



- 1 1. I have experience as a senior staff engineer at Sony Ericsson, during which time I wrote  
2 firmware that was used to program mobile phones. I wrote the decoder definition  
3 QSI\_Electric.xml for JMRI. I provided deposition testimony earlier in this case.
- 4 2. While creating the QSI\_Electric file, I was presented with a number of choices, including  
5 some from the QSI 3.0 reference manual, and some that I created on my own.
- 6 3. I selected or wrote descriptions for QSI\_Electric and other files so people can understand them  
7 and not be confused by them. I created QSI\_Electric and other files with the perspective of a  
8 model railroader in mind, not merely the NMRA's or QSI's view of model railroading.
- 9 4. Making things clear requires different things in different contexts. Sometimes all you have to  
10 do is add a word so people can understand them, such as when I added "Consist" to the QSI  
11 phrase "Acceleration Adjustment" for CV 23. When trains are functioning in "consist", they  
12 are using multiple engines for hauling a larger number of freight loads. To be prototypical in  
13 "consist", I want the acceleration to be less than it would be for one engine with one or two  
14 cars.
- 15 5. Other times, I created a new phrase. For instance, in the QSI 3.0 reference manual, CV 5 is  
16 called "Vhigh", which is an NMRA description. For the layman, that's not a descriptive term.  
17 The QSI manual is written by QSI engineers and they use acronyms, which they understand.  
18 But the average person wouldn't understand this term. So I chose "Max Volts" which I  
19 thought the average person would understand better.
- 20 6. Another example is the descriptions used for CV 33 through CV 46. In the QSI 3.0 reference  
21 manual, CV 33 is called "Output Locations" or "Output Function Location for FL(f)". These  
22 were the descriptions for the entire CV even though this CV controls different outputs. In my  
23 view, these descriptions were not particularly helpful, so I used another description, "FL(f)  
24 controls Output 1", which I used to describe the first bit of CV 33. (A bit is a single digit, 0 or  
25 1.) I created similar descriptions for the second through eighth bits, ranging from "FL(f)  
26 controls Output 2" to "FL(f) controls Output 8". When pressed, these F keys cause the train to  
27 make sounds or flash lights or do other functions. The F keys are set to certain defaults. In  
28 adding CV 33 through CV 46 to the QSI\_Electric file, I permitted a model railroader to change

1 which F key performed a specific function.

2 7. I discussed CV 53 generally in my deposition but I was not asked about Output 10 –  
3 Forward/Reverse Only. I understand Mr. Katzer has used this portion of the file as an  
4 example. I will address that particular output specifically here. I have seen a copy of Exhibit  
5 X to Mr. Katzer’s declaration in support of the opposition to Bob Jacobsen’s Motion for  
6 Preliminary Injunction. [Docket #261]

7 8. As shown in Katzer’s Exhibit X, I had 36 items or “Features” to choose from. I only chose 21  
8 of them. Of the items that I selected, I had available “Signal Type”, “Feature ID”, and  
9 “Allowed States”. I did not include “Signal Type” because I did not care about the signal type  
10 and I felt that it was a lot more information than the user wanted to have. I did not include the  
11 phrase “Feature ID”, but for 8 of the 21 items, I included the value listed under “Feature ID”  
12 and set “value” equal to that number. Because “value” is an enumerated type, the program  
13 increments the value by one when the value is not specified. I left out the other numbers for  
14 that reason. As for “Allowed States”, I did not list that information for each item, but grouped  
15 the items in this subsection based on whether they were permitted for “Forward/Reverse  
16 Only”. I note that some of these items are permitted for “All” states, which means they are  
17 also permitted for “Neutral Only”, which is not shown on Exhibit X.<sup>1</sup> I also did not use the  
18 terminology listed under “Allowed States” – “All”, “NFF/NFR”, and “FWD/REV” – but  
19 instead used at the top of the subsection “Forward/Reverse Only” and “Neutral Only”, which I  
20 thought the model railroader would understand better. I also included a default value at the top  
21 of the subsection, and “CV” and a “CVname”, in addition to the variable label “Outout 10 –  
22 Forward/Reverse Only”.

23 9. CV 49 and CV 50 are other examples. In the QSI 3.0 reference manual, CV 49 is called QSI  
24 Primary Index. CV 50 is called QSI Secondary Index. I described CV 49 as “PICV” and CV  
25 50 as “SICV”.

26 10. These are only examples from this one particular file. There are numerous other examples

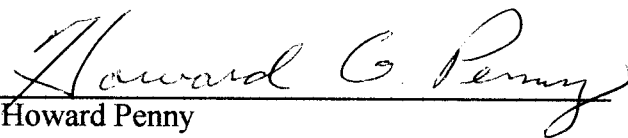
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28 <sup>1</sup> My understanding is that the “Neutral Only” subsection appears in Exhibit Y of the same  
declaration by Mr. Katzer.

1 where I shortened a phrase, added a word or two, decided not to use a phrase, or created a new  
2 phrase. There are also multiple examples of where I left out information, such as defaults and  
3 maximum/minimum values, or decided to include that information, or re-arrange it to present  
4 it differently.

5 11. I trust when I made a particular selection or arranged the file in a certain way, that it was the  
6 right thing to do at the time to help model railroaders understand what the configuration  
7 variables did.

8 I declare under penalty of perjury under the laws of the United States of America that the  
9 foregoing is true and correct.

10 Executed this 12th day of November, 2009, in Macon, North Carolina.

11  
12  
13 By   
14 Howard Penny