

Phil Eisler Deposition Designations – Public

Designation List Report



Eisler, Phillip

2023-04-12

FTC Designations	00:07:34
Defense Designations	00:01:58
TOTAL RUN TIME	00:09:32

ID: PE1

PX3382-001

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DESIGNATION	SOURCE	DURATION	ID
29:12 - 30:02	Eisler, Phillip 2023-04-12 29:12 BY MS. CALLAN: 29:13 Q. Mr. Eisler, GeForce NOW is Nvidia's 29:14 cloud gaming service; correct? 29:15 A. That's correct. 29:16 Q. And GeForce NOW offers an alternative 29:17 to downloading and playing PC games locally; is 29:18 that correct? 29:19 A. That's correct. 29:20 Q. Has Nvidia ever compared the quality of 29:21 cloud gaming on GeForce NOW to the quality of 29:22 downloading and playing games locally? 29:23 A. We do compare that, yes. 29:24 Q. And what have you found? 29:25 A. We've found over time that we get 30:01 closer and closer to the quality of playing 30:02 locally.	00:00:47	PE1.1
33:02 - 33:03	Eisler, Phillip 2023-04-12 33:02 Q. And how does GeForce NOW compare to 33:03 consoles?	00:00:07	PE1.2
33:08 - 33:12	Eisler, Phillip 2023-04-12 33:08 Q. What are the benefits? 33:09 A. Our cloud gaming servers are more 33:10 powerful than consoles, so we're able to run 33:11 higher resolutions, higher frame rates and add 33:12 more visual effects.	00:00:14	PE1.68
35:01 - 35:04	Eisler, Phillip 2023-04-12 35:01 Q. And did Nvidia do something called a 35:02 Pepsi challenge at CES? 35:03 A. In our press suite, we did compare 35:04 local gaming to that GeForce NOW gaming, yes.	00:00:16	PE1.3
36:06 - 36:08	Eisler, Phillip 2023-04-12 36:06 Q. So your goal was to convince press and 36:07 gamers that playing on GeForce NOW was as good as 36:08 playing locally; is that correct?	00:00:11	PE1.4
36:10 - 36:17	Eisler, Phillip 2023-04-12 36:10 THE WITNESS: Yeah, at least on a -- 36:11 you know, a moderate- to low-end PC, yes. 36:12 BY MS. CALLAN:	00:00:19	PE1.5

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DESIGNATION	SOURCE	DURATION	ID
	36:13 Q. And did you prove that?		
	36:14 A. Yes, I think generally most of the		
	36:15 press agreed that they couldn't -- they couldn't		
	36:16 tell the difference on a particular game and setup		
	36:17 that we had arranged for them.		
47:05 - 47:06	Eisler, Phillip 2023-04-12	00:00:06	PE1.6
	47:05 Q. And when cloud gaming was first		
	47:06 introduced, were there concerns about latency?		
47:08 - 47:23	Eisler, Phillip 2023-04-12	00:00:44	PE1.7
	47:08 THE WITNESS: I would say that it's		
	47:09 been a concern about cloud gaming since pretty		
	47:10 much the beginning, yes.		
	47:11 BY MS. CALLAN:		
	47:12 Q. And what feedback have you received		
	47:13 related to latency on GeForce NOW?		
	47:14 A. I mean, the early cloud gaming systems		
	47:15 had quite high latency, probably in the		
	47:16 200-millisecond range. So it was quite laggy, if		
	47:17 you will, for gamers. So gamers were not -- were		
	47:18 kind of turned off by that.		
	47:19 You know, Nvidia in particular has		
	47:20 focused a lot on it because we're very gamer		
	47:21 focused, and so we have reduced it now down below		
	47:22 100 milliseconds and made it enjoyable for the		
	47:23 majority of gamers.		
48:04 - 48:23	Eisler, Phillip 2023-04-12	00:01:03	PE1.8
	48:04 BY MS. CALLAN:		
	48:05 Q. [REDACTED]		
	48:06 [REDACTED]		
	48:07 [REDACTED]		
	48:08 A. [REDACTED]		
	48:09 [REDACTED]		
	48:10 [REDACTED]		
	48:11 [REDACTED]		
	48:12 [REDACTED]		
	48:13 [REDACTED]		
	48:14 [REDACTED]		
	48:15 [REDACTED]		
	48:16 [REDACTED]		
	48:17 [REDACTED]		

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DESIGNATION	SOURCE	DURATION	ID
	48:18 [REDACTED]		
	48:19 [REDACTED]		
	48:20 [REDACTED]		
	48:21 [REDACTED]		
	48:22 [REDACTED]		
	48:23 [REDACTED]		
57:03 - 57:04	Eisler, Phillip 2023-04-12	00:00:07	PE1.11
	57:03 Q. I would like to show you a document		
	57:04 that has been premarked PX3144.		
58:17 - 58:22	Eisler, Phillip 2023-04-12	00:00:12	PE1.12
	58:17 Q. Do you recognize this document?		
	58:18 A. Yes, I do.		
	58:19 Q. What is it?		
	58:20 A. It's the profit and loss statement		
	58:21 calculated by finance for the cloud gaming		
	58:22 business.		
68:06 - 68:09	Eisler, Phillip 2023-04-12	00:00:11	PE1.16
	68:06 BY MS. CALLAN:		
	68:07 Q. Mr. Eisler, GeForce NOW started off		
	68:08 with a free beta version in 2017; is that correct?		
	68:09 A. Yes, that's correct.		
70:07 - 70:17	Eisler, Phillip 2023-04-12	00:00:32	PE1.17
	70:07 Q. And Activision games were available in		
	70:08 GeForce NOW during the beta period; is that		
	70:09 correct?		
	70:10 A. We had a number of their games on the		
	70:11 service during that time frame, yes.		
	70:12 Q. And did Activision agree to make their		
	70:13 games available on GeForce NOW?		
	70:14 A. We worked primarily through a contact		
	70:15 at Blizzard, which is part of Activision, and so		
	70:16 they were definitely supportive of our games being		
	70:17 there during the beta period.		
71:16 - 71:23	Eisler, Phillip 2023-04-12	00:00:25	PE1.18
	71:16 Q. And were Call of Duty titles available		
	71:17 on GeForce NOW during the beta period?		
	71:18 A. There were some titles on there, yes.		
	71:19 Q. And when Call of Duty titles were on		
	71:20 GeForce NOW, were they popular?		

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DESIGNATION	SOURCE	DURATION	ID
71:24 - 72:04	<p>71:21 A. Call of Duty is always quite popular, 71:22 yes, so it was one of the more popular titles, if 71:23 I recall.</p> <p>Eisler, Phillip 2023-04-12</p> <p>71:24 Q. Did the popularity of Call of Duty vary 71:25 over time? 72:01 A. Call of Duty popularity does tend to go 72:02 up and down depending on where they are in their 72:03 release cycles and what events they have going on, 72:04 so its popularity does tend to go up and down.</p>	00:00:16	PE1.38
89:10 - 89:11	<p>Eisler, Phillip 2023-04-12</p> <p>89:10 Q. I'd like to show you a document that 89:11 has been premarked PX2391.</p>	00:00:07	PE1.24
89:15 - 89:19	<p>Eisler, Phillip 2023-04-12</p> <p>89:15 MS. CALLAN: And for the record, PX2391 89:16 is a January 2020 email and an attached 89:17 presentation from Phil Eisler to Brandon Zien and 89:18 Chris Schnakenberg of Activision with the subject 89:19 line: Nvidia GFN Update.</p>	00:00:17	PE1.25
90:01 - 90:09	<p>Eisler, Phillip 2023-04-12</p> <p>90:01 Q. Do you recognize this document? 90:02 A. I mean, it's a while ago now, but, yes, 90:03 I generally do, yes. 90:04 Q. And what is it? 90:05 A. Yeah, we -- we -- if you're talking 90:06 about the attached document, I mean, these are -- 90:07 these are presentations that we create to try to 90:08 encourage publishers to support their games on 90:09 GeForce NOW with, you know, supporting data.</p>	00:00:27	PE1.26
96:01 - 96:07	<p>Eisler, Phillip 2023-04-12</p> <p>96:01 Q. And after the commercial launch of 96:02 GeForce NOW in February of 2020, Microsoft 96:03 acquired Bethesda; correct? 96:04 A. Yes, Microsoft did acquire Bethesda. 96:05 Q. And what happened to the Bethesda 96:06 titles that were on GeForce NOW at that time? 96:07 A. Microsoft asked us to remove them.</p>	00:00:30	PE1.28
99:13 - 99:17	<p>Eisler, Phillip 2023-04-12</p> <p>99:13 Q. And Microsoft made its first-party</p>	00:00:12	PE1.29

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DESIGNATION	SOURCE	DURATION	ID
	99:14 games available on GeForce NOW for the beta		
	99:15 period; is that correct?		
	99:16 A. We did have a few games. In		
	99:17 particular, Minecraft was quite popular back then.		
99:22 - 100:03	Eisler, Phillip 2023-04-12	00:00:16	PE1.72
	99:22 Q. And when GeForce NOW transitioned to a		
	99:23 commercial service, what happened with Microsoft		
	99:24 first-party titles?		
	99:25 A. They also asked that they be removed,		
	100:01 and we removed them.		
	100:02 Q. Did that include Minecraft?		
	100:03 A. That did include Minecraft.		
112:14 - 112:17	Eisler, Phillip 2023-04-12	00:00:19	PE1.30
	112:14 Q. I would like to show you another		
	112:15 document. This one is premarked PX1781, and this		
	112:16 document appears to be the GeForce NOW listing		
	112:17 agreement that Nvidia entered into with Microsoft.		
113:01 - 113:04	Eisler, Phillip 2023-04-12	00:00:12	PE1.31
	113:01 Q. Okay. And this is the GeForce NOW		
	113:02 listing agreement that Microsoft and Nvidia		
	113:03 entered into in February of 2023; is that correct?		
	113:04 A. That's correct.		
147:18 - 148:03	Eisler, Phillip 2023-04-12	00:00:30	PE1.39
	147:18 Q. I want to start by asking you about a		
	147:19 document that's already been used in your		
	147:20 deposition. It's been marked as PX1781, and if		
	147:21 you could pull that up in your Box and let me know		
	147:22 when you're ready.		
	147:23 A. I have it now.		
	147:24 Q. All right. And this is the GeForce NOW		
	147:25 listing agreement that we've been talking about		
	148:01 for a good part of your testimony this morning and		
	148:02 afternoon; is that correct?		
	148:03 A. That's correct.		
148:17 - 148:24	Eisler, Phillip 2023-04-12	00:00:18	PE1.41
	148:17 Q. Okay. I want to ask you about a		
	148:18 paragraph on the very first page of that document		
	148:19 that you were actually asked about earlier today.		
	148:20 It's the last full paragraph of that first page		

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	148:21 that starts, "Nvidia has responded."		
	148:22 And let me know when you see that		
	148:23 paragraph.		
	148:24 A. I see it.		
149:08 - 149:16	Eisler, Phillip 2023-04-12	00:00:20	PE1.74
	149:08 Did I read that correctly?		
	149:09 A. Yes, you did.		
	149:10 Q. And was that a true statement on		
	149:11 February 20th, 2023, when the agreement was first		
	149:12 signed?		
	149:13 A. Yes, that's true.		
	149:14 Q. And is that still true sitting here		
	149:15 today in April of 2023?		
	149:16 A. Yes, that is still true.		
151:18 - 151:23	Eisler, Phillip 2023-04-12	00:00:18	PE1.42
	151:18 A. [REDACTED]		
	151:19 [REDACTED]		
	151:20 [REDACTED]		
	151:21 [REDACTED]		
	151:22 [REDACTED]		
	151:23 [REDACTED]		
174:15 - 174:20	Eisler, Phillip 2023-04-12	00:00:16	PE1.54
	174:15 Q. Now, earlier today Ms. Callan asked you		
	174:16 about a number of companies who asked for their		
	174:17 games to be removed when GeForce NOW switched from		
	174:18 its beta phase to its commercial phase.		
	174:19 Do you recall those questions?		
	174:20 A. I do.		

FTC Designations	00:07:34
Defense Designations	00:01:58
TOTAL RUN TIME	00:09:32