

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION

VIRTAMOVE, CORP.,)

) CASE NO.

PLAINTIFF,)

) 7:24-CV-00030

v.)

AMAZON.COM, INC.; AMAZON.COM)

SERVICES LLC; AND AMAZON WEB)

SERVICES, INC.,)

DEFENDANTS.)

VIDEOTAPED DEPOSITION OF DONN ROCHETTE
TAKEN REMOTELY VIA ZOOM VIDEOCONFERENCE
TUESDAY, SEPTEMBER 10, 2024
11:04 A.M. CDT

REPORTED BY AUDRA E. CRAMER, CSR NO. 9901

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1 VIDEOTAPED DEPOSITION OF DONN ROCHETTE,
2 TAKEN REMOTELY VIA ZOOM ON BEHALF OF THE DEFENDANTS
3 AT 11:04 A.M. CDT, TUESDAY, SEPTEMBER 10, 2024, BEFORE
4 AUDRA E. CRAMER, CSR NO. 9901, PURSUANT TO SUBPOENA.

5

6 APPEARANCES OF COUNSEL

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8 ON BEHALF OF THE PLAINTIFF:

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20

 ALSO PRESENT

21

 BILLY FAHNERT, VIDEOGRAPHER

22

1 Q. And do you have an understanding of
2 whether any of the four companies you worked at
3 that use Docker were also using containerd?

4 A. If you were using Docker, you were
5 using containerd.

6 Q. So all four of those companies were
7 also using containerd?

8 A. Yes.

9 Q. Okay. I want to talk a little bit more
10 about the disparate computing environments that
11 you mentioned.

12 A. Okay.

13 MR. ANAPOL: And, Billy, could you
14 please pull up Exhibit 1010 for us, and scroll
15 down to Column 2, please. And around lines 17
16 to 19, can you blow that up for us.

17 Q. So in the '814 patent, Mr. Rochette, do
18 you see that there's this definition of
19 "disparate computing environments"?

20 A. Yes.

21 Q. Do you know what this means?

22 A. Yeah. It's -- it's worded like a

1 lawyer would word it. Sorry.

2 It is -- it's meant to speak to the
3 ability for applications that are unrelated to
4 each other to run in a common compute platform.

5 Q. So it says, "Environments where
6 computers are stand-alone or where there are
7 plural computers and where they are unrelated."

8 So does "unrelated" refer to the
9 computers or to the applications running on
10 them?

11 A. In this statement it refers --

12 MR. TONG: Objection. Calls for a
13 legal conclusion.

14 THE WITNESS: Oh, sorry.

15 BY MR. ANAPOL:

16 Q. Go ahead, Mr. Rochette?

17 A. In this statement it refers to the
18 computer platform -- the computer platforms.

19 Q. And what does it mean for computer
20 platforms to be unrelated?

21 MR. TONG: Objection. Calls for a
22 legal conclusion.

1 THE WITNESS: It would be having a --
2 there would be stand-alone, having -- presumably
3 having a network connection where information
4 could be exchanged, but they are not necessarily
5 related to each other.

6 If you go back to the example of a
7 corporate business application where it's using
8 Windows as a front end and some Unix or Solaris
9 background for data would be an example of that.
10 They are unrelated to each other, Windows is
11 Windows, Unix is Unix, and they are stand-alone,
12 but -- and [unintelligible] of things unrelated
13 that can be made to be related by applications
14 that talk to each other.

15 Does that help? I'm not sure I'm
16 answering the question.

17 BY MR. ANAPOL:

18 Q. Yeah, I'm just trying to understand how
19 you tell whether two computers are stand-alone
20 or unrelated.

21 Do they have to be running different
22 operating systems?

1 A. No. They would just be separate
2 instances.

3 If you look at a rack of computers,
4 each hardware platform is a separate stand-alone
5 device. Even if they're already all running the
6 same hardware and all running the same operating
7 system, they are different from each other.

8 Q. Okay. So they're considered unrelated
9 even if they're all in the same place, they're
10 all connected to the same network and they're
11 all running the same operating system?

12 A. Yes.

13 MR. TONG: Objection. Calls for a
14 legal conclusion.

15 THE WITNESS: Oh, sorry.

16 One way to differentiate that is that
17 they would all have a different network address
18 would make them standalone and separate.

19 BY MR. ANAPOL:

20 Q. Okay. You reside in Iowa; correct?

21 A. Yes.

22 Q. And you're retired now; right?