

The first quote is from the transcript, the second is from the recording.

pg. 25

line 11: "... for other reasons, took it." "...for other reasons, he took it."

line 13: "March 8, 1999" "April 8, 1999"

pg. 26

line 19: "SCO" "CSO"

pg. 29

line 24: "an historical" "in historical"

pg. 37

line 5: "He's his new boss" "He's the new boss"

pg. 42

line 2: "in an experiment, key experiment" "in an experiment, a key experiment"

I believe the speaker accidentally read the footnote (which reads "Priginal" instead of "Original") during 01. Plaintiff (\_P\_) Opening\_E beginning at 0:34.

pg. 49

line 28: "and parties" "and the parties"

pg. 50

line 20 "I think Mr. Pantoni..." to end of line 26 is missing

pg. 51

line 7 "But very..." to end of line 10 is missing

line 15 "In fact is" "the fact is"

pg. 54

line 4 "sometime" "some time"

pg. 55

line 13 “but what it is” “what it is”

pg. 59

line 23 “The evidence...” to line 27 “... a job offer” is missing

pg. 73

line 15 “dissolved in tears” “dissolved into tears”

line 17 “matter of factually” “matter of factly”

pg. 81

line 9 “we had” “they had”

pg. 83

line 6 “he didn’t seem engaged” is missing

line 14 “and that the evidence” “and the evidence”

pg. 86

line 19 “or week or two” “or a week or two”

line 22 “become research fellow” “become a research fellow”

pg. 92

line 27 “work toward those” “work toward these”

pg. 93

line 17 “coming in and fulfill” “coming in to fulfill”

pg. 99

line 2 “... about it.” There should be a question mark at the end of that sentence.

pg. 102

line 21 “to try to make” “to make”

pg. 105

line 24 “typically two to” “typically two or”

pg. 106

line 2 Capitalize Davis in Parke-Davis.

pg. 110

line 6 “chief scientific records” “chief scientific officer”

pg. 111

line 24 “starting” “starting to”

pg. 112

line 1 Period is needed after “Parke-Davis”

line 8 “today drugs” “today’s drugs”

pg. 113

line 6 “I do lots” “I do a lot”

line 15 “So very wide” “So a very wide”

pg. 114

line 5 “notable activity” “notable activities”

pg. 116

line 2 “the day a” “the day, a”

line 26 “just summary” “just a summary”

pg. 118

line 23 “Yep.” “Yes.”

pg. 119

line “I’d just like” “I’d like”

pg. 120

line 19 “abhorrent by Larry” “abhorrent to Larry”

line 25 "that time IRORI" "that time at IRORI"

pg. 123

line 4 "based just on" "based on"

line 12 "of this risk/reward" "of the risk/reward"

line 15 "it had it's" "it's" should be "its"

line 17-18 "money, you" "money, but you"

pg. 125

line 18-20 is missing

pg. 129

line 12 Question should end with a question mark, not a period.

line 28 Same problem as line 12

pg. 131

line 25 "When say" "When you say"

pg. 133

line 19 "and something" "and is something"

pg. 135

line 9 "give you money" "give you the money"

line 17 "was the --" "was --"

line 18 "both that John" "both John"

pg. 138

line 23 "east coast still." "east coast. Still"

pg. 141

line 19 "and talks about" "and talked about"

line 24 "Did you so in writing?" "Did you do so in writing?"

pg. 142

line 19 "degree to science" "degree of science"

pg. 143

line 11 "if there aren't things" "if there are things"

pg. 144

line 6 "That's stuff" "That's the stuff"

line 16 "You get all that all" "You get all of that"

line 17 "tests on it" "tests on them"

pg. 145

line 25 "is A or G" is it an A or a G"

pg. 146

line 18 "learn to attach" "learn how to attach"

line 19 "as we envisioned it" "as we envisioned"

line 21 "we had made" "we made"

line 23 "know what DNA" "know the DNA"

pg. 147

line 17 "and everyone" "and everybody"

pg. 149

line 7 The sentence starting at "At least..." should be connected to the previous sentence

line 10 "sold was these" "sold were these"

pg. 150

line 23 "necessarily to invent it" "necessarily invent it"

pg. 153

line 8 "Walt, one of the" "Walt. One of the"

line 19 "article that's written" "article written"

pg. 154

line 14 "written in the L.A. Times" "written up in the L.A. Times"

pg. 155

line 21 is missing

pg. 156

line 28 "John began" "John, who began"

pg. 157

line 23 "and was using" "and he was using"

pg. 161

line 4 "November, 19998" "November, 1998"

pg. 162

line 10 "and I write a" "and I write the"

line 25 "let's..." to line 27 "... where we are now," should be in quotation marks

pg. 163

line 19 "any, you, any" "any, to you, any"

pg. 168

line 25 "wreak happen" "wreck happen"

pg. 171

line 23 "even though the -- even" "even though -- even"

pg. 172

line 3 "I decided I had to tell" "I decided to tell"

pg. 173

line 9 "that the people" "that people"

line 15 "happened at the meeting" "happened at that meeting"

line 21-22 "I just all of the emotion" "I just -- all of the sudden the emotion"

pg. 175

line 12 "some sort of a leave" "some sort of leave"

pg. 179

line 27 "options he talked about" "options we talked about"

pg. 190

line 4 "that we were" "that they were"

pg. 191

line 15 "that you were involved?" "that you were involved in?"

pg. 192

line 5 "each Rich and I" "each -- Rich and I"

pg. 193

line 5 "it in anyway" "it in any way"

pg. 194

line 19 "Jay Flatley talk" "Did Jay Flatley talk"

pg. 195

line 9 "or discussion" "or a discussion"

pg. 196

line 15 "that it starts" "it starts"

pg. 199

line 22 "ended that session" "ended the session"

pg. 200

line 14 "There were an ABI... there were fiber team" "There was an ABI... there was a fiber team"

line 15 "bead team, DNA synthesis team" "a bead team, a DNA synthesis team"

line 15 "Teams addressed that" "Teams that addressed"

pg. 201

line 14 "area the Illumina" "area for Illumina"

pg. 202

line 9 "you still were" "you were still"

pg. 203

line 2 "to a company" "to -- a company"

line 27 "at this biotech" "at the biotech conference"

pg. 204

line 9 "noted -- he might" "noted -- that he might"

pg. 206

line 15 "you had never" "you never"

line 23 "to talk with me" "to talk to me"

pg. 208

line 10 "interested if it" "interested in it if it"

pg. 209

line 8 - 9 "back to be vice" "back to vice"

pg. 211

line 2 "scientific responsibilities" "scientific responsibility"

pg. 212

line 11 "kind of last minute" "kind of a last minute"

pg. 213



line 27 "on prioritization of" "on prioritizations of"

pg. 214

line 27 "correct?" "is that correct?"

pg. 215

line 26 "of stock from" "of your stock from"

pg. 244

line 3 "sometimes they" "sometimes he"

pg. 245

line 1 "2000, would have" "2000, that would have"

line 23 "there was a lot" "there were a lot"

line 26 "clearly that not only" "clearly not only"

pg. 249

line 20 "Reference to" "Referencing to"

pg. 250

line 11-12 "from the other people" "from other people, people"

line 28 "'helped found' nonsense" "'helped fund' nonsense"

pg. 251

line 2 "this a e-mail" "this an e-mail"

pg. 255

line 15 "Is at the bottom is" "Is, at the bottom, is"

line 24 "wasn't going allowed" "wasn't going to be allowed"

pg. 256

line 9 "an offer that" "an offer"

pg. 259

line 10 "to make me -- indicated -- tried to" "to make me -- tried to"

pg. 263

line 28 "in his family had had" "in his family had"

pg. 264

line 8 "Any event" "In any event"

pg. 268

line 28 is missing in recording

pg. 269

line 28 from page 268 is added between lines 2 and 3 in recording

pg. 270

line 16 "Okay. Subject to" "Subject to"

line 23 "sense of they" "sense if they"

line 25 "I was being" "was being"

pg. 271

line 4 "Bill said that if" "Bill said if"

line 5 "wasn't aware of" "wasn't aware of it"

pg. 272

line 9 "later on point out" "later on pointed out"

line 28 "address it" "address it later"

pg. 275

line 6 "parties present" "parties are present"

line 24 "next to vice" "next to the vice"

pg. 279

line 2 "the session where" "the sessions where"

line 13 "the documents the" "the document the"

pg. 281

line 22 "But so we had" "So we had"

pg. 282

line 5 "it's a copied" "it's been copied"

pg. 283

line 12 "you have historical" "you have this historical"

line 15 "who the two" "who those two"

line 20 "What did" "And what did"

line 27 "shots' on the other" "shots' at the other"

pg. 286

line 9 "you wrote Dr. Czarnik" "you wrote, Dr. Czarnik"

line 13 "that go into" "that it go into"

pg. 287

line 8 "about of other" "about other"

line 22 "Flatley that you had" "Flatley you had"

pg. 292

line 9 "Get to that" "We'll get to that"

line 10 "you recieved these" "you recieve these"

pg. 293

line 4 "This was decoding is central" "This decoding was central"

line 9 "do decoding. So" "do the decoding. So"

pg. 294

line 18 "and the budget" "and a budget"

pg. 297

line 19 "again the grant" "again that grant"

pg. 298

line 4-5 "with the -- either" "with either"

pg. 299

line 18 "Illumina is have an" "Illumina have an"

pg. 300

line 1 "not 30" "not in 30"

pg. 303

line 22 "Again that's that second" "Again that's the second"

pg. 304

line 10 "Had you" "Do you"

line 23 "me goals that" "me goals which"

pg. 305

line 18 "which is either" "which are either"

line 21 There should be the word "are" between "Filters" and "very"

line 25 "system?" "system for?"

pg. 307

line 10 is missing in the recording

pg. 331

line 2 "Record will indicate" "Alright. Record will indicate"

line 3 "parties" "parties present"

line 17 "keep that in mind" "keep in mind"

line 19 The Court says this in the recording instead of Espinosa

pg. 332

line 12 "suburb the Boston" "suburb of Boston"

pg. 333

line 13 "gave certain" "gave a certain"

pg. 334

line 8 "award, bio-electronics" "award, a bio-electronics"

pg. 335

line 4 "it's not a publication" "it's a publication"

pg. 336

line 7 "and should get it" "and it should get"

line 22 "There's a bit" "This is a bit"

pg. 337

line 23 "about his. Dr. Czarnik has testified about his world" "about his world"

line 28 "That's Dr. Czarnik said Dr." "So, that's Dr. Czarnik that said Dr."

pg. 338

line 2 "accomplishments?" "accomplishments, right?"

line 25 "impeach in him" "impeach him in"

pg. 339

line 16 "Seems like" "Yeah, objection, irrelevance. Seems like"

pg. 341

line 3 "because of our" "because our"

pg. 342

line 20 "we had come" "we come"

pg. 343

line 26 "I received" "I've received"

pg. 344

line 20 "There are I think five members" "I think there are five members"

pg. 346

line 2-3 "he didn't allow any" "he didn't even allow any"

line 4 "beads in" "beads into"

line 25 "equipment that to run" "equipment to run"

pg. 348

line 6 "but have you" "but you have"

pg. 349

line 1 up to "They were --" of line 2 is missing

pg. 350

line 5 "learning about technology" "learning about the technology"

pg. 351

line 15 "I was concerned" "I was very concerned"

line 28 "you are just not" "you are not"

pg. 352

line 5 "to indicate everything was" "to indicate that everything was"

line 14 "and computer" "and his computer"

line 18 "Stuelpnagel, Dr. Steulpnagel" "Steulpnagel, Dr. John Steulpnagel"

line 26 "that was still" "that were still"

pg. 353

line 25 "scroll up" "scrolls up"

line 28 "Wall's" "Walt's"

pg. 354

line 7 "but I'm if you" "but if you"

line 16 "employment issues, employee" "employee issues, employee"

line 20-21 "meeting took place of the board" "meeting of the board"

pg. 355

line 27 "but that we" "but we"

pg. 357

line 25 "to again just to" "to again -- just to"

pg. 359

line 7 "so we avoided" "so we could avoid"  
line 27 "and was unable" "and I was unable"

pg. 361

line 14 "That was at" "I was at"

pg. 363

line 12 "rigor and being" "rigor or being"  
line 18 "as Dr.Koop.com" "as a Dr.Koop.com"  
line 24 "Did you" "Do you"

pg. 365

line 7 "the preference" "the severance"

pg. 367

line 21 "difficult thing" "very difficult thing"  
line 21 "turns out that there" "turns out there"

pg. 368

line 26-27 "in the combinatorial" "in combinatorial"

pg. 372

line 13 "I would say that January" "I would say that Janu-- I would say that January"  
line 15 "and seemed to" "and he seemed to"

pg. 373

line 3 "around that same" "around the same"

pg. 374

line 26 "response Dr. Czarnik told" "response Dr. Steulpnagel told"

pg. 375

line 14 "sort the end" "sort of the end"

pg. 376

line 22 "sure I even" "sure if I even"

line 28 "data about this" "data on this"

pg. 377

line 15 should use the word "In" instead of "It's"

line 17 "recall ever having seen" "recall having seen"

pg. 378

line 7 "talked to" "talked with"

pg. 384

line 2 "schedule that was Dr." "schedule was that Dr."

line 6 "that eveyone on" "that everybody on"

pg. 385

line 2 "equitable of an offer" "equitable an offer"

line 12 "evident he was" "evident that he was"

line 15 I believe the word "vise" is supposed to be spelled "vice" in this context

line 21 "nine-month" "and nine-month"

line 27 "ever recommended" "ever made you recommend"

line 28 "discipline be taken" "discipline to be taken"

pg. 389

line 14 "this was couple" "this was a couple"

pg. 390

line 17 "which involved" "which involves"



pg. 391

line 22 “you would with” “you would do with”

pg. 392

line 6 “768 decode experiment” “768 decoding experiment”

pg. 394

line 13 “under goal 30-day” “under 30-day goal”

pg. 395

line 9 “the 748-decode experiment” “the 768 decoding experiment”

line 12 “or beyond sort” “or beyond that sort”

line 14 “Was the 768-decode” “Was the 768-decoding”

pg. 396

line 12 “of all 10?” “of all 10-mers?”

line 22 “with the” “with all the”

pg. 397

line 3 “that’s missing” “that is missing”

line 27 “involved actually decoding” “involved actual decoding”

pg. 399

line 17 “is allow the” “is allowing the”

pg. 401

line 17 “He said he never read” “He never said he read”

pg. 402

line 2 “role at chair” “role as chair”

pg. 402

line 21 “for expert opinion” “for an expert opinion”

pg. 405

line 28 "learn all this" "learned all this"

pg. 406

line 13 "get everybody at the" "get somebody at the"

pg. 408

line 2 "so that the members" "so the members"

pg. 409

line 19 "How would make" "How would you make"

pg. 412

line 2 "And so it's mind-boggling..." to end of line 13 is missing in the recording

line 16 "do those phrases" "do these phrases"

line 20 "you design a feasibility" "you do a feasibility"

pg. 416

line 8 "really will the thing" "really means will the thing"

line 26 "take one quick look" "take on look"

pg. 435

line 11 "discussion about" "discussions about"

pg. 437

line 26 "passing on draft" "passing on the draft"

pg. 445

line 6 "in face of" "in the face of"

pg. 448

line 13 "What was the first" "Was that the first"

line 22 "1998 until about February" "1998 until February"

pg. 449

line 5 "the screen." "the screen yet."

pg. 450

line 19 is missing in the recording

line 25 beginning of question should be capitalized

pg. 452

line 13 "you were" "were you"

pg. 453

line 10 "Was the --" "What was --"

pg. 461

line 27 "any opinions" "any opinion"

pg. 462

line 8 "jurors are present." "jurors are now present."

pg. 463

lines 11 and 12 are switched in the recording

line 23 "chief science officer" "chief scientific officer"

pg. 465

line 5 "it's lack of" "it's a lack of"

line 12 "relation to the to the 128" "relation to the 128"

pg. 467

line 27 "those kind" "those kinds"

pg. 471

line 8 "got to the results" "got the results"

pg. 476

line 8 "jury in simple" "jury in as simple"

pg. 478

line 7 "Chee?" "Che?"

line 9 "were very" "was very"

pg. 480

line 26 "in anyway called" "in any way called"

pg. 481

line 8 "The jury to" "The jury is to"

pg. 482

line 16 "Let me interrupt." is missing in the recording

pg. 485

line 4 "sure they were" "sure that they were"

pg. 490

line 7 "and copy to" "and copied to"

pg. 491

line 9 "my personnel file" "my personal file"

pg. 494

line 19 "encouraging, that" "encouraging, and that"

pg. 496

line 2 is missing in the recording

pg. 498

line 7 "before this sent" "before, sent"

pg. 499

line 2 "heading of the" "heading to the"

line 4 "during the period" "during this period"

pg. 505

line 18 "case among yourselves" "case amongst yourselves"

pg. 524

line 2 "Record will" "Alright. Record will"

line 21 "statement alludes" "statement alluded"

pg. 525

line 18 "Chee of September" "Chee on September"

pg. 527

line 5 "he was the head" "he was head"

pg. 529

line 28 "at a meeting" "at the meeting"

pg. 530

line 8 "done anymore" "done any more"

pg. 541

line 7 "information that" "information. That"

pg. 554

line 23 "there was objection" "there was an objection"

pg. 555

line 2 "to you, Dr. Czarnik:" "to you:"

pg. 559

line 8 "Is why is it" "And why is it"

line 15 "triggered depressive" "triggered a depressive"

pg. 565

line 10 to "unable to." was spoken as an answer, not part of the question in the recording

pg. 566

line 9 "that NIST ATP" "that ATP"

pg. 566

line 27 "Record indicate" "Record indicates"

pg. 567

line 1 is missing in the recording

line 11 "think I did." "think we did."

pg. 571

line 18 "capitalist while" "capitalists while"

pg. 576

line 24 "that at this" "that there was at this"

pg. 578

line 27 "that every happened" "that ever happened"

pg. 580

line 8 to end of line 11 is missing

line 8-9 appears after line 13

pg. 584

line 3 “issue which, in this letter which I’d” “issue in this letter which I’d”

pg. 593

line 12 “speak with the board” “speak to the board”

pg. 599

line 25 “objection. The” “objection. This”

pg. 600

line 1 “does the letter” “does this letter”

line 20 “I would sustain” “I’d sustain”

pg. 601

line 21 “and John Chee” “and Mark Chee”

pg. 604

line 19 “but preliminarily in” “but primarily in”

line 24 “to try again” “to try this again”

pg. 628

line 4 “to the line” “to that line”

pg. 632

line 2 “I would have” “I would’ve”

pg. 638

line 13 “it for you” “it to you”

pg. 639

line 6 “for that first” “for the first”

pg. 640

line 9 “Only that you” “I only know that you”

pg. 642

line 8 "end of the summer" "end of summer"

line 9 "end of the summer" "end of summer"

pg. 644

line 8 "No, I'm just" "No. No, I'm just"

pg. 648

line 5 "you do to, as" "you do, as"

line 11 "at that time" "at the same time"

line 12 "floor, the second" "floor or the second"

line 15 "cost out to" "cost us to"

pg. 649

line 5 "There was a" "That was a"

line 7 "didn't yet have" "didn't have yet"

pg. 651

line 22 There should be a comma between "Chee" and "and"

pg. 654

line 1 "So the" "Now the"

pg. 656

line 2 "Mark's meeting" "Mark's meetings"

line 26 "and that you" "and then you"

pg. 658

line 3 "had made?" "made?"

pg. 660

line 5 and 6 are read by the voice of Ms. Kearns instead of Mr. Pantoni in the recording



pg. 661

line 16-17 "Is it your testimony now, is it your testimony right now" "Is it your testimony right now"

pg. 662

line 28 "happened is relevant" "happened that is relevant"

pg. 663

line 7 "with any attorney" "with an attorney"

line 14-15 "transcript, page 16, Volume 1, page 17" "transcript, Volume 1, page 17"

pg. 664

line 1 "if that testimony" "if that's the testimony"

pg. 664

line 21 "six volumes of volumes of your" "six volumes of your"

line 25 "testimony, isn't that" "testimony, is that"

pg. 666

line 14 "left. Did you" "left. Do you"

pg. 667

line 3-4 "and later on" "and then later on"

pg. 672

line 2 "Some aspect of" "Some aspects of"

pg. 673

line 27 "Objection," "Objection, lacks foundation."

pg. 675

line 4 "need anymore meetings" "need any more meetings"

pg. 679

line 18 "to John Chee" "to Mark Chee"

pg. 681

line 8 - 11 is missing in the recording

pg. 685

line 26 "You'd had" "You've had"

pg. 687

line 14 "to tell John and Mark" "to tell Mark -- When I began to tell John and Mark"

pg. 690

line 6 "sent e-mail" "sent an e-mail"

pg. 691

line 7-8 "call, Dr. Steulpnagel" "call, John Steulpnagel"

pg. 694

line 18 "meaningfully evolved in" "meaningfully envolved in"

pg. 698

line 24 "Okay. And John" "And John"

pg. 699

line 6-7 "until 1:15. 1:15." "until 1:15."

pg. 702

line 15 is missing in the recording

pg. 705

line 15 "arm of the Illumina" "arm of Illumina"

pg. 712

line 24 "Not best of" "Not to the best of"

pg. 714

line 27 "recollection it was" "recollection is that it was"

pg. 720

line 2 "follow-on meeting" "follow-up meeting"

line 22 "discuss an offer" "discuss the offer"

pg. 748

line 21-22 "144. Actually 143. Dr. Czarnik," "144. Dr. Czarnik,"

pg. 751

line 9 is missing in the recording

line 10 "MR. PANTONI: Object." "MS KEARNS: Object."

pg. 753

line 22 "the scientist?" "the scientists?"

pg. 755

line 10-12 is missing in the recording

pg. 756

line 26 a comma is needed after "Mark Chee" in the transcript

pg. 757

line 2 "ask have you" "ask -- have you"

line 19 "acting CSO?" "acting CEO?"

pg. 758

line 7 "CSO and you" "CEO and you"

pg. 763

line 7-8 is missing in the recording  
line 15 "case amongst" "case among"  
line 20 is missing in the recording

pg. 775

line 15 "indicate all" "indicates all"  
line 25 "and testified as" "and testifies as"

pg. 779

line 23 "discount things" "discount the things"

pg. 780

line 9-10 "Depended whether" "Depended on whether"

pg. 781

line 9 "but worked for" "I worked for"  
line 12 the word "first" is missing in the recording

pg. 782

line 5 "employment, employee at" "employment, employment at"

pg. 783

line 18 "that he had" "that we had"

pg. 783

line 26 "You consider" "Do you consider"

pg. 785

line 10 "but the end" "but at the end"  
line 26 "But the" "Based on the"

pg. 786

line 10 "small water company" "smaller company"

pg. 787

line 25-26 "founded the end of" "founded at the end of"

pg. 790

line 11 "what that states" "what it states"

line 13 "it in by" "in it by" (it should really just be "in by")

pg. 792

line 13 "think that some" "think some"

pg. 793

line 8 "In a legal" "In the legal"

line 23 "the member of" "the members of"

pg. 794

line 24 "but some" "but in some"

pg. 798

line 4 should be read by the voice of Mr. Pantoni, not by the voice of Dr. Stuelpnagel

pg. 799

line 8 "that other" "that the other"

line 13 should be looked at. The recording there is peculiar.

pg. 800

line 15 "you hired" "when you hired"

pg. 802

line 8 "session with Dr." "session by Dr."

line 12-13 and "like." on 14 is missing from the recording

line 19 "While I was" "I was"

line 27 "I do" "What I do"

pg. 803

line 20 "five years or" "five or"

pg. 804

line 21 "to meet those" "to meeting those"

pg. 805

line 3 "are a little" "were a little"

pg. 807

line 16 "to improced the" "to improve the"

pg. 810

line 6 "Those things" "Those are things"

pg. 811

line 21 "have real" "have a real"

pg. 812

line 17 recording is peculiar

line 26 "there was us" "there we were"

pg. 813

line 6 "So that goal were you" "So on that goal you were"

line 8 "was a progress" "was progress"

line 12 "Tony Czarnik" "Dr. Czarnik"

line 16 "There was some" "There were some"

pg. 814

line 5 "already have" "have already"

line 17 "them we" "them that we"

line 25 "to be classified as" "to classify things as"

pg. 817

line 12 "to the meeting" "to that meeting"

line 17 "prepare board" "prepare for board"

pg. 818

line 12 "if this was" "if that was"

pg. 822

line 8 "members might" "members which might"

pg. 826

line 28 "The meeting had" is repeated in the recording once

pg. 827

line 6 "was important" "was an important"

pg. 827

line 22 "and having" "and he's having"

pg. 828

line 8 "and last thing" "and the last thing"

pg. 835

line 10 "office, CSO" "officer, CSO"

pg. 836

line 14 "because as I" "because I"

pg. 837

line 9 "was change" "was the change"

pg. 840

line 3 "so might" "so it might"

pg. 841

line 8 “the intranet” “the internet”

pg. 843

line 6 “closing the” “closing of the”

pg. 844

line 6 “any allege” “any alleged”

pg. 846

line 26 “Take a look” “Let’s take a look”

pg. 850

line 9 “should hire the” “should be hired by the”

line 12 “Try to” “I’m trying to”

pg. 851

line 3 “of our Scientific” “of the Scientific”

line 12 “is paragraph” “is a paragraph”

line 19 “possible, that” “possible, of that”

pg. 853

line 21 “you are the” “you were the”

line 28 “borrowed those” “borrowed these”

pg. 858

line 5 “knowledge one way” “knowledge of that one way”

line 21 “join us as vice” “join us as a vice”

pg. 863

line 20 “The second goal that” “The second goal; the second goal that”

pg. 864

line 26 “that some point” “that at some point”

pg. 866



line 10 "middle to end" "middle to the end"

pg. 867

line 5 "Is it inconsistent?" "It is inconsistent?"

pg. 869

line 3 to "informal." of line 4 is missing in the recording

line 18 "Was that her title" "Was that her ti-- Was that her title"

pg. 872

line 1 "the reason why we" "the reason we"

line 15 "if someone asked" "if somebody asked"

line 19 should be read by the voice of Mr. Pantoni, not the voice of Dr. Stuelpnagel

pg. 875

line 12 "On page 407, line 10:" is missing in the recording

line 15 "believe the day that he" "believe that day that he"

line 17 should be read by the voice of Mr. Pantoni, not the voice of Dr. Stuelpnagel

pg. 876

line 19 "you my best recollection" "you the best of my recollection"

pg. 877

line 21 "discrimination is to show" "discrimination to show"

pg. 881

line 7 "Does this mean" "Does that mean"

pg. 884

line 11 "decoding actual worked?" "decoding actually worked?"

pg. 885

line 13 "what's cross-examination" "what's a cross-examination"

pg. 887

line 12 "and to continue..." to line 13 "an employee" is missing in the recording

pg. 889

line 7 "me start that" "me restart that"

pg. 890

line 2 "at what has" "at what he has"

line 19 "and his answer there was" "and his answer there-- and his answer there was"

pg. 891

line 5-6 "deals with unfairly with" "deals unfairly with"

pg. 891

line 26 "this has of happened" "this has happened"

pg. 892

line 3 "having meeting behind" "having meetings behind"

line 26 "I'll give a" "I'll give you a"

pg. 893

line 25 "against 4th of July" "against the 4th of July"

pg. 894

line 20 "or in worst case" "or in the worst case"

pg. 895

line 17 "was meetings" in the recording and the transcript is grammatically incorrect

pg. 899

line 28 "was the executive" "was an executive"

pg. 902

line 27 "yes, there was" "yes, that was"

pg. 904

line 15 "or sensor" is missing in the recording

pg. 906

line 24 "I have an" "I have the"

pg. 907

line 16 "point was had a" "point was a"

pg. 908

line 18 is missing in the recording

pg. 912

line 17 "in timely manner" "in a timely manner"

pg. 917

line 6 "on this title" "on the title"

line 10 "didn't have experience" "didn't have the experience"

line 15-16 "the hope with" "the hope was"

line 24 "was that the" "was that from the"

pg. 918

line 14 "have an idea" "have any idea-- have an idea"

pg. 920

line 16 "marked as Exhibit 23" "marked as Exhi-- marked as Exhibit 23"

pg. 921

line 28 "Prepared these note specifically" "You prepared these notes specifically"

pg. 922

line 18 grammatically, "There" should be "These" in the transcript and the recording  
line 24 grammatically, "was" should be "were" in the transcript and the recording

pg. 923

line 19 "not on high" "not on the high"

pg. 924

line 28 "that I had had with" "that I had with"  
pg. 927

line 11 some parts of this line repeat  
line 27 "other is pure" "other is a pure"

pg. 928

line 8 "you money for based" "you money based"

pg. 930

line 10 "always involved Dr." "always included Dr."

pg. 931

line 26 "Mike Hunkapillar" "Mike Hunkapiller" (woah, he's so famous that his name is in the  
spell-check database...)  
line 28 "Mike Huckapiller" "Mike Hunkapiller"

pg. 933

line 14 "get done based upon" "get based upon"  
line 23 is missing in the recording  
line 26 "the these arrays" "these arrays"

pg. 934

line 16 is missing in the recording  
line 17 "Okay" should be read by the voice of Ms. Kearns, not Dr. Steulpnagel  
line 23 "I'd even go further" "I'd go even further"

pg. 935

line 15 "friend" should be "friends" in the transcript and the recording

pg. 938

line 1 "anti-depressant" "anti-depressants"

pg. 939

line 24 a part of the line repeats in the recording

pg. 940

line 4 "any way like Dr." "like any way that Dr."

line 12 "inept in getting" "inept at getting"

line 22-23 is missing in the recording

pg. 941

line 7 "or last part" "or the last part"

line 14 "come within an" "come with an"

pg. 942

line 20 "you are aware" "you were aware"

line 22 "point this time" "point in time"

pg. 943

line 1-2 "time frame" is missing in the recording

line 4 "meeting, which I" "meeting, when I"

line 24 "I want for quit" "I want to quit"

pg. 944

line 23 "that Plaintiff was" "that the Plaintiff was"

pg. 945

line 16 "provide to the company" "provide the company"

pg. 946

line 4 "in early April" "in April"

pg. 947

line 26 "that this was" "that there was"

pg. 948

line 2 "for attaching oligos" "for attaining oligos"

line 4 "all been worked out" "all worked out"

pg. 949

line 24 "made there's an" "made that there was an"

line 25-26 "2000, 768" "2000, called the 768"

pg. 951

line 11 "I've seen" "I'd seen"

pg. 952

line 17 "proof that that" "proof that the"

line 26 "Illumina stock?" "stock?"

pg. 953

line 2 is missing in the recording

pg. 954

line 22 "for senior" "for a senior"

pg. 955

line 7 and 9 is "23 through 39" in the recording, when it should just be read as "23 39"

line 19 "date these" "date of these"

line 26 is missing in the recording

pg. 956

line 11 "cons that" "cons were that"

line 12 "there are" "there were"

pg. 958

line 11 "they are very" "they were very"

line 15 "it would nothing" "it would have nothing"

line 17 "stock vest" "stock vested"

line 18 "Tony withdraw his" "Tony withdrew his"

line 19 "I understand that" "I understood that"

pg. 959

line 20 "testified that Illumina" "testified that-- 'Yes' -- testified that Illumina"

pg. 960

line 7 "the mislabeling the" "the mislabeling of the"

line 11 "from that experiment" "from the experiment"

pg. 963

line 6-7 "I would think" "I would like to think"

line 15 "too, if it's" "too, is if it's"

line 18 "it get closer" "it gets closer"

pg. 985

line 15 "have certain number of" "have certain numbers of"

pg. 986

line 8 "you are still under" "you still are under"

line 20-22 is missing in the recording

pg. 989

line 7 "salary could be" "salary would be"

line 23 "have that same" "have the same"

pg. 993

line 7 "hand I had" "hand that I had"

pg. 997

line 15 "told Dr. Flatley" "told Dr. Flatley"  
line 24 "to do?" "to do so?"

pg. 999--

line 10 "would be involved" "to be involved"  
line 13 "In a" "And, in a"

pg. 1001

line 16 "It's the drafting" "The drafting"

pg. 1003

line 26 "proposing, that I be" "proposing, was that I be"

pg. 1004

line 8 "based on the laws" "based on laws"

pg. 1006

line 5 is repeated after line 6 in the recording  
line 9 "medications of loss" "medications to have loss"

pg. 1008

line 26 "that your not" "that you're not"

pg. 1009

line 2 "And you've agreed" "And your-- And you've agreed"

pg. 1010

line 9 "me ask a new" "me ask you a new"

pg. 1011

line 14 "part of the series known as the 128-decode series?" "part of the 16-decode series?"  
line 26 "the experiment is" "the experiments is"

pg. 1013



line 15-16 "bad dye the scientists" "bad dye has been used, the scientists"

pg. 1016

line 16 "the form the" "the form of the"

pg. 1017

line 6 "Bierle, but those are" "Bierle, those are"

line 19 "Just a general" "In a general"

pg. 1021

line 8 "I need to get" "I need you to get"

pg. 1021

line 14-15 "was the head of" "was head of"

line 20 "him about this" "him about it"

pg. 1028

line 16 "the thing that's" "the things that's"

pg. 1029

line 15 is missing in the recording

line 16 "express your concerns" "expressed your concerns"

line 16 "did you?" "didn't you?"

pg. 1029

line 17 "any problem with" "any problems with"

line 24 "the reagents was" "the reagent was"

pg. 1030

line 23 "believe that that was" "believe that was"

pg. 1032-

line 15-16 "The experience of the -- the experience of" "The experience of"

pg. 1033

line 10 "think I ended" "think it ended"

line 17 "worked from Illumina" "worked for Illumina"

pg. 1034

line 24-26 is missing in the recording

pg. 1035

line 8 "questioning is" "questioning it's"

pg. 1036

line 13 "your appoint did" "your appointment did"

line 17 "I state that" "I stated that"

pg. 1039

line 8 "roughly two-week" "roughly a two-week"

pg. 1040

line 27 is missing in the recording

pg. 1050

line 9 "alter ego management" "alter ego of management"

line 10 "level, hiring" "level, you know, hiring"

line 15 "on committee" "on a committee"

pg. 1051

line 8 "before and" "before or"

pg. 1052

line 12 "what was your" "what were your"

line 16 "of John Chee" "of Mark Chee"

pg. 1053

line 2 "days, John" "days, well, John"  
line 4 "as the kind" "as a kind"  
line 5 "of the operations" "of an operations"  
line 8 "least my" "least that's my"  
line 17 "publicized what" "publicize what"  
line 19 "is world-famous" "is a world-famous"

pg. 1054

line 3 "watched this company" "watched the company"  
line 20 "continuing, what" "continuing, that's what"  
line 23 "I made those" "I actually made those"  
line 28 "whether a school" "whether it's a school"

pg. 1055

line 19-20 "then kind of" "then, you know, kind of"

pg. 1056

line 3 "carrot to people" "carrot that people"  
line 4 "perform, to try" "perform, well, to try"  
line 25 "some amount of" "some kind of amount of"

pg. 1057

line 1 "deal for the company" "deal for this company"  
line 5 "we're going to" "we were going to"  
line 6 "way they are" "way we are"  
line 8 "shares closing the" "shares for closing the"  
line 17 "Mark is kind of the guy" "Mark is the kind of guy"  
line 19 "partner with him" "partner up with him"  
line 20 "the guy that" "the guy who"

pg. 1058

line 11 "of just not making" "of not just making"  
line 16 "within the kind" "within a kind"

pg. 1061

line 1 "recall kind of" "recall any kind of"  
line 3 "some communication" "some communications"

line 3 "Tony, and I don't" "Tony, but I don't"  
line 6 "at the time" "at that time"  
line 17 "severance negotiations" "severance negotiation"  
line 28 "but at some" "but there was some"

pg. 1062

line 2 "about those goals" "about these goals"  
line 3 "brought up" "brought it up"  
line 4-5 "any goals" "any of the goals"  
line 7 "whole company, it" "whole process, it"  
line 8 "in terms of thinking about" "in trying to think about"

pg. 1063

line 8 is missing in the recording  
line 9 "any resolution" "come up with any resolution"  
line 20 "we just wanted to" "we wanted just to"

pg. 1064

line 8 "next morning would" "next meeting would"  
line 22 "aren't surprises" "aren't any surprises"  
line 23 "couple of days before" "couple days before"  
line 20 "delegate to" "delegate it to"  
line 21 "there's some specific" "there's a specific"

pg. 1066

line 8 "time when he" "time that he"  
line 19 "Depends who" "Depends on who"  
line 19 "to how they" "to about what they"  
line 19 "define major or" "define as major or"

pg. 1069

line 6 "saying problem" "saying the problem"  
line 8 "item in the" "item on the"  
line 17 "but wouldn't" "but it wouldn't"

pg. 1072

line 1 is missing in the recording  
line 17 "And have you held" "And you have held"

pg. 1074

line 27 "was the decision" "was a decision"

pg. 1078

line 5-6 "John had been and Mark had been" "John and Mark had been"

pg. 1079

line 25 "The -- Mark." is missing in the recording

pg. 1080

line 10 "residue was there of the conflict" "residue of the conflict was there"

pg. 1081

line 3 "new title is research" "new title, research"

pg. 1082

line 27 "still time when" "still at a time when"

pg. 1083

line 22 "you and Jay" "you, Jay"

pg. 1084

line 26 "Terms of the" "In terms of the"

pg. 1085

line 23 "agreed, not just" "agreed upon, not just"

pg. 1091

line 10 "to John Stuelpnagel" "to Dr. Stuelpnagel"

pg. 1092

line 2 "decode experiments was" "decode experiment was"

line 4 "it, and wasn't" "it, and it wasn't"

pg. 1093

line 10-11 between these lines the word "two" is floating around in the transcript

pg. 1094

line 13 "It was general" "There was general"

line 20 "and at a" "at a"

pg. 1095

line 22-24 is missing in the recording

line 25- pg. 1096 line 12 should be read by the voice of Barker, not Pantoni

pg. 1096

line 14 "I don't" to line 15 should be read by the voice of Barker, not Pantoni

pg. 1097

line 7 "You agree with" "You agreed with"

pg. 1098

line 16 "I helped" "I had helped"

pg. 1099

line 11 "Administrative assistant" "An administrative assistant"

line 20 "that poster" "the poster"

line 23 "experiment had been" "experiment that had been"

line 26 "was mislabeled vial" "was a mislabeled vial"

pg. 1100

line 24 "that's a flawed" "that it's a flawed"

pg. 1101

line 28 "at his manufacturing" "at its manufacturing"

pg. 1104

line 20 "separately, oligos" "separately, the oligos"

pg. 1105

line 8 "well as looking" "well by looking"

pg. 1108

line 13 "find out" "found out"

pg. 1109

line 20 "And were they any" "Were there any"

pg. 1110

line 5 "surprised on how" "surprised about how"

pg. 1111

line 7 "not form or" "not to form or"

pg. 1112

line 6 "would you" "will you"

line 20 "and testified as" "and testifies as"

pg. 1117

line 11 "is just now beginning" "is now just beginning"

line 25 "That's correct." is missing from the recording

pg. 1120

line 2 "Yes" is missing in the recording

line 5 "with John Stuelpnagel" "with Dr. Stuelpnagel"

line 10 "that would be the" "that would have been the"

line 11 "likely the" "likely to be the"

line 18 "in a fashion" "in the fashion"

pg. 1121

line 2 "Refresh your recollection that it was of" "So your recollection was that it was of"  
line 26 "Was concerned" "I was concerned"

pg. 1122

line 17 "wanted sometime, didn't" "wanted some time, didn't"

pg. 1123

line 10 "Is that" "Was that"

line 20 "yourself, talked about" "yourself, you talked about"

pg. 1125

line 22-23 is missing in the recording

line 27 after this line, lines 22-23 play in the recording

line 28-page 1126 line 1 should be read by the voice of Chee, not Pantoni

pg. 1126

line 27 "aspects contributed" "aspects were contributed"

pg. 1127

line 19 "of and not" "of or not"

pg. 1129

line 13 "conducted, from" "conducted, so, from"

pg. 1132

**line 6 "involved using" "involved"**

line 11 "So one point" "So at one point"

pg. 1135

line 14 "That's correct" "That is correct"

line 22 "up the Exhibit 275" "up Exhibit 275"

pg. 1137

line 8 "Does that refresh" "Does this refresh"

line 8 "recollection you found" "recollection that you found"



pg. 1139

line 3 "I didn't" "I did not"

line 28 "floor, trading" "floor, the trading"

pg. 1142

line 1 "per year" "a year"

pg. 1143

line 13 "with counsel?" "with you?"

line 15 is missing in the recording

pg. 1144

line 7-14 is missing in the recording

pg. 1146

line 8 "This is an" "This was an"

pg. 1147

line 23 and "Can I continue?" of line 24 are switched around in the recording

pg. 1149

line 13 "you have recall forbidding" "you recall forbidding"

pg. 1150

line 2 "16 bead --" "16 bead array of --"

pg. 1154

line 15 "Yes, I guess" "Yeah, I guess"

pg. 1155

line 11 "someone say it" "someone saying it"

line 21 "help remove any" "help you remove any"

pg. 1157

line 4 "the right to" "the rights to"  
line 26 "Okay. And let's" "And let's"

pg. 1158

line 3 "think it's" "I think it's"  
line 28 "Um, seemed" "Um, he seemed"

pg. 1159

line 8 "at the time" "at that time"  
line 13 "tell you that the" "tell you the"  
line 18 "more the company" "more about the company"  
line 24 "It's a bit of confusing term" "It's bit of a confusing term"  
line 25-26 "there was an idea he came up with that we call binary decoding." is missing in the recording

pg. 1162

line 16 "Okay. I think this" "I think this"  
line 26 "Dr. Czarnik really" "Dr. Czarnik, he really"

pg. 1163

line 12 "if you are discussing" "if you're discussing"

pg. 1164

line 3 "up at work" "up at my work"  
line 17 "It is at" "It's at"

pg. 1165

line 10 "status, has" "status, it has"  
line 22 "into --" "into the office, and --"

pg. 1166

line 2 "some later time" "some time later"  
line 5 "of factually stated" "of factly stated"  
line 7 "him to just" "him just"  
line 9 "recollection, he started" "recollection, was when he started"

line 26 "success of the" "success for the"

pg. 1167

line 2 "to -- We said" "to -- So we said"

pg. 1168

line 1 to "you get them in." of line 5 is missing in the recording

pg. 1169

line 22 "part of negotiation" "part of a negotiation"

pg. 1172

line 19 "I was given" "I was actually given"

line 25 "this is very" "this is a very"

pg. 1174

line 7 "And did he, to your knowledge?" "To your knowledge, did Dr. Czarnik--"

line 10 "To my knowledge, he didn't." "No, he didn't."

pg. 1175

line 10 "set, but can" "set, and can"

line 16 "fluorescent emission and" "fluorescent emissions and"

line 26 "they are being used" "they are used"

pg. 1176

line 14 "you are using" "you were using"

pg. 1177

**line 6 "Now we're --" "Now we're sup --"**

line 15 "into a fluorescence is a" "into fluorescence, which is a"

pg. 1179

line 7 "Let's me read" "Let me read"

pg. 1180

line 16 "notes that in his" "notes in his"

pg. 1182

line 8 "We weren't talking" "We were talking"

pg. 1186

line 24 "678 B-types" "678 bead types"

line 27 "first 678 decoding" "first 768 decoding"

pg. 1187

line 3 "first 678 decoding" "first 768 decoding"

pg. 1188

line 4 "had model 16" "had modelled 16"

line 25 "when did is that" "when did that"

pg. 1190

line 1 "read why your deposition" "read your deposition"

line 4 to "the same date" of line 7 is missing in the recording

pg. 1191

line 19 "that bead is" "the bead is"

pg. 1192

line 21 "lot of dye" "lot of the dye"

pg. 1193

line 21 "mislabeled dye, weren't" "mislabeled dyes, weren't"

line 25 "Well, reduced the" "Well, it reduced the"

pg. 1196

line 6 is missing except "went" in the recording

line 15 "Did you discuss" "You did discuss"

pg. 1197

line 17 "forwarded on a Powerpoint" "forwarded a Powerpoint"  
line 21 "a Illumina" "an Illumina"

pg. 1198

line 15 "it's two years" "it was two years"

pg. 1199

line 1 "you were" "were you"

pg. 1200

line 4 "didn't know --" "didn't know what --"

pg. 1202

line 5 "Bio formatics" "Our Bio formatics"  
line 23 "that was also" "that were also"  
line 24 "Although decoding" "Although the decoding"

pg. 1203

line 3 "I will come" "I'll come"  
line 9 "We have we had four" "We had four"

pg. 1204

line 14 "Begin this" "Let's begin this"

pg. 1205

line 4 "that could be accurately," is missing in the recording

pg. 1206

line 11 is missing in the recording  
line 13-14 "is again the memo that you drafted about the 768 decoding experiment, correct?" "is a memo you wrote, isn't that right?"

pg. 1208

line 14 "If in or about" "If or in about"

pg. 1209

line 12 "testimony,"-line 13 is missing in the recording  
line 20 "I'm somewhat what familiar" "I'm somewhat familiar"

pg. 1210

line 9 "Czarnik. She was" "Czarnik. He was"

pg. 1211

line 20 "working environments" "working environment"

pg. 1214

line 10 "was referring." "was referring to."

pg. 1215

line 26 "put it up on the" "put it on the"

pg. 1216

line 15 "then actually the" "then actually"

pg. 1217

line 9 "maybe we will get" "maybe we'll get"  
line 16 "said a November" "said in November"  
line 18 "stand there or" "stand here or"

pg. 1218

line 1 "colors is this" "colors in this"  
line 2 "It's upside down" "Hey, it's upside down"  
line 12 "maybe I will come" "maybe I'll come"  
line 17 "Hibridization is" "Hybridization is"

pg. 1221

line 2 "we are" "we're"

pg. 1222

line 1 "They are" "They're"

pg. 1223

line 4 "here we combining" "here we were combining"

line 26 "We will" "We'll"

line 27 "Plate one..." to 28 "...daughter plates." is repeated in the recording

pg. 1224

line 10 "on the 16 decode" "on the decode"

pg. 1225

line 5 "you refer to" "you referred to"

pg. 1226

line 11 "in A certain" "in a certain"

pg. 1229

line 27-28 "He is" "He's"

pg. 1230

line 4 "Mr. Pantoni, questions?" "Thank you, redirect."

line 12 "Do you ever" "Did you ever"

line 14 "examined, you about" "examined you, about"

line 18 "know that the trade name that" "know what the trade name was that"

line 28 "Have you use heard" "Have you heard"

pg. 1232

line 9 "dye, lot what" "dye lot, what"

pg. 1233

line 5 "of die were" "of dye were"

pg. 1233

line 26 "pooling so forth" "pooling and so forth"

pg. 1237

line 25-26 between these lines, the voice of The Court says "Overruled." in the recording

pg. 1238

line 7-8 between these lines, the voice of The Court says "Anything further?" in the recording

pg. 1238

line 24-25 "referring to 'they'" "referring to as 'they'"

pg. 1239

line 15-16 should be read by the voice of Pantoni, not by the voice of Espinosa

line 20 should be read by the voice of Pantoni, not by the voice of Espinosa

lines 24 and 25 are switched in the recording

pg. 1240

line 6 "recess. We will be" "recess. We'll be"

line 9 "We will be" "We'll be"

pg. 1241

line 5 is missing in the recording

pg. 1242

line 5 from page 1241 plays at this point

line 10-12 are missing in the recording

pg. 1243

line 3 "What was your" "Was that your"

pg. 1244

line 7 "office is John" "office was John"

line 11 "There is a" "There was a"

pg. 1245



line 2 "It depends" "That depends"  
line 7 "at that time" "at the time"  
line 27 "you supervised him" "you were supervised by him"

pg. 1246

line 22 "manager has to be" "manager has got to be"

pg. 1247

line 17-18 is missing in the recording

pg. 1248

line 9 "you are" "you're"

pg. 1249

line 17 "sort of the presentation" "sort of presentation"

pg. 1250

line 8 "Goal was" "The goal was"

pg. 1260

line 7 "Okay. Now, what was" "Now, what was"

pg. 1262

line 13 "at that time" "at the time"  
line 14 "come around to me and say" "come around and say to me"  
line 27 "What did you do" "What did you have to do"  
line 28 "amount you have" "amount of work you have"

pg. 1263

line 6 "we need to" "we needed to"  
line 13 "what we want to do" "what we wanted to do"  
line 14 "at that time" "the time"  
line 19 "There were only" "There are only"  
line 26 "a little about" "a little bit about"

pg. 1264

line 1 "Stuelpnagel of trying" "Stuelpnagel trying"  
line 6-8 is missing in the recording  
line 19 "what each group, each group was" "what each group was"

pg. 1265

line 8 "Absolutely. At that time" "At that time"

pg. 1267

line 12 "his essentially efficiency" "his essential efficiency"  
line 24-25 "at that time" "at the time"

pg. 1269

line 10-11 "and Tony. Tony showed me" "and Tony showed me"  
line 21 "She currently" "She's currently"

pg. 1271

line 25 "that oversee what's" "that oversees what's"  
line 27 "what you do is you create" "what you do is create"  
pg. 1272

line 6 "It's very hard" "Very hard"  
line 13 "is week before" "is a week before"

pg. 1274

line 10 "So she's been" "She's been"  
line 23 "why aren't we working" "why we aren't working"

pg. 1275

line 8 "Going-away card" "A going-away card"

pg. 1281

line 4 "date of departure of Dr." "date of departure Dr."

pg. 1282

line 7 "yourselves, with anyone" "yourselves, or with anyone"

pg. 1283

line 1-3 are missing in the recording  
line 12 "It Dr." "It's Dr."

pg. 1287

line 5 "where scientist from" "where scientists from"  
line 13-14 "where scientist from" "where scientists from"  
line 19 "issues in the" "issues with the"

pg. 1288

line 5 "it's hard to me to remember" "it's hard to remember"

pg. 1290

line 8 "received for a company" "received from a company"

pg. 1291

line 17-18 "terms of hands-off" "terms of a hands-off"

pg. 1294

line 25 "This had be" "This had to be"

pg. 1295

line 23 "Is this 4855" "Is that 4855"  
Line 24-25 should be read by Espinosa, not Dickinson

pg. 1296

line 15 "you have" "you've"

pg. 1297

line 4 "those personal" "those are personal"  
line 11-12 "and he would" "and he'd"

pg. 1299

line 1 "fair it say this was" "fair to say that this was"  
line 6 "and came" "and it came"  
line 13 "It was a shock." "Yeah."

pg. 1300

line 15 "displeasure of being" "displeasure at being"  
line 26 "put one more" "put up one more"

pg. 1301

line 22 "draft of the prospectus" "draft of that prospectus"

pg. 1302

line 9 "to you in anyway" "to you in any way"  
line 15 "And your experience" "And so in your experience"  
line 15 "employees the Illumina" "employees at Illumina"

pg. 1303

line 24 "but looks like" "but it looks like"

pg. 1304

line 4 "They might have" "There might have"  
line 20 "there being discussion" "there being a discussion"

pg. 1305

line 12 in the recording is peculiar... don't really know how else to put it

pg. 1308

line 13 "You are" "You're"

pg. 1309

line 4 "plans to Mr." "plans for Mr."

pg. 1310

line 21 "Is Mr. Kermani" "Is it Mr. Kermani"

pg. 1312

line 3 "the images would" "the image would"

pg. 1313

line 17 "in size so we" "in size we"

pg. 1314

line 20 "I did do some" "I did some"

pg. 1315

line 8 "quality never be" "quality can never be"

line 27 "Probably do" "I probably do"

pg. 1316

line 25 "if anybody has" "if anyone has"

pg. 1317

line 11 "cores, and we between" "cores, and between"

pg. 1318

line 6 "There a more" "There's a more"

pg. 1319

line 1 "I do not know" "I don't know"

pg. 1320

line 12 "what was used" "that was used"

pg. 1321

line 6 "It doesn't quite" "Doesn't quite"

line 10 "sense, to be two" "sense, it would be to do two"

line 25 "be possibly to" "be possible to"

pg. 1325

line 1 “everything did was” “everything done was”  
line 25 “You might want” “You may want”

pg. 1326

line 24 “you’ve held” “you’ve had”

pg. 1327

line 4 “responsible developing” “responsible for developing”

pg. 1328

line 2 “In a way in his” “In a way his”

pg. 1329

line 27 “exactly wavelength” “exactly what wavelength”

pg. 1330

line 13 “doing type of” “doing the type of”  
line 27 “exactly wavelength” “exactly what wavelength”

pg. 1331

line 20 “It’s definitely” “It definitely”

pg. 1332

line 19 “Probes, the vendor, right?” “Dynamics?”

pg. 1337

line 9 “So would it be” “So it would be”

pg. 1338

line 23 “for a initial” “for the initial”

pg. 1340

line 1 “you learned that the” “you learned the”

pg. 1341

line 4-5 is missing in the recording

pg. 1342

line 4 I believe "CFO" is a typo, but I might be mistaken (it also occurs in the recording)

line 10 "were Big 6" "were the Big 6"

pg. 1343

line 10 "Oh, I started" "I started"

pg. 1344

line 3 "Do you remember" "You remember"

line 7 "ever the need" "ever have the need"

line 20 "walk through there" "walk right through there"

line 23 "say these were" "say there were"

pg. 1345

line 14 "when you are in" "when you're in"

pg. 1346

line 11 "Czarnik was the" "Czarnik who was the"

pg. 1347

line 1 "applications as between" "applications between"

line 4 "process, I did" "process, and I did"

line 9 "get it in to" "get in it to"

line 11 "me very last" "to me the very last"

line 13 "work on and" "work on it and"

pg. 1348

line 1 "revenue to the" "revenue for the"

pg. 1349

line 8 "time for those" "time of those"

pg. 1350

line 3 "flash, what" "flash was, what"  
line 6 "this to one" "this to anyone"  
line 19 "I basically had" "basically I had"  
line 21 "see the big" "see into the big"

pg. 1351

line 6 "it looked--" "it looked like--"  
line 8 "and looked like" "and he looked like"

pg. 1352

line 13 "ethic interact with your" "ethic affect your"

pg. 1353

line 16 "Let put up" "Let's put up"  
line 16 "I'm sorry 343" "I'm sorry, 343"  
line 25 "been on at" "been there at"

pg. 1354

line 5 "proofs, at which they" "proofs, which they"  
line 6 "which one we liked" "which ones they liked"  
line 14 "by professional" "by a professional"

pg. 1355

line 11 "There's Exchange Rule Act of 1933 act" "There's the Exchange Rule of 1933 act"

pg. 1356

line 23 "but that was" "but it was"  
line 25 "you say that was" "you say was"

pg. 1357

line 9 "Is the door" "Is this the door"  
line 18 "Let me" "Well, let me"

pg. 1358



line 12 “stay?” “say?”

pg. 1359

line 7 “process is the” “process was the”

line 10 “actually friend with” “actually friends with”

line 15 “A long time” “A very long time”

line 18 “at in maybe” “at maybe”

pg. 1360

line 2 “somewhere about 50,000” “somewhere around 50,000”

pg. 1363

line 6 “Miss Brick, you testified” “You testified”

line 26 “disregard the last” “disregard that last”

pg. 1364

line 10 “hope this doesn’t” “hope it doesn’t”

line 14 “case among” “case amongst”

pg. 1377

line 3 “now, unless” “now, uh, unless”

Pg. 1384

line 19 “Jay Thomas Flatley” “Jay Flatley”

pg. 1385

line 1 before this line, the voice of Flatley says “1385”

pg. 1386

line 28 “had no preconceptions” “had preconceptions”

pg. 1387

line 18 “who you are” “who you were”

pg. 1389

line 9 "charter I have" "charter I had"

pg. 1390

line 17 is missing in the recording

pg. 1391

line 10 "were very small" "were a very small"

pg. 1392

line 20 "introduce new CEO" "introduce me new CEO"

pg. 1396

line 12 "at beginning" "at the beginning"

pg. 1397

line 13-14 "distinction that perhaps" "distinction that perhaps"

line 15 "recall having a lunch" "recall having lunch"

pg. 1399

line 13 "96 is a copy of" "96 a copy of"

pg. 1400

line 9 "member to the board" "member of the board"

line 17 "might be help helpful" "might be helpful"

line 21 "run a research" "run the research"

line 22 "pharmaceutical company" "a pharmaceutical company"

pg. 1403

line 16 "presentation, the best" "presentation, to the best"

pg. 1404

line 12 "data in the" "data on the"

pg. 1405

line 14 "you said I" "you say I"

line 24 "You he" "So he"

pg. 1407

line 24-25 "January of 2000" "January 25th of 2000"

pg. 1408

line 17 "included in the" "included this in the"

pg. 1410

line 21 "had kind of had that" "had kind of made that"

pg. 1411

line 11 "thought he still could be" "thought he could still be"

line 27 "February 7 of 1999" "February 7 of 2000"

pg. 1412

line 13 "did he say" "did you say"

line 22 "was a half a day" "was a half day"

pg. 1416

line 1 "a hypothetically question" "a hypothetical question"

line 27-28 "Exhibit 164. Mr." "Exhibit 164 Mr."

pg. 1417

line 18 "discriminated on" "discriminated against on"

pg. 1418

line 7 "to be e-mail" "to be an e-mail"

line 11 "This e-mail" "In this e-mail"

pg. 1419

line 14 "on this date that Tony" "on this date Tony"

line 25 "That would be an" "That would have been an"

pg. 1420

line 5 "that the DFEH" "from the DFEH"  
line 15 "that Dr. Czarnik" "that Mr. Czarnik"  
line 23 "up on the screen" "up on screen"

pg. 1421

line 22 "stop and you move to" "stop you and move to"

pg. 1423

line 7 "you theorized it" "you authorized it"

pg. 1425

line 5 "recall that some" "recall that at some"  
line 22 "Let's talk" "Okay. Let's talk"

pg. 1429

line 7 "Stuelpnagel has some" "Stuelpnagel had some"  
line 21 "that was related to" "that related to"

pg. 1431

line 14 "had an historical" "had a historical"  
line 27 "Dr. Czarnik prior" "Dr. Czarnik's prior"

pg. 1433

line 6 "believe they had" "believe that they had"  
line 21 "at meeting, 11?" "at meeting?"

pg. 1434

line 26 "I had that" "If I had that"

pg. 1435

line 21 "at that point" "in that point"  
line 28-pg. 1436 line 1 "experiment decoding experiment" "decoding experiment"

pg. 1437

line 1 "2 to 300" "2 and 300"

line 21 "as of May of 2000" "as of May 2000"

line 26 "on a subject" "on the subject"

pg. 1438

line 25 "had even gotten" "had ever gotten"

pg. 1439

line 4 "I didn't at" "I didn't have at"

line 19 "you did see it?" "did you see it?"

pg. 1440

line 6 "Is called" "It's called"

line 22 "it was who had final authority," is missing in the recording

pg. 1441

line 6 "Illumina that the from" "Illumina from"

line 28 "Dr. Czarnik" "Tony Czarnik"

pg. 1442

line 14 "Since he'd worked" "Since he had worked"

line 23 "going to go on the" "going to the"

pg. 1443

line 4 "recognize Exhibits 153" "recognize Exhibit 153"

line 9 "and executives officers" "and executive officers"

pg. 1444

line 12 "draft S1" "draft of S1"

line 21 "Chee described" "Chee is described"

line 22 "Czarnik described" "Czarnik is described"

line 23 "helped found" "having helped found"

line 25 "Stuelpnagel and" "Stuelpnagel's and"

pg. 1445

line 21 "By do I recognize" "I do recognize"

pg. 1446

line 17 "being Illumina lawyers" "being Illumina's lawyers"  
line 20 "at least this" "at least by this"

pg. 1447

line 17 "to pull all" "to pool all"

pg. 1448

line 14 "e-mail some point" "e-mail at some point"  
line 19 "first through lines" "first few lines"  
line 26 "It was a" "There was a"

pg. 1450

line 5 "have you" "haven't you"

pg. 1452

line 8 "material, what you" "material, and what you"

pg. 1453

line 6 "We moved" "We've moved"

pg. 1455

line 12 "and the fact" "and that fact"  
line 28 "What was the date" "Was that the date"

pg. 1458

line 5 "Let's me read" "Let me read"

pg. 1459

line 2 is missing in the recording  
line 9 "This was her" "This was for her"

pg. 1461

line 12-13 "There were the warning memos" "There were warning memos"

line 15 "that relate to" "that related to"

line 21 "claim on some point" "claim at some point"

pg. 1462

line 4 "Come back" "We'll come back"

line 19 "at the time" "at that time"

line 25 "This would be" "Your Honor, this would be"

line 28 "express opinion about" "express opinions about"

pg. 1463

line 21-22 "within half an hour" "within a half hour"

pg. 1464

line 17 "think it's called" "think that's called"

pg. 1465

line 15 "couple occasions" "couple of occasions"

pg. 1466

line 16 "I say I" "I'd say I"

pg. 1469

line 22 "Those are choices" "Those are the choices"

line 26 "Statement to" "Statements to"

pg. 1470

line 1 "made statement to" "made statements to"

pg. 1471

line 12 "You don't contradict your" "You're not contradicting your"

line 13 "read, do you?" "read, are you?"

pg. 1472

line 1 "termination to Dr." "termination of Dr."

pg. 1473

line 5 "reached mutual" "reached a mutual"

line 8 "was in May 2000" "was May of 2000"

line 9 "sir, are you the" "sir, you are the"

line 17 "fully vested in" "fully invested in"

pg. 1475

line 25 should be read by the voice of Flatley, not by the voice of Kearns

pg. 1477

line 13 "documented to do" "documented had to do"

line 22 "because there are" "because there was... because there are"

pg. 1478

line 7 "Then went to" "Then I went to"

line 10 "I then worked for" "Then I worked-- Then I worked for"

line 10 "years for Manning" "years with Manning"

pg. 1479

line 25 "the type technology" "the type of technology"

pg. 1483

line 2 "for somebody in" "for someone in"

pg. 1484

line 16 is missing in the recording

line 20 "was noble gesture" "was a noble gesture"

pg. 1485

line 21 "Lebl was also" "Lebl were also"

line 25 "Pull this a little" "Pull this up a little"



pg. 1486

line 18 "Let put up" "Let's put up"

pg. 1488

line 3 "Not at all" "None at all"

line 21 "with a sense" "with was a sense"

line 22 "was that Dr." "that Dr."

line 24 "views how to" "views on how to"

pg. 1492

line 18 "to -- for me to" "to -- to help me"

line 27 "plan just like" "plan was just like"

pg. 1493

line 23 "was expecting" "were you expecting"

pg. 1494

line 12 "fact there had" "fact that there had"

pg. 1496

line 177 "start that next" "start the next"

pg. 1498

line 13 "think it is going" "think it's going"

line 22 "It will be" "It'll be"

pg. 1499

line 19 "that that very" "took that very"

pg. 1500

line 22 "me they had" "me that they had"

line 28 "well e-mail form where" "well as an e-mail from him where"

pg. 1501

line 1 "had each of" "each of"

pg. 1504

line 26 "needed as public" "needed as a public"

pg. 1505

line 9 "allows us" "allow us"

pg. 1508

line 5 "role, including not" "role, included not"

line 24 "I did for the believe" "I didn't believe"

pg. 1509

line 9 "in light the" "in light of the"

line 15 "and that really he loved" "and that he really loved"

pg. 1510

line 16 "had couple of" "had a couple of"

line 20 "thinking, buildings business" "thinking, building business"

line 28 "are the areas of my concern" "are my areas of concern"

pg. 1511

line 17 "the Daley's dinner" "the dinner"

pg. 1512

line 5 "go in to people" "go to people"

pg. 1516

line 4 "How him am" "How am"

line 10 "Was it" "What was it"

pg. 1518

line 18 "Flatley, you as of" "Flatley, as of"

pg. 1520

line 21 “under very tight” “under a very tight”

pg. 1521

line 22 “Now let focus” “Now let’s focus”

pg. 1522

line 20 “fellow rule. I” “fellow role. I”

line 22 “he could contribute” “he would contribute”

pg. 1523

line 5 “company, the one” “company, on the one”

pg. 1525

line 18 “is it gives them” “is to give them”

pg. 1526

line 16-17 “to take vacation” “to take a vacation”

line 20 “is about available” “is about being available”

pg. 1527

line 8 “think we’d had” “think we had”

line 17 “exactly what.” “exactly what I did.”

line 26 “employees terminated” “employees are terminated”

line 27 “for somebody” “for someone”

pg. 1528

line 6-7 “companies don’t usually offer” “companies usually don’t offer”

pg. 1530

line 22 “left him e-mail” “left him an e-mail”

pg. 1531

line 3 “message if which” “message in which”

pg. 1534

line 2 "Is the is this the" "Is this the"  
line 3 "believe he spoke with" "believe he'd spoken with"  
line 7 "It was that date or --" is missing in the recording

pg. 1535

line 14 "You recognize" "Okay, um, you recognize"

pg. 1539

line 22 "at -- that this" "at -- at this"  
line 23 "involvement, is that that Tony" "involvement, that Tony"

pg. 1540

line 22 "to his change" "to the change"

pg. 1541

line 28 "of medical" "of a medical"

pg. 1542

line 2 "you view it" "you could view it"  
line 15 "that's the really context" "that's really the context"  
line 28 "virtually only" "virtually the only"

pg. 1544

line 11 "had in all all the" "had in all the"  
line 17 "bit much, but" "bit, but"

pg. 1545

line 3 "how on image" " how to image"

pg. 1546

line 10-11 "position that" "position is that"

pg. 1547

line 4 "we anticipated" "we were anticipating"  
line 7 "reach agreement" "reach an agreement"

pg. 1550

line 11-12 between these lines the voice of Flately says "Correct."

pg. 1551

line 23-24 "set of the goals" "set of goals"

pg. 1552

line 2 "meet deliverables" "me the deliverables"  
line 19 "had sometime to" "had some time to"

pg. 1553

line 15 "headers, so I" "headers, I"

pg. 1556

line 14 "investors differential information" "investors different information"

pg. 1558

line 6 "after you came back" "after I came back"  
line 18 "expression to you" "express to you"

pg. 1560

line 3 "was questioning" "was some questioning"  
line 11-12 "he verified" "he had verified"  
line 14-15 "goals, a grant" "goals, grant"

pg. 1561

line 21 "you perceived" "you received"

pg. 1562

line 19 "There no" "There were no"

pg. 1564

line 10 "toward his" "towards his"

pg. 1566

line 8 "Few questions" "A few questions"

line 9 "when started" "when you started"

line 23 "he was a chief" "he was chief"

pg. 1567

line 21 "did at CSO" "did as CSO"

pg. 1568

line 1 is missing in the recording

pg. 1570

line 17 "and wordsmithed it" "and wordsmithing it"

line 20 "in anyway, and" "in any way, and"

pg. 1571

line 22-23 between these lines, the voice of Flatley says "Yes."

pg. 1572

line 1 "Yes." "No."

pg. 1573

line 7 "for closing" "for the closing"

line 12 "case among yourselves" "case amongst yourselves"

pg. 1591

line 18 "you first were hired" "you were first hired"

pg. 1592

line 3 "March of 2000" "Ma-- March of 2000"

pg. 1593

line 21 "What was the" "Was that the"

pg. 1597

line 7-8 is repeated in the recording (the second time: line 8 "all the" "all of the")

line 19 "mentioned that Tony's" "mentioned Tony's"

line 27 "Czarnik had an" "Czarnik had a"

pg. 1599

line 12 "I believe" "Um, I believe"

line 12 "so could" "so can"

line 17 "you put the" "you put up the"

line 18 "They seem they" "They seem like they"

line 20 "this was talking about" "this was about"

line 20-21 "and taking shot" "and him taking a shot"

line 24 "to 106" "to Exhibit 106"

line 1600

line 1 "respect Jay" "respect to Jay"

line 5 "I don't know" "Don't know"

pg. 1602

line 15 "depended upon his" "depended on his"

pg. 1603

line 21 "they -- they've" "they've -- they -- they've"

pg. 1604

line 18 "I forwarded it" "I did forward it"

pg. 1606

line 26 "I don't usually" "I don't-- I don't usually"

pg. 1607

line 2 "you told not to" "you not told to"

pg. 1608

line 6 "And at the" "At the"

line 19 "One more time" is read by the voice of Pantoni, while the transcript shows Flamino saying it

pg. 1610

line 18-20 is missing in the recording

pg. 1611

line 28 "to Dr. Flatley" "to Mr. Flatley"

pg. 1612

line 28 "been performed by" "been informed by"

pg. 1613

line 25 "Did you have" "Do you have"

pg. 1614

line 6 "knew they were" "knew is that they were"

line 8-13 is missing in the recording

line 16 "in anyway" "in any way"

pg. 1615

line 5 "everything that I" "everything I"

line 11 "Took me" "It took me"

line 20 "Then also I have" "Then I also have"

pg. 1616

line 6 "have an opportunity" "have any opportunity"

pg. 1617

line 13 "coughing and" "coughing or"

pg. 1617



line 24 "everybody to take" "everyone to take"

pg. 1618

line 18 "and to get you going" "and to help get us going"

pg. 1619

line 8 "I'm not sure if you are" "I'm not sure if you're-- I'm not sure if you are"

line 14 "It was, you know" "You know"

line 15 "immediately printed" "immediately I printed"

pg. 1620

line 1 "dead silence" "dead silent"

line 12 "from beginning" "from the beginning"

line 22 "used to be" "used to be in"

pg. 1621

line 2 "Can I say" "Can I say, am I allowed to s-- can I say"

pg. 1623

line 1 "So your own" "So from your own"

line 9 "there have been" "there has been"

line 16 "so sign your" "so signing your"

pg. 1624

line 3 "came and got" "came out and got"

line 6 "it's the middle" "it's in the middle"

line 6 "and enough so" "and he was in there long enough so"

line 10 "have even taken two" "have taken even two"

line 15 "mentioned photographer" "mentioned a photographer"

pg. 1625

line 13-23 after line 12, it skips to line 18-19, then goes back to line 14-17; after that, it skips back to line 13, then it skips to line 20 in the recording

line 22 "brought up an issue" "brought up at an issue"

pg. 1626

line 3 "that he started" "he started"  
line 6 "putting on Tony" "putting on the Tony"  
line 7 "new persons that" "new people that"

pg. 1627

line 21 "Flatley to Tony Czarnik. You've" "Flatley. You've"  
line 28 "verbalizing Dr." "verbalizing to Dr."

pg. 1628

line 12 "termination with a senior" "termination where a senior"

pg. 1629

line 24 "Of the information" "As for the information"  
line 26 "understand how you" "understand what you"

pg. 1630

line 16 "into those discussions" "into these discussions"

pg. 1631

line 12 "have an outside" "have engaged an outside"  
line 13 "you never were" "you were never"  
line 17 "you mention that" "you mentioning that"

pg. 1632

line 5 "not all CSO" "not all the CSO"  
line 28 "activity like" "activities like"

pg. 1633

line 21 "on a session of" "on sessions of"

pg. 1635

line 12 "want a business" "want my business"  
line 22 "initial challenges was" "initial challenges were"  
line 23 "Essentially program" "Initially program"  
line 26 "some outside" "some other outside"

pg. 1636

line 1 "and many others that the job can be done" "and many other jobs that needed to be done"  
line 9 "the process of" "the product of"  
line 16 "bright part would" "bright part that would"  
line 17 "would either" "that would either"  
line 21-22 "to take multiple" "to take the multiple"  
line 24 "the absence of" "the absent of"  
line 25 "it will just mean" "it just would mean"  
line 27 "problem of doing" "problem with doing"

pg. 1637

line 1-2 "there was always some" "there would always be some"  
line 10 "that place in" "that place is in"  
line 16 "in a particular" "a particular"  
line 17 "What bead lights up" "What beads light up"  
line 22 "when we moved" "when I moved"  
line 23 "we started" "we began"  
line 25 "it still was open" "it was still open"

pg. 1638

line 6 "but few" "but a few"  
line 12 "you both were" "you were both"

pg. 1639

line 13 "just would take off" "just be taking off"  
line 25 "confide to me" "confided to me"  
line 27 "thing that comes to" "thing comes to"  
line 27 "was we could" "was what we could"

pg. 1640

line 2 "Actually it pertains" "Especially pertains"  
line 3 "you only use" "you use only"  
line 14 "with -- the start-up" "with -- you know, the start-up"  
line 19 "there, I only" "there, so I only"  
line 22 "what's the name" "what's her name"

pg. 1641

line 9 "recall meeting" "recall a meeting"

line 23 "we will be able to do" "we were able to do"  
line 24 "was a meeting" "was this meeting"

pg. 1642

line 1 "with feel -- By" "with a feeling... By"  
line 8 "people that said" "people who said"

pg. 1643

line 2 "This is this document" "This -- has this document"  
line 10 "ask you a about" "ask you about"

pg. 1644

line 8 "have personal" "have any personal"  
line 6 "a light white camera" "a white light camera"  
line 27 "took a program" "you took a program"

pg. 1645

line 11 "on the boundary" "on the bound"  
line 24 "look in the" "look at the"  
line 26 "see kind of a cloud" "kind of see a kind of cloud"  
line 27 "focus on each one" "focus on one"

pg. 1646

line 1 "applied in a" "applied to a"  
line 14 "somebody else" "someone else"  
line 28 "Only the one he" "The only one he"

pg. 1647

line 3 "There was a" "It was a"  
line 5 "where the issue" "where there was the issue"  
line 17 "Okay. Are you" "Are you"  
line 21 "and all kind" "and with all kind"

pg. 1649

line 16 "images I'd seen" "images I've seen"

pg. 1650

line 15 "at that time" "at the time"  
line 16 "was able to" "I was able to"  
line 20 "whatever where" "whoever where"

pg. 1651

line 25 "one that was" "one who was"

pg. 1652

line 5 "we get 64" "we get to 64"  
line 7 "know there are" "know that there are"  
line 8 "let's alone three and four, whatever" "let alone three or four or whatever"  
line 9 "very methological" "very methodical"  
line 12 "would all support" "would also support"  
line 13 "meeting with them" "meetings with them"

pg. 1653

line 5 "had to bead" "had two bead"  
line 9 "to be rocket" "to be a rocket"  
line 12 "would look if" "would look as if"  
line 14 "appear to be" "appearing to be"

pg. 1654

line 11 "J-i-a-n, B-i-n-g" "Jian Bing. J-i-a-n, B-i-n-g"  
line 22 "I start working" "I started working"

pg. 1655

line 10 "And are you still" "Are you still"  
line 20 "working on very" "working on a very"  
line 22 "I mean" "well, I mean"

pg. 1656

line 5 "to what testing" "to a testing"  
line 6 "or not show up and to test." "or not show up."  
line 17 "which is instead put some kind of" "which instead puts some kinds of"  
line 19 "specific part of it, of patient sample" "specific part of the patient sample"  
line 22 "call the top-down" "call it the top-down"

line 27-pg. 1657 line 3 is read by the voice of Fan in the recording, not by the voice of Pantoni (it is also adapted to fit his dialogue in the recording)

pg. 1657

line 1 "but we just" "so we just"

line 6 "after enrich the" "after that, you enrich the"

line 19 "beginning of the" "beginning of"

line 23 "of her time." "of her time on it."

pg. 1658

line 5 "later on, as I say, we were, when we" "later on, when we"

line 7 "So we have, like I said," "So like I said,"

line 8 "take hybrid one" "take the hybrid one"

line 10 "many, sample" "many samples"

line 17 is missing in the recording

pg. 1659

line 1 "we put this" "we did this"

line 2 "of effort on it" "of work into it"

line 9 "can the notebook" "can look at the notebook"

line 13 "that is the" "that's the"

pg. 1660

line 8 "platform work better" "platform works better"

line 8 "know, at least" "know, have least"

line 10 "find kind of like, you know, make" "find how to make"

line 11 "we decide at" "we decided at"

line 12 "effort on that" "effort into that"

line 18 "Let take" "Let's take"

pg. 1661

line 7 "the target-down" "a target-down"

line 16 "take sometime" "take some time"

line 18 "scientist name" "scientist named"

line 23 "further." "further, your Honor."

pg. 1662

line 9 "C-h-a Z-h-a-o" "C-h-a-n-f-e-n-g"

pg. 1663

line 22 "Miss Zhao," "Miss,"

pg. 1664

line 14 "Let take" "Let's take"

line 16 "he was research" "he was a research"

pg. 1665

line 1 "thousands bead" "thousands of bead"

line 7 "Czarnik become" "Czarnik became"

line 13 "There's no" "There is no"

line 21 "I'll objection, vague." "I'll object, vague."

line 26 "thousand bead types" "thousands of bead types"

pg. 1666

line 4 "type she made" "type she had made"

pg. 1677

line 3 "Yes, appears from" "Yes, it appears from"

line 3 "spectrum appears one" "spectrum, it appears one"

line 18 "of mixed four labels" "of there being four mixed labels"

pg. 1678

line 4 "So were you taking" "So you were taking"

line 7 "in anyway after" "in any way after"

line 11 "scientist that" "scientists that"

line 18 "you recall receiving" "you remember receiving"

line 22 "they are properly" "they were properly"

pg. 1679

line 27 "data that you were" "data you were"

pg. 1681

line 3 "particularly were referring" "particularly this was referring"

line 26 "were you any" "were you in any"

pg. 1682

line 12 "That's correct" "That is correct"

pg. 1684

line 21 "lottery ticket and" "lottery tickets and"

pg. 1685

line 1-2 "bars that the picture" "bars on that picture"

line 14 "Go ahead." "Go ahe--"

pg. 1686

line 26 "these are the" "these were the"

pg. 1687

line 12 "perfectly sort of all red" "perfectly all red"

pg. 1689

line 14 "net" should be "set in the transcript and the recording

line 14 "The initial" "In the initial"

line 18 "And keep in mind" "Keep in mind"

line 25 "were impossible?" "were -- "

pg. 1690

line 3 "there was a mix-up in the dyes" is missing in the recording

line 17-18 "but I was overall responsible" "but overall I was responsible"

line 21 "Bierle, Mr. Bierle" "Bierle, or Mr. Bierle"

pg. 1691

line 6 "Okay. What does that" "What does that"

pg. 1692

line 2 "We already" "We've already"

line 5 "had been" "that had been"



pg. 1695

line 21 “paraphrase to statement” “paraphrase of a statement”

pg. 1696

line 17 “that book a book entitled” “that book entitled”

pg. 1697

line 27 “was with six” “was with my six”

pg. 1698

line 7 “so you be happy” “so seems unhappy”

line 8 “self-worth totally” “self-worth is totally”

pg. 1701

line 13 “Stop there.” is missing in the recording

pg. 1702

line 22 “implication I was” “implication that I was”

line 27 “Is that your” “So, is that your”

pg. 1703

line 26 “and successfully hard” is missing in the recording

pg. 1704

line 8 “note from” “notes from”

pg. 1706

line 5 “that is that is what is” “that is what is”

pg. 1707

line 28 “is turned” “has turned”

pg. 1714

line 13 "down to next" "down to the next"

pg. 1715

line 6 "are listing the" "are missing the"

line 12 "let's me ask" "let me ask"

pg. 1716

line 3-4 "statement to which" "statement which"

line 11 "Thank you. Nothing further" "Nothing further"

pg. 1717

line 5 "some point this" "some point around this"

pg. 1719

line 2 "ask me again" "ask me that again"

pg. 1722

line 5 "some more severe and some less" "some are more severe and some are less"

line 24 "read from my" "read it from my"

line 27 "saying it a clear" "saying it, there's a clear"

line 28 "It feels if" "It feels as if"

pg. 1723

line 1 "That's it." "That'll be fine."

pg. 1724

line 19 "All kind of" "All kinds of"

line 23 "that virtually" "that at virtually"

pg. 1726

line 4 this is read by the voice of Kearns in the recording, while the transcript reads Pantoni

pg. 1727

line 13 "I probably should say" "I should probably say"

pg. 1728

line 3 "I have done" "I've done"

pg. 1731

line 8 "which part of" "which is part of"

line 16 "I'm calling relates to" "I'm calling -- it relates to"

pg. 1732

line 8 "and third block" "and the third block"

line 11 "This relate to" "This relates to"

pg. 1735

line 1 "That's a time" "That is a time"

pg. 1736

line 24-25 "since last time" "since the last time"

pg. 1738

line 1 "dividends are paid" "dividends that are paid"

pg. 1739

line 19 "of companies" "of the companies"

pg. 1742

line 6 "but now we sit" "but we now sit"

pg. 1743

line 23 "reason that I used" "reason I used"

pg. 1744

line 20 "car, if I steal" "car, if I, if I steal"

pg. 1745

line 15 "damages, economics damages" "damages, economic damages"

pg. 1746

line 2 is missing from the recording

line 3 should be read by the voice of Kearns, not by the voice of Pantoni

pg. 1748

line 19 "in anyway ask" "in any way ask"

line 26 "value of the new" "value of the"

pg. 1750

line 1 "226,000 left" "226,000 are left"

line 15 "this is it is second" "this is the second"

pg. 1752

line 8 "also sold us" "also told us"

line 24 "were the" "were they"

pg. 1753

line 2 "I'm sure they are not. It's not" "It's, it's not"

pg. 1754

line 18 "we sit today" "we sit here today"

pg. 1756

line 20 "Scenario 1" "In Scenario 1"

pg. 1767

line 18-19 "State your full name, please, spelling your last name." "Would you please state your full name and spell your last name for the record."

pg. 1768

line 13 "describe career" "describe my career"

pg. 1769

line 5 "at that time" "at the time"  
line 9 "windows was" "windows were"  
line 12 "and his --" "is missing in the recording"

pg. 1770

line 27 "has include in" "has included in"

pg. 1771

line 8 "can put that" "could put that"

pg. 1772

line 2 "anyway inconsistent" "any way inconsistent"

pg. 1778

line 21 "or another" "or the other"  
line 25 "measure the" "measure of the"

pg. 1780

line 27 "date, grant amount" "date, the grant amount"

pg. 1781

line 1 "shares was in June" "shares was June"  
line 14-15 "until last day" "until the last day"

pg. 1782

line 3 "have accumulate at" "have accumulated at"  
line 8 "him release prior to his employment" "him prior to his release from employment"

pg. 1785

line 20 "things that he needs" "things he needs"  
line 22 "Comes back" "It comes back"

pg. 1786

line 23 "mentioned with" "mentioned it with"

pg. 1787

line 7 "to value" "to value a"

line 20 "think it was appropriate to do so" "think that was appropriate to do as well"

pg. 1788

line 20-21 "and that that date" "and that date"

pg. 1789

line 19 "whether a" "is whether a"

line 22 "there this would" "there that would"

pg. 1790

line 27 "So it is first" "So the first"

pg. 1791

line 10 "of it says" is missing in the recording

pg. 1792

line 16 "you inspect preparing" "you in preparing"

line 17 "Asking you" "In asking you"

line 27 ", A," is missing in the recording

pg. 1796

line 9 "in the case" "in this case"

line 9 "resist the urge" "resist that urge"

line 25-26 "It will take" "It'll take"

pg. 1797

line 19 "of sole searching" "of soul searching"

line 22 "to go to" "to do to"

line 26 "to redress this" "to address this"

pg. 1799

line 8 "didn't to this, you" "don't do this, you"

pg. 1800

line 4 "you are aware" "you were aware"

line 7 "into or get out" "into or out"

line 26 "We talked" "We started talking"

pg. 1801

line 3 "up for different" "up for the different"

pg. 1802

line 10 "to recreate that" "to recreate it"

line 16 "had this" "had the (?)"

pg. 1804

line 3 "involved in after" "involved with after"

pg. 1805

line 27 "why you did it," is missing in the recording

pg. 1810

line 15-16 is repeated by the voice of Pantoni in the recording

line 22 "that approximately six-week" "that approximate six-week"

pg. 1812

line 19 "achieve these goals" "achieve those goals"

pg. 1814

line 10 "on the bead" "on the beads"

line 13 "the bead and" "the beads and"

line 14 "small amounts of" "small types of"

pg. 1815

line 2 "to differ with" "to defer with"

line 8 "in a, really, way you've got real"" "in any real way anything. You've gotta have real"

pg. 1816

line 4 "had told that" "had just told that"

pg. 1817

line 2 "made of it" "made out of it"

pg. 1819

line 14 "Which exhibit" "Which -- which exhibit"

pg. 1820

line 12 "but was not" "but were not"

pg. 1821

line 27 "the letter from" "the letters from"

pg. 1824

line 16 "We're not" "We are not"

line 28 "they are 16-bead" "they were 16-bead"

pg. 1825

line 18 "about use of" "about the use of"

pg. 1826

line 18 "systems at" "system at"

line 27 "brightly are green" "brightly that are green"

pg. 1828

line 3 "Is this any" "Is there any"

pg. 1829

line 1 "the tying-in is" "the tie-in is"

pg. 1831

line 19 "I sustained the" "I sustain the"



pg. 1832

line 14 "with the statement" "with that statement"

pg. 1834

line 28 "dinner I spoke" "dinner at which I spoke"

pg. 1835

line 3-4 is missing in the recording

line 8 after this line, line 4 is played in the recording, then line 3, then line 9

line 24 "1999 which you" "1999 in which you"

pg. 1836

line 21 "and which you" "and in which you"

pg. 1838

line 7 "During this trial, yes." "I found out during this trial."

pg. 1840

line 14 "you'd take issue" "you took issue"

pg. 1849

line 1 "all of it" "all of them"

pg. 1851

line 26 is missing in the recording

pg. 1852

line 21 "down this focus on" "down and focus on"

pg. 1853

line 8 "was in February of" "was February of"

pg. 1854

line 11 "year we're at" "year we were at"

pg. 1855

line 10 "meetings?" "meeting?"

line 12 "As the February" "As of the February"

pg. 1865

line 5-18 is missing in the recording

pg. 1867

line 14 "these are notes" "these are the notes"

line 21 "confident he's hired" "confident he hired"

pg. 1868

line 18 "First point" "The first point"

line 24 "genomics business" "genomic business"

line 28 is missing in the recording

pg. 1869

line 3 "At the time" "At this time"

pg. 1870

line 4 "of the Chief" "of Chief"

pg. 1875

line 22 "was a situation" "was the situation"

pg. 1876

line 5 "after Tony Czarnik" "after Dr. Czarnik"

pg. 1879

line 7 "numerous scientist, six" "numerous scientists, six"

pg. 1880

line 3 "It's actually a" "It's actually"

line 18 "was an issue" "was the issue"

line 19-20 "I don't think" is read after "unreasonable goals" in the recording, and "on top of" after "writing grants" is missing in the recording

pg. 1883

line 6 "John Flatley" "Jay Flatley"

line 26 "Sent an e-mail" "He sent an e-mail"

pg. 1885

line 27 "need to find" "need is to find"

pg. 1887

line 2 "raised these" "raised those"

pg. 1888

line 4 "You'll" "Now you'll"

line 11 "D.C. sending Jay" "D.C. be sending Jay"

line 13 "Pytelewski termination" "Pytelewski's termination"

line 25 "not to discuss" "to not discuss"

pg. 1890

line 6 "at the and the legend" "and the legend"

pg. 1892

line 17 "to get same" "to get the same"

line 20 "fact what Kevin" "fact that Kevin"

line 26 "and form between" "and forth between"

pg. 1895

line 11 "and maybe less" "and may be less"

line 14 "you send months" "you spend months"

pg. 1896

line 18 "persons like Marsha Bakko," is missing in the recording

pg. 1897

line 1 "Changeng Zhao" "Chanfeng Zhao"

line 3 "case in Dr. Czarnik's case in chief." "case by Dr. Czarnik."

pg. 1900

line 25 "and say I" "and said I"

pg. 1901

line 16 "want as their new" "want their new"

pg. 1903

line 1-2 "actually 932 pages, of his" "actual pages, of his"

pg. 1905

line 8 "was treating with Dr." "was treated with Dr."

pg. 1907

line 9 "names said to" "names and said to"

line 22 "put this" "put it"

line 27 "I had dinner" "I had a dinner"

pg. 1908

line 17 "in negotiation the" "in negotiating the"

pg. 1909

line 13 "room beside says Tony" "room beside Tony"

line 22 "Well, let talk" "Well, let's talk"

pg. 1910

line 26 "meetings were addressed" "meetings we've addressed"

pg. 1912

line 19-20 "that whistleblower" "that the whistleblower"

pg. 1916

line 20 "meeting that Dr." "meeting. Dr."

line 21 "meeting. Dr." "meeting, Dr." (period vs. comma)

pg. 1918

line 1 is missing in the recording except "Dr."

pg. 1921

line 1 "you only reach" "you can only reach"

pg. 1923

line 12-13 "belief that data" "belief that that data"

pg. 1925

line 11 "He send the" "He sent the"

pg. 1927

line 2 "wanted to do. But" "wanted to. But"

line 24 "you got to" "you go to"

pg. 1930

line 22 "e-mail, had 'Code" "e-mail, that 'Code"

pg. 1932

line 4 "writing, mentioned" "writing, mentioned"

line 13 "I accept her" "I accepted her"

pg. 1933

line 4-5 "and Pytelewski termination" "and Pytelewski's terminations"

pg. 1934

line 12 "about financial" "about the financial"

pg. 1935

line 5-6 "only calculate" "only to calculate"

pg. 1936

line 24 "Then you'll" "And then you'll"

pg. 1937

line 3-4 "In this case there are some transcripts." is missing in the recording  
line 17 is repeated in the recording

pg. 1938

line 5 "be so bold" "be as bold"

line 9 "two people equal" "two people an equal"

line 23 "it is your" "it's your"

pg. 1939

line 27 "Incorporated, a corporation." "Incorporated, corporation."

pg. 1940

line 11 "facts or facts" "fact or facts"

pg. 1941

line 15-16 "before a trial" "before trial"

line 21 "the questions had" "the question had"

pg. 1944

line 3 is missing in the recording except "strengths"

line 13 "the based" "they are based"

pg. 1947

line 5 "means the" "means that the"

pg. 1948

line 19 "The Plaintiff's disability" "The Plaintiff disability"

pg. 1949

line 11 is missing in the recording except "--ts a"

pg. 1950

line 4 "prove he had" "prove that he had"

pg. 1952

line 2 "in deciding" is missing in the recording

line 19 "damages must be include" "damages must include"

pg. 1953

line 9 "or methodical of calculation" "or methodical calculation"

line 14 "award if emotional" "award for emotional"

pg. 1956

line 6 "as the flip" "as a flip"

line 19 "not to the" "not to be"

pg. 1958

line 20 "answer to recall" "answer, that way you can recall"

pg. 1959

line 1 "sometimes take" "sometimes takes"

pg. 1969

line 15 "Do you find" "Did you find"

line 21 "Do you find" "Did you find"

line 25 "Do you find" "Did you find"

pg. 1970

line 15-20 is missing in the recording

line 28 is missing in the recording

pg. 1971

line 15 should be read by the voice of Court, not by the voice of Jury  
line 28 "think I will do" "think I'll do"

pg. 1976

line 13-15 line 13 is replaced with line 15 in the recording, then line 15 is read again when it comes up  
line 19 "10-2 are yes" "10-2 for yes"

pg. 1977

line 5 "Yes." "No."  
line 9 "Yes." "Yes, sir."  
line 18 "Miss Vaughn." "And Miss Vaughn."  
line 22 "2 are yes" "2 for yes"

pg. 1979

line 8 "Yes." "Uh, yes."  
line 28 "No." "Uh, no."

pg. 1981

line 4 "was No. 8." "was 8."  
line 14 "Mr. Martinez" "Martinez"

pg. 1985

line 7 "Yes." "Yeah."  
line 15 "Yes." "Uh, yes."

pg. 1986

line 4 "of the case" "of this case"  
line 16 "and brief argument" "and brief arguments"

pg. 2000

line 5-7 is missing in the recording

pg. 2001

line 5 "means a public" "means public"  
line 12 "This is the" "Is this the"



pg. 2002

line 6 "building and its" "building and"

pg. 2004

line 23 "is only selected" "is only a selected"

pg. 2005

line 21 "document prepared" "document provided"

pg. 2007

line 21 "Is it the" "Is this the"

pg. 2008

line 10-11 "that it will be" "that it'll be"

line 23 "sell your" "sell that"

line 24 "obtain the piece" "obtain that piece"

pg. 2009

line 8-19 is missing in the recording

line 26 is missing in the recording and replaced with "million, but"

pg. 2010

line 15 "it is very" "it's very"

pg. 2011

line 5 "time frame of" "time period of"

line 7 "manufacture the products" "manufacture those products"

line 8 "so we have" "so you have"

line 8 "doing that, which" "doing them, which"

line 12-13 is a completely different sentence in the recording

pg. 2014

line 6 "To I want to" "I want to"

line 13 "And last page" "And the last page"

pg. 2015

line 8 "and that loss" "and that's a loss"

pg. 2018

line 4 is missing in the recording

line 10 "talked about there" "talked about that there"

line 13 "and you found" "you found"

line 22 "sometime earlier" "some time earlier"

line 25 "case \$99-million" "case a \$99-million"

pg. 2019

line 14 "First is was it an" "First, was it an"

pg. 2020

line 2 "there, now" "there, and now"

line 7 "impact them bottom" "impact their bottom"

line 9 "filing showed that" "filing shows that"

line 11-12 "report and that shows a" "report and showed a"

pg. 2024

line 18 "would to a" "would be to a"

line 28 "and that now with" "and now with"

pg. 2025

line 11 "damages as deterrent" "damages as a deterrent"

line 27 "examples what I'm" "examples of what I'm"

pg. 2026

line 14 is repeated in the recording

pg. 2027

line 25 "evidence showed that" "evidence shows that"

pg. 2028

line 3 "part the trial" "part of the trial"

pg. 2030

line 26 is technically missing in the recording (there is usually an "Mhm" used as the inaudible indication in the recording)

pg. 2032

line 21 "the statements that" "the statement that"

line 28 "if you are not" "if you're not"

pg. 2033

line 11 "attorneys, it's totally" "attorneys is totally"

pg. 2034

line 28 is missing in the recording

pg. 2035

line 1-2 is missing in the recording