis for your opinions or conclusions, you should not answer that portion of the question. THE WITNESS: I understand that, generally, economists like me are quite helpful in determining questions of harm, particularly harm as it relates to infringement of IP rights. BY MR. BRIDGES: Q. How do you distinguish between harms that are caused by an infringement by the defendant versus harms that might be
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	BY MR. BRIDGES: Q. How do you how do you view A. I'd like to answer it by looking at my report. Q. No, I'd like for you to give me a straight answer, because if you're just going to refer to the report, the report will speak for itself, and I don't need you to read it to me. I'd like for you to tell me what you understand, sitting here, to have been your assignment in this case. MR. FEE: Objection. You can answer the question however you deem appropriate. THE WITNESS: I've aptly laid it out in my report, so I defer to the words in my report.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	to disclose communications with counsel that did not form the basis for any of your opinions or conclusions and did not provide any assumptions that were the basis for your opinions or conclusions, you should not answer that portion of the question. THE WITNESS: I understand that, generally, economists like me are quite helpful in determining questions of harm, particularly harm as it relates to infringement of IP rights. BY MR. BRIDGES: Q. How do you distinguish between harms that are caused by an infringement by the defendant versus harms that might be caused by a court decision that plaintiffs
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	BY MR. BRIDGES: Q. How do you how do you view A. I'd like to answer it by looking at my report. Q. No, I'd like for you to give me a straight answer, because if you're just going to refer to the report, the report will speak for itself, and I don't need you to read it to me. I'd like for you to tell me what you understand, sitting here, to have been your assignment in this case. MR. FEE: Objection. You can answer the question however you deem appropriate. THE WITNESS: I've aptly laid it out in my report, so I defer to the words in my report. But I've, in essence, looked at	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	to disclose communications with counsel that did not form the basis for any of your opinions or conclusions and did not provide any assumptions that were the basis for your opinions or conclusions, you should not answer that portion of the question. THE WITNESS: I understand that, generally, economists like me are quite helpful in determining questions of harm, particularly harm as it relates to infringement of IP rights. BY MR. BRIDGES: Q. How do you distinguish between harms that are caused by an infringement by the defendant versus harms that plaintiffs lack copyrights?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	BY MR. BRIDGES: Q. How do you how do you view A. I'd like to answer it by looking at my report. Q. No, I'd like for you to give me a straight answer, because if you're just going to refer to the report, the report will speak for itself, and I don't need you to read it to me. I'd like for you to tell me what you understand, sitting here, to have been your assignment in this case. MR. FEE: Objection. You can answer the question however you deem appropriate. THE WITNESS: I've aptly laid it out in my report, so I defer to the words in my report. But I've, in essence, looked at the topic of the impact of copyright	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	to disclose communications with counsel that did not form the basis for any of your opinions or conclusions and did not provide any assumptions that were the basis for your opinions or conclusions, you should not answer that portion of the question. THE WITNESS: I understand that, generally, economists like me are quite helpful in determining questions of harm, particularly harm as it relates to infringement of IP rights. BY MR. BRIDGES: Q. How do you distinguish between harms that are caused by an infringement by the defendant versus harms that might be caused by a court decision that plaintiffs lack copyrights? MR. FEE: Objection to the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MR. BRIDGES: Q. How do you how do you view A. I'd like to answer it by looking at my report. Q. No, I'd like for you to give me a straight answer, because if you're just going to refer to the report, the report will speak for itself, and I don't need you to read it to me. I'd like for you to tell me what you understand, sitting here, to have been your assignment in this case. MR. FEE: Objection. You can answer the question however you deem appropriate. THE WITNESS: I've aptly laid it out in my report, so I defer to the words in my report. But I've, in essence, looked at the topic of the impact of copyright and trademark infringement here, and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	to disclose communications with counsel that did not form the basis for any of your opinions or conclusions and did not provide any assumptions that were the basis for your opinions or conclusions, you should not answer that portion of the question. THE WITNESS: I understand that, generally, economists like me are quite helpful in determining questions of harm, particularly harm as it relates to infringement of IP rights. BY MR. BRIDGES: Q. How do you distinguish between harms that are caused by an infringement by the defendant versus harms that might be caused by a court decision that plaintiffs lack copyrights? MR. FEE: Objection to the extent it calls for a legal
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	BY MR. BRIDGES: Q. How do you how do you view A. I'd like to answer it by looking at my report. Q. No, I'd like for you to give me a straight answer, because if you're just going to refer to the report, the report will speak for itself, and I don't need you to read it to me. I'd like for you to tell me what you understand, sitting here, to have been your assignment in this case. MR. FEE: Objection. You can answer the question however you deem appropriate. THE WITNESS: I've aptly laid it out in my report, so I defer to the words in my report. But I've, in essence, looked at the topic of the impact of copyright and trademark infringement here, and asked myself the question whether a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	to disclose communications with counsel that did not form the basis for any of your opinions or conclusions and did not provide any assumptions that were the basis for your opinions or conclusions, you should not answer that portion of the question. THE WITNESS: I understand that, generally, economists like me are quite helpful in determining questions of harm, particularly harm as it relates to infringement of IP rights. BY MR. BRIDGES: Q. How do you distinguish between harms that are caused by an infringement by the defendant versus harms that might be caused by a court decision that plaintiffs lack copyrights? MR. FEE: Objection to the extent it calls for a legal conclusion.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	BY MR. BRIDGES: Q. How do you how do you view A. I'd like to answer it by looking at my report. Q. No, I'd like for you to give me a straight answer, because if you're just going to refer to the report, the report will speak for itself, and I don't need you to read it to me. I'd like for you to tell me what you understand, sitting here, to have been your assignment in this case. MR. FEE: Objection. You can answer the question however you deem appropriate. THE WITNESS: I've aptly laid it out in my report, so I defer to the words in my report. But I've, in essence, looked at the topic of the impact of copyright and trademark infringement here, and asked myself the question whether a permanent injunction would be	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	to disclose communications with counsel that did not form the basis for any of your opinions or conclusions and did not provide any assumptions that were the basis for your opinions or conclusions, you should not answer that portion of the question. THE WITNESS: I understand that, generally, economists like me are quite helpful in determining questions of harm, particularly harm as it relates to infringement of IP rights. BY MR. BRIDGES: Q. How do you distinguish between harms that are caused by an infringement by the defendant versus harms that might be caused by a court decision that plaintiffs lack copyrights? MR. FEE: Objection to the extent it calls for a legal conclusion. THE WITNESS: I don't know how
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	BY MR. BRIDGES: Q. How do you how do you view A. I'd like to answer it by looking at my report. Q. No, I'd like for you to give me a straight answer, because if you're just going to refer to the report, the report will speak for itself, and I don't need you to read it to me. I'd like for you to tell me what you understand, sitting here, to have been your assignment in this case. MR. FEE: Objection. You can answer the question however you deem appropriate. THE WITNESS: I've aptly laid it out in my report, so I defer to the words in my report. But I've, in essence, looked at the topic of the impact of copyright and trademark infringement here, and asked myself the question whether a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	to disclose communications with counsel that did not form the basis for any of your opinions or conclusions and did not provide any assumptions that were the basis for your opinions or conclusions, you should not answer that portion of the question. THE WITNESS: I understand that, generally, economists like me are quite helpful in determining questions of harm, particularly harm as it relates to infringement of IP rights. BY MR. BRIDGES: Q. How do you distinguish between harms that are caused by an infringement by the defendant versus harms that might be caused by a court decision that plaintiffs lack copyrights? MR. FEE: Objection to the extent it calls for a legal conclusion.

1			
1	myself the question of ownership or	1	under the assumption that the
2	impact of ownership. I asked myself	2	activities violate the law.
3	the question here of impact of	3	BY MR. BRIDGES:
4	infringement.	4	Q. If the activities do you
5	BY MR. BRIDGES:	5	believe do you understand that your
6	Q. If it turns out that the Court	6	analysis is relevant to a determination of
7	rules that the plaintiff sorry. Strike	7	whether the defendant has violated the law?
8	that.	8	MR. FEE: Objection. Calls for
9	If it turns out the Court rules	9	a legal conclusion.
10	here that the defendant has engaged in fair	10	To the extent that your
11	use, is it your understanding that none of	11	understanding is based upon
12	your harms analysis is relevant	12	communications with counsel, you
13		13	· · · · · · · · · · · · · · · · · · ·
	MR. FEE: Objection. BY MR. BRIDGES:		shouldn't disclose them, unless they
14		14	formed the basis for your opinions or
15	Q because of a finding of	15	conclusions or provided assumptions
16	non-infringement?	16	that you relied upon in reaching your
17	MR. FEE: Calls for a legal	17	conclusions.
18	conclusion.	18	THE WITNESS: I don't know.
19	To the extent answering that	19	BY MR. BRIDGES:
20	question would require you to disclose	20	Q. Do you have any view as to
21	communications you had with counsel	21	whether the defendant has violated copyright
22	that don't form the basis for any of	22	law?
23	your opinions or conclusions and don't	23	MR. FEE: Objection. Calls for
24	provide any assumptions that you	24	a legal conclusion.
25	relied upon, you shouldn't disclose	25	THE WITNESS: No, I've not
	Page 146		Page 148
1	those communications.	1	taken on that assignment.
1 2	THE WITNESS: You're asking for	2	BY MR. BRIDGES:
$\begin{vmatrix} 2 \\ 3 \end{vmatrix}$	THE WITNESS: You're asking for a legal conclusion. I'm not an expert	_	BY MR. BRIDGES: O. Do you have any view as to
3	a legal conclusion. I'm not an expert	3	Q. Do you have any view as to
3 4	a legal conclusion. I'm not an expert on that.	3 4	Q. Do you have any view as to whether the defendant's activities constitute
3 4 5	a legal conclusion. I'm not an expert on that. BY MR. BRIDGES:	3 4 5	Q. Do you have any view as to whether the defendant's activities constitute fair use?
3 4 5 6	a legal conclusion. I'm not an expert on that. BY MR. BRIDGES: Q. I'm understanding your	3 4 5 6	Q. Do you have any view as to whether the defendant's activities constitute fair use? MR. FEE: Objection. Calls for
3 4 5 6 7	a legal conclusion. I'm not an expert on that. BY MR. BRIDGES: Q. I'm understanding your understanding I'm asking for your	3 4 5 6 7	Q. Do you have any view as to whether the defendant's activities constitute fair use? MR. FEE: Objection. Calls for a legal conclusion.
3 4 5 6 7 8	a legal conclusion. I'm not an expert on that. BY MR. BRIDGES: Q. I'm understanding your understanding I'm asking for your understanding of the relevance of your	3 4 5 6 7 8	Q. Do you have any view as to whether the defendant's activities constitute fair use? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: No, I've not
3 4 5 6 7 8 9	a legal conclusion. I'm not an expert on that. BY MR. BRIDGES: Q. I'm understanding your understanding I'm asking for your understanding of the relevance of your contributions to this case.	3 4 5 6 7 8	Q. Do you have any view as to whether the defendant's activities constitute fair use? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: No, I've not taken on that assignment.
3 4 5 6 7 8 9 10	a legal conclusion. I'm not an expert on that. BY MR. BRIDGES: Q. I'm understanding your understanding I'm asking for your understanding of the relevance of your contributions to this case. MR. FEE: Objection. Asked and	3 4 5 6 7 8 9	Q. Do you have any view as to whether the defendant's activities constitute fair use? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: No, I've not taken on that assignment. BY MR. BRIDGES:
3 4 5 6 7 8 9 10 11	a legal conclusion. I'm not an expert on that. BY MR. BRIDGES: Q. I'm understanding your understanding I'm asking for your understanding of the relevance of your contributions to this case. MR. FEE: Objection. Asked and answered. Plus all the prior	3 4 5 6 7 8 9 10 11	Q. Do you have any view as to whether the defendant's activities constitute fair use? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: No, I've not taken on that assignment. BY MR. BRIDGES: Q. If a court determines that the
3 4 5 6 7 8 9 10 11 12	a legal conclusion. I'm not an expert on that. BY MR. BRIDGES: Q. I'm understanding your understanding I'm asking for your understanding of the relevance of your contributions to this case. MR. FEE: Objection. Asked and answered. Plus all the prior objections and instructions.	3 4 5 6 7 8 9 10 11 12	Q. Do you have any view as to whether the defendant's activities constitute fair use? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: No, I've not taken on that assignment. BY MR. BRIDGES: Q. If a court determines that the defendant has not infringed upon plaintiffs'
3 4 5 6 7 8 9 10 11 12 13	a legal conclusion. I'm not an expert on that. BY MR. BRIDGES: Q. I'm understanding your understanding I'm asking for your understanding of the relevance of your contributions to this case. MR. FEE: Objection. Asked and answered. Plus all the prior objections and instructions. THE WITNESS: I believe my	3 4 5 6 7 8 9 10 11 12 13	Q. Do you have any view as to whether the defendant's activities constitute fair use? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: No, I've not taken on that assignment. BY MR. BRIDGES: Q. If a court determines that the defendant has not infringed upon plaintiffs' copyrights, do you understand that the
3 4 5 6 7 8 9 10 11 12 13 14	a legal conclusion. I'm not an expert on that. BY MR. BRIDGES: Q. I'm understanding your understanding I'm asking for your understanding of the relevance of your contributions to this case. MR. FEE: Objection. Asked and answered. Plus all the prior objections and instructions. THE WITNESS: I believe my testimony and report are relevant to	3 4 5 6 7 8 9 10 11 12 13 14	Q. Do you have any view as to whether the defendant's activities constitute fair use? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: No, I've not taken on that assignment. BY MR. BRIDGES: Q. If a court determines that the defendant has not infringed upon plaintiffs' copyrights, do you understand that the decision would result in economic harm to the
3 4 5 6 7 8 9 10 11 12 13 14 15	a legal conclusion. I'm not an expert on that. BY MR. BRIDGES: Q. I'm understanding your understanding I'm asking for your understanding of the relevance of your contributions to this case. MR. FEE: Objection. Asked and answered. Plus all the prior objections and instructions. THE WITNESS: I believe my testimony and report are relevant to the issue of harm and potential harm.	3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Do you have any view as to whether the defendant's activities constitute fair use? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: No, I've not taken on that assignment. BY MR. BRIDGES: Q. If a court determines that the defendant has not infringed upon plaintiffs' copyrights, do you understand that the decision would result in economic harm to the plaintiffs?
3 4 5 6 7 8 9 10 11 12 13 14 15 16	a legal conclusion. I'm not an expert on that. BY MR. BRIDGES: Q. I'm understanding your understanding I'm asking for your understanding of the relevance of your contributions to this case. MR. FEE: Objection. Asked and answered. Plus all the prior objections and instructions. THE WITNESS: I believe my testimony and report are relevant to the issue of harm and potential harm. BY MR. BRIDGES:	3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Do you have any view as to whether the defendant's activities constitute fair use? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: No, I've not taken on that assignment. BY MR. BRIDGES: Q. If a court determines that the defendant has not infringed upon plaintiffs' copyrights, do you understand that the decision would result in economic harm to the plaintiffs? MR. FEE: Objection to the
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	a legal conclusion. I'm not an expert on that. BY MR. BRIDGES: Q. I'm understanding your understanding I'm asking for your understanding of the relevance of your contributions to this case. MR. FEE: Objection. Asked and answered. Plus all the prior objections and instructions. THE WITNESS: I believe my testimony and report are relevant to the issue of harm and potential harm. BY MR. BRIDGES: Q. From what?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Do you have any view as to whether the defendant's activities constitute fair use? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: No, I've not taken on that assignment. BY MR. BRIDGES: Q. If a court determines that the defendant has not infringed upon plaintiffs' copyrights, do you understand that the decision would result in economic harm to the plaintiffs? MR. FEE: Objection to the extent it calls for a legal
3 4 5 6 7 8 9 10 11 12 13 14 15 16	a legal conclusion. I'm not an expert on that. BY MR. BRIDGES: Q. I'm understanding your understanding I'm asking for your understanding of the relevance of your contributions to this case. MR. FEE: Objection. Asked and answered. Plus all the prior objections and instructions. THE WITNESS: I believe my testimony and report are relevant to the issue of harm and potential harm. BY MR. BRIDGES:	3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Do you have any view as to whether the defendant's activities constitute fair use? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: No, I've not taken on that assignment. BY MR. BRIDGES: Q. If a court determines that the defendant has not infringed upon plaintiffs' copyrights, do you understand that the decision would result in economic harm to the plaintiffs? MR. FEE: Objection to the
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	a legal conclusion. I'm not an expert on that. BY MR. BRIDGES: Q. I'm understanding your understanding I'm asking for your understanding of the relevance of your contributions to this case. MR. FEE: Objection. Asked and answered. Plus all the prior objections and instructions. THE WITNESS: I believe my testimony and report are relevant to the issue of harm and potential harm. BY MR. BRIDGES: Q. From what?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Do you have any view as to whether the defendant's activities constitute fair use? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: No, I've not taken on that assignment. BY MR. BRIDGES: Q. If a court determines that the defendant has not infringed upon plaintiffs' copyrights, do you understand that the decision would result in economic harm to the plaintiffs? MR. FEE: Objection to the extent it calls for a legal
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	a legal conclusion. I'm not an expert on that. BY MR. BRIDGES: Q. I'm understanding your understanding I'm asking for your understanding of the relevance of your contributions to this case. MR. FEE: Objection. Asked and answered. Plus all the prior objections and instructions. THE WITNESS: I believe my testimony and report are relevant to the issue of harm and potential harm. BY MR. BRIDGES: Q. From what? A. From continuing the	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Do you have any view as to whether the defendant's activities constitute fair use? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: No, I've not taken on that assignment. BY MR. BRIDGES: Q. If a court determines that the defendant has not infringed upon plaintiffs' copyrights, do you understand that the decision would result in economic harm to the plaintiffs? MR. FEE: Objection to the extent it calls for a legal conclusion.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	a legal conclusion. I'm not an expert on that. BY MR. BRIDGES: Q. I'm understanding your understanding I'm asking for your understanding of the relevance of your contributions to this case. MR. FEE: Objection. Asked and answered. Plus all the prior objections and instructions. THE WITNESS: I believe my testimony and report are relevant to the issue of harm and potential harm. BY MR. BRIDGES: Q. From what? A. From continuing the continuing activities and possible expanded	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. Do you have any view as to whether the defendant's activities constitute fair use? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: No, I've not taken on that assignment. BY MR. BRIDGES: Q. If a court determines that the defendant has not infringed upon plaintiffs' copyrights, do you understand that the decision would result in economic harm to the plaintiffs? MR. FEE: Objection to the extent it calls for a legal conclusion. THE WITNESS: I'm not following
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	a legal conclusion. I'm not an expert on that. BY MR. BRIDGES: Q. I'm understanding your understanding I'm asking for your understanding of the relevance of your contributions to this case. MR. FEE: Objection. Asked and answered. Plus all the prior objections and instructions. THE WITNESS: I believe my testimony and report are relevant to the issue of harm and potential harm. BY MR. BRIDGES: Q. From what? A. From continuing the continuing activities and possible expanded activities of the defendant here.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Do you have any view as to whether the defendant's activities constitute fair use? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: No, I've not taken on that assignment. BY MR. BRIDGES: Q. If a court determines that the defendant has not infringed upon plaintiffs' copyrights, do you understand that the decision would result in economic harm to the plaintiffs? MR. FEE: Objection to the extent it calls for a legal conclusion. THE WITNESS: I'm not following your question. Could you ask it a
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	a legal conclusion. I'm not an expert on that. BY MR. BRIDGES: Q. I'm understanding your understanding I'm asking for your understanding of the relevance of your contributions to this case. MR. FEE: Objection. Asked and answered. Plus all the prior objections and instructions. THE WITNESS: I believe my testimony and report are relevant to the issue of harm and potential harm. BY MR. BRIDGES: Q. From what? A. From continuing the continuing activities and possible expanded activities of the defendant here. Q. From activities or from violations of law?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Do you have any view as to whether the defendant's activities constitute fair use? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: No, I've not taken on that assignment. BY MR. BRIDGES: Q. If a court determines that the defendant has not infringed upon plaintiffs' copyrights, do you understand that the decision would result in economic harm to the plaintiffs? MR. FEE: Objection to the extent it calls for a legal conclusion. THE WITNESS: I'm not following your question. Could you ask it a little bit differently, please? BY MR. BRIDGES:
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	a legal conclusion. I'm not an expert on that. BY MR. BRIDGES: Q. I'm understanding your understanding I'm asking for your understanding of the relevance of your contributions to this case. MR. FEE: Objection. Asked and answered. Plus all the prior objections and instructions. THE WITNESS: I believe my testimony and report are relevant to the issue of harm and potential harm. BY MR. BRIDGES: Q. From what? A. From continuing the continuing activities and possible expanded activities of the defendant here. Q. From activities or from violations of law? MR. FEE: Objection. Vague.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Do you have any view as to whether the defendant's activities constitute fair use? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: No, I've not taken on that assignment. BY MR. BRIDGES: Q. If a court determines that the defendant has not infringed upon plaintiffs' copyrights, do you understand that the decision would result in economic harm to the plaintiffs? MR. FEE: Objection to the extent it calls for a legal conclusion. THE WITNESS: I'm not following your question. Could you ask it a little bit differently, please? BY MR. BRIDGES: Q. No, I'll restate it if you just
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	a legal conclusion. I'm not an expert on that. BY MR. BRIDGES: Q. I'm understanding your understanding I'm asking for your understanding of the relevance of your contributions to this case. MR. FEE: Objection. Asked and answered. Plus all the prior objections and instructions. THE WITNESS: I believe my testimony and report are relevant to the issue of harm and potential harm. BY MR. BRIDGES: Q. From what? A. From continuing the continuing activities and possible expanded activities of the defendant here. Q. From activities or from violations of law? MR. FEE: Objection. Vague. Calls for a legal conclusion.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. Do you have any view as to whether the defendant's activities constitute fair use? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: No, I've not taken on that assignment. BY MR. BRIDGES: Q. If a court determines that the defendant has not infringed upon plaintiffs' copyrights, do you understand that the decision would result in economic harm to the plaintiffs? MR. FEE: Objection to the extent it calls for a legal conclusion. THE WITNESS: I'm not following your question. Could you ask it a little bit differently, please? BY MR. BRIDGES: Q. No, I'll restate it if you just need to rehear it.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	a legal conclusion. I'm not an expert on that. BY MR. BRIDGES: Q. I'm understanding your understanding I'm asking for your understanding of the relevance of your contributions to this case. MR. FEE: Objection. Asked and answered. Plus all the prior objections and instructions. THE WITNESS: I believe my testimony and report are relevant to the issue of harm and potential harm. BY MR. BRIDGES: Q. From what? A. From continuing the continuing activities and possible expanded activities of the defendant here. Q. From activities or from violations of law? MR. FEE: Objection. Vague.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Do you have any view as to whether the defendant's activities constitute fair use? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: No, I've not taken on that assignment. BY MR. BRIDGES: Q. If a court determines that the defendant has not infringed upon plaintiffs' copyrights, do you understand that the decision would result in economic harm to the plaintiffs? MR. FEE: Objection to the extent it calls for a legal conclusion. THE WITNESS: I'm not following your question. Could you ask it a little bit differently, please? BY MR. BRIDGES: Q. No, I'll restate it if you just

1 If you could recast it, please. 2 Q. No. Then please answer my 3 question. 4 MR. FEE: Objection. 5 BY MR. BRIDGES: 6 Q. I get to ask the questions. 7 MR. FEE: He just said he 8 couldn't answer it. 9 THE WITNESS: I don't 10 understand the question. 11 BY MR. BRIDGES: 12 Q. What is it you don't 13 understand? 14 A. I understand the Question. 15 how you put them together. 16 Q. If a court determines that the 16 defendant has not infringed upon the 17 plaintiffs' copyrights, do you believe that 18 plaintiffs' copyrights, do you believe that 19 that decision would result in economic harm to the plaintiffs' copyrights result in economic harm to the plaintiffs? 21 MR. FEE: Objection to the 22 extent it calls for a legal 23 conclusion. Plus asked and answered. 24 THE WITNESS: It sounds like 25 exactly the same words, so I'm not 2 BY MR. BRIDGES: 3 Q. Would a decision by the Court 4 that he fefendant has not infringed upon the 16 plaintiffs' copyrights, do you believe that 1 sure how to answer that question. 2 BY MR. BRIDGES: 3 Q. Would a decision that the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 5 plaintiffs' copyrights result in economic harm to the 6 plaintiffs' copyrights result in economic harm to the 7 page 150 1 sure how to answer that question. 2 BY MR. BRIDGES: 3 Q. Would a decision by the Court 4 The WITNESS: I reannot answer 5 MR. FEE: Objection to the 6 record at 1:17. 8 Ye record at 1:17. 8 Ye Record at 1:17. 8 Ye Reco				
3 question. 4 MR. FEE: Objection. 5 BY MR. BRIDGES: 6 Q. I get to ask the questions. 7 MR. FEE: He just said he 7 Would a decision by the Court 8 that the defendant has not infringed upon the 9 plaintiffs' copyrights result in economic 10 understand the question. 10 understand the question. 11 BY MR. BRIDGES: 11 MR. FEE: Objection. Calls for 12 a legal conclusion. Asked and 13 answered. 14 A. I understand the question. 10 winderstand the question. 10 winderstand's 10 winderstand's 11 mount of the plaintiffs' 12 13 winderstand each word but not 14		If you could recast it, please.		that's fine.
4 MR. FEE: Objection. 5 BY MR. BRIDGES: 6 Q. I get to ask the questions. 7 MR. FEE: He just said he 8 couldn't answer it. 8 to understand the question. 10 understand the question. 11 BY MR. BRIDGES: 11 MR. FEE: Objection. Calls for 12 Q. What is it you don't 13 understand? 14 A. I understand each word but not 15 how you put them together. 16 Q. If a court determines that the 17 defendant has not infringed upon the 18 plaintiffs' copyrights, do you believe that 19 that decision would result in economic harm 20 to the plaintiffs? 21 MR. FEE: Objection to the 22 extent it calls for a legal 23 conclusion. Plus asked and answered. 24 THE WITNESS: I sounds like 25 exactly the same words, so I'm not 2 BY MR. BRIDGES: 21 sure how to answer that question. 2 BY MR. BRIDGES: 3 Q. Would a decision that the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 6 plaintiffs? 1 THE WITNESS: I sounds like 24 exactly the same words, so I'm not 25 Page 150 1 sure how to answer that question. 2 BY MR. BRIDGES: 3 Q. Would a decision that the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 6 plaintiffs? 1 THE WITNESS: I sounds like 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 6 plaintiffs? 6 Q. If a court determines that the 16 the defendant has not infringed upon plaintiffs' 20 to the plaintiffs? 21 WR. BRIDGES: 22 the WITNESS: I sounds like 24 tribulation that the 25 defendant has not infringed upon plaintiffs' 6 copyrights result in economic harm to the 6 plaintiffs? 8 Q. Would a decision that the 9 that decision wall result in economic harm 10 to the plaintiffs' copyrights result in economic harm 11 surface to the plaintiffs' to plaintiffs' the record at 2:12. 11 Surface to the plaintiffs' to plaintiffs' the record at 2:12. 12 Supplied to the plaintiffs' the record at 2:12. 13 Q. Would a decision that the plaintiffs' the plaintiffs' to you want to keep going? 14 THE WITNESS: I ware 15 A Geod afternoo		- *		
5 BY MR. BRIDGES: 6 Q. I get to ask the questions. 6 Q. I'll say it again. 7 Would a decision by the Court 8 that the defendant has not infringed upon the 9 plaintiffs' copyrights result in economic 10 understand the question. 10 understand the question. 11 BY MR. BRIDGES: 11		•		
6 Q. I get to ask the questions. 7 MR. FEE: He just said he 8 couldn't answer it. 9 THE WITNESS: I don't 10 understand the question. 11 BY MR. BRIDGES: 11 MR. FEE: Objection. Calls for 12 Q. What is it you don't 13 understand? 14 A. I understand each word but not 15 how you put them together. 16 Q. If a court determines that the 17 defendant has not infringed upon the 18 plaintiffs' copyrights. Seal the defendant has not infringed upon the 19 defendant has not infringed upon the 10 understand? 11 BY MR. BRIDGES: 11 MR. FEE: Objection. Calls for 12 Q. What is it you don't 13 understand? 14 A. I understand each word but not 15 how you put them together. 16 Q. If a court determines that the 17 defendant has not infringed upon the 18 plaintiffs' copyrights, do you believe that 19 that decision would result in economic harm 20 to the plaintiffs? 21 MR. FEE: Objection to the 22 extent it calls for a legal 22 conclusion. Plus asked and answered. 23 conclusion. Plus asked and answered. 24 THE WITNESS: It sounds like 25 exactly the same words, so I'm not 26 BY MR. BRIDGES: 27 A. Good aftermoon, Mr. Jarosz. 28 Y MR. BRIDGES: 39 Q. Would a decision that the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic 17 defendant has not infringed upon plaintiffs' 5 copyrights result in economic 18 marm to the plaintiffs' on a legal conclusion. 19 THE WITNESS: It sounds like 20 exactly the same words, so I'm not 21 sure how to answer that question. 22 BY MR. BRIDGES: 30 Q. Would a decision that the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic 24 THE WITNESS: I sounds like 25 exactly the same words, so I'm not 26 Q. If a court determines that the defendant has not infringed upon plaintiffs' 27 MR. FEE: Objection. Calls for 28 a legal conclusion. 29 Page 152 21 BY MR. BRIDGES: 21 BY MR. BRIDGES: 22 BY MR. BRIDGES: 31	4	-	4	
7	5	BY MR. BRIDGES:	5	•
8 couldn't answer it. 9 THE WITNESS: I don't 10 understand the question. 11 BY MR. BRIDGES: 12 Q. What is it you don't 13 understand? 14 A. I understand each word but not 15 how you put them together. 16 Q. If a court determines that the 16 defendant has not infringed upon the 17 plaintiffs' copyrights result in economic 18 plaintiffs' copyrights, do you believe that 19 that decision would result in economic harm 20 to the plaintiffs' copyrights, do you believe that 19 that decision would result in economic harm 21 MR. FEE: Objection to the 22 extent it calls for a legal 23 conclusion. Plus asked and answered. 24 THE WITNESS: I sounds like 25 exactly the same words, so I'm not 26 Page 150 27 MR. BRIDGES: 3 Q. Would a decision that the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 6 plaintiffs' 6 plaintiffs' 7 MR. FEE: Objection. Calls for 8 a legal conclusion. 10 harm to the plaintiffs' 21 a legal conclusion. Asked and 22 answered. 23 THE WITNESS: I cannot answer 24 THE WITNESS: I sounds like 25 exactly the same words, so I'm not 26 Page 150 27 Wh. BRIDGES: 28 Wh. BRIDGES: 3 Q. Would a decision that the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic 18 plaintiffs' copyrights result in economic 19 THE WITNESS: I'm just not 10 following. I under I'm worked 11 I'm working under the assumption that 12 the activity here represents a 13 copyright infringement. I'm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kind of harm and whether that's 18 that the defendant has not infringed upon lantiffs' 19 hart the defendant has not infringed upon the 14 THE WITNESS: I 15 MR. FEE: Objection. Calls for 16 EWITNESS: It sounds like 17 the WITNESS: I'm just not 18 break, or do you want to keep going? 18 break, or do you want to keep going? 29 MR. BRIDGES: 20 A Send afternoy, I'm served at 1:17. 21 EY I'm EWITNESS: BY MR. BRIDGES: 22 Page 150 23 Q. Would a decision tha	6	Q. I get to ask the questions.	6	Q. I'll say it again.
9 THE WITNESS: I don't understand the question. 10 barm to the plaintiffs? 10 Understand the question. 11 by MR. BRIDGES: 11 MR. FEE: Objection. Calls for a legal conclusion. Asked and answered. 15 bow you put them together. 15 how you put them together. 16 Q. If a court determines that the 16 defendant has not infringed upon the 17 the plaintiffs' copyrights, do you believe that 18 that decision would result in economic harm 19 that decision would result in economic harm 20 to the plaintiffs? 11 MR. FEE: Objection. Asked and answered. 17 HE WITNESS: I 18 MR. FEE: Vague. 18 Is this a good time for a 18 break, or do you want to keep going? 18 break, or do you want to keep going? 19 MR. BRIDGES: Sure. We can 19 take one if you want. 19 trector at 1:17. 19 trector at 1:17. 19 trector at 1:17. 19 trector at 1:17 p.m. to 19 page 150 11 sure how to answer that question. 19 THE WITNESS: I'm just not 40 defendant has not infringed upon plaintiffs' 5 my just not 50 plaintiffs? 19 plaintiffs? 10 the 19 plaintiffs? 10 the 19 plaintiffs 19 to the plaintiffs 2 a legal conclusion. 19 THE WITNESS: I'm just not 50 plaintiffs? 10 the 19 plaintiffs 2 my defendant has not infringed upon the 19 plaintiffs 2 my defendant has not infringed upon the 19 plaintiffs 2 my defendant has not infringed upon the 21 precious at 12 p.m.) 2 my defendant 19 plaintiffs 2 my defendant 19 plaintiffs 2 my defendant 19 plaintiffs 3 plaintiffs 3 plaintiffs 4 my defendant 19 plaintiffs 4 plainti	7	MR. FEE: He just said he	7	Would a decision by the Court
10	8	couldn't answer it.	8	that the defendant has not infringed upon the
11 BY MR. BRIDGES: 12 Q. What is it you don't 13 understand? 14 A. I understand each word but not 15 how you put them together. 16 Q. If a court determines that the 17 defendant has not infringed upon the 18 plaintiffs' copyrights, do you believe that 19 that decision would result in economic harm 20 to the plaintiffs' 20 21 MR. FEE: Objection to the 22 extent it calls for a legal 23 conclusion. Plus asked and answered. 24 THE WITNESS: It sounds like 25 exactly the same words, so I'm not 2 BY MR. BRIDGES: 3 Q. Would a decision that the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 6 plaintiffs? 7 MR. FEE: Objection. Calls for 8 a legal conclusion. 9 THE WITNESS: I m just not 10 following. I under I'm worked 11 I'm working under the assumption that 12 the activity here represents a 13 copyright infringement. I'm and 14 I'm working under the assumption that 15 question of the impact of that and 16 whether there would be harm and what 17 kind of harm and whether that's 18 Is this a good time for a 19 break, or do you want to keep going? MR. BRIDGES: Sure. We can 18 take one if you want. 19 break, or do you want to keep going? MR. BRIDGES: Sure. We can 18 take one if you want. 19 take one if you want. 10 (Recess from 1:17 p.m. to 11 2:12 p.m.) 22 *** 23 THE VIDEOGRAPHER: On the 24 record at 2:12. 25 BY MR. BRIDGES: 26 Q. Good afternoon, Mr. Jarosz. 27 A. Good afternoon. 28 What steps you took in your 29 please, what steps you took in your 20 on differently. I'm sorry. 21 Is this a good time for a 22 take one if you want. 23 take one if you want. 24 THE WIDEOGRAPHER: Off the 25 (Recess from 1:17 p.m. to 26 (Recess from 1:17 p.m. to 27 A. Good afternoon, Mr. Jarosz. 29 A. Good afternoon, Mr. Jarosz. 30 Q. Good afternoon, Mr. Jarosz. 40 A. Generally, I had a discussion 41 differenteutvities you engaged in? 41 A. Generally, I had a discussion 41 differenteutvities you engaged in? 42 take one if you want. 42 record at 1:17. 4 *** 4 ** 4 ** 4 ** Caucly the work on	9	THE WITNESS: I don't	9	plaintiffs' copyrights result in economic
12 Q. What is it you don't 13 understand? 14 A. I understand each word but not 15 how you put them together. 16 Q. If a court determines that the 17 defendant has not infringed upon the 18 plaintiffs' copyrights, do you believe that 19 that decision would result in economic harm 20 to the plaintiffs? 21 MR. FEE: Objection to the 22 extent it calls for a legal 23 conclusion. Plus asked and answered. 24 THE WITNESS: I to annot answer 25 exactly the same words, so I'm not 26 BY MR. BRIDGES: 37 Q. Would a decision that the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 6 plaintiffs? 7 MR. FEE: Objection. Calls for 8 a legal conclusion. 9 THE WITNESS: I'm just not 10 following. I under I'm worked 11 I'm working under the assumption that 12 the activity here represents a 13 copyright infringement. I'm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 MR. FEE: Objection. We 18 plaintiffs' copyrights, do you believe that 19 MR. FEE: Vague. THE WITNESS: I cannot answer 18 ti any differently. I'm sorry. Is this a good time for a 19 break, or do you want to keep going? MR. BRIDGES: Sure. We can 18 take one if you want. 19 break, or do you want. 19 break, or do you want to keep going? MR. BRIDGES: Sure. We can 11 2:12 p.m.) 22 *** 12 *** 12 2:12 p.m.) 2 *** 13 ** 14 2:12 p.m.) 2 *** 15 MR. BRIDGES: 16 Q. Good afternoon, Mr. Jarosz. 17 A. Good afternoon. 28 Q. Could you outline for me, 19 please, what steps you took in your 10 engagement in this case? What are the 11 different activities you engaged in? 12 A. Generally, I had a discussion 13 with counsel about the matter. Then we 14 examined documents that would were 15 provided to us to give us background. We	10	understand the question.	10	harm to the plaintiffs?
13 understand? 14 A. I understand each word but not 15 how you put them together. 16 Q. If a court determines that the 17 defendant has not infringed upon the 18 plaintiffs' copyrights, do you believe that 19 that decision would result in economic harm 20 to the plaintiffs? 21 MR. FEE: Objection to the 22 extent it calls for a legal 22 conclusion. Plus asked and answered. 24 THE WITNESS: It sounds like 25 exactly the same words, so I'm not 26 BY MR. BRIDGES: 27 Q. Would a decision that the 28 defendant has not infringed upon plaintiffs' 28 Goyrights result in economic harm to the 29 defendant has not infringed upon plaintiffs' 29 THE WITNESS: It sounds like 20 exactly the same words, so I'm not 21 sure how to answer that question. 22 BY MR. BRIDGES: 23 Q. Would a decision that the 24 defendant has not infringed upon plaintiffs' 25 copyrights result in economic harm to the 26 plaintiffs? 27 MR. FEE: Objection. Calls for 28 a legal conclusion. 29 THE WITNESS: I'm just not 10 following. I under I'm worked 11 I'm working under the assumption that 12 the activity here represents a 13 copyright infringement. I'm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kind of harm and whether that's 18 THE WITNESS: I 18 MR. FEE: Vague. 16 THE WITNESS: I cannot answer 18 Is this a good time for a 19 break, or do you want to keep going? 18 MR. BRIDGES: Sure. We can 19 that decision than severing the 19 break, or do you want to keep going? 19 MR. BRIDGES: Sure. We can 11 2:12 p.m.) 22 *** 22 *** 23 (Recess from 1:17 p.m. to 24 *** 25 (Recess from 1:17 p.m. to 26 Page 152 27 *** 28 YMR. BRIDGES: 29 *** 20 MR. BRIDGES: Sure. We can 21 take one if you want. 22 *** 24 *** 25 (Recess from 1:17 p.m. to 26 Q. Good afternoon, Mr. Jarosz. 27 A. Good afternoon. 28 Q. Could you outline for me, 29 please, what steps you took in your 20 engagement in this case? What are the 21 different activities you engaged in? 21 A. Generally, I had a discussion 22 A. G	11	BY MR. BRIDGES:	11	MR. FEE: Objection. Calls for
14 A. I understand each word but not 15 how you put them together. 16 Q. If a court determines that the 17 defendant has not infringed upon the 18 plaintiffs' copyrights, do you believe that 19 that decision would result in economic harm 20 to the plaintiffs? 21 MR. FEE: Objection to the 22 extent it calls for a legal 23 conclusion. Plus asked and answered. 24 THE WITNESS: It sounds like 25 exactly the same words, so I'm not 26 Exactly the same words, so I'm not 27 Sympachia and the defendant has not infringed upon plaintiffs' 28 Copyrights result in economic harm to the 29 defendant has not infringed upon plaintiffs' 29 copyrights result in economic harm to the 20 defendant has not infringed upon plaintiffs' 21 sure how to answer that question. 22 Expression 1:17 p.m. to 23 record at 1:17. 24 THE WITNESS: It sounds like 25 (Recess from 1:17 p.m. to 26 Page 152 27 Sympachia and the defendant has not infringed upon plaintiffs' 28 opprights result in economic harm to the 39 plaintiffs? 40 Good afternoon, Mr. Jarosz. 51 A. Good afternoon. 52 BY MR. BRIDGES: 53 Q. Would a decision that the 54 defendant has not infringed upon plaintiffs' 55 copyrights result in economic harm to the 65 plaintiffs? 65 plaintiffs? 7 MR. FEE: Objection. Calls for 8 a legal conclusion. 9 THE WITNESS: I'm just not 10 following. I under I'm worked 11 I'm working under the assumption that 11 the activity here represents a 12 copyright infringement. I'm and 13 copyright infringement. I'm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kind of harm and whether that's 18 THE WITNESS: I cannot answer 18 Is this a good time for a 19 break, or do you want to keep going? 18 Is this a good time for a 19 break, or do you want to keep going? 18 Is this a good time for a 19 break, or do you want to keep going? 18 Is this a good time for a 19 break, or do you want. 19 break, or do you want. 19 break, or do you want. 110 Expression in take one if you want. 111	12	Q. What is it you don't	12	a legal conclusion. Asked and
15 how you put them together. 16 Q. If a court determines that the 17 defendant has not infringed upon the 18 plaintiffs' copyrights, do you believe that 19 that decision would result in economic harm 20 to the plaintiffs? 21 MR. FEE: Objection to the 22 extent it calls for a legal 23 conclusion. Plus asked and answered. 24 THE WITNESS: It sounds like 25 exactly the same words, so I'm not 26 Exactly the same words, so I'm not 27 BY MR. BRIDGES: 28 Q. Would a decision that the 29 defendant has not infringed upon plaintiffs' 29 copyrights result in economic harm to the 20 defendant has not infringed upon plaintiffs' 21 sure how to answer that question. 22 BY MR. BRIDGES: 3 Q. Would a decision that the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 6 plaintiffs? 7 MR. FEE: Objection. Calls for 8 a legal conclusion. 9 THE WITNESS: I'm just not 10 following. I under I'm worked 11 I'm working under the assumption that 12 the activity here represents a 13 copyright infringement. Tm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kind of harm and whether that's 18 Is this a good time for a 19 break, or do you want to keep going? MR. BRIDGES: Sure. We can 21 take one if you want. 22 THE VIDEOGRAPHER: Off the 23 record at 2:12. 24 * * * * 25 (Recess from 1:17 p.m. to 26 Page 152 27 *** (Recess from 1:17 p.m. to 28 PMR. BRIDGES: 4 record at 2:12. 5 BY MR. BRIDGES: 6 Q. Good afternoon, Mr. Jarosz. 7 A. Good afternoon. 8 Q. Could you outline for me, 9 please, what steps you took in your 10 engagement in this case? What are the 11 different activities you engaged in? 12 A. Generally, I had a discussion 13 with counsel about the matter. Then we 14 examined documents that would were 15 provided to us to give us background. We 16 then proceeded to gather our own information 17 from third-party sources, primarily through	13	understand?	13	answered.
16 Q. If a court determines that the 17 defendant has not infringed upon the 18 plaintiffs' copyrights, do you believe that 19 that decision would result in economic harm 20 to the plaintiffs? 21 MR. FEE: Objection to the 22 extent it calls for a legal 23 conclusion. Plus asked and answered. 24 THE WITNESS: It sounds like 25 exactly the same words, so I'm not 26 Exactly the same words, so I'm not 27 BY MR. BRIDGES: 28 Q. Would a decision that the 29 defendant has not infringed upon plaintiffs' 29 copyrights result in economic harm to the 20 defendant has not infringed upon plaintiffs' 21 sure how to answer that question. 22 BY MR. BRIDGES: 3 Q. Would a decision that the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 6 plaintiffs? 7 MR. FEE: Objection. Calls for 8 a legal conclusion. 9 THE WITNESS: I'm just not 10 following. I under I'm worked 11 I'm working under the assumption that 12 the activity here represents a 13 copyright infringement. I'm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kind of our defendant has not infringed upon plaintiffs' 18 Is this a good time for a 19 break, or do you want to keep going? 18 Is this a good time for a 19 break, or do you want to keep going? 18 Is this a good time for a 19 break, or do you want to keep going? 18 Is this a good time for a 19 break, or do you want to keep going? 18 Is this a good time for a 19 break, or do you want to keep going? 18 Is this a good time for a 19 break, or do you want to keep going? 18 Is this a good time for a 19 break, or do you want to keep going? 18 Is this a good time for a 19 break, or do you want to keep going? 18 Is this a good time for a legal 22 THE VIDEOGRAPHER: Off the 23 record at 1:17. 24 * * * * 25 (Recess from 1:17 p.m. to 25 * * * * 26 Q. Good afternoon, Mr. Jarosz. 27 A. Good afternoon. 28 Q. Could you outline for me, 29 please, what steps you took in your 20 engagement in this case? What are the	14	A. I understand each word but not	14	THE WITNESS: I
16 Q. If a court determines that the 17 defendant has not infringed upon the 18 plaintiffs' copyrights, do you believe that 19 that decision would result in economic harm 20 to the plaintiffs? 21 MR. FEE: Objection to the 22 extent it calls for a legal 23 conclusion. Plus asked and answered. 24 THE WITNESS: It sounds like 25 exactly the same words, so I'm not 26 Exactly the same words, so I'm not 27 BY MR. BRIDGES: 28 Q. Would a decision that the 29 defendant has not infringed upon plaintiffs' 29 copyrights result in economic harm to the 20 defendant has not infringed upon plaintiffs' 21 sure how to answer that question. 22 BY MR. BRIDGES: 3 Q. Would a decision that the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 6 plaintiffs? 7 MR. FEE: Objection. Calls for 8 a legal conclusion. 9 THE WITNESS: I'm just not 10 following. I under I'm worked 11 I'm working under the assumption that 12 the activity here represents a 13 copyright infringement. I'm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kind of our defendant has not infringed upon plaintiffs' 18 Is this a good time for a 19 break, or do you want to keep going? 18 Is this a good time for a 19 break, or do you want to keep going? 18 Is this a good time for a 19 break, or do you want to keep going? 18 Is this a good time for a 19 break, or do you want to keep going? 18 Is this a good time for a 19 break, or do you want to keep going? 18 Is this a good time for a 19 break, or do you want to keep going? 18 Is this a good time for a 19 break, or do you want to keep going? 18 Is this a good time for a 19 break, or do you want to keep going? 18 Is this a good time for a legal 22 THE VIDEOGRAPHER: Off the 23 record at 1:17. 24 * * * * 25 (Recess from 1:17 p.m. to 25 * * * * 26 Q. Good afternoon, Mr. Jarosz. 27 A. Good afternoon. 28 Q. Could you outline for me, 29 please, what steps you took in your 20 engagement in this case? What are the	15	how you put them together.	15	MR. FEE: Vague.
17 defendant has not infringed upon the 18 plaintiffs' copyrights, do you believe that 19 that decision would result in economic harm 20 to the plaintiffs? 21 MR. FEE: Objection to the 22 extent it calls for a legal 23 conclusion. Plus asked and answered. 24 THE WITNESS: It sounds like 25 exactly the same words, so I'm not 2 BY MR. BRIDGES: 3 Q. Would a decision that the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 6 plaintiffs? 7 MR. FEE: Objection. Calls for 8 a legal conclusion. 9 THE WITNESS: I'm just not 10 following. I under I'm worked 11 I'm working under the assumption that 12 the activity here represents a 13 copyright infringement. I'm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kin dof is mand whether that's 18 Is this a good time for a 19 break, or do you want to keep going? MR. BRIDGES: Sure. We can 12 take one if you want. 12 take one if you want. 12 take one if you want. 13 tany differently. I'm sorry. 18 Is this a good time for a 19 break, or do you want to keep going? MR. BRIDGES: Sure. We can 12 take one if you want. 12 take one if you want. 12 22 THE VIDEOGRAPHER: Off the 23 record at 1:17. 24 **** 25 (Recess from 1:17 p.m. to Page 152 2 **** 3 THE VIDEOGRAPHER: On the 4 record at 2:12. 5 BY MR. BRIDGES: 6 Q. Good afternoon, Mr. Jarosz. 7 A. Good afternoon. 8 Q. Could you outline for me, 9 please, what steps you took in your 10 engagement in this case? What are the 11 different activities you engaged in? 12 A. Generally, I had a discussion with counsel about the matter. Then we examined documents that would were 15 provided to us to give us background. We 16 then proceeded to gather our own information 17 from third-party sources, primarily through	16		16	
18 plaintiffs' copyrights, do you believe that 19 that decision would result in economic harm 20 to the plaintiffs? 21 MR. FEE: Objection to the 22 extent it calls for a legal 23 conclusion. Plus asked and answered. 24 THE WITNESS: It sounds like 25 exactly the same words, so I'm not 28 PY MR. BRIDGES: 3 Q. Would a decision that the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 6 plaintiffs? 7 MR. FEE: Objection. Calls for 8 a legal conclusion. 9 THE WITNESS: I'm just not 10 following. I under I'm worked 11 I'm working under the assumption that 12 the activity here represents a 13 copyright infringement. I'm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kind of harm and whether that's 18 Is this a good time for a 19 break, or do you want to keep going? MR. BRIDGES: Sure. We can 21 take one if you want. 22 THE VIDEOGRAPHER: Off the record at 1:17. 24 *** 25 (Recess from 1:17 p.m. to Page 152 2 *** 1 2:12 p.m.) 2 *** 3 THE VIDEOGRAPHER: On the record at 2:12. 5 BY MR. BRIDGES: 6 Q. Good afternoon, Mr. Jarosz. 7 A. Good afternoon. 8 Q. Could you outline for me, 9 please, what steps you took in your 10 engagement in this case? What are the 11 different activities you engaged in? 12 A. Generally, I had a discussion with counsel about the matter. Then we examined documents that would were 15 provided to us to give us background. We 16 then proceeded to gather our own information 17 from third-party sources, primarily through	17	-	17	it any differently. I'm sorry.
to the plaintiffs? Image: MR. FEE: Objection to the plaintiffs? Image: MR. FEE: Objection to the part to the plaintiffs? Image: MR. FEE: Objection to the part to the plaintiffs? Image: MR. FEE: Objection to the part to the plaintiffs? Image: MR. FEE: Objection to the part to the part to the plaintiffs? Image: MR. FEE: Objection to the part to the part to the part to the plaintiffs? Image: MR. FEE: Objection to the part to the p	18		18	
20 to the plaintiffs? 21 MR. FEE: Objection to the 22 extent it calls for a legal 23 conclusion. Plus asked and answered. 24 THE WITNESS: It sounds like 25 exactly the same words, so I'm not 26 Page 150 1 sure how to answer that question. 2 BY MR. BRIDGES: 3 Q. Would a decision that the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 6 plaintiffs? 7 MR. FEE: Objection. Calls for 8 a legal conclusion. 9 THE WITNESS: I'm just not 10 following. I under I'm worked 11 I'm working under the assumption that 12 the activity here represents a 13 copyright infringement. I'm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kind of harm and whether that's 20 MR. BRIDGES: Sure. We can 21 take one if you want. 22 THE VIDEOGRAPHER: Off the 23 record at 1:17. 24 *** 25 (Recess from 1:17 p.m. to 21 **** 21 **** 22 THE VIDEOGRAPHER: Off the 23 record at 1:17. 24 **** 25 (Recess from 1:17 p.m. to 26 Page 152 27 **** 28 *** 29 **** 29 **** 20 **** 21 **** 21 **** 21 **** 22 **** 23 **** 24 **** 25 *** 26 **** 27 *** 28 **** 29 **** 29 **** 20 **** 21 **** 21 **** 21 **** 22 **** 23 **** 24 **** 25 *** 26 *** 27 *** 29 **** 20 *** 21 **** 21 **** 22 *** 23 **** 24 **** 25 ** 26 *** 27 *** 21 **** 22 *** 23 *** 24 *** 25 ** 26 *** 27 *** 21 *** 21 *** 22 *** 23 *** 24 *** 25 ** 26 *** 27 ** 21 *** 21 *** 22 *** 23 *** 24 *** 25 ** 26 *** 27 *** 21 *** 21 *** 22 *** 23 *** 24 *** 25 ** 26 ** 27 ** 21 *** 21 *** 22 ** 23 *** 24 *** 25 ** 26 ** 27 ** 21 ** 21 ** 22 ** 23 ** 24 *** 25 ** 26 ** 27 ** 21 ** 22 ** 23 ** 24 *** 25 ** 26 ** 27 ** 21 ** 22 ** 23 ** 24 ** 25 ** 26 ** 27 ** 21 ** 22 ** 23 ** 24 ** 25 ** 26 ** 27 ** 21 ** 22 ** 23 ** 24 ** 25 ** 26 ** 27 ** 21 ** 22 ** 23 ** 24 ** 25 ** 26 ** 27 ** 21 ** 22 ** 23 ** 24 ** 25 ** 26 ** 27 ** 21 ** 22 ** 23 ** 24 ** 25 ** 26 ** 26 ** 27 ** 28 ** 29 ** 29 ** 20 ** 21 ** 21 ** 21 ** 21 ** 21 ** 22 ** 23 ** 24 ** 25 ** 26 ** 27 ** 28 ** 29 ** 29 ** 20 ** 21 *	19		19	-
21 take one if you want. 22 extent it calls for a legal 23 conclusion. Plus asked and answered. 24 THE WITNESS: It sounds like 25 exactly the same words, so I'm not 26 Page 150 1 sure how to answer that question. 2 BY MR. BRIDGES: 3 Q. Would a decision that the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 6 plaintiffs? 7 MR. FEE: Objection. Calls for 8 a legal conclusion. 9 THE WITNESS: I'm just not 10 following. I under I'm worked 11 I'm working under the assumption that 12 the activity here represents a 13 copyright infringement. I'm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kind of harm and whether that's 21 take one if you want. 22 THE VIDEOGRAPHER: Off the 23 record at 1:17. 24 *** 25 (Recess from 1:17 p.m. to 28 *** (Recess from 1:17 p.m. to 29 *** (Recess from 1:17 p.m. to 21 *** 21 **** 22 ** 23 *** (Recess from 1:17 p.m. to 24 **** 25 ** (Recess from 1:17 p.m. to 26 ** 27 ** 28 *** 29 ** 20 ** 21 *** 21 ** 21 *** 21 ** 22 ** 23 ** 24 *** 25 ** (Recess from 1:17 p.m. to 21 ** 22 ** 23 ** 24 *** 25 ** (Recess from 1:17 p.m. to 21 ** 22 ** 23 ** 24 *** 25 ** (Recess from 1:17 p.m. to 21 ** 22 ** 23 ** 24 ** 25 ** (Recess from 1:17 p.m. to 21 ** 22 ** 23 ** 4 ** 25 ** (Recess from 1:17 p.m. to 21 ** 22 ** 23 ** 4 ** 24 *** 25 ** (Recess from 1:17 p.m. to 4 record at 2:12. BY MR. BRIDGES: 6 Q. Good afternoon, Mr. Jarosz. 7 A. Good afternoon. 8 Q. Could you outline for me, 9 please, what steps you took in your 10 engagement in this case? What are the 11 different activities you engaged in? 12 A. Generally, I had a discussion with counsel about the matter. Then we examined documents that would were provided to us to give us background. We then proceeded to gather our own information 17 from third-party sources, primarily through	20	to the plaintiffs?	20	
22 extent it calls for a legal 23 conclusion. Plus asked and answered. 24 THE WITNESS: It sounds like 25 exactly the same words, so I'm not Page 150 1 sure how to answer that question. 2 BY MR. BRIDGES: 3 Q. Would a decision that the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 6 plaintiffs? 7 MR. FEE: Objection. Calls for 8 a legal conclusion. 9 THE WITNESS: I'm just not 10 following. I under I'm worked 11 I'm working under the assumption that 12 the activity here represents a 13 copyright infringement. I'm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kind of harm and whether that's 22 THE VIDEOGRAPHER: Off the 23 record at 1:17. 24 * * * * * 25 (Recess from 1:17 p.m. to Page 152 1 2:12 p.m.) 2 * * * * * 3 THE VIDEOGRAPHER: On the 1 2:12 p.m.) 4 record at 2:12. 8 BY MR. BRIDGES: 6 Q. Good afternoon, Mr. Jarosz. 7 A. Good afternoon. 8 Q. Could you outline for me, 9 please, what steps you took in your 10 engagement in this case? What are the 11 different activities you engaged in? 12 A. Generally, I had a discussion 13 with counsel about the matter. Then we 14 examined documents that would were 15 provided to us to give us background. We 16 then proceeded to gather our own information 17 from third-party sources, primarily through	21	•	21	take one if you want.
23 conclusion. Plus asked and answered. 24 THE WITNESS: It sounds like 25 exactly the same words, so I'm not 26 Page 150 1 sure how to answer that question. 2 BY MR. BRIDGES: 3 Q. Would a decision that the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 6 plaintiffs? 7 MR. FEE: Objection. Calls for 8 a legal conclusion. 9 THE WITNESS: I'm just not 10 following. I under I'm worked 11 I'm working under the assumption that 12 the activity here represents a 13 copyright infringement. I'm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kind of harm and whether that's 23 record at 1:17. 24 **** 25 (Recess from 1:17 p.m. to 21 2:12 p.m.) 22 **** 3 THE VIDEOGRAPHER: On the record at 2:12. 5 BY MR. BRIDGES: 6 Q. Good afternoon, Mr. Jarosz. 7 A. Good afternoon. 8 Q. Could you outline for me, 9 please, what steps you took in your 10 engagement in this case? What are the different activities you engaged in? 12 A. Generally, I had a discussion 13 with counsel about the matter. Then we 14 examined documents that would were 15 provided to us to give us background. We 16 then proceeded to gather our own information 17 from third-party sources, primarily through	22	*	22	*
25 exactly the same words, so I'm not Page 150 1 sure how to answer that question. 2 BY MR. BRIDGES: 3 Q. Would a decision that the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 6 plaintiffs? 7 MR. FEE: Objection. Calls for 8 a legal conclusion. 9 THE WITNESS: I'm just not 10 following. I under I'm worked 11 I'm working under the assumption that 12 the activity here represents a 13 copyright infringement. I'm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kind of harm and whether that's 25 (Recess from 1:17 p.m. to Page 152 25 (Recess from 1:17 p.m. to Page 152 26 (Recess from 1:17 p.m. to Page 152 27 (Recess from 1:17 p.m. to Page 152 28 *** 29 JENN. 20 Good afternoon, Mr. Jarosz. 7 A. Good afternoon. 8 Q. Could you outline for me, 9 please, what steps you took in your 10 engagement in this case? What are the 11 different activities you engaged in? 12 A. Generally, I had a discussion 13 with counsel about the matter. Then we 14 examined documents that would were 15 provided to us to give us background. We 16 then proceeded to gather our own information 17 from third-party sources, primarily through			23	record at 1:17.
Page 150 Page 152 1 sure how to answer that question. 2 BY MR. BRIDGES: 3 Q. Would a decision that the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 6 plaintiffs? 7 MR. FEE: Objection. Calls for 8 a legal conclusion. 9 THE WITNESS: I'm just not 10 following. I under I'm worked 11 I'm working under the assumption that 12 the activity here represents a 13 copyright infringement. I'm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kind of harm and whether that's 1 2:12 p.m.) 2 *** 1 2:12 p.m.) 3 THE VIDEOGRAPHER: On the 4 record at 2:12. 5 BY MR. BRIDGES: 6 Q. Good afternoon, Mr. Jarosz. 7 A. Good afternoon. 8 Q. Could you outline for me, 9 please, what steps you took in your 10 engagement in this case? What are the 11 different activities you engaged in? 12 A. Generally, I had a discussion 13 with counsel about the matter. Then we 14 examined documents that would were 15 provided to us to give us background. We 16 then proceeded to gather our own information 17 from third-party sources, primarily through	24	THE WITNESS: It sounds like	24	* * *
Page 150 1 sure how to answer that question. 2 BY MR. BRIDGES: 3 Q. Would a decision that the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 6 plaintiffs? 7 MR. FEE: Objection. Calls for 8 a legal conclusion. 9 THE WITNESS: I'm just not 10 following. I under I'm worked 11 I'm working under the assumption that 12 the activity here represents a 13 copyright infringement. I'm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kind of harm and whether that's 1 2:12 p.m.) 2 **** 3 THE VIDEOGRAPHER: On the 4 record at 2:12. 5 BY MR. BRIDGES: 6 Q. Good afternoon, Mr. Jarosz. 7 A. Good afternoon. 8 Q. Could you outline for me, 9 please, what steps you took in your 10 engagement in this case? What are the 11 different activities you engaged in? 12 A. Generally, I had a discussion 13 with counsel about the matter. Then we 14 examined documents that would were 15 provided to us to give us background. We 16 then proceeded to gather our own information 17 from third-party sources, primarily through	25	exactly the same words, so I'm not	25	(Recess from 1:17 p.m. to
2 * * * * 3 Q. Would a decision that the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 6 plaintiffs? 7 MR. FEE: Objection. Calls for 8 a legal conclusion. 9 THE WITNESS: I'm just not 10 following. I under I'm worked 11 I'm working under the assumption that 12 the activity here represents a 13 copyright infringement. I'm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kind of harm and whether that's 2 * * * * 3 THE VIDEOGRAPHER: On the 4 record at 2:12. 5 BY MR. BRIDGES: 6 Q. Good afternoon, Mr. Jarosz. 7 A. Good afternoon. 8 Q. Could you outline for me, 9 please, what steps you took in your 10 engagement in this case? What are the 11 different activities you engaged in? 12 A. Generally, I had a discussion 13 with counsel about the matter. Then we 14 examined documents that would were 15 provided to us to give us background. We 16 then proceeded to gather our own information 17 from third-party sources, primarily through		•		
2 * * * * 3 Q. Would a decision that the 4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 6 plaintiffs? 7 MR. FEE: Objection. Calls for 8 a legal conclusion. 9 THE WITNESS: I'm just not 10 following. I under I'm worked 11 I'm working under the assumption that 12 the activity here represents a 13 copyright infringement. I'm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kind of harm and whether that's 2 * * * * 3 THE VIDEOGRAPHER: On the 4 record at 2:12. 5 BY MR. BRIDGES: 6 Q. Good afternoon, Mr. Jarosz. 7 A. Good afternoon. 8 Q. Could you outline for me, 9 please, what steps you took in your 10 engagement in this case? What are the 11 different activities you engaged in? 12 A. Generally, I had a discussion 13 with counsel about the matter. Then we 14 examined documents that would were 15 provided to us to give us background. We 16 then proceeded to gather our own information 17 from third-party sources, primarily through	1	sure how to answer that question.	1	2:12 p.m.)
4 defendant has not infringed upon plaintiffs' 5 copyrights result in economic harm to the 6 plaintiffs? 6 plaintiffs? 7 MR. FEE: Objection. Calls for 8 a legal conclusion. 9 THE WITNESS: I'm just not 10 following. I under I'm worked 11 I'm working under the assumption that 12 the activity here represents a 13 copyright infringement. I'm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kind of harm and whether that's 4 record at 2:12. 5 BY MR. BRIDGES: 6 Q. Good afternoon, Mr. Jarosz. 7 A. Good afternoon 8 Q. Could you outline for me, 9 please, what steps you took in your 10 engagement in this case? What are the 11 different activities you engaged in? 12 A. Generally, I had a discussion 13 with counsel about the matter. Then we 14 examined documents that would were 15 provided to us to give us background. We 16 then proceeded to gather our own information 17 from third-party sources, primarily through	2		2	_
5 copyrights result in economic harm to the 6 plaintiffs? 7 MR. FEE: Objection. Calls for 8 a legal conclusion. 9 THE WITNESS: I'm just not 10 following. I under I'm worked 11 I'm working under the assumption that 12 the activity here represents a 13 copyright infringement. I'm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kind of harm and whether that's 5 BY MR. BRIDGES: 6 Q. Good afternoon, Mr. Jarosz. 7 A. Good afternoon 9 Please, what steps you took in your 10 engagement in this case? What are the 11 different activities you engaged in? 12 A. Generally, I had a discussion 13 with counsel about the matter. Then we 14 examined documents that would were 15 provided to us to give us background. We 16 then proceeded to gather our own information 17 from third-party sources, primarily through	3	Q. Would a decision that the	3	THE VIDEOGRAPHER: On the
6 plaintiffs? 7 MR. FEE: Objection. Calls for 8 a legal conclusion. 9 THE WITNESS: I'm just not 10 following. I under I'm worked 11 I'm working under the assumption that 12 the activity here represents a 13 copyright infringement. I'm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kind of harm and whether that's 6 Q. Good afternoon, Mr. Jarosz. 7 A. Good afternoon. 8 Q. Could you outline for me, 9 please, what steps you took in your 10 engagement in this case? What are the 11 different activities you engaged in? 12 A. Generally, I had a discussion 13 with counsel about the matter. Then we 14 examined documents that would were 15 provided to us to give us background. We 16 then proceeded to gather our own information 17 from third-party sources, primarily through	4	defendant has not infringed upon plaintiffs'	4	record at 2:12.
MR. FEE: Objection. Calls for a legal conclusion. A. Good afternoon. Provided to us to give us background. We then proceeded to gather our own information from third-party sources, primarily through	5	copyrights result in economic harm to the	5	BY MR. BRIDGES:
8 Q. Could you outline for me, 9 THE WITNESS: I'm just not 10 following. I under I'm worked 11 I'm working under the assumption that 12 the activity here represents a 13 copyright infringement. I'm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kind of harm and whether that's 8 Q. Could you outline for me, 9 please, what steps you took in your 10 engagement in this case? What are the 11 different activities you engaged in? 12 A. Generally, I had a discussion 13 with counsel about the matter. Then we 14 examined documents that would were 15 provided to us to give us background. We 16 then proceeded to gather our own information 17 from third-party sources, primarily through	6	plaintiffs?	6	Q. Good afternoon, Mr. Jarosz.
THE WITNESS: I'm just not following. I under I'm worked I'm working under the assumption that the activity here represents a copyright infringement. I'm and I'm being asked and answering the question of the impact of that and whether there would be harm and what kind of harm and whether that's 9 please, what steps you took in your 10 engagement in this case? What are the 11 different activities you engaged in? 12 A. Generally, I had a discussion 13 with counsel about the matter. Then we 14 examined documents that would were 15 provided to us to give us background. We 16 then proceeded to gather our own information 17 from third-party sources, primarily through	7	MR. FEE: Objection. Calls for	7	A. Good afternoon.
10 following. I under I'm worked 11 I'm working under the assumption that 12 the activity here represents a 13 copyright infringement. I'm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kind of harm and whether that's 10 engagement in this case? What are the 11 different activities you engaged in? 12 A. Generally, I had a discussion 13 with counsel about the matter. Then we 14 examined documents that would were 15 provided to us to give us background. We 16 then proceeded to gather our own information 17 from third-party sources, primarily through	8	a legal conclusion.	8	Q. Could you outline for me,
11 I'm working under the assumption that 12 the activity here represents a 13 copyright infringement. I'm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kind of harm and whether that's 11 different activities you engaged in? 12 A. Generally, I had a discussion 13 with counsel about the matter. Then we 14 examined documents that would were 15 provided to us to give us background. We 16 then proceeded to gather our own information 17 from third-party sources, primarily through	9	THE WITNESS: I'm just not	9	please, what steps you took in your
the activity here represents a copyright infringement. I'm and I'm being asked and answering the question of the impact of that and whether there would be harm and what kind of harm and whether that's 12 A. Generally, I had a discussion 13 with counsel about the matter. Then we 14 examined documents that would were 15 provided to us to give us background. We 16 then proceeded to gather our own information 17 from third-party sources, primarily through	10	following. I under I'm worked	10	engagement in this case? What are the
13 copyright infringement. I'm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kind of harm and whether that's 13 with counsel about the matter. Then we 14 examined documents that would were 15 provided to us to give us background. We 16 then proceeded to gather our own information 17 from third-party sources, primarily through	11	I'm working under the assumption that	11	different activities you engaged in?
13 copyright infringement. I'm and 14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kind of harm and whether that's 13 with counsel about the matter. Then we 14 examined documents that would were 15 provided to us to give us background. We 16 then proceeded to gather our own information 17 from third-party sources, primarily through	12	the activity here represents a	12	A. Generally, I had a discussion
14 I'm being asked and answering the 15 question of the impact of that and 16 whether there would be harm and what 17 kind of harm and whether that's 18 examined documents that would were 19 provided to us to give us background. We 19 then proceeded to gather our own information 10 from third-party sources, primarily through	13	-	13	
question of the impact of that and whether there would be harm and what kind of harm and whether that's 15 provided to us to give us background. We 16 then proceeded to gather our own information 17 from third-party sources, primarily through	14		14	examined documents that would were
whether there would be harm and what kind of harm and whether that's 16 then proceeded to gather our own information 17 from third-party sources, primarily through	15	-	15	provided to us to give us background. We
	16	-	16	
	17	kind of harm and whether that's	17	
	18		18	
So I'm focusing on what has 19 We obtained information that		•	19	We obtained information that
been done and what may continue to be 20 had been produced as part of discovery. We		-	20	
done by the defendant. 21 had conversations with people at the various	1	*		
22 BY MR. BRIDGES: 22 plaintiff organizations.	1	•		
Q. That's non-responsive. I'll 23 We outlined the report and	1			
24 ask you to answer my question. And if you 24 summarized some of the information that you	23	-	24	_
25 just don't want to answer the question, 25 see in the tabs. We had discussions with	1	ask you to answer my question. And if you	24	summarized some of the information that you
Page 151 Page 153	24	just don't want to answer the question,		·

1	If you could recast it, please.	1	that's fine.
2	Q. No. Then please answer my	2	A. I want to, but I cannot.
3	question.	3	Q. Well
4	MR. FEE: Objection.	4	A. I do not understand the
5	BY MR. BRIDGES:	5	question.
6	Q. I get to ask the questions.	6	Q. I'll say it again.
7	MR. FEE: He just said he	7	Would a decision by the Court
8	couldn't answer it.	8	that the defendant has not infringed upon the
9	THE WITNESS: I don't	9	plaintiffs' copyrights result in economic
10	understand the question.	10	harm to the plaintiffs?
11	BY MR. BRIDGES:	11	MR. FEE: Objection. Calls for
12	Q. What is it you don't	12	a legal conclusion. Asked and
13	understand?	13	answered.
14	A. I understand each word but not	14	THE WITNESS: I
15	how you put them together.	15	MR. FEE: Vague.
16	Q. If a court determines that the	16	THE WITNESS: I cannot answer
17	defendant has not infringed upon the	17	it any differently. I'm sorry.
18	plaintiffs' copyrights, do you believe that	18	Is this a good time for a
19	that decision would result in economic harm	19	break, or do you want to keep going?
20	to the plaintiffs?	20	MR. BRIDGES: Sure. We can
21	MR. FEE: Objection to the	21	take one if you want.
22	extent it calls for a legal	22	THE VIDEOGRAPHER: Off the
23	conclusion. Plus asked and answered.	23	record at 1:17.
24	THE WITNESS: It sounds like	24	* * *
25	exactly the same words, so I'm not	25	(Recess from 1:17 p.m. to
	Page 150		Page 152
1	sure how to answer that question.	1	2:12 p.m.)
2	BY MR. BRIDGES:	2	* * *
2 3	BY MR. BRIDGES: Q. Would a decision that the	2 3	* * * THE VIDEOGRAPHER: On the
2 3 4	BY MR. BRIDGES: Q. Would a decision that the defendant has not infringed upon plaintiffs'	2 3 4	* * * THE VIDEOGRAPHER: On the record at 2:12.
2 3 4 5	BY MR. BRIDGES: Q. Would a decision that the defendant has not infringed upon plaintiffs' copyrights result in economic harm to the	2 3 4 5	* * * THE VIDEOGRAPHER: On the record at 2:12. BY MR. BRIDGES:
2 3 4 5 6	BY MR. BRIDGES: Q. Would a decision that the defendant has not infringed upon plaintiffs' copyrights result in economic harm to the plaintiffs?	2 3 4 5 6	* * * THE VIDEOGRAPHER: On the record at 2:12. BY MR. BRIDGES: Q. Good afternoon, Mr. Jarosz.
2 3 4 5 6 7	BY MR. BRIDGES: Q. Would a decision that the defendant has not infringed upon plaintiffs' copyrights result in economic harm to the plaintiffs? MR. FEE: Objection. Calls for	2 3 4 5 6 7	* * * THE VIDEOGRAPHER: On the record at 2:12. BY MR. BRIDGES: Q. Good afternoon, Mr. Jarosz. A. Good afternoon.
2 3 4 5 6 7 8	BY MR. BRIDGES: Q. Would a decision that the defendant has not infringed upon plaintiffs' copyrights result in economic harm to the plaintiffs? MR. FEE: Objection. Calls for a legal conclusion.	2 3 4 5 6 7 8	* * * THE VIDEOGRAPHER: On the record at 2:12. BY MR. BRIDGES: Q. Good afternoon, Mr. Jarosz. A. Good afternoon. Q. Could you outline for me,
2 3 4 5 6 7 8 9	BY MR. BRIDGES: Q. Would a decision that the defendant has not infringed upon plaintiffs' copyrights result in economic harm to the plaintiffs? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: I'm just not	2 3 4 5 6 7 8 9	* * * THE VIDEOGRAPHER: On the record at 2:12. BY MR. BRIDGES: Q. Good afternoon, Mr. Jarosz. A. Good afternoon. Q. Could you outline for me, please, what steps you took in your
2 3 4 5 6 7 8 9	BY MR. BRIDGES: Q. Would a decision that the defendant has not infringed upon plaintiffs' copyrights result in economic harm to the plaintiffs? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: I'm just not following. I under I'm worked	2 3 4 5 6 7 8 9 10	* * * THE VIDEOGRAPHER: On the record at 2:12. BY MR. BRIDGES: Q. Good afternoon, Mr. Jarosz. A. Good afternoon. Q. Could you outline for me, please, what steps you took in your engagement in this case? What are the
2 3 4 5 6 7 8 9 10	BY MR. BRIDGES: Q. Would a decision that the defendant has not infringed upon plaintiffs' copyrights result in economic harm to the plaintiffs? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: I'm just not following. I under I'm worked I'm working under the assumption that	2 3 4 5 6 7 8 9 10 11	* * * THE VIDEOGRAPHER: On the record at 2:12. BY MR. BRIDGES: Q. Good afternoon, Mr. Jarosz. A. Good afternoon. Q. Could you outline for me, please, what steps you took in your engagement in this case? What are the different activities you engaged in?
2 3 4 5 6 7 8 9 10 11 12	BY MR. BRIDGES: Q. Would a decision that the defendant has not infringed upon plaintiffs' copyrights result in economic harm to the plaintiffs? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: I'm just not following. I under I'm worked I'm working under the assumption that the activity here represents a	2 3 4 5 6 7 8 9 10 11 12	* * * THE VIDEOGRAPHER: On the record at 2:12. BY MR. BRIDGES: Q. Good afternoon, Mr. Jarosz. A. Good afternoon. Q. Could you outline for me, please, what steps you took in your engagement in this case? What are the different activities you engaged in? A. Generally, I had a discussion
2 3 4 5 6 7 8 9 10 11 12 13	BY MR. BRIDGES: Q. Would a decision that the defendant has not infringed upon plaintiffs' copyrights result in economic harm to the plaintiffs? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: I'm just not following. I under I'm worked I'm working under the assumption that the activity here represents a copyright infringement. I'm and	2 3 4 5 6 7 8 9 10 11	* * * THE VIDEOGRAPHER: On the record at 2:12. BY MR. BRIDGES: Q. Good afternoon, Mr. Jarosz. A. Good afternoon. Q. Could you outline for me, please, what steps you took in your engagement in this case? What are the different activities you engaged in? A. Generally, I had a discussion with counsel about the matter. Then we
2 3 4 5 6 7 8 9 10 11 12 13 14	BY MR. BRIDGES: Q. Would a decision that the defendant has not infringed upon plaintiffs' copyrights result in economic harm to the plaintiffs? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: I'm just not following. I under I'm worked I'm working under the assumption that the activity here represents a copyright infringement. I'm and I'm being asked and answering the	2 3 4 5 6 7 8 9 10 11 12 13 14	THE VIDEOGRAPHER: On the record at 2:12. BY MR. BRIDGES: Q. Good afternoon, Mr. Jarosz. A. Good afternoon. Q. Could you outline for me, please, what steps you took in your engagement in this case? What are the different activities you engaged in? A. Generally, I had a discussion with counsel about the matter. Then we examined documents that would were
2 3 4 5 6 7 8 9 10 11 12 13 14 15	BY MR. BRIDGES: Q. Would a decision that the defendant has not infringed upon plaintiffs' copyrights result in economic harm to the plaintiffs? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: I'm just not following. I under I'm worked I'm working under the assumption that the activity here represents a copyright infringement. I'm and I'm being asked and answering the question of the impact of that and	2 3 4 5 6 7 8 9 10 11 12 13 14 15	THE VIDEOGRAPHER: On the record at 2:12. BY MR. BRIDGES: Q. Good afternoon, Mr. Jarosz. A. Good afternoon. Q. Could you outline for me, please, what steps you took in your engagement in this case? What are the different activities you engaged in? A. Generally, I had a discussion with counsel about the matter. Then we examined documents that would were provided to us to give us background. We
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	BY MR. BRIDGES: Q. Would a decision that the defendant has not infringed upon plaintiffs' copyrights result in economic harm to the plaintiffs? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: I'm just not following. I under I'm worked I'm working under the assumption that the activity here represents a copyright infringement. I'm and I'm being asked and answering the question of the impact of that and whether there would be harm and what	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	THE VIDEOGRAPHER: On the record at 2:12. BY MR. BRIDGES: Q. Good afternoon, Mr. Jarosz. A. Good afternoon. Q. Could you outline for me, please, what steps you took in your engagement in this case? What are the different activities you engaged in? A. Generally, I had a discussion with counsel about the matter. Then we examined documents that would were provided to us to give us background. We then proceeded to gather our own information
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	BY MR. BRIDGES: Q. Would a decision that the defendant has not infringed upon plaintiffs' copyrights result in economic harm to the plaintiffs? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: I'm just not following. I under I'm worked I'm working under the assumption that the activity here represents a copyright infringement. I'm and I'm being asked and answering the question of the impact of that and whether there would be harm and what kind of harm and whether that's	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	THE VIDEOGRAPHER: On the record at 2:12. BY MR. BRIDGES: Q. Good afternoon, Mr. Jarosz. A. Good afternoon. Q. Could you outline for me, please, what steps you took in your engagement in this case? What are the different activities you engaged in? A. Generally, I had a discussion with counsel about the matter. Then we examined documents that would were provided to us to give us background. We then proceeded to gather our own information from third-party sources, primarily through
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	BY MR. BRIDGES: Q. Would a decision that the defendant has not infringed upon plaintiffs' copyrights result in economic harm to the plaintiffs? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: I'm just not following. I under I'm worked I'm working under the assumption that the activity here represents a copyright infringement. I'm and I'm being asked and answering the question of the impact of that and whether there would be harm and what kind of harm and whether that's reparable harm.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE VIDEOGRAPHER: On the record at 2:12. BY MR. BRIDGES: Q. Good afternoon, Mr. Jarosz. A. Good afternoon. Q. Could you outline for me, please, what steps you took in your engagement in this case? What are the different activities you engaged in? A. Generally, I had a discussion with counsel about the matter. Then we examined documents that would were provided to us to give us background. We then proceeded to gather our own information from third-party sources, primarily through Internet searches.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	BY MR. BRIDGES: Q. Would a decision that the defendant has not infringed upon plaintiffs' copyrights result in economic harm to the plaintiffs? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: I'm just not following. I under I'm worked I'm working under the assumption that the activity here represents a copyright infringement. I'm and I'm being asked and answering the question of the impact of that and whether there would be harm and what kind of harm and whether that's reparable harm. So I'm focusing on what has	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	THE VIDEOGRAPHER: On the record at 2:12. BY MR. BRIDGES: Q. Good afternoon, Mr. Jarosz. A. Good afternoon. Q. Could you outline for me, please, what steps you took in your engagement in this case? What are the different activities you engaged in? A. Generally, I had a discussion with counsel about the matter. Then we examined documents that would were provided to us to give us background. We then proceeded to gather our own information from third-party sources, primarily through Internet searches. We obtained information that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	BY MR. BRIDGES: Q. Would a decision that the defendant has not infringed upon plaintiffs' copyrights result in economic harm to the plaintiffs? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: I'm just not following. I under I'm worked I'm working under the assumption that the activity here represents a copyright infringement. I'm and I'm being asked and answering the question of the impact of that and whether there would be harm and what kind of harm and whether that's reparable harm. So I'm focusing on what has been done and what may continue to be	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	THE VIDEOGRAPHER: On the record at 2:12. BY MR. BRIDGES: Q. Good afternoon, Mr. Jarosz. A. Good afternoon. Q. Could you outline for me, please, what steps you took in your engagement in this case? What are the different activities you engaged in? A. Generally, I had a discussion with counsel about the matter. Then we examined documents that would were provided to us to give us background. We then proceeded to gather our own information from third-party sources, primarily through Internet searches. We obtained information that had been produced as part of discovery. We
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	BY MR. BRIDGES: Q. Would a decision that the defendant has not infringed upon plaintiffs' copyrights result in economic harm to the plaintiffs? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: I'm just not following. I under I'm worked I'm working under the assumption that the activity here represents a copyright infringement. I'm and I'm being asked and answering the question of the impact of that and whether there would be harm and what kind of harm and whether that's reparable harm. So I'm focusing on what has been done and what may continue to be done by the defendant.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE VIDEOGRAPHER: On the record at 2:12. BY MR. BRIDGES: Q. Good afternoon, Mr. Jarosz. A. Good afternoon. Q. Could you outline for me, please, what steps you took in your engagement in this case? What are the different activities you engaged in? A. Generally, I had a discussion with counsel about the matter. Then we examined documents that would were provided to us to give us background. We then proceeded to gather our own information from third-party sources, primarily through Internet searches. We obtained information that had been produced as part of discovery. We had conversations with people at the various
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MR. BRIDGES: Q. Would a decision that the defendant has not infringed upon plaintiffs' copyrights result in economic harm to the plaintiffs? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: I'm just not following. I under I'm worked I'm working under the assumption that the activity here represents a copyright infringement. I'm and I'm being asked and answering the question of the impact of that and whether there would be harm and what kind of harm and whether that's reparable harm. So I'm focusing on what has been done and what may continue to be done by the defendant. BY MR. BRIDGES:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE VIDEOGRAPHER: On the record at 2:12. BY MR. BRIDGES: Q. Good afternoon, Mr. Jarosz. A. Good afternoon. Q. Could you outline for me, please, what steps you took in your engagement in this case? What are the different activities you engaged in? A. Generally, I had a discussion with counsel about the matter. Then we examined documents that would were provided to us to give us background. We then proceeded to gather our own information from third-party sources, primarily through Internet searches. We obtained information that had been produced as part of discovery. We had conversations with people at the various plaintiff organizations.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	BY MR. BRIDGES: Q. Would a decision that the defendant has not infringed upon plaintiffs' copyrights result in economic harm to the plaintiffs? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: I'm just not following. I under I'm worked I'm working under the assumption that the activity here represents a copyright infringement. I'm and I'm being asked and answering the question of the impact of that and whether there would be harm and what kind of harm and whether that's reparable harm. So I'm focusing on what has been done and what may continue to be done by the defendant. BY MR. BRIDGES: Q. That's non-responsive. I'll	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE VIDEOGRAPHER: On the record at 2:12. BY MR. BRIDGES: Q. Good afternoon, Mr. Jarosz. A. Good afternoon. Q. Could you outline for me, please, what steps you took in your engagement in this case? What are the different activities you engaged in? A. Generally, I had a discussion with counsel about the matter. Then we examined documents that would were provided to us to give us background. We then proceeded to gather our own information from third-party sources, primarily through Internet searches. We obtained information that had been produced as part of discovery. We had conversations with people at the various plaintiff organizations. We outlined the report and
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	BY MR. BRIDGES: Q. Would a decision that the defendant has not infringed upon plaintiffs' copyrights result in economic harm to the plaintiffs? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: I'm just not following. I under I'm worked I'm working under the assumption that the activity here represents a copyright infringement. I'm and I'm being asked and answering the question of the impact of that and whether there would be harm and what kind of harm and whether that's reparable harm. So I'm focusing on what has been done and what may continue to be done by the defendant. BY MR. BRIDGES: Q. That's non-responsive. I'll ask you to answer my question. And if you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	THE VIDEOGRAPHER: On the record at 2:12. BY MR. BRIDGES: Q. Good afternoon, Mr. Jarosz. A. Good afternoon. Q. Could you outline for me, please, what steps you took in your engagement in this case? What are the different activities you engaged in? A. Generally, I had a discussion with counsel about the matter. Then we examined documents that would were provided to us to give us background. We then proceeded to gather our own information from third-party sources, primarily through Internet searches. We obtained information that had been produced as part of discovery. We had conversations with people at the various plaintiff organizations. We outlined the report and summarized some of the information that you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	BY MR. BRIDGES: Q. Would a decision that the defendant has not infringed upon plaintiffs' copyrights result in economic harm to the plaintiffs? MR. FEE: Objection. Calls for a legal conclusion. THE WITNESS: I'm just not following. I under I'm worked I'm working under the assumption that the activity here represents a copyright infringement. I'm and I'm being asked and answering the question of the impact of that and whether there would be harm and what kind of harm and whether that's reparable harm. So I'm focusing on what has been done and what may continue to be done by the defendant. BY MR. BRIDGES: Q. That's non-responsive. I'll	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE VIDEOGRAPHER: On the record at 2:12. BY MR. BRIDGES: Q. Good afternoon, Mr. Jarosz. A. Good afternoon. Q. Could you outline for me, please, what steps you took in your engagement in this case? What are the different activities you engaged in? A. Generally, I had a discussion with counsel about the matter. Then we examined documents that would were provided to us to give us background. We then proceeded to gather our own information from third-party sources, primarily through Internet searches. We obtained information that had been produced as part of discovery. We had conversations with people at the various plaintiff organizations. We outlined the report and

```
1 counsel. And then we finalized the report,
                                                      1
                                                                   Have you analyzed any
   submitting it to counsel on June 5th, 2015.
                                                         differences in sales trends between those of
 3
        Q. Do you know how many standards
                                                         plaintiffs' standards that have been
    of each plaintiff are at issue in this case?
                                                      4 incorporated into law and those of
             How many -- I'm sorry --
 5
        A.
                                                        plaintiffs' standards that have not been
    standards are at issue?
                                                      6 incorporated into law?
 7
        Q.
              Yes.
                                                      7
                                                             A. I don't think so. I don't
 8
        A. I have that number written
                                                      8 think I have those data, and I'm not sure
 9 down. It's in the hundreds, and I forget, as
                                                         that each plaintiff knows precisely how many
10 I sit here right now, precisely the number.
                                                     10 have been incorporated into law.
11 I will look it up. And I was giving you an
                                                             Q. Did you ask for any data
                                                     11
12 answer that was a cumulation across the three
                                                     12 regarding the distinction between standards
                                                     13 incorporated by reference and standards not
13 plaintiffs.
                                                     14 incorporated by reference in the law?
14
            I am not seeing that number
15 right now. I'll keep looking.
                                                     15
                                                             A. I don't --
16
        Q.
             Do you know what --
                                                     16
                                                                  MR. FEE: Objection to form.
17
              You may be able to point me
                                                     17
                                                                  THE WITNESS: I'm sorry. I
        A.
18 quicker than I recall where it was.
                                                     18
                                                             don't recall.
19
             Do you -- do you know what
                                                     19
                                                         BY MR. BRIDGES:
20 proportion of plaintiffs -- of each
                                                     20
                                                             Q. You made observations about
21 plaintiffs' standards is at issue in this
                                                     21 sales trends earlier in your deposition. I
22 case?
                                                         think you said that there's been a reduction
                                                     23 in sales of certain of plaintiffs' standards;
23
              Are you asking me the ratio of
        A.
24 the standards at issue versus the total
                                                     24 is that correct?
25 standards developed by the organizations?
                                                     25
                                                             A. I'm not quite sure what the
                                            Page 154
                                                                                                  Page 156
                                                         earlier testimony was, but I think I was
 1
        O.
            Yes.
 2
            I think it's less than a
                                                      2 pointing you to paragraph 133 with regard to
        A.
                                                      3 downloads of -- and other measures of
 3 majority for each organization. I'm fairly
                                                      4 activity, as I had at my disposal.
   certain of that with regard to ASTM. I think
                                                      5
                                                             Q. Well, I'm trying to find out
   that's true with regard to NFPA. I think
 5
 6 it's true with regard to ASHRAE.
                                                      6
                                                         what changes you have studied in plaintiffs'
 7
            Do you have any better
                                                         economics that you attribute to defendant's
   information than less than a majority --
                                                      8
                                                         activities.
                                                      9
 9
        A. Well, I --
                                                             A. I'm not quite sure what your
10
            -- for each of them?
                                                     10 question is.
        O.
11
            The precise numbers are in the
                                                     11
                                                             O.
                                                                   Well, I'm trying to find out
12 report. Let's see here. One can figure that
                                                     12 what information you have studied to
                                                         determine what changes in the finances of
13 out. You may remember where I summarized the
14 number of standards. I just don't remember.
                                                         each of the plaintiffs have occurred as a
                                                         consequence of the defendant's activities.
15 It's easy to determine because the data are
                                                     15
                                                                  MR. FEE: Objection to form.
16 all here.
                                                     16
                                                                  THE WITNESS: I'm still not
                                                     17
17
        Q. Have you analyzed differences
                                                             sure that I'm hearing a question. But
18 in sales trends between standards that are at
                                                     18
                                                             to the extent that I had information
19 issue in this case and plaintiffs' other
                                                     19
                                                             on changes in activity level, I
                                                     20
20 standards?
                                                     21
                                                             summarized that in paragraph 133.
21
        A.
            No, I don't think I have those
                                                     22 BY MR. BRIDGES:
22 data at my disposal.
23
        Q. Did you ever ask for those
                                                     23
                                                                  My question is, what
                                                     24 information did you study to determine any
24 data?
                                                         changes in finances of each of the
25
        A. I don't recall.
                                            Page 155
                                                                                                  Page 157
```

1	plaintiffs?	1	of certain of the standards. I've
2	MR. FEE: Same objection.	2	presented that.
3	THE WITNESS: It's reflected in	3	I don't have direct evidence of
4	paragraph 133 and in the tabs,	4	the precise impact historically of
5	particularly 3, 4, and 5. But the	5	defendant's activities on plaintiffs'
6	tabs are not at the granular level	6	financials.
7	that I think are of interest to you.	7	BY MR. BRIDGES:
8	BY MR. BRIDGES:	8	Q. What evidence of any kind do
9	Q. What do you mean by the	9	you have of any kind of impact historically
10	"granular level" that would be of interest to	10	of the defendant's activities on plaintiffs'
11	me?	11	financials?
12	A. I don't think it breaks out	12	MR. FEE: Objection to form.
13	publications by standard, for instance.	13	THE WITNESS: That which is
14	Q. Does it break out publications	14	reported in paragraph 133, that of
15	by whether a standard has been incorporated	15	which is contained in deposition
16	by reference or not?	16	testimony, and that of which I
17	A. I don't think so.	17	summarized in other parts of the
18	Q. Does it break out by whether a	18	report.
19	standard has been publicly made available by	19	BY MR. BRIDGES:
20	defendant or not?	20	Q. So when you're referring to
21	A. I don't think so. Not in	21	deposition testimony, you're referring to the
22	tabs 3, 4, and 5.	22	citations to the footnotes in paragraph 133?
23	Q. How do you establish causation	23	A. No, I don't think it's just
24	· · · · · · · · · · · · · · · · · · ·	24	limited to that. I think there's some other
25	data that you provide in section in	25	deposition transcripts that talk about the
	Page 158		Page 160
1	norograph 1229	1	impact or notantial impact of defendant's
1	paragraph 133?	1	impact or potential impact of defendant's
2	MR. FEE: Objection. Calls for	2	activities on each one of the plaintiffs.
3	MR. FEE: Objection. Calls for a legal conclusion. Form.	2 3	activities on each one of the plaintiffs. Q. Did you make any independent
2 3 4	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and	2 3 4	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial
2 3 4 5	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available,	2 3 4 5	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's
2 3 4 5 6	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I	2 3 4 5 6	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities?
2 3 4 5 6 7	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about	2 3 4 5 6 7	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form.
2 3 4 5 6 7 8	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's	2 3 4 5 6 7 8	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion.
2 3 4 5 6 7 8 9	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important	2 3 4 5 6 7 8 9	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean
2 3 4 5 6 7 8 9	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue,	2 3 4 5 6 7 8 9 10	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment"
2 3 4 5 6 7 8 9 10 11	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in	2 3 4 5 6 7 8 9 10 11	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"?
2 3 4 5 6 7 8 9 10 11 12	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts.	2 3 4 5 6 7 8 9 10 11 12	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES:
2 3 4 5 6 7 8 9 10 11 12 13	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES:	2 3 4 5 6 7 8 9 10 11 12 13	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying
2 3 4 5 6 7 8 9 10 11 12 13 14	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES: Q. So my question is, how do	2 3 4 5 6 7 8 9 10 11 12 13 14	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying just on what other people have said or
2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES: Q. So my question is, how do you do you strike that.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying just on what other people have said or speculated or thought.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES: Q. So my question is, how do you do you strike that. Are your conclusion are you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying just on what other people have said or speculated or thought. MR. FEE: Same objections.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES: Q. So my question is, how do you do you strike that. Are your conclusion are you making conclusions in paragraph 133 about the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying just on what other people have said or speculated or thought. MR. FEE: Same objections. Plus compound.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES: Q. So my question is, how do you do you strike that. Are your conclusion are you making conclusions in paragraph 133 about the cause of changes in sales of the plaintiffs'	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying just on what other people have said or speculated or thought. MR. FEE: Same objections. Plus compound. THE WITNESS: We experts rely
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES: Q. So my question is, how do you do you strike that. Are your conclusion are you making conclusions in paragraph 133 about the cause of changes in sales of the plaintiffs' products?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying just on what other people have said or speculated or thought. MR. FEE: Same objections. Plus compound. THE WITNESS: We experts rely on other information to draw the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES: Q. So my question is, how do you do you strike that. Are your conclusion are you making conclusions in paragraph 133 about the cause of changes in sales of the plaintiffs' products? MR. FEE: Objection to form.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying just on what other people have said or speculated or thought. MR. FEE: Same objections. Plus compound. THE WITNESS: We experts rely on other information to draw the conclusions that we do, and then we
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES: Q. So my question is, how do you do you strike that. Are your conclusion are you making conclusions in paragraph 133 about the cause of changes in sales of the plaintiffs' products? MR. FEE: Objection to form. THE WITNESS: Not definitively.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying just on what other people have said or speculated or thought. MR. FEE: Same objections. Plus compound. THE WITNESS: We experts rely on other information to draw the conclusions that we do, and then we bring our training to it. So our
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES: Q. So my question is, how do you do you strike that. Are your conclusion are you making conclusions in paragraph 133 about the cause of changes in sales of the plaintiffs' products? MR. FEE: Objection to form. THE WITNESS: Not definitively. I have observations about the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying just on what other people have said or speculated or thought. MR. FEE: Same objections. Plus compound. THE WITNESS: We experts rely on other information to draw the conclusions that we do, and then we bring our training to it. So our observations shouldn't be in a vacuum.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES: Q. So my question is, how do you do you strike that. Are your conclusion are you making conclusions in paragraph 133 about the cause of changes in sales of the plaintiffs' products? MR. FEE: Objection to form. THE WITNESS: Not definitively. I have observations about the magnitude and trend of the downloads	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying just on what other people have said or speculated or thought. MR. FEE: Same objections. Plus compound. THE WITNESS: We experts rely on other information to draw the conclusions that we do, and then we bring our training to it. So our observations shouldn't be in a vacuum. BY MR. BRIDGES:
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES: Q. So my question is, how do you do you strike that. Are your conclusion are you making conclusions in paragraph 133 about the cause of changes in sales of the plaintiffs' products? MR. FEE: Objection to form. THE WITNESS: Not definitively. I have observations about the magnitude and trend of the downloads of through defendant's sites. I	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying just on what other people have said or speculated or thought. MR. FEE: Same objections. Plus compound. THE WITNESS: We experts rely on other information to draw the conclusions that we do, and then we bring our training to it. So our observations shouldn't be in a vacuum. BY MR. BRIDGES: Q. But they should be objective,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES: Q. So my question is, how do you do you strike that. Are your conclusion are you making conclusions in paragraph 133 about the cause of changes in sales of the plaintiffs' products? MR. FEE: Objection to form. THE WITNESS: Not definitively. I have observations about the magnitude and trend of the downloads	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying just on what other people have said or speculated or thought. MR. FEE: Same objections. Plus compound. THE WITNESS: We experts rely on other information to draw the conclusions that we do, and then we bring our training to it. So our observations shouldn't be in a vacuum. BY MR. BRIDGES:

1	plaintiffs?	1	of certain of the standards. I've
2	MR. FEE: Same objection.	2	presented that.
3	THE WITNESS: It's reflected in	3	I don't have direct evidence of
4	paragraph 133 and in the tabs,	4	the precise impact historically of
5	particularly 3, 4, and 5. But the	5	defendant's activities on plaintiffs'
6	tabs are not at the granular level	6	financials.
7	that I think are of interest to you.	7	BY MR. BRIDGES:
8	BY MR. BRIDGES:	8	Q. What evidence of any kind do
9	Q. What do you mean by the	9	you have of any kind of impact historically
10	"granular level" that would be of interest to	10	of the defendant's activities on plaintiffs'
11	me?	11	financials?
12	A. I don't think it breaks out	12	MR. FEE: Objection to form.
13	publications by standard, for instance.	13	THE WITNESS: That which is
14	Q. Does it break out publications	14	reported in paragraph 133, that of
15	by whether a standard has been incorporated	15	which is contained in deposition
16	by reference or not?	16	testimony, and that of which I
17	A. I don't think so.	17	summarized in other parts of the
18	Q. Does it break out by whether a	18	report.
19	standard has been publicly made available by	19	BY MR. BRIDGES:
20	defendant or not?	20	Q. So when you're referring to
21	A. I don't think so. Not in	21	deposition testimony, you're referring to the
22	tabs 3, 4, and 5.	22	citations to the footnotes in paragraph 133?
23	Q. How do you establish causation	23	A. No, I don't think it's just
24	· · · · · · · · · · · · · · · · · · ·	24	limited to that. I think there's some other
25	data that you provide in section in	25	deposition transcripts that talk about the
	Page 158		Page 160
1	norograph 1229	1	impact or notantial impact of defendant's
1	paragraph 133?	1	impact or potential impact of defendant's
2	MR. FEE: Objection. Calls for	2	activities on each one of the plaintiffs.
3	MR. FEE: Objection. Calls for a legal conclusion. Form.	2 3	activities on each one of the plaintiffs. Q. Did you make any independent
2 3 4	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and	2 3 4	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial
2 3 4 5	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available,	2 3 4 5	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's
2 3 4 5 6	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I	2 3 4 5 6	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities?
2 3 4 5 6 7	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about	2 3 4 5 6 7	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form.
2 3 4 5 6 7 8	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's	2 3 4 5 6 7 8	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion.
2 3 4 5 6 7 8 9	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important	2 3 4 5 6 7 8 9	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean
2 3 4 5 6 7 8 9	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue,	2 3 4 5 6 7 8 9 10	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment"
2 3 4 5 6 7 8 9 10 11	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in	2 3 4 5 6 7 8 9 10 11	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"?
2 3 4 5 6 7 8 9 10 11 12	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts.	2 3 4 5 6 7 8 9 10 11 12	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES:
2 3 4 5 6 7 8 9 10 11 12 13	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES:	2 3 4 5 6 7 8 9 10 11 12 13	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying
2 3 4 5 6 7 8 9 10 11 12 13 14	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES: Q. So my question is, how do	2 3 4 5 6 7 8 9 10 11 12 13 14	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying just on what other people have said or
2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES: Q. So my question is, how do you do you strike that.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying just on what other people have said or speculated or thought.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES: Q. So my question is, how do you do you strike that. Are your conclusion are you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying just on what other people have said or speculated or thought. MR. FEE: Same objections.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES: Q. So my question is, how do you do you strike that. Are your conclusion are you making conclusions in paragraph 133 about the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying just on what other people have said or speculated or thought. MR. FEE: Same objections. Plus compound.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES: Q. So my question is, how do you do you strike that. Are your conclusion are you making conclusions in paragraph 133 about the cause of changes in sales of the plaintiffs'	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying just on what other people have said or speculated or thought. MR. FEE: Same objections. Plus compound. THE WITNESS: We experts rely
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES: Q. So my question is, how do you do you strike that. Are your conclusion are you making conclusions in paragraph 133 about the cause of changes in sales of the plaintiffs' products?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying just on what other people have said or speculated or thought. MR. FEE: Same objections. Plus compound. THE WITNESS: We experts rely on other information to draw the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES: Q. So my question is, how do you do you strike that. Are your conclusion are you making conclusions in paragraph 133 about the cause of changes in sales of the plaintiffs' products? MR. FEE: Objection to form.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying just on what other people have said or speculated or thought. MR. FEE: Same objections. Plus compound. THE WITNESS: We experts rely on other information to draw the conclusions that we do, and then we
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES: Q. So my question is, how do you do you strike that. Are your conclusion are you making conclusions in paragraph 133 about the cause of changes in sales of the plaintiffs' products? MR. FEE: Objection to form. THE WITNESS: Not definitively.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying just on what other people have said or speculated or thought. MR. FEE: Same objections. Plus compound. THE WITNESS: We experts rely on other information to draw the conclusions that we do, and then we bring our training to it. So our
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES: Q. So my question is, how do you do you strike that. Are your conclusion are you making conclusions in paragraph 133 about the cause of changes in sales of the plaintiffs' products? MR. FEE: Objection to form. THE WITNESS: Not definitively. I have observations about the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying just on what other people have said or speculated or thought. MR. FEE: Same objections. Plus compound. THE WITNESS: We experts rely on other information to draw the conclusions that we do, and then we bring our training to it. So our observations shouldn't be in a vacuum.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES: Q. So my question is, how do you do you strike that. Are your conclusion are you making conclusions in paragraph 133 about the cause of changes in sales of the plaintiffs' products? MR. FEE: Objection to form. THE WITNESS: Not definitively. I have observations about the magnitude and trend of the downloads	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying just on what other people have said or speculated or thought. MR. FEE: Same objections. Plus compound. THE WITNESS: We experts rely on other information to draw the conclusions that we do, and then we bring our training to it. So our observations shouldn't be in a vacuum. BY MR. BRIDGES:
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES: Q. So my question is, how do you do you strike that. Are your conclusion are you making conclusions in paragraph 133 about the cause of changes in sales of the plaintiffs' products? MR. FEE: Objection to form. THE WITNESS: Not definitively. I have observations about the magnitude and trend of the downloads of through defendant's sites. I	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying just on what other people have said or speculated or thought. MR. FEE: Same objections. Plus compound. THE WITNESS: We experts rely on other information to draw the conclusions that we do, and then we bring our training to it. So our observations shouldn't be in a vacuum. BY MR. BRIDGES: Q. But they should be objective,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. FEE: Objection. Calls for a legal conclusion. Form. THE WITNESS: One can and should look at all evidence available, including circumstantial evidence. I don't have direct information about the precise impact of defendant's activities, but I have important information that bears on that issue, including information that's in deposition transcripts. BY MR. BRIDGES: Q. So my question is, how do you do you strike that. Are your conclusion are you making conclusions in paragraph 133 about the cause of changes in sales of the plaintiffs' products? MR. FEE: Objection to form. THE WITNESS: Not definitively. I have observations about the magnitude and trend of the downloads	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	activities on each one of the plaintiffs. Q. Did you make any independent assessment of causation of any financial effects on plaintiffs by the defendant's activities? MR. FEE: Objection to form. Calls for a legal conclusion. THE WITNESS: What do you mean by the term of "independent assessment of causation"? BY MR. BRIDGES: Q. You, as an expert, not relying just on what other people have said or speculated or thought. MR. FEE: Same objections. Plus compound. THE WITNESS: We experts rely on other information to draw the conclusions that we do, and then we bring our training to it. So our observations shouldn't be in a vacuum. BY MR. BRIDGES:

1 A. Yes. 2 Q. And that means perhaps not relying upon the views of the parties to the 4 lawsuit alone, but doing independent analysis 5 and research, correct? 6 MR. FEE: Objection to form. 7 THE WITNESS: I think one can 8 and should evaluate and consider the views of the parties, but not limited 10 investigation to that. 10 investigation to that. 11 BY MR. BRIDGES: 12 Q. So what independent analysis 13 and research did you do other than reviewing 14 the views and statements of the parties in 15 this case? 13 mark FEE: Objection. Vague. 14 THE WITNESS: I troke all this data into account. That's why I reported it here. 15 this case? 16 MR. FEE: Objection. Vague. 17 THE WITNESS: I reviewed and 8 summarized the data, as you see in 133, that I had at my disposal. 1 reviewed writings about the impacts. 18 and I took important 2 information from the fact that the 23 plaintiffs have brought this lawsuit. 19 The plaintiffs don't want this 25 activity to continue. That is Page 162 10 Tevesaled preference information that's quite important. 21 Tevesaled preference information that's quite important. 22 The MR. REIDCES: 23 MR. REIDCES: 24 The WITNESS: I troke all this data into account. That's why I reported it here. 25 The WITNESS: I think one can 4 the footnotes in 16 interfact in the footnotes in 18 interf				1
3 relying upon the views of the parties to the 4 lawsuit alone, but doing independent analysis 5 and research, correct? 6 MR. FEE: Objection to form. 7 THE WITNESS: I think one can and should evaluate and consider the views of the parties, but not limited in investigation to that. 10 investigation to that. 11 BY MR. BRIDGES: 2 So what independent analysis 2 Q. So what independent analysis 2 And the data that you 9 identified in the fortontes in 9 paragraph 134 – sorry – 133? 11 A. Yes, I considered that 13 and research did you do other than reviewing 14 the views and statements of the parties in this case? MR. FEE: Objection. Vague. 17 THE WITNESS: I reviewed and 18 summarized the data, as you see in 19 133, that I had at my disposal. 1			l	
lawsuit alone, but doing independent analysis of mark research, correct?		1 1		•
5 and research, correct? 6 MR. FEE: Objection to form. 7 THE WITNESS: I think one can 8 and should evaluate and consider the 9 views of the parties, but not limited 10 investigation to that. 11 BY MR. BRIDGES: 12 Q. So what independent analysis 13 and research did you do other than reviewing 14 the views and statements of the parties in 15 this case? 16 MR. FEE: Objection. Vague. 17 THE WITNESS: I reviewed and 18 summarized the data, as you see in 19 133, that I had at my disposal. I 20 reviewed writings about the impacts. 21 And I took important 22 information from the fact that the 23 plaintiffs have brought this lawsuit. 24 The plaintiffs don't want this 25 activity to continue. That is 26 The plaintiffs don't want this 27 quite important. 28 A. What people do often provides 29 information on what their preferences are. 29 Q. Day ou know in what year the 21 defendant posted the 2008 version of the 22 decided and posted the 2008 version of the 23 decivities occurred in late 2012. I don't 24 know if it's specific to that code or not. 25 varily when the defendant posted the 2008 27 National Electrical Code on its Web site or 28 varily when the defendant posted the 2008 28 National Electrical Code on its Web site or 29 varily when the defendant posted the 2008 29 various activity to continue. That is 20 Q. Doe sit matter to your analysis 21 exactly when the defendant posted the 2008 21 to Internet Archive? 22 that information if I had it, but I 23 don't have any reason to think that it 24 would change any of the conclusions 25 that I drew. 26 BYMR. BRIDGES: 27 Q. De you know in what year the 28 defendant posted deriat on its Web site? 29 A. I would - 20 Q. Doe sit matter to your analysis 21 that information if I had it, but I 22 don't have any reason to think that it 23 don't have any reason to think that it 24 they prefer to bring the lawsuit, correct? 25 MR. FEE: Objection vague. 26 BYMR. BRIDGES: 27 Q. Do you know in what year the 28 defendant posted the 2008 version of the 29 deactivities occurred in late 20	3	relying upon the views of the parties to the	3	Objection to form.
6 MR. FEE: Objection to form. 7 THE WITNESS: 1 think one can 8 and should evaluate and consider the 9 views of the parties, but not limited 10 investigation to that: 11 BYMR. BRIDGES: 12 Q. So what independent analysis 13 and research did you do other than reviewing 14 the views and statements of the parties in 15 this case? 16 MR. FEE: Objection. Vague. 17 THE WITNESS: I reviewed and 18 summarized the data, as you see in 19 133, that I had at my disposal. I 20 reviewed writings about the impacts. 21 And I took important 22 information from the fact that the 23 plaintiffs have brought this lawsuit. 24 The plaintiffs don't want this 25 activity to continue. That is 26 quite important. 27 Tevealed preference information that's 28 quite important. 29 Q. Tell me about what you mean by 20 repealed - sorry. Strike that. 20 Q. Dos it matter to your analysis 21 this information on what their preferences are. 22 quite important. 3 BYMR. BRIDGES: 4 Q. Do you know in what year the 4 defendant posted the 2008 version of the 5 National Electrical Code on its Web site? 5 National Electrical Code on its Web site? 6 A. I don't know with absolute 6 retrainty. I do know a number of the alleged activities occurred in late 2012. I don't 8 Navier in Specific to that code or not. 9 Q. Does it matter to your analysis 10 Internet Archive? 11 THE WITNESS: I would consider that the information on what their preferences are. 12 Q. The lam about what you mean by 18 YMR. BRIDGES: 19 What BRIDGES: 20 Pose it matter to your analysis 21 that information if I had it, but I don't have any reason to think that it would change any of the conclusions 22 that information on what their preferences are. 23 PayMR. BRIDGES: 24 A. I would - 25 MR. FEE: Objection to form. 25 MR. FEE: Objection to form. 26 BYMR. BRIDGES: 27 Cy. The timing of when the 28 defendant posted certain matters wouldn't defendent posted or that information on what their preferences are. 29 Cy. The timing of when the 30 Cy. Do you know in what year the data you're the proference th	4	lawsuit alone, but doing independent analysis	4	THE WITNESS: I took all this
THE WITNESS: I think one can and should evaluate and consider the views of the parties, but not limited investigation to that. BYMR. BRIDGES: Q. So what independent analysis and research did you do other than reviewing the views and statements of the parties in this case? MR. FEE: Objection. Vague. THE WITNESS: I reviewed and summarized the data, as you see in 133, that I had at my disposal. I 20 reviewed writings about the impacts. And I took important 120 reviewed writings about the impacts. The plaintiffs have brought this lawsuit. The plaintiffs don't want this activity to continue. That is 2 quite important. The WITNESS: Trive that. Tell me what you mean by 7 revealed preference information that's quite important. The what are the data you mean by 7 revealed preference. THE WITNESS: Given the cost, they prefer to bring the lawsuit rare than not bring it, yes. THE WITNESS: Given the cost, they prefer to bring the lawsuit rare than not bring it, yes. What are the data you're referring to in paragraph 133 hat you took 23 into account in discussing or analyzing 4 effects of defendant's activities on 2 plaintiffs? THE WITNESS: Lit not limited in the footnotes in 10 paragraph 133 hat 1 had that you identified in the footnotes in 10 paragraph 134 hat -sorry - 133? A. Yes, I considered that in the footnotes in 10 paragraph 134 hat +- sorry - 133? A. Yes, I considered that 12 information. BY MR. FEE: Objection. Vague. The Witness and the adata but you will absolute 2008 version of the National Electrical Code on its Web site? A. I don't know with absolute 2008 version of the National Electrical Code on its Web site? A. I would 23 to Internet Archive? A. I would 23 to Internet Archive? A. I would 24 that information if I had it, but I would consider that it would change any of the conclusions that I drew. BY MR. BRIDGES: Q. And so the fact that plaintiffs and the preferences are. Q. And so the fact that plaintiffs and the preference information if I had it, but I admit the preference. The would be ad	5	and research, correct?	5	data into account. That's why I
THE WITNESS: I think one can and should evaluate and consider the views of the parties, but not limited investigation to that. BYMR. BRIDGES: Q. So what independent analysis and research did you do other than reviewing the views and statements of the parties in this case? MR. FEE: Objection. Vague. THE WITNESS: I reviewed and summarized the data, as you see in 133, that I had at my disposal. I 20 reviewed writings about the impacts. And I took important 120 reviewed writings about the impacts. The plaintiffs have brought this lawsuit. The plaintiffs don't want this activity to continue. That is 2 quite important. The WITNESS: Trive that. Tell me what you mean by 7 revealed preference information that's quite important. The what are the data you mean by 7 revealed preference. THE WITNESS: Given the cost, they prefer to bring the lawsuit rare than not bring it, yes. THE WITNESS: Given the cost, they prefer to bring the lawsuit rare than not bring it, yes. What are the data you're referring to in paragraph 133 hat you took 23 into account in discussing or analyzing 4 effects of defendant's activities on 2 plaintiffs? THE WITNESS: Lit not limited in the footnotes in 10 paragraph 133 hat 1 had that you identified in the footnotes in 10 paragraph 134 hat -sorry - 133? A. Yes, I considered that in the footnotes in 10 paragraph 134 hat +- sorry - 133? A. Yes, I considered that 12 information. BY MR. FEE: Objection. Vague. The Witness and the adata but you will absolute 2008 version of the National Electrical Code on its Web site? A. I don't know with absolute 2008 version of the National Electrical Code on its Web site? A. I would 23 to Internet Archive? A. I would 23 to Internet Archive? A. I would 24 that information if I had it, but I would consider that it would change any of the conclusions that I drew. BY MR. BRIDGES: Q. And so the fact that plaintiffs and the preferences are. Q. And so the fact that plaintiffs and the preference information if I had it, but I admit the preference. The would be ad	6	MR. FEE: Objection to form.	6	reported it here.
and should evaluate and consider the views of the parties, but not limited 10 investigation to that. 11 BY MR. BRIDGES: Q. So what independent analysis and research did you do other than reviewing the views and statements of the parties in this case? MR. FEE: Objection. Vague. THE WITNESS: I reviewed and summarized the data, as you see in 18 summarized the data, as you see in 19 133, that I had at my disposal. I reviewed writings about the impacts. And I took important 21 revealed preference information that's quite important. BY MR. BRIDGES: A. Wes, I considered that 11 information. A. Yes, I considered that 12 information. A. I don't know with absolute 12 certainty. I do know a number of the alleged ascivities occurred in late 2012. I don't know with absolute 13 exactly when the defendant posted the 2008 version of the 4 activities occurred in late 2012. I don't know with absolute 22 information from the fact that the plaintiffs have brought this lawsuit. 21 revealed preference information that's quite important. 3 BY MR. BRIDGES: A. What people do often provides information on what their preferences are. 10 Q. And so the fact that plaintiffs to the plaintiffs of the parties in the footnotes in 2 parties in the footnotes in 2 parties	7		7	•
yews of the parties, but not limited in to investigation to that. 18 BY MR. BRIDGES: Q. So what independent analysis and research did you do other than reviewing the views and statements of the parties in this case? MR. FEE: Objection. Vague. THE WITNESS: I reviewed and summarized the data, as you see in 19 133, that I had at my disposal. I 20 reviewed writings about the impacts. And I took important information from the fact that the 20 plaintiffs have brought this lawsuit. The plaintiffs don't want this activity to continue. That is 20 Q. Does it matter to your analysis exactly when the defendant posted the 2008 version of the 15 National Electrical Code on its Web site? And I took important information from the fact that the 20 plaintiffs have brought this lawsuit. The plaintiffs don't want this activity to continue. That is 20 Q. Does it matter to your analysis exactly when the defendant posted the 2008 version of the 15 National Electrical Code on its Web site? And I took important 20 Q. Does it matter to your analysis exactly when the defendant posted the 2008 version of the 15 National Electrical Code on its Web site? And I took important 20 Q. Does it matter to your analysis exactly when the defendant posted the 2008 version of the alleged activities occurred in late 2012. I don't some interest opening the 2008 activities occurred in late 2012. I don't some interest opening the 2008 activities occurred in late 2012. I don't some interest opening analysis exactly when the defendant posted the 2008 activities occurred in late 2012. I don't some interest opening analysis exactly when the defendant posted he 2008 activities occurred in late 2012. I don't some interest opening analysis exactly when the defendant posted certain matters would change any of the conclusions that I don't have any reason to think that it don't have any reason to think that it would change any of the conclusions that I don't have any reason to think that it don't have any reason to think that it would change any of the conc	8	and should evaluate and consider the	8	O. And the data that you
10 paragraph 134 sorry 133? 11 BY MR. BRIDGES: 12 Q. So what independent analysis 13 and research did you do other than reviewing 14 the views and statements of the parties in 15 this case? 16 MR. FEE: Objection. Vague. 17 THE WITNESS: I reviewed and 18 summarized the data, as you see in 19 133, that I had at my disposal. I 19 reviewed writings about the impacts. 21 And I took important 22 information: 19 133, that I had at my disposal. I 22 plaintiffs have brought this lawsuit. 23 plaintiffs have brought this lawsuit. 24 The plaintiffs don't want this 25 activity to continue. That is 26 revealed preference information that's 27 quite important. 28 BY MR. BRIDGES: 38 A. What people do often provides 49 information on what their preferences are. 50 Q. And so the fact that plaintiffs 51 brought this lawsuit, correct? 51 MR. FEE: Objection. Vague. 52 A. What people do often provides 53 information on what their preferences are. 54 Q. Tell me about what you mean by 55 repealed sorry. Strike that. 66 Tell me what you mean by 67 revealed preference." 8 A. What people do often provides 9 information on what their preferences are. 10 Q. And so the fact that plaintiffs 11 brought this lawsuit, correct? 13 MR. FEE: Objection. Vague. 14 THE WITNESS: Given the cost, they prefer to bring the lawsuit, correct? 16 A. I don't know with absolute 17 certainty. I do know a number of the alleged activities occurred in late 2012. I don't know with absolute 18 activities occurred in late 2012. I don't know vith absolute 19 A. I don't know with absolute 10 Q. Does it matter to your analysis 21 exactly when the defendant posted the 2008 vertainty. I do know a number of the alleged activities occurred in late 2012. I don't know vith absolute 22 National Electrical Code on its Web site? 23 National Electrical Code on its Web site? 24 A. I would 25 MR. FEE: Objection to form. 25 MR. FEE: Objection to form. 26 MR. FEE: Objection to form. 27 On the timing of when the defendant posted certain matters wouldn't don't have any reas	9	views of the parties, but not limited	9	- ·
11 BY MR. BRIDGES: 12 Q. So what independent analysis 13 and research did you do other than reviewing 14 the views and statements of the parties in 15 this case? 16 MR. FEE: Objection. Vague. 17 THE WITNESS: I reviewed and 18 summarized the data, as you see in 19 133, that I had at my disposal. I 20 reviewed writings about the impacts. 21 And I took important 22 information from the fact that the 23 plaintiffs have brought this lawsuit. 24 The plaintiff don't want this 25 activity to continue. That is 26 revealed preference information that's 27 quite important. 28 BY MR. BRIDGES: 4 Q. Tell me about what you mean by 5 repealed sorry. Strike that. 4 Q. Tell me about what you mean by 5 repealed sorry. Strike that. 6 Tell me what you mean by 7 "revealed preference." 8 A. What people do often provides information on what their preferences are. 10 Q. And so the fact that plaintiffs 11 brought this lawsuit has revealed to you that they prefer to bring the lawsuit, correct? 13 MR. FEE: Objection. Vague. 14 THE WITNESS: Given the cost, they prefer to bring the lawsuit, correct? 15 MR. FEE: Objection. Vague. 16 A. What people do often provides information on what their preferences are. 17 BY MR. BRIDGES: 18 Q. What else strike that. 19 What are the data you're 19 referring to in page strike that. 19 What are the data you're 20 referring to in page strike that. 19 What are the data you're 20 referring to in page strike that. 21 What are the data you're 22 referring to in page strike that. 23 What are the data you're 24 referring to in page strike that. 25 What are the data you're 26 referring to in paragraph 133 that you took 27 and the data you land with regard to the 2008 code. 28 Page 162 29 Can you look at the data in 29 your the tables attached to your report 20 referring to in data you're 21 referring to in page strike that. 22 What are the data you're 23 referring to in paragraph 133 that you took 24 and see if that helps referse your memory as 25 to when the defendant posted that		-	10	
12 Q. So what independent analysis and research did you do other than reviewing the the views and statements of the parties in this case? 16 MR. FEE: Objection. Vague. 17 THE WITNESS: I reviewed and summarized the data, as you see in 133, that I had at my disposal. I 19 133, that I had at my disposal. I 19 133, that I had at my disposal. I 19 133, that I had at my disposal. I 19 20 reviewed writings about the impacts. 21 And I took important 22 information from the fact that the plaintiffs hoof want this 23 activity to continue. That is 24 The plaintiffs don't want this 25 activity to continue. That is 26 The plaintiffs don't want this 27 revealed preference information that's 28 quite important. 29 quite important. 30 BY MR. BRIDGES: 40 Q. Tell me about what you mean by 50 repealed sorry. Strike that. 50 Q. And so the fact that plaintiffs horizontation on what their preferences are. 51 G. Q. And so the fact that plaintiffs brought this lawsuit has revealed to you that 51 they prefer to bring the lawsuit 71 the WITNESS: Given the cost, 51 they prefer to bring the lawsuit 71 trafter than not bring it, yes. 51 BY MR. BRIDGES: 51 What are the data you're 52 referring to in page strike that. 51 What are the data you're 52 referring to in page strike that. 51 What are the data you're 52 referring to in paragraph 133 that you took 53 into account in discussing or analyzing 54 effects of defendant's activities on 55 men and research of the alleged 64. A. I don't know with absolute 67. A. I don't know with it as sectivity. I don't have an umber of the alleged activities occurred in late 2012. I don't water the defendant posted the 2008 retrainmatter to your analysis 20. A. I would change occurred in late 2012. I don't have any reason to think that it would change any of the conclusions 11 had it, but I don't have any reason to think that it would change any of the conclusions 11 had it, but I don't have any r	1			1 0 1
13 and research did you do other than reviewing 14 the views and statements of the parties in 15 this case? 16 MR. FEE: Objection. Vague. 17 THE WITNESS: 1 reviewed and 18 summarized the data, as you see in 19 133, that I had at my disposal. I 19 reviewed writings about the impacts. 21 And I took important 22 information from the fact that the 23 plaintiffs have brought this lawsuit. 24 The plaintiffs don't want this 25 activity to continue. That is 26 quite important. 27 revealed preference information that's 28 quite important. 29 quite important. 30 BY MR. BRIDGES: 4 Q. Tell me about what you mean by 5 repealed sorry. Strike that. 6 Tell me what you mean by 7 "revealed preference." 4 A. What people do often provides 9 information on what their preferences are. 10 Q. And so the fact that plaintiffs 11 brought this lawsuit has revealed to you that 22 they prefer to bring the lawsuit, correct? 31 MR. FEE: Objection. Vague. 4 THE WITNESS: Given the cost, 4 The WITNESS: Given the cost, 5 they prefer to bring the lawsuit, correct? 4 MR. FEE: Objection. Vague. 4 THE WITNESS: Given the cost, 5 they prefer to bring the lawsuit, correct? 5 MR. FEE: Objection vague. 6 BY MR. BRIDGES: 7 Q. The timing of when the 8 defendant posted the 2008 version of the 17 National Electrical Code on its Web site? 18 Q. And a twant this 29 And a twant this 20 And so the fact that the 21 don't know with absolute 22 nationty. I do know a number of the alleged 22 nativity occurred in late 2012. I don't 23 detivities occurred in late 2012. I don't want bring it sactivities occurred in late 2012. I don't want bring it weativities occurred in late of the 2008 onde. 21 would-change any of the conclusions that I drew. 22 have on what I know right only have any reason to think that it would change any of the conclusions that I drew. 24 A. I would- 25 MR. FEE: Objection that information if I had it, but I don't knew any reason to think that it would change any of the conclusions? 26 BY MR. BRIDGES: 27 Q. Do you know in what year 28 plaintiff	1		l	·
14 the views and statements of the parties in 15 this case? 16 MR. FEE: Objection. Vague. 17 THE WITNESS: I reviewed and summarized the data, as you see in 18 133, that I had at my disposal. I 20 reviewed writings about the impacts. 21 And I took important 22 information from the fact that the 23 plaintiffs have brought this lawsuit. 24 The plaintiffs don't want this 25 activity to continue. That is 26 uite important. 27 quite important. 28 BY MR. BRIDGES: 29 quite important. 39 BY MR. BRIDGES: 30 A. What people do often provides 30 information on what their preferences are. 30 Q. And so the fact that plaintiffs 31 brought this lawsuit has revealed to you that they prefer to bring the lawsuit crather than not bring it, yes. 31 MR. FEE: Objection. Vague. 31 THE WITNESS: Given the cost, they prefer to bring the lawsuit rather than not bring it, yes. 32 Plaintiffs? 32 Ok Mat are the data you're 32 referring to in page strike that. 32 What are the data you're 32 referring to in pagargaph 133 that you took 32 into account in discussing or analyzing 45 cown and so was a plaintiffs? 35 ow when the defendant posted the 2008 version of the National Electrical Code on its Web site? 34 certainty. I do know a number of the alleged 34 activities occurred in late 2012. I don't 34 activities occurred in late 2012. I			l	
15 this case? 16 MR. FEE: Objection. Vague. 17 THE WITNESS: I reviewed and summarized the data, as you see in 19 133, that I had at my disposal. I 19 133, that I had at my disposal. I 19 133, that I had at my disposal. I 19 133, that I had at my disposal. I 19 133, that I had at my disposal. I 19 133, that I had at my disposal. I 19 133, that I had at my disposal. I 19 133, that I had at my disposal. I 19 133, that I had at my disposal. I 19 133, that I had at my disposal. I 19 133, that I had at my disposal. I 19 133, that I had at my disposal. I 19 133, that I had at my disposal. I 19 133, that I had at my disposal. I 19 133, that I had at my disposal. I 19 134, that I had at my disposal. I 19 134, that I had at my disposal. I 19 134, that Information in from the fact that the 19 134, that Information on what their preferences are. In 19 134, that Information on what their preferences are. In 19 134, that Information on what their preferences are. In 19 134, that Information in that I 15 134, the prefer to bring the lawsuit they prefer to bring the lawsuit they prefer to bring the lawsuit they prefer to bring the lawsuit that they 19 134, that I had information if I had it, but I 19 134, that I had information if I had it, but I 19 134, that I had information if I had it, but I 19 134, that I had information if I had it, but I 13 134, that I had information if I had it, but I 134, that I had information if I had it, but I 134, that I had information if I had it, but I 134, that I drew. In 134, that I drew. In 134, that I don't have any reason to think that it would change any of the conclusions that I drew. In 144, that I had information if I had it, but I in 144, that I had information if I had it, but I in 144, that I had information if I had it, but I in 144, that I had in 144, but I in 144, that I had in 144, that I had in 144, tha	1		l	· · · · · · · · · · · · · · · · · · ·
16 MR. FEE: Objection. Vague. 17 THE WITNESS: I reviewed and summarized the data, as you see in 19 133, that I had at my disposal. I 19 134, now if it's specific to that code or not. 10 20 Does it matter to your analysis 20 20 Does it matter to your analysis 20 22 National Electrical Code on its Web site or 20 to Internet Archive? 1				•
THE WITNESS: I reviewed and summarized the data, as you see in last summarized the data, as you see in last summarized the data, as you see in last summarized the data with disposal. I last information from the fact that the plaintiffs have brought this lawsuit. The plaintiffs don't want this activity to continue. That is last last important. In revealed preference information that's quite important. In revealed preference information that's quite important. In last last last last last last last last	1		l	
18 summarized the data, as you see in 19 133, that I had at my disposal. I 20 reviewed writings about the impacts. 21 And I took important 22 information from the fact that the 23 plaintiffs have brought this lawsuit. 24 The plaintiffs don't want this 25 activity to continue. That is 26 quite important. 27 revealed preference information that's 28 quite important. 29 Tell me about what you mean by 20 Tell me what you mean by 21 revealed preference." 21 THE WITNESS: I would consider that information if I had it, but I don't have any reason to think that it would change any of the conclusions that I drew. 29 The me what you mean by 30 The me what you mean by 41 The pelaintiffs and the plaintiffs information on what their preferences are. 42 The plaintiffs activity to continue. That is 43 BY MR. BRIDGES: 44 Q. Tell me about what you mean by 55 repealed sorry. Strike that. 65 Tell me what you mean by 66 The me what you mean by 76 "revealed preference." 77 The world preference information on what their preferences are. 80 Q. And so the fact that plaintiffs in brought this lawsuit has revealed to you that they prefer to bring the lawsuit, correct? 10 Q. And so the fact that plaintiffs in they prefer to bring the lawsuit, correct? 11 brought this lawsuit has revealed to you that they prefer to bring the lawsuit, correct? 12 THE WITNESS: Given the cost, they prefer to bring the lawsuit in ow. My understanding is that much of the activity occurred in 2012, the later half of 2012, and I still have the whole body of 2012, and I still have the whole body of 2012, the later half of 2012, the later			l	
19			l	•
20 reviewed writings about the impacts. 21 And I took important 22 information from the fact that the 23 plaintiffs have brought this lawsuit. 24 The plaintiffs don't want this 25 activity to continue. That is 26		· · · · · · · · · · · · · · · · · · ·	l	
21 And I took important 22 information from the fact that the 23 plaintiffs have brought this lawsuit. 24 The plaintiffs don't want this 25 activity to continue. That is 26 revealed preference information that's 27 quite important. 28 Page 162 29 THE WITNESS: I would consider 20 quite important. 31 BY MR. BRIDGES: 40 Q. Tell me about what you mean by 41 revealed preference." 41 THE WITNESS: I would consider 42 that information if I had it, but I don't have any reason to think that it would change any of the conclusions that I drew. 41 The preference." 42 A. I would 43 MR. FEE: Objection to form. 44 Page 164 45 Page 162 46 THE WITNESS: I would consider that information if I had it, but I don't have any reason to think that it would change any of the conclusions that I drew. 46 BY MR. BRIDGES: 47 Q. The timing of when the defendant posted certain matters wouldn't ochange your conclusions? 48 A. What people do often provides information on what their preferences are. 49 Q. And so the fact that plaintiffs to they prefer to bring the lawsuit, correct? 40 MR. FEE: Objection. Vague. 41 THE WITNESS: Given the cost, they prefer to bring the lawsuit, correct? 41 THE WITNESS: Given the cost, they prefer to bring the lawsuit, they prefer to bring the la			l	
22		-	l	
plaintiffs have brought this lawsuit. The plaintiffs don't want this activity to continue. That is Page 162 1 revealed preference information that's quite important. 3 BY MR. BRIDGES: 4 Q. Tell me about what you mean by repealed sorry. Strike that. 6 Tell me what you mean by revealed preference." 8 A. What people do often provides information on what their preferences are. 10 Q. And so the fact that plaintiffs brought this lawsuit has revealed to you that they prefer to bring the lawsuit, correct; atthey prefer to bring the lawsuit rather than not bring it, yes. 17 BY MR. BRIDGES: 18 Q. What else strike that. 19 What are the data you're referring to in page strike that. 20 Land I still have the whole body of the National Electrical Code? 21 referring to in page strike that. 22 referring to in paragraph 133 that you took into account in discussing or analyzing activity occurred in 2012 and I still have the data in you re plaintiffs? 24 A. I would 25 MR. FEE: Objection to form. Page 164 A. I would 26 MR. FEE: Objection to form. Page 164 A. I would 27 MR. FEE: Objection to form. Page 164 A. I would 28 MR. FEE: Objection to form. Page 164 A. I would 29 MR. FEE: Objection to form. Page 164 A. I would 20 MR. FEE: Objection to form. Page 164 A. I would 21 MR. FEE: Objection to form. Page 164 A. I would 24 A. I would 25 MR. FEE: Objection to form. Page 164 A. I would 26 MR. FEE: Objection to form. Page 164 A. I would 28 MR. FEE: Objection to form. Page 164 A. I would 29 MR. FEE: Objection to form. Page 164 A. I would 20 The timing on when the defendant past of that information if I had it, but I would change any of the conclusions that I drew. BY MR. BRIDGES: 7 Q. The timing of when the defendant posted certain matters wouldn't change your conclusions? 10 A. Not based on what I know right 11 now. My understanding is that much of the activity occurred in 2012, the later half of 12012, and I still have the whole body of 12012, and I still have			l	•
The plaintiffs don't want this activity to continue. That is Page 162 The plaintiffs don't want this activity to continue. That is Page 162 The plaintiffs don't want this activity to continue. That is Page 162 A. I would MR. FEE: Objection to form. Page 164 The WITNESS: I would consider that information if I had it, but I adon't have any reason to think that it would change any of the conclusions that I drew. The With activity occurred in posted certain matters wouldn't ochange your conclusions? The With activity occurred in 2012, the later half of activity occurred in 2012, the later	1		l	
25 activity to continue. That is Page 162 1 revealed preference information that's quite important. 2 quite important. 3 BY MR. BRIDGES: 4 Q. Tell me about what you mean by 5 repealed sorry. Strike that. 6 Tell me what you mean by 7 "revealed preference." 8 A. What people do often provides information on what their preferences are. 10 Q. And so the fact that plaintiffs 1 brought this lawsuit has revealed to you that 12 they prefer to bring the lawsuit, correct? 13 MR. FEE: Objection. Vague. 14 THE WITNESS: Given the cost, 15 they prefer to bring the lawsuit rather than not bring it, yes. 16 Q. What else strike that. 17 What are the data you're referring to in page strike that. 18 What are the data you're referring to in page analyzing 24 effects of defendant's activities on 25 plaintiffs? 2 MR. FEE: Objection to form. 2 THE WITNESS: I would consider that information if I had it, but I would change in that information if I had it, but I would change any of the conclusions that I drew. 6 BY MR. BRIDGES: 7 Q. The timing of when the defendant posted certain matters wouldn't ochange your conclusions? 10 A. Not based on what I know right 11 now. My understanding is that much of the 12 activity occurred in 2012, the later half of 13 2012, and I still have the whole body of 14 evidence that I have considered. So I'm not 15 sure if the precise timing would change, but 15 referring would consider that. 10 Q. Do you know in what year 18 Public Resource.Org posted the 2011 version of the National Electrical Code? 20 A. Same answer to the question 19 of the National Electrical Code? 21 Can you look at the data in 29 your the tables attached to your report 24 and see if that helps refresh your memory as 25 to when the defendant posted NEC 2008 and	23	plaintiffs have brought this lawsuit.	23	to Internet Archive?
Page 162 1 revealed preference information that's quite important. 3 BY MR. BRIDGES: 4 Q. Tell me about what you mean by repealed sorry. Strike that. 5 Tell me what you mean by revealed preference." 7 "revealed preference." 8 A. What people do often provides information on what their preferences are. 10 Q. And so the fact that plaintiffs brought this lawsuit has revealed to you that they prefer to bring the lawsuit, correct? 13 MR. FEE: Objection. Vague. 14 THE WITNESS: I would consider that information if I had it, but I don't have any reason to think that it would change any of the conclusions that I drew. 6 BY MR. BRIDGES: 7 Q. The timing of when the defendant posted certain matters wouldn't change your conclusions? 10 A. Not based on what I know right now. My understanding is that much of the activity occurred in 2012, the later half of 2012, and I still have the whole body of 4 evidence that I have considered. So I'm not 15 sure if the precise timing would change, but 16 retrainly would consider that. 17 Q. Do you know in what year 18 Q. What else strike that. 19 What are the data you're referring to in page strike that. 20 Teferring to in page strike that. 21 What are the data you're referring to in paragraph 133 that you took into account in discussing or analyzing effects of defendant's activities on plaintiffs? 10 A. Not based on what I know right now. My understanding is that much of the activity occurred in 2012, the later half of 2012, and I still have the whole body of 15 evidence that I have considered. So I'm not 15 sure if the precise timing would change, but 16 retrainly would consider that. 10 Q. Do you know in what year 11 DHE WITNESS: I would consider that. 12 Q. Do you know in what year 13 2012, and I still have the whole body of 16 revidence that I have considered. So I'm not 15 sure if the precise timing would change, but 16 retrainly would consider that. 11 Q. Do you know in what year 12 Q. Can you look at the data in 18 you had with regard to the 2008	24	The plaintiffs don't want this	24	A. I would
1 revealed preference information that's 2 quite important. 3 BY MR. BRIDGES: 4 Q. Tell me about what you mean by 5 repealed sorry. Strike that. 6 Tell me what you mean by 7 "revealed preference." 8 A. What people do often provides 9 information on what their preferences are. 10 Q. And so the fact that plaintiffs 11 brought this lawsuit has revealed to you that 12 they prefer to bring the lawsuit, correct? 13 MR. FEE: Objection. Vague. 14 THE WITNESS: I would consider 2 that information if I had it, but I 3 don't have any reason to think that it 4 would change any of the conclusions 5 that I drew. 6 BY MR. BRIDGES: 7 Q. The timing of when the 8 defendant posted certain matters wouldn't 9 change your conclusions? 10 A. Not based on what I know right 11 now. My understanding is that much of the 12 activity occurred in 2012, the later half of 13 2012, and I still have the whole body of 14 evidence that I have considered. So I'm not 15 sure if the precise timing would change, but 16 I certainly would consider 17 Q. Do you know in what year 18 Q. What else strike that. 19 What are the data you're 19 of the National Electrical Code? 19 of the National Electrical Code? 20 referring to in page strike that. 21 What are the data you're 22 referring to in paragraph 133 that you took 23 into account in discussing or analyzing 24 effects of defendant's activities on 25 plaintiffs? 1 THE WITNESS: I would consider 2 that information if I had it, but I 3 don't have any reason to think that it 4 would change any of the conclusions 5 that I drew. 6 BY MR. BRIDGES: 7 Q. The timing of when the 8 defendant posted certain matters wouldn't 9 change your conclusions? 10 A. Not based on what I know right 11 now. My understanding is that much of the 12 activity occurred in 2012, the later half of 13 2012, and I still have the whole body of 14 evidence that I have considered. So I'm not 15 sure if the precise timing would change, but 16 I certainly would consider 17 Q. Do you know in what year 18 Public.Resource.Org posted the	25		25	MR. FEE: Objection to form.
2 that information if I had it, but I 3 BY MR. BRIDGES: 4 Q. Tell me about what you mean by 5 repealed sorry. Strike that. 6 Tell me what you mean by 7 "revealed preference." 8 A. What people do often provides 9 information on what their preferences are. 10 Q. And so the fact that plaintiffs 11 brought this lawsuit has revealed to you that 12 they prefer to bring the lawsuit, correct? 13 MR. FEE: Objection. Vague. 14 THE WITNESS: Given the cost, 15 they prefer to bring the lawsuit 16 rather than not bring it, yes. 17 BY MR. BRIDGES: 18 Q. What else strike that. 19 What are the data you're 19 What are the data you're 20 referring to in page strike that. 10 What are the data you're 21 referring to in page strike that. 22 that information if I had it, but I 3 don't have any reason to think that it 4 would change any of the conclusions 5 that I drew. 6 BY MR. BRIDGES: 7 Q. The timing of when the 8 defendant posted certain matters wouldn't 9 change your conclusions? 10 A. Not based on what I know right 11 now. My understanding is that much of the 12 activity occurred in 2012, the later half of 13 2012, and I still have the whole body of 14 evidence that I have considered. So I'm not 15 sure if the precise timing would change, but 16 I certainly would consider that. 17 Q. Do you know in what year 18 Public.Resource.Org posted the 2011 version 19 of the National Electrical Code? 20 A. Same answer to the question 21 that information if I had it, but I 22 would change any of the conclusions 23 that I drew. 8 BY MR. BRIDGES: 7 Q. The timing of when the 8 defendant posted certain matters wouldn't 9 change your conclusions? 10 A. Not based on what I know right 11 now. My understanding is that much of the 22012, and I still have the whole body of 23 evidence that I have considered. So I'm not 24 evidence that I have considered. So I'm not 25 sure if the precise timing would change, but 26 I certainly would consider that. 27 Q. Do you know in what year 28 Public.Resource.Org posted the 2011 version 29 of the Nat		Page 162		Page 164
3 BY MR. BRIDGES: 4 Q. Tell me about what you mean by 5 repealed sorry. Strike that. 6 Tell me what you mean by 7 "revealed preference." 8 A. What people do often provides 9 information on what their preferences are. 10 Q. And so the fact that plaintiffs 11 brought this lawsuit has revealed to you that 12 they prefer to bring the lawsuit, correct? 13 MR. FEE: Objection. Vague. 14 THE WITNESS: Given the cost, 15 they prefer to bring the lawsuit 16 rather than not bring it, yes. 17 Q. What else strike that. 18 PY MR. BRIDGES: 19 What are the data you're 20 referring to in page strike that. 21 What are the data you're 22 referring to in page strike that. 23 don't have any reason to think that it 4 would change any of the conclusions 4 that I drew. 6 BY MR. BRIDGES: 7 Q. The timing of when the 8 defendant posted certain matters wouldn't 9 change your conclusions? 10 A. Not based on what I know right 11 now. My understanding is that much of the 12 activity occurred in 2012, the later half of 13 2012, and I still have the whole body of 14 evidence that I have considered. So I'm not 15 sure if the precise timing would change, but 16 I certainly would consider that. 17 Q. Do you know in what year 18 Public.Resource.Org posted the 2011 version 19 of the National Electrical Code? 20 A. Same answer to the question 21 that you had with regard to the 2008 code. 22 Q. Can you look at the data in 23 your the tables attached to your memory as 24 effects of defendant's activities on 25 plaintiffs? 3 don't have any reason to think that it 4 would change any of the conclusions 26 that I drew. 8 PY MR. BRIDGES: 9 Q. The timing of when the 4 would change any of the conclusions 26 that I drew. 9 Change any of the conclusions 27 Q. The timing of when the 4 would change any of the conclusions 28 defendant posted certain matters wouldn't 29 change up or conclusions? 20 Lange and I still have the whole body of 20 evidence that I have considered. So I'm not 20 I certainly would consider that. 20 Lange and I still have t				
4 Q. Tell me about what you mean by 5 repealed sorry. Strike that. 6 Tell me what you mean by 7 "revealed preference." 8 A. What people do often provides 9 information on what their preferences are. 10 Q. And so the fact that plaintiffs 11 brought this lawsuit has revealed to you that 12 they prefer to bring the lawsuit, correct? 13 MR. FEE: Objection. Vague. 14 THE WITNESS: Given the cost, 15 they prefer to bring the lawsuit 16 rather than not bring it, yes. 17 BY MR. BRIDGES: 18 Q. What else strike that. 19 What are the data you're 20 referring to in page strike that. 21 What are the data you're 22 referring to in page strike that. 23 they are the data you're 24 effects of defendant's activities on 25 plaintiffs? 4 would change any of the conclusions 4 that I drew. 6 BY MR. BRIDGES: 7 Q. The timing of when the 8 defendant posted certain matters wouldn't 9 change your conclusions? 10 A. Not based on what I know right 11 now. My understanding is that much of the 12 activity occurred in 2012, the later half of 12 2012, and I still have the whole body of 13 2012, and I still have the whole body of 14 evidence that I have considered. So I'm not 15 sure if the precise timing would change, but 16 I certainly would consider that. 17 Q. Do you know in what year 18 Public.Resource.Org posted the 2011 version 19 of the National Electrical Code? 20 A. Same answer to the question 21 that you had with regard to the 2008 code. 22 Q. Can you look at the data in 23 your the tables attached to your memory as 25 to when the defendant posted NEC 2008 and	1	revealed preference information that's	1	THE WITNESS: I would consider
5 repealed sorry. Strike that. 6 Tell me what you mean by 7 "revealed preference." 8 A. What people do often provides 9 information on what their preferences are. 10 Q. And so the fact that plaintiffs 11 brought this lawsuit has revealed to you that 12 they prefer to bring the lawsuit, correct? 13 MR. FEE: Objection. Vague. 14 THE WITNESS: Given the cost, 15 that I drew. 6 BY MR. BRIDGES: 7 Q. The timing of when the 8 defendant posted certain matters wouldn't 9 change your conclusions? 10 A. Not based on what I know right 11 now. My understanding is that much of the 12 activity occurred in 2012, the later half of 13 2012, and I still have the whole body of 14 evidence that I have considered. So I'm not 15 sure if the precise timing would change, but 16 rather than not bring it, yes. 17 Q. Do you know in what year 18 Public.Resource.Org posted the 2011 version 19 What are the data you're 19 of the National Electrical Code? 20 referring to in page strike that. 21 What are the data you're 22 referring to in paragraph 133 that you took 23 into account in discussing or analyzing 24 effects of defendant's activities on 25 plaintiffs? 16 BY MR. BRIDGES: 7 Q. The timing of when the 8 defendant posted certain matters wouldn't 9 change your conclusions? 10 A. Not based on what I know right 11 now. My understanding is that much of the 12 activity occurred in 2012, the later half of 13 2012, and I still have the whole body of 14 evidence that I have considered. So I'm not 15 sure if the precise timing would consider that. 16 I certainly would consider that. 17 Q. Do you know in what year 18 Public.Resource.Org posted the 2011 version 19 of the National Electrical Code? 20 A. Same answer to the question 21 that you had with regard to the 2008 code. 22 Q. Can you look at the data in 23 your the tables attached to your report 24 and see if that helps refresh your memory as 25 to when the defendant posted NEC 2008 and		-	l	
5 repealed sorry. Strike that. 6 Tell me what you mean by 7 "revealed preference." 8 A. What people do often provides 9 information on what their preferences are. 10 Q. And so the fact that plaintiffs 11 brought this lawsuit has revealed to you that 12 they prefer to bring the lawsuit, correct? 13 MR. FEE: Objection. Vague. 14 THE WITNESS: Given the cost, 15 that I drew. 6 BY MR. BRIDGES: 7 Q. The timing of when the 8 defendant posted certain matters wouldn't 9 change your conclusions? 10 A. Not based on what I know right 11 now. My understanding is that much of the 12 activity occurred in 2012, the later half of 13 2012, and I still have the whole body of 14 evidence that I have considered. So I'm not 15 sure if the precise timing would change, but 16 I certainly would consider that. 17 Q. Do you know in what year 18 Public.Resource.Org posted the 2011 version 19 What are the data you're 19 of the National Electrical Code? 20 referring to in page strike that. 21 What are the data you're 22 referring to in paragraph 133 that you took 23 into account in discussing or analyzing 24 effects of defendant's activities on 25 plaintiffs? 1 that I drew. 6 BY MR. BRIDGES: 7 Q. The timing of when the 26 defendant posted certain matters wouldn't 29 change your conclusions? 10 A. Not based on what I know right 11 now. My understanding is that much of the 21 activity occurred in 2012, the later half of 22 2012, and I still have the whole body of 23 2012, and I still have the whole body of 24 evidence that I have considered. So I'm not 25 sure if the precise timing would change, but 26 I certainly would consider that. 27 Q. Do you know in what year 28 Public.Resource.Org posted the 2011 version 29 of the National Electrical Code? 20 A. Same answer to the question 21 that you had with regard to the 2008 code. 22 Q. Can you look at the data in 23 your the tables attached to your report 24 and see if that helps refresh your memory as 25 to when the defendant posted NEC 2008 and	2	quite important.	2	that information if I had it, but I
6 Tell me what you mean by 7 "revealed preference." 8 A. What people do often provides 9 information on what their preferences are. 10 Q. And so the fact that plaintiffs 11 brought this lawsuit has revealed to you that 12 they prefer to bring the lawsuit, correct? 13 MR. FEE: Objection. Vague. 14 THE WITNESS: Given the cost, 15 they prefer to bring the lawsuit 16 rather than not bring it, yes. 17 BY MR. BRIDGES: 18 Q. What else strike that. 19 What are the data you're 19 referring to in page strike that. 19 What are the data you're 20 referring to in page strike that. 21 What are the data you're 22 referring to in paragraph 133 that you took 23 into account in discussing or analyzing 24 effects of defendant's activities on 25 plaintiffs? 6 BY MR. BRIDGES: 7 Q. The timing of when the 8 defendant posted certain matters wouldn't 9 change your conclusions? 10 A. Not based on what I know right 11 now. My understanding is that much of the 12 activity occurred in 2012, the later half of 13 2012, and I still have the whole body of 14 evidence that I have considered. So I'm not 15 sure if the precise timing would change, but 16 I certainly would consider that. 17 Q. Do you know in what year 18 Public.Resource.Org posted the 2011 version 19 of the National Electrical Code? 20 Can you look at the data in 21 your the tables attached to your report 22 and see if that helps refresh your memory as 23 to when the defendant posted NEC 2008 and	2 3	quite important. BY MR. BRIDGES:	2 3	that information if I had it, but I don't have any reason to think that it
7 "revealed preference." 8 A. What people do often provides 9 information on what their preferences are. 10 Q. And so the fact that plaintiffs 11 brought this lawsuit has revealed to you that 12 they prefer to bring the lawsuit, correct? 13 MR. FEE: Objection. Vague. 14 THE WITNESS: Given the cost, 15 they prefer to bring the lawsuit 16 rather than not bring it, yes. 17 Q. The timing of when the 18 defendant posted certain matters wouldn't 19 change your conclusions? 10 A. Not based on what I know right 11 now. My understanding is that much of the 12 activity occurred in 2012, the later half of 13 2012, and I still have the whole body of 14 evidence that I have considered. So I'm not 15 sure if the precise timing would change, but 16 I certainly would consider that. 17 Q. Do you know in what year 18 Public.Resource.Org posted the 2011 version 19 of the National Electrical Code? 20 referring to in page strike that. 21 What are the data you're 22 referring to in paragraph 133 that you took 23 into account in discussing or analyzing 24 effects of defendant's activities on 25 plaintiffs? 10 A. Not based on what I know right 11 now. My understanding is that much of the 12 activity occurred in 2012, the later half of 13 2012, and I still have the whole body of 14 evidence that I have considered. So I'm not 15 I certainly would consider that. 16 I certainly would consider that. 17 Q. Do you know in what year 18 Public.Resource.Org posted the 2011 version 19 of the National Electrical Code? 20 Can you look at the data in 21 your the tables attached to your report 22 and see if that helps refresh your memory as 23 to when the	2 3 4	quite important. BY MR. BRIDGES: Q. Tell me about what you mean by	2 3 4	that information if I had it, but I don't have any reason to think that it would change any of the conclusions
8 A. What people do often provides 9 information on what their preferences are. 10 Q. And so the fact that plaintiffs 11 brought this lawsuit has revealed to you that 12 they prefer to bring the lawsuit, correct? 13 MR. FEE: Objection. Vague. 14 THE WITNESS: Given the cost, 15 they prefer to bring the lawsuit 16 rather than not bring it, yes. 17 BY MR. BRIDGES: 18 Q. What else strike that. 19 What are the data you're 20 referring to in page strike that. 21 What are the data you're 22 referring to in paragraph 133 that you took 23 into account in discussing or analyzing 24 effects of defendant's activities on 25 plaintiffs? 8 defendant posted certain matters wouldn't 9 change your conclusions? 10 A. Not based on what I know right 11 now. My understanding is that much of the 12 activity occurred in 2012, the later half of 12 activity occurred in 2012, the later half of 13 2012, and I still have the whole body of 14 evidence that I have considered. So I'm not 15 sure if the precise timing would change, but 16 I certainly would consider that. 17 Q. Do you know in what year 18 Public.Resource.Org posted the 2011 version 19 of the National Electrical Code? 20 Can you look at the data in 21 your the tables attached to your report 22 and see if that helps refresh your memory as 23 to when the defendant posted NEC 2008 and	2 3 4 5	quite important. BY MR. BRIDGES: Q. Tell me about what you mean by repealed sorry. Strike that.	2 3 4 5	that information if I had it, but I don't have any reason to think that it would change any of the conclusions that I drew.
9 information on what their preferences are. 10 Q. And so the fact that plaintiffs 11 brought this lawsuit has revealed to you that 12 they prefer to bring the lawsuit, correct? 13 MR. FEE: Objection. Vague. 14 THE WITNESS: Given the cost, 15 they prefer to bring the lawsuit 16 rather than not bring it, yes. 17 BY MR. BRIDGES: 18 Q. What else strike that. 19 What are the data you're 19 What are the data you're 20 referring to in page strike that. 21 What are the data you're 22 referring to in paragraph 133 that you took 23 into account in discussing or analyzing 24 effects of defendant's activities on 25 plaintiffs? 9 change your conclusions? 10 A. Not based on what I know right 11 now. My understanding is that much of the 12 activity occurred in 2012, the later half of 13 2012, and I still have the whole body of 14 evidence that I have considered. So I'm not 15 sure if the precise timing would change, but 16 I certainly would consider that. 17 Q. Do you know in what year 18 Public.Resource.Org posted the 2011 version 19 of the National Electrical Code? 20 A. Same answer to the question 21 that you had with regard to the 2008 code. 22 Q. Can you look at the data in 23 your the tables attached to your report 24 effects of defendant's activities on 25 plaintiffs?	2 3 4 5 6	quite important. BY MR. BRIDGES: Q. Tell me about what you mean by repealed sorry. Strike that. Tell me what you mean by	2 3 4 5 6	that information if I had it, but I don't have any reason to think that it would change any of the conclusions that I drew. BY MR. BRIDGES:
10 Q. And so the fact that plaintiffs 11 brought this lawsuit has revealed to you that 12 they prefer to bring the lawsuit, correct? 13 MR. FEE: Objection. Vague. 14 THE WITNESS: Given the cost, 15 they prefer to bring the lawsuit 16 rather than not bring it, yes. 17 BY MR. BRIDGES: 18 Q. What else strike that. 19 What are the data you're 20 referring to in page strike that. 21 What are the data you're 22 referring to in paragraph 133 that you took 23 into account in discussing or analyzing 25 plaintiffs? 10 A. Not based on what I know right 11 now. My understanding is that much of the 12 activity occurred in 2012, the later half of 13 2012, and I still have the whole body of 14 evidence that I have considered. So I'm not 15 sure if the precise timing would change, but 16 I certainly would consider that. 17 Q. Do you know in what year 18 Public.Resource.Org posted the 2011 version 19 of the National Electrical Code? 20 A. Same answer to the question 21 that you had with regard to the 2008 code. 22 Q. Can you look at the data in 23 your the tables attached to your report 24 and see if that helps refresh your memory as 25 to when the defendant posted NEC 2008 and	2 3 4 5 6 7	quite important. BY MR. BRIDGES: Q. Tell me about what you mean by repealed sorry. Strike that. Tell me what you mean by "revealed preference."	2 3 4 5 6 7	that information if I had it, but I don't have any reason to think that it would change any of the conclusions that I drew. BY MR. BRIDGES: Q. The timing of when the
11 brought this lawsuit has revealed to you that 12 they prefer to bring the lawsuit, correct? 13 MR. FEE: Objection. Vague. 14 THE WITNESS: Given the cost, 15 they prefer to bring the lawsuit 16 rather than not bring it, yes. 17 BY MR. BRIDGES: 18 Q. What else strike that. 19 What are the data you're 19 of the National Electrical Code? 20 referring to in page strike that. 21 What are the data you're 22 referring to in paragraph 133 that you took 23 into account in discussing or analyzing 24 effects of defendant's activities on 25 plaintiffs? 11 now. My understanding is that much of the 12 activity occurred in 2012, the later half of 13 2012, and I still have the whole body of 14 evidence that I have considered. So I'm not 15 sure if the precise timing would change, but 16 I certainly would consider that. 17 Q. Do you know in what year 18 Public.Resource.Org posted the 2011 version 19 of the National Electrical Code? 20 A. Same answer to the question 21 that you had with regard to the 2008 code. 22 Q. Can you look at the data in 23 your the tables attached to your report 24 and see if that helps refresh your memory as 25 to when the defendant posted NEC 2008 and	2 3 4 5 6 7 8	quite important. BY MR. BRIDGES: Q. Tell me about what you mean by repealed sorry. Strike that. Tell me what you mean by "revealed preference." A. What people do often provides	2 3 4 5 6 7 8	that information if I had it, but I don't have any reason to think that it would change any of the conclusions that I drew. BY MR. BRIDGES: Q. The timing of when the defendant posted certain matters wouldn't
they prefer to bring the lawsuit, correct? MR. FEE: Objection. Vague. THE WITNESS: Given the cost, they prefer to bring the lawsuit rather than not bring it, yes. MR. BRIDGES: Q. What else strike that. What are the data you're referring to in paragraph 133 that you took what are the data you're referring to in paragraph 133 that you took referring to in paragraph 133 that you took reflects of defendant's activities on plaintiffs? 12 activity occurred in 2012, the later half of 13 2012, and I still have the whole body of 14 evidence that I have considered. So I'm not 15 sure if the precise timing would change, but 16 I certainly would consider that. 17 Q. Do you know in what year 18 Public.Resource.Org posted the 2011 version 19 of the National Electrical Code? 20 A. Same answer to the question 21 that you had with regard to the 2008 code. 22 Q. Can you look at the data in 23 your the tables attached to your report 24 and see if that helps refresh your memory as 25 to when the defendant posted NEC 2008 and	2 3 4 5 6 7 8 9	quite important. BY MR. BRIDGES: Q. Tell me about what you mean by repealed sorry. Strike that. Tell me what you mean by "revealed preference." A. What people do often provides information on what their preferences are.	2 3 4 5 6 7 8 9	that information if I had it, but I don't have any reason to think that it would change any of the conclusions that I drew. BY MR. BRIDGES: Q. The timing of when the defendant posted certain matters wouldn't change your conclusions?
MR. FEE: Objection. Vague. THE WITNESS: Given the cost, they prefer to bring the lawsuit rather than not bring it, yes. MR. BRIDGES: Q. What else strike that. What are the data you're referring to in page strike that. What are the data you're referring to in paragraph 133 that you took what are the data you're referring to in paragraph 133 that you took refercts of defendant's activities on plaintiffs? MR. FEE: Objection. Vague. 13 2012, and I still have the whole body of the vidence that I have considered. So I'm not sure if the precise timing would change, but 16 I certainly would consider that. 17 Q. Do you know in what year 18 Public.Resource.Org posted the 2011 version 19 of the National Electrical Code? 20 A. Same answer to the question 21 that you had with regard to the 2008 code. 22 Q. Can you look at the data in 23 your the tables attached to your report 24 and see if that helps refresh your memory as 25 to when the defendant posted NEC 2008 and	2 3 4 5 6 7 8 9	quite important. BY MR. BRIDGES: Q. Tell me about what you mean by repealed sorry. Strike that. Tell me what you mean by "revealed preference." A. What people do often provides information on what their preferences are. Q. And so the fact that plaintiffs	2 3 4 5 6 7 8 9 10	that information if I had it, but I don't have any reason to think that it would change any of the conclusions that I drew. BY MR. BRIDGES: Q. The timing of when the defendant posted certain matters wouldn't change your conclusions? A. Not based on what I know right
THE WITNESS: Given the cost, they prefer to bring the lawsuit 15 sure if the precise timing would change, but 16 rather than not bring it, yes. 16 I certainly would consider that. 17 BY MR. BRIDGES: 17 Q. Do you know in what year 18 Q. What else strike that. 18 Public.Resource.Org posted the 2011 version 19 What are the data you're 19 of the National Electrical Code? 20 referring to in page strike that. 20 A. Same answer to the question 21 What are the data you're 22 referring to in paragraph 133 that you took 23 into account in discussing or analyzing 24 effects of defendant's activities on 25 plaintiffs? 26 volume 19 of the National Electrical Code? 27 Q. Can you look at the data in 28 your the tables attached to your report 29 and see if that helps refresh your memory as 29 to when the defendant posted NEC 2008 and	2 3 4 5 6 7 8 9 10 11	quite important. BY MR. BRIDGES: Q. Tell me about what you mean by repealed sorry. Strike that. Tell me what you mean by "revealed preference." A. What people do often provides information on what their preferences are. Q. And so the fact that plaintiffs brought this lawsuit has revealed to you that	2 3 4 5 6 7 8 9 10 11	that information if I had it, but I don't have any reason to think that it would change any of the conclusions that I drew. BY MR. BRIDGES: Q. The timing of when the defendant posted certain matters wouldn't change your conclusions? A. Not based on what I know right now. My understanding is that much of the
they prefer to bring the lawsuit rather than not bring it, yes. 15 sure if the precise timing would change, but 16 rather than not bring it, yes. 16 I certainly would consider that. 17 BY MR. BRIDGES: 18 Q. What else strike that. 19 What are the data you're 19 of the National Electrical Code? 20 referring to in page strike that. 21 What are the data you're 22 referring to in paragraph 133 that you took 23 into account in discussing or analyzing 24 effects of defendant's activities on 25 plaintiffs? 15 sure if the precise timing would change, but 16 I certainly would consider that. 17 Q. Do you know in what year 18 Public.Resource.Org posted the 2011 version 19 of the National Electrical Code? 20 A. Same answer to the question 21 that you had with regard to the 2008 code. 22 Q. Can you look at the data in 23 your the tables attached to your report 24 and see if that helps refresh your memory as 25 to when the defendant posted NEC 2008 and	2 3 4 5 6 7 8 9 10 11 12	quite important. BY MR. BRIDGES: Q. Tell me about what you mean by repealed sorry. Strike that. Tell me what you mean by "revealed preference." A. What people do often provides information on what their preferences are. Q. And so the fact that plaintiffs brought this lawsuit has revealed to you that they prefer to bring the lawsuit, correct?	2 3 4 5 6 7 8 9 10 11 12	that information if I had it, but I don't have any reason to think that it would change any of the conclusions that I drew. BY MR. BRIDGES: Q. The timing of when the defendant posted certain matters wouldn't change your conclusions? A. Not based on what I know right now. My understanding is that much of the activity occurred in 2012, the later half of
16 rather than not bring it, yes. 17 BY MR. BRIDGES: 18 Q. What else strike that. 19 What are the data you're 19 of the National Electrical Code? 20 referring to in page strike that. 21 What are the data you're 22 referring to in paragraph 133 that you took 23 into account in discussing or analyzing 24 effects of defendant's activities on 25 plaintiffs? 16 I certainly would consider that. 17 Q. Do you know in what year 18 Public.Resource.Org posted the 2011 version 19 of the National Electrical Code? 20 A. Same answer to the question 21 that you had with regard to the 2008 code. 22 Q. Can you look at the data in 23 your the tables attached to your report 24 and see if that helps refresh your memory as 25 to when the defendant posted NEC 2008 and	2 3 4 5 6 7 8 9 10 11 12 13	quite important. BY MR. BRIDGES: Q. Tell me about what you mean by repealed sorry. Strike that. Tell me what you mean by "revealed preference." A. What people do often provides information on what their preferences are. Q. And so the fact that plaintiffs brought this lawsuit has revealed to you that they prefer to bring the lawsuit, correct? MR. FEE: Objection. Vague.	2 3 4 5 6 7 8 9 10 11 12 13	that information if I had it, but I don't have any reason to think that it would change any of the conclusions that I drew. BY MR. BRIDGES: Q. The timing of when the defendant posted certain matters wouldn't change your conclusions? A. Not based on what I know right now. My understanding is that much of the activity occurred in 2012, the later half of 2012, and I still have the whole body of
17 Q. Do you know in what year 18 Q. What else strike that. 19 What are the data you're 20 referring to in page strike that. 21 What are the data you're 22 referring to in paragraph 133 that you took 23 into account in discussing or analyzing 24 effects of defendant's activities on 25 plaintiffs? 17 Q. Do you know in what year 18 Public.Resource.Org posted the 2011 version 19 of the National Electrical Code? 20 A. Same answer to the question 21 that you had with regard to the 2008 code. 22 Q. Can you look at the data in 23 your the tables attached to your report 24 and see if that helps refresh your memory as 25 to when the defendant posted NEC 2008 and	2 3 4 5 6 7 8 9 10 11 12 13 14	quite important. BY MR. BRIDGES: Q. Tell me about what you mean by repealed sorry. Strike that. Tell me what you mean by "revealed preference." A. What people do often provides information on what their preferences are. Q. And so the fact that plaintiffs brought this lawsuit has revealed to you that they prefer to bring the lawsuit, correct? MR. FEE: Objection. Vague. THE WITNESS: Given the cost,	2 3 4 5 6 7 8 9 10 11 12 13	that information if I had it, but I don't have any reason to think that it would change any of the conclusions that I drew. BY MR. BRIDGES: Q. The timing of when the defendant posted certain matters wouldn't change your conclusions? A. Not based on what I know right now. My understanding is that much of the activity occurred in 2012, the later half of 2012, and I still have the whole body of evidence that I have considered. So I'm not
18 Q. What else strike that. 19 What are the data you're 20 referring to in page strike that. 21 What are the data you're 22 referring to in paragraph 133 that you took 23 into account in discussing or analyzing 24 effects of defendant's activities on 25 plaintiffs? 18 Public.Resource.Org posted the 2011 version 19 of the National Electrical Code? 20 A. Same answer to the question 21 that you had with regard to the 2008 code. 22 Q. Can you look at the data in 23 your the tables attached to your report 24 and see if that helps refresh your memory as 25 to when the defendant posted NEC 2008 and	2 3 4 5 6 7 8 9 10 11 12 13 14 15	quite important. BY MR. BRIDGES: Q. Tell me about what you mean by repealed sorry. Strike that. Tell me what you mean by "revealed preference." A. What people do often provides information on what their preferences are. Q. And so the fact that plaintiffs brought this lawsuit has revealed to you that they prefer to bring the lawsuit, correct? MR. FEE: Objection. Vague. THE WITNESS: Given the cost, they prefer to bring the lawsuit	2 3 4 5 6 7 8 9 10 11 12 13 14 15	that information if I had it, but I don't have any reason to think that it would change any of the conclusions that I drew. BY MR. BRIDGES: Q. The timing of when the defendant posted certain matters wouldn't change your conclusions? A. Not based on what I know right now. My understanding is that much of the activity occurred in 2012, the later half of 2012, and I still have the whole body of evidence that I have considered. So I'm not sure if the precise timing would change, but
19 What are the data you're 20 referring to in page strike that. 21 What are the data you're 22 referring to in paragraph 133 that you took 23 into account in discussing or analyzing 24 effects of defendant's activities on 25 plaintiffs? 29 of the National Electrical Code? 20 A. Same answer to the question 21 that you had with regard to the 2008 code. 22 Q. Can you look at the data in 23 your the tables attached to your report 24 and see if that helps refresh your memory as 25 to when the defendant posted NEC 2008 and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	quite important. BY MR. BRIDGES: Q. Tell me about what you mean by repealed sorry. Strike that. Tell me what you mean by "revealed preference." A. What people do often provides information on what their preferences are. Q. And so the fact that plaintiffs brought this lawsuit has revealed to you that they prefer to bring the lawsuit, correct? MR. FEE: Objection. Vague. THE WITNESS: Given the cost, they prefer to bring the lawsuit rather than not bring it, yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	that information if I had it, but I don't have any reason to think that it would change any of the conclusions that I drew. BY MR. BRIDGES: Q. The timing of when the defendant posted certain matters wouldn't change your conclusions? A. Not based on what I know right now. My understanding is that much of the activity occurred in 2012, the later half of 2012, and I still have the whole body of evidence that I have considered. So I'm not sure if the precise timing would change, but I certainly would consider that.
20 referring to in page strike that. 21 What are the data you're 22 referring to in paragraph 133 that you took 23 into account in discussing or analyzing 24 effects of defendant's activities on 25 plaintiffs? 20 A. Same answer to the question 21 that you had with regard to the 2008 code. 22 Q. Can you look at the data in 23 your the tables attached to your report 24 and see if that helps refresh your memory as 25 to when the defendant posted NEC 2008 and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	quite important. BY MR. BRIDGES: Q. Tell me about what you mean by repealed sorry. Strike that. Tell me what you mean by "revealed preference." A. What people do often provides information on what their preferences are. Q. And so the fact that plaintiffs brought this lawsuit has revealed to you that they prefer to bring the lawsuit, correct? MR. FEE: Objection. Vague. THE WITNESS: Given the cost, they prefer to bring the lawsuit rather than not bring it, yes. BY MR. BRIDGES:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	that information if I had it, but I don't have any reason to think that it would change any of the conclusions that I drew. BY MR. BRIDGES: Q. The timing of when the defendant posted certain matters wouldn't change your conclusions? A. Not based on what I know right now. My understanding is that much of the activity occurred in 2012, the later half of 2012, and I still have the whole body of evidence that I have considered. So I'm not sure if the precise timing would change, but I certainly would consider that. Q. Do you know in what year
What are the data you're 22 referring to in paragraph 133 that you took 23 into account in discussing or analyzing 24 effects of defendant's activities on 25 plaintiffs? 21 that you had with regard to the 2008 code. 22 Q. Can you look at the data in 23 your the tables attached to your report 24 and see if that helps refresh your memory as 25 to when the defendant posted NEC 2008 and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	quite important. BY MR. BRIDGES: Q. Tell me about what you mean by repealed sorry. Strike that. Tell me what you mean by "revealed preference." A. What people do often provides information on what their preferences are. Q. And so the fact that plaintiffs brought this lawsuit has revealed to you that they prefer to bring the lawsuit, correct? MR. FEE: Objection. Vague. THE WITNESS: Given the cost, they prefer to bring the lawsuit rather than not bring it, yes. BY MR. BRIDGES: Q. What else strike that.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	that information if I had it, but I don't have any reason to think that it would change any of the conclusions that I drew. BY MR. BRIDGES: Q. The timing of when the defendant posted certain matters wouldn't change your conclusions? A. Not based on what I know right now. My understanding is that much of the activity occurred in 2012, the later half of 2012, and I still have the whole body of evidence that I have considered. So I'm not sure if the precise timing would change, but I certainly would consider that. Q. Do you know in what year Public.Resource.Org posted the 2011 version
22 referring to in paragraph 133 that you took 23 into account in discussing or analyzing 24 effects of defendant's activities on 25 plaintiffs? 20	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	quite important. BY MR. BRIDGES: Q. Tell me about what you mean by repealed sorry. Strike that. Tell me what you mean by "revealed preference." A. What people do often provides information on what their preferences are. Q. And so the fact that plaintiffs brought this lawsuit has revealed to you that they prefer to bring the lawsuit, correct? MR. FEE: Objection. Vague. THE WITNESS: Given the cost, they prefer to bring the lawsuit rather than not bring it, yes. BY MR. BRIDGES: Q. What else strike that. What are the data you're	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	that information if I had it, but I don't have any reason to think that it would change any of the conclusions that I drew. BY MR. BRIDGES: Q. The timing of when the defendant posted certain matters wouldn't change your conclusions? A. Not based on what I know right now. My understanding is that much of the activity occurred in 2012, the later half of 2012, and I still have the whole body of evidence that I have considered. So I'm not sure if the precise timing would change, but I certainly would consider that. Q. Do you know in what year Public.Resource.Org posted the 2011 version of the National Electrical Code?
23 into account in discussing or analyzing 24 effects of defendant's activities on 25 plaintiffs? 23 your the tables attached to your report 24 and see if that helps refresh your memory as 25 to when the defendant posted NEC 2008 and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	quite important. BY MR. BRIDGES: Q. Tell me about what you mean by repealed sorry. Strike that. Tell me what you mean by "revealed preference." A. What people do often provides information on what their preferences are. Q. And so the fact that plaintiffs brought this lawsuit has revealed to you that they prefer to bring the lawsuit, correct? MR. FEE: Objection. Vague. THE WITNESS: Given the cost, they prefer to bring the lawsuit rather than not bring it, yes. BY MR. BRIDGES: Q. What else strike that. What are the data you're referring to in page strike that.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	that information if I had it, but I don't have any reason to think that it would change any of the conclusions that I drew. BY MR. BRIDGES: Q. The timing of when the defendant posted certain matters wouldn't change your conclusions? A. Not based on what I know right now. My understanding is that much of the activity occurred in 2012, the later half of 2012, and I still have the whole body of evidence that I have considered. So I'm not sure if the precise timing would change, but I certainly would consider that. Q. Do you know in what year Public.Resource.Org posted the 2011 version of the National Electrical Code? A. Same answer to the question
24 effects of defendant's activities on 24 and see if that helps refresh your memory as 25 plaintiffs? 25 to when the defendant posted NEC 2008 and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	quite important. BY MR. BRIDGES: Q. Tell me about what you mean by repealed sorry. Strike that. Tell me what you mean by "revealed preference." A. What people do often provides information on what their preferences are. Q. And so the fact that plaintiffs brought this lawsuit has revealed to you that they prefer to bring the lawsuit, correct? MR. FEE: Objection. Vague. THE WITNESS: Given the cost, they prefer to bring the lawsuit rather than not bring it, yes. BY MR. BRIDGES: Q. What else strike that. What are the data you're	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	that information if I had it, but I don't have any reason to think that it would change any of the conclusions that I drew. BY MR. BRIDGES: Q. The timing of when the defendant posted certain matters wouldn't change your conclusions? A. Not based on what I know right now. My understanding is that much of the activity occurred in 2012, the later half of 2012, and I still have the whole body of evidence that I have considered. So I'm not sure if the precise timing would change, but I certainly would consider that. Q. Do you know in what year Public.Resource.Org posted the 2011 version of the National Electrical Code? A. Same answer to the question that you had with regard to the 2008 code.
25 plaintiffs? 25 to when the defendant posted NEC 2008 and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	quite important. BY MR. BRIDGES: Q. Tell me about what you mean by repealed sorry. Strike that. Tell me what you mean by "revealed preference." A. What people do often provides information on what their preferences are. Q. And so the fact that plaintiffs brought this lawsuit has revealed to you that they prefer to bring the lawsuit, correct? MR. FEE: Objection. Vague. THE WITNESS: Given the cost, they prefer to bring the lawsuit rather than not bring it, yes. BY MR. BRIDGES: Q. What else strike that. What are the data you're referring to in page strike that. What are the data you're referring to in paragraph 133 that you took	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	that information if I had it, but I don't have any reason to think that it would change any of the conclusions that I drew. BY MR. BRIDGES: Q. The timing of when the defendant posted certain matters wouldn't change your conclusions? A. Not based on what I know right now. My understanding is that much of the activity occurred in 2012, the later half of 2012, and I still have the whole body of evidence that I have considered. So I'm not sure if the precise timing would change, but I certainly would consider that. Q. Do you know in what year Public.Resource.Org posted the 2011 version of the National Electrical Code? A. Same answer to the question that you had with regard to the 2008 code. Q. Can you look at the data in
	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	quite important. BY MR. BRIDGES: Q. Tell me about what you mean by repealed sorry. Strike that. Tell me what you mean by "revealed preference." A. What people do often provides information on what their preferences are. Q. And so the fact that plaintiffs brought this lawsuit has revealed to you that they prefer to bring the lawsuit, correct? MR. FEE: Objection. Vague. THE WITNESS: Given the cost, they prefer to bring the lawsuit rather than not bring it, yes. BY MR. BRIDGES: Q. What else strike that. What are the data you're referring to in page strike that. What are the data you're referring to in paragraph 133 that you took into account in discussing or analyzing	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	that information if I had it, but I don't have any reason to think that it would change any of the conclusions that I drew. BY MR. BRIDGES: Q. The timing of when the defendant posted certain matters wouldn't change your conclusions? A. Not based on what I know right now. My understanding is that much of the activity occurred in 2012, the later half of 2012, and I still have the whole body of evidence that I have considered. So I'm not sure if the precise timing would change, but I certainly would consider that. Q. Do you know in what year Public.Resource.Org posted the 2011 version of the National Electrical Code? A. Same answer to the question that you had with regard to the 2008 code. Q. Can you look at the data in your the tables attached to your report
Page 163 Page 165	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	quite important. BY MR. BRIDGES: Q. Tell me about what you mean by repealed sorry. Strike that. Tell me what you mean by "revealed preference." A. What people do often provides information on what their preferences are. Q. And so the fact that plaintiffs brought this lawsuit has revealed to you that they prefer to bring the lawsuit, correct? MR. FEE: Objection. Vague. THE WITNESS: Given the cost, they prefer to bring the lawsuit rather than not bring it, yes. BY MR. BRIDGES: Q. What else strike that. What are the data you're referring to in page strike that. What are the data you're referring to in paragraph 133 that you took into account in discussing or analyzing effects of defendant's activities on	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	that information if I had it, but I don't have any reason to think that it would change any of the conclusions that I drew. BY MR. BRIDGES: Q. The timing of when the defendant posted certain matters wouldn't change your conclusions? A. Not based on what I know right now. My understanding is that much of the activity occurred in 2012, the later half of 2012, and I still have the whole body of evidence that I have considered. So I'm not sure if the precise timing would change, but I certainly would consider that. Q. Do you know in what year Public.Resource.Org posted the 2011 version of the National Electrical Code? A. Same answer to the question that you had with regard to the 2008 code. Q. Can you look at the data in your the tables attached to your report
	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	quite important. BY MR. BRIDGES: Q. Tell me about what you mean by repealed sorry. Strike that. Tell me what you mean by "revealed preference." A. What people do often provides information on what their preferences are. Q. And so the fact that plaintiffs brought this lawsuit has revealed to you that they prefer to bring the lawsuit, correct? MR. FEE: Objection. Vague. THE WITNESS: Given the cost, they prefer to bring the lawsuit rather than not bring it, yes. BY MR. BRIDGES: Q. What else strike that. What are the data you're referring to in page strike that. What are the data you're referring to in paragraph 133 that you took into account in discussing or analyzing effects of defendant's activities on plaintiffs?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	that information if I had it, but I don't have any reason to think that it would change any of the conclusions that I drew. BY MR. BRIDGES: Q. The timing of when the defendant posted certain matters wouldn't change your conclusions? A. Not based on what I know right now. My understanding is that much of the activity occurred in 2012, the later half of 2012, and I still have the whole body of evidence that I have considered. So I'm not sure if the precise timing would change, but I certainly would consider that. Q. Do you know in what year Public.Resource.Org posted the 2011 version of the National Electrical Code? A. Same answer to the question that you had with regard to the 2008 code. Q. Can you look at the data in your the tables attached to your report and see if that helps refresh your memory as

4			
1	NEC NEC 2011?	1	appropriateness of a permanent
2	A. I can look, and I will.	2	injunction here.
3	No, it doesn't answer that	3	BY MR. BRIDGES:
4	question, I don't think.	4	Q. Is the appropriate of is the
5	Q. Can you make a prediction as to	5	appropriateness of a permanent injunction an
6	when the defendant posted NEC 2008 and	6	economic question?
7	NEC 2011, based on the data attached to your	7	A. I think, in part, economic
8	report in Exhibit 1?	8	considerations can be and often are taken
9	MR. FEE: Objection to form.	9	into account in answering that question.
10	THE WITNESS: No, I don't	10	Q. Is it an economic question?
11	think, based on just those data.	11	MR. FEE: Objection.
12	BY MR. BRIDGES:	12	BY MR. BRIDGES:
13	Q. Can you make give an	13	Q. That was my question.
14	estimate as to when the defendant posted	14	MR. FEE: Asked and answered.
15	NEC 2008 and NEC 2011, based on the data	15	THE WITNESS: Again, in part.
16	attached to your report as Exhibit 1?	16	BY MR. BRIDGES:
17	MR. FEE: Same objection.	17	Q. The propriety of
18	THE WITNESS: No, I don't	18	a preliminary of a strike that.
19	think, based on just that information.	19	It's your testimony that the
20	BY MR. BRIDGES:	20	propriety of a permanent injunction is, in
21	Q. Well, just looking at your	21	part, an economic question?
22	report, can you tell when defendant posted	22	MR. FEE: Objection. Asked and
23	NEC 2008 and NEC 2011?	23	answered. Form. Calls for a legal
24	A. My answer hasn't changed. I	24	conclusion.
25	still don't know precisely when those were	25	THE WITNESS: Yes. As I
	Page 166		Page 168
1	posted.	1	understand it, one factor to consider
2	Q. But that doesn't make a	2	is the reparability or irreparability
1 2	difference to your economic analysis of the		
3	difference to your economic analysis of the	3	of harm. I believe, at its core,
4	effects of defendant's activities on the	3 4	
			of harm. I believe, at its core, that's an economic question. BY MR. BRIDGES:
4	effects of defendant's activities on the	4	that's an economic question.
4 5	effects of defendant's activities on the plaintiffs? A. Well, I would be curious	5	that's an economic question. BY MR. BRIDGES: Q. And what economic theories did
4 5 6	effects of defendant's activities on the plaintiffs?	4 5 6	that's an economic question. BY MR. BRIDGES:
4 5 6 7	effects of defendant's activities on the plaintiffs? A. Well, I would be curious MR. FEE: Objection to form.	4 5 6 7 8	that's an economic question. BY MR. BRIDGES: Q. And what economic theories did you rely upon to conclude that, as an
4 5 6 7 8	effects of defendant's activities on the plaintiffs? A. Well, I would be curious MR. FEE: Objection to form. THE WITNESS: curious about	4 5 6 7 8	that's an economic question. BY MR. BRIDGES: Q. And what economic theories did you rely upon to conclude that, as an economic matter, a preliminary strike
4 5 6 7 8 9	effects of defendant's activities on the plaintiffs? A. Well, I would be curious MR. FEE: Objection to form. THE WITNESS: curious about that information, but I don't have any	4 5 6 7 8 9	that's an economic question. BY MR. BRIDGES: Q. And what economic theories did you rely upon to conclude that, as an economic matter, a preliminary strike that.
4 5 6 7 8 9 10	effects of defendant's activities on the plaintiffs? A. Well, I would be curious MR. FEE: Objection to form. THE WITNESS: curious about that information, but I don't have any reason to think it would change the	4 5 6 7 8 9 10	that's an economic question. BY MR. BRIDGES: Q. And what economic theories did you rely upon to conclude that, as an economic matter, a preliminary strike that. What economic theories did you
4 5 6 7 8 9 10 11	effects of defendant's activities on the plaintiffs? A. Well, I would be curious MR. FEE: Objection to form. THE WITNESS: curious about that information, but I don't have any reason to think it would change the conclusions that I drew, and that is	4 5 6 7 8 9 10 11	that's an economic question. BY MR. BRIDGES: Q. And what economic theories did you rely upon to conclude that, as an economic matter, a preliminary strike that. What economic theories did you rely upon to conclude that, as an economic
4 5 6 7 8 9 10 11 12	effects of defendant's activities on the plaintiffs? A. Well, I would be curious MR. FEE: Objection to form. THE WITNESS: curious about that information, but I don't have any reason to think it would change the conclusions that I drew, and that is that a permanent injunction is	4 5 6 7 8 9 10 11 12	that's an economic question. BY MR. BRIDGES: Q. And what economic theories did you rely upon to conclude that, as an economic matter, a preliminary strike that. What economic theories did you rely upon to conclude that, as an economic matter, a permanent injunction is appropriate
4 5 6 7 8 9 10 11 12 13	effects of defendant's activities on the plaintiffs? A. Well, I would be curious MR. FEE: Objection to form. THE WITNESS: curious about that information, but I don't have any reason to think it would change the conclusions that I drew, and that is that a permanent injunction is appropriate here.	4 5 6 7 8 9 10 11 12 13	that's an economic question. BY MR. BRIDGES: Q. And what economic theories did you rely upon to conclude that, as an economic matter, a preliminary strike that. What economic theories did you rely upon to conclude that, as an economic matter, a permanent injunction is appropriate in this case?
4 5 6 7 8 9 10 11 12 13 14	effects of defendant's activities on the plaintiffs? A. Well, I would be curious MR. FEE: Objection to form. THE WITNESS: curious about that information, but I don't have any reason to think it would change the conclusions that I drew, and that is that a permanent injunction is appropriate here. BY MR. BRIDGES:	4 5 6 7 8 9 10 11 12 13 14	that's an economic question. BY MR. BRIDGES: Q. And what economic theories did you rely upon to conclude that, as an economic matter, a preliminary strike that. What economic theories did you rely upon to conclude that, as an economic matter, a permanent injunction is appropriate in this case? MR. FEE: Same objections.
4 5 6 7 8 9 10 11 12 13 14 15	effects of defendant's activities on the plaintiffs? A. Well, I would be curious MR. FEE: Objection to form. THE WITNESS: curious about that information, but I don't have any reason to think it would change the conclusions that I drew, and that is that a permanent injunction is appropriate here. BY MR. BRIDGES: Q. Is it your job to determine	4 5 6 7 8 9 10 11 12 13 14 15	that's an economic question. BY MR. BRIDGES: Q. And what economic theories did you rely upon to conclude that, as an economic matter, a preliminary strike that. What economic theories did you rely upon to conclude that, as an economic matter, a permanent injunction is appropriate in this case? MR. FEE: Same objections. THE WITNESS: I don't know what
4 5 6 7 8 9 10 11 12 13 14 15 16	effects of defendant's activities on the plaintiffs? A. Well, I would be curious MR. FEE: Objection to form. THE WITNESS: curious about that information, but I don't have any reason to think it would change the conclusions that I drew, and that is that a permanent injunction is appropriate here. BY MR. BRIDGES: Q. Is it your job to determine whether a permanent injunction is	4 5 6 7 8 9 10 11 12 13 14 15 16	that's an economic question. BY MR. BRIDGES: Q. And what economic theories did you rely upon to conclude that, as an economic matter, a preliminary strike that. What economic theories did you rely upon to conclude that, as an economic matter, a permanent injunction is appropriate in this case? MR. FEE: Same objections. THE WITNESS: I don't know what candidates you have in mind for
4 5 6 7 8 9 10 11 12 13 14 15 16 17	effects of defendant's activities on the plaintiffs? A. Well, I would be curious MR. FEE: Objection to form. THE WITNESS: curious about that information, but I don't have any reason to think it would change the conclusions that I drew, and that is that a permanent injunction is appropriate here. BY MR. BRIDGES: Q. Is it your job to determine whether a permanent injunction is appropriate? Is that what you were hired to	4 5 6 7 8 9 10 11 12 13 14 15 16 17	that's an economic question. BY MR. BRIDGES: Q. And what economic theories did you rely upon to conclude that, as an economic matter, a preliminary strike that. What economic theories did you rely upon to conclude that, as an economic matter, a permanent injunction is appropriate in this case? MR. FEE: Same objections. THE WITNESS: I don't know what candidates you have in mind for economic theories.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	effects of defendant's activities on the plaintiffs? A. Well, I would be curious MR. FEE: Objection to form. THE WITNESS: curious about that information, but I don't have any reason to think it would change the conclusions that I drew, and that is that a permanent injunction is appropriate here. BY MR. BRIDGES: Q. Is it your job to determine whether a permanent injunction is appropriate? Is that what you were hired to do?	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	that's an economic question. BY MR. BRIDGES: Q. And what economic theories did you rely upon to conclude that, as an economic matter, a preliminary strike that. What economic theories did you rely upon to conclude that, as an economic matter, a permanent injunction is appropriate in this case? MR. FEE: Same objections. THE WITNESS: I don't know what candidates you have in mind for economic theories. BY MR. BRIDGES:
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	effects of defendant's activities on the plaintiffs? A. Well, I would be curious MR. FEE: Objection to form. THE WITNESS: curious about that information, but I don't have any reason to think it would change the conclusions that I drew, and that is that a permanent injunction is appropriate here. BY MR. BRIDGES: Q. Is it your job to determine whether a permanent injunction is appropriate? Is that what you were hired to do? A. No.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	that's an economic question. BY MR. BRIDGES: Q. And what economic theories did you rely upon to conclude that, as an economic matter, a preliminary strike that. What economic theories did you rely upon to conclude that, as an economic matter, a permanent injunction is appropriate in this case? MR. FEE: Same objections. THE WITNESS: I don't know what candidates you have in mind for economic theories. BY MR. BRIDGES: Q. Whichever ones you relied upon.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	effects of defendant's activities on the plaintiffs? A. Well, I would be curious MR. FEE: Objection to form. THE WITNESS: curious about that information, but I don't have any reason to think it would change the conclusions that I drew, and that is that a permanent injunction is appropriate here. BY MR. BRIDGES: Q. Is it your job to determine whether a permanent injunction is appropriate? Is that what you were hired to do? A. No. MR. FEE: Objection. Calls for	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	that's an economic question. BY MR. BRIDGES: Q. And what economic theories did you rely upon to conclude that, as an economic matter, a preliminary strike that. What economic theories did you rely upon to conclude that, as an economic matter, a permanent injunction is appropriate in this case? MR. FEE: Same objections. THE WITNESS: I don't know what candidates you have in mind for economic theories. BY MR. BRIDGES: Q. Whichever ones you relied upon. A. I
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	effects of defendant's activities on the plaintiffs? A. Well, I would be curious MR. FEE: Objection to form. THE WITNESS: curious about that information, but I don't have any reason to think it would change the conclusions that I drew, and that is that a permanent injunction is appropriate here. BY MR. BRIDGES: Q. Is it your job to determine whether a permanent injunction is appropriate? Is that what you were hired to do? A. No. MR. FEE: Objection. Calls for a legal conclusion. Form. Compound. THE WITNESS: I think it's ultimately the Court's decision to	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	that's an economic question. BY MR. BRIDGES: Q. And what economic theories did you rely upon to conclude that, as an economic matter, a preliminary strike that. What economic theories did you rely upon to conclude that, as an economic matter, a permanent injunction is appropriate in this case? MR. FEE: Same objections. THE WITNESS: I don't know what candidates you have in mind for economic theories. BY MR. BRIDGES: Q. Whichever ones you relied upon. A. I MR. FEE: Same objections. THE WITNESS: used all of my training and applied it to the facts
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	effects of defendant's activities on the plaintiffs? A. Well, I would be curious MR. FEE: Objection to form. THE WITNESS: curious about that information, but I don't have any reason to think it would change the conclusions that I drew, and that is that a permanent injunction is appropriate here. BY MR. BRIDGES: Q. Is it your job to determine whether a permanent injunction is appropriate? Is that what you were hired to do? A. No. MR. FEE: Objection. Calls for a legal conclusion. Form. Compound. THE WITNESS: I think it's ultimately the Court's decision to make, but I've been asked what my	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	that's an economic question. BY MR. BRIDGES: Q. And what economic theories did you rely upon to conclude that, as an economic matter, a preliminary strike that. What economic theories did you rely upon to conclude that, as an economic matter, a permanent injunction is appropriate in this case? MR. FEE: Same objections. THE WITNESS: I don't know what candidates you have in mind for economic theories. BY MR. BRIDGES: Q. Whichever ones you relied upon. A. I MR. FEE: Same objections. THE WITNESS: used all of my training and applied it to the facts of this case and drew the conclusions
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	effects of defendant's activities on the plaintiffs? A. Well, I would be curious MR. FEE: Objection to form. THE WITNESS: curious about that information, but I don't have any reason to think it would change the conclusions that I drew, and that is that a permanent injunction is appropriate here. BY MR. BRIDGES: Q. Is it your job to determine whether a permanent injunction is appropriate? Is that what you were hired to do? A. No. MR. FEE: Objection. Calls for a legal conclusion. Form. Compound. THE WITNESS: I think it's ultimately the Court's decision to	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	that's an economic question. BY MR. BRIDGES: Q. And what economic theories did you rely upon to conclude that, as an economic matter, a preliminary strike that. What economic theories did you rely upon to conclude that, as an economic matter, a permanent injunction is appropriate in this case? MR. FEE: Same objections. THE WITNESS: I don't know what candidates you have in mind for economic theories. BY MR. BRIDGES: Q. Whichever ones you relied upon. A. I MR. FEE: Same objections. THE WITNESS: used all of my training and applied it to the facts

l			
1	BY MR. BRIDGES:	1	THE WITNESS: We learn about
2	Q. And are there any particular	2	price theory. We learn about consumer
3	aspects of training that you have beyond what	3	behavior. We talk we learn about
4	a first-year college student would have	4	manufacturer and supplier actions. We
5	gotten in a first-year economics course that	5	learn about game theory. We learn
6	you have brought to bear by applying	6	about econometrics. We learn more
7	particular economic theories to this case?	7	broadly about quantitative methods.
8	A. I think my training makes me	8	We learn about a variety of aspects of
9	who I am and has helped me in assignments	9	industrial organization. There are
10	like this. I have beyond a first-year-in-	10	many things that we learn beyond the
11	college understanding of basic economics, but	11	first year of economics training.
12	they're very important concepts that are	12	BY MR. BRIDGES:
13	taught and learned in first-year economics.	13	Q. No, I'm asking what you brought
14	Q. Well, I want to know if there	14	to bear in your analysis in this case.
15	are any economic concepts beyond first-year	15	A. All those.
16	economics that you have brought to bear in	16	Q. Okay. What aspect of price
17	rendering your conclusions in this case.	17	theory did you bring to bear in this case?
18	MR. FEE: Objection to form.	18	A. I don't know how to answer that
19	Asked and answered.	19	question besides I understand basic price
20	THE WITNESS: Generally, there	20	theory and have researched it much and
21	are, yes.	21	applied that to the facts here.
22	BY MR. BRIDGES:	22	Q. What was the specific
23	Q. What economic concepts have you	23	application of price theory that you brought
24	brought to bear in your report and analysis	24	to bear in this case?
25	in this case?	25	A. I can't be any more specific
	Page 170		Page 172
1	A. I'm sorry, because I don't know	1	than that. I don't understand your question.
1 2	A. I'm sorry, because I don't know what you mean by "economic concepts." We get	1 2	than that. I don't understand your question. Q. What aspect of training about
_			
2	what you mean by "economic concepts." We get	2	Q. What aspect of training about
2 3	what you mean by "economic concepts." We get trained in things like quantitative methods	2 3	Q. What aspect of training about consumer behavior did you bring to bear in
2 3 4	what you mean by "economic concepts." We get trained in things like quantitative methods and intermediate microeconomics, in price	2 3 4	Q. What aspect of training about consumer behavior did you bring to bear in this case?
2 3 4 5	what you mean by "economic concepts." We get trained in things like quantitative methods and intermediate microeconomics, in price theory, in econometrics, in consumer	2 3 4 5	Q. What aspect of training about consumer behavior did you bring to bear in this case? A. I can't be any more specific
2 3 4 5 6 7	what you mean by "economic concepts." We get trained in things like quantitative methods and intermediate microeconomics, in price theory, in econometrics, in consumer behavior. All those things are beyond the	2 3 4 5 6	Q. What aspect of training about consumer behavior did you bring to bear in this case? A. I can't be any more specific than saying that.
2 3 4 5 6 7 8	what you mean by "economic concepts." We get trained in things like quantitative methods and intermediate microeconomics, in price theory, in econometrics, in consumer behavior. All those things are beyond the first year. I don't know if you're calling	2 3 4 5 6 7 8	Q. What aspect of training about consumer behavior did you bring to bear in this case? A. I can't be any more specific than saying that. Q. What aspects of your training
2 3 4 5 6 7 8	what you mean by "economic concepts." We get trained in things like quantitative methods and intermediate microeconomics, in price theory, in econometrics, in consumer behavior. All those things are beyond the first year. I don't know if you're calling those economic theories. Your your	2 3 4 5 6 7 8	Q. What aspect of training about consumer behavior did you bring to bear in this case? A. I can't be any more specific than saying that. Q. What aspects of your training about game theory have you brought to bear in
2 3 4 5 6 7 8 9	what you mean by "economic concepts." We get trained in things like quantitative methods and intermediate microeconomics, in price theory, in econometrics, in consumer behavior. All those things are beyond the first year. I don't know if you're calling those economic theories. Your your questioning confuses me.	2 3 4 5 6 7 8 9	Q. What aspect of training about consumer behavior did you bring to bear in this case? A. I can't be any more specific than saying that. Q. What aspects of your training about game theory have you brought to bear in your work on this case?
2 3 4 5 6 7 8 9	what you mean by "economic concepts." We get trained in things like quantitative methods and intermediate microeconomics, in price theory, in econometrics, in consumer behavior. All those things are beyond the first year. I don't know if you're calling those economic theories. Your your questioning confuses me. Q. Well, you referred to the	2 3 4 5 6 7 8 9 10	Q. What aspect of training about consumer behavior did you bring to bear in this case? A. I can't be any more specific than saying that. Q. What aspects of your training about game theory have you brought to bear in your work on this case? A. I can't be any more specific
2 3 4 5 6 7 8 9 10	what you mean by "economic concepts." We get trained in things like quantitative methods and intermediate microeconomics, in price theory, in econometrics, in consumer behavior. All those things are beyond the first year. I don't know if you're calling those economic theories. Your your questioning confuses me. Q. Well, you referred to the important concepts in response to my question	2 3 4 5 6 7 8 9 10 11	Q. What aspect of training about consumer behavior did you bring to bear in this case? A. I can't be any more specific than saying that. Q. What aspects of your training about game theory have you brought to bear in your work on this case? A. I can't be any more specific than that.
2 3 4 5 6 7 8 9 10 11 12	what you mean by "economic concepts." We get trained in things like quantitative methods and intermediate microeconomics, in price theory, in econometrics, in consumer behavior. All those things are beyond the first year. I don't know if you're calling those economic theories. Your your questioning confuses me. Q. Well, you referred to the important concepts in response to my question to you about particular aspects of training	2 3 4 5 6 7 8 9 10 11 12	Q. What aspect of training about consumer behavior did you bring to bear in this case? A. I can't be any more specific than saying that. Q. What aspects of your training about game theory have you brought to bear in your work on this case? A. I can't be any more specific than that. Q. What aspects of econometrics in
2 3 4 5 6 7 8 9 10 11 12 13	what you mean by "economic concepts." We get trained in things like quantitative methods and intermediate microeconomics, in price theory, in econometrics, in consumer behavior. All those things are beyond the first year. I don't know if you're calling those economic theories. Your your questioning confuses me. Q. Well, you referred to the important concepts in response to my question to you about particular aspects of training that you have beyond what a first-year	2 3 4 5 6 7 8 9 10 11 12 13	Q. What aspect of training about consumer behavior did you bring to bear in this case? A. I can't be any more specific than saying that. Q. What aspects of your training about game theory have you brought to bear in your work on this case? A. I can't be any more specific than that. Q. What aspects of econometrics in your training have you brought to bear on
2 3 4 5 6 7 8 9 10 11 12 13	what you mean by "economic concepts." We get trained in things like quantitative methods and intermediate microeconomics, in price theory, in econometrics, in consumer behavior. All those things are beyond the first year. I don't know if you're calling those economic theories. Your your questioning confuses me. Q. Well, you referred to the important concepts in response to my question to you about particular aspects of training that you have beyond what a first-year college student would have gotten in a	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. What aspect of training about consumer behavior did you bring to bear in this case? A. I can't be any more specific than saying that. Q. What aspects of your training about game theory have you brought to bear in your work on this case? A. I can't be any more specific than that. Q. What aspects of econometrics in your training have you brought to bear on this case?
2 3 4 5 6 7 8 9 10 11 12 13 14	what you mean by "economic concepts." We get trained in things like quantitative methods and intermediate microeconomics, in price theory, in econometrics, in consumer behavior. All those things are beyond the first year. I don't know if you're calling those economic theories. Your your questioning confuses me. Q. Well, you referred to the important concepts in response to my question to you about particular aspects of training that you have beyond what a first-year college student would have gotten in a first-year economics course that you brought	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. What aspect of training about consumer behavior did you bring to bear in this case? A. I can't be any more specific than saying that. Q. What aspects of your training about game theory have you brought to bear in your work on this case? A. I can't be any more specific than that. Q. What aspects of econometrics in your training have you brought to bear on this case? A. I can't be any more specific
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	what you mean by "economic concepts." We get trained in things like quantitative methods and intermediate microeconomics, in price theory, in econometrics, in consumer behavior. All those things are beyond the first year. I don't know if you're calling those economic theories. Your your questioning confuses me. Q. Well, you referred to the important concepts in response to my question to you about particular aspects of training that you have beyond what a first-year college student would have gotten in a first-year economics course that you brought to bear by applying economic theories to this	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. What aspect of training about consumer behavior did you bring to bear in this case? A. I can't be any more specific than saying that. Q. What aspects of your training about game theory have you brought to bear in your work on this case? A. I can't be any more specific than that. Q. What aspects of econometrics in your training have you brought to bear on this case? A. I can't be any more specific than that.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	what you mean by "economic concepts." We get trained in things like quantitative methods and intermediate microeconomics, in price theory, in econometrics, in consumer behavior. All those things are beyond the first year. I don't know if you're calling those economic theories. Your your questioning confuses me. Q. Well, you referred to the important concepts in response to my question to you about particular aspects of training that you have beyond what a first-year college student would have gotten in a first-year economics course that you brought to bear by applying economic theories to this case, and your answer refers to very	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. What aspect of training about consumer behavior did you bring to bear in this case? A. I can't be any more specific than saying that. Q. What aspects of your training about game theory have you brought to bear in your work on this case? A. I can't be any more specific than that. Q. What aspects of econometrics in your training have you brought to bear on this case? A. I can't be any more specific than that. Q. What inform what aspects of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	what you mean by "economic concepts." We get trained in things like quantitative methods and intermediate microeconomics, in price theory, in econometrics, in consumer behavior. All those things are beyond the first year. I don't know if you're calling those economic theories. Your your questioning confuses me. Q. Well, you referred to the important concepts in response to my question to you about particular aspects of training that you have beyond what a first-year college student would have gotten in a first-year economics course that you brought to bear by applying economic theories to this case, and your answer refers to very important concepts that are taught and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. What aspect of training about consumer behavior did you bring to bear in this case? A. I can't be any more specific than saying that. Q. What aspects of your training about game theory have you brought to bear in your work on this case? A. I can't be any more specific than that. Q. What aspects of econometrics in your training have you brought to bear on this case? A. I can't be any more specific than that. Q. What inform what aspects of training in qualitative methods have you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	what you mean by "economic concepts." We get trained in things like quantitative methods and intermediate microeconomics, in price theory, in econometrics, in consumer behavior. All those things are beyond the first year. I don't know if you're calling those economic theories. Your your questioning confuses me. Q. Well, you referred to the important concepts in response to my question to you about particular aspects of training that you have beyond what a first-year college student would have gotten in a first-year economics course that you brought to bear by applying economic theories to this case, and your answer refers to very important concepts that are taught and learned.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. What aspect of training about consumer behavior did you bring to bear in this case? A. I can't be any more specific than saying that. Q. What aspects of your training about game theory have you brought to bear in your work on this case? A. I can't be any more specific than that. Q. What aspects of econometrics in your training have you brought to bear on this case? A. I can't be any more specific than that. Q. What inform what aspects of training in qualitative methods have you brought to bear on this case?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	what you mean by "economic concepts." We get trained in things like quantitative methods and intermediate microeconomics, in price theory, in econometrics, in consumer behavior. All those things are beyond the first year. I don't know if you're calling those economic theories. Your your questioning confuses me. Q. Well, you referred to the important concepts in response to my question to you about particular aspects of training that you have beyond what a first-year college student would have gotten in a first-year economics course that you brought to bear by applying economic theories to this case, and your answer refers to very important concepts that are taught and learned. And so I'm asking you, what	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. What aspect of training about consumer behavior did you bring to bear in this case? A. I can't be any more specific than saying that. Q. What aspects of your training about game theory have you brought to bear in your work on this case? A. I can't be any more specific than that. Q. What aspects of econometrics in your training have you brought to bear on this case? A. I can't be any more specific than that. Q. What inform what aspects of training in qualitative methods have you brought to bear on this case? A. I didn't say "qualitative
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	what you mean by "economic concepts." We get trained in things like quantitative methods and intermediate microeconomics, in price theory, in econometrics, in consumer behavior. All those things are beyond the first year. I don't know if you're calling those economic theories. Your your questioning confuses me. Q. Well, you referred to the important concepts in response to my question to you about particular aspects of training that you have beyond what a first-year college student would have gotten in a first-year economics course that you brought to bear by applying economic theories to this case, and your answer refers to very important concepts that are taught and learned. And so I'm asking you, what very important economic concepts have you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. What aspect of training about consumer behavior did you bring to bear in this case? A. I can't be any more specific than saying that. Q. What aspects of your training about game theory have you brought to bear in your work on this case? A. I can't be any more specific than that. Q. What aspects of econometrics in your training have you brought to bear on this case? A. I can't be any more specific than that. Q. What inform what aspects of training in qualitative methods have you brought to bear on this case? A. I didn't say "qualitative methods," and so it may have been mis-keyed
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	what you mean by "economic concepts." We get trained in things like quantitative methods and intermediate microeconomics, in price theory, in econometrics, in consumer behavior. All those things are beyond the first year. I don't know if you're calling those economic theories. Your your questioning confuses me. Q. Well, you referred to the important concepts in response to my question to you about particular aspects of training that you have beyond what a first-year college student would have gotten in a first-year economics course that you brought to bear by applying economic theories to this case, and your answer refers to very important concepts that are taught and learned. And so I'm asking you, what very important economic concepts have you brought to bear in your analysis of this	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. What aspect of training about consumer behavior did you bring to bear in this case? A. I can't be any more specific than saying that. Q. What aspects of your training about game theory have you brought to bear in your work on this case? A. I can't be any more specific than that. Q. What aspects of econometrics in your training have you brought to bear on this case? A. I can't be any more specific than that. Q. What inform what aspects of training in qualitative methods have you brought to bear on this case? A. I didn't say "qualitative methods," and so it may have been mis-keyed in. I said "quantitative methods."
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	what you mean by "economic concepts." We get trained in things like quantitative methods and intermediate microeconomics, in price theory, in econometrics, in consumer behavior. All those things are beyond the first year. I don't know if you're calling those economic theories. Your your questioning confuses me. Q. Well, you referred to the important concepts in response to my question to you about particular aspects of training that you have beyond what a first-year college student would have gotten in a first-year economics course that you brought to bear by applying economic theories to this case, and your answer refers to very important concepts that are taught and learned. And so I'm asking you, what very important economic concepts have you brought to bear in your analysis of this case?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. What aspect of training about consumer behavior did you bring to bear in this case? A. I can't be any more specific than saying that. Q. What aspects of your training about game theory have you brought to bear in your work on this case? A. I can't be any more specific than that. Q. What aspects of econometrics in your training have you brought to bear on this case? A. I can't be any more specific than that. Q. What inform what aspects of training in qualitative methods have you brought to bear on this case? A. I didn't say "qualitative methods," and so it may have been mis-keyed in. I said "quantitative methods." Q. All right. What aspects of

1	A. I can't be any more specific	1	just on this information.
2	than that.	2	Q. What else would you need?
3	Q. What aspect of your training	3	A. I don't know, because I think
4	regarding aspects of industrial organization	4	it's probably a very easy factual question to
5	have you brought to bear on this case?	5	determine when the downloading first
6	A. I can't be any more specific	6	occurred, so I don't know why one would need
7	than that.	7	to back into it.
8	Q. But you did bring the theory of	8	Q. Well, when would one be able
9	reveal revealed preferences to bear on	9	to use sales trends as a way of identifying
10	this case, correct?	10	likely effects of a posting of each standard
11	A. Yes.	11	by the defendant?
12	Q. What other economic theories do	12	MR. FEE: Objection. Vague.
13	you recall bringing to bear on this case?	13	· · · · · · · · · · · · · · · · · · ·
14			Compound.
1	MR. FEE: Objection. Asked and	14	THE WITNESS: Maybe; maybe not.
15	answered.	15	BY MR. BRIDGES:
16	THE WITNESS: Everything that	16	Q. Why do you say "maybe; maybe
17	I've	17	not"?
18	MR. FEE: And vague.	18	A. I just wouldn't think to do it
19	Go ahead.	19	that way, so I don't know what you exactly
20	THE WITNESS: I've learned	20	have in mind.
21	in my training, both educational	21	Q. Do you associate the posting of
22	training and career training.	22	standards by defendant with changes in sales
23	BY MR. BRIDGES:	23	volume of the standards that the defendant
24	Q. Can you be more specific than	24	has posted?
25	that?	25	MR. FEE: Objection to form.
	Page 174		Page 176
1	A. No.	1	THE WITNESS: I don't know what
2	* * *	2	you mean by that question.
3	(Jarosz Exhibit 4 marked for	3	BY MR. BRIDGES:
4	identification.)	4	Q. You don't understand the
5	* * *	5	question?
6	BY MR. BRIDGES:	6	A. I do not.
7	Q. Mr. Jarosz, do you recognize	7	Q. Can you correlate the posting
\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	Exhibit 4 as a document that you produced in		of standards by defendant with any changes in
9	· · · · · · · · · · · · · · · · · · ·	9	sales volumes of the standards that the
10	response to a subpoena in this case? A. Yes.	10	
1			defendant has posted?
11	Q. What is this document?	11	MR. FEE: Objection to form.
12	A. It appears to be a summary over	12	THE WITNESS: I don't think
13	the years 2009 through 2013 of dollars and	13	I've attempted to compute the
14	quantity of NFPA standards that were sold in	14	correlation coefficient here
15	the marketplace.	15	associated with postings.
16	Q. Based upon the trends that you	16	BY MR. BRIDGES:
17	see in this exhibit, can you estimate when	17	Q. I'm not asking for a specific
18	you believe it is most likely that the	18	correlation coefficient. I'm just asking,
19	defendant first published strike that.	19	generally, can you correlate the posting of
20	Based upon the trends that you	20	standards by defendant with any changes in
21	see in this Exhibit 4, can you estimate when	21	sales volumes of the standards that
100	and the firm is in many filter for the state of	22	defendants has that the defendant has
22	you believe it is most likely that the		
22 23	defendant first posted each of the standards	23	posted with reference to Exhibit 4?
1		23 24	posted with reference to Exhibit 4? A. I don't know
23	defendant first posted each of the standards		-

1	THE WITNESS: I don't recall	1	Q. Have you determined in any way
2	attempting to do that. And I wouldn't	2	the dates at which defendant posted various
3	necessarily think that the historical	3	standards to its Web site or to the Internet
4	impact would is the end of the	4	Archive?
5	story as to the harm here.	5	A. I don't recall doing a separate
6	BY MR. BRIDGES:	6	analysis of that, no.
7	Q. Is historical impact part of	7	Q. How did you learn about the
8	the story as to the harm here?	8	dates at which defendant posted various
9	A. Yes.	9	standards to its Web site or to Internet
10	Q. What what can you say by	10	Archive?
11	looking at Exhibit 4 about the historical	11	A. I had conversations with
12	impact of the posting of the defendant of	12	counsel on that topic, and I may have seen
13	the plaintiffs' standards by the defendant?	13	that information contained in certain
14	A. I don't know that I can say	14	documents like the Complaint, but I don't
15	much, because I believe the postings largely	15	recall.
16	occurred in late 2012, and I only have one	16	Q. Did you rely upon information
17	period after that.	17	regarding those dates from conversations with
18	Q. If it turns out that	18	counsel?
19	defendant's postings were well before 2012,	19	MR. FEE: In arriving at his
20	would that affect your analysis of the trends	20	opinions, you're asking?
21	in sales data of the plaintiffs'	21	MR. BRIDGES: Arriving at his
22	publications?	22	understanding of the facts.
23	MR. FEE: Objection to form.	23	THE WITNESS: I don't know that
24	Compound. Vague.	24	I did, because I don't recall
25	THE WITNESS: Maybe. I would	25	reporting those specific dates
	Page 178		Page 180
1	consider that information in	1	anywhere in my report.
1 2	consider that information in conjunction with these data if you	1 2	anywhere in my report. BY MR. BRIDGES:
		l	
2	conjunction with these data if you	2	BY MR. BRIDGES:
2 3	conjunction with these data if you wanted me to.	2 3	BY MR. BRIDGES: Q. Do you recall taking specific
2 3 4	conjunction with these data if you wanted me to. BY MR. BRIDGES:	2 3 4	BY MR. BRIDGES: Q. Do you recall taking specific dates into account in analyzing the effect of
2 3 4 5	conjunction with these data if you wanted me to. BY MR. BRIDGES: Q. How what what would	2 3 4 5	BY MR. BRIDGES: Q. Do you recall taking specific dates into account in analyzing the effect of defendant's actions? MR. FEE: Objection to form. Vague.
2 3 4 5 6	conjunction with these data if you wanted me to. BY MR. BRIDGES: Q. How what what would change?	2 3 4 5 6	BY MR. BRIDGES: Q. Do you recall taking specific dates into account in analyzing the effect of defendant's actions? MR. FEE: Objection to form.
2 3 4 5 6	conjunction with these data if you wanted me to. BY MR. BRIDGES: Q. How what what would change? A. I don't know. I haven't done	2 3 4 5 6 7	BY MR. BRIDGES: Q. Do you recall taking specific dates into account in analyzing the effect of defendant's actions? MR. FEE: Objection to form. Vague. THE WITNESS: I don't recall one way or the other.
2 3 4 5 6 7 8	conjunction with these data if you wanted me to. BY MR. BRIDGES: Q. How what what would change? A. I don't know. I haven't done that analysis.	2 3 4 5 6 7 8	BY MR. BRIDGES: Q. Do you recall taking specific dates into account in analyzing the effect of defendant's actions? MR. FEE: Objection to form. Vague. THE WITNESS: I don't recall
2 3 4 5 6 7 8 9	conjunction with these data if you wanted me to. BY MR. BRIDGES: Q. How what what would change? A. I don't know. I haven't done that analysis. Q. Have you verified the dates on	2 3 4 5 6 7 8 9	BY MR. BRIDGES: Q. Do you recall taking specific dates into account in analyzing the effect of defendant's actions? MR. FEE: Objection to form. Vague. THE WITNESS: I don't recall one way or the other.
2 3 4 5 6 7 8 9	conjunction with these data if you wanted me to. BY MR. BRIDGES: Q. How what what would change? A. I don't know. I haven't done that analysis. Q. Have you verified the dates on which plaintiffs strike that. Have you verified the dates at which defendant posted the various standards	2 3 4 5 6 7 8 9	BY MR. BRIDGES: Q. Do you recall taking specific dates into account in analyzing the effect of defendant's actions? MR. FEE: Objection to form. Vague. THE WITNESS: I don't recall one way or the other. BY MR. BRIDGES:
2 3 4 5 6 7 8 9 10 11	conjunction with these data if you wanted me to. BY MR. BRIDGES: Q. How what what would change? A. I don't know. I haven't done that analysis. Q. Have you verified the dates on which plaintiffs strike that. Have you verified the dates at	2 3 4 5 6 7 8 9 10 11	BY MR. BRIDGES: Q. Do you recall taking specific dates into account in analyzing the effect of defendant's actions? MR. FEE: Objection to form. Vague. THE WITNESS: I don't recall one way or the other. BY MR. BRIDGES: Q. Do you know how strike that. Do you know how much revenue each plaintiff derives from the standards at
2 3 4 5 6 7 8 9 10 11 12 13 14	conjunction with these data if you wanted me to. BY MR. BRIDGES: Q. How what what would change? A. I don't know. I haven't done that analysis. Q. Have you verified the dates on which plaintiffs strike that. Have you verified the dates at which defendant posted the various standards	2 3 4 5 6 7 8 9 10 11 12	BY MR. BRIDGES: Q. Do you recall taking specific dates into account in analyzing the effect of defendant's actions? MR. FEE: Objection to form. Vague. THE WITNESS: I don't recall one way or the other. BY MR. BRIDGES: Q. Do you know how strike that. Do you know how much revenue each plaintiff derives from the standards at issue in this case?
2 3 4 5 6 7 8 9 10 11 12 13	conjunction with these data if you wanted me to. BY MR. BRIDGES: Q. How what what would change? A. I don't know. I haven't done that analysis. Q. Have you verified the dates on which plaintiffs strike that. Have you verified the dates at which defendant posted the various standards to its Web site or to Internet Archive?	2 3 4 5 6 7 8 9 10 11 12 13	BY MR. BRIDGES: Q. Do you recall taking specific dates into account in analyzing the effect of defendant's actions? MR. FEE: Objection to form. Vague. THE WITNESS: I don't recall one way or the other. BY MR. BRIDGES: Q. Do you know how strike that. Do you know how much revenue each plaintiff derives from the standards at
2 3 4 5 6 7 8 9 10 11 12 13 14	conjunction with these data if you wanted me to. BY MR. BRIDGES: Q. How what what would change? A. I don't know. I haven't done that analysis. Q. Have you verified the dates on which plaintiffs strike that. Have you verified the dates at which defendant posted the various standards to its Web site or to Internet Archive? A. I don't	2 3 4 5 6 7 8 9 10 11 12 13	BY MR. BRIDGES: Q. Do you recall taking specific dates into account in analyzing the effect of defendant's actions? MR. FEE: Objection to form. Vague. THE WITNESS: I don't recall one way or the other. BY MR. BRIDGES: Q. Do you know how strike that. Do you know how much revenue each plaintiff derives from the standards at issue in this case?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	conjunction with these data if you wanted me to. BY MR. BRIDGES: Q. How what what would change? A. I don't know. I haven't done that analysis. Q. Have you verified the dates on which plaintiffs strike that. Have you verified the dates at which defendant posted the various standards to its Web site or to Internet Archive? A. I don't MR. FEE: Objection. Vague. THE WITNESS: I don't recall verifying it.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	BY MR. BRIDGES: Q. Do you recall taking specific dates into account in analyzing the effect of defendant's actions? MR. FEE: Objection to form. Vague. THE WITNESS: I don't recall one way or the other. BY MR. BRIDGES: Q. Do you know how strike that. Do you know how much revenue each plaintiff derives from the standards at issue in this case? A. I don't think I know that precise number. Q. Did you did you ever know
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	conjunction with these data if you wanted me to. BY MR. BRIDGES: Q. How what what would change? A. I don't know. I haven't done that analysis. Q. Have you verified the dates on which plaintiffs strike that. Have you verified the dates at which defendant posted the various standards to its Web site or to Internet Archive? A. I don't MR. FEE: Objection. Vague. THE WITNESS: I don't recall verifying it. And are you asking did I	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	BY MR. BRIDGES: Q. Do you recall taking specific dates into account in analyzing the effect of defendant's actions? MR. FEE: Objection to form. Vague. THE WITNESS: I don't recall one way or the other. BY MR. BRIDGES: Q. Do you know how strike that. Do you know how much revenue each plaintiff derives from the standards at issue in this case? A. I don't think I know that precise number. Q. Did you did you ever know that number?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	conjunction with these data if you wanted me to. BY MR. BRIDGES: Q. How what what would change? A. I don't know. I haven't done that analysis. Q. Have you verified the dates on which plaintiffs strike that. Have you verified the dates at which defendant posted the various standards to its Web site or to Internet Archive? A. I don't MR. FEE: Objection. Vague. THE WITNESS: I don't recall verifying it. And are you asking did I separately go out and determine what	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	BY MR. BRIDGES: Q. Do you recall taking specific dates into account in analyzing the effect of defendant's actions? MR. FEE: Objection to form. Vague. THE WITNESS: I don't recall one way or the other. BY MR. BRIDGES: Q. Do you know how strike that. Do you know how much revenue each plaintiff derives from the standards at issue in this case? A. I don't think I know that precise number. Q. Did you did you ever know that number? A. I don't think so.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	conjunction with these data if you wanted me to. BY MR. BRIDGES: Q. How what what would change? A. I don't know. I haven't done that analysis. Q. Have you verified the dates on which plaintiffs strike that. Have you verified the dates at which defendant posted the various standards to its Web site or to Internet Archive? A. I don't MR. FEE: Objection. Vague. THE WITNESS: I don't recall verifying it. And are you asking did I separately go out and determine what that date is and see if that was the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	BY MR. BRIDGES: Q. Do you recall taking specific dates into account in analyzing the effect of defendant's actions? MR. FEE: Objection to form. Vague. THE WITNESS: I don't recall one way or the other. BY MR. BRIDGES: Q. Do you know how strike that. Do you know how much revenue each plaintiff derives from the standards at issue in this case? A. I don't think I know that precise number. Q. Did you did you ever know that number? A. I don't think so. Q. Did you ever know how much
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	conjunction with these data if you wanted me to. BY MR. BRIDGES: Q. How what what would change? A. I don't know. I haven't done that analysis. Q. Have you verified the dates on which plaintiffs strike that. Have you verified the dates at which defendant posted the various standards to its Web site or to Internet Archive? A. I don't MR. FEE: Objection. Vague. THE WITNESS: I don't recall verifying it. And are you asking did I separately go out and determine what that date is and see if that was the same as what was represented in the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	BY MR. BRIDGES: Q. Do you recall taking specific dates into account in analyzing the effect of defendant's actions? MR. FEE: Objection to form. Vague. THE WITNESS: I don't recall one way or the other. BY MR. BRIDGES: Q. Do you know how strike that. Do you know how much revenue each plaintiff derives from the standards at issue in this case? A. I don't think I know that precise number. Q. Did you did you ever know that number? A. I don't think so. Q. Did you ever know how much revenue each plaintiff derives from standards
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	conjunction with these data if you wanted me to. BY MR. BRIDGES: Q. How what what would change? A. I don't know. I haven't done that analysis. Q. Have you verified the dates on which plaintiffs strike that. Have you verified the dates at which defendant posted the various standards to its Web site or to Internet Archive? A. I don't MR. FEE: Objection. Vague. THE WITNESS: I don't recall verifying it. And are you asking did I separately go out and determine what that date is and see if that was the same as what was represented in the Complaint, for instance?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MR. BRIDGES: Q. Do you recall taking specific dates into account in analyzing the effect of defendant's actions? MR. FEE: Objection to form. Vague. THE WITNESS: I don't recall one way or the other. BY MR. BRIDGES: Q. Do you know how strike that. Do you know how much revenue each plaintiff derives from the standards at issue in this case? A. I don't think I know that precise number. Q. Did you did you ever know that number? A. I don't think so. Q. Did you ever know how much revenue each plaintiff derives from standards that have been incorporated into law?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	conjunction with these data if you wanted me to. BY MR. BRIDGES: Q. How what what would change? A. I don't know. I haven't done that analysis. Q. Have you verified the dates on which plaintiffs strike that. Have you verified the dates at which defendant posted the various standards to its Web site or to Internet Archive? A. I don't MR. FEE: Objection. Vague. THE WITNESS: I don't recall verifying it. And are you asking did I separately go out and determine what that date is and see if that was the same as what was represented in the Complaint, for instance? BY MR. BRIDGES:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	BY MR. BRIDGES: Q. Do you recall taking specific dates into account in analyzing the effect of defendant's actions? MR. FEE: Objection to form. Vague. THE WITNESS: I don't recall one way or the other. BY MR. BRIDGES: Q. Do you know how strike that. Do you know how much revenue each plaintiff derives from the standards at issue in this case? A. I don't think I know that precise number. Q. Did you did you ever know that number? A. I don't think so. Q. Did you ever know how much revenue each plaintiff derives from standards that have been incorporated into law? A. As opposed to those that have
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	conjunction with these data if you wanted me to. BY MR. BRIDGES: Q. How what what would change? A. I don't know. I haven't done that analysis. Q. Have you verified the dates on which plaintiffs strike that. Have you verified the dates at which defendant posted the various standards to its Web site or to Internet Archive? A. I don't MR. FEE: Objection. Vague. THE WITNESS: I don't recall verifying it. And are you asking did I separately go out and determine what that date is and see if that was the same as what was represented in the Complaint, for instance? BY MR. BRIDGES: Q. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	BY MR. BRIDGES: Q. Do you recall taking specific dates into account in analyzing the effect of defendant's actions? MR. FEE: Objection to form. Vague. THE WITNESS: I don't recall one way or the other. BY MR. BRIDGES: Q. Do you know how strike that. Do you know how much revenue each plaintiff derives from the standards at issue in this case? A. I don't think I know that precise number. Q. Did you did you ever know that number? A. I don't think so. Q. Did you ever know how much revenue each plaintiff derives from standards that have been incorporated into law? A. As opposed to those that have not been incorporated? Is that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	conjunction with these data if you wanted me to. BY MR. BRIDGES: Q. How what what would change? A. I don't know. I haven't done that analysis. Q. Have you verified the dates on which plaintiffs strike that. Have you verified the dates at which defendant posted the various standards to its Web site or to Internet Archive? A. I don't MR. FEE: Objection. Vague. THE WITNESS: I don't recall verifying it. And are you asking did I separately go out and determine what that date is and see if that was the same as what was represented in the Complaint, for instance? BY MR. BRIDGES:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	BY MR. BRIDGES: Q. Do you recall taking specific dates into account in analyzing the effect of defendant's actions? MR. FEE: Objection to form. Vague. THE WITNESS: I don't recall one way or the other. BY MR. BRIDGES: Q. Do you know how strike that. Do you know how much revenue each plaintiff derives from the standards at issue in this case? A. I don't think I know that precise number. Q. Did you did you ever know that number? A. I don't think so. Q. Did you ever know how much revenue each plaintiff derives from standards that have been incorporated into law? A. As opposed to those that have

1	those standards that have been incorporated	1	something just north of 50 percent for
2	in the law. I'm asking if you know how much	2	ASHRAE.
3	revenue each plaintiffs derives each	3	BY MR. BRIDGES:
4	plaintiff derives from those standards.	4	Q. What do you mean by "if you add
5	A. I don't	5	in memberships"?
6	MR. FEE: Objection. Form.	6	A. I'm not I'm not quite sure
7	THE WITNESS: think I know	7	what you're asking me to define.
8	that number, and I'm not sure the	8	Q. I'm asking you to explain the
9	plaintiffs know that number.	9	phrase that you just used, "if you add in
10	BY MR. BRIDGES:	10	memberships." What did that mean?
11	Q. Do you know the percentage of	11	A. I talked about that in my
12	revenue that each plaintiff derives from	12	report. Membership fees are a fairly good
13	standards that have been incorporated into	13	recollect a fairly good reflection of
14	law?	14	amount that would have been paid for
15	MR. FEE: Objection to form.	15	publications. In other words, publication
16	THE WITNESS: I don't think I	16	fees it let me start this over again.
17	do, and I don't believe the plaintiffs	17	It makes about as much sense to
18	do.	18	become a member of ASHRAE as it is to buy
19	BY MR. BRIDGES:	19	some of the individual publications. As a
20	Q. Are you aware of any difference	20	result, many people choose to become members
21	in profitability to plaintiffs between those	21	rather than just buying the publication, as I
22	standards that have been incorporated into	22	understand it.
23	law and those standards that have not been	23	Q. How did you learn that?
24	incorporated into law?	24	A. Having knowledge of the of
25	MR. FEE: Objection to form.	25	the price difference and through discussions
	Page 182		Page 184
1	THE WITNESS: I don't believe	1	with people at ASHRAE.
1 2	THE WITNESS: I don't believe so.	1 2	with people at ASHRAE. Q. How did you learn about the
1		l	
2	so.	2	Q. How did you learn about the
2 3	so. BY MR. BRIDGES:	2 3	Q. How did you learn about the price difference?
2 3 4	so. BY MR. BRIDGES: Q. Do you know strike that.	2 3 4	Q. How did you learn about the price difference? A. I don't recall how I learned
2 3 4 5	so. BY MR. BRIDGES: Q. Do you know strike that. Are you aware of any difference	2 3 4 5	Q. How did you learn about the price difference? A. I don't recall how I learned it, but I report it in my report based on
2 3 4 5 6	so. BY MR. BRIDGES: Q. Do you know strike that. Are you aware of any difference in profitability to plaintiffs between those	2 3 4 5 6	Q. How did you learn about the price difference? A. I don't recall how I learned it, but I report it in my report based on certain documents I've seen. Perhaps I
2 3 4 5 6 7	so. BY MR. BRIDGES: Q. Do you know strike that. Are you aware of any difference in profitability to plaintiffs between those standards that defendant has posted to the	2 3 4 5 6 7	Q. How did you learn about the price difference? A. I don't recall how I learned it, but I report it in my report based on certain documents I've seen. Perhaps I learned it from their Web site.
2 3 4 5 6 7 8	so. BY MR. BRIDGES: Q. Do you know strike that. Are you aware of any difference in profitability to plaintiffs between those standards that defendant has posted to the Internet and those standards that defendant	2 3 4 5 6 7 8	Q. How did you learn about the price difference? A. I don't recall how I learned it, but I report it in my report based on certain documents I've seen. Perhaps I learned it from their Web site. Q. Did you do any surveys of
2 3 4 5 6 7 8 9 10	so. BY MR. BRIDGES: Q. Do you know strike that. Are you aware of any difference in profitability to plaintiffs between those standards that defendant has posted to the Internet and those standards that defendant has not posted to the Internet?	2 3 4 5 6 7 8 9 10 11	Q. How did you learn about the price difference? A. I don't recall how I learned it, but I report it in my report based on certain documents I've seen. Perhaps I learned it from their Web site. Q. Did you do any surveys of ASHRAE members to validate that assumption? A. I'm sorry. Validate what assumption?
2 3 4 5 6 7 8 9 10 11 12	so. BY MR. BRIDGES: Q. Do you know strike that. Are you aware of any difference in profitability to plaintiffs between those standards that defendant has posted to the Internet and those standards that defendant has not posted to the Internet? MR. FEE: Objection to form.	2 3 4 5 6 7 8 9	Q. How did you learn about the price difference? A. I don't recall how I learned it, but I report it in my report based on certain documents I've seen. Perhaps I learned it from their Web site. Q. Did you do any surveys of ASHRAE members to validate that assumption? A. I'm sorry. Validate what
2 3 4 5 6 7 8 9 10	so. BY MR. BRIDGES: Q. Do you know strike that. Are you aware of any difference in profitability to plaintiffs between those standards that defendant has posted to the Internet and those standards that defendant has not posted to the Internet? MR. FEE: Objection to form. THE WITNESS: I don't believe	2 3 4 5 6 7 8 9 10 11	Q. How did you learn about the price difference? A. I don't recall how I learned it, but I report it in my report based on certain documents I've seen. Perhaps I learned it from their Web site. Q. Did you do any surveys of ASHRAE members to validate that assumption? A. I'm sorry. Validate what assumption?
2 3 4 5 6 7 8 9 10 11 12	so. BY MR. BRIDGES: Q. Do you know strike that. Are you aware of any difference in profitability to plaintiffs between those standards that defendant has posted to the Internet and those standards that defendant has not posted to the Internet? MR. FEE: Objection to form. THE WITNESS: I don't believe so. And as with the previous question, I don't think the plaintiffs have that information at their	2 3 4 5 6 7 8 9 10 11 12	Q. How did you learn about the price difference? A. I don't recall how I learned it, but I report it in my report based on certain documents I've seen. Perhaps I learned it from their Web site. Q. Did you do any surveys of ASHRAE members to validate that assumption? A. I'm sorry. Validate what assumption? Q. About purchase of a membership
2 3 4 5 6 7 8 9 10 11 12 13 14 15	so. BY MR. BRIDGES: Q. Do you know strike that. Are you aware of any difference in profitability to plaintiffs between those standards that defendant has posted to the Internet and those standards that defendant has not posted to the Internet? MR. FEE: Objection to form. THE WITNESS: I don't believe so. And as with the previous question, I don't think the plaintiffs have that information at their disposal.	2 3 4 5 6 7 8 9 10 11 12 13	Q. How did you learn about the price difference? A. I don't recall how I learned it, but I report it in my report based on certain documents I've seen. Perhaps I learned it from their Web site. Q. Did you do any surveys of ASHRAE members to validate that assumption? A. I'm sorry. Validate what assumption? Q. About purchase of a membership instead of buying the publication. A. I'm not sure that there's an assumption in there. My understanding is
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	so. BY MR. BRIDGES: Q. Do you know strike that. Are you aware of any difference in profitability to plaintiffs between those standards that defendant has posted to the Internet and those standards that defendant has not posted to the Internet? MR. FEE: Objection to form. THE WITNESS: I don't believe so. And as with the previous question, I don't think the plaintiffs have that information at their	2 3 4 5 6 7 8 9 10 11 12 13	Q. How did you learn about the price difference? A. I don't recall how I learned it, but I report it in my report based on certain documents I've seen. Perhaps I learned it from their Web site. Q. Did you do any surveys of ASHRAE members to validate that assumption? A. I'm sorry. Validate what assumption? Q. About purchase of a membership instead of buying the publication. A. I'm not sure that there's an
2 3 4 5 6 7 8 9 10 11 12 13 14 15	so. BY MR. BRIDGES: Q. Do you know strike that. Are you aware of any difference in profitability to plaintiffs between those standards that defendant has posted to the Internet and those standards that defendant has not posted to the Internet? MR. FEE: Objection to form. THE WITNESS: I don't believe so. And as with the previous question, I don't think the plaintiffs have that information at their disposal. BY MR. BRIDGES: Q. For each plaintiff, what do you	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. How did you learn about the price difference? A. I don't recall how I learned it, but I report it in my report based on certain documents I've seen. Perhaps I learned it from their Web site. Q. Did you do any surveys of ASHRAE members to validate that assumption? A. I'm sorry. Validate what assumption? Q. About purchase of a membership instead of buying the publication. A. I'm not sure that there's an assumption in there. My understanding is
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	so. BY MR. BRIDGES: Q. Do you know strike that. Are you aware of any difference in profitability to plaintiffs between those standards that defendant has posted to the Internet and those standards that defendant has not posted to the Internet? MR. FEE: Objection to form. THE WITNESS: I don't believe so. And as with the previous question, I don't think the plaintiffs have that information at their disposal. BY MR. BRIDGES:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. How did you learn about the price difference? A. I don't recall how I learned it, but I report it in my report based on certain documents I've seen. Perhaps I learned it from their Web site. Q. Did you do any surveys of ASHRAE members to validate that assumption? A. I'm sorry. Validate what assumption? Q. About purchase of a membership instead of buying the publication. A. I'm not sure that there's an assumption in there. My understanding is that ASHRAE people are of the belief that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	so. BY MR. BRIDGES: Q. Do you know strike that. Are you aware of any difference in profitability to plaintiffs between those standards that defendant has posted to the Internet and those standards that defendant has not posted to the Internet? MR. FEE: Objection to form. THE WITNESS: I don't believe so. And as with the previous question, I don't think the plaintiffs have that information at their disposal. BY MR. BRIDGES: Q. For each plaintiff, what do you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. How did you learn about the price difference? A. I don't recall how I learned it, but I report it in my report based on certain documents I've seen. Perhaps I learned it from their Web site. Q. Did you do any surveys of ASHRAE members to validate that assumption? A. I'm sorry. Validate what assumption? Q. About purchase of a membership instead of buying the publication. A. I'm not sure that there's an assumption in there. My understanding is that ASHRAE people are of the belief that many people buy membership rather than individual publications. Q. And in your work, did you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	so. BY MR. BRIDGES: Q. Do you know strike that. Are you aware of any difference in profitability to plaintiffs between those standards that defendant has posted to the Internet and those standards that defendant has not posted to the Internet? MR. FEE: Objection to form. THE WITNESS: I don't believe so. And as with the previous question, I don't think the plaintiffs have that information at their disposal. BY MR. BRIDGES: Q. For each plaintiff, what do you understand to be the percentage of gross	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. How did you learn about the price difference? A. I don't recall how I learned it, but I report it in my report based on certain documents I've seen. Perhaps I learned it from their Web site. Q. Did you do any surveys of ASHRAE members to validate that assumption? A. I'm sorry. Validate what assumption? Q. About purchase of a membership instead of buying the publication. A. I'm not sure that there's an assumption in there. My understanding is that ASHRAE people are of the belief that many people buy membership rather than individual publications.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	so. BY MR. BRIDGES: Q. Do you know strike that. Are you aware of any difference in profitability to plaintiffs between those standards that defendant has posted to the Internet and those standards that defendant has not posted to the Internet? MR. FEE: Objection to form. THE WITNESS: I don't believe so. And as with the previous question, I don't think the plaintiffs have that information at their disposal. BY MR. BRIDGES: Q. For each plaintiff, what do you understand to be the percentage of gross revenue from the sale of standards?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. How did you learn about the price difference? A. I don't recall how I learned it, but I report it in my report based on certain documents I've seen. Perhaps I learned it from their Web site. Q. Did you do any surveys of ASHRAE members to validate that assumption? A. I'm sorry. Validate what assumption? Q. About purchase of a membership instead of buying the publication. A. I'm not sure that there's an assumption in there. My understanding is that ASHRAE people are of the belief that many people buy membership rather than individual publications. Q. And in your work, did you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	SO. BY MR. BRIDGES: Q. Do you know strike that. Are you aware of any difference in profitability to plaintiffs between those standards that defendant has posted to the Internet and those standards that defendant has not posted to the Internet? MR. FEE: Objection to form. THE WITNESS: I don't believe so. And as with the previous question, I don't think the plaintiffs have that information at their disposal. BY MR. BRIDGES: Q. For each plaintiff, what do you understand to be the percentage of gross revenue from the sale of standards? MR. FEE: Objection to form.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. How did you learn about the price difference? A. I don't recall how I learned it, but I report it in my report based on certain documents I've seen. Perhaps I learned it from their Web site. Q. Did you do any surveys of ASHRAE members to validate that assumption? A. I'm sorry. Validate what assumption? Q. About purchase of a membership instead of buying the publication. A. I'm not sure that there's an assumption in there. My understanding is that ASHRAE people are of the belief that many people buy membership rather than individual publications. Q. And in your work, did you assume that?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	SO. BY MR. BRIDGES: Q. Do you know strike that. Are you aware of any difference in profitability to plaintiffs between those standards that defendant has posted to the Internet and those standards that defendant has not posted to the Internet? MR. FEE: Objection to form. THE WITNESS: I don't believe so. And as with the previous question, I don't think the plaintiffs have that information at their disposal. BY MR. BRIDGES: Q. For each plaintiff, what do you understand to be the percentage of gross revenue from the sale of standards? MR. FEE: Objection to form. THE WITNESS: I I've reported that in my report. My memory is that it's something on the order of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. How did you learn about the price difference? A. I don't recall how I learned it, but I report it in my report based on certain documents I've seen. Perhaps I learned it from their Web site. Q. Did you do any surveys of ASHRAE members to validate that assumption? A. I'm sorry. Validate what assumption? Q. About purchase of a membership instead of buying the publication. A. I'm not sure that there's an assumption in there. My understanding is that ASHRAE people are of the belief that many people buy membership rather than individual publications. Q. And in your work, did you assume that? A. I didn't assume that. I worked
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	SO. BY MR. BRIDGES: Q. Do you know strike that. Are you aware of any difference in profitability to plaintiffs between those standards that defendant has posted to the Internet and those standards that defendant has not posted to the Internet? MR. FEE: Objection to form. THE WITNESS: I don't believe so. And as with the previous question, I don't think the plaintiffs have that information at their disposal. BY MR. BRIDGES: Q. For each plaintiff, what do you understand to be the percentage of gross revenue from the sale of standards? MR. FEE: Objection to form. THE WITNESS: I I've reported that in my report. My memory is that it's something on the order of 66 percent for ASTM and for NFPA. And	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. How did you learn about the price difference? A. I don't recall how I learned it, but I report it in my report based on certain documents I've seen. Perhaps I learned it from their Web site. Q. Did you do any surveys of ASHRAE members to validate that assumption? A. I'm sorry. Validate what assumption? Q. About purchase of a membership instead of buying the publication. A. I'm not sure that there's an assumption in there. My understanding is that ASHRAE people are of the belief that many people buy membership rather than individual publications. Q. And in your work, did you assume that? A. I didn't assume that. I worked on that under that understanding. Q. Oh, it's an understanding, but not an assumption?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	SO. BY MR. BRIDGES: Q. Do you know strike that. Are you aware of any difference in profitability to plaintiffs between those standards that defendant has posted to the Internet and those standards that defendant has not posted to the Internet? MR. FEE: Objection to form. THE WITNESS: I don't believe so. And as with the previous question, I don't think the plaintiffs have that information at their disposal. BY MR. BRIDGES: Q. For each plaintiff, what do you understand to be the percentage of gross revenue from the sale of standards? MR. FEE: Objection to form. THE WITNESS: I I've reported that in my report. My memory is that it's something on the order of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. How did you learn about the price difference? A. I don't recall how I learned it, but I report it in my report based on certain documents I've seen. Perhaps I learned it from their Web site. Q. Did you do any surveys of ASHRAE members to validate that assumption? A. I'm sorry. Validate what assumption? Q. About purchase of a membership instead of buying the publication. A. I'm not sure that there's an assumption in there. My understanding is that ASHRAE people are of the belief that many people buy membership rather than individual publications. Q. And in your work, did you assume that? A. I didn't assume that. I worked on that under that understanding, but

1 Q. Did that understanding make a 1 are to copyrighted publications, correct? difference to your analysis? A. With the exception of number 3, 2 A. It was a factual underpinning. 3 3 which refers to copyrighted publications and An underpinning, but not an memberships. 4 O. Q. Okay. So my question wasn't 5 assumption? 5 6 about copyrighted publications. My question A. It was not an explicit 6 7 is, what percentage do you understand of 7 assumption. 8 But it was an underpinning, not plaintiffs' revenues comes from the sale of Q. an assumption, is your testimony? standards at issue in this case? 9 MR. FEE: Objection. Asked and 10 Thank you for that reminder of 10 A. 11 11 what the question is. 12 12 THE WITNESS: Yes. I don't I don't think I know that 13 know what or why you're arguing with 13 precise percentage. 14 me on this. 14 Q. What percentage of plaintiffs' 15 revenues, to your knowledge, comes from the 15 BY MR. BRIDGES: 16 sale of standards incorporated into law? 16 Q. I'm not arguing. 17 I don't understand. 17 A. I don't know that number. A. 18 Q. I'm just trying to understand What percentage of plaintiffs' 18 19 your testimony. That's all. So I'm asking revenues, to your understanding, comes from 20 some follow-up questions. 20 the sale of all standards? A. I'm sorry. I thought you asked 21 You stated earlier some 21 22 that question. I thought the immediate one 22 percentages of revenue from the sale of 23 standards. Did you mean to be identifying 23 before that was standards. 24 what you thought were the percentages of 24 O. No. It was standards at issue 25 revenue from the sale of standards or from 25 in this case. Then --Page 186 Page 188 the sale of all publications? 1 A. The one before that. 2 A. Let me -- let me double-check 2 Q. -- standards incorporated into 3 that. 3 law. And now it's all standards. Right. Thank you. Well, in the case of ASTM, for 4 A. instance, I believe it's copyrighted 5 I don't know that number publications. either. 6 7 What page are you referring to 7 What percentage of O. plaintiffs' -- strike that. in your report? Right now I'm looking at What dollar value do you A. 10 page 36, but I think I talk about it at other 10 associate with the investments that each 11 areas. 11 plaintiff has made in the development of the 12 So page 36, you're talking 12 standards at issue in this case? Q. 13 about which paragraph? 13 A. I don't think I attributed a Well, right now I was --14 dollar amount to that precise activity, 14 A. 15 15 because I don't know that amount. Q. 83? Q. What percentage of plaintiffs' 16 A. -- I was looking at 83, but I'm 16 17 turning back to, for more reliable operating expenses do you associate with the 17 18 information, to paragraph 15, for instance, plaintiffs' development of the standards at 19 which says in 2014, 67.1 percent of the issue in this case? 19 20 revenue was generated by the sale of 20 I don't think I know that A. 21 copyrighted publications. For NFPA, that 21 number. 22 information is shown in paragraph 18. And What percentage of plaintiffs' 22 23 for ASHRAE, that information is shown in operating expenses do you associate with the plaintiffs' development of standards 24 paragraph 22. All three of those references 25 incorporated into law? 25 Q. Page 187 Page 189

1 A. I don't think I know that 2 number. 3 Q. What percentage of plaintiffs' 4 operating expenses do you associate with the plaintiffs' development of standards 6 generally? 7 A. I don't think I know that 8 number. 9 Q. Do you have any estimates of 10 any of those numbers that you just said you 11 don't think you know? 11 don't think you know? 12 MR. FEE: Objection to form. 13 THE WITNESS: Not sitting here 14 right now. 14 rowred on the development of standards at 21 sissue in this case? 20 MR. FEE: Objection to form. 21 BY MR. BRIDGES: 22 MR. FEE: Objection to form. 23 MR. FEE: Objection to form. 24 THE WITNESS: I don't think I have vacen a reference to that. I don't know the extent to which it occurs, but I wouldn't be surprised to be reminded that it does occur. 16 be reminded that it does occur. 17 be worked on the development of standards at 22 issue in this case? 23 MR. FEE: Objection to form. 24 THE WITNESS: I don't think I have vacen a reference to that. I don't know the extent to which it occurs, but I wouldn't be surprised to be reminded that it does occur. 18 BY MR. BRIDGES: 19 Q. Do you know what percentage of the staff or employees of each plaintiff has 14 A. No. 25 MR. FEE: Objection to form. 26 MR. FEE: Objection to form. 27 THE WITNESS: Not as I sit here right now. 28 BY MR. BRIDGES: 3 D. Do you know what percentage of 10 the staff or employees of each plaintiff has 10 worked on the development of standards in corporated into law? 3 MR. FEE: Objection to form. 4 THE WITNESS: Not as I sit here right now. 5 MR. FEE: Objection to form. 6 THE WITNESS: Not as I sit here right now. 9 Q. Do you know what percentage of 10 the staff or employees of each plaintiff has 10 worked on the development of standards in 20 general? 14 Worked on the development of standards in 20 good now of the development of standards in 20 good now of the development of standards in 20 good now of the development of standards in 20 good now of the development of standards in 20 good now of the development of standards in 20 goo	4			
Q. What percentage of plaintiffs' 4 operating expenses do you associate with the 5 plaintiffs' development of standards 6 generally? 7 A. I don't think I know that 8 number. 9 Q. Do you have any estimates of 10 any of those numbers that you just said you 11 don't think you know? 12 MR. FEE: Objection to form. 13 THE WITNESS: Not sitting here 14 right now. 15 BY MR. BRIDGES: 16 Q. Did you at one point ever 16 determine those numbers? 17 determine those numbers? 18 A. Not that I recall. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards at 22 issue in this case? 23 MR. FEE: Objection to form. 24 THE WITNESS: I don't believe 8 o. 7 BY MR. BRIDGES: 9 Q. Do you know whether plaintiffs 9 prepare standards through joint sponsorship 10 with any other or gantadrons? 11 MR. FEE: Objection. 12 THE WITNESS: I think I may 13 have seen a reference to that. I 14 don't know the extent to which it 15 occurs, but I wouldn't be surprised to 16 be reminded that it does occur. 17 BY MR. BRIDGES: 18 Q. Are you aware of any, as you 19 sit here? 20 A. Not as I sit here right now, 21 but I think I'm aware that it has occurred. 22 Q. Do you know whether plaintiffs 23 cocurs, but I wouldn't be surprised to 24 be staff or employees of each plaintiff has 25 worked on the development of standards at 26 incorporated into law? 27 LIE WITNESS: Not as I sit 28 Page 190 29 Q. Do you know what percentage of 29 Q. Do you know what percentage of 29 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards 22 incorporated into law? 23 A. Not as I sit here right now. 24 THE WITNESS: There are grant 25 incorporated into law? 26 Q. Do you know what percentage of 27 the staff or employees of each plaintiff has 28 worked on the development of standards 29 incorporated into law? 30 you have an estimate? 40 A. Not as I sit here right now. 51 WR. FEE: Objection to form. 52 THE WITNESS: We generally 53 THE WITNESS: We	1	A. I don't think I know that	1	Q. Have you ever had access to any
4 operating expenses do you associate with the plaintiffs development of standards 6 generally? A. I don't think I know that 8 number. 9 Q. Do you have any estimates of 10 any of those numbers that you just said you 1 don't think you know? 12 MR. FEE: Objection to form. 13 THE WITNESS: Not sitting here right now. 15 BY MR. BRIDGES: 16 Q. Did you at one point ever determine those numbers? 18 A. Not that I recall. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards at 3 do you have an estimate? 10 BY MR. BRIDGES: 10 Do you know what percentage of 20 Do you know what percentage of 3 do you have an estimate? 11 BY MR. BRIDGES: 12 Q. Do you know what percentage of 3 do you have an estimate? 13 MR. FEE: Objection to form. 15 BY MR. BRIDGES: 16 D. Do you know what percentage of 3 do you have an estimate? 17 D. Do you know what percentage of 3 do you have an estimate? 18 BY MR. BRIDGES: 19 Q. Do you know what percentage of 3 do you have an estimate? 20 D. Do you know what percentage of 3 do you have an estimate? 21 BY MR. BRIDGES: 22 D. Do you know what percentage of 4 A. No. 23 MR. FEE: Objection to form. 24 THE WITNESS: I don't think I 25 worked on the development of standards in 10 the staff or employees of each plaintiff has 10 worked on the development of standards in 2 general? 18 MR. FEE: Objection to form. 19 Q. Do you know what percentage of 10 the staff or employees of each plaintiff has 11 worked on the development of standards in 2 general? 20 Q. Do you know what percentage of 10 the staff or employees of each plaintiff has 11 worked on the development of standards in 2 general? 21 BY MR. BRIDGES: 22 D. O you know what percentage of 10 the staff or employees of each plaintiff has 11 worked on the development of standards in 2 general? 23 A. Not as I sit here right now. 24 D. Do you know what percentage of 10 the staff or employees of each plaintiff has 11 worked on the development of standards in 2 general? 25 A. Not as I sit her	2	number.	2	information that I've asked in the last
5 plaintiffs' development of standards 6 generally? 7 A. I don't think I know that 8 number. 9 Q. Do you have any estimates of 10 any of those numbers that you just said you 11 don't think you know? 12 MR. FEE: Objection to form. 13 THE WITNESS: Not sitting here 14 right now. 15 BY MR. BRIDGES: 16 Q. Did you at one point ever 16 determine those numbers? 18 A. Not that I recall. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards at 22 issue in this case? 23 MR. FEE: Objection to form. 24 THE WITNESS: I don't believe 26 A. Not as I sit here right now. 27 BY MR. BRIDGES: 28 Q. Do you know what percentage of 29 A. Not as I sit here right now. 29 A. Not as I sit here right now. 20 A. Not as I sit here right now. 20 A. Not as I sit here right now. 21 WR. BRIDGES: 22 Q. Do you know what percentage of 23 MR. FEE: Objection to form. 24 THE WITNESS: I don't believe 25 A. Not as I sit here right now. 26 THE WITNESS: I don't believe 26 So. 27 Do you know whether plaintiffs 28 Q. Do you know whether plaintiffs 29 prepare standards through joint sponsorship 29 with any other organizations? 20 MR. FEE: Objection to surd on't know the extent to which it ook soccurs, but I wouldn't be surprised to be reminded that it does occur. 21 BY MR. BRIDGES: 22 Q. Do you know what percentage of 23 MR. FEE: Objection to form. 24 THE WITNESS: I don't think I worked on the development of standards at worked on the development of standards in general? 29 Q. Do you know what percentage of the staff or employees of each plaintiff has worked on the development of standards in yorked on the development of standards in general? 29 Q. D	3	Q. What percentage of plaintiffs'	3	several questions?
6 generally? 7 A. I don't think I know that 8 number. 9 Q. Do you have any estimates of 2 any of those numbers that you just said you 11 don't think you know? 12 MR. FEE: Objection to form. 13 THE WITNESS: Not sitting here 14 right now. 15 BY MR. BRIDGES: 16 Q. Do jou done point ever 17 determine those numbers? 18 A. Not that I recall. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards at 22 issue in this case? 23 MR. FEE: Objection to form. 24 THE WITNESS: I don't think I 22 worked on the development of standards at 30 you have an estimate? 20 Q. Do you know what percentage of 6 the staff or employees of each plaintiff has 21 worked on the development of standards at 31 worked on the development of standards at 32 incorporated into law? 21 mumber. 22 Page 190 23 MR. FEE: Objection to form. 24 THE WITNESS: Not as I sit here right now. 25 MR. FEE: Objection to form. 26 THE WITNESS: Not as I sit here right now. 26 Do you know what percentage of 6 the staff or employees of each plaintiff has 11 worked on the development of standards 12 incorporated into law? 26 Do you know what percentage of 6 the staff or employees of each plaintiff has 11 worked on the development of standards 12 incorporated into law? 27 MR. FEE: Objection to form. 28 THE WITNESS: Not as I sit here right now. 29 Do you know what percentage of 6 the staff or employees of each plaintiff has 11 worked on the development of standards 12 incorporated into law? 18 MR. FEE: Objection to form. 29 THE WITNESS: Not as I sit here right now. 20 Do you have an estimate? 31 MR. FEE: Objection to form. 32 THE WITNESS: Not as I sit here right now. 33 MR. FEE: Objection to form. 44 THE WITNESS: Not as I sit here right now. 45 MR. FEE: Objection to form. 46 THE WITNESS: Not as I sit here right now. 47 MR. FEE: Objection to form. 48 THE WITNESS: Not as I sit here right now. 49 Do you know what percentage of 10 the staff or employees of each plaintiff has 10 the staff or employees of each	4	operating expenses do you associate with the	4	MR. FEE: Objection to form.
A. I don't think I know that number. Q. Do you have any estimates of any of those numbers that you just said you id don't think you know? II MR. FEE: Objection to form. II THE WITNESS: Not sitting here right now. II MR. FEE: Objection to form. II Worked on the development of standards at objection to form. II MR. FEE: Objection to form. II Worked on the development of standards at occurse. II Worked on the development of standards at objection to form. II MR. FEE: Objection to form. II MR	5	plaintiffs' development of standards	5	THE WITNESS: I don't believe
8 number. 9 Q. Do you have any estimates of 10 any of those numbers that you just said you 11 don't think you know? 12 MR. FEE: Objection to form. 13 THE WITNESS: Not sitting here right now. 14 determine those numbers? 15 Do you know what percentage of 20 the staff or employees of each plaintiff has 12 worked on the development of standards in corporated into law? 15 MR. FEE: Objection to form. 16 MR. FEE: Objection to form. 17 MR. FEE: Objection to form. 18 MR. FEE: Objection to form. 19 MR. FEE: Objection to form. 20 MR. FEE: Objection to form. 21 MR. FEE: Objection to form. 22 MR. FEE: Objection to form. 23 MR. FEE: Objection to form. 24 MR. FEE: Objection to form. 25 MR. FEE: Objection to form. 26 MR. FEE: Objection to form. 27 MR. FEE: Objection to form. 28 MR. FEE: Objection to form. 29 MR. FEE: Objection to form. 29 MR. FEE: Objection to form. 20 MR. FEE: Objection to form. 20 MR. FEE: Objection to form. 21 MR. FEE: Objection to form. 22 MR. FEE: Objection to form. 23 MR. FEE: Objection to form. 24 MR. FEE: Objection to form. 25 MR. FEE: Objection to form. 26 MR. FEE: Objection to form. 27 MR. FEE: Objection to form. 27 MR. FEE: Objection to form. 28 MR. FEE: Objection to form. 29 MR. FEE: Objection to form. 20 MR. FEE: Objection to form. 20 MR. FEE: Objection to form. 20 MR. FEE: Objection to form. 21 MR. FEE: Objection to form. 22 MR. FEE: Objection to form. 23 MR. FEE: Objection to form. 24 MR. FEE: Objection to form. 25 MR. FEE: Objection to form. 26 MR. FEE: Objection to form. 27 MR. FEE: Objection to form. 27 MR. FEE: Objection to form. 28 MR. FEE: Objection to form. 29 MR. FEE: Objection to form. 29 MR. FEE: Objection to form. 20 MR	6	generally?	6	so.
9 prepare standards through joint sponsorship with any of those numbers that you just said you in don't think you know? 12 MR. FEE: Objection to form. 13 THE WITNESS: Not sitting here in the worked on the development of standards at 22 issue in this case? 14 MR. FEE: Objection to form. 15 BY MR. BRIDGES: 16 Q. Did you at one point ever determine those numbers? 18 A. Not that I recall. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards at 3 do you have an estimate? 10 BY MR. BRIDGES: 11 MR. FEE: Objection to form. 12 BY MR. BRIDGES: 12 Q. Do you know what percentage	7	A. I don't think I know that	7	BY MR. BRIDGES:
10 any of those numbers that you just said you 11 don't think you know? 11 don't think you know? 12 MR. FEE: Objection to form. 13 THE WITNESS: Not sitting here 14 right now. 14 right now. 15 BY MR. BRIDGES: 16 Q. Did you at one point ever 16 determine those numbers? 17 determine those numbers? 18 A. Not that I recall. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards at 22 issue in this case? 23 MR. FEE: Objection to form. 24 THE WITNESS: I don't think I 25 know that number. 24 mR. FEE: Objection to form. 26 MR. FEE: Objection to form. 27 here, no. 28 BY MR. BRIDGES: Not as I sit here ight now. 29 plaintiffs about the revenues or expenses 10 the staff or employees of each plaintiff has 11 worked on the development of standards in 22 general? 24 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards in 22 general? 24 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards in 22 general? 23 A. Not as I sit here right now. 24 plaintiff, and I don't know which it 25 occurs, but I wouldn't be surprised to be reminded that it does occur. 26 he reminded that it does occur. 27 BY MR. BRIDGES: 20 A. Not as I sit here in this case? 20 A. Not as I sit here in this case? 21 but I think I'm aware that it has occurred. 22 po you know what percentage of 24 the staff or employees of each plaintiff has 24 think I'm aware that it has occurred. 25 receive grants, revenue, or stipends from 24 governments that use, reference, or adopt 25 their standards? 26 po you know what percentage of 27 the staff or employees of each plaintiff has 27 think I'm aware that it has occurred. 27 page 192 their standards? 28 page 192 their standards? 29 page 192 their	8	number.	8	Q. Do you know whether plaintiffs
10 any of those numbers that you just said you 11 don't think you know? 12 MR. FEE: Objection to form. 13 THE WITNESS: Not sitting here 14 right now. 15 BY MR. BRIDGES: 16 Q. Did you at one point ever 16 determine those numbers? 18 A. Not that I recall. 19 Q. Do you know what percentage of the staff or employees of each plaintiff has 21 worked on the development of standards at 22 issue in this case? 23 MR. FEE: Objection to form. 24 THE WITNESS: I don't think I 25 MR. BRIDGES: 2 Q. Do you know what percentage 3 do you have an estimate? 4 A. No. 5 MR. FEE: Objection to form. 6 THE WITNESS: Not as I sit here right now. 8 BY MR. BRIDGES: 10 MR. FEE: Objection to form. 11 MR. FEE: Objection to form the development of standards at it don't know the extent to which it in don't know where extent to which it in don't know where the tent in don't know where the tent in don't know where the tent in don't hink the surprised to be reminded that it does occur. 18 MR. REIDGES: 19 W. A. Not as I sit here right now. 20 Do you know whether plaintiff as the relight now. 21 Durit metric multiple in the far way of the plaintiff as and and sit here right now. 22 D. Do you know whether plaintiff as the relight now. 23 MR. FEE: Objection to form. 24 THE WITNESS	9	Q. Do you have any estimates of	9	prepare standards through joint sponsorship
12	10	any of those numbers that you just said you	10	with any other organizations?
THE WITNESS: Not sitting here right now. 13	11	don't think you know?	11	MR. FEE: Objection. Vague.
14 don't know the extent to which it occurs, but I wouldn't be surprised to be reminded that it does occur. 17 determine those numbers? 16 Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards at 22 issue in this case? 23 mR. FEE: Objection to form. 24 THE WITNESS: I don't think I 25 know that number. Page 190 1 BY MR. BRIDGES: 2 Q. Do you know what percentage	12	MR. FEE: Objection to form.	12	THE WITNESS: I think I may
14 don't know the extent to which it occurs, but I wouldn't be surprised to be reminded that it does occur. 17 determine those numbers? 16 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards at 22 issue in this case? 23 mR. FEE: Objection to form. 24 THE WITNESS: I don't think I 25 know that number. Page 190	13		13	have seen a reference to that. I
16 determine those numbers? 17 determine those numbers? 18 A. Not that I recall. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards at 25 km R. FEE: Objection to form. 24 THE WITNESS: Not as I sit here right now. 25 MR. FEE: Objection to form. 25 MR. BRIDGES: 2 Q. Do you know what percentage 26 MR. FEE: Objection to form. 27 MR. FEE: Objection to form. 28 MR. FEE: Objection to form. 29 MR. FEE: Objection to form. 29 MR. FEE: Objection to form. 20 MR. FEE: Objection to form. 20 MR. FEE: Objection to form. 30 MR. FEE: Objection to form. 31 MR. FEE: Objection to form. 32 MR. FEE: Objection to form. 34 MR. FEE: Objection to form. 35 MR. FEE: Objection to form. 36 MR. FEE: Objection to form. 37 MR. FEE: Objection to form. 38 MR. FEE: Objection to form. 39 MR. FEE: Objection to form. 39 MR. FEE: Objection to form. 30 MR. FEE: Objection to form. 31 MR. FEE: Objection to form. 32 MR. FEE: Objection to form. 34 MR. FEE: Objection to form. 36 MR. FEE: Objection to form. 37 MR. FEE: Objection to form. 38 MR. FEE: Objection to form. 39 MR. FEE: Objection to form. 39 MR. FEE: Objection to form. 30 MR. FEE: Objection to form. 31 MR. FEE: Objection to form. 32 MR. FEE: Objection to form. 34 MR. FEE: Objection to form. 35 MR. FEE: Objection to form. 36 MR. FEE: Objection to form. 37 MR. FEE: Objection to form. 37 MR. FEE: Objection to form. 38 MR. FEE: Objection to form. 39 MR. FEE: Objection to form. 39 MR. FEE: Objection to form. 30 MR. FEE: Objection to form.	14		14	don't know the extent to which it
17 determine those numbers? 18 A. Not that I recall. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards at 22 issue in this case? 23 MR. FEE: Objection to form. 24 THE WITNESS: I don't think I 25 know that number. Page 190 1 BY MR. BRIDGES: 2 Q. Do you know whether plaintiffs 2 Q. Do you know what percentage 3 do you have an estimate? 4 A. No. 5 MR. FEE: Objection to form. 6 THE WITNESS: Not as I sit 7 here, no. 8 BY MR. BRIDGES: 9 Q. Do you know what percentage of 10 the staff or employees of each plaintiff has 11 worked on the development of standards 12 incorporated into law? 13 MR. FEE: Objection to form. 14 THE WITNESS: Not as I sit here right now. 15 MR. BRIDGES: 16 BY MR. BRIDGES: 17 Q. Do you know what percentage of 18 the staff or employees of each plaintiff has 19 worked on the development of standards 110 incorporated into law? 111 WR. FEE: Objection to form. 112 incorporated into law? 113 MR. FEE: Objection to form. 114 THE WITNESS: Not as I sit here right now. 115 right now. 116 BY MR. BRIDGES: 117 Q. Do you know what percentage of 118 the staff or employees of each plaintiff has 110 worked on the development of standards 111 withink I'm aware that it has occurred. 212 Q. Do you know whether plaintiffs 223 receive grants, revenue, or stipends from governments that use, reference, or adopt their standards? 21 MR. FEE: Objection to form. 22 THE WITNESS: There are grant monies that go to NFPA. I don't know the seal fine for grant revenues for the other two organizations. 24 Page 192 25 A. Not as I sit here right now. 26 Do you know what percentage of the plaintiffs about the revenues or expenses they have specifically attributable to the standards that defendant has posted to the lattled about that topic with each plaintiffs know that amount. They undertake activities that are standards oriented. They don't know which of those standards will be incorporated by reference. 24 A. Not as I sit here right now. 25 Page 190 26 D	15	BY MR. BRIDGES:	15	occurs, but I wouldn't be surprised to
18 A. Not that I recall. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards at 22 issue in this case? 23 MR. FEE: Objection to form. 24 THE WITNESS: I don't think I 25 know that number. 26 Page 190 1 BY MR. BRIDGES: 2 Q. Do you know what percentage 3 do you have an estimate? 4 A. No. 5 MR. FEE: Objection to form. 6 THE WITNESS: Not as I sit 7 here, no. 8 BY MR. BRIDGES: 9 Q. Do you know what percentage of 10 the staff or employees of each plaintiff has 11 worked on the development of standards 12 incorporated into law? 13 MR. FEE: Objection to form. 14 THE WITNESS: Not as I sit here 15 right now. 16 BY MR. BRIDGES: 17 Q. Do you know what percentage of 18 there? 20 A. Not as I sit here right now. 21 but I think I'm aware that it has occurred. 22 Q. Do you know whether plaintiffs 23 receive grants, revenue, or stipends from governments that use, reference, or adopt 24 their standards? 25 their standards? 26 MR. FEE: Objection to form. 27 THE WITNESS: There are grant monies that go to NFPA. I don't know other two organizations. 28 Dy MR. BRIDGES: 29 Q. Do you know what percentage of the staff or employees of each plaintiff has to the staff or employees of each plaintiff has 21 worked on the development of standards in general? 22 worked on the development of standards in general? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 Do you have an estimate? 27 Do you have an estimate? 28 A. Not as I sit here right now. 29 Do you have an estimate? 20 Do you have an estimate? 21 Do you have an estimate? 22 Do you have an estimate? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 Do you have an estimate? 26 Do you have an estimate? 27 Do you have an estimate? 28 Do you have an estimate? 29 Do you have an estimate? 20 Do you have an estimate? 21 Do you have an estimate? 22 Do you have an estimate? 23 Do you have an estimate? 24 Do you have an estimate? 25 Do you have an	16	Q. Did you at one point ever	16	be reminded that it does occur.
19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards at 22 issue in this case? 23 MR. FEE: Objection to form. 24 THE WITNESS: I don't think I know that number. 25 Page 190 1 BY MR. BRIDGES: 2 Q. Do you know what percentage 3 do you have an estimate? 4 A. No. 4 A. No. 4 HE WITNESS: Not as I sit here right now. 5 MR. FEE: Objection to form. 6 THE WITNESS: Not as I sit here right now. 6 THE WITNESS: Not as I sit here right now. 7 MR. FEE: Objection to form. 8 MR. FEE: Objection to form. 9 Page 192 The worked on the development of standards 11 worked on the development of standards 12 incorporated into law? 13 MR. FEE: Objection to form. 14 THE WITNESS: Not as I sit here right now. 15 worked on the development of standards 16 BY MR. BRIDGES: 16 BY MR. BRIDGES: 16 Worked on the development of standards in 21 worked on the development of standards in 22 general? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 25 Winch as I sit here right now. 26 Winch as I sit here right now. 27 Winch as I sit here right now. 28 Winch as I sit here right now. 29 Do you know what percentage of 20 Do you know what percentage of 20 Do you know what percentage of 21 worked on the development of standards in 21 worked on the development of standards in 22 Worked on the development	17	determine those numbers?	17	BY MR. BRIDGES:
19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards at 22 issue in this case? 23 MR. FEE: Objection to form. 24 THE WITNESS: I don't think I 25 know that number. 25 Page 190 1 BY MR. BRIDGES: 2 Q. Do you know what percentage 3 do you have an estimate? 4 A. No. 4 A. No. 4 HE WITNESS: Not as I sit here, no. 5 MR. FEE: Objection to form. 6 THE WITNESS: Not as I sit 6 The staff or employees of each plaintiff has 11 worked on the development of standards 12 incorporated into law? 13 MR. FEE: Objection to form. 14 THE WITNESS: Not as I sit here right now. 15 WR. BRIDGES: 16 BY MR. BRIDGES: 16 WR. FEE: Objection to form. 17 MR. FEE: Objection to form. 18 A. Not as I sit here right now. 19 Q. Do you know what percentage of the staff or employees of each plaintiff has 21 worked on the development of standards in 22 general? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 25 WR. BRIDGES: 26 Q. Did you 4 A. Or which have been. I don't know which or those standards will be incorporated by reference. 26 WR. BRIDGES: 27 Q. Did you 4 A. Or which have been. I don't know which er right now. 27 Which have been. I don't know which or those standards will be incorporated by reference. 28 WR. BRIDGES: 29 Q. Did you 4 A. Or which have been. I don't which they systematically track those.	18	A. Not that I recall.	18	Q. Are you aware of any, as you
21 worked on the development of standards at 22 issue in this case? 23 MR. FEE: Objection to form. 24 THE WITNESS: I don't think I 25 know that number. Page 190 1 BY MR. BRIDGES: 2 Q. Do you know what percentage 3 do you have an estimate? 4 A. No. 5 MR. FEE: Objection to form. 6 THE WITNESS: Not as I sit 7 here, no. 8 BY MR. BRIDGES: 9 Q. Do you know what percentage of 10 the staff or employees of each plaintiff has 11 worked on the development of standards 12 incorporated into law? 13 MR. FEE: Objection to form. 14 THE WITNESS: Not as I sit here right now. 16 BY MR. BRIDGES: 17 Q. Do you have an estimate? 18 A. Not as I sit here right now. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards in 22 general? 23 but I think I'm aware that it has occurred. 25 Q. Do you know whether plaintiffs 26 receive grants, revenue, or stipends from 27 governments that use, reference, or adopt 28 their standards? 29 THE WITNESS: There are grant 20 monies that go to NFPA. I don't know 20 the staff or employees of each plaintiff has 21 the worked on the development of standards in 22 general? 23 war I think I'm aware that it has occurred. 24 Q. Do you know whether plaintiffs 25 governments that use, reference, or adopt 25 THE WITNESS: There are grant 26 monies that go to NFPA. I don't know 27 the sea line for grant revenues for the 28 other two organizations. 29 Q. Did you ask any of the 29 plaintiffs about the revenues or expenses 20 they have specifically attributable to the 21 Internet? 21 Internet? 22 MR. BRIDGES: 23 MR. FEE: Objection to form. 24 THE WITNESS: Not as I sit here 25 they have specifically attributable to the 26 Internet? 28 MR. FEE: Objection to form. 29 Plaintiffs about the revenues or expenses 29 Plaintiffs about the revenues or expenses 29 Plaintiffs about the revenues or expenses 20 they have specifically attributable to the 21 Internet? 22 Su MR. BRIDGES: 23 A. Not as I sit here right now. 24 A. Not as I sit here right now. 25	19	Q. Do you know what percentage of	19	
22 issue in this case? 23 MR. FEE: Objection to form. 24 THE WITNESS: I don't think I 25 know that number. Page 190 1 BY MR. BRIDGES: 2 Q. Do you know what percentage 3 do you have an estimate? 4 A. No. 5 MR. FEE: Objection to form. 6 THE WITNESS: Not as I sit 7 here, no. 8 BY MR. BRIDGES: 9 Q. Do you know what percentage of 10 the staff or employees of each plaintiff has 11 worked on the development of standards 12 incorporated into law? 13 MR. FEE: Objection to form. 14 THE WITNESS: Not as I sit here right now. 15 MR. FEE: Objection to form. 16 BY MR. BRIDGES: 17 Q. Do you know what percentage of 10 the staff or employees of each plaintiff has 12 incorporated into law? 18 A. Not as I sit here right now. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards in 22 general? 24 A. Not as I sit here right now. 25 Q. Do you know what percentage of 26 the staff or employees of each plaintiff has 27 worked on the development of standards in 28 general? 26 A. Not as I sit here right now. 27 Cy Do you have an estimate? 28 A. Not as I sit here right now. 29 Do you have an estimate? 20 Do you have an estimate? 21 Cy Do you know whether plaintiffs to their standards? 22 THE WITNESS: There are grant monies that go to NFPA. I don't know the source of those grants. I don't the source of those grants revenues or expenses 10 other two organizations. 29 Plaintiffs about the revenues or expenses 10 they have specifically attributable to the 11 standards that defendant has posted to the 12 internet? 18 A. Not as I sit here right now. 19 Q. Do you know what percentage of 27 the standards of 28	20	the staff or employees of each plaintiff has	20	A. Not as I sit here right now,
MR. FEE: Objection to form. THE WITNESS: I don't think I know that number. Page 190 BY MR. BRIDGES: Q. Do you know what percentage do you have an estimate? A. No. BY MR. BRIDGES: BY MR. BRIDGES: Compared into law? MR. FEE: Objection to form. BY MR. BRIDGES: BY MR.	21	worked on the development of standards at	21	but I think I'm aware that it has occurred.
THE WITNESS: I don't think I know that number. Page 190 1 BY MR. BRIDGES: 2 Q. Do you know what percentage 3 do you have an estimate? 4 A. No. 5 MR. FEE: Objection to form. 6 THE WITNESS: Not as I sit here inght now. 11 worked on the development of standards in general? 12 Q. Do you know what percentage of the staff or employees of each plaintiff has worked on the development of standards in general? 2 Q. Do you know what percentage of the staff or employees of each plaintiff has worked on the development of standards in general? 2 Q. Do you know what percentage of the staff or employees of each plaintiff has worked on the development of standards in general? 2 Q. Do you know what percentage of the staff or employees of each plaintiff has worked on the development of standards in general? 2 Q. Do you have an estimate? 3 MR. FEE: Objection to form. 4 THE WITNESS: Not as I sit here ight now. 5 See a line for grant revenues for the other two organizations. 6 Opid you ask any of the plaintiffs about the revenues or expenses that defendant has posted to the 11 standards that defendant has posted to the 12 Internet? 13 MR. FEE: Objection to form. 14 THE WITNESS: Not as I sit here ight now. 15 MR. FEE: Objection to form. 16 BY MR. BRIDGES: 17 BY MR. BRIDGES: 18 Q. Did you ask any of the plaintiffs about the revenues or expenses that after the source of those grants. I don't they have specifically attributable to the 11 standards that defendant has posted to the 12 internet? 13 MR. FEE: Objection to form. 14 THE WITNESS: We generally talked about that topic with each plaintiff, and I don't think the 12 incor	22	issue in this case?	22	Q. Do you know whether plaintiffs
25 know that number. Page 190 1 BY MR. BRIDGES: 2 Q. Do you know what percentage 3 do you have an estimate? 4 A. No. 5 MR. FEE: Objection to form. 6 THE WITNESS: Not as I sit 7 here, no. 8 BY MR. BRIDGES: 9 Q. Do you know what percentage of 10 the staff or employees of each plaintiff has 11 worked on the development of standards 12 incorporated into law? 13 MR. FEE: Objection to form. 14 THE WITNESS: Not as I sit here 15 right now. 16 BY MR. BRIDGES: 17 Q. Do you have an estimate? 18 A. Not as I sit here right now. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards in 22 general? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 Q. Do you have an estimate? 27 A. Not as I sit here right now. 28 Q. Do you have an estimate? 29 A. Not as I sit here right now. 20 Do you have an estimate? 21 A. Not as I sit here right now. 22 BY MR. BRIDGES: 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 Q. Do you have an estimate? 27 A. Not as I sit here right now. 28 Wroted on the development of standards in general? 29 A. Not as I sit here right now. 20 Do you have an estimate? 21 WR. BRIDGES: 22 BY MR. BRIDGES: 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 Wroted on the development of standards in general? 27 A. Not as I sit here right now. 28 Wroted on the development of standards in general? 29 BY MR. BRIDGES: 20 Did you 21 A. Or which have been. I don't thow that mount. They there is the part of the source of those grants. I don't strow the source of those standards? 29 Did you 20 Did you ask any of the other two organizations. 29 Did you ask any of the plaintiffs about the revenues or expenses to the text of where two organizations. 29 Did you ask any of the plaintiffs about the revenues or expenses to the other two organizations. 29 Did you ask any of the plaintiff has they	23	MR. FEE: Objection to form.	23	receive grants, revenue, or stipends from
Page 190 1 BY MR. BRIDGES: 2 Q. Do you know what percentage 3 do you have an estimate? 4 A. No. 5 MR. FEE: Objection to form. 6 THE WITNESS: Not as I sit 7 here, no. 8 BY MR. BRIDGES: 9 Q. Do you know what percentage of 10 the staff or employees of each plaintiff has 11 worked on the development of standards 12 incorporated into law? 13 MR. FEE: Objection to form. 14 THE WITNESS: Not as I sit here 15 right now. 16 BY MR. BRIDGES: 17 MR. BRIDGES: 18 Q. Did you ask any of the 19 plaintiffs about the revenues or expenses 10 they have specifically attributable to the 11 standards that defendant has posted to the 12 Internet? 13 MR. FEE: Objection to form. 14 THE WITNESS: Not as I sit here 15 right now. 16 BY MR. BRIDGES: 16 plaintiffs about that topic with each 17 plaintiffs know that amount. They 18 A. Not as I sit here right now. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards in 22 general? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 Q. Do you have an estimate? 27 A. Not as I sit here right now. 28 Q. Did you 29 Q. Do you have an estimate? 20 Do you have an estimate? 21 A. Or which have been. I don't 22 think they systematically track those.	24	THE WITNESS: I don't think I	24	governments that use, reference, or adopt
1 BY MR. BRIDGES: 2 Q. Do you know what percentage 3 do you have an estimate? 4 A. No. 5 MR. FEE: Objection to form. 6 THE WITNESS: Not as I sit 7 here, no. 8 BY MR. BRIDGES: 9 Q. Do you know what percentage of 10 the staff or employees of each plaintiff has 11 worked on the development of standards 12 incorporated into law? 13 MR. FEE: Objection to form. 14 THE WITNESS: Not as I sit here 15 right now. 16 BY MR. BRIDGES: 17 PARILLE WITNESS: Not as I sit here 18 A. Not as I sit here right now. 19 Q. Do you know what percentage of 10 the staff or employees of each plaintiff has 11 worked on the development of standards 12 incorporated into law? 13 MR. FEE: Objection to form. 14 THE WITNESS: Not as I sit here 15 right now. 16 BY MR. BRIDGES: 17 PARILLE WITNESS: We generally 18 A. Not as I sit here right now. 19 Q. Do you know what percentage of 10 the staff or employees of each plaintiff has 11 worked on the development of standards in 12 general? 13 MR. FEE: Objection to form. 14 THE WITNESS: We generally 15 talked about that topic with each 16 plaintiff, and I don't think the 17 plaintiffs know that amount. They 18 undertake activities that are 19 standards oriented. They don't know 19 which of those standards will be 20 incorporated by reference. 21 EY MR. BRIDGES: 22 BY MR. BRIDGES: 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 Q. Do you have an estimate? 27 A. Not as I sit here right now. 28 A. Not as I sit here right now. 29 Do you have an estimate? 20 Do you have an estimate? 20 Do you have an estimate? 21 A. Not as I sit here right now. 22 Do you have an estimate? 23 A. Not as I sit here right now. 24 A. Or which have been. I don't think they systematically track those.	25	know that number.	25	their standards?
2		Page 190		Page 192
2	1	BY MR. BRIDGES:	1	MR. FEE: Objection to form.
3 monies that go to NFPA. I don't know 4 A. No. 5 MR. FEE: Objection to form. 6 THE WITNESS: Not as I sit 7 here, no. 8 BY MR. BRIDGES: 9 Q. Do you know what percentage of 10 the staff or employees of each plaintiff has 11 worked on the development of standards 12 incorporated into law? 13 MR. FEE: Objection to form. 14 THE WITNESS: Not as I sit here 15 right now. 16 BY MR. BRIDGES: 17 Q. Do you have an estimate? 18 A. Not as I sit here right now. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards in 22 general? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 Q. Do you have an estimate? 27 Q. Do you have an estimate? 28 A. Not as I sit here right now. 29 Q. Do you have an estimate? 20 Q. Do you have an estimate? 21 A. Not as I sit here right now. 22 Q. Do you have an estimate? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 Q. Do you have an estimate? 27 A. Or which have been. I don't think they systematically track those.	2	O. Do you know what percentage	2	
4 A. No. 5 MR. FEE: Objection to form. 6 THE WITNESS: Not as I sit 7 here, no. 8 BY MR. BRIDGES: 9 Q. Do you know what percentage of 10 the staff or employees of each plaintiff has 11 worked on the development of standards 12 incorporated into law? 13 MR. FEE: Objection to form. 14 THE WITNESS: Not as I sit here 15 right now. 16 BY MR. BRIDGES: 17 Q. Do you have an estimate? 18 A. Not as I sit here right now. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards in 22 general? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 Q. Do you have an estimate? 27 A. Not as I sit here right now. 28 Q. Do you have an estimate? 29 Q. Do you have an estimate? 20 Q. Do you have an estimate? 21 Linternet? 22 BY MR. BRIDGES: 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 Q. Do you have an estimate? 27 A. Not as I sit here right now. 28 A. Not as I sit here right now. 29 Q. Do you have an estimate? 30 A. Not as I sit here right now. 31 A. Not as I sit here right now. 32 A. Not as I sit here right now. 34 the source of those grants. I don't see a line for grant revenues or expenses on the other two organizations. 4 O. Did you ask any of the other two organizations. 4 D. Did you ask any of the other two organizations. 5 BY MR. BRIDGES: 8 Q. Did you ask any of the other two organizations. 7 BY MR. BRIDGES: 8 Q. Did you ask any of the other two organizations. 7 BY MR. BRIDGES: 8 Q. Did you ask any of the other two organizations. 7 BY MR. BRIDGES: 8 Q. Did you ask any of the other two organizations. 7 BY MR. BRIDGES: 8 Q. Did you ask any of the other two organizations. 7 BY MR. BRIDGES: 8 Q. Did you ask any of the other two organizations. 9 plaintiffs about the revenues or expenses they have specifically attributable to the standards that defendant has posted to the Internet? 16 plaintiff, and I don't think the organizations. 17 BY MR. BRIDGES: 18 Q.			4	THE WITHESS. There are grant
6 THE WITNESS: Not as I sit 7 here, no. 8 BY MR. BRIDGES: 9 Q. Do you know what percentage of 10 the staff or employees of each plaintiff has 11 worked on the development of standards 12 incorporated into law? 13 MR. FEE: Objection to form. 14 THE WITNESS: Not as I sit here 15 right now. 16 BY MR. BRIDGES: 17 Q. Do you have an estimate? 18 A. Not as I sit here right now. 19 Q. Do you know what percentage of 10 the staff or employees of each plaintiff has 11 worked on the development of standards 12 internet? 13 MR. FEE: Objection to form. 14 THE WITNESS: Not as I sit here 15 right now. 16 BY MR. BRIDGES: 17 Q. Do you have an estimate? 18 A. Not as I sit here right now. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards in 22 general? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 Q. Do you have an estimate? 27 A. Not as I sit here right now. 28 Q. Did you 29 Q. Do you have an estimate? 20 A. Or which have been. I don't 20 think they systematically track those.	3			
7 here, no. 8 BY MR. BRIDGES: 9 Q. Do you know what percentage of 10 the staff or employees of each plaintiff has 11 worked on the development of standards 12 incorporated into law? 13 MR. FEE: Objection to form. 14 THE WITNESS: Not as I sit here 15 right now. 16 BY MR. BRIDGES: 17 Q. Do you have an estimate? 18 A. Not as I sit here right now. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards in 22 general? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 Q. Do you have an estimate? 27 A. Not as I sit here right now. 28 Q. Do you have an estimate? 29 A. Not as I sit here right now. 20 Lo you have an estimate? 21 A. Not as I sit here right now. 22 A. Not as I sit here right now. 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 A. Not as I sit here right now. 27 BY MR. BRIDGES: 28 Q. Did you ask any of the 9 plaintiffs about the revenues or expenses 10 they have specifically attributable to the 11 standards that defendant has posted to the 11 Internet? 13 MR. FEE: Objection to form. 14 THE WITNESS: We generally 15 talked about that topic with each 16 plaintiff, and I don't think the 17 plaintiffs know that amount. They 18 undertake activities that are 19 standards oriented. They don't know 19 which of those standards will be 19 plaintiffs about the revenues or expenses 10 they have specifically attributable to the 11 standards that defendant has posted to the 11 they have specifically attributable to the 12 Internet? 18 Q. Did you ask any of the standards that defendant has posted to the 11 they have specifically attributable to the 12 Internet? 18 A. Not a		do you have an estimate?	3	monies that go to NFPA. I don't know
8 BY MR. BRIDGES: 9 Q. Do you know what percentage of 10 the staff or employees of each plaintiff has 11 worked on the development of standards 12 incorporated into law? 13 MR. FEE: Objection to form. 14 THE WITNESS: Not as I sit here 15 right now. 16 BY MR. BRIDGES: 17 Q. Do you have an estimate? 18 A. Not as I sit here right now. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards in 22 general? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 Q. Do you have an estimate? 27 Q. Do you have an estimate? 28 A. Not as I sit here right now. 29 Q. Do you have an estimate? 20 Q. Do you have an estimate? 21 G. Do you have been. I don't think they systematically track those.	4	do you have an estimate? A. No.	3 4	monies that go to NFPA. I don't know the source of those grants. I don't
9 Q. Do you know what percentage of 10 the staff or employees of each plaintiff has 11 worked on the development of standards 12 incorporated into law? 13 MR. FEE: Objection to form. 14 THE WITNESS: Not as I sit here 15 right now. 16 BY MR. BRIDGES: 17 Q. Do you have an estimate? 18 A. Not as I sit here right now. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards in 22 general? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 Q. Do you have an estimate? 27 Q. Do you have an estimate? 28 A. Not as I sit here right now. 29 Q. Do you have an estimate? 20 Q. Do you have an estimate? 21 G. Do you have an estimate? 22 G. Do you have an estimate? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 The young attributable to the 17 they have specifically attributable to the 18 standards that defendant has posted to the 19 Internet? 10 they have specifically attributable to the 11 standards that defendant has posted to the 12 Internet? 13 MR. FEE: Objection to form. 14 THE WITNESS: We generally 15 talked about that topic with each 16 plaintiff, and I don't think the 17 plaintiffs know that amount. They 18 undertake activities that are 19 standards oriented. They don't know 20 which of those standards will be 21 incorporated by reference. 22 BY MR. BRIDGES: 23 Q. Did you 24 A. Or which have been. I don't 25 think they systematically track those.	5	do you have an estimate? A. No. MR. FEE: Objection to form.	3 4 5	monies that go to NFPA. I don't know the source of those grants. I don't see a line for grant revenues for the
the staff or employees of each plaintiff has worked on the development of standards incorporated into law? MR. FEE: Objection to form. HE WITNESS: Not as I sit here right now. Output Do you have an estimate? Not as I sit here right now. Countered by worked on the development of standards in general? A. Not as I sit here right now. MR. FEE: Objection to form. MR. FEE: Objection to form. HE WITNESS: We generally talked about that topic with each plaintiff, and I don't think the plaintiffs know that amount. They undertake activities that are standards oriented. They don't know which of those standards will be incorporated by reference. BY MR. BRIDGES: MR. FEE: Objection to form. HE WITNESS: We generally talked about that topic with each plaintiff, and I don't think the plaintiffs know that amount. They undertake activities that are standards oriented. They don't know which of those standards will be incorporated by reference. BY MR. BRIDGES: A. Not as I sit here right now. A. Not as I sit here right now. A. Not as I sit here right now. A. Or which have been. I don't think they systematically track those.	4 5 6	do you have an estimate? A. No. MR. FEE: Objection to form. THE WITNESS: Not as I sit	3 4 5 6	monies that go to NFPA. I don't know the source of those grants. I don't see a line for grant revenues for the other two organizations.
the staff or employees of each plaintiff has worked on the development of standards incorporated into law? MR. FEE: Objection to form. HE WITNESS: Not as I sit here right now. Output Do you have an estimate? Not as I sit here right now. Countered by worked on the development of standards in general? A. Not as I sit here right now. Countered by MR. BRIDGES: A. Not as I sit here right now. Countered by MR. BRIDGES: Countered by Re. BRIDGES: Countered by reference. Counte	4 5 6 7	do you have an estimate? A. No. MR. FEE: Objection to form. THE WITNESS: Not as I sit here, no.	3 4 5 6 7	monies that go to NFPA. I don't know the source of those grants. I don't see a line for grant revenues for the other two organizations. BY MR. BRIDGES:
12 Internet? 13 MR. FEE: Objection to form. 14 THE WITNESS: Not as I sit here 15 right now. 16 BY MR. BRIDGES: 17 Q. Do you have an estimate? 18 A. Not as I sit here right now. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards in 22 general? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 A. Not as I sit here right now. 27 A. Not as I sit here right now. 28 A. Not as I sit here right now. 29 C. Do you have an estimate? 20 C. Do you have an estimate? 21 Do you have an estimate? 22 BY MR. BRIDGES: 23 A. Not as I sit here right now. 24 A. Or which have been. I don't 25 think they systematically track those.	4 5 6 7 8	do you have an estimate? A. No. MR. FEE: Objection to form. THE WITNESS: Not as I sit here, no. BY MR. BRIDGES:	3 4 5 6 7 8	monies that go to NFPA. I don't know the source of those grants. I don't see a line for grant revenues for the other two organizations. BY MR. BRIDGES: Q. Did you ask any of the
12 Internet? 13 MR. FEE: Objection to form. 14 THE WITNESS: Not as I sit here 15 right now. 16 BY MR. BRIDGES: 17 Q. Do you have an estimate? 18 A. Not as I sit here right now. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards in 22 general? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 A. Not as I sit here right now. 27 A. Not as I sit here right now. 28 A. Not as I sit here right now. 29 C. Do you have an estimate? 20 C. Do you have an estimate? 21 Do you have an estimate? 22 BY MR. BRIDGES: 23 A. Not as I sit here right now. 24 A. Or which have been. I don't 25 think they systematically track those.	4 5 6 7 8 9	do you have an estimate? A. No. MR. FEE: Objection to form. THE WITNESS: Not as I sit here, no. BY MR. BRIDGES: Q. Do you know what percentage of	3 4 5 6 7 8 9	monies that go to NFPA. I don't know the source of those grants. I don't see a line for grant revenues for the other two organizations. BY MR. BRIDGES: Q. Did you ask any of the plaintiffs about the revenues or expenses
THE WITNESS: Not as I sit here right now. 15 right now. 16 BY MR. BRIDGES: 17 Q. Do you have an estimate? 18 A. Not as I sit here right now. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards in 22 general? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 THE WITNESS: We generally talked about that topic with each plaintiff, and I don't think the 17 plaintiffs know that amount. They 18 undertake activities that are 19 standards oriented. They don't know which of those standards will be 20 which of those standards will be 21 incorporated by reference. 27 BY MR. BRIDGES: 28 A. Not as I sit here right now. 29 Q. Did you 20 Q. Do you have an estimate? 20 A. Or which have been. I don't think they systematically track those.	4 5 6 7 8 9 10	do you have an estimate? A. No. MR. FEE: Objection to form. THE WITNESS: Not as I sit here, no. BY MR. BRIDGES: Q. Do you know what percentage of the staff or employees of each plaintiff has	3 4 5 6 7 8 9 10	monies that go to NFPA. I don't know the source of those grants. I don't see a line for grant revenues for the other two organizations. BY MR. BRIDGES: Q. Did you ask any of the plaintiffs about the revenues or expenses they have specifically attributable to the
THE WITNESS: Not as I sit here right now. 15 right now. 16 BY MR. BRIDGES: 17 Q. Do you have an estimate? 18 A. Not as I sit here right now. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards in 22 general? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 THE WITNESS: We generally talked about that topic with each plaintiff, and I don't think the 17 plaintiffs know that amount. They 18 undertake activities that are 19 standards oriented. They don't know which of those standards will be 20 which of those standards will be 21 incorporated by reference. 27 BY MR. BRIDGES: 28 A. Not as I sit here right now. 29 Q. Did you 20 Q. Do you have an estimate? 20 A. Or which have been. I don't 25 think they systematically track those.	4 5 6 7 8 9 10 11	do you have an estimate? A. No. MR. FEE: Objection to form. THE WITNESS: Not as I sit here, no. BY MR. BRIDGES: Q. Do you know what percentage of the staff or employees of each plaintiff has worked on the development of standards	3 4 5 6 7 8 9 10 11	monies that go to NFPA. I don't know the source of those grants. I don't see a line for grant revenues for the other two organizations. BY MR. BRIDGES: Q. Did you ask any of the plaintiffs about the revenues or expenses they have specifically attributable to the standards that defendant has posted to the
15 right now. 16 BY MR. BRIDGES: 17 Q. Do you have an estimate? 18 A. Not as I sit here right now. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards in 22 general? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 talked about that topic with each 27 plaintiff, and I don't think the 28 plaintiff know that amount. They 29 undertake activities that are 20 which of those standards will be 21 incorporated by reference. 22 BY MR. BRIDGES: 23 Q. Did you 24 Q. Do you have an estimate? 24 A. Or which have been. I don't 25 think they systematically track those.	4 5 6 7 8 9 10 11 12	do you have an estimate? A. No. MR. FEE: Objection to form. THE WITNESS: Not as I sit here, no. BY MR. BRIDGES: Q. Do you know what percentage of the staff or employees of each plaintiff has worked on the development of standards incorporated into law?	3 4 5 6 7 8 9 10 11 12	monies that go to NFPA. I don't know the source of those grants. I don't see a line for grant revenues for the other two organizations. BY MR. BRIDGES: Q. Did you ask any of the plaintiffs about the revenues or expenses they have specifically attributable to the standards that defendant has posted to the Internet?
16 BY MR. BRIDGES: 17 Q. Do you have an estimate? 18 A. Not as I sit here right now. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards in 22 general? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 plaintiff, and I don't think the 27 plaintiffs know that amount. They 28 undertake activities that are 29 standards oriented. They don't know 20 which of those standards will be 21 incorporated by reference. 22 BY MR. BRIDGES: 23 Q. Did you 24 Q. Do you have an estimate? 24 A. Or which have been. I don't 25 think they systematically track those.	4 5 6 7 8 9 10 11 12 13	do you have an estimate? A. No. MR. FEE: Objection to form. THE WITNESS: Not as I sit here, no. BY MR. BRIDGES: Q. Do you know what percentage of the staff or employees of each plaintiff has worked on the development of standards incorporated into law? MR. FEE: Objection to form.	3 4 5 6 7 8 9 10 11 12 13	monies that go to NFPA. I don't know the source of those grants. I don't see a line for grant revenues for the other two organizations. BY MR. BRIDGES: Q. Did you ask any of the plaintiffs about the revenues or expenses they have specifically attributable to the standards that defendant has posted to the Internet? MR. FEE: Objection to form.
17 Q. Do you have an estimate? 18 A. Not as I sit here right now. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards in 22 general? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 Plaintiffs know that amount. They 27 undertake activities that are 28 standards oriented. They don't know 29 which of those standards will be 21 incorporated by reference. 22 BY MR. BRIDGES: 23 Q. Did you 24 A. Or which have been. I don't 25 think they systematically track those.	4 5 6 7 8 9 10 11 12 13	do you have an estimate? A. No. MR. FEE: Objection to form. THE WITNESS: Not as I sit here, no. BY MR. BRIDGES: Q. Do you know what percentage of the staff or employees of each plaintiff has worked on the development of standards incorporated into law? MR. FEE: Objection to form. THE WITNESS: Not as I sit here	3 4 5 6 7 8 9 10 11 12 13 14	monies that go to NFPA. I don't know the source of those grants. I don't see a line for grant revenues for the other two organizations. BY MR. BRIDGES: Q. Did you ask any of the plaintiffs about the revenues or expenses they have specifically attributable to the standards that defendant has posted to the Internet? MR. FEE: Objection to form. THE WITNESS: We generally
18 A. Not as I sit here right now. 19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards in 22 general? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 Undertake activities that are 27 standards oriented. They don't know which of those standards will be 28 incorporated by reference. 29 BY MR. BRIDGES: 20 Q. Did you 21 Q. Do you have an estimate? 22 A. Or which have been. I don't think they systematically track those.	4 5 6 7 8 9 10 11 12 13 14 15	do you have an estimate? A. No. MR. FEE: Objection to form. THE WITNESS: Not as I sit here, no. BY MR. BRIDGES: Q. Do you know what percentage of the staff or employees of each plaintiff has worked on the development of standards incorporated into law? MR. FEE: Objection to form. THE WITNESS: Not as I sit here right now.	3 4 5 6 7 8 9 10 11 12 13 14 15	monies that go to NFPA. I don't know the source of those grants. I don't see a line for grant revenues for the other two organizations. BY MR. BRIDGES: Q. Did you ask any of the plaintiffs about the revenues or expenses they have specifically attributable to the standards that defendant has posted to the Internet? MR. FEE: Objection to form. THE WITNESS: We generally talked about that topic with each
19 Q. Do you know what percentage of 20 the staff or employees of each plaintiff has 21 worked on the development of standards in 22 general? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 Standards oriented. They don't know which of those standards will be 27 Standards oriented. They don't know which of those standards will be 28 Standards oriented. They don't know which of those standards will be 29 Standards oriented. They don't know which of those standards will be 20 Standards oriented. They don't know which of those standards will be 21 Standards oriented. They don't know which of those standards will be 22 Standards oriented. They don't know which of those standards will be 23 Standards oriented. They don't know which of those standards will be 24 A. Or which have been. I don't think they systematically track those.	4 5 6 7 8 9 10 11 12 13 14 15 16	do you have an estimate? A. No. MR. FEE: Objection to form. THE WITNESS: Not as I sit here, no. BY MR. BRIDGES: Q. Do you know what percentage of the staff or employees of each plaintiff has worked on the development of standards incorporated into law? MR. FEE: Objection to form. THE WITNESS: Not as I sit here right now. BY MR. BRIDGES:	3 4 5 6 7 8 9 10 11 12 13 14 15 16	monies that go to NFPA. I don't know the source of those grants. I don't see a line for grant revenues for the other two organizations. BY MR. BRIDGES: Q. Did you ask any of the plaintiffs about the revenues or expenses they have specifically attributable to the standards that defendant has posted to the Internet? MR. FEE: Objection to form. THE WITNESS: We generally talked about that topic with each plaintiff, and I don't think the
20 the staff or employees of each plaintiff has 21 worked on the development of standards in 22 general? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 Which of those standards will be 27 incorporated by reference. 28 BY MR. BRIDGES: 29 Q. Did you 20 Q. Do you have an estimate? 20 which of those standards will be 21 incorporated by reference. 22 BY MR. BRIDGES: 23 Q. Did you 24 A. Or which have been. I don't 25 think they systematically track those.	4 5 6 7 8 9 10 11 12 13 14 15 16 17	do you have an estimate? A. No. MR. FEE: Objection to form. THE WITNESS: Not as I sit here, no. BY MR. BRIDGES: Q. Do you know what percentage of the staff or employees of each plaintiff has worked on the development of standards incorporated into law? MR. FEE: Objection to form. THE WITNESS: Not as I sit here right now. BY MR. BRIDGES: Q. Do you have an estimate?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	monies that go to NFPA. I don't know the source of those grants. I don't see a line for grant revenues for the other two organizations. BY MR. BRIDGES: Q. Did you ask any of the plaintiffs about the revenues or expenses they have specifically attributable to the standards that defendant has posted to the Internet? MR. FEE: Objection to form. THE WITNESS: We generally talked about that topic with each plaintiff, and I don't think the plaintiffs know that amount. They
21 worked on the development of standards in 22 general? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 Under the development of standards in 27 incorporated by reference. 28 BY MR. BRIDGES: 29 Q. Did you 20 Q. Do you have an estimate? 21 incorporated by reference. 22 BY MR. BRIDGES: 23 Q. Did you 24 A. Or which have been. I don't think they systematically track those.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	do you have an estimate? A. No. MR. FEE: Objection to form. THE WITNESS: Not as I sit here, no. BY MR. BRIDGES: Q. Do you know what percentage of the staff or employees of each plaintiff has worked on the development of standards incorporated into law? MR. FEE: Objection to form. THE WITNESS: Not as I sit here right now. BY MR. BRIDGES: Q. Do you have an estimate? A. Not as I sit here right now.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	monies that go to NFPA. I don't know the source of those grants. I don't see a line for grant revenues for the other two organizations. BY MR. BRIDGES: Q. Did you ask any of the plaintiffs about the revenues or expenses they have specifically attributable to the standards that defendant has posted to the Internet? MR. FEE: Objection to form. THE WITNESS: We generally talked about that topic with each plaintiff, and I don't think the plaintiffs know that amount. They undertake activities that are
22 general? 23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 26 BY MR. BRIDGES: 27 Q. Did you 28 Q. Did you 29 A. Or which have been. I don't 20 think they systematically track those.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	do you have an estimate? A. No. MR. FEE: Objection to form. THE WITNESS: Not as I sit here, no. BY MR. BRIDGES: Q. Do you know what percentage of the staff or employees of each plaintiff has worked on the development of standards incorporated into law? MR. FEE: Objection to form. THE WITNESS: Not as I sit here right now. BY MR. BRIDGES: Q. Do you have an estimate? A. Not as I sit here right now. Q. Do you know what percentage of	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	monies that go to NFPA. I don't know the source of those grants. I don't see a line for grant revenues for the other two organizations. BY MR. BRIDGES: Q. Did you ask any of the plaintiffs about the revenues or expenses they have specifically attributable to the standards that defendant has posted to the Internet? MR. FEE: Objection to form. THE WITNESS: We generally talked about that topic with each plaintiff, and I don't think the plaintiffs know that amount. They undertake activities that are standards oriented. They don't know
23 A. Not as I sit here right now. 24 Q. Do you have an estimate? 25 A. Not as I sit here right now. 28 Q. Did you 29 A. Or which have been. I don't 20 Expression of the control of th	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	do you have an estimate? A. No. MR. FEE: Objection to form. THE WITNESS: Not as I sit here, no. BY MR. BRIDGES: Q. Do you know what percentage of the staff or employees of each plaintiff has worked on the development of standards incorporated into law? MR. FEE: Objection to form. THE WITNESS: Not as I sit here right now. BY MR. BRIDGES: Q. Do you have an estimate? A. Not as I sit here right now. Q. Do you know what percentage of the staff or employees of each plaintiff has	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	monies that go to NFPA. I don't know the source of those grants. I don't see a line for grant revenues for the other two organizations. BY MR. BRIDGES: Q. Did you ask any of the plaintiffs about the revenues or expenses they have specifically attributable to the standards that defendant has posted to the Internet? MR. FEE: Objection to form. THE WITNESS: We generally talked about that topic with each plaintiff, and I don't think the plaintiffs know that amount. They undertake activities that are standards oriented. They don't know which of those standards will be
Q. Do you have an estimate? 24 A. Or which have been. I don't 25 A. Not as I sit here right now. 25 think they systematically track those.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	do you have an estimate? A. No. MR. FEE: Objection to form. THE WITNESS: Not as I sit here, no. BY MR. BRIDGES: Q. Do you know what percentage of the staff or employees of each plaintiff has worked on the development of standards incorporated into law? MR. FEE: Objection to form. THE WITNESS: Not as I sit here right now. BY MR. BRIDGES: Q. Do you have an estimate? A. Not as I sit here right now. Q. Do you know what percentage of the staff or employees of each plaintiff has worked on the development of standards in	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	monies that go to NFPA. I don't know the source of those grants. I don't see a line for grant revenues for the other two organizations. BY MR. BRIDGES: Q. Did you ask any of the plaintiffs about the revenues or expenses they have specifically attributable to the standards that defendant has posted to the Internet? MR. FEE: Objection to form. THE WITNESS: We generally talked about that topic with each plaintiff, and I don't think the plaintiffs know that amount. They undertake activities that are standards oriented. They don't know which of those standards will be incorporated by reference.
25 A. Not as I sit here right now. 25 think they systematically track those.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	do you have an estimate? A. No. MR. FEE: Objection to form. THE WITNESS: Not as I sit here, no. BY MR. BRIDGES: Q. Do you know what percentage of the staff or employees of each plaintiff has worked on the development of standards incorporated into law? MR. FEE: Objection to form. THE WITNESS: Not as I sit here right now. BY MR. BRIDGES: Q. Do you have an estimate? A. Not as I sit here right now. Q. Do you know what percentage of the staff or employees of each plaintiff has worked on the development of standards in general?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	monies that go to NFPA. I don't know the source of those grants. I don't see a line for grant revenues for the other two organizations. BY MR. BRIDGES: Q. Did you ask any of the plaintiffs about the revenues or expenses they have specifically attributable to the standards that defendant has posted to the Internet? MR. FEE: Objection to form. THE WITNESS: We generally talked about that topic with each plaintiff, and I don't think the plaintiffs know that amount. They undertake activities that are standards oriented. They don't know which of those standards will be incorporated by reference. BY MR. BRIDGES:
Page 191 Page 193	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	do you have an estimate? A. No. MR. FEE: Objection to form. THE WITNESS: Not as I sit here, no. BY MR. BRIDGES: Q. Do you know what percentage of the staff or employees of each plaintiff has worked on the development of standards incorporated into law? MR. FEE: Objection to form. THE WITNESS: Not as I sit here right now. BY MR. BRIDGES: Q. Do you have an estimate? A. Not as I sit here right now. Q. Do you know what percentage of the staff or employees of each plaintiff has worked on the development of standards in general? A. Not as I sit here right now.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	monies that go to NFPA. I don't know the source of those grants. I don't see a line for grant revenues for the other two organizations. BY MR. BRIDGES: Q. Did you ask any of the plaintiffs about the revenues or expenses they have specifically attributable to the standards that defendant has posted to the Internet? MR. FEE: Objection to form. THE WITNESS: We generally talked about that topic with each plaintiff, and I don't think the plaintiffs know that amount. They undertake activities that are standards oriented. They don't know which of those standards will be incorporated by reference. BY MR. BRIDGES: Q. Did you
	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	do you have an estimate? A. No. MR. FEE: Objection to form. THE WITNESS: Not as I sit here, no. BY MR. BRIDGES: Q. Do you know what percentage of the staff or employees of each plaintiff has worked on the development of standards incorporated into law? MR. FEE: Objection to form. THE WITNESS: Not as I sit here right now. BY MR. BRIDGES: Q. Do you have an estimate? A. Not as I sit here right now. Q. Do you know what percentage of the staff or employees of each plaintiff has worked on the development of standards in general? A. Not as I sit here right now. Q. Do you have an estimate? A. Not as I sit here right now. Q. Do you have an estimate? A. Not as I sit here right now.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	monies that go to NFPA. I don't know the source of those grants. I don't see a line for grant revenues for the other two organizations. BY MR. BRIDGES: Q. Did you ask any of the plaintiffs about the revenues or expenses they have specifically attributable to the standards that defendant has posted to the Internet? MR. FEE: Objection to form. THE WITNESS: We generally talked about that topic with each plaintiff, and I don't think the plaintiffs know that amount. They undertake activities that are standards oriented. They don't know which of those standards will be incorporated by reference. BY MR. BRIDGES: Q. Did you A. Or which have been. I don't

```
documents, but they provided them as
                                                    1
                                                                I looked at some parts of it.
 1
2
        part of the discovery process.
                                                      I don't recall that I looked at all aspects
 3
   BY MR. BRIDGES:
                                                       of the database.
        Q. Did you ask them for any
4
                                                    4
                                                                Did you verify how many
                                                      standards were incorporated by reference
5
   documents that they had not provided?
                                                      according to that database?
        A. I think we generally described
   the kinds of information that we find useful
                                                    7
                                                           A. No, I did not.
    or typically find useful in matters like
                                                    8
                                                                What do you mean by, "This
8
                                                       database reports nearly 13,000 instances of
9
   this.
                                                      incorporation by reference"?
             After you received documents
10
                                                   10
11 from plaintiffs' counsel, did you ask them
                                                           A. I don't know what you're asking
                                                   11
12 for any more?
                                                   12 me to define.
             That -- that's possible. I
13
        A.
                                                   13
                                                           Q. I'm not asking you to define
14 don't recall that.
                                                   14 anything. I'm asking you to explain what you
                                                   15 meant by that clause, "This database
15
             You don't recall. Did you --
16 do you have any understanding as to the
                                                   16 reports" ---
   dollar value of staff time and expenses that
                                                   17
                                                           A. I'm sorry. I'm just -- I'm
18 the plaintiffs have incurred in promoting
                                                       going to be just rearranging words a little
                                                       bit. There were 13,000 times that there was
19
    incorporation of their standards into law?
            MR. FEE: Objection to form.
                                                   20 incorporation by reference of a standard.
20
21
        Lack of foundation.
                                                   21
                                                               I -- I don't -- I'm sorry. I
                                                   22 don't understand what your confusion is.
22
            THE WITNESS: I don't think I
                                                           Q. I'm not confused. I'm just
23
        have that number, no.
                                                   23
                                                      asking you questions. Okay? So please don't
24 BY MR. BRIDGES:
25
             Do you have an estimate?
                                                       understand -- please don't assume that I'm
                                           Page 198
                                                                                              Page 200
1
            MR. FEE: Same objections.
                                                       confused. I'm trying to understand what you
2
            THE WITNESS: Not as I sit here
                                                       meant by that.
                                                               You mean separate instances?
 3
                                                    3
        now, no.
                                                       You mean separate laws? What do you mean?
4
   BY MR. BRIDGES:
        Q. Did you discuss that issue with
                                                           A. Yes. Separate instances slash
5
                                                    5
   anyone representing the plaintiffs?
                                                       separate laws.
                                                    6
7
            MR. FEE: Same objections.
                                                    7
                                                           Q. What did you count as an
8
            THE WITNESS: It's possible,
                                                    8
                                                      instance?
9
        but I don't recall having that
                                                           A. Mention in a particular law of
10
                                                   10 a standard.
        discussion.
11 BY MR. BRIDGES:
                                                   11
                                                           O.
                                                                Did you or anybody working with
             In paragraph 57 of your report,
                                                   12 you attempt to determine the number of
12
13 you refer to "thousands of private-sector
                                                   13 standards that those 13,000 instances of
14 standards." Was your sole support for the
                                                   14 incorporation by reference referred to?
15 statement in paragraph 57 the Bremer article
                                                                Not entirely. But if you read
                                                   15
16 you cited in footnote 88?
                                                   16 on that -- in that same section, it talks
                                                   17 about the number of ASTM standards, the
17
        Α.
             No. You see I discuss and
18 provide support for that in subsequent
                                                   18 numbers of -- the number of NFPA standards,
   paragraphs in that section.
                                                      and the number of ASHRAE standards.
                                                           Q. Well, please tell me where it
20
             And that includes in
                                                   20
        O.
21 paragraph 58?
                                                       refers to the number of standards.
                                                           A. It says, "Including more than
22
        A. Yes.
                                                   22
                                                       2,400 instances involving ASTM standards."
23
             And did you review the
                                                   23
24 Standards Incorporated by Reference Database
                                                               So you're right. It doesn't
                                                   24
25 that you refer to in paragraph 58?
                                                   25 have the number of standards. It just has
                                           Page 199
                                                                                              Page 201
```

1	mentions of standard. You're absolutely	1	Q. What are the governmental
2	right.	2	functions with respect to driving that you
3	Q. And the same thing is true of	3	have in mind?
4	the NFPA standards and ASHRAE standards?	4	A. I don't have any particular
5	A. You're absolutely right, yes.	5	ones in mind.
6	Q. Do you know how many standards	6	Q. In paragraph 59, you say, "At
7	that database shows as having been	7	least 44 states and territories have adopted
8	incorporated by reference?	8	ASHRAE 90.1 as part of the commercial
9	A. Not sitting here right now.	9	building energy code."
10	One could perhaps look at what I cited to	10	Do you see that?
11	answer that question, but I don't know right	11	A. Yes, I do.
12	now.	12	Q. And that also has footnote 95
13	Q. Do you know whether anyone	13	associated with that as well, correct?
14	working for you ever did that work to make	14	A. Yes, that's correct.
15	that determination?	15	Q. How do you explain the fact
16	A. I don't recall that being done.	16	that that reference in footnote 95 shows that
17	Q. Paragraph 59, you say, "At the	17	those 44 states, in fact, adopted the
18	state level, privately-developed standards	18	International Energy Conservation Code that
19	are incorporated by reference as part of the	19	merely has a reference to an option to use
20	exercise of a range of governmental	20	ASHRAE 90.1?
21	functions."	21	MR. FEE: Objection. Lack of
22	Do you see that?	22	foundation.
23	A. Yes.	23	THE WITNESS: I don't have any
24	Q. What do you mean by	24	explanation for that.
25	"governmental functions" in that statement?	25	BY MR. BRIDGES:
	Page 202		Page 204
1	A. Things that government agencies	1	O. Did you verify that?
1 2	A. Things that government agencies do.	1 2	Q. Did you verify that? A. I did not, no.
2	do.	2	A. I did not, no.
	do. Q. And you give a couple of	2 3	A. I did not, no. Q. Who did?
2 3 4	do. Q. And you give a couple of examples, but speaking broadly, what are	2	A. I did not, no.Q. Who did?A. I'm sorry. Who verified what?
2 3 4 5	do. Q. And you give a couple of examples, but speaking broadly, what are governmental functions that involve	2 3 4 5	A. I did not, no. Q. Who did?
2 3 4 5 6	do. Q. And you give a couple of examples, but speaking broadly, what are governmental functions that involve incorporation by reference of privately	2 3 4 5 6	A. I did not, no. Q. Who did? A. I'm sorry. Who verified what? Q. On what on what did you rely to make that statement with that footnote?
2 3 4 5 6 7	do. Q. And you give a couple of examples, but speaking broadly, what are governmental functions that involve incorporation by reference of privately developed standards at the state level?	2 3 4 5 6 7	A. I did not, no. Q. Who did? A. I'm sorry. Who verified what? Q. On what on what did you rely to make that statement with that footnote? A. I may not understand your
2 3 4 5 6 7 8	do. Q. And you give a couple of examples, but speaking broadly, what are governmental functions that involve incorporation by reference of privately developed standards at the state level? MR. FEE: Objection to form.	2 3 4 5 6 7 8	A. I did not, no. Q. Who did? A. I'm sorry. Who verified what? Q. On what on what did you rely to make that statement with that footnote? A. I may not understand your question. I relied on what's identified in
2 3 4 5 6 7 8 9	do. Q. And you give a couple of examples, but speaking broadly, what are governmental functions that involve incorporation by reference of privately developed standards at the state level? MR. FEE: Objection to form. THE WITNESS: I can only answer	2 3 4 5 6 7 8	A. I did not, no. Q. Who did? A. I'm sorry. Who verified what? Q. On what on what did you rely to make that statement with that footnote? A. I may not understand your question. I relied on what's identified in footnote 95.
2 3 4 5 6 7 8 9 10	do. Q. And you give a couple of examples, but speaking broadly, what are governmental functions that involve incorporation by reference of privately developed standards at the state level? MR. FEE: Objection to form. THE WITNESS: I can only answer generally. Health and human services,	2 3 4 5 6 7 8 9 10	A. I did not, no. Q. Who did? A. I'm sorry. Who verified what? Q. On what on what did you rely to make that statement with that footnote? A. I may not understand your question. I relied on what's identified in footnote 95. Q. But you didn't review foot
2 3 4 5 6 7 8 9 10 11	do. Q. And you give a couple of examples, but speaking broadly, what are governmental functions that involve incorporation by reference of privately developed standards at the state level? MR. FEE: Objection to form. THE WITNESS: I can only answer generally. Health and human services, things that are related to that,	2 3 4 5 6 7 8 9	A. I did not, no. Q. Who did? A. I'm sorry. Who verified what? Q. On what on what did you rely to make that statement with that footnote? A. I may not understand your question. I relied on what's identified in footnote 95. Q. But you didn't review foot what's in footnote 95, right?
2 3 4 5 6 7 8 9 10 11 12	do. Q. And you give a couple of examples, but speaking broadly, what are governmental functions that involve incorporation by reference of privately developed standards at the state level? MR. FEE: Objection to form. THE WITNESS: I can only answer generally. Health and human services, things that are related to that, safety, driving rules and regulation.	2 3 4 5 6 7 8 9 10 11 12	A. I did not, no. Q. Who did? A. I'm sorry. Who verified what? Q. On what on what did you rely to make that statement with that footnote? A. I may not understand your question. I relied on what's identified in footnote 95. Q. But you didn't review foot what's in footnote 95, right? MR. FEE: Objection. Lack of
2 3 4 5 6 7 8 9 10 11 12 13	do. Q. And you give a couple of examples, but speaking broadly, what are governmental functions that involve incorporation by reference of privately developed standards at the state level? MR. FEE: Objection to form. THE WITNESS: I can only answer generally. Health and human services, things that are related to that, safety, driving rules and regulation. Those are among the things that come	2 3 4 5 6 7 8 9 10 11 12 13	A. I did not, no. Q. Who did? A. I'm sorry. Who verified what? Q. On what on what did you rely to make that statement with that footnote? A. I may not understand your question. I relied on what's identified in footnote 95. Q. But you didn't review foot what's in footnote 95, right? MR. FEE: Objection. Lack of foundation.
2 3 4 5 6 7 8 9 10 11 12 13 14	do. Q. And you give a couple of examples, but speaking broadly, what are governmental functions that involve incorporation by reference of privately developed standards at the state level? MR. FEE: Objection to form. THE WITNESS: I can only answer generally. Health and human services, things that are related to that, safety, driving rules and regulation. Those are among the things that come to mind.	2 3 4 5 6 7 8 9 10 11 12 13 14	A. I did not, no. Q. Who did? A. I'm sorry. Who verified what? Q. On what on what did you rely to make that statement with that footnote? A. I may not understand your question. I relied on what's identified in footnote 95. Q. But you didn't review foot what's in footnote 95, right? MR. FEE: Objection. Lack of foundation. THE WITNESS: I did.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	do. Q. And you give a couple of examples, but speaking broadly, what are governmental functions that involve incorporation by reference of privately developed standards at the state level? MR. FEE: Objection to form. THE WITNESS: I can only answer generally. Health and human services, things that are related to that, safety, driving rules and regulation. Those are among the things that come to mind. BY MR. BRIDGES:	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. I did not, no. Q. Who did? A. I'm sorry. Who verified what? Q. On what on what did you rely to make that statement with that footnote? A. I may not understand your question. I relied on what's identified in footnote 95. Q. But you didn't review foot what's in footnote 95, right? MR. FEE: Objection. Lack of foundation. THE WITNESS: I did. BY MR. BRIDGES:
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	do. Q. And you give a couple of examples, but speaking broadly, what are governmental functions that involve incorporation by reference of privately developed standards at the state level? MR. FEE: Objection to form. THE WITNESS: I can only answer generally. Health and human services, things that are related to that, safety, driving rules and regulation. Those are among the things that come to mind. BY MR. BRIDGES: Q. What are the governmental	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. I did not, no. Q. Who did? A. I'm sorry. Who verified what? Q. On what on what did you rely to make that statement with that footnote? A. I may not understand your question. I relied on what's identified in footnote 95. Q. But you didn't review foot what's in footnote 95, right? MR. FEE: Objection. Lack of foundation. THE WITNESS: I did. BY MR. BRIDGES: Q. You you reviewed that Web
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	do. Q. And you give a couple of examples, but speaking broadly, what are governmental functions that involve incorporation by reference of privately developed standards at the state level? MR. FEE: Objection to form. THE WITNESS: I can only answer generally. Health and human services, things that are related to that, safety, driving rules and regulation. Those are among the things that come to mind. BY MR. BRIDGES: Q. What are the governmental functions related to health and human	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. I did not, no. Q. Who did? A. I'm sorry. Who verified what? Q. On what on what did you rely to make that statement with that footnote? A. I may not understand your question. I relied on what's identified in footnote 95. Q. But you didn't review foot what's in footnote 95, right? MR. FEE: Objection. Lack of foundation. THE WITNESS: I did. BY MR. BRIDGES: Q. You you reviewed that Web site?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	do. Q. And you give a couple of examples, but speaking broadly, what are governmental functions that involve incorporation by reference of privately developed standards at the state level? MR. FEE: Objection to form. THE WITNESS: I can only answer generally. Health and human services, things that are related to that, safety, driving rules and regulation. Those are among the things that come to mind. BY MR. BRIDGES: Q. What are the governmental functions related to health and human services that you have in mind?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. I did not, no. Q. Who did? A. I'm sorry. Who verified what? Q. On what on what did you rely to make that statement with that footnote? A. I may not understand your question. I relied on what's identified in footnote 95. Q. But you didn't review foot what's in footnote 95, right? MR. FEE: Objection. Lack of foundation. THE WITNESS: I did. BY MR. BRIDGES: Q. You you reviewed that Web site? A. Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	do. Q. And you give a couple of examples, but speaking broadly, what are governmental functions that involve incorporation by reference of privately developed standards at the state level? MR. FEE: Objection to form. THE WITNESS: I can only answer generally. Health and human services, things that are related to that, safety, driving rules and regulation. Those are among the things that come to mind. BY MR. BRIDGES: Q. What are the governmental functions related to health and human services that you have in mind? A. I don't have any particular	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. I did not, no. Q. Who did? A. I'm sorry. Who verified what? Q. On what on what did you rely to make that statement with that footnote? A. I may not understand your question. I relied on what's identified in footnote 95. Q. But you didn't review foot what's in footnote 95, right? MR. FEE: Objection. Lack of foundation. THE WITNESS: I did. BY MR. BRIDGES: Q. You you reviewed that Web site? A. Yes. Q. Personally?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	do. Q. And you give a couple of examples, but speaking broadly, what are governmental functions that involve incorporation by reference of privately developed standards at the state level? MR. FEE: Objection to form. THE WITNESS: I can only answer generally. Health and human services, things that are related to that, safety, driving rules and regulation. Those are among the things that come to mind. BY MR. BRIDGES: Q. What are the governmental functions related to health and human services that you have in mind? A. I don't have any particular ones in mind.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. I did not, no. Q. Who did? A. I'm sorry. Who verified what? Q. On what on what did you rely to make that statement with that footnote? A. I may not understand your question. I relied on what's identified in footnote 95. Q. But you didn't review foot what's in footnote 95, right? MR. FEE: Objection. Lack of foundation. THE WITNESS: I did. BY MR. BRIDGES: Q. You you reviewed that Web site? A. Yes. Q. Personally? A. Yes, I believe so.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	do. Q. And you give a couple of examples, but speaking broadly, what are governmental functions that involve incorporation by reference of privately developed standards at the state level? MR. FEE: Objection to form. THE WITNESS: I can only answer generally. Health and human services, things that are related to that, safety, driving rules and regulation. Those are among the things that come to mind. BY MR. BRIDGES: Q. What are the governmental functions related to health and human services that you have in mind? A. I don't have any particular ones in mind. Q. What are the governmental	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I did not, no. Q. Who did? A. I'm sorry. Who verified what? Q. On what on what did you rely to make that statement with that footnote? A. I may not understand your question. I relied on what's identified in footnote 95. Q. But you didn't review foot what's in footnote 95, right? MR. FEE: Objection. Lack of foundation. THE WITNESS: I did. BY MR. BRIDGES: Q. You you reviewed that Web site? A. Yes. Q. Personally? A. Yes, I believe so. Q. Do you have an explanation as
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	do. Q. And you give a couple of examples, but speaking broadly, what are governmental functions that involve incorporation by reference of privately developed standards at the state level? MR. FEE: Objection to form. THE WITNESS: I can only answer generally. Health and human services, things that are related to that, safety, driving rules and regulation. Those are among the things that come to mind. BY MR. BRIDGES: Q. What are the governmental functions related to health and human services that you have in mind? A. I don't have any particular ones in mind. Q. What are the governmental functions relating to safety that you have in	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I did not, no. Q. Who did? A. I'm sorry. Who verified what? Q. On what on what did you rely to make that statement with that footnote? A. I may not understand your question. I relied on what's identified in footnote 95. Q. But you didn't review foot what's in footnote 95, right? MR. FEE: Objection. Lack of foundation. THE WITNESS: I did. BY MR. BRIDGES: Q. You you reviewed that Web site? A. Yes. Q. Personally? A. Yes, I believe so. Q. Do you have an explanation as to why the resource cited in footnote 95
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	do. Q. And you give a couple of examples, but speaking broadly, what are governmental functions that involve incorporation by reference of privately developed standards at the state level? MR. FEE: Objection to form. THE WITNESS: I can only answer generally. Health and human services, things that are related to that, safety, driving rules and regulation. Those are among the things that come to mind. BY MR. BRIDGES: Q. What are the governmental functions related to health and human services that you have in mind? A. I don't have any particular ones in mind. Q. What are the governmental functions relating to safety that you have in mind?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. I did not, no. Q. Who did? A. I'm sorry. Who verified what? Q. On what on what did you rely to make that statement with that footnote? A. I may not understand your question. I relied on what's identified in footnote 95. Q. But you didn't review foot what's in footnote 95, right? MR. FEE: Objection. Lack of foundation. THE WITNESS: I did. BY MR. BRIDGES: Q. You you reviewed that Web site? A. Yes. Q. Personally? A. Yes, I believe so. Q. Do you have an explanation as to why the resource cited in footnote 95 actually shows that the 44 states adopted the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	do. Q. And you give a couple of examples, but speaking broadly, what are governmental functions that involve incorporation by reference of privately developed standards at the state level? MR. FEE: Objection to form. THE WITNESS: I can only answer generally. Health and human services, things that are related to that, safety, driving rules and regulation. Those are among the things that come to mind. BY MR. BRIDGES: Q. What are the governmental functions related to health and human services that you have in mind? A. I don't have any particular ones in mind. Q. What are the governmental functions relating to safety that you have in mind? A. I don't have any particular	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. I did not, no. Q. Who did? A. I'm sorry. Who verified what? Q. On what on what did you rely to make that statement with that footnote? A. I may not understand your question. I relied on what's identified in footnote 95. Q. But you didn't review foot what's in footnote 95, right? MR. FEE: Objection. Lack of foundation. THE WITNESS: I did. BY MR. BRIDGES: Q. You you reviewed that Web site? A. Yes. Q. Personally? A. Yes, I believe so. Q. Do you have an explanation as to why the resource cited in footnote 95 actually shows that the 44 states adopted the International Energy Conservation Code?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	do. Q. And you give a couple of examples, but speaking broadly, what are governmental functions that involve incorporation by reference of privately developed standards at the state level? MR. FEE: Objection to form. THE WITNESS: I can only answer generally. Health and human services, things that are related to that, safety, driving rules and regulation. Those are among the things that come to mind. BY MR. BRIDGES: Q. What are the governmental functions related to health and human services that you have in mind? A. I don't have any particular ones in mind. Q. What are the governmental functions relating to safety that you have in mind?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. I did not, no. Q. Who did? A. I'm sorry. Who verified what? Q. On what on what did you rely to make that statement with that footnote? A. I may not understand your question. I relied on what's identified in footnote 95. Q. But you didn't review foot what's in footnote 95, right? MR. FEE: Objection. Lack of foundation. THE WITNESS: I did. BY MR. BRIDGES: Q. You you reviewed that Web site? A. Yes. Q. Personally? A. Yes, I believe so. Q. Do you have an explanation as to why the resource cited in footnote 95 actually shows that the 44 states adopted the

1	Q. What other benefits do	1	a particular period.
2	plaintiffs gain from incorporation by	2	Q. And then you do the same for
3	reference of their standards?	3	NFPA documents, correct?
4	A. I think that generally covers	4	A. Yes.
5	it. I may be forgetting things that are laid	5	Q. What do you calculate as the
6	out in my report, but that's what covers it,	6	dollar value of harm to the to ASTM from
7	to the best of my memory right now.	7	the accesses and downloads that you refer to
8	Are we at a good point for a	8	in paragraph 133?
9	break?	9	A. I haven't calculated that harm.
10	Q. If you want. Sure.	10	Q. Why not?
11	A. Thanks.	11	A. I'm not sure if I can at this
12	THE VIDEOGRAPHER: Off the	12	stage. One estimate would be those number of
13	record at 3:12. This is the end of	13	downloads times the well, actually, no,
14	media unit number 2.	14	let me take that back. I just don't know how
15	* * *	15	to do it.
16	(Recess from 3:12 p.m. to	16	Q. Can you be certain that these
17	3:41 p.m.)	17	accesses or down and downloads referred to
18	* * *	18	in paragraph 133, in fact, resulted in
19	THE VIDEOGRAPHER: On the	19	economic loss to ASTM?
20	record at 3:41. This is the beginning	20	MR. FEE: Objection to form.
21	of media unit number 3 in the	21	THE WITNESS: Not with absolute
22	deposition of John Jarosz.	22	certainty, but with reasonable
23	* * *	23	certainty I can say some in some
24	(Jarosz Exhibit 5 marked for	24	number of these instances, it's likely
25	identification.)	25	the case that the that the
	Page 210		Page 212
1	* * *	1	information would have been obtained
2	BY MR. BRIDGES:	2	from ASHRAE in or ASTM, rather,
3	Q. Mr. Jarosz, I've handed you	3	in through legal means.
4	Exhibit 5. This is an article that you cited	4	BY MR. BRIDGES:
5	in your report, correct?	5	Q. Would that in those
6	A. Yes, I believe so.	6	instances where you say that the information
7	Q. Do you recall how this article	7	would have been obtained from ASTM through
8	came to your attention?	8	legal means, can you put a dollar value on
9	A. I do not.		or even an estimate of the increased revenue
10	Q. Is this an article that you		that ASTM would have gotten from those
11	understand to have been published by		instances where people obtained the
12	plaintiff ASHRAE in its journal?		information from ASHRAE sorry from
13	A. Yes, that's my understanding.	13	AST
14	Q. And this is an article you	14	MR. FEE: Object
15	relied upon with respect to the development	15	BY MR. BRIDGES:
16	of standard 90, which became standard 90.1,	16	Q from ASTM?
17	correct?	17	MR. FEE: Objection to form.
18	A. Yes.	18	THE WITNESS: No, not based on
19		19	the information I have. I don't think
	Q. In paragraph 133 of your		
20	report, you talk about a number of	20	I have any indication of who was doing
20 21	report, you talk about a number of downloads strike that you talk about a	20 21	the downloading and why.
20 21 22	report, you talk about a number of downloads strike that you talk about a number of documents accessed through Public	20 21 22	the downloading and why. BY MR. BRIDGES:
20 21 22 23	report, you talk about a number of downloads strike that you talk about a number of documents accessed through Public Resource's Web site. Do you see that?	20 21	the downloading and why. BY MR. BRIDGES: Q. And do you know what
20 21 22 23 24	report, you talk about a number of downloads strike that you talk about a number of documents accessed through Public Resource's Web site. Do you see that? A. I talk about the number of ASTM	20 21 22	the downloading and why. BY MR. BRIDGES: Q. And do you know what alternatives persons who were doing the
20 21 22 23	report, you talk about a number of downloads strike that you talk about a number of documents accessed through Public Resource's Web site. Do you see that?	20 21 22 23	the downloading and why. BY MR. BRIDGES: Q. And do you know what

1	information?	1	more extended use of that document.
2	A. Not with certainty, because I	2	Q. Do you have any evidence about
3	don't know who those persons were, but I	3	wide distribution of plaintiffs' standards as
4	would expect one alternative would be to	4	a consequence of defendant's actions?
5	obtain it properly, directly from ASTM.	5	A. I do not.
6	Q. Would that have resulted in	6	Q. Have you reviewed any studies
7	more revenue to ASTM?	7	that would allow you to establish any
8	A. It may have. If they're	8	connection between the number of accesses or
9	materials that were taken improperly that	9	downloads that Public Resource made possible
10	would have been paid for, then that would	10	and any financial harms to the plaintiffs?
11	represent a loss of revenue to ASTM.	11	MR. FEE: Objection to form.
12	Q. Do you know whether any of the	12	THE WITNESS: I don't think
13	persons who obtained this information from	13	I've seen any study on that, no.
14	defendant would have paid for the information	14	BY MR. BRIDGES:
15	from ASTM?	15	Q. Have you conducted any studies
16	A. No, not with certainty, because	16	that would have allowed you to establish any
17	I don't know the identity of the downloaders	17	connection between the number of accesses or
18	or the reasons for their downloading.	18	downloads that Public Resource made possible
19	Q. Moreover, those persons might	19	and any financial harms to the plaintiffs?
20	have accessed the standards from ASTM's	20	MR. FEE: Objection to form.
21	reading room for free and with no revenue to	21	THE WITNESS: Not other than
22	ASTM, correct?	22	what's contained in my report.
23	A. You mean in a but-for world?	23	BY MR. BRIDGES:
24	Had they not done what they actually did,	24	Q. Please turn to page 45,
25	alternatively they could have gone to the	25	paragraph 107, which spills into page 108.
	Page 214		Page 216
1	free reading room?	1	MR. FEE: Page 108?
2	Q. Right.	2	THE WITNESS: I'm sorry.
2 3	Q. Right.A. That's a possibility, yes.	2 3	THE WITNESS: I'm sorry. Page 108 or paragraph?
2 3 4	Q. Right.A. That's a possibility, yes.Q. Do you have an understanding as	2 3 4	THE WITNESS: I'm sorry. Page 108 or paragraph? BY MR. BRIDGES:
2 3 4 5	Q. Right.A. That's a possibility, yes.Q. Do you have an understanding as to why persons would want to download a file	2 3 4 5	THE WITNESS: I'm sorry. Page 108 or paragraph? BY MR. BRIDGES: Q. I'm sorry. Paragraph strike
2 3 4 5 6	 Q. Right. A. That's a possibility, yes. Q. Do you have an understanding as to why persons would want to download a file of a standard instead of viewing it at one of 	2 3 4 5 6	THE WITNESS: I'm sorry. Page 108 or paragraph? BY MR. BRIDGES: Q. I'm sorry. Paragraph strike that.
2 3 4 5 6 7	 Q. Right. A. That's a possibility, yes. Q. Do you have an understanding as to why persons would want to download a file of a standard instead of viewing it at one of the plaintiffs' reading rooms? 	2 3 4 5	THE WITNESS: I'm sorry. Page 108 or paragraph? BY MR. BRIDGES: Q. I'm sorry. Paragraph strike that. Let me ask you to turn
2 3 4 5 6 7 8	 Q. Right. A. That's a possibility, yes. Q. Do you have an understanding as to why persons would want to download a file of a standard instead of viewing it at one of the plaintiffs' reading rooms? A. Not with absolute certainty, 	2 3 4 5 6 7 8	THE WITNESS: I'm sorry. Page 108 or paragraph? BY MR. BRIDGES: Q. I'm sorry. Paragraph strike that. Let me ask you to turn paragraph 107 on pages 45 to 46.
2 3 4 5 6 7 8 9	 Q. Right. A. That's a possibility, yes. Q. Do you have an understanding as to why persons would want to download a file of a standard instead of viewing it at one of the plaintiffs' reading rooms? A. Not with absolute certainty, but I would imagine downloading would allow 	2 3 4 5 6 7 8 9	THE WITNESS: I'm sorry. Page 108 or paragraph? BY MR. BRIDGES: Q. I'm sorry. Paragraph strike that. Let me ask you to turn paragraph 107 on pages 45 to 46. A. Okay. I'm there.
2 3 4 5 6 7 8 9	 Q. Right. A. That's a possibility, yes. Q. Do you have an understanding as to why persons would want to download a file of a standard instead of viewing it at one of the plaintiffs' reading rooms? A. Not with absolute certainty, but I would imagine downloading would allow more flexibility in referring to the standard 	2 3 4 5 6 7 8 9	THE WITNESS: I'm sorry. Page 108 or paragraph? BY MR. BRIDGES: Q. I'm sorry. Paragraph strike that. Let me ask you to turn paragraph 107 on pages 45 to 46. A. Okay. I'm there. Q. I just want to make sure I
2 3 4 5 6 7 8 9 10	 Q. Right. A. That's a possibility, yes. Q. Do you have an understanding as to why persons would want to download a file of a standard instead of viewing it at one of the plaintiffs' reading rooms? A. Not with absolute certainty, but I would imagine downloading would allow more flexibility in referring to the standard and using it and sharing that information 	2 3 4 5 6 7 8 9 10 11	THE WITNESS: I'm sorry. Page 108 or paragraph? BY MR. BRIDGES: Q. I'm sorry. Paragraph strike that. Let me ask you to turn paragraph 107 on pages 45 to 46. A. Okay. I'm there. Q. I just want to make sure I understand your language correctly at the
2 3 4 5 6 7 8 9 10 11 12	Q. Right. A. That's a possibility, yes. Q. Do you have an understanding as to why persons would want to download a file of a standard instead of viewing it at one of the plaintiffs' reading rooms? A. Not with absolute certainty, but I would imagine downloading would allow more flexibility in referring to the standard and using it and sharing that information with others, whereas reading it in through	2 3 4 5 6 7 8 9 10 11 12	THE WITNESS: I'm sorry. Page 108 or paragraph? BY MR. BRIDGES: Q. I'm sorry. Paragraph strike that. Let me ask you to turn paragraph 107 on pages 45 to 46. A. Okay. I'm there. Q. I just want to make sure I understand your language correctly at the bottom of page 45 and the top of page 46.
2 3 4 5 6 7 8 9 10 11 12 13	Q. Right. A. That's a possibility, yes. Q. Do you have an understanding as to why persons would want to download a file of a standard instead of viewing it at one of the plaintiffs' reading rooms? A. Not with absolute certainty, but I would imagine downloading would allow more flexibility in referring to the standard and using it and sharing that information with others, whereas reading it in through an Internet site is somewhat less flexible,	2 3 4 5 6 7 8 9 10 11 12 13	THE WITNESS: I'm sorry. Page 108 or paragraph? BY MR. BRIDGES: Q. I'm sorry. Paragraph strike that. Let me ask you to turn paragraph 107 on pages 45 to 46. A. Okay. I'm there. Q. I just want to make sure I understand your language correctly at the bottom of page 45 and the top of page 46. Is it your opinion that the
2 3 4 5 6 7 8 9 10 11 12 13 14	Q. Right. A. That's a possibility, yes. Q. Do you have an understanding as to why persons would want to download a file of a standard instead of viewing it at one of the plaintiffs' reading rooms? A. Not with absolute certainty, but I would imagine downloading would allow more flexibility in referring to the standard and using it and sharing that information with others, whereas reading it in through an Internet site is somewhat less flexible, provides less flexibility for the use of that	2 3 4 5 6 7 8 9 10 11 12 13	THE WITNESS: I'm sorry. Page 108 or paragraph? BY MR. BRIDGES: Q. I'm sorry. Paragraph strike that. Let me ask you to turn paragraph 107 on pages 45 to 46. A. Okay. I'm there. Q. I just want to make sure I understand your language correctly at the bottom of page 45 and the top of page 46. Is it your opinion that the copyright that the plaintiffs assert in their
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Right. A. That's a possibility, yes. Q. Do you have an understanding as to why persons would want to download a file of a standard instead of viewing it at one of the plaintiffs' reading rooms? A. Not with absolute certainty, but I would imagine downloading would allow more flexibility in referring to the standard and using it and sharing that information with others, whereas reading it in through an Internet site is somewhat less flexible, provides less flexibility for the use of that information.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	THE WITNESS: I'm sorry. Page 108 or paragraph? BY MR. BRIDGES: Q. I'm sorry. Paragraph strike that. Let me ask you to turn paragraph 107 on pages 45 to 46. A. Okay. I'm there. Q. I just want to make sure I understand your language correctly at the bottom of page 45 and the top of page 46. Is it your opinion that the copyright that the plaintiffs assert in their standards drives sales of other publications
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Right. A. That's a possibility, yes. Q. Do you have an understanding as to why persons would want to download a file of a standard instead of viewing it at one of the plaintiffs' reading rooms? A. Not with absolute certainty, but I would imagine downloading would allow more flexibility in referring to the standard and using it and sharing that information with others, whereas reading it in through an Internet site is somewhat less flexible, provides less flexibility for the use of that information. Q. What did what do you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	THE WITNESS: I'm sorry. Page 108 or paragraph? BY MR. BRIDGES: Q. I'm sorry. Paragraph strike that. Let me ask you to turn paragraph 107 on pages 45 to 46. A. Okay. I'm there. Q. I just want to make sure I understand your language correctly at the bottom of page 45 and the top of page 46. Is it your opinion that the copyright that the plaintiffs assert in their standards drives sales of other publications other than the standards themselves?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Right. A. That's a possibility, yes. Q. Do you have an understanding as to why persons would want to download a file of a standard instead of viewing it at one of the plaintiffs' reading rooms? A. Not with absolute certainty, but I would imagine downloading would allow more flexibility in referring to the standard and using it and sharing that information with others, whereas reading it in through an Internet site is somewhat less flexible, provides less flexibility for the use of that information. Q. What did what do you understand to be the difference in	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	THE WITNESS: I'm sorry. Page 108 or paragraph? BY MR. BRIDGES: Q. I'm sorry. Paragraph strike that. Let me ask you to turn paragraph 107 on pages 45 to 46. A. Okay. I'm there. Q. I just want to make sure I understand your language correctly at the bottom of page 45 and the top of page 46. Is it your opinion that the copyright that the plaintiffs assert in their standards drives sales of other publications other than the standards themselves? MR. FEE: Objection. Form.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Right. A. That's a possibility, yes. Q. Do you have an understanding as to why persons would want to download a file of a standard instead of viewing it at one of the plaintiffs' reading rooms? A. Not with absolute certainty, but I would imagine downloading would allow more flexibility in referring to the standard and using it and sharing that information with others, whereas reading it in through an Internet site is somewhat less flexible, provides less flexibility for the use of that information. Q. What did what do you understand to be the difference in flexibility between possession of a download	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE WITNESS: I'm sorry. Page 108 or paragraph? BY MR. BRIDGES: Q. I'm sorry. Paragraph strike that. Let me ask you to turn paragraph 107 on pages 45 to 46. A. Okay. I'm there. Q. I just want to make sure I understand your language correctly at the bottom of page 45 and the top of page 46. Is it your opinion that the copyright that the plaintiffs assert in their standards drives sales of other publications other than the standards themselves? MR. FEE: Objection. Form. Vague.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. Right. A. That's a possibility, yes. Q. Do you have an understanding as to why persons would want to download a file of a standard instead of viewing it at one of the plaintiffs' reading rooms? A. Not with absolute certainty, but I would imagine downloading would allow more flexibility in referring to the standard and using it and sharing that information with others, whereas reading it in through an Internet site is somewhat less flexible, provides less flexibility for the use of that information. Q. What did what do you understand to be the difference in flexibility between possession of a download and access to a standard through a reading	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	THE WITNESS: I'm sorry. Page 108 or paragraph? BY MR. BRIDGES: Q. I'm sorry. Paragraph strike that. Let me ask you to turn paragraph 107 on pages 45 to 46. A. Okay. I'm there. Q. I just want to make sure I understand your language correctly at the bottom of page 45 and the top of page 46. Is it your opinion that the copyright that the plaintiffs assert in their standards drives sales of other publications other than the standards themselves? MR. FEE: Objection. Form. Vague. THE WITNESS: I think they're
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Right. A. That's a possibility, yes. Q. Do you have an understanding as to why persons would want to download a file of a standard instead of viewing it at one of the plaintiffs' reading rooms? A. Not with absolute certainty, but I would imagine downloading would allow more flexibility in referring to the standard and using it and sharing that information with others, whereas reading it in through an Internet site is somewhat less flexible, provides less flexibility for the use of that information. Q. What did what do you understand to be the difference in flexibility between possession of a download and access to a standard through a reading room?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	THE WITNESS: I'm sorry. Page 108 or paragraph? BY MR. BRIDGES: Q. I'm sorry. Paragraph strike that. Let me ask you to turn paragraph 107 on pages 45 to 46. A. Okay. I'm there. Q. I just want to make sure I understand your language correctly at the bottom of page 45 and the top of page 46. Is it your opinion that the copyright that the plaintiffs assert in their standards drives sales of other publications other than the standards themselves? MR. FEE: Objection. Form. Vague. THE WITNESS: I think they're important for driving sales of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Right. A. That's a possibility, yes. Q. Do you have an understanding as to why persons would want to download a file of a standard instead of viewing it at one of the plaintiffs' reading rooms? A. Not with absolute certainty, but I would imagine downloading would allow more flexibility in referring to the standard and using it and sharing that information with others, whereas reading it in through an Internet site is somewhat less flexible, provides less flexibility for the use of that information. Q. What did what do you understand to be the difference in flexibility between possession of a download and access to a standard through a reading room? A. Well, I think that a download	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE WITNESS: I'm sorry. Page 108 or paragraph? BY MR. BRIDGES: Q. I'm sorry. Paragraph strike that. Let me ask you to turn paragraph 107 on pages 45 to 46. A. Okay. I'm there. Q. I just want to make sure I understand your language correctly at the bottom of page 45 and the top of page 46. Is it your opinion that the copyright that the plaintiffs assert in their standards drives sales of other publications other than the standards themselves? MR. FEE: Objection. Form. Vague. THE WITNESS: I think they're important for driving sales of publications that embody those
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Right. A. That's a possibility, yes. Q. Do you have an understanding as to why persons would want to download a file of a standard instead of viewing it at one of the plaintiffs' reading rooms? A. Not with absolute certainty, but I would imagine downloading would allow more flexibility in referring to the standard and using it and sharing that information with others, whereas reading it in through an Internet site is somewhat less flexible, provides less flexibility for the use of that information. Q. What did what do you understand to be the difference in flexibility between possession of a download and access to a standard through a reading room? A. Well, I think that a download typically has a document that's in hard-copy	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE WITNESS: I'm sorry. Page 108 or paragraph? BY MR. BRIDGES: Q. I'm sorry. Paragraph strike that. Let me ask you to turn paragraph 107 on pages 45 to 46. A. Okay. I'm there. Q. I just want to make sure I understand your language correctly at the bottom of page 45 and the top of page 46. Is it your opinion that the copyright that the plaintiffs assert in their standards drives sales of other publications other than the standards themselves? MR. FEE: Objection. Form. Vague. THE WITNESS: I think they're important for driving sales of publications that embody those standards. I don't know that I've
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Right. A. That's a possibility, yes. Q. Do you have an understanding as to why persons would want to download a file of a standard instead of viewing it at one of the plaintiffs' reading rooms? A. Not with absolute certainty, but I would imagine downloading would allow more flexibility in referring to the standard and using it and sharing that information with others, whereas reading it in through an Internet site is somewhat less flexible, provides less flexibility for the use of that information. Q. What did what do you understand to be the difference in flexibility between possession of a download and access to a standard through a reading room? A. Well, I think that a download typically has a document that's in hard-copy form. Copies can made be made of that and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE WITNESS: I'm sorry. Page 108 or paragraph? BY MR. BRIDGES: Q. I'm sorry. Paragraph strike that. Let me ask you to turn paragraph 107 on pages 45 to 46. A. Okay. I'm there. Q. I just want to make sure I understand your language correctly at the bottom of page 45 and the top of page 46. Is it your opinion that the copyright that the plaintiffs assert in their standards drives sales of other publications other than the standards themselves? MR. FEE: Objection. Form. Vague. THE WITNESS: I think they're important for driving sales of publications that embody those standards. I don't know that I've drawn a conclusion that it drives the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. Right. A. That's a possibility, yes. Q. Do you have an understanding as to why persons would want to download a file of a standard instead of viewing it at one of the plaintiffs' reading rooms? A. Not with absolute certainty, but I would imagine downloading would allow more flexibility in referring to the standard and using it and sharing that information with others, whereas reading it in through an Internet site is somewhat less flexible, provides less flexibility for the use of that information. Q. What did what do you understand to be the difference in flexibility between possession of a download and access to a standard through a reading room? A. Well, I think that a download typically has a document that's in hard-copy form. Copies can made be made of that and distributed. Reading things just online	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	THE WITNESS: I'm sorry. Page 108 or paragraph? BY MR. BRIDGES: Q. I'm sorry. Paragraph strike that. Let me ask you to turn paragraph 107 on pages 45 to 46. A. Okay. I'm there. Q. I just want to make sure I understand your language correctly at the bottom of page 45 and the top of page 46. Is it your opinion that the copyright that the plaintiffs assert in their standards drives sales of other publications other than the standards themselves? MR. FEE: Objection. Form. Vague. THE WITNESS: I think they're important for driving sales of publications that embody those standards. I don't know that I've drawn a conclusion that it drives the sale of other products, but that makes
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Right. A. That's a possibility, yes. Q. Do you have an understanding as to why persons would want to download a file of a standard instead of viewing it at one of the plaintiffs' reading rooms? A. Not with absolute certainty, but I would imagine downloading would allow more flexibility in referring to the standard and using it and sharing that information with others, whereas reading it in through an Internet site is somewhat less flexible, provides less flexibility for the use of that information. Q. What did what do you understand to be the difference in flexibility between possession of a download and access to a standard through a reading room? A. Well, I think that a download typically has a document that's in hard-copy form. Copies can made be made of that and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE WITNESS: I'm sorry. Page 108 or paragraph? BY MR. BRIDGES: Q. I'm sorry. Paragraph strike that. Let me ask you to turn paragraph 107 on pages 45 to 46. A. Okay. I'm there. Q. I just want to make sure I understand your language correctly at the bottom of page 45 and the top of page 46. Is it your opinion that the copyright that the plaintiffs assert in their standards drives sales of other publications other than the standards themselves? MR. FEE: Objection. Form. Vague. THE WITNESS: I think they're important for driving sales of publications that embody those standards. I don't know that I've drawn a conclusion that it drives the

1	BY MR. BRIDGES:	1	whether plaintiffs have copyright in
2	Q. Well, doesn't that sentence at	2	rights in their value-added publications?
3	the bottom of 45 and going on to 46 say that	3	MR. FEE: Objection. Vague.
4	copyright on plaintiffs' standards drive	4	THE WITNESS: I would be
5	sales of "handbooks that provide commentary	5	curious to know that, but I'm not sure
6	on the standards by referring to them"?	6	of the significance. I don't think it
7	A. You haven't read	7	would change my conclusions, but I
8	MR. FEE: Objection.	8	would be curious to know that.
9	Mischaracterizes the document.	9	BY MR. BRIDGES:
10	THE WITNESS: You haven't read	10	Q. Do you know whether
11	the whole sentence. I see that	11	incorporation into law drives strike that.
12	sentence to which you refer.	12	Do you know whether
13	BY MR. BRIDGES:	13	incorporation into law of plaintiffs'
14	Q. Right. I know I haven't read	14	standards drives sales of plaintiffs'
15	the whole sentence, but didn't I fairly	15	standards?
16	capture one part of it, which is the sales	16	MR. FEE: Objection to form.
17	of strike that that copyright on	17	Vague.
18	plaintiffs' standards drives sales of, among	18	THE WITNESS: I don't know with
19	other things, "handbooks that provide	19	absolute certainty, but it would make
20	commentary on standards by referring to	20	some sense to me.
21	them"?	21	BY MR. BRIDGES:
22	MR. FEE: Same objection.	22	Q. Is it your understanding that
23	THE WITNESS: I think you have	23	it does?
24	generally paraphrased it accurately,	24	MR. FEE: Same objection.
25	yes.	25	THE WITNESS: It would make
	Page 218		Page 220
1	BY MR. BRIDGES:	1	some sense to me, yes.
1 2		1 2	some sense to me, yes. BY MR. BRIDGES:
	Q. And that plaintiffs' copyright		BY MR. BRIDGES:
2		2 3	BY MR. BRIDGES: Q. Are you aware that, in some
2 3	Q. And that plaintiffs' copyright protection this is the top of strike that.	2 3	BY MR. BRIDGES: Q. Are you aware that, in some instances, at least one plaintiff uses the
2 3 4	Q. And that plaintiffs' copyright protection this is the top of strike that. And turning to the top of	2 3 4	BY MR. BRIDGES: Q. Are you aware that, in some
2 3 4 5	Q. And that plaintiffs' copyright protection this is the top of strike that. And turning to the top of page 46, plaintiffs' copyright protection on	2 3 4 5	BY MR. BRIDGES: Q. Are you aware that, in some instances, at least one plaintiff uses the legal status of its code to promote the sale
2 3 4 5 6	Q. And that plaintiffs' copyright protection this is the top of strike that. And turning to the top of page 46, plaintiffs' copyright protection on their standards provides plaintiff with a	2 3 4 5 6	BY MR. BRIDGES: Q. Are you aware that, in some instances, at least one plaintiff uses the legal status of its code to promote the sale of handbooks?
2 3 4 5 6 7 8	Q. And that plaintiffs' copyright protection this is the top of strike that. And turning to the top of page 46, plaintiffs' copyright protection on their standards provides plaintiff with a competitive advantage with respect to what	2 3 4 5 6 7	BY MR. BRIDGES: Q. Are you aware that, in some instances, at least one plaintiff uses the legal status of its code to promote the sale of handbooks? MR. FEE: Objection to form. THE WITNESS: I don't know one
2 3 4 5 6 7 8	Q. And that plaintiffs' copyright protection this is the top of strike that. And turning to the top of page 46, plaintiffs' copyright protection on their standards provides plaintiff with a competitive advantage with respect to what you call value-added publications, correct?	2 3 4 5 6 7 8	BY MR. BRIDGES: Q. Are you aware that, in some instances, at least one plaintiff uses the legal status of its code to promote the sale of handbooks? MR. FEE: Objection to form.
2 3 4 5 6 7 8 9	Q. And that plaintiffs' copyright protection this is the top of strike that. And turning to the top of page 46, plaintiffs' copyright protection on their standards provides plaintiff with a competitive advantage with respect to what you call value-added publications, correct?	2 3 4 5 6 7 8 9	BY MR. BRIDGES: Q. Are you aware that, in some instances, at least one plaintiff uses the legal status of its code to promote the sale of handbooks? MR. FEE: Objection to form. THE WITNESS: I don't know one way or the other. I don't have reason
2 3 4 5 6 7 8 9 10	Q. And that plaintiffs' copyright protection this is the top of strike that. And turning to the top of page 46, plaintiffs' copyright protection on their standards provides plaintiff with a competitive advantage with respect to what you call value-added publications, correct? A. You've read part of a sentence,	2 3 4 5 6 7 8 9 10	BY MR. BRIDGES: Q. Are you aware that, in some instances, at least one plaintiff uses the legal status of its code to promote the sale of handbooks? MR. FEE: Objection to form. THE WITNESS: I don't know one way or the other. I don't have reason to dispute it, but there's not a particular instance that comes to mind
2 3 4 5 6 7 8 9 10	Q. And that plaintiffs' copyright protection this is the top of strike that. And turning to the top of page 46, plaintiffs' copyright protection on their standards provides plaintiff with a competitive advantage with respect to what you call value-added publications, correct? A. You've read part of a sentence, but I do see that sentence, yes. Q. And I've fairly paraphrased it	2 3 4 5 6 7 8 9 10 11	BY MR. BRIDGES: Q. Are you aware that, in some instances, at least one plaintiff uses the legal status of its code to promote the sale of handbooks? MR. FEE: Objection to form. THE WITNESS: I don't know one way or the other. I don't have reason to dispute it, but there's not a particular instance that comes to mind right now. Maybe you have something
2 3 4 5 6 7 8 9 10 11 12	Q. And that plaintiffs' copyright protection this is the top of strike that. And turning to the top of page 46, plaintiffs' copyright protection on their standards provides plaintiff with a competitive advantage with respect to what you call value-added publications, correct? A. You've read part of a sentence, but I do see that sentence, yes. Q. And I've fairly paraphrased it correctly, correct?	2 3 4 5 6 7 8 9 10 11 12	BY MR. BRIDGES: Q. Are you aware that, in some instances, at least one plaintiff uses the legal status of its code to promote the sale of handbooks? MR. FEE: Objection to form. THE WITNESS: I don't know one way or the other. I don't have reason to dispute it, but there's not a particular instance that comes to mind
2 3 4 5 6 7 8 9 10 11 12 13	Q. And that plaintiffs' copyright protection this is the top of strike that. And turning to the top of page 46, plaintiffs' copyright protection on their standards provides plaintiff with a competitive advantage with respect to what you call value-added publications, correct? A. You've read part of a sentence, but I do see that sentence, yes. Q. And I've fairly paraphrased it correctly, correct? MR. FEE: Objection to form.	2 3 4 5 6 7 8 9 10 11 12 13	BY MR. BRIDGES: Q. Are you aware that, in some instances, at least one plaintiff uses the legal status of its code to promote the sale of handbooks? MR. FEE: Objection to form. THE WITNESS: I don't know one way or the other. I don't have reason to dispute it, but there's not a particular instance that comes to mind right now. Maybe you have something to refresh my memory. BY MR. BRIDGES:
2 3 4 5 6 7 8 9 10 11 12 13 14	Q. And that plaintiffs' copyright protection this is the top of strike that. And turning to the top of page 46, plaintiffs' copyright protection on their standards provides plaintiff with a competitive advantage with respect to what you call value-added publications, correct? A. You've read part of a sentence, but I do see that sentence, yes. Q. And I've fairly paraphrased it correctly, correct?	2 3 4 5 6 7 8 9 10 11 12 13 14	BY MR. BRIDGES: Q. Are you aware that, in some instances, at least one plaintiff uses the legal status of its code to promote the sale of handbooks? MR. FEE: Objection to form. THE WITNESS: I don't know one way or the other. I don't have reason to dispute it, but there's not a particular instance that comes to mind right now. Maybe you have something to refresh my memory. BY MR. BRIDGES: Q. Can you provide a dollar value
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. And that plaintiffs' copyright protection this is the top of strike that. And turning to the top of page 46, plaintiffs' copyright protection on their standards provides plaintiff with a competitive advantage with respect to what you call value-added publications, correct? A. You've read part of a sentence, but I do see that sentence, yes. Q. And I've fairly paraphrased it correctly, correct? MR. FEE: Objection to form. THE WITNESS: I think,	2 3 4 5 6 7 8 9 10 11 12 13 14 15	BY MR. BRIDGES: Q. Are you aware that, in some instances, at least one plaintiff uses the legal status of its code to promote the sale of handbooks? MR. FEE: Objection to form. THE WITNESS: I don't know one way or the other. I don't have reason to dispute it, but there's not a particular instance that comes to mind right now. Maybe you have something to refresh my memory. BY MR. BRIDGES: Q. Can you provide a dollar value benefit that plaintiffs receive economically
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. And that plaintiffs' copyright protection this is the top of strike that. And turning to the top of page 46, plaintiffs' copyright protection on their standards provides plaintiff with a competitive advantage with respect to what you call value-added publications, correct? A. You've read part of a sentence, but I do see that sentence, yes. Q. And I've fairly paraphrased it correctly, correct? MR. FEE: Objection to form. THE WITNESS: I think, generally, yes. BY MR. BRIDGES:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	BY MR. BRIDGES: Q. Are you aware that, in some instances, at least one plaintiff uses the legal status of its code to promote the sale of handbooks? MR. FEE: Objection to form. THE WITNESS: I don't know one way or the other. I don't have reason to dispute it, but there's not a particular instance that comes to mind right now. Maybe you have something to refresh my memory. BY MR. BRIDGES: Q. Can you provide a dollar value
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. And that plaintiffs' copyright protection this is the top of strike that. And turning to the top of page 46, plaintiffs' copyright protection on their standards provides plaintiff with a competitive advantage with respect to what you call value-added publications, correct? A. You've read part of a sentence, but I do see that sentence, yes. Q. And I've fairly paraphrased it correctly, correct? MR. FEE: Objection to form. THE WITNESS: I think, generally, yes. BY MR. BRIDGES: Q. Do plaintiffs, to your	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	BY MR. BRIDGES: Q. Are you aware that, in some instances, at least one plaintiff uses the legal status of its code to promote the sale of handbooks? MR. FEE: Objection to form. THE WITNESS: I don't know one way or the other. I don't have reason to dispute it, but there's not a particular instance that comes to mind right now. Maybe you have something to refresh my memory. BY MR. BRIDGES: Q. Can you provide a dollar value benefit that plaintiffs receive economically from the incorporation of their standards by reference?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. And that plaintiffs' copyright protection this is the top of strike that. And turning to the top of page 46, plaintiffs' copyright protection on their standards provides plaintiff with a competitive advantage with respect to what you call value-added publications, correct? A. You've read part of a sentence, but I do see that sentence, yes. Q. And I've fairly paraphrased it correctly, correct? MR. FEE: Objection to form. THE WITNESS: I think, generally, yes. BY MR. BRIDGES: Q. Do plaintiffs, to your understanding, have separate copyrights in	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	BY MR. BRIDGES: Q. Are you aware that, in some instances, at least one plaintiff uses the legal status of its code to promote the sale of handbooks? MR. FEE: Objection to form. THE WITNESS: I don't know one way or the other. I don't have reason to dispute it, but there's not a particular instance that comes to mind right now. Maybe you have something to refresh my memory. BY MR. BRIDGES: Q. Can you provide a dollar value benefit that plaintiffs receive economically from the incorporation of their standards by
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. And that plaintiffs' copyright protection this is the top of strike that. And turning to the top of page 46, plaintiffs' copyright protection on their standards provides plaintiff with a competitive advantage with respect to what you call value-added publications, correct? A. You've read part of a sentence, but I do see that sentence, yes. Q. And I've fairly paraphrased it correctly, correct? MR. FEE: Objection to form. THE WITNESS: I think, generally, yes. BY MR. BRIDGES: Q. Do plaintiffs, to your	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	BY MR. BRIDGES: Q. Are you aware that, in some instances, at least one plaintiff uses the legal status of its code to promote the sale of handbooks? MR. FEE: Objection to form. THE WITNESS: I don't know one way or the other. I don't have reason to dispute it, but there's not a particular instance that comes to mind right now. Maybe you have something to refresh my memory. BY MR. BRIDGES: Q. Can you provide a dollar value benefit that plaintiffs receive economically from the incorporation of their standards by reference? MR. FEE: Objection. Vague.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. And that plaintiffs' copyright protection this is the top of strike that. And turning to the top of page 46, plaintiffs' copyright protection on their standards provides plaintiff with a competitive advantage with respect to what you call value-added publications, correct? A. You've read part of a sentence, but I do see that sentence, yes. Q. And I've fairly paraphrased it correctly, correct? MR. FEE: Objection to form. THE WITNESS: I think, generally, yes. BY MR. BRIDGES: Q. Do plaintiffs, to your understanding, have separate copyrights in those value-added publications, such as	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	BY MR. BRIDGES: Q. Are you aware that, in some instances, at least one plaintiff uses the legal status of its code to promote the sale of handbooks? MR. FEE: Objection to form. THE WITNESS: I don't know one way or the other. I don't have reason to dispute it, but there's not a particular instance that comes to mind right now. Maybe you have something to refresh my memory. BY MR. BRIDGES: Q. Can you provide a dollar value benefit that plaintiffs receive economically from the incorporation of their standards by reference? MR. FEE: Objection. Vague. Form. THE WITNESS: I want to make
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. And that plaintiffs' copyright protection this is the top of strike that. And turning to the top of page 46, plaintiffs' copyright protection on their standards provides plaintiff with a competitive advantage with respect to what you call value-added publications, correct? A. You've read part of a sentence, but I do see that sentence, yes. Q. And I've fairly paraphrased it correctly, correct? MR. FEE: Objection to form. THE WITNESS: I think, generally, yes. BY MR. BRIDGES: Q. Do plaintiffs, to your understanding, have separate copyrights in those value-added publications, such as commentaries and handbooks? A. I don't know.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	BY MR. BRIDGES: Q. Are you aware that, in some instances, at least one plaintiff uses the legal status of its code to promote the sale of handbooks? MR. FEE: Objection to form. THE WITNESS: I don't know one way or the other. I don't have reason to dispute it, but there's not a particular instance that comes to mind right now. Maybe you have something to refresh my memory. BY MR. BRIDGES: Q. Can you provide a dollar value benefit that plaintiffs receive economically from the incorporation of their standards by reference? MR. FEE: Objection. Vague. Form. THE WITNESS: I want to make sure that I'm understanding. Could
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. And that plaintiffs' copyright protection this is the top of strike that. And turning to the top of page 46, plaintiffs' copyright protection on their standards provides plaintiff with a competitive advantage with respect to what you call value-added publications, correct? A. You've read part of a sentence, but I do see that sentence, yes. Q. And I've fairly paraphrased it correctly, correct? MR. FEE: Objection to form. THE WITNESS: I think, generally, yes. BY MR. BRIDGES: Q. Do plaintiffs, to your understanding, have separate copyrights in those value-added publications, such as commentaries and handbooks? A. I don't know.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MR. BRIDGES: Q. Are you aware that, in some instances, at least one plaintiff uses the legal status of its code to promote the sale of handbooks? MR. FEE: Objection to form. THE WITNESS: I don't know one way or the other. I don't have reason to dispute it, but there's not a particular instance that comes to mind right now. Maybe you have something to refresh my memory. BY MR. BRIDGES: Q. Can you provide a dollar value benefit that plaintiffs receive economically from the incorporation of their standards by reference? MR. FEE: Objection. Vague. Form. THE WITNESS: I want to make sure that I'm understanding. Could you read that back, please?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. And that plaintiffs' copyright protection this is the top of strike that. And turning to the top of page 46, plaintiffs' copyright protection on their standards provides plaintiff with a competitive advantage with respect to what you call value-added publications, correct? A. You've read part of a sentence, but I do see that sentence, yes. Q. And I've fairly paraphrased it correctly, correct? MR. FEE: Objection to form. THE WITNESS: I think, generally, yes. BY MR. BRIDGES: Q. Do plaintiffs, to your understanding, have separate copyrights in those value-added publications, such as commentaries and handbooks? A. I don't know. Q. You don't know?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	BY MR. BRIDGES: Q. Are you aware that, in some instances, at least one plaintiff uses the legal status of its code to promote the sale of handbooks? MR. FEE: Objection to form. THE WITNESS: I don't know one way or the other. I don't have reason to dispute it, but there's not a particular instance that comes to mind right now. Maybe you have something to refresh my memory. BY MR. BRIDGES: Q. Can you provide a dollar value benefit that plaintiffs receive economically from the incorporation of their standards by reference? MR. FEE: Objection. Vague. Form. THE WITNESS: I want to make sure that I'm understanding. Could

1	Can you provide a can you	1	Q. What else?
2	put a dollar value, even an estimate, on the	2	A. That's what comes to mind.
3	economic benefit that plaintiffs receive from	3	Q. Anything else?
4	incorporation of their standards into law?	4	A. Not this moment, no. I guess,
5	MR. FEE: Objection to form.	5	potentially, when I think some more about it,
6	THE WITNESS: I have not. And	6	training and seminars, for instance.
7	I'm not sure how one would do that,	7	Q. Providers of training and
8	subject to thinking more about it.	8	seminars?
9	BY MR. BRIDGES:	9	A. Yes. So that's broader than
10	Q. At the top of page 46, you say,	10	value-added publications, but there are
11	"The Plaintiffs' copyright protection on	11	potentially alternative providers of training
12	their privately-developed standards provides	12	and seminars.
13	a competitive advantage with regard to the	13	Q. In paragraph 109, you say, "In
14	sale of these value-added publications as the	14	addition to direct sales of copyrighted
15	copyright protection limits the ability of	15	materials, the Plaintiffs' materials
16	others to sell those publications unless they	16	associated with their privately-developed
17	are unwilling [sic] to compensate the	17	standards provide a competitive advantage
18	Plaintiffs for such use."	18	with regard to the sale of downstream
19	MR. FEE: Objection.	19	ancillary/complementary services and
20	Mischaracterizes the statement.	20	products."
21	BY MR. BRIDGES:	21	Do you see that?
22	Q. Is there something unfair about	22	A. Yes. That's what I had in
23	my characterization of that statement?	23	mind.
24	A. I think you read it wrong. You	24	Q. And who are the competitors you
25	read "willing" to read "unwilling" for some	25	have in mind in paragraph 109?
	Page 222		Page 224
		_	
1	reason.	1	A. I don't know particular names,
1 2		1 2	- -
	reason.	l _	A. I don't know particular names,
2	reason. Q. Oh, I'm sorry. Thank you.	2	A. I don't know particular names, but at least I don't recall any sitting
3	reason. Q. Oh, I'm sorry. Thank you. I'll restate the sentence.	2 3	A. I don't know particular names, but at least I don't recall any sitting right now sitting here right now, but I
2 3 4	reason. Q. Oh, I'm sorry. Thank you. I'll restate the sentence. "In particular, the Plaintiffs'	2 3 4	A. I don't know particular names, but at least I don't recall any sitting right now sitting here right now, but I think there are other providers of these
2 3 4 5	reason. Q. Oh, I'm sorry. Thank you. I'll restate the sentence. "In particular, the Plaintiffs' copyright protection on their	2 3 4 5 6 7	A. I don't know particular names, but at least I don't recall any sitting right now sitting here right now, but I think there are other providers of these downstream services and products.
2 3 4 5 6 7	reason. Q. Oh, I'm sorry. Thank you. I'll restate the sentence. "In particular, the Plaintiffs' copyright protection on their privately-developed standards provides a competitive advantage with regard to the sale of these value-added publications as the	2 3 4 5 6 7 8	A. I don't know particular names, but at least I don't recall any sitting right now sitting here right now, but I think there are other providers of these downstream services and products. Q. And please give me examples of
2 3 4 5 6 7 8 9	reason. Q. Oh, I'm sorry. Thank you. I'll restate the sentence. "In particular, the Plaintiffs' copyright protection on their privately-developed standards provides a competitive advantage with regard to the sale of these value-added publications as the copyright protection limits the ability of	2 3 4 5 6 7 8 9	A. I don't know particular names, but at least I don't recall any sitting right now sitting here right now, but I think there are other providers of these downstream services and products. Q. And please give me examples of what you're calling "downstream services and products." A. Again, seminars and training,
2 3 4 5 6 7 8 9	reason. Q. Oh, I'm sorry. Thank you. I'll restate the sentence. "In particular, the Plaintiffs' copyright protection on their privately-developed standards provides a competitive advantage with regard to the sale of these value-added publications as the copyright protection limits the ability of others to sell those publications unless they	2 3 4 5 6 7 8	A. I don't know particular names, but at least I don't recall any sitting right now sitting here right now, but I think there are other providers of these downstream services and products. Q. And please give me examples of what you're calling "downstream services and products." A. Again, seminars and training, for instance.
2 3 4 5 6 7 8 9 10	reason. Q. Oh, I'm sorry. Thank you. I'll restate the sentence. "In particular, the Plaintiffs' copyright protection on their privately-developed standards provides a competitive advantage with regard to the sale of these value-added publications as the copyright protection limits the ability of others to sell those publications unless they are willing to compensate the Plaintiffs for	2 3 4 5 6 7 8 9 10	A. I don't know particular names, but at least I don't recall any sitting right now sitting here right now, but I think there are other providers of these downstream services and products. Q. And please give me examples of what you're calling "downstream services and products." A. Again, seminars and training, for instance. Q. Anything else?
2 3 4 5 6 7 8 9 10 11 12	reason. Q. Oh, I'm sorry. Thank you. I'll restate the sentence. "In particular, the Plaintiffs' copyright protection on their privately-developed standards provides a competitive advantage with regard to the sale of these value-added publications as the copyright protection limits the ability of others to sell those publications unless they are willing to compensate the Plaintiffs for such use."	2 3 4 5 6 7 8 9 10 11 12	A. I don't know particular names, but at least I don't recall any sitting right now sitting here right now, but I think there are other providers of these downstream services and products. Q. And please give me examples of what you're calling "downstream services and products." A. Again, seminars and training, for instance. Q. Anything else? A. That's what comes to mind right
2 3 4 5 6 7 8 9 10 11 12 13	reason. Q. Oh, I'm sorry. Thank you. I'll restate the sentence. "In particular, the Plaintiffs' copyright protection on their privately-developed standards provides a competitive advantage with regard to the sale of these value-added publications as the copyright protection limits the ability of others to sell those publications unless they are willing to compensate the Plaintiffs for such use." Do you see that statement?	2 3 4 5 6 7 8 9 10 11 12 13	A. I don't know particular names, but at least I don't recall any sitting right now sitting here right now, but I think there are other providers of these downstream services and products. Q. And please give me examples of what you're calling "downstream services and products." A. Again, seminars and training, for instance. Q. Anything else? A. That's what comes to mind right now.
2 3 4 5 6 7 8 9 10 11 12 13 14	reason. Q. Oh, I'm sorry. Thank you. I'll restate the sentence. "In particular, the Plaintiffs' copyright protection on their privately-developed standards provides a competitive advantage with regard to the sale of these value-added publications as the copyright protection limits the ability of others to sell those publications unless they are willing to compensate the Plaintiffs for such use." Do you see that statement? A. I do, yes.	2 3 4 5 6 7 8 9 10 11 12 13	A. I don't know particular names, but at least I don't recall any sitting right now sitting here right now, but I think there are other providers of these downstream services and products. Q. And please give me examples of what you're calling "downstream services and products." A. Again, seminars and training, for instance. Q. Anything else? A. That's what comes to mind right now. Q. Turning to paragraph 110, you
2 3 4 5 6 7 8 9 10 11 12 13 14 15	reason. Q. Oh, I'm sorry. Thank you. I'll restate the sentence. "In particular, the Plaintiffs' copyright protection on their privately-developed standards provides a competitive advantage with regard to the sale of these value-added publications as the copyright protection limits the ability of others to sell those publications unless they are willing to compensate the Plaintiffs for such use." Do you see that statement? A. I do, yes. Q. And the competitive advantage	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. I don't know particular names, but at least I don't recall any sitting right now sitting here right now, but I think there are other providers of these downstream services and products. Q. And please give me examples of what you're calling "downstream services and products." A. Again, seminars and training, for instance. Q. Anything else? A. That's what comes to mind right now. Q. Turning to paragraph 110, you state, "I understand that the ability to
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	reason. Q. Oh, I'm sorry. Thank you. I'll restate the sentence. "In particular, the Plaintiffs' copyright protection on their privately-developed standards provides a competitive advantage with regard to the sale of these value-added publications as the copyright protection limits the ability of others to sell those publications unless they are willing to compensate the Plaintiffs for such use." Do you see that statement? A. I do, yes. Q. And the competitive advantage you've identified there, whom do you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. I don't know particular names, but at least I don't recall any sitting right now sitting here right now, but I think there are other providers of these downstream services and products. Q. And please give me examples of what you're calling "downstream services and products." A. Again, seminars and training, for instance. Q. Anything else? A. That's what comes to mind right now. Q. Turning to paragraph 110, you state, "I understand that the ability to control these downstream products and
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	reason. Q. Oh, I'm sorry. Thank you. I'll restate the sentence. "In particular, the Plaintiffs' copyright protection on their privately-developed standards provides a competitive advantage with regard to the sale of these value-added publications as the copyright protection limits the ability of others to sell those publications unless they are willing to compensate the Plaintiffs for such use." Do you see that statement? A. I do, yes. Q. And the competitive advantage you've identified there, whom do you understand to be the competition?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. I don't know particular names, but at least I don't recall any sitting right now sitting here right now, but I think there are other providers of these downstream services and products. Q. And please give me examples of what you're calling "downstream services and products." A. Again, seminars and training, for instance. Q. Anything else? A. That's what comes to mind right now. Q. Turning to paragraph 110, you state, "I understand that the ability to control these downstream products and services is particularly important to the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	reason. Q. Oh, I'm sorry. Thank you. I'll restate the sentence. "In particular, the Plaintiffs' copyright protection on their privately-developed standards provides a competitive advantage with regard to the sale of these value-added publications as the copyright protection limits the ability of others to sell those publications unless they are willing to compensate the Plaintiffs for such use." Do you see that statement? A. I do, yes. Q. And the competitive advantage you've identified there, whom do you understand to be the competition? A. Other potential providers of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. I don't know particular names, but at least I don't recall any sitting right now sitting here right now, but I think there are other providers of these downstream services and products. Q. And please give me examples of what you're calling "downstream services and products." A. Again, seminars and training, for instance. Q. Anything else? A. That's what comes to mind right now. Q. Turning to paragraph 110, you state, "I understand that the ability to control these downstream products and services is particularly important to the Plaintiffs here because the barriers to entry
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	reason. Q. Oh, I'm sorry. Thank you. I'll restate the sentence. "In particular, the Plaintiffs' copyright protection on their privately-developed standards provides a competitive advantage with regard to the sale of these value-added publications as the copyright protection limits the ability of others to sell those publications unless they are willing to compensate the Plaintiffs for such use." Do you see that statement? A. I do, yes. Q. And the competitive advantage you've identified there, whom do you understand to be the competition? A. Other potential providers of these so-called value-added publications.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. I don't know particular names, but at least I don't recall any sitting right now sitting here right now, but I think there are other providers of these downstream services and products. Q. And please give me examples of what you're calling "downstream services and products." A. Again, seminars and training, for instance. Q. Anything else? A. That's what comes to mind right now. Q. Turning to paragraph 110, you state, "I understand that the ability to control these downstream products and services is particularly important to the Plaintiffs here because the barriers to entry in the marketplace for downstream products,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	reason. Q. Oh, I'm sorry. Thank you. I'll restate the sentence. "In particular, the Plaintiffs' copyright protection on their privately-developed standards provides a competitive advantage with regard to the sale of these value-added publications as the copyright protection limits the ability of others to sell those publications unless they are willing to compensate the Plaintiffs for such use." Do you see that statement? A. I do, yes. Q. And the competitive advantage you've identified there, whom do you understand to be the competition? A. Other potential providers of these so-called value-added publications. Q. And what when you say	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. I don't know particular names, but at least I don't recall any sitting right now sitting here right now, but I think there are other providers of these downstream services and products. Q. And please give me examples of what you're calling "downstream services and products." A. Again, seminars and training, for instance. Q. Anything else? A. That's what comes to mind right now. Q. Turning to paragraph 110, you state, "I understand that the ability to control these downstream products and services is particularly important to the Plaintiffs here because the barriers to entry in the marketplace for downstream products, such as training and user manuals, are
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	reason. Q. Oh, I'm sorry. Thank you. I'll restate the sentence. "In particular, the Plaintiffs' copyright protection on their privately-developed standards provides a competitive advantage with regard to the sale of these value-added publications as the copyright protection limits the ability of others to sell those publications unless they are willing to compensate the Plaintiffs for such use." Do you see that statement? A. I do, yes. Q. And the competitive advantage you've identified there, whom do you understand to be the competition? A. Other potential providers of these so-called value-added publications. Q. And what when you say "value-added publications," please give me	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I don't know particular names, but at least I don't recall any sitting right now sitting here right now, but I think there are other providers of these downstream services and products. Q. And please give me examples of what you're calling "downstream services and products." A. Again, seminars and training, for instance. Q. Anything else? A. That's what comes to mind right now. Q. Turning to paragraph 110, you state, "I understand that the ability to control these downstream products and services is particularly important to the Plaintiffs here because the barriers to entry in the marketplace for downstream products, such as training and user manuals, are relatively low. For example, according to
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	reason. Q. Oh, I'm sorry. Thank you. I'll restate the sentence. "In particular, the Plaintiffs' copyright protection on their privately-developed standards provides a competitive advantage with regard to the sale of these value-added publications as the copyright protection limits the ability of others to sell those publications unless they are willing to compensate the Plaintiffs for such use." Do you see that statement? A. I do, yes. Q. And the competitive advantage you've identified there, whom do you understand to be the competition? A. Other potential providers of these so-called value-added publications. Q. And what when you say "value-added publications," please give me more examples of what types of things fall	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I don't know particular names, but at least I don't recall any sitting right now sitting here right now, but I think there are other providers of these downstream services and products. Q. And please give me examples of what you're calling "downstream services and products." A. Again, seminars and training, for instance. Q. Anything else? A. That's what comes to mind right now. Q. Turning to paragraph 110, you state, "I understand that the ability to control these downstream products and services is particularly important to the Plaintiffs here because the barriers to entry in the marketplace for downstream products, such as training and user manuals, are relatively low. For example, according to Mr. Comstock of ASHRAE, it is relatively easy
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	reason. Q. Oh, I'm sorry. Thank you. I'll restate the sentence. "In particular, the Plaintiffs' copyright protection on their privately-developed standards provides a competitive advantage with regard to the sale of these value-added publications as the copyright protection limits the ability of others to sell those publications unless they are willing to compensate the Plaintiffs for such use." Do you see that statement? A. I do, yes. Q. And the competitive advantage you've identified there, whom do you understand to be the competition? A. Other potential providers of these so-called value-added publications. Q. And what when you say "value-added publications," please give me more examples of what types of things fall into that category, as you use the term.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. I don't know particular names, but at least I don't recall any sitting right now sitting here right now, but I think there are other providers of these downstream services and products. Q. And please give me examples of what you're calling "downstream services and products." A. Again, seminars and training, for instance. Q. Anything else? A. That's what comes to mind right now. Q. Turning to paragraph 110, you state, "I understand that the ability to control these downstream products and services is particularly important to the Plaintiffs here because the barriers to entry in the marketplace for downstream products, such as training and user manuals, are relatively low. For example, according to Mr. Comstock of ASHRAE, it is relatively easy for unauthorized instructors to read a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	reason. Q. Oh, I'm sorry. Thank you. I'll restate the sentence. "In particular, the Plaintiffs' copyright protection on their privately-developed standards provides a competitive advantage with regard to the sale of these value-added publications as the copyright protection limits the ability of others to sell those publications unless they are willing to compensate the Plaintiffs for such use." Do you see that statement? A. I do, yes. Q. And the competitive advantage you've identified there, whom do you understand to be the competition? A. Other potential providers of these so-called value-added publications. Q. And what when you say "value-added publications," please give me more examples of what types of things fall into that category, as you use the term. A. Examples would be handbooks	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. I don't know particular names, but at least I don't recall any sitting right now sitting here right now, but I think there are other providers of these downstream services and products. Q. And please give me examples of what you're calling "downstream services and products." A. Again, seminars and training, for instance. Q. Anything else? A. That's what comes to mind right now. Q. Turning to paragraph 110, you state, "I understand that the ability to control these downstream products and services is particularly important to the Plaintiffs here because the barriers to entry in the marketplace for downstream products, such as training and user manuals, are relatively low. For example, according to Mr. Comstock of ASHRAE, it is relatively easy for unauthorized instructors to read a standard and become (or think that they have
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	reason. Q. Oh, I'm sorry. Thank you. I'll restate the sentence. "In particular, the Plaintiffs' copyright protection on their privately-developed standards provides a competitive advantage with regard to the sale of these value-added publications as the copyright protection limits the ability of others to sell those publications unless they are willing to compensate the Plaintiffs for such use." Do you see that statement? A. I do, yes. Q. And the competitive advantage you've identified there, whom do you understand to be the competition? A. Other potential providers of these so-called value-added publications. Q. And what when you say "value-added publications," please give me more examples of what types of things fall into that category, as you use the term.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. I don't know particular names, but at least I don't recall any sitting right now sitting here right now, but I think there are other providers of these downstream services and products. Q. And please give me examples of what you're calling "downstream services and products." A. Again, seminars and training, for instance. Q. Anything else? A. That's what comes to mind right now. Q. Turning to paragraph 110, you state, "I understand that the ability to control these downstream products and services is particularly important to the Plaintiffs here because the barriers to entry in the marketplace for downstream products, such as training and user manuals, are relatively low. For example, according to Mr. Comstock of ASHRAE, it is relatively easy for unauthorized instructors to read a

1	guidance on that standard."	1	Q. You're just parroting what
2	Do you see that?	2	Mr. Comstock said, or did you have an
3	A. I do, yes.	3	independent view?
4	Q. What do you understand what	4	A. No, I heard what he said, and
5	did you mean by "unauthorized instructors"?	5	it made sense to me.
6	A. People that have provided or	6	Q. So you put it in your report?
7	trying to provide services to the marketplace	7	A. Yes.
8	that have not been explicitly approved by,	8	Q. What independent thought or
9	for instance, ASHRAE.	9	investigation did you do before you put that
10	Q. What do you understand the	10	in your report?
11	the nature of strike that.	11	MR. FEE: Objection. Vague.
12	You called them "instructors,"	12	Compound.
13	correct?	13	THE WITNESS: I can't point to
14	A. Yes.	14	anything in particular.
15	Q. Does that mean that you	15	BY MR. BRIDGES:
16	envision that these persons are providing	16	Q. Would a law-school course on
17	some kind of instruction?	17	the law and regulation of building
18	A. Yes.	18	construction provide instruction to law
19	Q. What instruction do you	19	students?
20	· · · · · · · · · · · · · · · · · · ·	20	MR. FEE: Objection. Vague.
21	in mind when you referred to "unauthorized	21	Calls for speculation.
22	instructors"?	22	THE WITNESS: I guess it could.
23	A. Generally, how best to	23	I have a hard time imagining there
24	implement standards or provisions of certain	24	would be much demand for such a
25	standards.	25	course, but I'm in general agreement
	Page 226		Page 228
Ι.			
1	Q. What else?	1	that that, in concept, could occur.
$\begin{vmatrix} 1 \\ 2 \end{vmatrix}$	Q. What else?A. Nothing else comes to mind	1 2	that that, in concept, could occur. BY MR. BRIDGES:
	•		
2	A. Nothing else comes to mind	2	BY MR. BRIDGES:
2 3	A. Nothing else comes to mind right now.	2 3	BY MR. BRIDGES: Q. Would it be possible to
2 3 4	A. Nothing else comes to mind right now. Q. Would your understanding of	2 3 4	BY MR. BRIDGES: Q. Would it be possible to envision that, in the course of such
2 3 4 5	A. Nothing else comes to mind right now. Q. Would your understanding of "unauthorized instructors" include persons	2 3 4 5	BY MR. BRIDGES: Q. Would it be possible to envision that, in the course of such teaching, a teacher may wish to analyze some
2 3 4 5 6	A. Nothing else comes to mind right now. Q. Would your understanding of "unauthorized instructors" include persons who were instructing the public as to what	2 3 4 5	BY MR. BRIDGES: Q. Would it be possible to envision that, in the course of such teaching, a teacher may wish to analyze some of plaintiffs' standards that have been
2 3 4 5 6 7	A. Nothing else comes to mind right now. Q. Would your understanding of "unauthorized instructors" include persons who were instructing the public as to what the standards require?	2 3 4 5 6 7	BY MR. BRIDGES: Q. Would it be possible to envision that, in the course of such teaching, a teacher may wish to analyze some of plaintiffs' standards that have been incorporated into law as law and as
2 3 4 5 6 7 8	A. Nothing else comes to mind right now. Q. Would your understanding of "unauthorized instructors" include persons who were instructing the public as to what the standards require? MR. FEE: Objection to form.	2 3 4 5 6 7 8	BY MR. BRIDGES: Q. Would it be possible to envision that, in the course of such teaching, a teacher may wish to analyze some of plaintiffs' standards that have been incorporated into law as law and as regulation?
2 3 4 5 6 7 8 9 10	A. Nothing else comes to mind right now. Q. Would your understanding of "unauthorized instructors" include persons who were instructing the public as to what the standards require? MR. FEE: Objection to form. Vague.	2 3 4 5 6 7 8 9	BY MR. BRIDGES: Q. Would it be possible to envision that, in the course of such teaching, a teacher may wish to analyze some of plaintiffs' standards that have been incorporated into law as law and as regulation? MR. FEE: Objection. Calls for
2 3 4 5 6 7 8 9 10 11 12	A. Nothing else comes to mind right now. Q. Would your understanding of "unauthorized instructors" include persons who were instructing the public as to what the standards require? MR. FEE: Objection to form. Vague. THE WITNESS: I didn't have that in mind. I guess that's a possibility.	2 3 4 5 6 7 8 9 10 11 12	BY MR. BRIDGES: Q. Would it be possible to envision that, in the course of such teaching, a teacher may wish to analyze some of plaintiffs' standards that have been incorporated into law as law and as regulation? MR. FEE: Objection. Calls for speculation. Vague. Form. THE WITNESS: I guess that's possible, but I would expect a law
2 3 4 5 6 7 8 9 10 11 12 13	A. Nothing else comes to mind right now. Q. Would your understanding of "unauthorized instructors" include persons who were instructing the public as to what the standards require? MR. FEE: Objection to form. Vague. THE WITNESS: I didn't have that in mind. I guess that's a possibility. BY MR. BRIDGES:	2 3 4 5 6 7 8 9 10 11	BY MR. BRIDGES: Q. Would it be possible to envision that, in the course of such teaching, a teacher may wish to analyze some of plaintiffs' standards that have been incorporated into law as law and as regulation? MR. FEE: Objection. Calls for speculation. Vague. Form. THE WITNESS: I guess that's possible, but I would expect a law professor would be talking about legal
2 3 4 5 6 7 8 9 10 11 12	A. Nothing else comes to mind right now. Q. Would your understanding of "unauthorized instructors" include persons who were instructing the public as to what the standards require? MR. FEE: Objection to form. Vague. THE WITNESS: I didn't have that in mind. I guess that's a possibility. BY MR. BRIDGES: Q. And would it be relatively easy	2 3 4 5 6 7 8 9 10 11 12 13 14	BY MR. BRIDGES: Q. Would it be possible to envision that, in the course of such teaching, a teacher may wish to analyze some of plaintiffs' standards that have been incorporated into law as law and as regulation? MR. FEE: Objection. Calls for speculation. Vague. Form. THE WITNESS: I guess that's possible, but I would expect a law professor would be talking about legal implications, not the technical
2 3 4 5 6 7 8 9 10 11 12 13	A. Nothing else comes to mind right now. Q. Would your understanding of "unauthorized instructors" include persons who were instructing the public as to what the standards require? MR. FEE: Objection to form. Vague. THE WITNESS: I didn't have that in mind. I guess that's a possibility. BY MR. BRIDGES: Q. And would it be relatively easy for unauthorized persons like that to read a	2 3 4 5 6 7 8 9 10 11 12 13	BY MR. BRIDGES: Q. Would it be possible to envision that, in the course of such teaching, a teacher may wish to analyze some of plaintiffs' standards that have been incorporated into law as law and as regulation? MR. FEE: Objection. Calls for speculation. Vague. Form. THE WITNESS: I guess that's possible, but I would expect a law professor would be talking about legal implications, not the technical aspects of a standard. I think they
2 3 4 5 6 7 8 9 10 11 12 13	A. Nothing else comes to mind right now. Q. Would your understanding of "unauthorized instructors" include persons who were instructing the public as to what the standards require? MR. FEE: Objection to form. Vague. THE WITNESS: I didn't have that in mind. I guess that's a possibility. BY MR. BRIDGES: Q. And would it be relatively easy	2 3 4 5 6 7 8 9 10 11 12 13 14	BY MR. BRIDGES: Q. Would it be possible to envision that, in the course of such teaching, a teacher may wish to analyze some of plaintiffs' standards that have been incorporated into law as law and as regulation? MR. FEE: Objection. Calls for speculation. Vague. Form. THE WITNESS: I guess that's possible, but I would expect a law professor would be talking about legal implications, not the technical aspects of a standard. I think they might talk about the implication in a
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Nothing else comes to mind right now. Q. Would your understanding of "unauthorized instructors" include persons who were instructing the public as to what the standards require? MR. FEE: Objection to form. Vague. THE WITNESS: I didn't have that in mind. I guess that's a possibility. BY MR. BRIDGES: Q. And would it be relatively easy for unauthorized persons like that to read a	2 3 4 5 6 7 8 9 10 11 12 13 14 15	BY MR. BRIDGES: Q. Would it be possible to envision that, in the course of such teaching, a teacher may wish to analyze some of plaintiffs' standards that have been incorporated into law as law and as regulation? MR. FEE: Objection. Calls for speculation. Vague. Form. THE WITNESS: I guess that's possible, but I would expect a law professor would be talking about legal implications, not the technical aspects of a standard. I think they
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Nothing else comes to mind right now. Q. Would your understanding of "unauthorized instructors" include persons who were instructing the public as to what the standards require? MR. FEE: Objection to form. Vague. THE WITNESS: I didn't have that in mind. I guess that's a possibility. BY MR. BRIDGES: Q. And would it be relatively easy for unauthorized persons like that to read a standard and think that they have become	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	BY MR. BRIDGES: Q. Would it be possible to envision that, in the course of such teaching, a teacher may wish to analyze some of plaintiffs' standards that have been incorporated into law as law and as regulation? MR. FEE: Objection. Calls for speculation. Vague. Form. THE WITNESS: I guess that's possible, but I would expect a law professor would be talking about legal implications, not the technical aspects of a standard. I think they might talk about the implication in a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Nothing else comes to mind right now. Q. Would your understanding of "unauthorized instructors" include persons who were instructing the public as to what the standards require? MR. FEE: Objection to form. Vague. THE WITNESS: I didn't have that in mind. I guess that's a possibility. BY MR. BRIDGES: Q. And would it be relatively easy for unauthorized persons like that to read a standard and think that they have become qualified to provide training or guidance on	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	BY MR. BRIDGES: Q. Would it be possible to envision that, in the course of such teaching, a teacher may wish to analyze some of plaintiffs' standards that have been incorporated into law as law and as regulation? MR. FEE: Objection. Calls for speculation. Vague. Form. THE WITNESS: I guess that's possible, but I would expect a law professor would be talking about legal implications, not the technical aspects of a standard. I think they might talk about the implication in a business that's different from a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Nothing else comes to mind right now. Q. Would your understanding of "unauthorized instructors" include persons who were instructing the public as to what the standards require? MR. FEE: Objection to form. Vague. THE WITNESS: I didn't have that in mind. I guess that's a possibility. BY MR. BRIDGES: Q. And would it be relatively easy for unauthorized persons like that to read a standard and think that they have become qualified to provide training or guidance on that standard?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	BY MR. BRIDGES: Q. Would it be possible to envision that, in the course of such teaching, a teacher may wish to analyze some of plaintiffs' standards that have been incorporated into law as law and as regulation? MR. FEE: Objection. Calls for speculation. Vague. Form. THE WITNESS: I guess that's possible, but I would expect a law professor would be talking about legal implications, not the technical aspects of a standard. I think they might talk about the implication in a business that's different from a vendor business.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. Nothing else comes to mind right now. Q. Would your understanding of "unauthorized instructors" include persons who were instructing the public as to what the standards require? MR. FEE: Objection to form. Vague. THE WITNESS: I didn't have that in mind. I guess that's a possibility. BY MR. BRIDGES: Q. And would it be relatively easy for unauthorized persons like that to read a standard and think that they have become qualified to provide training or guidance on that standard? MR. FEE: Objection. Vague.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	BY MR. BRIDGES: Q. Would it be possible to envision that, in the course of such teaching, a teacher may wish to analyze some of plaintiffs' standards that have been incorporated into law as law and as regulation? MR. FEE: Objection. Calls for speculation. Vague. Form. THE WITNESS: I guess that's possible, but I would expect a law professor would be talking about legal implications, not the technical aspects of a standard. I think they might talk about the implication in a business that's different from a vendor business. BY MR. BRIDGES: Q. Well, what about the legal implications of a code for contractors?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Nothing else comes to mind right now. Q. Would your understanding of "unauthorized instructors" include persons who were instructing the public as to what the standards require? MR. FEE: Objection to form. Vague. THE WITNESS: I didn't have that in mind. I guess that's a possibility. BY MR. BRIDGES: Q. And would it be relatively easy for unauthorized persons like that to read a standard and think that they have become qualified to provide training or guidance on that standard? MR. FEE: Objection. Vague. BY MR. BRIDGES: Q. Is that your understanding? A. According to Mr. Comstock, I	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MR. BRIDGES: Q. Would it be possible to envision that, in the course of such teaching, a teacher may wish to analyze some of plaintiffs' standards that have been incorporated into law as law and as regulation? MR. FEE: Objection. Calls for speculation. Vague. Form. THE WITNESS: I guess that's possible, but I would expect a law professor would be talking about legal implications, not the technical aspects of a standard. I think they might talk about the implication in a business that's different from a vendor business. BY MR. BRIDGES: Q. Well, what about the legal implications of a code for contractors? MR. FEE: Objection.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Nothing else comes to mind right now. Q. Would your understanding of "unauthorized instructors" include persons who were instructing the public as to what the standards require? MR. FEE: Objection to form. Vague. THE WITNESS: I didn't have that in mind. I guess that's a possibility. BY MR. BRIDGES: Q. And would it be relatively easy for unauthorized persons like that to read a standard and think that they have become qualified to provide training or guidance on that standard? MR. FEE: Objection. Vague. BY MR. BRIDGES: Q. Is that your understanding?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	BY MR. BRIDGES: Q. Would it be possible to envision that, in the course of such teaching, a teacher may wish to analyze some of plaintiffs' standards that have been incorporated into law as law and as regulation? MR. FEE: Objection. Calls for speculation. Vague. Form. THE WITNESS: I guess that's possible, but I would expect a law professor would be talking about legal implications, not the technical aspects of a standard. I think they might talk about the implication in a business that's different from a vendor business. BY MR. BRIDGES: Q. Well, what about the legal implications of a code for contractors?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. Nothing else comes to mind right now. Q. Would your understanding of "unauthorized instructors" include persons who were instructing the public as to what the standards require? MR. FEE: Objection to form. Vague. THE WITNESS: I didn't have that in mind. I guess that's a possibility. BY MR. BRIDGES: Q. And would it be relatively easy for unauthorized persons like that to read a standard and think that they have become qualified to provide training or guidance on that standard? MR. FEE: Objection. Vague. BY MR. BRIDGES: Q. Is that your understanding? A. According to Mr. Comstock, I	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MR. BRIDGES: Q. Would it be possible to envision that, in the course of such teaching, a teacher may wish to analyze some of plaintiffs' standards that have been incorporated into law as law and as regulation? MR. FEE: Objection. Calls for speculation. Vague. Form. THE WITNESS: I guess that's possible, but I would expect a law professor would be talking about legal implications, not the technical aspects of a standard. I think they might talk about the implication in a business that's different from a vendor business. BY MR. BRIDGES: Q. Well, what about the legal implications of a code for contractors? MR. FEE: Objection.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Nothing else comes to mind right now. Q. Would your understanding of "unauthorized instructors" include persons who were instructing the public as to what the standards require? MR. FEE: Objection to form. Vague. THE WITNESS: I didn't have that in mind. I guess that's a possibility. BY MR. BRIDGES: Q. And would it be relatively easy for unauthorized persons like that to read a standard and think that they have become qualified to provide training or guidance on that standard? MR. FEE: Objection. Vague. BY MR. BRIDGES: Q. Is that your understanding? A. According to Mr. Comstock, I believe that's correct.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	BY MR. BRIDGES: Q. Would it be possible to envision that, in the course of such teaching, a teacher may wish to analyze some of plaintiffs' standards that have been incorporated into law as law and as regulation? MR. FEE: Objection. Calls for speculation. Vague. Form. THE WITNESS: I guess that's possible, but I would expect a law professor would be talking about legal implications, not the technical aspects of a standard. I think they might talk about the implication in a business that's different from a vendor business. BY MR. BRIDGES: Q. Well, what about the legal implications of a code for contractors? MR. FEE: Objection. BY MR. BRIDGES:

1	Q. You can't point to any	1	Q. What probability do you assign
2	particular investigation or fact that you're	2	to the likelihood that you refer to in the
3	relying on in paragraphs 117 to 119?	3	first sentence of paragraph 121?
4	MR. FEE: Objection to form.	4	MR. FEE: Objection to form.
5	Asked and answered.	5	Lack of foundation.
6	THE WITNESS: Everything that's	6	THE WITNESS: I don't have a
7	embedded in Exhibit 1 is, in part, a	7	particular quantitative likelihood
8	basis for the observations that I draw	8	measure.
9	in those paragraphs.	9	BY MR. BRIDGES:
10	BY MR. BRIDGES:	10	Q. Can you give an estimate?
11	Q. What probability do you assign	11	MR. FEE: Same objection.
12	to your prediction in the first sentence of	12	THE WITNESS: No.
13	paragraph 119?	13	BY MR. BRIDGES:
14	MR. FEE: Objection. Form.	14	Q. Turning to paragraph 126, you
15	Lack of foundation.	15	refer to an "option available to Plaintiffs
16	THE WITNESS: I'm not sure that	16	to respond to the loss of protection for
17	I've used the term "prediction," but I	17	incorporated standards."
18	wouldn't assign a particular	18	Is it your belief that, if the
19	quantitative probability.	19	plaintiffs lose this case, they will shut
20	BY MR. BRIDGES:	20	down their creation of new standards?
21	Q. Can you give an estimate?	21	A. I think that's a possibility.
22	A. No.	22	Q. What probability do you assign
23	Q. Why not?	23	to that?
24	A. I don't have a basis for that	24	MR. FEE: Objection to form.
25	estimate. I have reasoning underlying it,	25	Lack of foundation.
	Page 234		Page 236
1	but I don't have a basis to provide a	1	THE WITNESS: I don't have a
2	quantitative estimate of my level of	2	particular quantitative measure of
3	confidence.	3	probability for that.
4	Q. You refer to "uncertainties" in	4	BY MR. BRIDGES:
5	the second sentence of paragraph 119,	5	Q. What's your best estimate?
6	correct?	6	MR. FEE: Same objection.
7	A. I do, yes.	7	THE WITNESS: I don't have a
8	Q. What probability do you assign	8	quantitative best estimate.
	to the likelihood that you refer to with the		BY MR. BRIDGES:
10	word "likely" in the first sentence of	10	Q. Is it more or less than
11	paragraph 120?	11	50 percent?
12	MR. FEE: Objection. Form.	12	MR. FEE: Same objections.
13	Lack of foundation.	13	THE WITNESS: I still don't
14	THE WITNESS: I don't have a	14	have a quantitative estimate.
15	particular quantitative measure of	15	BY MR. BRIDGES:
16	that. And are you referring to my use	16	Q. Is it more or less than
17	of the term "likely"?	17	80 percent?
18	BY MR. BRIDGES:	18	MR. FEE: Same objections.
19	Q. Yes.	19	THE WITNESS: Still don't have
20	A. Yes, I don't have a particular	20	a quantitative estimate.
21	quantification of that.	21	BY MR. BRIDGES:
22	Q. What particular facts are you	22	Q. Is it more or less than
23	relying on for that paragraph?	23	5 percent?
24	A. Everything that you see	24	MR. FEE: Same objections.
1	reported in Exhibit 1.	25	THE WITNESS: Still don't have
	Page 235		Page 237
1	2		

```
a quantitative estimate. I think that
                                                    1 to see what alternatives there are among
 1
2
        there -- with reasonable probability I
                                                    2 standards development organizations currently
 3
        can draw this conclusion, but I can't
                                                    3 in existence to carry forward the work of
                                                    4 plaintiffs if plaintiffs chose to stop
        be any more precise than that.
 4
                                                       standards development as a result of the loss
5
   BY MR. BRIDGES:
                                                       of this case?
        Q. What do you mean, "with
6
                                                    6
   reasonable probability"?
7
                                                    7
                                                                MR. FEE: Same objection.
8
             Based on the information that I
                                                    8
                                                                THE WITNESS: Not that I
   have and the training and logic I bring to
                                                    9
                                                            recall, but I am of the understanding
10 it, I think there is a -- I say with some
                                                   10
                                                            that each SDO has a different charter,
11 confidence what I have said here.
                                                            so I don't know that any SDO has an
                                                   11
12
             And when you say "likely," do
                                                   12
                                                            identical charter to that of any of
13 you mean more than 50 percent likely?
                                                   13
                                                            the three plaintiffs.
14
        A. Not necessarily, no.
                                                   14 BY MR. BRIDGES:
             Are you aware of other
15
        O.
                                                   15
                                                                 Are you aware that these
                                                            O.
16 standards development organizations active in
                                                   16 plaintiffs compete with other SDOs in the
    the same field as the plaintiffs?
                                                       creation of standards in particular fields?
17
                                                   17
            MR. FEE: Objection. Vague.
                                                   18
                                                                MR. FEE: Objection to form.
18
19
        Form.
                                                   19
                                                            Vague.
20
            THE WITNESS: Perhaps you could
                                                   20
                                                                THE WITNESS: What do you mean
        tell me what you have in mind with
                                                   21
                                                            by the term "compete with" in this
21
        your use of the term "fields."
22
                                                   22
                                                            context?
23 BY MR. BRIDGES:
                                                       BY MR. BRIDGES:
                                                   23
             Well, are you familiar with
                                                                That they consider others
24
        O.
                                                   24
                                                            0.
25 AHRI?
                                                   25 rivals for the same market, in part.
                                           Page 238
                                                                                               Page 240
        A.
             I have perhaps seen reference
                                                    1
                                                                MR. FEE: Objection to form.
1
 2.
   to that.
                                                    2
                                                            Vague.
 3
             Do you know with which of these
                                                    3
                                                                THE WITNESS: I don't recall
        O.
   plaintiffs it -- do you -- do you know what
                                                            seeing reference to that, but my
                                                    4
                                                    5
                                                            memory is not perfect.
5
   field it's in?
        A. I don't recall, sitting here
                                                    6
                                                       BY MR. BRIDGES:
6
                                                    7
                                                                The -- in paragraph 131, you
   right now, no.
                                                       say, "Simply put, freely-distributed,
             Are you familiar with NFRC?
8
        Q.
             I may have seen reference to
                                                       unrestricted versions of Plaintiffs'
9
        A.
                                                   10 standards that are or could be incorporated
10 that acronym.
                                                   11 by reference can be expected to adversely
11
        Q. Do you know what field it's in?
             Not sitting here right now.
                                                   12 impact the market for Plaintiffs' standards
12
        A.
        Q. Are you familiar with ICC?
                                                   13 that are incorporated by reference and to
13
             I have seen reference to that.
                                                   14 displace sales of these standards by the
14
        A.
15 I don't recall what it is, sitting here now.
                                                   15 Plaintiffs - which can be expected to have a
             Do you know whether other
16
                                                   16 material adverse effect on Plaintiffs'
17 standards developments organizations would be 17
                                                       revenues."
18 in a position to step forward and to continue
                                                   18
                                                                Do you see that?
   the maintenance and preservation and further
                                                   19
                                                                Yes.
20 development of the standards of plaintiffs
                                                                 By "expected," do you mean more
                                                   20
21 here if plaintiffs lose this case?
                                                   21
                                                       than 50 percent likely?
            MR. FEE: Objection to form.
                                                                 Not necessarily. I don't have
22
                                                   22
23
            THE WITNESS: I don't know.
                                                   23
                                                       a quantitative assessment of what I mean by
24 BY MR. BRIDGES:
                                                   24
                                                       "expected."
25
             Have you done any investigation
                                                   25
                                                            Q. Do you mean more than 5 percent
                                           Page 239
                                                                                               Page 241
```

```
1 new in terms of a theory.
                                                     1 rest of that paragraph?
                                                                MR. FEE: Objection. Vague.
2
        Q. Do you have the same answer
                                                    2
 3
   with respect to -- strike that.
                                                    3
                                                                THE WITNESS: I looked at the
                                                            financial information, and I talked to
            What facts do you have --
                                                    4
4
                                                    5
5
                                                            people at the various plaintiffs.
   strike that.
                                                       BY MR. BRIDGES:
            What facts are you aware of to
                                                    6
   disprove -- to disprove Mr. Malamud's theory
                                                    7
                                                            Q. You talked to people at the
   that you refer to in paragraph 144?
                                                       various plaintiffs?
                                                    8
        A. Again, it's the same theory
9
                                                    9
                                                            Α.
                                                                 Yes.
10 that's being referenced, but there's
                                                   10
                                                                 What did you do to verify the
                                                            Q.
11 additional facts; and that is, the downstream
                                                       truth and accuracy of the things that various
12 products and services aren't particularly
                                                       plaintiffs said to you in their
13 substantial to these plaintiffs and don't
                                                       conversations?
                                                   13
14 appear to be enhanced by a lack of copyright
                                                   14
                                                                MR. FEE: Objection to form.
15 protection; that is, the plaintiffs have had
                                                                THE WITNESS: I looked at the
                                                   15
16 copyright protection and have said -- had
                                                   16
                                                            financial information, and I kept my
17 some downstream products and services. It's
                                                   17
                                                            eyes and mind open to the information
18 hard to imagine that elimination of that
                                                            in the rest of the record to determine
                                                   18
19 copyright protection will enhance that
                                                   19
                                                            if it conflicted with what I learned
20 business.
                                                   20
                                                            from the company personnel.
21
                                                       BY MR. BRIDGES:
        Q. It's hard to imagine, but are
                                                   21
22 you aware of any studies to disprove
                                                   22
                                                            Q.
                                                                 Whose financial information did
23 Mr. Malamud's theory?
                                                   23
                                                       you look at?
24
                                                   24
                                                                 All three of the plaintiffs.
        A.
             No.
                                                            A.
25
            MR. FEE: Objection. Vague.
                                                   25 It's summarized in tabs 3, 4, and 5.
                                           Page 246
                                                                                               Page 248
            THE WITNESS: I'm sorry.
                                                    1
                                                                 Did you look at the financial
1
                                                            O.
   BY MR. BRIDGES:
                                                       information of any entities other than the
3
        Q. Have you conducted any studies
                                                    3
                                                       plaintiffs?
   to disprove Mr. Malamud's theory?
                                                    4
                                                            A. I looked at Public Resource
            MR. FEE: Same objection.
                                                    5
5
                                                       financial information.
6
            THE WITNESS: Not other than
                                                                 Apart from Public Resource and
                                                    6
        what's reflected here in Exhibit 1.
7
                                                       the plaintiffs, did you look at the financial
                                                       information of any other entities in making
8
   BY MR. BRIDGES:
        Q. What academic literature have
                                                       the assertions that you made in
10 you relied upon to criticize Mr. Malamud's
                                                   10
                                                       paragraph 145?
                                                            A. Not in undertaking my
11 theory in paragraph 144?
                                                   11
12
             Nothing specific comes to mind.
                                                   12 assignment here.
             In paragraph 145, you state
                                                                Did you consider the business
13
                                                   13
14 that, "Mr. Malamud's suggestion that the sale
                                                   14 models of any entities other than the
15 of downstream products and services
                                                       plaintiffs and the defendant in making the
16 represents an untapped and undeveloped
                                                   16 statements criticizing Mr. Malamud's theory
   opportunity for the Plaintiffs is incorrect."
                                                       in paragraph 145?
17
                                                   17
18
            Do you see that?
                                                   18
                                                            A. Nothing in particular comes to
            Yes, I do.
                                                       mind. I understand that there are
19
                                                   19
        A.
20
             And then you go on and make
                                                   20 front-loaded business models, but -- at DIN,
   some statements for the rest of the
                                                       for instance, but I don't recall undertaking
   paragraph, correct?
                                                      an investigation of the downstream activities
22
23
        A.
             Yes.
                                                   23 that they have.
24
             What studies did you engage in
                                                   24
                                                            Q. Did you undertake any
        Q.
25 to determine the facts that you stated in the
                                                   25 investigation of downstream activities of
                                           Page 247
                                                                                               Page 249
```

1	other US-based standards development	1	unable to quantify that with great
2	organizations that make their standards	2	accuracy.
3	freely available to the public?	3	BY MR. BRIDGES:
4	A. Not that I recall.	4	Q. Have you considered any
5	Q. Would that have been relevant	5	comparable circumstances apart from this case
6	to your analysis?	6	that would provide guidance for your
7	A. It wasn't necessary to do my	7	prediction in the last sentence of
8	analysis, but I would be curious if I had	8	paragraph 146?
9	that information. If I if I had the	9	MR. FEE: Objection to form.
10	ability to examine that information, I would	10	Vague.
11	be curious as to what that shows.	11	THE WITNESS: I kept my mind
12	Q. In paragraph 146, you state,	12	and eyes open to that, but I didn't
13	"The loss of publications here will likely	13	see information of a good comparator.
14	reduce the Plaintiffs' sales of those	14	BY MR. BRIDGES:
15	downstream products and services."	15	Q. Did you research whether there
16	Do you see that? MR. FEE: That's in 146?	16	might be good comparators?
17		17	A. I
18	THE WITNESS: Is that the last	18	MR. FEE: Same objection. THE WITNESS: I did in the
19 20	sentence you were reading from? BY MR. BRIDGES:	19 20	
21		20	sense of reading through the literature and information to see if I
22	Q. Yes. A. Yeah.	21 22	
23		23	could learn of something that would be a good comparator, but I didn't learn
24	Q. Paragraph 146.A. Yes, I do see that.	24	of such comparator.
25	Q. Did you mean the loss of	25	BY MR. BRIDGES:
23	Page 250	25	Page 252
	_		<u> </u>
1	copyright in the publications here?	1	Q. You looked only at the
2	A. Certainly the loss of	2	information shown in tab 2 to Exhibit 1?
2 3	A. Certainly the loss of publications, but I believe it would probably	2 3	information shown in tab 2 to Exhibit 1? A. Yes, I think that's right.
2 3 4	A. Certainly the loss of publications, but I believe it would probably be better to put the loss of copyright in the	2 3 4	information shown in tab 2 to Exhibit 1? A. Yes, I think that's right. Q. What economic effect are you
2 3 4 5	A. Certainly the loss of publications, but I believe it would probably be better to put the loss of copyright in the publications as more reflective of the	2 3 4 5	information shown in tab 2 to Exhibit 1? A. Yes, I think that's right. Q. What economic effect are you aware of to the Blu-ray Disc Association from
2 3 4 5 6	A. Certainly the loss of publications, but I believe it would probably be better to put the loss of copyright in the publications as more reflective of the assignment that I undertook here.	2 3 4 5 6	information shown in tab 2 to Exhibit 1? A. Yes, I think that's right. Q. What economic effect are you aware of to the Blu-ray Disc Association from its providing unrestricted access to its
2 3 4 5 6 7	A. Certainly the loss of publications, but I believe it would probably be better to put the loss of copyright in the publications as more reflective of the assignment that I undertook here. Q. What probability do you assign	2 3 4 5 6 7	information shown in tab 2 to Exhibit 1? A. Yes, I think that's right. Q. What economic effect are you aware of to the Blu-ray Disc Association from its providing unrestricted access to its standard publications for free?
2 3 4 5 6 7 8	A. Certainly the loss of publications, but I believe it would probably be better to put the loss of copyright in the publications as more reflective of the assignment that I undertook here. Q. What probability do you assign to the likelihood that you refer to in that	2 3 4 5 6 7 8	information shown in tab 2 to Exhibit 1? A. Yes, I think that's right. Q. What economic effect are you aware of to the Blu-ray Disc Association from its providing unrestricted access to its standard publications for free? A. I don't know. I thought you
2 3 4 5 6 7 8 9	A. Certainly the loss of publications, but I believe it would probably be better to put the loss of copyright in the publications as more reflective of the assignment that I undertook here. Q. What probability do you assign to the likelihood that you refer to in that sentence?	2 3 4 5 6 7 8 9	information shown in tab 2 to Exhibit 1? A. Yes, I think that's right. Q. What economic effect are you aware of to the Blu-ray Disc Association from its providing unrestricted access to its standard publications for free? A. I don't know. I thought you had asked that earlier. If not, I apologize.
2 3 4 5 6 7 8 9	A. Certainly the loss of publications, but I believe it would probably be better to put the loss of copyright in the publications as more reflective of the assignment that I undertook here. Q. What probability do you assign to the likelihood that you refer to in that sentence? MR. FEE: Objection to form.	2 3 4 5 6 7 8 9 10	information shown in tab 2 to Exhibit 1? A. Yes, I think that's right. Q. What economic effect are you aware of to the Blu-ray Disc Association from its providing unrestricted access to its standard publications for free? A. I don't know. I thought you had asked that earlier. If not, I apologize. Nonetheless, I don't recall knowing the
2 3 4 5 6 7 8 9 10	A. Certainly the loss of publications, but I believe it would probably be better to put the loss of copyright in the publications as more reflective of the assignment that I undertook here. Q. What probability do you assign to the likelihood that you refer to in that sentence? MR. FEE: Objection to form. Lack of foundation.	2 3 4 5 6 7 8 9 10 11	information shown in tab 2 to Exhibit 1? A. Yes, I think that's right. Q. What economic effect are you aware of to the Blu-ray Disc Association from its providing unrestricted access to its standard publications for free? A. I don't know. I thought you had asked that earlier. If not, I apologize. Nonetheless, I don't recall knowing the answer to that question or undertaking that
2 3 4 5 6 7 8 9 10 11 12	A. Certainly the loss of publications, but I believe it would probably be better to put the loss of copyright in the publications as more reflective of the assignment that I undertook here. Q. What probability do you assign to the likelihood that you refer to in that sentence? MR. FEE: Objection to form. Lack of foundation. THE WITNESS: I haven't	2 3 4 5 6 7 8 9 10 11 12	information shown in tab 2 to Exhibit 1? A. Yes, I think that's right. Q. What economic effect are you aware of to the Blu-ray Disc Association from its providing unrestricted access to its standard publications for free? A. I don't know. I thought you had asked that earlier. If not, I apologize. Nonetheless, I don't recall knowing the answer to that question or undertaking that evaluation.
2 3 4 5 6 7 8 9 10 11 12 13	A. Certainly the loss of publications, but I believe it would probably be better to put the loss of copyright in the publications as more reflective of the assignment that I undertook here. Q. What probability do you assign to the likelihood that you refer to in that sentence? MR. FEE: Objection to form. Lack of foundation. THE WITNESS: I haven't assigned a quantitative probability to	2 3 4 5 6 7 8 9 10 11 12 13	information shown in tab 2 to Exhibit 1? A. Yes, I think that's right. Q. What economic effect are you aware of to the Blu-ray Disc Association from its providing unrestricted access to its standard publications for free? A. I don't know. I thought you had asked that earlier. If not, I apologize. Nonetheless, I don't recall knowing the answer to that question or undertaking that evaluation. Q. Did Blu-ray Disc Association go
2 3 4 5 6 7 8 9 10 11 12 13 14	A. Certainly the loss of publications, but I believe it would probably be better to put the loss of copyright in the publications as more reflective of the assignment that I undertook here. Q. What probability do you assign to the likelihood that you refer to in that sentence? MR. FEE: Objection to form. Lack of foundation. THE WITNESS: I haven't assigned a quantitative probability to that.	2 3 4 5 6 7 8 9 10 11 12 13 14	information shown in tab 2 to Exhibit 1? A. Yes, I think that's right. Q. What economic effect are you aware of to the Blu-ray Disc Association from its providing unrestricted access to its standard publications for free? A. I don't know. I thought you had asked that earlier. If not, I apologize. Nonetheless, I don't recall knowing the answer to that question or undertaking that evaluation. Q. Did Blu-ray Disc Association go out of business?
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Certainly the loss of publications, but I believe it would probably be better to put the loss of copyright in the publications as more reflective of the assignment that I undertook here. Q. What probability do you assign to the likelihood that you refer to in that sentence? MR. FEE: Objection to form. Lack of foundation. THE WITNESS: I haven't assigned a quantitative probability to that. BY MR. BRIDGES:	2 3 4 5 6 7 8 9 10 11 12 13 14 15	information shown in tab 2 to Exhibit 1? A. Yes, I think that's right. Q. What economic effect are you aware of to the Blu-ray Disc Association from its providing unrestricted access to its standard publications for free? A. I don't know. I thought you had asked that earlier. If not, I apologize. Nonetheless, I don't recall knowing the answer to that question or undertaking that evaluation. Q. Did Blu-ray Disc Association go out of business? A. I don't think it's out of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Certainly the loss of publications, but I believe it would probably be better to put the loss of copyright in the publications as more reflective of the assignment that I undertook here. Q. What probability do you assign to the likelihood that you refer to in that sentence? MR. FEE: Objection to form. Lack of foundation. THE WITNESS: I haven't assigned a quantitative probability to that. BY MR. BRIDGES: Q. Have you any estimate?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	information shown in tab 2 to Exhibit 1? A. Yes, I think that's right. Q. What economic effect are you aware of to the Blu-ray Disc Association from its providing unrestricted access to its standard publications for free? A. I don't know. I thought you had asked that earlier. If not, I apologize. Nonetheless, I don't recall knowing the answer to that question or undertaking that evaluation. Q. Did Blu-ray Disc Association go out of business? A. I don't think it's out of business, no.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Certainly the loss of publications, but I believe it would probably be better to put the loss of copyright in the publications as more reflective of the assignment that I undertook here. Q. What probability do you assign to the likelihood that you refer to in that sentence? MR. FEE: Objection to form. Lack of foundation. THE WITNESS: I haven't assigned a quantitative probability to that. BY MR. BRIDGES: Q. Have you any estimate? MR. FEE: Same objections.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	information shown in tab 2 to Exhibit 1? A. Yes, I think that's right. Q. What economic effect are you aware of to the Blu-ray Disc Association from its providing unrestricted access to its standard publications for free? A. I don't know. I thought you had asked that earlier. If not, I apologize. Nonetheless, I don't recall knowing the answer to that question or undertaking that evaluation. Q. Did Blu-ray Disc Association go out of business? A. I don't think it's out of business, no. Q. Has it suffered material harm,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Certainly the loss of publications, but I believe it would probably be better to put the loss of copyright in the publications as more reflective of the assignment that I undertook here. Q. What probability do you assign to the likelihood that you refer to in that sentence? MR. FEE: Objection to form. Lack of foundation. THE WITNESS: I haven't assigned a quantitative probability to that. BY MR. BRIDGES: Q. Have you any estimate? MR. FEE: Same objections. THE WITNESS: I do not.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	information shown in tab 2 to Exhibit 1? A. Yes, I think that's right. Q. What economic effect are you aware of to the Blu-ray Disc Association from its providing unrestricted access to its standard publications for free? A. I don't know. I thought you had asked that earlier. If not, I apologize. Nonetheless, I don't recall knowing the answer to that question or undertaking that evaluation. Q. Did Blu-ray Disc Association go out of business? A. I don't think it's out of business, no. Q. Has it suffered material harm, to your knowledge, because of unrestricted
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. Certainly the loss of publications, but I believe it would probably be better to put the loss of copyright in the publications as more reflective of the assignment that I undertook here. Q. What probability do you assign to the likelihood that you refer to in that sentence? MR. FEE: Objection to form. Lack of foundation. THE WITNESS: I haven't assigned a quantitative probability to that. BY MR. BRIDGES: Q. Have you any estimate? MR. FEE: Same objections. THE WITNESS: I do not. BY MR. BRIDGES:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	information shown in tab 2 to Exhibit 1? A. Yes, I think that's right. Q. What economic effect are you aware of to the Blu-ray Disc Association from its providing unrestricted access to its standard publications for free? A. I don't know. I thought you had asked that earlier. If not, I apologize. Nonetheless, I don't recall knowing the answer to that question or undertaking that evaluation. Q. Did Blu-ray Disc Association go out of business? A. I don't think it's out of business, no. Q. Has it suffered material harm, to your knowledge, because of unrestricted access to its standard publications for free?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Certainly the loss of publications, but I believe it would probably be better to put the loss of copyright in the publications as more reflective of the assignment that I undertook here. Q. What probability do you assign to the likelihood that you refer to in that sentence? MR. FEE: Objection to form. Lack of foundation. THE WITNESS: I haven't assigned a quantitative probability to that. BY MR. BRIDGES: Q. Have you any estimate? MR. FEE: Same objections. THE WITNESS: I do not. BY MR. BRIDGES: Q. Have you any estimate as to the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	information shown in tab 2 to Exhibit 1? A. Yes, I think that's right. Q. What economic effect are you aware of to the Blu-ray Disc Association from its providing unrestricted access to its standard publications for free? A. I don't know. I thought you had asked that earlier. If not, I apologize. Nonetheless, I don't recall knowing the answer to that question or undertaking that evaluation. Q. Did Blu-ray Disc Association go out of business? A. I don't think it's out of business, no. Q. Has it suffered material harm, to your knowledge, because of unrestricted access to its standard publications for free? A. I don't know.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Certainly the loss of publications, but I believe it would probably be better to put the loss of copyright in the publications as more reflective of the assignment that I undertook here. Q. What probability do you assign to the likelihood that you refer to in that sentence? MR. FEE: Objection to form. Lack of foundation. THE WITNESS: I haven't assigned a quantitative probability to that. BY MR. BRIDGES: Q. Have you any estimate? MR. FEE: Same objections. THE WITNESS: I do not. BY MR. BRIDGES: Q. Have you any estimate as to the magnitude of the likely reduction of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	information shown in tab 2 to Exhibit 1? A. Yes, I think that's right. Q. What economic effect are you aware of to the Blu-ray Disc Association from its providing unrestricted access to its standard publications for free? A. I don't know. I thought you had asked that earlier. If not, I apologize. Nonetheless, I don't recall knowing the answer to that question or undertaking that evaluation. Q. Did Blu-ray Disc Association go out of business? A. I don't think it's out of business, no. Q. Has it suffered material harm, to your knowledge, because of unrestricted access to its standard publications for free? A. I don't know. Q. Do you believe that, on the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Certainly the loss of publications, but I believe it would probably be better to put the loss of copyright in the publications as more reflective of the assignment that I undertook here. Q. What probability do you assign to the likelihood that you refer to in that sentence? MR. FEE: Objection to form. Lack of foundation. THE WITNESS: I haven't assigned a quantitative probability to that. BY MR. BRIDGES: Q. Have you any estimate? MR. FEE: Same objections. THE WITNESS: I do not. BY MR. BRIDGES: Q. Have you any estimate as to the magnitude of the likely reduction of plaintiffs' sales of downstream products and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	information shown in tab 2 to Exhibit 1? A. Yes, I think that's right. Q. What economic effect are you aware of to the Blu-ray Disc Association from its providing unrestricted access to its standard publications for free? A. I don't know. I thought you had asked that earlier. If not, I apologize. Nonetheless, I don't recall knowing the answer to that question or undertaking that evaluation. Q. Did Blu-ray Disc Association go out of business? A. I don't think it's out of business, no. Q. Has it suffered material harm, to your knowledge, because of unrestricted access to its standard publications for free? A. I don't know. Q. Do you believe that, on the theory of revealed preference, Blu-ray Disc
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Certainly the loss of publications, but I believe it would probably be better to put the loss of copyright in the publications as more reflective of the assignment that I undertook here. Q. What probability do you assign to the likelihood that you refer to in that sentence? MR. FEE: Objection to form. Lack of foundation. THE WITNESS: I haven't assigned a quantitative probability to that. BY MR. BRIDGES: Q. Have you any estimate? MR. FEE: Same objections. THE WITNESS: I do not. BY MR. BRIDGES: Q. Have you any estimate as to the magnitude of the likely reduction of plaintiffs' sales of downstream products and services?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	information shown in tab 2 to Exhibit 1? A. Yes, I think that's right. Q. What economic effect are you aware of to the Blu-ray Disc Association from its providing unrestricted access to its standard publications for free? A. I don't know. I thought you had asked that earlier. If not, I apologize. Nonetheless, I don't recall knowing the answer to that question or undertaking that evaluation. Q. Did Blu-ray Disc Association go out of business? A. I don't think it's out of business, no. Q. Has it suffered material harm, to your knowledge, because of unrestricted access to its standard publications for free? A. I don't know. Q. Do you believe that, on the theory of revealed preference, Blu-ray Disc Association has determined that unrestricted
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. Certainly the loss of publications, but I believe it would probably be better to put the loss of copyright in the publications as more reflective of the assignment that I undertook here. Q. What probability do you assign to the likelihood that you refer to in that sentence? MR. FEE: Objection to form. Lack of foundation. THE WITNESS: I haven't assigned a quantitative probability to that. BY MR. BRIDGES: Q. Have you any estimate? MR. FEE: Same objections. THE WITNESS: I do not. BY MR. BRIDGES: Q. Have you any estimate as to the magnitude of the likely reduction of plaintiffs' sales of downstream products and services? MR. FEE: Same objections.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	information shown in tab 2 to Exhibit 1? A. Yes, I think that's right. Q. What economic effect are you aware of to the Blu-ray Disc Association from its providing unrestricted access to its standard publications for free? A. I don't know. I thought you had asked that earlier. If not, I apologize. Nonetheless, I don't recall knowing the answer to that question or undertaking that evaluation. Q. Did Blu-ray Disc Association go out of business? A. I don't think it's out of business, no. Q. Has it suffered material harm, to your knowledge, because of unrestricted access to its standard publications for free? A. I don't know. Q. Do you believe that, on the theory of revealed preference, Blu-ray Disc Association has determined that unrestricted access to its standard publications for free
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Certainly the loss of publications, but I believe it would probably be better to put the loss of copyright in the publications as more reflective of the assignment that I undertook here. Q. What probability do you assign to the likelihood that you refer to in that sentence? MR. FEE: Objection to form. Lack of foundation. THE WITNESS: I haven't assigned a quantitative probability to that. BY MR. BRIDGES: Q. Have you any estimate? MR. FEE: Same objections. THE WITNESS: I do not. BY MR. BRIDGES: Q. Have you any estimate as to the magnitude of the likely reduction of plaintiffs' sales of downstream products and services?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	information shown in tab 2 to Exhibit 1? A. Yes, I think that's right. Q. What economic effect are you aware of to the Blu-ray Disc Association from its providing unrestricted access to its standard publications for free? A. I don't know. I thought you had asked that earlier. If not, I apologize. Nonetheless, I don't recall knowing the answer to that question or undertaking that evaluation. Q. Did Blu-ray Disc Association go out of business? A. I don't think it's out of business, no. Q. Has it suffered material harm, to your knowledge, because of unrestricted access to its standard publications for free? A. I don't know. Q. Do you believe that, on the theory of revealed preference, Blu-ray Disc Association has determined that unrestricted

1	A. Yes. It's a different entity	1	MR. FEE: Objection. Lack of
2	than the SDOs here; but for its purposes, it	2	foundation. Vague.
3	would appear that it's of the belief that	3	THE WITNESS: I'm not I'm
4	that's the optimal path to follow.	4	not sure that I understand the concept
5	MR. BRIDGES: I think I	5	of a standard being out of print, so
6	think we may pause things now and	6	maybe you could help me with that.
7	reserve the remainder of our time.	7	BY MR. BRIDGES:
8	Just a second. Oh, yes.	8	Q. Do you know the term "out of
9	BY MR. BRIDGES:	9	print"?
10	Q. Do you believe that the	10	A. Generally, I do, yes.
11	plaintiffs are harmed when the defendant	11	Q. What do you understand it to
12	posts a standard that has been incorporated	12	mean?
13	by reference let me strike that.	13	A. That it's no longer provided in
14	Do you believe that plaintiffs	14	print form.
15	suffer harm from defendant posting a standard	15	Q. All right. So what harm do you
16	that is not the latest version of the	16	understand plaintiffs would suffer if
17	standard?	17	defendants posted a standard that is out of
18	MR. FEE: Objection. Form.	18	print?
19	Compound.	19	MR. FEE: Objection to form.
20	THE WITNESS: Potentially, it	20	THE WITNESS: Potentially, it
21	could cause confusion in the	21	could be the harm similar to outdated
22	marketplace as to what's the latest	22	standards.
23	standard, and there may be some	23	BY MR. BRIDGES:
24	entities out there that are interested	24	Q. In other words, confusion in
25	in obtaining an earlier standard that	25	the marketplace?
	Page 254		Page 256
1	would be obtaining it free rather than	1	A. Potential confusion in the
1	would be obtaining it free rather than through the legal routes established	1 2	
1 2 3	through the legal routes established	1 2 3	A. Potential confusion in the marketplace and potentially providing yes, that that would be one form of it.
2		2	marketplace and potentially providing yes,
2 3	through the legal routes established by the plaintiffs. BY MR. BRIDGES:	2 3	marketplace and potentially providing yes, that that would be one form of it. Q. What other harms do would
2 3 4	through the legal routes established by the plaintiffs. BY MR. BRIDGES:	2 3 4	marketplace and potentially providing yes, that that would be one form of it. Q. What other harms do would you identify from the defendants posting a
2 3 4 5	through the legal routes established by the plaintiffs. BY MR. BRIDGES: Q. Have you done any studies to determine what confusion may be likely in the	2 3 4 5	marketplace and potentially providing yes, that that would be one form of it. Q. What other harms do would you identify from the defendants posting a standard that is out of print?
2 3 4 5 6	through the legal routes established by the plaintiffs. BY MR. BRIDGES: Q. Have you done any studies to determine what confusion may be likely in the marketplace in that regard?	2 3 4 5 6	marketplace and potentially providing yes, that that would be one form of it. Q. What other harms do would you identify from the defendants posting a standard that is out of print? A. Nothing else comes to mind this
2 3 4 5 6 7	through the legal routes established by the plaintiffs. BY MR. BRIDGES: Q. Have you done any studies to determine what confusion may be likely in the	2 3 4 5 6 7	marketplace and potentially providing yes, that that would be one form of it. Q. What other harms do would you identify from the defendants posting a standard that is out of print? A. Nothing else comes to mind this moment, but there could be other things
2 3 4 5 6 7 8	through the legal routes established by the plaintiffs. BY MR. BRIDGES: Q. Have you done any studies to determine what confusion may be likely in the marketplace in that regard? MR. FEE: Objection to form. THE WITNESS: I have not done a	2 3 4 5 6 7 8	marketplace and potentially providing yes, that that would be one form of it. Q. What other harms do would you identify from the defendants posting a standard that is out of print? A. Nothing else comes to mind this moment, but there could be other things that that I'm not thinking of right now.
2 3 4 5 6 7 8 9	through the legal routes established by the plaintiffs. BY MR. BRIDGES: Q. Have you done any studies to determine what confusion may be likely in the marketplace in that regard? MR. FEE: Objection to form.	2 3 4 5 6 7 8 9	marketplace and potentially providing yes, that that would be one form of it. Q. What other harms do would you identify from the defendants posting a standard that is out of print? A. Nothing else comes to mind this moment, but there could be other things that that I'm not thinking of right now. Q. What harms do you understand
2 3 4 5 6 7 8 9	through the legal routes established by the plaintiffs. BY MR. BRIDGES: Q. Have you done any studies to determine what confusion may be likely in the marketplace in that regard? MR. FEE: Objection to form. THE WITNESS: I have not done a likelihood of confusion study, no. BY MR. BRIDGES:	2 3 4 5 6 7 8 9	marketplace and potentially providing yes, that that would be one form of it. Q. What other harms do would you identify from the defendants posting a standard that is out of print? A. Nothing else comes to mind this moment, but there could be other things that that I'm not thinking of right now. Q. What harms do you understand plaintiffs would suffer if a condition of a
2 3 4 5 6 7 8 9 10 11	through the legal routes established by the plaintiffs. BY MR. BRIDGES: Q. Have you done any studies to determine what confusion may be likely in the marketplace in that regard? MR. FEE: Objection to form. THE WITNESS: I have not done a likelihood of confusion study, no. BY MR. BRIDGES: Q. What research have you done as	2 3 4 5 6 7 8 9 10 11 12	marketplace and potentially providing yes, that that would be one form of it. Q. What other harms do would you identify from the defendants posting a standard that is out of print? A. Nothing else comes to mind this moment, but there could be other things that that I'm not thinking of right now. Q. What harms do you understand plaintiffs would suffer if a condition of a standard being incorporated into law is that
2 3 4 5 6 7 8 9 10 11 12 13	through the legal routes established by the plaintiffs. BY MR. BRIDGES: Q. Have you done any studies to determine what confusion may be likely in the marketplace in that regard? MR. FEE: Objection to form. THE WITNESS: I have not done a likelihood of confusion study, no. BY MR. BRIDGES: Q. What research have you done as to whether strike that.	2 3 4 5 6 7 8 9 10 11 12 13	marketplace and potentially providing yes, that that would be one form of it. Q. What other harms do would you identify from the defendants posting a standard that is out of print? A. Nothing else comes to mind this moment, but there could be other things that that I'm not thinking of right now. Q. What harms do you understand plaintiffs would suffer if a condition of a standard being incorporated into law is that plaintiffs could not forbid other entities
2 3 4 5 6 7 8 9 10 11 12 13	through the legal routes established by the plaintiffs. BY MR. BRIDGES: Q. Have you done any studies to determine what confusion may be likely in the marketplace in that regard? MR. FEE: Objection to form. THE WITNESS: I have not done a likelihood of confusion study, no. BY MR. BRIDGES: Q. What research have you done as to whether strike that. What information do you have	2 3 4 5 6 7 8 9 10 11 12 13 14	marketplace and potentially providing yes, that that would be one form of it. Q. What other harms do would you identify from the defendants posting a standard that is out of print? A. Nothing else comes to mind this moment, but there could be other things that that I'm not thinking of right now. Q. What harms do you understand plaintiffs would suffer if a condition of a standard being incorporated into law is that plaintiffs could not forbid other entities from making that law available widely and
2 3 4 5 6 7 8 9 10 11 12 13 14 15	through the legal routes established by the plaintiffs. BY MR. BRIDGES: Q. Have you done any studies to determine what confusion may be likely in the marketplace in that regard? MR. FEE: Objection to form. THE WITNESS: I have not done a likelihood of confusion study, no. BY MR. BRIDGES: Q. What research have you done as to whether strike that. What information do you have about what market there is for earlier	2 3 4 5 6 7 8 9 10 11 12 13 14 15	marketplace and potentially providing yes, that that would be one form of it. Q. What other harms do would you identify from the defendants posting a standard that is out of print? A. Nothing else comes to mind this moment, but there could be other things that that I'm not thinking of right now. Q. What harms do you understand plaintiffs would suffer if a condition of a standard being incorporated into law is that plaintiffs could not forbid other entities from making that law available widely and freely to the public?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	through the legal routes established by the plaintiffs. BY MR. BRIDGES: Q. Have you done any studies to determine what confusion may be likely in the marketplace in that regard? MR. FEE: Objection to form. THE WITNESS: I have not done a likelihood of confusion study, no. BY MR. BRIDGES: Q. What research have you done as to whether strike that. What information do you have about what market there is for earlier versions of standards when there is a newer	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	marketplace and potentially providing yes, that that would be one form of it. Q. What other harms do would you identify from the defendants posting a standard that is out of print? A. Nothing else comes to mind this moment, but there could be other things that that I'm not thinking of right now. Q. What harms do you understand plaintiffs would suffer if a condition of a standard being incorporated into law is that plaintiffs could not forbid other entities from making that law available widely and freely to the public? MR. FEE: Objection to form.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	through the legal routes established by the plaintiffs. BY MR. BRIDGES: Q. Have you done any studies to determine what confusion may be likely in the marketplace in that regard? MR. FEE: Objection to form. THE WITNESS: I have not done a likelihood of confusion study, no. BY MR. BRIDGES: Q. What research have you done as to whether strike that. What information do you have about what market there is for earlier versions of standards when there is a newer version in the market?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	marketplace and potentially providing yes, that that would be one form of it. Q. What other harms do would you identify from the defendants posting a standard that is out of print? A. Nothing else comes to mind this moment, but there could be other things that that I'm not thinking of right now. Q. What harms do you understand plaintiffs would suffer if a condition of a standard being incorporated into law is that plaintiffs could not forbid other entities from making that law available widely and freely to the public? MR. FEE: Objection to form. Incomplete hypothetical. Compound.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	through the legal routes established by the plaintiffs. BY MR. BRIDGES: Q. Have you done any studies to determine what confusion may be likely in the marketplace in that regard? MR. FEE: Objection to form. THE WITNESS: I have not done a likelihood of confusion study, no. BY MR. BRIDGES: Q. What research have you done as to whether strike that. What information do you have about what market there is for earlier versions of standards when there is a newer version in the market? MR. FEE: Objection to form.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	marketplace and potentially providing yes, that that would be one form of it. Q. What other harms do would you identify from the defendants posting a standard that is out of print? A. Nothing else comes to mind this moment, but there could be other things that that I'm not thinking of right now. Q. What harms do you understand plaintiffs would suffer if a condition of a standard being incorporated into law is that plaintiffs could not forbid other entities from making that law available widely and freely to the public? MR. FEE: Objection to form. Incomplete hypothetical. Compound. Calls for speculation.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	through the legal routes established by the plaintiffs. BY MR. BRIDGES: Q. Have you done any studies to determine what confusion may be likely in the marketplace in that regard? MR. FEE: Objection to form. THE WITNESS: I have not done a likelihood of confusion study, no. BY MR. BRIDGES: Q. What research have you done as to whether strike that. What information do you have about what market there is for earlier versions of standards when there is a newer version in the market? MR. FEE: Objection to form. THE WITNESS: I don't recall	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	marketplace and potentially providing yes, that that would be one form of it. Q. What other harms do would you identify from the defendants posting a standard that is out of print? A. Nothing else comes to mind this moment, but there could be other things that that I'm not thinking of right now. Q. What harms do you understand plaintiffs would suffer if a condition of a standard being incorporated into law is that plaintiffs could not forbid other entities from making that law available widely and freely to the public? MR. FEE: Objection to form. Incomplete hypothetical. Compound. Calls for speculation. THE WITNESS: I don't know.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	through the legal routes established by the plaintiffs. BY MR. BRIDGES: Q. Have you done any studies to determine what confusion may be likely in the marketplace in that regard? MR. FEE: Objection to form. THE WITNESS: I have not done a likelihood of confusion study, no. BY MR. BRIDGES: Q. What research have you done as to whether strike that. What information do you have about what market there is for earlier versions of standards when there is a newer version in the market? MR. FEE: Objection to form. THE WITNESS: I don't recall undertaking specific research on that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	marketplace and potentially providing yes, that that would be one form of it. Q. What other harms do would you identify from the defendants posting a standard that is out of print? A. Nothing else comes to mind this moment, but there could be other things that that I'm not thinking of right now. Q. What harms do you understand plaintiffs would suffer if a condition of a standard being incorporated into law is that plaintiffs could not forbid other entities from making that law available widely and freely to the public? MR. FEE: Objection to form. Incomplete hypothetical. Compound. Calls for speculation. THE WITNESS: I don't know. I've not undertaken that assignment.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	through the legal routes established by the plaintiffs. BY MR. BRIDGES: Q. Have you done any studies to determine what confusion may be likely in the marketplace in that regard? MR. FEE: Objection to form. THE WITNESS: I have not done a likelihood of confusion study, no. BY MR. BRIDGES: Q. What research have you done as to whether strike that. What information do you have about what market there is for earlier versions of standards when there is a newer version in the market? MR. FEE: Objection to form. THE WITNESS: I don't recall undertaking specific research on that topic.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	marketplace and potentially providing yes, that that would be one form of it. Q. What other harms do would you identify from the defendants posting a standard that is out of print? A. Nothing else comes to mind this moment, but there could be other things that that I'm not thinking of right now. Q. What harms do you understand plaintiffs would suffer if a condition of a standard being incorporated into law is that plaintiffs could not forbid other entities from making that law available widely and freely to the public? MR. FEE: Objection to form. Incomplete hypothetical. Compound. Calls for speculation. THE WITNESS: I don't know. I've not undertaken that assignment. I've not given that particular
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	through the legal routes established by the plaintiffs. BY MR. BRIDGES: Q. Have you done any studies to determine what confusion may be likely in the marketplace in that regard? MR. FEE: Objection to form. THE WITNESS: I have not done a likelihood of confusion study, no. BY MR. BRIDGES: Q. What research have you done as to whether strike that. What information do you have about what market there is for earlier versions of standards when there is a newer version in the market? MR. FEE: Objection to form. THE WITNESS: I don't recall undertaking specific research on that topic. BY MR. BRIDGES:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	marketplace and potentially providing yes, that that would be one form of it. Q. What other harms do would you identify from the defendants posting a standard that is out of print? A. Nothing else comes to mind this moment, but there could be other things that that I'm not thinking of right now. Q. What harms do you understand plaintiffs would suffer if a condition of a standard being incorporated into law is that plaintiffs could not forbid other entities from making that law available widely and freely to the public? MR. FEE: Objection to form. Incomplete hypothetical. Compound. Calls for speculation. THE WITNESS: I don't know. I've not undertaken that assignment. I've not given that particular question any thought.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	through the legal routes established by the plaintiffs. BY MR. BRIDGES: Q. Have you done any studies to determine what confusion may be likely in the marketplace in that regard? MR. FEE: Objection to form. THE WITNESS: I have not done a likelihood of confusion study, no. BY MR. BRIDGES: Q. What research have you done as to whether strike that. What information do you have about what market there is for earlier versions of standards when there is a newer version in the market? MR. FEE: Objection to form. THE WITNESS: I don't recall undertaking specific research on that topic. BY MR. BRIDGES: Q. What harm do you understand	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	marketplace and potentially providing yes, that that would be one form of it. Q. What other harms do would you identify from the defendants posting a standard that is out of print? A. Nothing else comes to mind this moment, but there could be other things that that I'm not thinking of right now. Q. What harms do you understand plaintiffs would suffer if a condition of a standard being incorporated into law is that plaintiffs could not forbid other entities from making that law available widely and freely to the public? MR. FEE: Objection to form. Incomplete hypothetical. Compound. Calls for speculation. THE WITNESS: I don't know. I've not undertaken that assignment. I've not given that particular question any thought. It seems economically to be
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	through the legal routes established by the plaintiffs. BY MR. BRIDGES: Q. Have you done any studies to determine what confusion may be likely in the marketplace in that regard? MR. FEE: Objection to form. THE WITNESS: I have not done a likelihood of confusion study, no. BY MR. BRIDGES: Q. What research have you done as to whether strike that. What information do you have about what market there is for earlier versions of standards when there is a newer version in the market? MR. FEE: Objection to form. THE WITNESS: I don't recall undertaking specific research on that topic. BY MR. BRIDGES: Q. What harm do you understand plaintiffs would suffer if defendants post a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	marketplace and potentially providing yes, that that would be one form of it. Q. What other harms do would you identify from the defendants posting a standard that is out of print? A. Nothing else comes to mind this moment, but there could be other things that that I'm not thinking of right now. Q. What harms do you understand plaintiffs would suffer if a condition of a standard being incorporated into law is that plaintiffs could not forbid other entities from making that law available widely and freely to the public? MR. FEE: Objection to form. Incomplete hypothetical. Compound. Calls for speculation. THE WITNESS: I don't know. I've not undertaken that assignment. I've not given that particular question any thought. It seems economically to be quite similar to the actions that have
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	through the legal routes established by the plaintiffs. BY MR. BRIDGES: Q. Have you done any studies to determine what confusion may be likely in the marketplace in that regard? MR. FEE: Objection to form. THE WITNESS: I have not done a likelihood of confusion study, no. BY MR. BRIDGES: Q. What research have you done as to whether strike that. What information do you have about what market there is for earlier versions of standards when there is a newer version in the market? MR. FEE: Objection to form. THE WITNESS: I don't recall undertaking specific research on that topic. BY MR. BRIDGES: Q. What harm do you understand	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	marketplace and potentially providing yes, that that would be one form of it. Q. What other harms do would you identify from the defendants posting a standard that is out of print? A. Nothing else comes to mind this moment, but there could be other things that that I'm not thinking of right now. Q. What harms do you understand plaintiffs would suffer if a condition of a standard being incorporated into law is that plaintiffs could not forbid other entities from making that law available widely and freely to the public? MR. FEE: Objection to form. Incomplete hypothetical. Compound. Calls for speculation. THE WITNESS: I don't know. I've not undertaken that assignment. I've not given that particular question any thought. It seems economically to be

1	not thought about that particular	1 CERTIFICATE
2	topic.	I do hereby certify that I am a Notary
3	MR. BRIDGES: Okay. I think	3 Public in good standing, that the aforesaid
4	we'll pause here and reserve the rest	testimony was taken before me, pursuant to 4 notice, at the time and place indicated; that
5	of the time for a later visit with	said deponent was by me duly sworn to tell
6	you, Mr. Jarosz.	5 the truth, the whole truth, and nothing but
7	Kevin, this is in reliance on	the truth; that the testimony of said 6 deponent was correctly recorded in machine
8	an exchange of correspondence between	shorthand by me and thereafter transcribed
9	Matt and you, I believe. If, for some	7 under my supervision with computer-aided transcription; that the deposition is a true
10	reason well, no. I think that's	8 and correct record of the testimony given by
11	all.	the witness; and that I am neither of counsel 9 nor kin to any party in said action, nor
12	Anything else?	interested in the outcome thereof.
13	MR. FEE: Well, I don't have	10
14	any questions.	WITNESS my hand and official seal this 11 11th day of September, 2015.
15	Do you guys have any questions?	12
16	MR. REHN: Not at this time.	13 14
17	MR. CUNNINGHAM: No.	<%signature%>
18	MR. BRIDGES: Great. Thank	15 Economic Economic, ADR, CRR Notary Public
19	you.	16
20	THE WITNESS: Thank you.	17 18
21	THE VIDEOGRAPHER: All right.	19
22	Off the record at 4:31. This ends	20
23	media unit number 3 and ends testimony	21 22
24	for August 27th, 2015.	23
25	* * *	24 25
	Page 258	Page 260
1	(Witness excused.)	
2	* * *	
3	(Off the record at 4:31 p.m.)	
4	* * *	
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
	Page 259	