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1 resulting in differences in content, page and line  
2 numbers, punctuation and formatting.

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5 may contain no appearance page, certificate page,  
6 index or certification.

7

8 Good morning good morning good morning  
9 good morning good morning.

10 - - -

11 SAMUEL H. RUSS, having been  
12 first duly sworn to tell the  
13 truth, was examined and  
14 testified as follows:

15 - - -

16 COURT REPORTER: Any stipulations for  
17 today's transcript?

18 MR. WRIGHT: None from me.

19 MR. ONG: Nope, none from me. We'll read

20 and sign.

21 - - -

22 EXAMINATION

23 - - -

24 BY MR. WRIGHT:

25 Q Good morning, Dr. Russ. How are you?

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1 A Good morning. I'm doing well.

2 Q Can you state your name for the record,  
3 please.

4 A Samuel H. Russ, R-U-S-S.

5 Q And you provided a declaration recently  
6 regarding the IRP2023-01408; is that right?

7 A That's correct.

8 Q Can you see it. I put it on the screen.  
9 I believe, I believe I've got the right one here.

10 A That looks like the right one to me.

11 Q I can scroll down here and you can take a  
12 look at the last page. Does that look like your  
13 signature?

14 A Yes, it does. Yes.

15 Q If you want me to move around in this, I  
16 can. I don't really have a whole lot of discussions

17 about the declaration. I want to talk generally  
18 about some of the points that you raised.

19 So in your declaration, I'm going to  
20 try to distill it, if you think that my distill  
21 location is not fair, feel free to help me correct  
22 it. But there is an overarching argument or  
23 position that you have that one of ordinary skill in  
24 the art would have found it obvious to move a  
25 client-based system such as that shown in Marshall

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1 to the cloud in the 2012 time frame; is that  
2 accurate?

3 A Yes. As you said, the report obviously  
4 speaks for itself. I don't want to minimize it, but  
5 yeah, broadly and generally speaking, that's one of  
6 the main things of this declaration, yes.

7 Q And in that regard, I don't think, I don't  
8 think your opinion is this, but I want to, this is  
9 what I want to clarify: Your opinion isn't that any  
10 client-based system in 2012 it would have been  
11 obvious to move it to the cloud; is that fair?

12 A You know, every or every single system,  
13 you know, would be, would be difficult to argue in

14 favor of. But certainly that was the overwhelmingly  
15 general trend at the time to move from a web service  
16 to the cloud.

17 So I, you know, I can't say every  
18 single system would benefit. I would say that most  
19 systems would benefit. And a person of ordinary  
20 skill would certainly recognize that as a clear  
21 straightforward option, especially by 2012.

22 Q Let me ask you this: You said it was  
23 after overwhelming trend, I think, you just  
24 testified. Do you know roughly what percentage of  
25 client-based systems would have migrated to a

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1 cloud-based system in the 2012 time frame?

2 A I don't, I don't know a specific  
3 percentage, but certainly the written record is  
4 clear that it was extremely common. I mean, there  
5 were even point-of-sale systems that had migrated to  
6 the cloud by that point. I'm talking about  
7 migrating from, to be clear, from a client server  
8 to, if you will, client cloud. So what's happening  
9 is we're changing from a single server to a cloud.

10 Q Let me ask you this question: Would you

11 agree that there are draw backs to moving from a, as  
12 you say a client server to a client cloud system?

13 A You know, like anything, there are  
14 advantages and disadvantages. But as I explain in  
15 my report, I think the advantages far outweigh the  
16 disadvantages which is why it was such a common  
17 thing to do by 2012.

18 Q When you say "common," you say you don't  
19 have percentages on that. If you had to take a stab  
20 at a number, do you have a rough idea of what that  
21 number would be?

22 A Somewhere between half and three-quarters  
23 of at least major websites. Maybe even higher  
24 percentage for major websites. You know, certainly  
25 by 2012 Amazon web services, for example, was very

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1 popular and very successful.

2 Q That is really the extent of my  
3 questioning of you today. I just wanted your  
4 opinions on those few points. I don't have any  
5 other questions for you.

6 MR. ONG: Nothing from me.

7 COURT REPORTER: Confirming orders.

8 Regular is eight to ten days. Is that  
9 sufficient?

10 MR. WRIGHT: Can I get a rough for today  
11 and regular delivery on the final.

12 MR. ONG: No need for rough. And regular  
13 is fine.

14 (Exhibit Name  
15 number was marked  
16 for identification.)

17 Done done done.

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