EXHIBIT FF

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Includes TAPCIS™ on One 5¼" Disk to Automate Your CompuServe Connection

A Complete Guide to Using the CompuServe Information Manager

THE COMPLETE GUIDE to COMPUSERVE®

INCLUDES DISK

Brad Schepp and Debra Schepp
Foreword by John C. Dvorak

TMS 0058354

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The Complete Guide to CompuServe®

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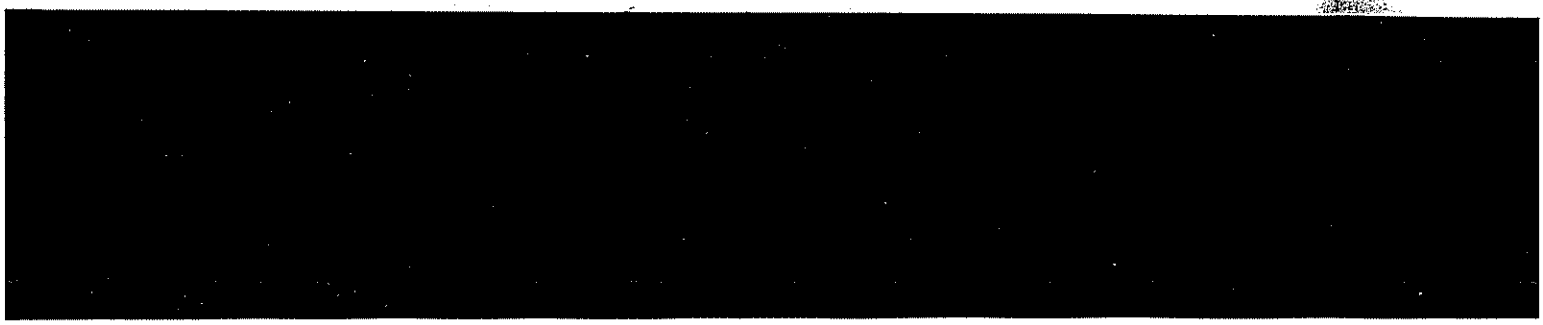


FOREWORD

CompuServe is the definitive online service. No other service comes close. CompuServe has more than a half million users and more interesting and practical databases and forums than any other service in the world. I'd guess that there isn't one professional out there, from journalist to attorney, who would not benefit from a CompuServe account.

I am a big user of CompuServe. I rely on a couple of major subsystems you'll find on CompuServe. One is PC MagNet, *PC Magazine*'s online information service. It exists to provide *PC Magazine* readers direct access to the magazine's programs, articles, databases, and editorial staff.

PC MagNet is actually a microcosm of CompuServe. PC MagNet users get many of the same things CompuServe's general users receive: information, communications, software, expert advice, opinions, and friendship. Take the concept of PC MagNet and explode it to include every topic you can name, every concern you may have, and every information need that comes your way, and you will begin to understand CompuServe.

I'm stunned by the amount of data that can be accessed on CompuServe, but I'm like most CompuServe users—barely scratching the surface. CompuServe is actually very easy to use in terms of a user being able to jump from place to place effortlessly. Once you understand how CompuServe's database is structured and how the page jumping works, it's astonishingly efficient. The problem isn't maneuvering, but knowing where to maneuver. I'm always amazed when someone tells me about some useful service on CompuServe and tells me that it's been there for years. There's always something new creeping into the system, so it's critical to read the "What's New" memo that CompuServe offers.

The biggest help, though, will be this book. If you're an old-timer on CompuServe, you'll learn new tricks. If you're a beginner, this book is crucial to your success. Best of all it saves you money. When it comes to

INTRODUCTION

CompuServe is North America's most successful personal information service for computer users. CompuServe has watched competitors come and go from its perch at the top. Competitors try, but none has ever approached the success that CompuServe enjoys. CompuServe boasts more than 600,000 subscribers, and for years has added between 6,000 and 7,000 subscribers per month.

It's no wonder CompuServe is successful; it offers more than 1,400 databases and services, all accessible by the average computer user. If you use a computer for *anything*, you have enough computer savvy to sign on and use CompuServe. Of course, you will need some help and guidance to find your way through the twists and turns of this information giant. You have come to the right place.

ABOUT THIS BOOK

Perhaps it is best to begin describing this book by explaining what it is not. First off, it is not a tutorial. We will give you the tools you will need to get started and then set you free (returning again when you are ready for power user material). We believe you will want to explore CompuServe in your own way at your own pace, determining for yourself what you want to focus on. A tutorial approach is contrary both to the free-wheeling diversity of CompuServe and the way most people will want to approach it.

Of course, you will need help in getting started, and you will need to know some basic commands to navigate the system. You will find both in this book, but you will also find that this book is not meant to replace the *CompuServe Users Guide*. CompuServe's guides are more than adequate—especially the guide for the CompuServe Information Manager, the front-end software program for using the system. Although we will include

Serve maintained its own board of directors, but H&R Block supplied the "deep pockets" needed to expand the network and enhance the Information Service.

In 1980 CompuServe also joined forces with the Associated Press (AP) to conduct a fascinating experiment. The traditional news media were more than a little curious about the impact electronic information delivery would have on newspapers. The AP began a two-year study with CompuServe to determine what users wanted from electronic news delivery. They concluded that videotex services would not put newspapers out of business. Most people did not want to read the evening news from a computer screen. What they did want, however, was an electronic clipping and delivery service that could screen and clip selected news stories on demand. The CompuServe Electronic News Service was born of this experiment, and it is still popular today.

CompuServe also learned that, more than anything, users wanted communications-related services. They wanted to do the most basic of things—connect with their fellow human beings. Their PCs (and CompuServe) gave them some unique and powerful ways to do that.

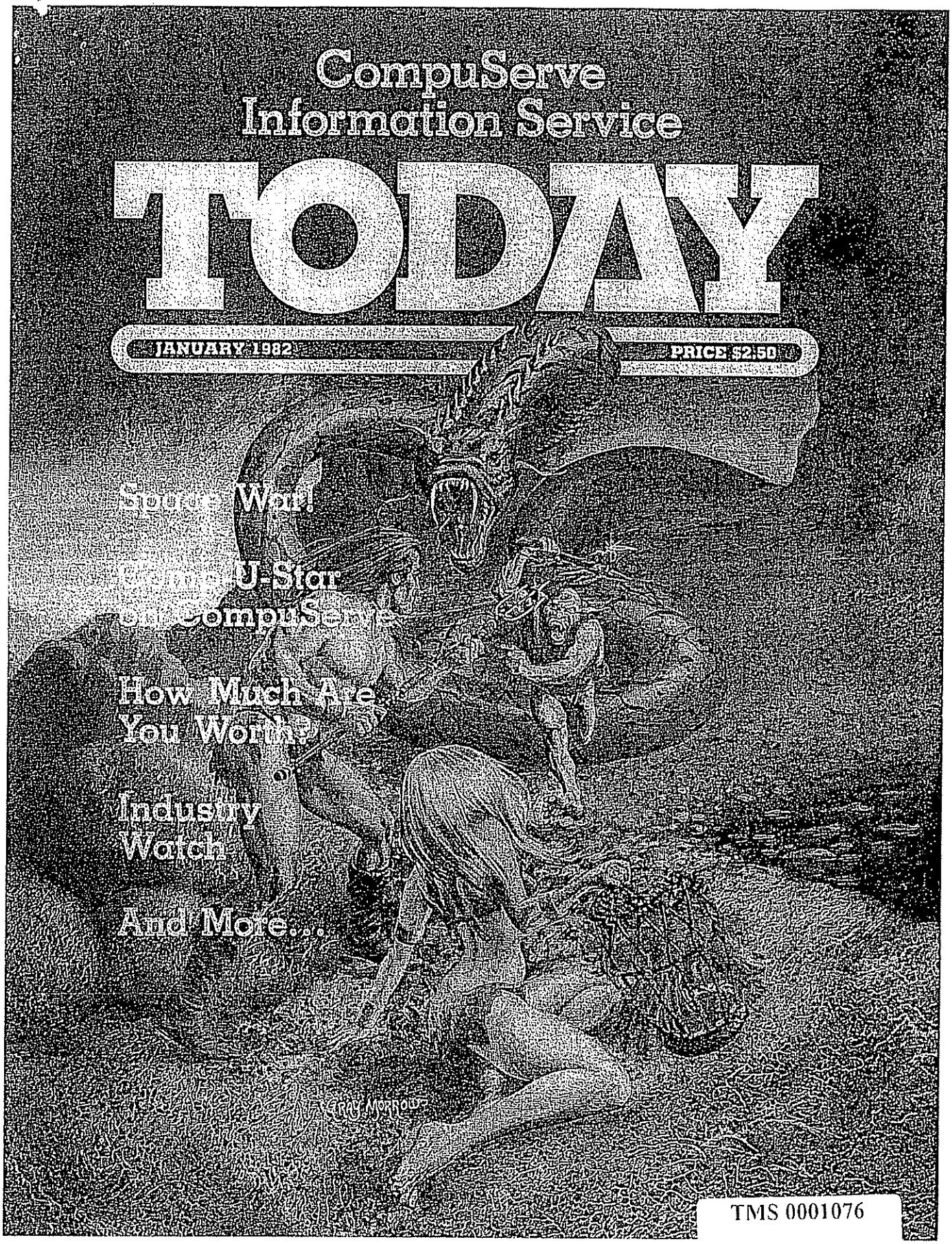
CompuServe gained some valuable information and marketing assets from that experiment. The publicity CompuServe received from the work surpassed anything a marketing or public relations firm could have generated. The experiment received national attention, including coverage on NBC's "The Today Show."

Throughout the 1980s, CompuServe continued to expand, offering users more and better online services and communications opportunities. Early in 1989, CompuServe signed its 500,000th subscriber. Several months later, CompuServe bought its long-time competitor, The Source. By adding the 50,000 Source subscribers, CompuServe topped the 550,000 subscriber mark, and reached 600,000 subscribers soon after that.

CompuServe's Knack

Today, CompuServe has more subscribers than all of its competitors combined. It offers users the online industry's most comprehensive service. Early in its history, CompuServe adopted a strategy—identify the advantages electronic information delivery offers and stick with them. This strategy has been a sound one. CompuServe has applied that strategy along with a commitment to support the widest array of equipment possible within an environment that is easy to access.

EXHIBIT GG


CompuServe
Information Service
TODAY
JANUARY 1982
PRICE $2.50
Space War!
CompuU-Star
on CompuServe
How Much Are
You Worth?
Industry
Watch
And More...

TODAY

LATEST NEWS	5	**Middlesex Completes Newspapers on CompuServe** **CompuServe Announces Major Network Service** **New Offering Can Save You a Bundle** **World Book Encyclopedia, CompuServe Sign Pact**
PRODUCTS	6	**Space War!** *Enemy space ships and crystallized clouds. Conquering the universe has never been so much fun.*
	9	**Blackjack: It's a Gamble!** *Can't make it to Las Vegas this weekend? Play against the dealer in CompuServe's blackjack game.*
		Concentration Can Be Consternating *Your screen turns into a stage with numbered "doors" hiding "prizes," like the TV game show.*
	10	**Talk Shop with Comp-U-Star** *Call up crystal, tune in TVs–all on your personal computer. Electronic shopping has arrived.*
	13	**FINTOL Answers Your Financial Questions** *From mortgage loan calculations to salary schedules, FINTOL can answer your personal financial questions.*
		How Much Are You Worth? *Determine your assets and liabilities the easy way with our program which prompts you with all the questions.*
CABLE NEWS	14	**CompuServe Encourages Data Services for Cable** *CompuServe is working to establish data services as an important part of the cable TV industry.*
CUSTOMER SERVICE	15	**Q&A** *Answers to the most frequently asked questions about CompuServe.*
	30	**Magazine, Manuals Available to Customers** *Customers receive TODAY magazine and our Update newsletter as part of their CompuServe subscription, but other printed material is available upon order.*
SUBJECT INDEX	16	*A printed copy for you to tear out and keep.*
LIFE, LOVE & TRIVIA	18	**Ask Aunt Nettie** *Our on-line authority on everything discusses guidelines for using CB and bulletin boards.*
TECHNOLOGY	20	**CIS Customers Will Benefit from Network Expansion** *More and more customers can access CompuServe directly as the result of a massive network expansion program.*
CUSTOMER PROFILE	22	**Al Smith: Computing is a Family Affair** *Al Smith uses his microcomputer at work, but when he takes it home, microcomputing becomes a family activity.*
INDUSTRY WATCH	24	**Is There a Microcomputer in Your Future?** *Read why microcomputing is becoming an increasingly popular activity. Also read brief news announcements within the microcomputing industry.*
FUTURE	26	**Dear Mom and Dad:** *Ricky writes home from summer camp, only this is no ordinary letter and no ordinary camp.*
		The Cover: An artist's conception of CompuServe's Colossal Cave.

TMS 0001077

NEW OFFERING CAN SAVE YOU A BUNDLE

Refundle Bundle, a clearinghouse for consumer information about making and saving money through manufacturers' refund offers, is now an information provider on the CompuServe Information Service.

For the veteran refunder and novice alike, Refundle Bundle offers valuable hints and tips on such topics as what to save from packages and how to save it, definitions of terms involved in refunding and descriptions of the various kinds of refund offers, such as the "form required" versus "no form required." An interactive section is also available through which readers can receive answers to specific questions.

CompuServe subscribers can access this information for the standard rate of $5 per hour weekday evenings, all day Saturday, Sunday and holidays. Weekday daytime access is also available. To access the service, a subscriber needs a personal computer or terminal, a telephone and a modem. The Refundle Bundle is accessible through main menu item 7, Home Information, or Go TRB-1.

WORLD BOOK ENCYCLOPEDIA, COMPUSERVE SIGN PACT

The CompuServe Information Service has signed an agreement with World Book Encyclopedia to cooperate in developing the online electronic version of the encyclopedia.

Robert King, chairman of the board of directors at World Book, a subsidiary of Scott & Fetzer Company, said, "We welcome the opportunity to work with the CompuServe Information Service to make the World Book Encyclopedia available in the new, exciting videotex format. We expect to develop significant new services utilizing our existing database, both for the home and business markets. This service will add a new dimension to the printed edition of World Book."

When development is completed, CompuServe subscribers will be able to access the World Book service for the standard service charge weekday evenings, all day weekends and holidays. Weekday daytime access will also be available. Currently there are over 19,000 personal computer and terminal owners who use the CompuServe Information Service in their homes and offices across the country.

CompuServe is available through a local telephone call in more than 260 U.S. cities and in Canada.

COMPUSERVE ANNOUNCES MAJOR NETWORK SERVICE

CompuServe Incorporated has announced the formation of ComLink, a major new network service for the value-added network (VAN) market (see related story under the heading "Technology").

ComLink customers will be able to access their own host computers via the CompuServe data communications network, obtaining many of the advanced features that CompuServe customers have come to expect.

"We have initiated an ambitious network expansion program designed to bring the full advantage of ComLink communications to over 300 domestic locations by the end of 1983. The combined needs of CompuServe's remote computing customers, the CompuServe Information Service and ComLink customers will make this growth possible," said Alexander B. Trevor, executive vice president, CompuServe network services.

Current market research indicates a high level of prospective customer interest in the company's new VAN offering. This is due to the CompuServe network's reputation for high reliability and responsiveness throughout the industry.

CompuServe has 26 commercial marketing offices across the country marketing computer services to more than 700 major corporations, financial institutions and government agencies.

MIDDLESEX COMPLETES NEWSPAPERS ON COMPUSERVE

The addition of *The (Framingham, Mass.) Middlesex News* to CompuServe's stable of electronic newspapers completes the original list of newspapers who had agreed to offer an electronic edition of their news.

The Columbus Dispatch was the first newpaper to join CompuServe on July 1, 1980. Since then, the newspapers joined the CompuServe Information Service

(continued on page 13)



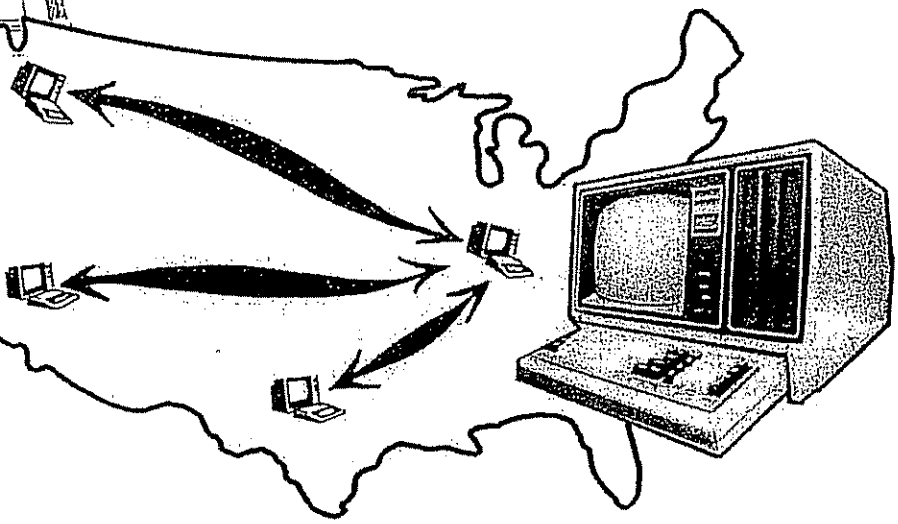
A Window on the World

The Middlesex News (Framingham, Mass.), has joined ten other newspapers across the country in helping to pioneer a computer information network for use in homes and businesses all across the nation.

The Middlesex VideoNews, as the electronic edition is called, is covering the Boston—Eastern Massachusetts area with sections on restaurants, theaters and movies, sports, breaking national and state news, personal columns, Classified Advertising and a special section with emphasis on local news mirroring its printed pages.

Subscribers also have access to the CompuServe Information Service, a nationwide network of computerized information and entertainment.

The Future Is Now
And The Middlesex News
Is A Part Of It All!



The MIDDLESEX VIDEO NEWS

(617) 872-4321

A Division of Harte-Hanks Communications

TMS 0001079

FINTOL ANSWERS YOUR FINANCIAL QUESTIONS

Think of FINTOL as a set of computerized financial tools. Just give the command, and the FINTOL tools will go to work for you, figuring solutions to common financial problems.

If you're considering buying a home, for instance, FINTOL can tell you the amount of your monthly mortgage loan payment. Money in the bank? FINTOL will provide compound interest calculations, plus the sum of a periodic investment, sinking fund deposit, and present value. Other FINTOL features include depreciation analysis and compound growth rate calculations.

Let's return to that mortgage question, and command FINTOL to display its loan amortization program. FINTOL tells us, "This program computes mortgage loan values and will print an amortization schedule given any three of the four loan values:

1) interest rate
2) monthly payment
3) life of the loan
4) amount of the loan

Enter values for three of the four following inputs and a zero for the one you wish computed. . ." FINTOL tells you. If you're buying a home for $50,000 and you're making a $20,000 down payment, you know that the amount of the loan is $30,000. You also know that the current interest rate is 17.5% and the life of the loan is 30 years. FINTOL then tells you that the monthly payment is $493.90 and the total interest you pay on the loan is $128,363.00. If you wish, FINTOL will then provide an amortization schedule.

Other FINTOL programs guide the user with the same types of brief explanations and descriptive prompts. Use FINTOL by selecting MicroNET Personal Computing, main menu item 9 and typing R FINTOL.

HOW MUCH ARE YOU WORTH?

Determining what your assets and liabilities are is no easy task to undertake on your own. To be sure, certain procedures are rather elementary — adding up the worth of your house, money you have in savings accounts, for instance. In fact, you may think you have a fairly good estimate of your assets and liabilities.

But wait a minute. Didn't you forget to include the cash in your individual retirement account? And how about the diamond pendant you inherited from Aunt Bessie? Did you enter that $750 loan you owe to your brother-in-law under liabilities? Perhaps not. However, such information must be included for any true accounting of your net worth. Hmmmm. . . maybe this procedure isn't so simple, at that.

The CompuServe Information Service has the answer, with a Personal Assets/Liabilities Program. By asking you the proper questions and recording your monetary answers, the program offers a precise system for determining your total assets and liabilities.

The program, of course, operates accurately only with your help. *You*, not the computer, must have the financial facts at hand. You must know the cash value of your life insurance policy, for instance, and the approximate worth of that diamond pendant. The program acts as a kind of "prompter," by listing categories you may not have considered. The program then totals your net worth by adding up your responses in various categories and subtracting the amount of your liabilites.

Of course, the personal financial information that you enter on the CompuServe Information Service is totally confidential.

You can find the Assets/Liabilities program by choosing MicroNET Personal Computing, main menu item 9, and typing R WORTH.

by Patricia H. Carro

(continued from page 5)

one at a time to help pioneer the world of electronic newpapers.

Each newspaper offers an electronic edition of their daily news over CompuServe. In many cases the news appears on CompuServe before it appears in the printed edition of the newpaper.

In addition to the newspapers, The live Associated Press news wire is available continuously. The news is unedited and is updated as AP reporters around the world file their stories for transmission over the AP wire.

In addition to *The Middlesex News*, the other newspapers and The Associated Press can be found under main menu item 1, Newspapers, and include *The Columbus Dispatch, The New York Times, The Washington Post, The St. Louis Post-Dispatch, The (Norfolk, Va.) Virginian-Pilot and Ledger-Star, The Atlanta Constitution and Journal, The Minneapolis Star and Tribune, The San Francisco Examiner, The San Franciso Chronicle and The Los Angeles Times.*

COMPUSERVE ENCOURAGES DATA SERVICES FOR CABLE

Which came first, the chicken or the egg?

That question has been deliberated for years, but now, in terms of data communications, the query has taken on new meaning. And CompuServe is looking for some answers.

In this case, the dilemma isn't with chickens and eggs, but with multiple systems operators (MSOs) and cable equipment manufacturers. However, the same chicken-and-egg quandary applies.



George M. Minot

According to George Minot, senior vice president at CompuServe, time sharing networks are looking for a viable alternative to increasing local telephone charges, especially now, with the knowledge that time and distance tolls for local calls are already in effect in the greater Boston area.

It is Minot's opinion that within three years, cost effective data transmission will take place over wide-band coaxial cables, the same kind of cable used to transmit clearer television images on home TV sets.

However, says Minot, it's been a tough struggle to convince cable company operators and potential cable equipment suppliers that two-way data transmission is one wave of the future that stands to benefit all sides. But who will be first to commit to development? Back to the chicken-and-egg dilemma.

Minot explains that cable operators have directed their attention more toward acquiring urban franchises than they have in developing enhanced services, among them, data transmission. He also feels that it is only a matter of time, within just a few years, before receiving thirty channels in a home won't produce enough revenue to support a particular cable franchise in urban areas. And that is where CompuServe steps in. Cable operators and their equipment manufacturers are slowly realizing the benefits of enhanced services. How is the evolution taking place? "You try to explain from the ground up what data communications is, what the size of the industry is, what the problems are, and what we see as the opportunities for somebody to step in and take the dollars that we're all spending for local telephone service, and tell them you can have a big chunk of that business," says Minot.

He also explains that cable companies are making promises in order to gain urban franchises that may not be kept easily because of a lack of awareness of the technology it takes to fulfill the promises.

Furthermore, cable equipment manufacturers are not encouraged to spend additional dollars to develop the technology because cable operators currently don't show an overwhelming interest in it. Who will give in first? Chickens or eggs again.

Minot, however remains undaunted.

"We're in the middle trying to make it happen because we think it is important in the long term," he explains. "For example, we called a meeting of the 12 major manufacturers, the vendors, back in May. We hired a consultant to find out who the right people were, who were the leaders in the industry. Since we were outsiders, we actually had the consultant set it up. We held a meeting in Chicago and presented what we thought the industry needed technically in order to make it a business for us and for the MSOs.

"It was a beginning. Then we had our vice president of research and development go to a cable television engineering conference to make a speech."

The evolution of the technology and the increased awareness take time to happen. Minot feels that the light at the end of the tunnel is beginning to glow a little brighter, and that it's merely a matter of time until two-way data transmission through coaxial cables becomes state-of-the-art.

by Glady J. Fazio

TMS 0001081

TMS 0001082

EXHIBIT HH

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

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TV GUIDE ONLINE, INC ., and TV)
GUIDE MEDIA SERVICES, LLC)
Plaintiffs,) NO. 05-CV-725-KAJ
v.)
TRIBUNE MEDIA SERVICES, INC.)
Defendant.)

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DEPOSITION OF BARRY BERKOV

TAKEN ON: WED., OCTOBER 11, 2006

TAKEN AT: 1380 Harbor Island Drive
San Diego, California

REPORTED BY: Florinda St. Cyr
CSR No. 10180, RPR

APPEARANCES:

FOR PLAINTIFFS:
ROPES & GRAY
1251 Avenue of the Americas
New York, New York 10020
BY: STUART W. YOTHERS, ESQ.

FOR DEFENDANT:
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200 East Randolph Drive
Chicago, Illinois 60601
BY: MEREDITH ZINANNI, ESQ.

ALSO PRESENT: Jennifer Eastman, Videographer

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SAN DIEGO, CALIFORNIA, WEDNESDAY, OCTOBER 11, 2006;
1:00 P.M.

VIDEOGRAPHER: Here begins Volume I, Tape 1 in the deposition of Barry Berkov, in the matter of TV Guide Online, Inc., et al., versus Tribune Media, in the U.S. District Court, for the District of Colombia, Case No. 05-CV725 KAJ. Today's date is October 10th -- excuse me. Today's date is October 11, 2006. The time on the video monitor is 12:59. The video operator is Jen Eastman, contracted by LegaLink San Diego, in San Diego, California. This deposition is taking place at Sheraton Harbor Island Drive, at 1380 Harbor Island Drive, San Diego and was noticed by Cassandra Lukes of Kirkland & Ellis.

For the counsel, if you will please identify yourselves and whom you represent.

MS. ZINANNI: Meredith Zinanni, Kirkland & Ellis representing Tribune Media Services.

MR. YOTHERS: Stuart Yothers representing the TV Guide Online plaintiffs.

VIDEOGRAPHER: Our court reporter today is Florinda St. Cyr of LegaLink San Diego. If you will please, swear in the witness.

///

BARRY BERKOV,
BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

EXAMINATION

BY MS. ZINANNI:

Q. Good afternoon, Mr. Berkov. Would you please state your full name and address for the record?

A. Certainly. Barry F. Berkov, 5722 Brittany Forrest Lane, spelled F-o-r-r-e-s-t, San Diego, zip, 92130.

Q. Thank you. Mr. Berkov, have you been deposed before?

A. Yes.

Q. How many times have you been deposed?

A. Approximately three or four.

Q. When was the last time you were deposed?

A. Don't remember exactly. It's probably been several years.

Q. You understand that your answers here are being recorded by the court reporter, so you need to respond orally to any questions?

A. I do.

Q. And you understand that you're under oath as if you were at trial?

A. Yes.

Q. Will you let me know if you don't hear the question that I ask?
A. Yes.
Q. And will you let me know if you don't understand the question that I ask?
A. Yes.
Q. If I do not say otherwise, I will assume you've heard and understood my questions. If you need a break at any time, please let me know. We will finish your answer if we're in the middle of it, and then we'll see what we can do about the break. Is that okay?
A. That's fine.
Q. When you're answering, you may think of some documents that may help you remember the answer or help give you a more accurate answer. Will you let me know if there are any such documents?
A. Yes, I will.
Q. Sometimes you may give an answer as completely as you can, but later may remember additional information or some clarification that should be made. If that happens, please let me know, and we can make that change. Is that okay?
A. It is.
Q. Is there any reason why you cannot give truthful, complete testimony today?
A. There is no reason.
Q. I am handing you what has been marked as Defendant's Exhibit 36.
(The document was marked as Defendant's Exhibit 36 and is retained by counsel.)
BY MS. ZINANNI:
Q. Mr. Berkov, have you seen that document before?
A. I don't think I have. Is this what you sent me for the subpoena? If it is, I've seen it. If not, I haven't seen it.
Q. I think if you turn to Page 3, is that the document that you received?
A. Yes.
Q. So you understand you're here pursuant to this subpoena from Tribune Media Services to give testimony in a case TV Guide Online --
A. I do.
Q. -- Media Services?
A. Uh-huh, yes.
Q. Thank you. Mr. Berkov, are you currently employed?
A. I'm self-employed.
Q. What do you do?

A. I am a consultant in the area of management, Internet services and other general executive consulting.
Q. How long have you been working as an independent consultant?
A. Approximately 11 years with a couple of interruptions.
Q. What was the first of those interruptions?
A. The first of those interruptions was a tour of duty as the president and chief operating officer of Box Lock, Inc., an Internet company.
Q. And when did you work with Box Lock, Inc.?
A. From approximately March of 1999 to sometime in 2000.
Q. And what was the second interruption?
A. I spent eight months as the interim general manager of Sign On San Diego, which is the website of the Union Tribune here in San Diego.
Q. And when did you work for them?
A. I don't remember the exact dates, but I believe it was from the spring of 2000 to the fall of 2000.
Q. And --
A. Might have been 2001.
Q. Prior to your becoming an independent consultant, whom did you work for?
A. CompuServe, Inc.
Q. When did you start working for CompuServe?
A. I initially worked for CompuServe beginning in March of 1977.
Q. What was your position in 1977 with CompuServe?
A. Director of marketing services.
Q. What were your responsibilities as director of marketing services?
A. It was my responsibility to build a value added product line, CompuServe, which at the time was a time-sharing company. Okay.
Q. Can you explain what a time-sharing company is in the context of CompuServe?
A. In those days, a time-sharing company was a company that had a mainframe computer or a large-scale computer and rented time on that computer to other organizations.
Q. How long did CompuServe function as a time-sharing company?
A. CompuServe probably functioned as a time-sharing company from its inception, which was -- I'm not exactly sure when it was. Probably in the late '60s up until the time that it was acquired by AOL,

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which probably ceased to offer commercial services of the same nature.
Q. Did CompuServe add functionality other than time sharing to its product offerings?
MR. YOTHERS: Objection to form.
BY MS. ZINANNI:
Q. You can answer.
A. I think it would be easier to answer the question as follows: CompuServe began life as a time-sharing company, was actually the data processing department of an Ohio stock insurance company. It began to sell time as a way of paying for a larger computer. That got it into the time-sharing business. When CompuServe was acquired by H&R Block, it also got in the value added network business. Along the way, CompuServe also got into what you would think of today as CompuServe, which was an information services company oriented towards individual users of computers.
Q. When did it start offering that information service?
A. The initial experimental offerings were I believe in 1979.
Q. In your job as -- was it vice-president of marketing?
A. Originally I was director of marketing

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services. Six months after I started, I became vice-president of marketing services.
Q. While you were director of marketing services, did you have any responsibility for the information service product?
A. Not while I was director of marketing services.
Q. While you were vice-president of marketing, did you have any oversight over the --
A. Yes, I did.
Q. Okay. Can you describe your responsibilities as related to the information service as of 1980?
A. Okay. In 1980, my involvement with the information service was primarily limited to taking content that was developed for the commercial side of the business and making it available to the individual computer services or information services side of the business. That meant taking products and services and re -- I guess the term would be modifying them for use by individuals.
Q. Mr. Berkov, I'm handing you what's been marked as Defendant's Exhibit No. 37.
(The document was marked as Defendant's Exhibit 37 and is made a part of this deposition.)

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BY MS. ZINANNI:
Q. Do you recognize Defendant's Exhibit 37?
A. I do.
Q. What is it?
A. Exhibit 30 -- Exhibit 37 is kind of a catalog of value added software that was added to the CompuServe time-sharing service to enhance its appeal to its commercial customers. I was responsible for the development and/or acquisition of a lot of this software.
Q. And during what period did you acquire -- develop this software as listed in Defendant's Exhibit 37?
MR. YOTHERS: Objection to form.
THE WITNESS: Essentially from 1977, when I joined CompuServe, through approximately 1982.
BY MS. ZINANNI:
Q. Why did your involvement with these products end in 1982?
A. Well, in 1982, I left CompuServe to accept employment in another organization.
Q. How long were you with that other organization?
A. Six months or less.
Q. What did you do after you left that other

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organization?
A. I was an independent consultant.
Q. Mr. Berkov, did you help prepare Defendant's Exhibit 37?
A. Prepare it?
Q. Did you write any portion of it?
A. I didn't personally write this. I edited the content.
Q. And was this created in the ordinary course of business at CompuServe?
A. It was, yes.
Q. Who was the audience for Defendant's Exhibit 37?
A. The audience for this was businesses who were buying either time sharing, raw time sharing or value added products and services, which included software and databases, which were available to commercial clients of CompuServe.
Q. After you left the other position that you started in 1982, where did you go next?
A. I was an independent consultant. My primary client was CompuServe.
Q. Did you ever return to work full-time for CompuServe?
A. I did.

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Q. When was that?
A. In the fall of 1983, I believe.
Q. And what was your position when you rejoined CompuServe?
A. Something like vice-president of business development.
Q. And would you describe your responsibilities as vice-president of business development?
A. Well, it's difficult to describe what they were. It was a general position, ostensibly responsible for putting together business deals of a variety of -- in a variety of natures. In actuality, however, my responsibilities turned out to be to return to the product planning, product management, and I also wound up running the customer support organization for CompuServe.
Q. For how long were you vice-president of business development?
A. Probably six months.
Q. And what was your next position after that?
A. I'm not sure of the exact title, but it was effectively something like vice-president of product management and business support.
Q. And was that a change in your responsibilities?

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A. Not really. It was mostly a change in title.
Q. For how long were you vice-president of project management and business support?
A. Product management as opposed to project. It's product.
Q. That's what I have written down.
A. Product marketing, management, one of the two. Again, I don't remember exactly, because there are a variety of titles, but we could probably say until 1990 in one form or another.
Q. And in 1990, were you still working for CompuServe?
A. I was.
Q. What did your title change to in 1990?
A. Executive vice-president CompuServe information services.
Q. And did your responsibilities change when you became executive vice-president of CompuServe information services?
A. They did.
Q. What were your responsibilities as executive vice-president?
A. I had responsibilities for the entire business unit devoted to the CompuServe information service or services, so I had responsibility for all of the

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business functions other than computer operations, finance, human resources and the low-level operating system software.
Q. Were you responsible for the content in the CompuServe information system?
A. Yes.
Q. Did you work with -- strike that.
Were you responsible for negotiating with other companies to add content to CompuServe?
A. That was a key component of my responsibility.
Q. During your time with CompuServe, did you have reason to understand how a user accessed CompuServe?
MR. YOTHERS: Objection to form.
THE WITNESS: Understanding the user interface, building, developing and refining the user interface as to CompuServe was a primary portion of my responsibility from the time that I joined CompuServe until the time that I left.
BY MS. ZINANNI:
Q. And when did you leave CompuServe?
A. November of 1995.
Q. And why did you leave CompuServe?
A. Had a difference of opinion with the new management of CompuServe at the time with respect to their pursuit of a very highly consumer-oriented

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information service, which they had called WOW.
Q. When did CompuServe information service launch?
A. CompuServe information service started out in approximately 1979 as a service that had the name for a brief period of time of Micronet. Turned out Micronet was not a protectable name, and very soon thereafter, it was referred to as the CompuServe information service or CIS. I would say the true launch of the CompuServe information service beyond that initial group of semiexperimental enthusiasts was probably in 1980.
Q. How did a business user of the CompuServe time-sharing service access the CompuServe computer?
A. For the most part, that person would have a terminal, a modem and a phone line, would dial a number to a CompuServe access point and make a telephonic connection via modem to CompuServe.
Q. How would a user of the CompuServe information service access it?
MR. YOTHERS: Objection to form.
THE WITNESS: In exactly the same way. Users of the CompuServe information service would connect by using a telephone, dialing a phone number, connecting to an access point and logging into the CompuServe

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information service.
BY MS. ZINANNI:
Q. Could a user follow those steps from -- I understand they're called a dumb terminal.
A. Yes.
Q. Could a user follow those steps using a modem to connect to CompuServe from a micro computer?
A. Yes.
Q. Where were -- where were the computers that those users were accessing located?
MR. YOTHERS: Objection to form.
THE WITNESS: Well, I presume you're referring to the host computers, not the individual user's personal computer that they were using to access.
BY MS. ZINANNI:
Q. Correct.
A. So the computers they were accessing were, for the most part, located in Columbus, Ohio and Dublin, Ohio.
Q. Was the user ever connected through the CompuServe information service to another host computer, as you used that term?
A. Yes.
Q. Can you give me an example of such a situation?

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A. Certainly. The official airline guide, the PARS TWA airline reservation system, the EZ Saver airline reservation system, a system called IQuest. Those are some of the examples.
Q. Can you explain to us how a user would connect to the official airline guide?
A. The CompuServe user would make an initial connection to CompuServe, would go through an authentication process, whereby the user supplies a user I.D. and a password, and is then, quote, unquote, logged into CompuServe. Once on CompuServe, the user would select a service through a menu choice typically, which would result in their being connected and logged in to the official airline guide's computers without being logged off of CompuServe computers.
Q. You said there's an -- a user would undergo an authentication process with the CompuServe server?
A. Right.
Q. With a user I.D. and a password?
A. That is correct.
Q. What was the content of the user I.D.?
A. The user I.D. was a series of numbers, typically five or six numbers and a comma or a period, and then from one to four additional numbers.
Q. Did the numbers of the user's I.D. stand for

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anything in particular?
A. No.
Q. Did the user choose their own user I.D.?
A. No.
Q. Was their user I.D. assigned by CompuServe?
A. Yes.
Q. Did the user select their own password?
A. Not initially.
Q. CompuServe assigned it initially?
A. CompuServe assigned the password initially. The user then was then able to change his or her password.
Q. When a user accessed CompuServe using a micro computer and a modem, was the user able to download any of the information to their micro computer?
A. Yes.
Q. Were they able to do that for all content on CompuServe?
MR. YOTHERS: Objection to form.
THE WITNESS: The answer is a qualified yes, in that any computer connected to another computer can potentially capture and save the information that's delivered to it.
BY MS. ZINANNI:
Q. Would the user be able -- would a CompuServe

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user connecting to the CompuServe servers using a micro computer be able to save the information to their computer in a form that they then would be able to manipulate or search?
A. Again, my answer is a qualified yes to that.
Q. What is the qualification?
A. Well, again, any information that is downloaded to a personal computer can potentially be searched or reviewed, so it would be up to the user to determine what form it took on his or her computer and what, if any, transformations were made to it or indexing occurred in order to make it searchable.
Q. How is the information stored on CompuServe's servers?
MR. YOTHERS: Objection to form.
THE WITNESS: You're going to need to clarify that question. It's stored on disc drives that are attached to the computer.
BY MS. ZINANNI:
Q. How is the data on the CompuServe host system organized so that a user could access it?
A. It's in a variety of files that have differing structures depending on the particular application or function that's being used.
Q. How did a user identify the database that they

wanted to access?
A. The answer to that question has to be set in the context of the time which the user was accessing it and the methodology that the user was accessing.
Q. Okay.
A. So --
Q. In 1981.
A. In 1981, the user would typically be presented with a menu structure, menu being a list of items, each of which had an identifier, typically a number. The user would select an item on that menu by typing the number, pressing the caricature or enter key on the keyboard, which would, in turn, either take the user to a particular service or area or alternatively, would produce another menu. The process would be repeated in terms of having a list of topics or alternatives. Selection of one of those would lead, again, either to a submenu or to the particular service.
Q. In 1991, was there any way a user could search for information other than through that --
A. No. You said 1991, or did you say -- what did you mean?
Q. I said 1981, I thought.
A. You said '91.
Q. Excuse me. 1981.

A. In 1981, I believe the user had the ability to execute what was called the Find command, which would allow typing in a key word, the result of which would be a list of items to choose from.
Q. Did the user type in the key word with the command all at the same -- all before hitting the enter button?
A. The user had the option of typing Find and being prompted with an input box or a request for input, depending on what the interface was, and then supplying the key word, or alternatively, the user could put the key word after the Find command.
Q. Were there any restrictions on what a user could enter for a key word?
A. No, no practical restrictions.
Q. Could a user enter a city?
A. Yes.
Q. Could a user enter a state?
A. Yes.
Q. If a user entered Find and a city name, what information would be returned to the user?
A. The user would get back a list of those services or databases on CompuServe that were somehow related to the particular search term. So, for example, if I put Find Columbus, I would get a menu or

a list of things that were related to Columbus.
Q. Mr. Berkov, in 1981, were TV listings available on CompuServe?
MR. YOTHERS: Objection to form.
THE WITNESS: To the best of my recollection, TV listings were part of the offerings of several of the newspaper organizations who were on-line on CompuServe.
BY MS. ZINANNI:
Q. Mr. Berkov, I'm handing you what's been marked as Defendant's Exhibit 38.
(The document was marked as Defendant's Exhibit 38 and is made a part of this deposition.)
BY MS. ZINANNI:
Q. Do you recognize this document?
A. Yes, I do.
Q. What is it?
A. This is the premier issue of a magazine published by the CompuServe information service for its members.
Q. Was this created in the ordinary course of CompuServe's business?
A. It was.
Q. Did you write Defendant's Exhibit 38?
A. I did not write it.

Q. Did you supervise the creation of Defendant's Exhibit 38?
A. I did not directly supervise the creation of this exhibit.
Q. Did you indirectly supervise the creation of this exhibit?
A. I was aware of the content of this exhibit, and my recollection is fuzzy, but I probably reviewed the copy or selected portions of it.
Q. Did you participate in the decision to create a publication for CompuServe's subscribers?
A. I did not.
Q. Mr. Berkov, may I ask you to turn to the page with the Bates number TMS 1093?
A. Yes, ma'am.
Q. In the center column, about halfway down, do you see where it says Hampton Road, Virginia area?
A. I do.
Q. And below that, there's a line that says Television Schedule; correct?
A. Yes.
Q. What does the "Go VPL-7" across from Television Schedule, the middle column of TMS 1093, stand for?
A. That is a page number within the CompuServe

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system, which would be expected to produce the television schedule.
Q. Was that television schedule specific for a geographic location?
MR. YOTHERS: Objection to form.
THE WITNESS: It would have been for the Hampton Road, Virginia area.
BY MS. ZINANNI:
Q. How could a user access the television schedule for the Hampton Road, Virginia area on the CompuServe information service?
A. They would have a variety of options to do that. They might do Find Hampton Road and be presented with a listing very much as you saw here. They might do a Find command on television listings, in which case I would expect that this entry would also have appeared. They might have known what the base level database identifier for Hampton Road was, which is apparently VPL, so they might have done a Go VPL, which would have taken them to what's called the top level of the database, which would have been a menu of entries or services available or content available in that database. Or they might have, if they knew it, done a Go command of VPL-7, which would have taken them directly to this listing.

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Q. To your knowledge, was the television schedule available for any locations other than Hampton Road, Virginia at the time of Defendant's Exhibit 38?
A. There were several newspapers that participated in the AP agreement with CompuServe that had television listings.
Q. Do you recall any of those newspapers?
A. I don't remember exactly which ones did and didn't. I believe Columbus and New York did. Again, my memory would be fuzzy.
Q. If you turn to TMS 1094 in Defendant's 38, in the left-hand column, do you see where it says "Columbus area"?
A. Yes.
Q. Is that referring to the newspaper, as you just mentioned, for Columbus?
MR. YOTHERS: Objection to form.
THE WITNESS: Based on these listings here, I would expect that all of the items there, since they have a CDP designator, were part of the dispatch, Columbus dispatch offerings.
BY MS. ZINANNI:
Q. And one of those offerings is television listings; correct?
A. It is.

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Q. Mr. Berkov, do you know why CompuServe -- strike that.
Defendant's Exhibit 38 in the front says it is the premier issue; correct?
A. That is correct.
Q. Do you know why CompuServe developed this publication?
A. Yes, I do.
Q. Why was that?
A. CompuServe felt it was appropriate and necessary to have a communications vehicle to provide its members or subscribers, however you want to call them, with information about the service and how to optimize the use of the service. It was also a method of identifying new products and services that the members or subscribers might not otherwise have heard about.
Q. For how long was CompuServe Information Service Today in publication?
A. I don't know exactly, but we know that it was obviously produced up through the time that I left, which was in 1995, so it began in 1981 and ran through until 1995.
Q. Was it in continuous publication from 1981 through 1995?

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A. I believe so.
Q. How often was CompuServe Information Service Today issued?
A. Monthly.
Q. I'm handing you what's been marked as Defendant's Exhibit 39.
(The document was marked as Defendant's Exhibit 39 and is made a part of this deposition.)
MS. ZINANNI: It's a document bearing the Bates range TMS 1084 through TMS 1090.
THE WITNESS: Okay.
BY MS. ZINANNI:
Q. Do you recognize Defendant's Exhibit 39?
A. I do.
Q. And what is it?
A. It's another issue of CompuServe magazine. At this time it was called CompuServe Today.
Q. And what is the date of Defendant's Exhibit 39?
A. 1981.
Q. And was this document created in the ordinary course of business of CompuServe?
A. It was.
Q. Did you supervise the copy of Defendant's

Exhibit 39?
A. I did not.
Q. Did you review the copy of Defendant's Exhibit 39?
A. I don't remember whether I did or did not. It's possible that I did.
Q. Do you know who created Defendant's Exhibit 39?
A. I do.
Q. Who was that?
A. The staff of CompuServe today, which was a part of the marketing organization of CompuServe.
Q. And at that time, were you vice-president of the marketing division?
A. At the time, in October of 1981, I did not have responsibility for CompuServe marketing.
Q. Mr. Berkov, I'm handing you what's been marked as Defendant's Exhibit 40.
(The document was marked as Defendant's Exhibit 40 and is made a part of this deposition.)
THE WITNESS: Okay. I have it.
BY MS. ZINANNI:
Q. It's the document bearing the Bates range TMS 1076 through 1083.

A. Yes.
Q. Do you recognize Defendant's Exhibit 40?
A. I do.
Q. And what is it?
A. It's another issue of CompuServe today.
Q. As of January 1982, the date of Defendant's Exhibit 40, were you responsible for the marketing?
A. I was not. Incidentally I want to potentially put a footnote to a prior answer I gave, which is that I am not -- hello? I am not 100 percent sure that at this time period this was a monthly publication. It might have been a quarterly publication. Ultimately it was a monthly publication, but I just don't remember for sure whether this was a monthly at this time.
Q. I'd like to turn your attention to TMS 1083 of Defendant's Exhibit 40. In the fifth column, do you see where it says "San Francisco area"?
A. Yes, I guess I do.
Q. Do you see where it says "Television" underneath "San Francisco area"?
A. Yes.
Q. What does that "Television" under "San Francisco area" refer to?
A. I believe it is television listings as provided by the San Francisco paper.

Q. Next to Television, I see there are two Go indicators; is that correct?
A. Yes.
Q. Does SFC-7 stand for the San Francisco Chronicle?
A. That would be a good guess.
Q. And SFE would be the San Francisco Examiner?
A. Another good guess.
Q. In the sixth column on Page TMS 1083 of Defendant's Exhibit 40, do you see where it says "Washington, D.C. area"?
A. Yes.
Q. And below that it says "Television"; correct?
A. That is correct.
Q. Do you know if Television under "Washington, D.C. area" also stood for television listings?
MR. YOTHERS: Objection to form.
THE WITNESS: Yes.
BY MS. ZINANNI:
Q. Yes, it does stand for television listings?
MR. YOTHERS: Objection to form.
THE WITNESS: To the best of my knowledge, Television under "Washington, D.C." is television listings as provided by the newspaper in Washington.
BY MS. ZINANNI:

Q. I'm handing you what's been marked as Defendant's Exhibit 41, which is a document bearing the Bates range TMS 1070 through 1075.
(The document was marked as Defendant's Exhibit 41 and is made a part of this deposition.)
BY MS. ZINANNI:
Q. Do you recognize Defendant's Exhibit 41?
A. I do.
Q. And what is it?
A. It's another issue of CompuServe today.
Q. And what is the date of Defendant's Exhibit 41?
A. April of 19- -- looks like '82.
Q. And was this document created in the ordinary course of CompuServe's business?
A. It was.
Q. Did the purpose of the CompuServe Information Service Today magazine change over time?
A. I do not believe it changed. Its primary mission was to inform and communicate with members and subscribers. That remained in place.
Q. Mr. Berkov, I'm handing you an exhibit that's been marked as Defendant's Exhibit 42, which bears the Bates Nos. TMS 1099 through TMS 1104. Do you recognize

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Defendant's Exhibit 42?
A. Yes.
Q. And what is it?
A. It's an issue of CompuServe today.
(The document was marked as Defendant's Exhibit 42 and is made a part of this deposition.)
BY MS. ZINANNI:
Q. And what is the date of Defendant's Exhibit 42?
A. Well, it looks like it says September and October of 1982.
Q. And was this document created in the ordinary course of CompuServe's business?
A. It was.
Q. Mr. Berkov, have you heard of the Personal Entertainment Guide?
A. Yes.
Q. What is the Personal Entertainment Guide?
A. It was an area on CompuServe that had various things with respect to entertainment. I believe it was in what we would have called a forum or a bulletin board area.
Q. What was the bulletin board area?
A. Well, a bulletin board is an area where people

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post messages or files that represent content that's available for other members to either comment on or download to their computers.
Q. In the personal entertainment guide was part of one of these bulletin boards?
A. I believe so.
Q. Mr. Berkov, I'm handing you what's been marked as Defendant's Exhibit 43, which is a document bearing the Bates numbers TMS 8885 through 8887.
(The document was marked as Defendant's Exhibit 43 and is made a part of this deposition.)
BY MS. ZINANNI:
Q. Do you recognize Defendant's Exhibit 43?
A. I do.
Q. What is it?
A. It's an issue of CompuServe magazine from October 1992, CompuServe Magazine renamed Publication of CompuServe Today.
Q. And was Defendant's Exhibit 43 created in the ordinary course of CompuServe's business?
A. It was.
Q. As of October 1992, did you oversee the production of CompuServe magazine?
A. I did.

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Q. Mr. Berkov, if you turn to TMS 8887, do you see on the left-hand column the article entitled "On TV? On TV," exclamation mark?
A. Yes, I do.
Q. Is the personal entertainment guide referred to in this article the same personal entertainment guide you were describing earlier?
A. Yes.
Q. And you said that the personal entertainment guide provided entertainment information; correct?
A. That is correct.
Q. Did that entertainment information include TV listings?
MR. YOTHERS: Objection to form.
THE WITNESS: Yes.
BY MS. ZINANNI:
Q. Mr. Berkov, we talked about how CompuServe operated as of 1981 through the menu structure, and you indicated that the users' interaction with CompuServe changed over time.
A. It did.
Q. What was -- when was the first change away from a menu-based structure made?
A. Well, I'm fuzzy on the exact dates, but it was in the late '80s when the first CompuServe information

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manager appeared.
Q. What was the CompuServe information manager?
A. It's a piece of software that ran on the user's personal computer that interfaced with the CompuServe information service and provided a more computer-like interface than the prior dumb terminal interface.
Q. Were users able to search the CompuServe information service using the CompuServe information manager?
A. Yes.
Q. Can you describe how that search function worked?
A. Search function worked very similar to the way it worked previously in that the user would invoke a search or Find command, present a dialogue box with an input blank. The user would type in the desired search term. In this case they would click okay or search, depending on how the dialogue was constructed. It would turn on the screen, a list, a computer screen list or menu of the items that met the search criteria.
Q. Using the CompuServe information manager, did a user always select from a menu of options available to the user?
A. Well, at some point they might get to that. I

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mean, they could have issued a Go command, which would take them directly to a service or offering.
Q. When the user initially -- strike that.
Would a user open CompuServe information manager on their computer?
A. Yes.
Q. When they initially opened the CompuServe information manager, were they presented with a list of menu options at that time?
A. Well, I think we need to step back and say that when you have a CompuServe client software, you would load that software. You would be presented with a screen that might have icons on it, so it's a menu or a list of options, but they're in the form of icons. Upon selecting one of those, the user would be logged on to CompuServe. Now, in some cases the user might be prompted for the user I.D. and password. In other cases it might have been prestored on their personal computer in conjunction with the software.
Q. Was the user I.D. and password used with the CompuServe information manager set by CompuServe?
A. Yes.
Q. Using the CompuServe information manager, did a user always -- after the initial screen that you described, did a user always select an icon?

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A. Might have selected an icon. They might have selected a menu choice.
Q. At any time, would a user of the CompuServe information manager type in information?
A. Yes.
Q. Would the user ever type in geographical information?
MR. YOTHERS: Objection to form.
THE WITNESS: There were several places where geographical information might have been entered into the system for the purposes of doing a retrieval of some type.
BY MS. ZINANNI:
Q. Can you give me some examples where geographical information might be entered?
A. Yes. The first one that comes to mind is weather. There's a weather feature. Typed in the city name. You got the weather back for that particular location.
Q. Do you know when that weather function first appeared on CompuServe?
A. The weather function was there very early on. I don't remember the exact date, but it was very early and prior to the existence of the CompuServe information manager. There are people who would know

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the dates associated with that.
Q. And other than the weather, were there other --
A. Yes.
Q. -- options?
A. All of your airline reservation systems require typing in a destination and a departure location. Those are both geographical. There was a database called Site, which was demographical information where you could type in a zip code and receive demographic information for the particular zip code that you typed in. The subscriber directory, one of the components of finding someone's e-mail address in addition to the user's name would have been their geographical location, city and state.
Q. Can you think of any others at this time?
A. No, but there probably were others. Geographical location is a typical method of retrieving information from an information service, so it would have been used throughout the service.
Q. Mr. Berkov, I'm handing you what's been marked as Defendant's Exhibit 44, which is a document bearing the Bates range TMS 54623 through 54627.
(The document was marked as Defendant's Exhibit 44 and is made a part of this

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deposition.)
THE WITNESS: Uh-huh.
BY MS. ZINANNI:
Q. Do you recognize this document?
A. Well, I'm trying to see what the date on this is. 1988? Yes, I've seen this document.
Q. And what is it?
A. Well, it appears to be an issue of Online Today, which -- which was the predecessor of the CompuServe magazine, so we've gone back in time.
Q. And was Defendant's Exhibit 44 created in the ordinary course of CompuServe's business?
A. It was.
Q. In March 1988, did you oversee the staff of Online Today?
A. I did not.
Q. Mr. Berkov, I'll ask you to turn to TMS 54626.
A. Okay.
Q. I believe the first sentence starts on the page before. On the upper left-hand column, it lists various online reservation systems. Do you see that?
A. Well, which -- where are you looking exactly?
Q. On Page TMS 54626 on the top left column.
A. Yes, right. Okay. I see that.
Q. You mentioned that airline reservation systems

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were one place a user may enter geographical information?
A. Yes, I did.
Q. For each of the online reservation systems listed on Page TMS 54626, did a user type in their departure city?
A. Yes.
Q. And for each of the airline reservation systems on TMS 54626, did a user type in their arrival city?
A. Yes.
Q. I'm handing you what's previously been marked as Krass Exhibit 9, which is a document bearing the Bates range TMS 1210 through TMS 1233.
A. Yes.
Q. Do you recognize Krass Exhibit 9?
A. I am aware of this publication. I have not read this publication.
Q. How did you become aware of Krass Exhibit 9?
A. As part of my management and executive responsibilities, I was aware of all of the major publications, books and even articles that were written with respect to CompuServe.
Q. Did the authors of this book contact CompuServe before the publication of Krass Exhibit 9?

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A. I don't know.
Q. I'll ask you to turn to Page TMS 1217.
A. Okay.
Q. You stated earlier that a CompuServe user, in order to access weather information, could type in their city; is that correct?
A. That's correct.
Q. Figure 4-11 on Page TMS 1217, is that the box you described?
A. It is.
Q. And where would a user type in their city information in Figure 4-11?
A. In the space right after City.
Q. How would a user select the city option in the dialogue box in Figure 4-11?
A. They would probably type a down arrow to get to the city. They might -- I'm not sure, but I believe they would probably type a down arrow. The asterisk or check mark would move from local to city, at which point they would be able to type in the name of a city.
Q. After a user typed in the name of a city and selected okay, what information did the user receive?
A. A weather report.
Q. Was the weather report specific to any location?

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A. The city that they typed in.
Q. Mr. Berkov, I'm handing you what's been marked as Defendant's Exhibit 45.
(The document was marked as Defendant's Exhibit 45 and is made a part of this deposition.)
BY MS. ZINANNI:
Q. It's a document bearing the Bates range of TMS 54628 through TMS 54629.
A. Yes.
Q. Do you recognize this document, Mr. Berkov?
A. I do.
Q. What is Defendant's Exhibit 45?
A. It is another issue of a CompuServe publication, Online Today, appears to be from January of 1985.
Q. And was Defendant's Exhibit 45 created in the ordinary course of CompuServe's business?
A. It was.
Q. I'll ask you to turn to Page TMS 54629.
A. Yes.
Q. You said there was a database called Site with demographic information --
A. Yes.
Q. -- on CompuServe. Does this article describe

Page 45

the database you referenced?
A. It does.
Q. And a user entered a zip code on this site to get demographic information?
A. Zip code was one of the access methods, yes.
Q. What were the other access methods?
A. Probably the name of a state or region. Might have been -- what do they call it? SMSA, metropolitan statistical area or whatever.
Q. Mr. Berkov, I'm handing you what's been marked as Defendant's Exhibit 46.
(The document was marked as Defendant's Exhibit 46 and is made a part of this deposition.)
THE WITNESS: Okay.
BY MS. ZINANNI:
Q. Do you recognize Defendant's Exhibit 46?
A. Yes, I do.
Q. What is Defendant's Exhibit 46?
A. It is a book on CompuServe called How To Get the Most Out of CompuServe.
Q. I should clarify for the record, Defendant's Exhibit 46 is a document bearing the Bates range TMS 54646 through TMS 54651. Was Defendant's Exhibit 46 created by CompuServe?

A. No.
Q. Who was it created by?
A. It was created by the authors, Payton and Bowen.
Q. Did Mr. Payton and Mr. Bowen contact CompuServe before publication of Defendant's Exhibit 46?
A. Yes.
Q. Did CompuServe review the content of Defendant's Exhibit 46 before it was published?
A. Yes.
Q. Did you review the content of Defendant's Exhibit 46 before it was published?
A. I do not remember whether I did or I didn't.
Q. Do you know the purpose of publication of Defendant's Exhibit 46?
A. Well, the smart answer is to make money, but the real answer is that the purpose of it was to write a book that was essentially a user's manual for CompuServe in more layman terms perhaps or more popular form than the publication provided by CompuServe itself.
Q. Did CompuServe make any changes to its system as a result of talking to Mr. Payton and Mr. Bowen?
A. I don't know that we did. CompuServe had its

objective to listen to user input. These were influential users, so it's conceivable that some change or some tweak to the system occurred as a result of the interaction with these.
Q. I'd ask you to turn to Page TMS 54649 of Defendant's Exhibit 46.
A. Yes.
Q. You testified earlier that there was a subscriber directory in which city and state would be part of the search term; is that correct?
MR. YOTHERS: Objection to form.
THE WITNESS: My answer is that there was a subscriber directory. Its purpose was to locate other users of CompuServe, other members. There were a variety of inputs that went into that search. Included in those inputs was city and state.
BY MS. ZINANNI:
Q. Mr. Berkov, I'm handing you what's been marked as Defendant's Exhibit 47. I apologize, it's not the clearest copy.
(The document was marked as Defendant's Exhibit 47 and is made a part of this deposition.)
BY MS. ZINANNI:
Q. It's a document bearing the Bates Nos. TMS

54630 through TMS 54645. Do you recognize Defendant's Exhibit 47?
A. I do.
Q. And what is Defendant's Exhibit 47?
A. It's another book on CompuServe similar to the one we just looked at.
Q. Did CompuServe review the copy of Defendant's Exhibit 47 before it was published?
A. I cannot state with certainty that they did. It would be my expectation that they did.
Q. Did CompuServe maintain copies of guides such as Defendant's Exhibit 47 created by CompuServe users?
A. Yes.
Q. Did you oversee the maintenance of users' guides such as Defendant's Exhibit 47?
A. Well, certainly from 1990 to 1995, that was part of my responsibility. It may have been part of my responsibilities prior to 1990, but I cannot state with certainty that it was.
Q. I'm handing you, Mr. Berkov, a document that's been marked as Defendant's Exhibit 48.
(The document was marked as Defendant's Exhibit 48 and is made a part of this deposition.)
BY MS. ZINANNI:

Q. It bears the Bates Nos. TMS 54794 through TMS 54802. Do you recognize Defendant's Exhibit 48?
A. I do.
Q. And what is Defendant's Exhibit 48?
A. It is an almanac which is basically a directory of services and offerings on CompuServe.
Q. Do you know the date of Defendant's Exhibit 48?
A. No, but it appears to be from the 1990 time frame based on the publication number.
Q. Was Defendant's Exhibit 48 published by CompuServe?
A. It was.
Q. Do you know who created Defendant's Exhibit 48?
A. CompuServe staff members created it.
Q. Did you oversee the creation of Defendant's Exhibit 48?
A. Yes.
Q. Was this -- was Defendant's Exhibit 48 created in the ordinary course of CompuServe's business?
A. Yes.
Q. And what was the purpose of Defendant's Exhibit 48?
A. The purpose was to assist users in finding

products and services of interest to them.
Q. Make sure I'm clear. Defendant's Exhibit 48 was created for users of CompuServe?
A. Yes.
Q. Mr. Berkov, if you turn to Page TMS 54799.
A. Okay.
Q. I believe we discussed the Super Site database already; correct?
A. That is correct.
Q. There are two other databases listed on Page TMS 54799. To your knowledge, were these two databases, the neighborhood report and the U.S.-State-County reports, searchable?
A. Yes. These were part of Super Site.
Q. What do you mean when you say they were part of Super Site?
A. Super Site was the name of the overall offering, consisted of a variety of offerings under that umbrella name. These are two of those offerings.
Q. And were these two offerings searchable using geographic information?
A. Yes.
MR. YOTHERS: Objection to form.
THE WITNESS: The answer is yes. They were searchable by zip code or by other geographical

criteria.
BY MS. ZINANNI:
Q. Mr. Berkov, I'm handing you what's been marked as Defendant's Exhibit 49.
(The document was marked as Defendant's Exhibit 49 and is made a part of this deposition.)
BY MS. ZINANNI:
Q. Which bears the Bates Nos. TMS 54719 through 54756. Mr. Berkov, do you recognize Defendant's Exhibit 49?
A. I do.
Q. And what is Defendant's Exhibit 49?
A. It's a manual or user's guide for the CompuServe information service.
Q. And was Defendant's Exhibit 49 created by CompuServe?
A. Yes.
Q. Was it created in the ordinary course of CompuServe's business?
A. Yes.
Q. Did you supervise the creation of Defendant's Exhibit 49?
A. Effectively I did because I was responsible for the content of it.

Q. And what was the purpose of Defendant's Exhibit 49?
A. To enable and assist members of CompuServe or users of CompuServe in operating the service and finding the information that they sought or services that they were looking for.
MS. ZINANNI: I have no further questions.
MR. YOTHERS: I have a few questions, but I'd like to take a break if we could.
THE WITNESS: Okay.
VIDEOGRAPHER: We're going off the record. The approximate time is 2:14.
(Recess taken.)
VIDEOGRAPHER: We're going back on the record. The time is approximately 2:28

EXAMINATION

BY MR. YOTHERS:
Q. Mr. Berkov, I just have a few follow-up questions for you. One was, it sounds like in about 1982, you had left CompuServe for a six-month period somewhere else?
A. That's correct.
Q. What was that employment?
A. I was vice-president of marketing for a

financial database software firm called Capital Market Systems, subsequently known as Gregg Corporation.
Q. Sorry, as what corporation?
A. Greg, G-r-e-g-g.
Q. Okay. All right. And you said you were self-employed; correct?
A. That is correct.
Q. Okay. What type of work do you do?
A. I am an executive management consultant. I'm also a specialist in Internet and online services.
Q. Are you being compensated for your time here today?
A. I am being compensated for the time that I am missing as a consultant. I'm not being paid for my testimony.
Q. Okay. What amount is that being compensated at?
A. $300 an hour.
Q. Is that being paid by Tribune Media Services?
A. I presume so.
Q. What's your normal consulting rate?
A. It varies from slightly more than flipping burgers to 300 or more dollars an hour.
Q. Okay. And let's see. And did you meet with Tribune Media Service or Kirkland & Ellis before today?

A. I did.
Q. When was that?
A. This morning.
Q. Okay. How long did you spend doing that?
A. Hour and a half perhaps.
Q. And whom did you talk with?
A. Meredith.
Q. Anyone else?
A. No.
Q. Okay. Did you discuss your testimony today?
A. We did not discuss my testimony. We reviewed the materials.
Q. So you did not discuss the questions that will be asked of you today?
A. No.
Q. Okay. And were you given any information on the issues present in this case?
A. Well, could you clarify what that is? I mean, I'm aware that there's a dispute between the parties with respect to a particular patent, but other than that, I don't have any information.
Q. So did you review the patent, then?
A. No.
Q. Okay.
MR. YOTHERS: I believe that's all for me today.

THE WITNESS: That was easy.
VIDEOGRAPHER: This marks the end of Tape 1, Volume I in the deposition of Barry Berkov. The original videotapes will be retained by LegaLink. We're going off the record. The time is approximately 2:31.
(Whereupon, at 2:31 P.M. the deposition concluded.)

* * * * *

I hereby declare under penalty of perjury that the foregoing deposition is my deposition under oath; that these are the questions asked of me and my answers thereto; that I have read my deposition and have made the necessary corrections, additions or changes to my answers that I deem necessary.

IN WITNESS THEREOF, I hereby subscribe my name, this _____ day of _____2006.

_____
BARRY BERKOV

STATE OF CALIFORNIA)
) SS.
COUNTY OF SAN DIEGO)

I, FLORINDA ST. CYR, CSR No. 10180, RPR, hereby certify that I reported in shorthand the above proceedings on WEDNESDAY, OCTOBER 11, 2006, at 1380 Harbor Island Drive, in the City of San Diego, County of San Diego, State of California; and I do further certify that the above and foregoing pages, numbered from 4 to 56 inclusive, contain a true and correct transcript of all of said proceedings.

It was stipulated that the original deposition be delivered to Meredith Zinanni, Esq. for the purpose of having the witness read, correct and sign the deposition under penalty of perjury; said original thereafter to be forwarded to and maintained by Meredith Zinanni, Esq. until the time of trial.

DATED: October ___, 2006.

_____
FLORINDA ST. CYR
CSR NO. 8573, RPR

LEGALINK
A MERRILL COMPANY

CASE: TV Guide vs. Tribune Media Services

Barry Berkov October 11, 2006

ERRATA SHEET

PAGE	LINE		
8	11	CHANGE:	boxLot
		REASON:	spelling/name
8	12	CHANGE:	boxLot
		REASON:	spelling/name
27	20	CHANGE:	Dispatch
		REASON:	capital D / proper case
27	21	CHANGE:	Dispatch
		REASON:	capital D / proper case
		CHANGE:	
		REASON:	
		CHANGE:	
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		CHANGE:	
		REASON:	

(signed) Barry J. Berkov DATE 11/22/06
Witness Signature

Reporter: Florinda St. Cyr

LEGALINK
A MERRILL COMPANY

CERTIFICATION OF WITNESS

I, Barry Berkov, being first duly sworn, on oath say that I am the deponent in the aforesaid deposition taken on October 11, 2006; that I have read the foregoing transcript of my deposition, consisting of pages 1 through 56 inclusive, and affix my signature to same.

Barry J. Berkov
WITNESS

11/22/06

Subscribed and sworn to before me this _____ day of

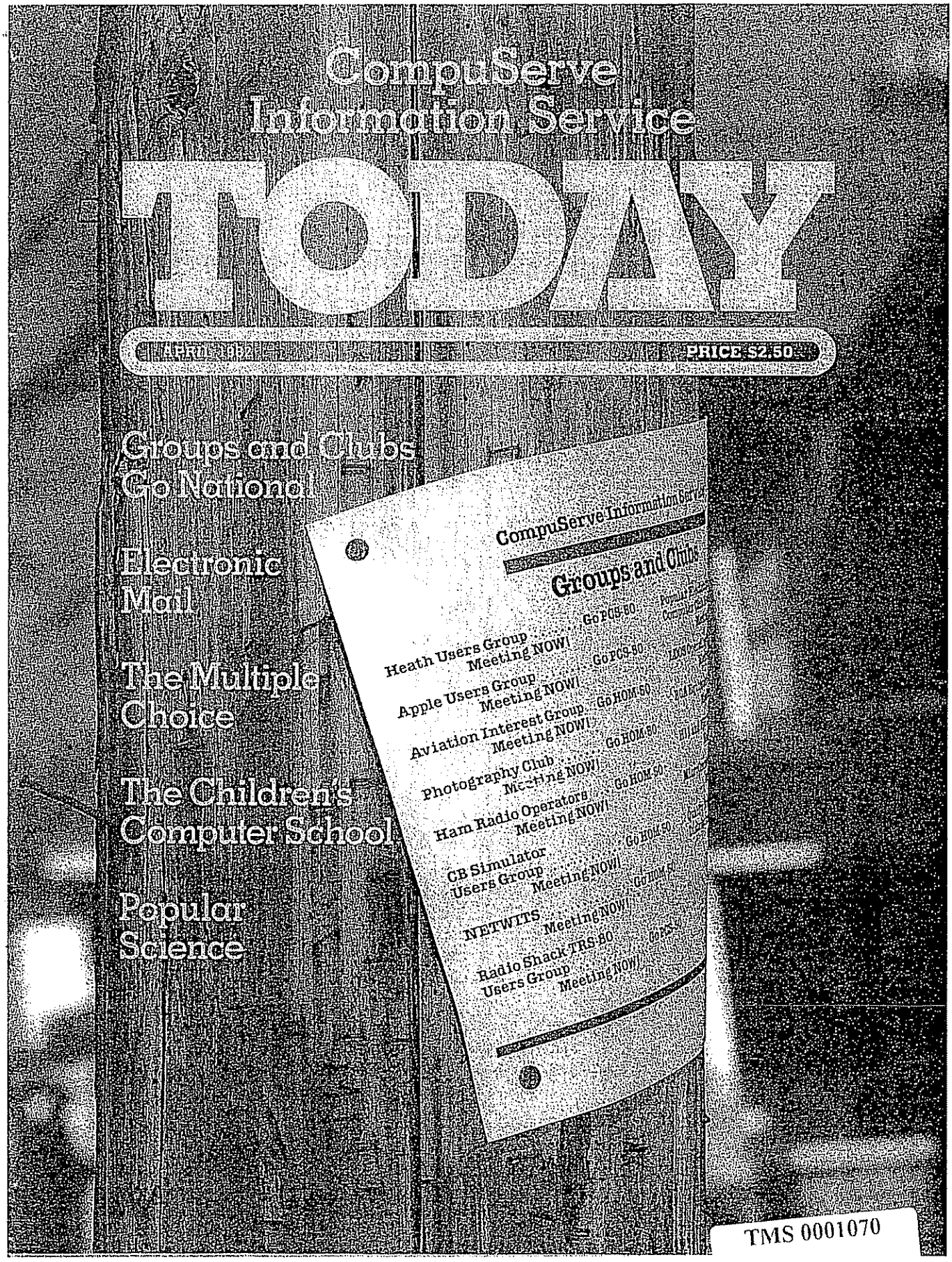
_____, ____.

_____
Notary Public

Reporter: Florinda St. Cyr

TV Guide vs. Tribune Media Services

EXHIBIT II


CompuServe
Information Service
HODAY
PRICE $2.50
Groups and Clubs Go National
Electronic Mail
The Multiple Choice
The Children's Computer School
Popular Science
CompuServe Information Service
Groups and Clubs
Heath Users Group Meeting NOW! GoPCS-80
Apple Users Group Meeting NOW! GoPCS-80
Aviation Interest Group Meeting NOW! GoHOM-60
Photography Club Meeting NOW! GoHOM-60
Ham Radio Operators Meeting NOW! GoHOM-60
CB Simulator Users Group Meeting NOW! GoHOM-60
NETWITS Meeting NOW! GoHOM-60
Radio Shack TRS-80 Users Group Meeting NOW! GoPCS-

TMS 0001070

TODAY

LATEST NEWS	5	**CompuServe at 25,000 Mark, Still Growing** **Future View, Legislation Featured in New Offerings** **Business News from Canadian Wire Service**
PRODUCTS	8	**All New Electronic Mail** *EMAIL is a user-friendly electronic mail system that provides an inexpensive and efficient method for communicating.*
	10	**The Multiple Choice** *Trivia? Analogies? Personality Profile? The Multiple Choice will put you to the test.*
	12	**Groups and Clubs Go National** *Now you can belong to clubs that have nationwide memberships and that meet 24 hours a day.*
	25	**10 Can Play Interactive Decwars Game** *Federation forces battle the dreaded Klingons for control of the galaxy.*
INDUSTRY WATCH	9	*Read brief news announcements within the microcomputing industry.*
	28	**School Offers Instruction in Computer Literacy** *The Children's Computer School opens its doors to teach children and adults how to use personal computers.*
CUSTOMER SERVICE	15	**Q&A** *Answers to the most frequently asked questions about CompuServe.*
SUBJECT INDEX	16	*A printed copy for you to tear out and keep.*
LIFE, LOVE & TRIVIA	18	**Ask Aunt Nettie** *A sample of Aunt Nettie's weekly on-line column.*
FUTURE	20	**The Perfect Rose** *The story of how an electronic club helped one person grow the perfect rose.*
TECHNOLOGY	22	**Menu Structure Takes on New Look** *CompuServe's new menu structure promotes ease of use.*
I.P. SPOTLIGHT	26	**Videotex Lets Top Magazine Interact with Readers** *Popular Science uses videotex to involve its readers.*

The Cover:
A list of meeting times of CompuServe's groups and clubs.
Greg Miller, Photographer

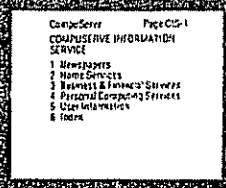
TMS 0001071

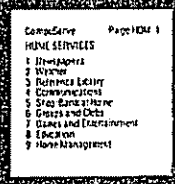
TMS 0001072

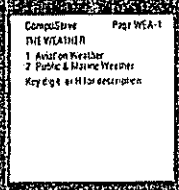
TMS 0001073

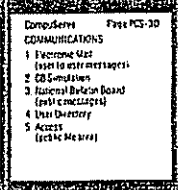
MENU STRUCTURE TAKES ON NEW LOOK, PROMOTES EASE OF USE



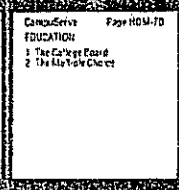




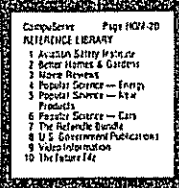




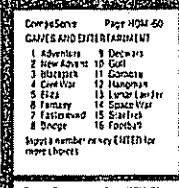


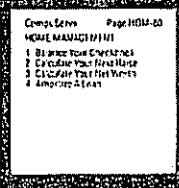


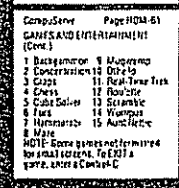












As part of CompuServe's continuing effort to make its information service responsive to customers' needs, a new menu structure has been put into effect.

All of the information contained on CompuServe has been organized under 6 primary interest sections: 1. Newspapers, 2. Home Services 3. Business and Financial Services 4. Personal Computing Services 5. User Information 6. Index.

Newspapers. Our electronic newspapers are now directly accessible from the new main menu as selection 1. All eleven newspapers can also be reached from the Home Services menu.

User Information. The User Information section contains material pertinent to your general use of the information service including Feedback, documentation and product ordering. What's New, a general command summary as well as intructions for verifying and/or altering your terminal defaults, password and credit card information. Detailed billing information, current access rates and telephone numbers are located here.

Index. The Index section contains the most up-to-date version of our Subject Index.

Home Services. The Home Services sections contains general and family-related information and services. Currently, these include:

1. Newspapers.

2. Weather: This includes both aviation and public/marine weather.

3. Reference Library: Under this menu you can find general interest newsletters from such information providers as the Aviation Safety Institute, magazines such as *Better Homes & Gardens*, and the Refundle Bundle.

4. Communications: A com-

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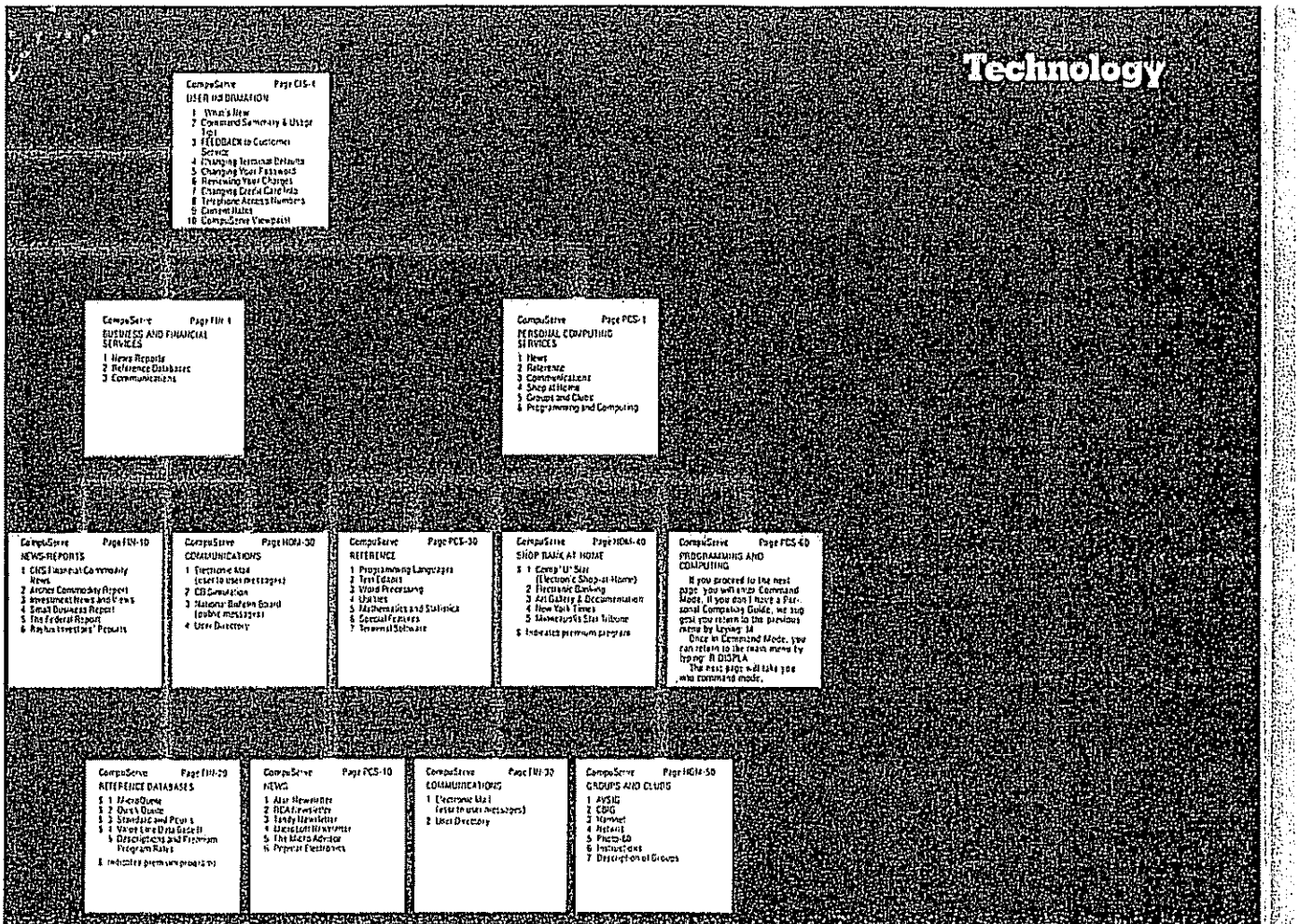

munications area has been placed in each of the three main service sections to enable you to have access to these often-used offerings as easily as possible. This communications area includes Electronic Mail, CB, the National Bulletin Board and the on-line User Directory.

5. Shop/Bank at Home: Electronic banking and shopping offerings can be found under this choice including, among others, Comp-U-Star and Bank-at-Home.

6. Groups and Clubs: The groups and clubs available under Home Services are general interest groups that share an interest in non-technical subjects.

7. Games and Entertainment: The games menu contains your old favorites, like Adventure and football, in addition to games that were previously available on other areas of the service. Interactive games, such as Decwars and Space War, can be reached through this menu.

8. Education: The education section contains the College Board that is a must for any prospective college student and the Multiple Choice where you can test your trivia skills and be challenged by many types of self development tests.

9. Home Management: In this section are grouped several very handy home-management programs for doing such otherwise tedious jobs as balancing your checkbook or figuring out a loan schedule.

Business and Financial Services. The Business and Financial Services section includes all business and financial news reports, updated stock quotes, business reference databases including, among others, Issue Quote and Standard and Poor's.

Personal Computing Services. The Personal Computing Services section includes news, programming languages, a word processor, a Software Exchange program for purchasing software, computer related groups and clubs and an area for programming activities.

TMS 0001075