

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

SAMSUNG ELECTRONICS CO., LTD,

Petitioner,

v.

DODOTS LICENSING SOLUTIONS LLC,

Patent Owner.

Case IPR2023-00621 (US Patent No. 8,020,083)

Case IPR2023-00701 (US Patent No. 8,510,407)

Case IPR2023-00756 (US Patent No. 9,369,545)

VIDEOCONFERENCE DEPOSITION OF

JOHN KEMBEL

MAY 16, 2024

Page 1 - 79

9:21 a.m. - 11:14 a.m.

REPORTED BY:

Tamara L. Houston

CA CSR No. 7244, RPR, CCRR No. 140

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REMOTE VIDEOCONFERENCE DEPOSITION OF JOHN KEMBEL,
taken on behalf of the Petitioner, commencing from
9:21 a.m. to 11:14 a.m., Thursday, May 16, 2024, before
Tamara L. Houston, CSR No. 7244, CCRR, RPR.

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THE SULLIVAN GROUP OF COURT REPORTERS

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INDEX TO EXAMINATION

WITNESS: JOHN KEMBEL

EXAMINATIONS	PAGE
Mr. Ballanco:.....	5

QUESTIONS INSTRUCTED NOT TO ANSWER

Page Line

NONE

INDEX TO EXHIBITS

EXHIBIT	DESCRIPTION	PAGE
	NONE	

1
2
3
4
5
6
7
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THURSDAY, MAY 16, 2024, 9:21 a.m.

--000--

All counsel present stipulate
that the witness shall be sworn remotely
by the court reporter

* * *

Whereupon, JOHN KEMBEL, having been
called as a witness was duly sworn
to tell the truth, the whole truth,
and nothing but the truth testified
as follows:

EXAMINATION BY MR. BALLANCO:

Q. Okay. For the record, I will introduce
myself. I am Michael Ballanco with the law firm Fish &
Richardson representing the Samsung Petitioners in these
proceedings, which I will read the proceeding numbers
into the record. We do not have a videographer. They
are IPR2023-00621, the next one is IPR2023-00701, and
the third is IPR2023-00756.

Joining me today are my colleagues,
Hyun Jin In and Chris von Gunten, also with the Fish &
Richardson law firm.

MR. IYER: This is Chandran Iyer for
Mr. George Kembel.

THE WITNESS: John.

1 MR. IYER: Sorry, John Kembel.

2 MS. CANINO: This is Christina Canino and
3 Paul Hart with Erise IP on behalf of Apple, Inc.

4 BY MR. BALLANCO:

5 Q. Mr. Kembel, would you please state your full
6 name for the record.

7 A. Sure. John Albert Kembel.

8 Q. Okay. And, Mr. Kembel, where are you joining
9 the deposition from today?

10 A. I am in beautiful downtown Boulder, Colorado.

11 Q. Okay. And we -- I believe I heard you say
12 before we got on the record that this is your first
13 deposition. Is that true?

14 A. That's correct.

15 Q. Okay. Let me go over a few ground rules just
16 so that things go smoothly today and that we don't have
17 any unnecessary issues. I -- you understand you're here
18 today under oath. Right?

19 A. Yes. You broke up there a little bit, but I
20 understand I'm here under oath.

21 Q. And would you --

22 (Audio issues; Mr. Ballanco rejoins Zoom.)

23 BY MR. BALLANCO:

24 Q. So, Mr. Kembel, question I was about to ask
25 you is: Do you understand that, with you being under

1 oath, the testimony you give today is the same as if you
2 were in court before a judge or a jury?

3 A. I understand that, yes.

4 Q. Okay. Especially because we're virtual and
5 because I've had some technology issues, I'd ask that,
6 before you start an answer to my question, you wait
7 until I've finished my -- my question, and I will do the
8 same for you and wait to ask my next question until you
9 finish your answer.

10 Is that fair?

11 A. That's fair.

12 Q. Okay. Do you have any medical issue or other
13 issue that prevents you from giving full, accurate, and
14 complete testimony today?

15 A. No, not that I can think of.

16 Q. Okay. If that changes at any point during the
17 deposition, just let me know, and we'll stop. Okay?

18 A. Yeah. No worries.

19 Q. The other thing is that we have a court
20 reporter here with us today who is transcribing
21 everything that we talk about, and for her benefit, I'd
22 ask that you please give audio "yeses" or "noes" or
23 other responses to my questions rather than nonverbal.

24 Fair?

25 A. Fair.

1 Q. We'll take breaks about every hour, but if you
2 need one sooner than that, just ask me, and I'll let you
3 do that. Okay?

4 A. Yep.

5 Q. The only thing I'll say with that, if there's
6 a question pending, I'll ask you to answer the question
7 before we take a break. Okay?

8 A. Understood.

9 Q. And we also discussed this a little bit off
10 the record, but I'll just state it on the record.

11 There's going to be exhibits that we're using
12 today. My plan is to put them in the Zoom chat, have
13 you navigate them on your computer, but if that presents
14 an issue, you're having any trouble with the exhibits,
15 just let me know, and we'll address that.

16 Is that okay?

17 A. That's okay.

18 Q. Okay. Mr. Kembel, I want to start by actually
19 pulling up an exhibit, so it's going to be -- and I
20 believe you're familiar with. Let me put it into the
21 chat.

22 Let me know when you're able to access that
23 document that I've put into the chat.

24 A. Downloading.

25 Yeah, it's the patent. Let me resize it.

1 Q. Sure. Just let me know when you're ready.

2 A. I'm ready.

3 Q. Okay. And can you identify what document this
4 is that I've put into the chat?

5 A. U.S. patent ending in '083.

6 Q. Okay. And you understand that the '083 patent
7 is one of the patents that's at issue in the proceedings
8 that I read into the record earlier?

9 A. I understand that, yes.

10 Q. And you submitted a declaration in the '083
11 IPR proceeding.

12 Is that fair?

13 A. I submitted a declaration, yes.

14 Q. And, in fact, I believe you submitted a
15 declaration in actually all three of the proceedings
16 that we're here about today, right?

17 A. Yeah. There are three declarations, and they
18 pretty much have the same content. They just wrapped
19 with, I think, three patents. I don't remember all of
20 the numbers, but I do remember '083 as one of the
21 numbers.

22 Q. Okay. Do you remember the '545 as one of the
23 other patents?

24 A. Rings a bell.

25 Q. Okay. And --

1 A. An accurate memory, '083, '545, and something
2 with maybe a 7. But, yeah, I remember those.

3 Q. Okay. We can pull those up later, but let's
4 focus on the '083 for now. Okay?

5 A. Sure.

6 Q. You're a named inventor on this patent, right?

7 A. Yes, and I can see my name there.

8 Q. And you understand that this patent relates to
9 an application that it claims priority to filed in April
10 of 2000; is that right?

11 MR. IYER: Objection to form.

12 You can answer.

13 THE WITNESS: Yeah, it's hard for me to trace
14 all of the file patent dates. That's something more for
15 our patent lawyers on the dates and how the references
16 work. I mean, I've reviewed this application, and I was
17 part of the provisionals, but I don't know exactly the
18 dates of the other patents on the whole patent tree.

19 BY MR. BALLANCO:

20 Q. Okay. If I represent to you that this patent
21 claims priority to an April 2000 patent application,
22 does that seem like the timeframe that you were filing
23 or that you were working on this invention?

24 A. We filed the provisional patents, I believe --
25 is that listed here?

1 COURT REPORTER: Mr. Iyre, did you have an
2 objection?

3 MR. IYRE: Not to this question.

4 COURT REPORTER: Okay. Your screen lit up. I
5 apologize.

6 Go ahead, Mr. Kembel.

7 THE WITNESS: This was 25 years ago. What I
8 remember is I filed the provisional application in --
9 in -- I think that was '99, but I can go back and look
10 at the dates.

11 A year later, we converted that to -- I don't
12 know the exact language here. You'd have to talk to a
13 patent lawyer. But I worked with a patent lawyer to
14 convert it to some sort of formal application.

15 After that, I -- it's hard for me to trace how
16 the patents got split and divided. That's something
17 that we relied on counsel for.

18 BY MR. BALLANCO:

19 Q. Understood.

20 Fair to say that the provisionals were in the
21 1999 timeframe and then the applications that were
22 converted were in the spring of 2000 timeframe?

23 A. Yeah. That -- the year later, I remember
24 that -- that year clock that started. I remember that.
25 Mm-hmm. So that makes sense to me.

1 Q. You can -- you could put that document to the
2 side for now. I imagine we'll revisit it, but the
3 questions I'm about to ask you, I don't think you'll
4 need the patent for.

5 A. Okay. I'm just going to minimize it so I have
6 it later. Yeah.

7 Q. Okay. What were the major pieces of the
8 DoDots product? The major parts of the invention?

9 MR. IYER: Objection to form. Vague.
10 You can answer.

11 THE WITNESS: Goodness, Mike, there's a lot
12 there. Is there a specific way you'd like me to answer
13 that question or just...

14 BY MR. BALLANCO:

15 Q. As the -- as the co-founder of DoDots and --
16 (Audio disruption; Reporter requests
17 clarification.)

18 BY MR. BALLANCO:

19 Q. Let me just ask this: Have I -- has the audio
20 caught up?

21 A. Yes.

22 Q. Okay. Let me start the question over.

23 In your role as co-founder of DoDots and named
24 inventor on these patents, I'd just ask for you to
25 describe for me the major components that you saw here

1 to your --

2 MR. IYER: I'm going to object to the form as
3 vague.

4 You can answer.

5 THE WITNESS: I think the main -- (audio
6 distortion) -- at that is --

7 (Audio disruption; Reporter requests
8 clarification.)

9 THE WITNESS: Can you hear me, Mike? Last
10 thing I heard you -- okay. So something changed. Maybe
11 we just stand very still.

12 I think maybe to highlight sort of the key
13 components and, you know, the little bits of magic that
14 make the DoDots technology work, you really had to dial
15 back the clock to what it was like in the late '90s
16 because there's so many things we take for granted now
17 in terms of the way apps and the app ecosystem in the
18 app store work.

19 But back then, you had your computers, and you
20 had this burgeoning new Internet really flourishing
21 because of the rise of the web, right? And to do
22 something on computer, you needed a native-installed
23 application, and to do something on the web, that -- the
24 web rose, as you all know, if you were there, as, you
25 know, really with a document paradigm.

1 And so websites were, you know, hypertext
2 documents, page by page, and really had a great
3 flourishing and blossoming around -- certainly on
4 research documents, I think, is where it started.

5 And then the company started making websites,
6 but they were trapped in a page-by-page document model
7 which was -- which was pretty okay for anything that was
8 information based or document based.

9 But for anything that wanted to be a little
10 more interactive, more application-like or to meet the
11 needs of other companies that weren't maybe necessarily
12 information companies or research companies or document
13 companies, the web -- and the web page paradigm
14 presented a lot of challenges in terms of that regard.

15 And goodness, it was -- what? Late '98, '99,
16 my brother and I were just finishing design school and
17 were trained in sort of design and innovation processes
18 and methodologies. We started our own little design
19 consulting firm with the intent of inventing new
20 technologies and products. That was just kind of what
21 we were trained in. We ran these little IP hours, what
22 we call "happy hours," but IP hours. You kind of get
23 the joke there.

24 Every week, we were just brainstorming new
25 ways of doing interesting things. We were exploring all

1 kinds of different product categories, and of course we
2 were exploring --

3 (Reporter admonishment.)

4 THE WITNESS: -- ways of, you know, inventing
5 new products and technologies. You can think of it as a
6 happy hour, but we called it an IP hour like
7 intellectual property hour. IP hour.

8 And every week, we would just sit around -- we
9 had a tiny office. We had glass windows like here, and
10 we'd get out our whiteboard markers, and we would just
11 brainstorm things. We explored a lot of different
12 product categories, and obviously one the categories
13 that kept coming up was what might be possible on the
14 web.

15 And, you know, I'd love to maybe talk to you,
16 if it makes sense, about how we came up with the
17 nonobvious perspective of what we came up with because
18 our rigorous innovation process as well as something we
19 were exploring scientifically around systems making
20 emergent --

21 (Reporter admonishment.)

22 THE WITNESS: Oh, sorry. Thank you. Maybe
23 you can wave your hand, and I'll see it, and I'll
24 remember --

25 (Discussion off of the record.)

1 THE WITNESS: Because we used both our design
2 process, our rigorous innovation process -- you know,
3 most people believe innovation comes from luck or
4 genius. That proverbial ah-ha moment or you have to be
5 brilliant to do it.

6 If you work in the design field or the
7 innovation field, you learn that you can use a rigorous
8 methodology, a rigorous design process, find nonobvious
9 solutions to things that people wouldn't come up with.
10 And so we used both a rigorous design process in all of
11 our work as well as we were curious about systems and
12 emergent behavior.

13 Think schools of fish, colonies of ants,
14 flocks of birds. We were holding those two things at
15 the same time in our minds and exploring what might be
16 possible on the web.

17 And so we asked a very simple question: If --
18 what if we were to break out of the browser and break
19 web pages up into smaller pieces like get flocks of
20 birds, schools of fish, smaller pieces because when you
21 break things into smaller pieces, unexpected things
22 emerge, emergent behavior. And so that's the question
23 we asked.

24 And right then, we realized so many things
25 were possible that -- well, first, the web being trapped

1 in pages was a problem. As we got into it, we realized
2 lots of people recognized the limitations of the
3 browser. You know, users could only navigate the web
4 one page at a time.

5 After going to -- navigating the browser to a
6 website and navigating the website back and forth with
7 arrows, companies were trapped in representing their
8 products, their services, and their brand in page format
9 and within a browser window, which they didn't control
10 the branding of or the user experience of. That was
11 controlled by the browser companies.

12 At the time, I think that was -- what? Mosaic
13 and maybe Internet Explorer. And then developers, these
14 new web developers were trapped in their imagination.
15 Their creativity was trapped in a page format, not very
16 interactive, not very application-like.

17 And so by coming up with the idea of breaking
18 out of the browser paradigm, out of the page-by-page
19 paradigm, and breaking these things into smaller pieces,
20 we realized that there was a potential world between
21 native software applications that were -- you know,
22 could be branded, could be tailored, could be directly,
23 you know, installed on a computer for a user, but were
24 hard to develop, required software developers, required
25 updates. Things didn't auto-update back then. And the

1 flexibility of the web, but without being trapped in a
2 browser.

3 We imagined the Dot, right? We would now call
4 that an app, but we called it a Dot, because the word
5 did not exist for an Internet-powered or web-powered
6 application back then.

7 And what made a Dot work were -- it's a couple
8 of magic ah-ha moments. One is a Dot had to be fully
9 configurable in its frame. And you'd have, you know,
10 application controls that made it feel more like an
11 application than like a monolithic web page. And then
12 it had the ability to render content or interactive
13 content from the web.

14 With those properties, you could have
15 something that had all of the flexible characteristics
16 of the web but behaved more like, quote/unquote, "apps."
17 And that required something special to make the Dot work
18 as you needed to be able to define the Dot or make a
19 template for the Dot. We call that a Dot template or a
20 Dot definition.

21 And the Dot definition just described the NIM,
22 right? The NIM's characteristics. The frame, which I
23 think it was the window, the controls, you know, what --
24 where it gets the content, the view, and didn't require
25 any code, executable code, which means a web developer

1 could do it, not a software developer. Huge difference.
2 Unleashed a whole new community of Dot developers.

3 And because it was fully configurable, fully
4 branded, and could be configured, that meant a couple of
5 things: Companies that struggled to reach end users
6 directly before because their reach to customers was
7 mediated by a browser and limited by websites page by
8 page, they could directly get a Dot to an end user
9 because you could collect them rather than download
10 them.

11 Web developers could unlock their imagination
12 or do things outside the construct and the limitations
13 of the page, and end users could control their, you
14 know, web application experience and not be limited by a
15 browser that takes over their whole page.

16 And so we could go into this, but you could
17 collect Dots, you could share Dots, you could organize
18 them into packs based on your different work products,
19 but the gist and the magic of the invention really comes
20 down to the concept of a Dot, the Dot definition, and
21 the server infrastructure that enabled those to be
22 defined, collected, developed, and distributed.

23 BY MR. BALLANCO:

24 Q. So, Mr. Kembel, you -- let me just ask a
25 couple setup questions.

1 Your company launched the Dot -- right -- as a
2 product?

3 A. We launched a bunch of things. The concept of
4 Dots was one of the things in our Dot technology and our
5 Dot infrastructure.

6 Q. Okay. And you said there was a bunch of
7 things, so that was part of a bundle of technology that
8 you all launched; is that fair?

9 A. I think of it as a Dot -- Dot technology
10 platform, a Dot infrastructure. I think the language
11 that we used, happy to -- you know, I know the exhibits
12 show the diagrams, the way the Dot servers worked, the
13 developer ecosystem, and those developer tools worked.

14 What it means to Dot-enable a computer so you
15 can even collect Dots, the Dot templates, the
16 definitions for how Dot templates are defined, those
17 were defined and developed. We made some, but largely
18 by our customers and by our developer ecosystem, so they
19 are the ones who made the Dots and distributed the Dots,
20 and we were just a platform that enabled that.

21 And then, you know, we can get as technical as
22 you want. The Dots also had a Dot messaging system, and
23 that enabled Dots to behave more like applications,
24 application interactive behavior rather than pages.

25 So, you know, I draw a soft circle around all

1 the things we did. We did a lot at DoDots. And so it's
2 hard to say it's just the Dots or just the server. All
3 of those things based on the concept of a Dot and a Dot
4 definition is what made our ecosystem of technologies
5 work.

6 Q. So fair to say the Dot would not be able to
7 work in the way that it works without the Dot
8 infrastructure, right?

9 MR. IYER: Objection to form. Vague.

10 THE WITNESS: Yeah. I don't know what you
11 mean by that. The concept of a Dot, the concept of a
12 Dot definition? What do you mean?

13 BY MR. BALLANCO:

14 Q. The -- the concept of a Dot, what really
15 enabled it to be as powerful as it was, was that it was
16 a part of this larger Dot infrastructure, right?

17 MR. IYER: Objection to form. Vague.

18 But you can answer.

19 THE WITNESS: I think what made the Dot
20 powerful was the concept of a Dot, that it was different
21 than a web page and different than installed
22 application. And the Dot was intimately related to its
23 definition, its template.

24 Now, there are a lot of ways you could serve
25 it and scale it and bring it to market, but the magic is

1 the concept of the Dot and the notion that the Dot isn't
2 a web page.

3 It requires a Dot definition to describe
4 effectively all of the characteristics of that Dot which
5 were distinct from the content that came into it. So
6 the magic that made this work was the concept of a Dot
7 and the Dot definition. The infrastructure is what
8 enabled us to bring it to market, what enabled us to
9 sell it, what enabled us to have statistics --

10 Oh, I'm talking fast again. Thank you.

11 What enabled us to develop statistics, you
12 know, host and develop our ecosystem. But all of that
13 was built on the concept of the Dot and the Dot
14 template.

15 BY MR. BALLANCO:

16 Q. Okay. What -- strike that.

17 How did your Dot technology improve upon what
18 your competitors were doing?

19 A. Do you have any competitors in mind?

20 Q. Who would you view as your competitors?

21 A. Man, the Internet was a Wild West of a lot of
22 people trying a lot of things.

23 I think it's fair to say that -- and you can
24 see this in the exhibits that I included. It was fun to
25 go back through all of the press and, you know, the

1 materials that I've kept from the company and see how
2 people commented on both the potential and what was
3 exciting about the web but the limitations of the web
4 model.

5 So a number of people recognized the
6 limitations of the browser both for companies, for
7 developers, and for end users. People were trying a lot
8 of different things.

9 It's hard to pin down direct competitors
10 because people were doing different things trying to
11 imagine a different kind of Internet. We were the only
12 ones, and the first that I know of, to take a
13 Dot-centric approach, you know, rather than, you know,
14 people were doing channels and, you know, portals and
15 all kinds of other things.

16 But we were the only ones to come up with a
17 concept of a Dot and a Dot template. And it was
18 different because of those concepts that I just
19 described.

20 Q. And how was your technology superior to
21 channels, for example?

22 A. I -- I don't remember a whole lot about the
23 technology of channels. I remember there were kind of
24 like the T.V. approach of imagining a future Internet --
25 right? -- the obvious term of channels coming out of the

1 media ecosystem.

2 But our technology was superior because of the
3 flexibility of -- and the configurability of the concept
4 of a Dot and the Dot definition. And, I mean, companies
5 were trying all kinds of things, obviously, and
6 companies -- other companies were pitching all kinds of
7 things.

8 But, man, we collected a lot of well-known
9 customers. ABC used Dots. Merriam-Webster used Dots.
10 ZDNET used Dots. A lot of big companies that were big
11 back then -- you may not know now -- some still exist --
12 just pulled on our DoDot technology because it enabled
13 them to solve those needs, as I mentioned before, to
14 reach their customers directly, to control the brand of
15 their company, to package their services and products
16 other than information in a form that honored what their
17 offering was and honored their brand to get that out in
18 a viral distributive way, enable a whole class of
19 content developers and web developers to develop those
20 Dots for them rather than having to hire native software
21 developers and -- and to engage their customers, their
22 end users more directly.

23 I think I include in some of the marketing
24 materials the engagement metrics of Dots were orders of
25 magnitude greater than the engagement metrics of normal

1 web pages which showed it met the needs of users of
2 wanting to pull this content and interactivity into
3 their world and their day-to-day work experience, and it
4 met the needs of companies trying to engage their
5 customers in whatever product service or experience they
6 wanted.

7 So I would call that evidence of the
8 superiority of our technology, if that answers your
9 question.

10 Q. Okay. Anything else that comes to mind?
11 Those are the key things that differentiate your product
12 from everything else that was on the marketplace?

13 A. I would just reemphasize the key
14 differentiator was the Dot and the magic that made it
15 work, the Dot template.

16 Q. The Dot template. If I'm understanding your
17 testimony correctly, please correct me if I'm wrong,
18 that is what enabled nontraditional code developers to
19 work on Dots; is that fair?

20 A. The Dot template in that regard, sure. The
21 Dot template, you know, technically defined the
22 characteristics of the Dot. It defined the
23 characteristics of the controls and the view within it.
24 But that enabled -- as a result, that enabled what we
25 called "Dot developers." You might call them app

1 developers now, right?

2 Rather than traditional software developers
3 sitting, coding, compiling code, distributing software
4 over CDs -- I don't know if you remember this. Software
5 was distributed -- you went down to, you know, the
6 store, and you bought a box. You took a CD out. You
7 stuck it into your CD drive.

8 These computer's don't have CD drives. You
9 installed, compiled executable applications on your
10 computer, and you ran them. And they did not
11 auto-update, by the way. You went a year later, got
12 another CD, and updated it.

13 And so to be a software developer for what we
14 now would call native software applications and the
15 whole distribution system, packaging system, for getting
16 that type of software onto the computers of users
17 required a certain technical skill set. Native software
18 developers.

19 The concept of a Dot and Dot template enabled
20 the emerging class of web developers and content
21 developers to offer a similar interactive app-like
22 experience on a user's device, which, by the way, could
23 be their computer, could natively move to their mobile
24 devices.

25 You might remember PalmPilots and PDAs and

1 phones with screens. Companies were struggling to
2 figure out how to get big pages onto small things. Dots
3 were small. They just went across. And so it enabled
4 those developers to make those types of interactive app
5 experiences simply by defining a Dot template and the
6 content that went within it.

7 So it enabled that entire group of people who
8 had a need to want to contribute but didn't have the
9 skill set to do it to participate. In that regard, yes,
10 it enabled them to develop -- develop, I would put that
11 in quotes, Dots.

12 Q. Okay. And you mentioned before in your
13 testimony that traditional applications you'd need to
14 download them from -- or load them from CD-ROMs onto
15 your machine and update with new CD-ROMs.

16 What about the Dot technology obviated that?

17 A. What do you mean by "obviated"?

18 Q. In other words, why was that not required to
19 download an application from a CD-ROM for a Dot
20 technology?

21 A. Why wasn't a CD-ROM required for a Dot
22 technology?

23 Q. Correct.

24 A. We were able to -- what we called Dot-enable a
25 computer just by downloading a thin client, very small.

1 And other applications, small applications could be
2 downloaded in that way as well. Let's say you
3 downloaded PointCast. You could download PointCast, for
4 example. Some of the modern -- or rather emerging
5 custom applications could be downloaded in that way.

6 Most of the whole software field was delivered
7 in the traditional way of CDs, but because our
8 application was very small, it could be downloaded
9 really quickly. Didn't require a lot of time, which
10 most applications were fairly large and needed a CD or a
11 long time. Internet connections weren't as fast as they
12 are now. I do remember.

13 But because we had -- part of our technology
14 was just a thin client that enabled the Dot and Dot
15 definitions to work -- everything after that, by the
16 way, to get a new Dot, you didn't need to download
17 software. Huge advantage. All you needed to do was get
18 the Dot template. The Dot definition was, you know,
19 about this big.

20 Once you got the definitions that could be
21 substantiated on the computer, you know, configured,
22 sized, whatever the frame size was, all of the branding,
23 the title bar, everything didn't come from a CD, didn't
24 even come from our servers, came from our company
25 servers -- excuse me, servers of our customers.

1 So all of the application-like content and
2 experience did not have to be distributed in the
3 traditional software way, did not have to be downloaded
4 in the traditional software way. It all was loaded in
5 the same way web content was loaded. Which, by the way,
6 think about it. For ABC to change the ABC Dot because
7 they changed their -- after they ran their commercials
8 about Dots, they wanted to change the programming, all
9 they'd have to do was change the content on their web
10 servers, and their Dot changed like that.

11 See the flexibility there? Amazing. No
12 downloading Dots in that way, in a software way. That
13 was one of the things that was so powerful about them.
14 The flexibility and configurability of applications but
15 with characteristics of the web.

16 Q. What is the HomeDot?

17 A. The HomeDot was the thing that enabled --
18 think of it as like the face of the thin client when you
19 Dot-enabled your computer. It's what enabled you to
20 open Dots, close Dots, and share Dots. Things like
21 that.

22 Q. And how was -- how was that HomeDot concept
23 enabled?

24 A. What do you -- what do you mean, "enabled"?

25 Q. What about the Dot -- Dot form allowed for the

1 use of a HomeDot to control the Dot infrastructure?

2 MR. IYER: Objection to form. Vague.

3 THE WITNESS: Yeah, you've got a bunch of
4 pieces in there. Can you be more precise? We can talk
5 about it from the end user experience.

6 Does that help, or do you have a direction
7 you're going?

8 BY MR. BALLANCO:

9 Q. Yeah. Why don't we start there from the end
10 user experience.

11 A. Yeah. So you could look at the marketing
12 materials -- I'm happy to show some screenshots of this.
13 They are in the exhibits.

14 But if an end user had not collected a Dot
15 before, they needed to Dot-enable their computer. And
16 that happened the first time they collected their first
17 Dot. So it's like, hey, I want a Dot from
18 Merriam-Webster or ABC.

19 You could get the Dot, by the way, by getting
20 it on a link from the company's website, a Dot link from
21 the company's website. You can get it from our index of
22 Dots where they got published. I think of that as the
23 app store in today's vernacular, or I could receive it
24 shared from a friend. "Hey, you know, John, go check
25 out ABC's app Dot. I just shared it with you."

1 Those are all the ways of starting your Dot
2 experience. Excuse me.

3 And so the first time we need to Dot-enable
4 our computer, as I had mentioned, that thin client on
5 the computer in order to Dot-enable their computer and
6 the HomeDot came with that, and the HomeDot -- just
7 think of it as their control panel for opening and
8 closing Dots, collecting Dots, organizing Dots. But,
9 you know, it was more just like the control panel. It
10 wasn't -- wasn't ABC's Dot enabled ABC's Dot to be
11 opened and closed and shared and things like that.

12 Does that help?

13 Q. It does. Let me ask you this question:

14 If I understand, an end user, to use the Dot
15 platform, would need a HomeDot to start?

16 A. They would need to Dot-enable their computer.
17 The most important thing is have the way -- the software
18 on the computer enabled to be able to open the Dot --
19 actually be able to instantiate a Dot from a template
20 and fetch the information from -- from the Internet to
21 fill that out.

22 Q. Okay. And --

23 A. The HomeDot made it convenient to open and
24 close it, but you can probably imagine other ways of --
25 I think we had ways of previewing Dots without a

1 HomeDot -- right? -- before people committed to a Dot.

2 So I wouldn't call it necessary. More
3 convenient. What's necessary is to Dot-enable your
4 computer in order for the computer to be able to
5 instantiate a Dot template and get information from the
6 Internet to fill it out. That's what's necessary.

7 Q. Okay. And so -- just so we're clear, in order
8 to use the Dot platform, an end user's machine would
9 have to be dot-enabled, right?

10 A. That was our marketing language for it, yes.

11 Q. And one of the primary ways that a user would
12 Dot-enable their machine is by downloading a HomeDot?

13 A. No. You download -- well, I'm going to have
14 to -- by the way, plug my computer in. I forgot to do
15 this, and we're going to run low on battery.

16 Can I hit pause and plug my computer in so I
17 don't lose you?

18 MR. IYER: Okay if we go off record?

19 MR. BALLANCO: Sure.

20 (Off the record.)

21 (Whereupon the certified court reporter read
22 the record.)

23 THE WITNESS: Yeah, Mike, I wouldn't say it
24 that way. I would say Dot-enabling the computer is
25 bringing down the thin client in order to substantiate

1 Dots. The HomeDot came with that as a convenience.

2 BY MR. BALLANCO:

3 Q. I'll ask you, then, in order for a user to use
4 the Dot platform, they would need to download the thin
5 client so that they could instantiate Dots, right?

6 A. Yeah. That's why we like the simple language
7 of Dot-enabling your computer. It's just more clear to
8 understand what the user experience was like. And I --
9 I know that there -- if we want to walk through how this
10 happened in some of the exhibits, there are diagrams
11 of -- of how that works.

12 Q. Okay. We may head there in a bit, but I want
13 to ask you first about PointCast.

14 Can you tell me what PointCast is?

15 A. Man, it's been 25 years. My recollection, it
16 was a newscasting company that built a custom, you know,
17 native application that received streams of news and
18 maybe stock tickers, if I recall. I believe it was
19 categorized as a news streaming service.

20 Q. Okay.

21 A. It's -- goodness, it's been 25 years since
22 I've seen it, and it's one of the most memorable names
23 because, I mean, come on. PointCast. But I don't
24 really remember the details of -- I don't know if I ever
25 even used it.

1 Q. Was it a subscription service?

2 A. No, I don't recall.

3 Q. How did Dots retrieve content from the
4 Internet?

5 MR. IYER: Objection to form. Vague.

6 You can answer.

7 THE WITNESS: Just by fetching it the way
8 normal Internet -- excuse me, web content was fetched.

9 BY MR. BALLANCO:

10 Q. And if you were describing that to a
11 layperson, how would you describe that?

12 A. I'd just maybe follow the user experience --
13 excuse me -- and, if you want, we can flip over to the
14 developer experience again because different
15 perspectives, you would answer it different ways. From
16 a company perspective, from a developer which could be
17 independent, or at a company and from the end user
18 perspective, right?

19 So from the end user perspective, you would
20 open a Dot -- let's assume you have collected it -- the
21 Dot template would sort of define how that gets
22 instantiated, but it's pretty much empty.

23 And so then all of the characteristics of the
24 Dot -- say, like the title bar, which can be branded,
25 "ABC," and any menu items -- would be fetched from the

1 Internet. Each of these things would have addresses to
2 where that, quote/unquote, "content" would come from and
3 what parts of the Dot template it would fill out. And
4 the Dot technology would know where to go get that and
5 then use that information to then instantiate a Dot, so
6 each one of those things would be fetched.

7 So I think, in the simplest sense, just think
8 title bars, think menus. Title bar branding. It could
9 have a name, could have a hover image and a non-hover
10 image, could have a click image. Same with the bottom
11 bar. And then, of course, the primary view for most
12 Dots was filled with what you would think of as normal
13 web content which could be as static or as interactive
14 as you want depending on what your app's functionality
15 was.

16 And so in that way, the DoDots technology
17 fetched all of that content, the web content in the view
18 and all of the other branding and configurable content
19 from the Internet in standard Internet protocols.

20 Q. Okay. Let's then shift a bit to the developer
21 experience.

22 Was there a program module that performed the
23 function of retrieving Internet content?

24 MR. IYER: Objection. Form. Vague.

25 THE WITNESS: I'm sorry, a what? A program

1 what?

2 BY MR. BALLANCO:

3 Q. Module.

4 A. Could you repeat the question? A program
5 module that did what?

6 Q. I'll repeat the question.

7 Was there a program module that performed the
8 function of retrieving web content in the Dots?

9 MR. IYER: Same objection.

10 THE WITNESS: I mean, I guess you could
11 describe it that way. Part of the thin client's
12 responsibility was to fetch the content when a Dot was
13 instantiated. If you want to call that a programming
14 module as part of the functionality of the Dot
15 technology, sure, I guess that would work.

16 BY MR. BALLANCO:

17 Q. Well, let me ask you this:

18 Do you know what the web conduit control was
19 in the Dots?

20 A. That would probably -- a term that you could
21 describe the primary view for most default Dots. I'm
22 aware of that.

23 Q. Okay. And what do you mean by "the primary
24 view for most Dots"? If you could unpack that a little
25 bit for me.

1 A. Yeah, the simplest Dot -- again, if a Dot was
2 a flexible, configurable frame that could have one or
3 more controls that could pull and render information and
4 content, interactive or not, to an end user, one of
5 those places of, you know, content being rendered in the
6 normal Dot -- just think of a normal Dot. It would
7 have -- you know, it has to be instantiated within the
8 window system.

9 So a normal Dot would have, you know, a menu,
10 a title bar, a close button, primary area -- let's call
11 that the view or -- what did you call it? The web
12 conduit control?

13 We have different language for when we use it,
14 depending on who is talking about it. And, again,
15 25 years, I'd have to see which terms we used for what.
16 Call that the primary view, and then the bottom bar. So
17 most Dots fell into that configuration, right, as a
18 default template.

19 Developers -- excuse me, Dot developers could
20 do different things. And that primary web conduit would
21 fetch web content in the same format of HTML web pages.

22 So anything that you could do on the web, you
23 could do in a Dot. Which was really cool, by the way,
24 for companies which they didn't need custom technology
25 to serve Dot content. If they had a web server, they

1 could serve Dot content, which is amazing.

2 Q. I want to understand that a little bit better.

3 So you -- you just mentioned if they -- if a
4 company had web content, it could serve Dot content,
5 right? I just want to make sure I got that right.

6 A. I believe I said if they had a web server,
7 they could serve Dot content because Dot content was not
8 just web pages, remember -- right -- I have to also
9 serve a title bar. My branding. I have to serve any
10 hover images as well as whatever web-like content got
11 filled into the web view if that was the way I developed
12 my Dot.

13 But those were served off of standard web
14 servers. They didn't require custom server technology
15 on a company side. That's one of the things that made
16 the Dot ecosystem very scalable was we managed templates
17 and user accounts. All of the content, interactive
18 content, did not have to come through us. It was served
19 from our partners and our customers on their normal web
20 server technology.

21 Q. We were talking just a moment ago about web
22 conduit and how it was one of the minimum controls for a
23 Dot; is that fair?

24 A. It was one of the primary elements in a Dot --
25 in most Dots, yes, that I remember.

1 Q. Okay. It was a control, as that term was used
2 in the Dot technology?

3 MR. IYER: Objection to form. Vague.

4 THE WITNESS: Yeah. I mean, probably
5 different ways of using the "control" term. The way I
6 would define the Dot is it was fully configurable with
7 one or more controls -- right? -- that fetches content
8 and renders that to the user and makes a different kind
9 of interactive experience.

10 In that regard, you could probably call the
11 menu, the title bar, the close button, the view conduit,
12 you could refer to it as a control and the bottom bar as
13 control.

14 From a user's experience, you know, the window
15 affordances of the title bar and the menu is probably
16 what they would think of as controls. And anything, of
17 course, interactive within the primary view would feel
18 like an application even though it was interactive web
19 content.

20 MR. BALLANCO: Okay. So I think we've been
21 going for about an hour. Would now be a good time for a
22 break?

23 MR. IYER: Yeah.

24 THE WITNESS: Sounds good to me.

25 MR. BALLANCO: Okay. Let's do ten minutes.

1 (Recess.)

2 BY MR. BALLANCO:

3 Q. Mr. Kembel, before the break, we were talking
4 for a moment about web conduit.

5 Do you remember that?

6 A. I do.

7 Q. Okay. And the '083 patent that we were
8 looking at before describes the web conduit as a
9 control, right?

10 MR. IYER: Objection to form. Calls for
11 speculation. And beyond the scope.

12 THE WITNESS: Yeah. I've reviewed the
13 patents, but the terminology, I don't remember.

14 BY MR. BALLANCO:

15 Q. Do you still have the '083 patent that I sent
16 before in the chat?

17 A. I do.

18 Q. If you would navigate, sir, to column 11 of
19 that patent, and let me know when you're there.

20 A. Do what? I'm sorry.

21 Q. Column 11.

22 A. How do I get to column -- sorry. This is a
23 silly question.

24 How I do get to column 11?

25 Q. It's not a silly question at all for someone

1 that's not a patent lawyer. I take it for granted.

2 If you go to the patent -- when you get to the
3 written specification at the top of each column there,
4 there's a number, and you'll just go to the one that
5 says "11" at the top of it.

6 A. Oh, look at that. I'm on page 22, and I see
7 an 11 at the top.

8 Q. Okay. Now, if you see, in between the two
9 columns of text that are there, there are line numbers.

10 Do you see those as well?

11 A. I'm going to get another pair of glasses.

12 Yes.

13 Q. Okay. If I could then direct you, sir, to
14 column 11 and line 5. Let me know when you're there.

15 A. I think I'm there.

16 Q. Okay. Column 11, line 5, of the '083 patent
17 describes web conduit as a control, right?

18 MR. IYER: Objection to form. Calls for
19 expert opinion and legal conclusion.

20 THE WITNESS: All right. I can see the words
21 on the page. "Web conduit, a control that accesses" --
22 but not being a patent lawyer, I don't know exactly what
23 that means in the context of the patent. I can tell you
24 about how it worked in the Dots technology in our
25 platform, which I believe we've already talked about.

1 BY MR. BALLANCO:

2 Q. Okay. Well, let's first talk about that.

3 In the context of the Dot technology and the
4 platform, what conduit was a control there?

5 MR. IYER: Objection. Form. Calls for a
6 legal conclusion.

7 THE WITNESS: Yeah, I think I already answered
8 the question of how I thought of the web conduit in the
9 context of the Dot.

10 BY MR. BALLANCO:

11 Q. Okay. Well, my precise question, sir, was:
12 In the Dot technology in the platform, fair to say the
13 web conduit is a control?

14 MR. IYER: Objection to form.

15 THE WITNESS: Yeah. I believe the way we
16 talked about it before when you asked me if I was
17 familiar with the web conduit was I said the way I think
18 of a Dot is it's a fully configurable -- it's fully
19 configurable, it has one or more controls, and that it
20 renders content altogether -- right? -- to the end user.

21 And in that regard, you could consider, I
22 guess from a technology perspective -- I don't know from
23 the patent perspective -- you know, the web conduit is
24 one of the controls.

25 From the user perspective, they are going to

1 think of the menu, the title bar, the close button, and
2 the bottom bar where you grab and resize, they are going
3 to think of those as the interface controls.

4 So I -- I like to think of it in that way.
5 What it means in the patent context, I -- again, I'm not
6 an expert at that.

7 BY MR. BALLANCO:

8 Q. By looking at the '083 patent, your column 11
9 and line 5, fair to say that that portion of the patent
10 describes --

11 (Audio disruption.)

12 MR. IYER: Objection. Form. Calls for a
13 legal opinion and expert opinion.

14 (Whereupon the certified court reporter read
15 the record.)

16 (Discussion off the record.)

17 BY MR. BALLANCO:

18 Q. I apologize for that, sir. Let me try this
19 question again.

20 Looking at the '083 patent at column 11,
21 line 5, fair to say that that portion of the patent
22 describes web conduit as a control, right?

23 MR. IYER: Objection to form. Calls for a
24 legal conclusion and expert opinion.

25 THE WITNESS: Again, all I can answer is from

1 a technologist's point of view. I can't answer as an IP
2 lawyer. I don't know what it means in this context and
3 the context of the whole patent. I can read the words
4 just like you can, but I'm comfortable with how I talk
5 about the Dots from a user experience.

6 BY MR. BALLANCO:

7 Q. Sir, in preparing your declaration on the '083
8 patent, did you study the '083 patent?

9 A. Not sure I'd use the word "study." I reviewed
10 it. Yes.

11 Q. Okay. If I could direct you to another
12 portion of the '083 patent, sir, it's going to be
13 column 9.

14 A. Okay.

15 Q. And line 61. Just let me know when you're
16 there.

17 A. 9, 61?

18 Q. Correct.

19 A. I think I'm there.

20 Q. You'll see, at the beginning of column 9,
21 line 61, of the '083 patent, it sets out to define
22 Controls, with a capital C.

23 Do you see that?

24 A. I see the paragraph, yeah.

25 Q. And if you could, sir, go with me to the

1 second sentence of that paragraph. Begins on line 63,
2 begins "in the preferred embodiment."

3 Do you see that?

4 A. "In the preferred embodiment." Yes, I see it.

5 Q. Okay. And I'll read this into the record, and
6 let me know if I read it right.

7 It says, "In the preferred embodiment, this
8 minimum control is the web conduit which is the Internet
9 data rendering portion of the frame."

10 Did I read that right?

11 A. What I read.

12 Q. So this portion of the '083 patent, that
13 column 9, line 63 to 65, describes the web conduit as
14 the minimum control for the Dot, right?

15 MR. IYER: Objection. Calls for a legal
16 conclusion, expert opinion. And I'm not even sure there
17 was a question there.

18 THE WITNESS: Yeah, as I mentioned before, I
19 understand these terms as a technologist and as a
20 designer. I can't comment about what they mean in a
21 legal sense as a patent lawyer. So I can read it just
22 like you can, but I can only interpret it in the way
23 that I interpret it as a technologist and as a designer,
24 and we've talked about that already.

25

1 BY MR. BALLANCO:

2 Q. Okay. And by the same token, you can't speak
3 to what's covered or captured by the claims of the '083
4 patent, right?

5 A. Yeah. I can't speak as a -- as a patent
6 attorney on that. I've -- I've read the claims.
7 They're even harder to understand than some of this
8 stuff, but, yeah, I've reviewed them. They -- they make
9 sense to me as a technologist in the same way this stuff
10 we're reading here makes sense to me as a technologist
11 and accurately describes our technology as I understand
12 it.

13 Now, how to interpret this in a legal context,
14 again, I do a lot of work with lawyers on the business
15 side, and I know what it's like to get a business
16 contract to match my spirit of intent. But I trust my
17 business lawyer is doing, you know, the precise surgery
18 and definition of the terms beyond my understanding. I
19 see this the same way.

20 Q. Sir, what is the Dot messaging architecture?

21 A. So the Dot messaging -- can I minimize this
22 patent so I can see you?

23 Q. Be my guest.

24 A. Thanks.

25 So the Dot messaging architecture was -- once

1 you break out of the web page paradigm, you break out of
2 the browser and you start to make these more dedicated,
3 branded, interactive, application-like web experiences,
4 one of the obvious next steps to make them feel more
5 like applications and give them true application like --
6 I'm putting these in quotes because that's really
7 important back in the world that didn't exist -- to give
8 Dots, you know, and Dot developers the ability to create
9 true application-like experiences.

10 It's important to be able to enable Dots to be
11 able to communicate with each other and -- and with the
12 system or for content that's coming, say, from a web
13 developer's server or a -- or a customer's server to be
14 able to interact with -- with a NIM -- to be able to
15 reconfigure -- if you think really fully configurable,
16 then messaging allows configurability to happen on
17 multiple fronts as well.

18 Q. Was the Dot messaging architecture something
19 that actually became implemented into the Dot platform?

20 A. Oh, yeah. And a lot of our customers used it,
21 and a lot of our developers loved it because, again,
22 they are not used to developing, quote/unquote,
23 "applications." They are used to developing web pages
24 which are locked in a page. Any interactivity was stuck
25 on a page.

1 But in a Dot, I could, you know -- for example
2 I could get a trading -- stock trading Dot and be
3 tracking trades, set up some sort of event, and
4 automatically pop up -- not just a monitoring Dot, but
5 the ability to facilitate a trade, right?

6 The things -- the interactivity between Dots,
7 you could imagine all of the creativity that unlocks
8 from content developers that you can't do inside a page
9 context, one page at a time, and locked inside a browser
10 which you don't control.

11 So it's -- people loved it. We loved it. It
12 worked. It was amazing.

13 Q. And I guess I'm -- it would be fair to say
14 that the Dot's messaging architecture is something that
15 set the Dot platform apart from your competitors, right?

16 MR. IYER: Objection to form. Vague.

17 THE WITNESS: It was one of the things that
18 built on the core premise of what a Dot was and the Dot
19 template was. It really brought that whole experience
20 to life. Sure. It was a valuable piece of our whole
21 platform in technology for sure.

22 BY MR. BALLANCO:

23 Q. What about the Dot app? What was the Dot app?

24 A. Yeah. Loved it.

25 So once you, again -- the best way to

1 understand all of this from a user experience as well as
2 from the experience of the companies and the developers
3 is to try to compare to it their alternative of using a
4 browser, right? Once you could have one or more Dots,
5 then the idea of using them in sets starts to make
6 sense, right?

7 So that could be defined by a developer.
8 "Hey, you're a set. Just use the stock tracking and
9 trading," you know, "concept for a bit."

10 You could define the set of Dots that allowed
11 you to follow the market in different ways, and that
12 set -- we called it pack -- that could be offered and
13 developed and distributed by a developer, by a company.
14 Just think of it as a collection of Dots.

15 A Dot pack could also be defined by an end
16 user. "Hey, I'm a writer."

17 I bring up my Word document. And, you know,
18 I'm starting to write. And I want a thesaurus, I want a
19 dictionary, and, you know, I want a quote of the day to
20 get inspiration, and I also want to track the weather to
21 know when to get up from my desk to go hike.

22 I can create a collection of Dots from
23 different companies and developers that align to a
24 particular, say, work mode. So I could create my own
25 Dot pack too. Again, it's a set of Dots.

1 What's amazing about it is I could very
2 quickly open and close Dot pack. Not have -- you know,
3 a browser takes up your whole window. Like, literally
4 we're talking the whole window. Dot package could be on
5 the right, and I could be -- it could integrate in my
6 day-to-day work experience. And I could switch from
7 writing to getting to my inbox.

8 Just think about what it means to bring
9 applications into your workday. Dot packs enable that
10 both on the user side and on the company and developer
11 side.

12 Now, what's super cool is users can --
13 (Reporter admonishment.)

14 THE WITNESS: -- share these Dot packs.

15 So I could say, "Hey, Mike, here is a set of
16 Dots that I collected. It's great when you're watching
17 the game," or whatever.

18 And -- and obviously the Dot packs stayed with
19 you across all the devices you used.

20 BY MR. BALLANCO:

21 Q. How would users share Dot packs amongst
22 themselves?

23 A. I believe you just go in and say, "Hey, here's
24 a pack."

25 And you just hit "Share," and it would

1 generate, as I recall, a Dot -- a share link, which I
2 could just send on email with you -- to you. And then
3 you would click that share link, and if your computer
4 was Dot-enabled, you'd just get that Dot pack instantly.

5 The cool thing, by the way, it was you would
6 receive the Dots in the state that I left them. Right?
7 So all of the state information, all of the
8 configurability that was captured in my version of
9 Dots -- or let's say it was coming from a company, but
10 you asked about sharing between end users -- the way I
11 set it up, you'd get it that way.

12 So the share was not just the Dots. It was
13 whatever the configurability of the moment was that I
14 left them in. Let's say I aligned them on the right
15 side of my screen. You'd get them that way, and of
16 course then you could -- when they received them, you
17 could then reorganize it, and now you have your own
18 collection.

19 Q. And so if I'm hearing you correctly, one way
20 to think of it is it's a bundle of Dot templates
21 essentially?

22 MR. IYER: Objection. Form.

23 What's your question, Mike?

24 BY MR. BALLANCO:

25 Q. Yeah. The Dot pack, one way to think of it is

1 a bundle of Dot templates?

2 A. Yeah, I think I described it as a collection
3 of Dots. That the user would think of it as a
4 collection of Dots.

5 Technically, it would be a collection of Dot
6 templates with whatever configurability information they
7 had in them, and that allowed me to redistribute those
8 Dots without distributing software, right? That's,
9 again, back to the magic of what made Dots Dots was the
10 definitions of Dot templates themselves.

11 Q. Another phrase that I've seen in the material
12 was "block of Dots."

13 First of all, are you familiar with that term?

14 A. Yeah. It's been a while, but I do remember
15 it, yeah.

16 Q. Is that related to Dot packs?

17 A. Not that I recall. The way I recall a block
18 of Dots is more when you're working with more than one
19 Dot at a time.

20 Let's say I wanted to organize them on the
21 right side of my screen. I could -- in the same way
22 you -- you know, like, working in PowerPoint or Keynote,
23 you'd select a set of objects altogether, I can
24 multi-select multiple dots. And if I vertically
25 organize them or, like, slant them up to the right side

1 of my screen, that would be a block of Dots.

2 And we had these -- I mean, we had these
3 amazing little user experience things where you can take
4 a block of Dots -- let's say you had a column of
5 vertical Dots, a block. You figure out a way to select
6 these things. A little yellow bar would come around to
7 show you which ones you're selecting.

8 You could take it, and you could drag your
9 mouse --

10 (Reporter admonishment.)

11 THE WITNESS: The Dots that you selected -- so
12 let's say I've selected a column of four Dots. That
13 would be a block. Now I can move them altogether,
14 right? Which we take for granted in a lot of the tools
15 we use today, what it means to right justify or left
16 justify things. But obviously that doesn't exist in the
17 world of web pages.

18 But Dots that behave like applications, using
19 them together is a benefit for end users and for the
20 interactivity that developers want to create. And so
21 you could grab a vertical block of Dots altogether, and
22 you could -- it is really sweet. It's amazing. You
23 just slam it up to the top of your screen, and they
24 would reorganize themselves into a horizontal block of
25 Dots.

1 It's hard to describe. You just have to --
2 you had to feel it. It's like the way it worked and
3 snapped was just beautiful.

4 BY MR. BALLANCO:

5 Q. I think I can visualize it, but I understand
6 it's probably hard to get the full effect without
7 actually seeing it.

8 Could you -- could you put a Dot pack into a
9 block of Dots? Like, in other words, take your Dot pack
10 and make that a block of Dots?

11 A. Yeah. We're starting to blur the terms, and
12 it's been a while. I think of a Dot pack, again, as a
13 collection of Dots I can open and close together and
14 share. Of course, when you do that, it maintains the
15 state of those Dots as if they were, say, to the right.

16 Now, when I move them, that's when I would
17 probably think of them as a block, that I'm moving a
18 block of Dots together. I think of the block more as an
19 interaction affordance than, say, a collection concept.

20 But obviously we're talking about multiple
21 Dots in both cases.

22 Q. Going to block of Dots again.

23 What was the concept of lead Dot as it related
24 to block of Dots?

25 A. I don't -- I remember that term. I honest --

1 to be honest, I can't remember what the design intent of
2 that was. I mean, if I had to guess, it would be the
3 one on the top, maybe. But I don't -- I don't remember
4 how that was set. I don't remember how that worked.

5 We'd have to ask our interface designers who
6 were working on that at the time.

7 Q. I have just a few more of these about the Dot
8 platform.

9 The next one I wanted to ask about is a Share.
10 And when I use that term, with a capital S, Share, not
11 just the normal English word.

12 What was a Share in the Dot platform?

13 A. That's what I mean -- the way I remember it,
14 it's easiest to go back to the user experience as if I
15 wanted to share a Dot or a set of Dots with you. There
16 was a mechanism for me to identify which Dot or Dots I
17 wanted to share with you and then hit a "Share" button,
18 in the same way we sort of do that on our devices every
19 day and don't even think about it.

20 It's not something that really was a concept
21 in the web paradigm because, I mean, I could take a web
22 address, "Hey, Mike, go check out this web page I
23 found."

24 But I'm copying a web link, giving it to you,
25 and you're copying it and clicking it and putting it

1 into your browser.

2 So sharing didn't exist as a concept in that
3 way for a web page paradigm -- for us, the ability to
4 share Dots, because they are so lightweight, just the
5 Dot template, the possibility of sharing them and having
6 viral content, "I like it. You might like it," company
7 benefits from more audience.

8 A Share was not only natural -- "I want to
9 share exciting things with you" -- but it was beneficial
10 to both companies and developers.

11 And you would just receive an email. I would
12 click a link -- you would click the link and, boom, it
13 would just show up on your screen if you accept that
14 Share because you didn't have to download software to
15 get it.

16 Q. So long as you had a Dot-initiated computer,
17 you could open a Share that was sent to you without
18 having to do any downloading of an application or --

19 A. That's right. Dot-enabled. Yeah.

20 And the --

21 Q. Sorry.

22 A. -- technology of flow allowed for me to share
23 a Dot or Dots with you even if you weren't Dot-enabled.
24 It figured that out and allowed you to Dot-enable your
25 computer for the first time if you wanted to collect

1 your first Dot.

2 Whether that was from a company's website,
3 from our index, what you think of as like the app store
4 now, or from a friend, you can get it from any of those
5 three locations. Of course, you'd have to be
6 Dot-enabled to receive your first Dot, but not after
7 that.

8 Q. When we were talking about Dot packs, you had
9 spoken about the Share feature. It -- so that's the
10 same Share feature we're talking about now, right? I
11 just want to make -- I hadn't related those concepts
12 before, but it sounds like the Share feature of that
13 pack is the same Share concept that's part of the Dot
14 platform. Right?

15 MR. IYER: Objection to form. Vague.

16 THE WITNESS: Yeah. I would say the concept
17 of what it means to share Dots, Dots or packs, the user
18 experience is kind of the same. I can't remember
19 technically if we use the same server construct or the
20 way we pass that.

21 But the overall mechanism and certainly the
22 overall user experience is about what it means to share
23 Dots for sure.

24 BY MR. BALLANCO:

25 Q. There's one more -- and I believe it's

1 related, but if it's not, let me know -- and that's a
2 snapshot.

3 What was a snapshot in the Dot platform?

4 A. A what?

5 Q. A snapshot.

6 A. Can you spell that? I hear Snapchat, but I
7 don't think that's what you're saying.

8 Q. Snapshot, S-N-A-P-S-H-O-T.

9 A. Oh, I remember that term. I don't remember
10 how the -- how the interface design went for that.
11 Again, it's been 25 years since I've used these things.
12 And I don't remember it in any of the screenshots in the
13 marketing materials referred to, right? I remember the
14 term. I just don't remember what the user experience
15 was like.

16 It's amazing. We hired -- we had a big,
17 growing -- rapidly growing engineering team, Dot
18 developer team, Dot developer community. People were
19 doing so many things. It's -- and had to invent new
20 terms for all these amazing new things we could do with
21 the Dot and the Dot template.

22 So even if it's familiar, I might not remember
23 exactly how something worked.

24 Q. I can barely remember what I had for lunch
25 yesterday, so I completely understand.

1 A. And we're doing plus 25 years on that. Yeah.

2 Q. Going to the Dot developer team, I saw in the
3 material something called the dev Dot.

4 Do you recall that?

5 A. Yeah. We had a whole developer -- launched a
6 whole developer ecosystem. So it required Dot
7 development tools. The dev Dot was part of that.
8 Developer materials.

9 We even -- I even remember, in our offices, we
10 had a whole section where new want-to-be Dot developers
11 would show up in just classes -- we would run classes.
12 So we had all kinds of things that supported these new
13 class of web developers to become Dot developers.

14 Yeah. And a dev Dot was a key piece of that,
15 and I think that's -- I think I included in an exhibit
16 some of the dev Dot developer materials which showed the
17 dev Dot in there, I believe.

18 Q. And you were a Dot developer for a company,
19 say -- let's use ABC as an example because I know we've
20 spoken about that. Say you're a Dot developer for ABC.

21 How could you direct a user using your Dot to
22 your web content?

23 MR. IYER: Objection to form. Incomplete
24 hypothetical.

25 THE WITNESS: Yeah. You have to be more

1 specific. What do you mean about their web content, and
2 what do you mean by "direct"?

3 BY MR. BALLANCO:

4 Q. So let me try to fill it in a little bit more.

5 You're developing a Dot for, say, ABC, and you
6 want an end user to see something that is -- that you're
7 hosting on the web, some -- some content.

8 Does that make sense, or should we talk about
9 that some more?

10 A. Probably -- are you talking about what does it
11 mean to enable one of their customers to find an ABC
12 Dot? Or by use a Dot, to find something on their
13 website?

14 Q. The latter. So you've got something on a
15 website, but you don't want to use a browser to show it
16 to a user. You want them to be able to view that
17 content through a Dot.

18 Are you with me?

19 A. That's different. Viewing the content through
20 a Dot is different than using a Dot to find content that
21 would be shown through a browser.

22 All of that is possible, by the way. It just
23 depends on what -- what you are trying -- what the
24 company is trying to do. And that either has to come
25 down to sort of an experiential goal or a business goal,

1 right?

2 Usually, they're, like, "Am I trying to build
3 audience? Am I trying to build engagement? What am I
4 trying to do?"

5 And then they would use Dots, Dot design, Dot
6 technology to follow the rest of their media and content
7 strategy, which included website content.

8 For ABC, it's not just website content. It
9 also included TV, right? They wanted to direct people
10 to their TV shows. So ABC, just as an example, they
11 would use all of their content and media strategies
12 together to build the engagement and customer flow that
13 they wanted.

14 Simple example: I remember, when ABC launched
15 their Dots, they started, as a good T.V. company would
16 back then, with a T.V. commercial. Fantastic. It was
17 awesome to see our name on the ABC commercial. "New
18 line of shows, bah, bah, bah, bah. Go get the ABC Dots
19 to track," and pointed them to get the ABC Dots.

20 Which then folks would collect the Dots and
21 presumably would point them to wherever ABC wanted to
22 point them. And I don't remember the exact interaction
23 the ABC Dots -- if that pointed them to facts about the
24 shows or, you know -- back then, we had to find out with
25 the T.V. guide when the show was even on -- or whether

1 that pointed people to their website.

2 For us, it didn't matter. They could use a
3 Dot to either put the content within the Dot or use the
4 Dot to point people to somewhere else, whatever their
5 goal was.

6 And, again, put your company perspective on.
7 They -- the Dots enabled them to engage their users in a
8 much more branded, controlled, and
9 interaction-controlled ways than a web page, right? If
10 I were going to an ABC website, I would be gone in a
11 minute. If I had an ABC Dot, that would stay up 10,
12 20 times longer.

13 So, again, way more brand control, way more
14 user experience control than -- than what was enabled on
15 a page which people left.

16 Q. Okay.

17 A. We call that bounce rate now, right?
18 Goodness. It was even showing up back then.

19 Q. That's fine to define it now.

20 Let's talk about the use case where ABC wants
21 to display content to a user on the Dot.

22 Is that fair?

23 A. Using a Dot to -- to display content within
24 the Dot? Sure. Yeah.

25 Q. All right. From the Dot developer

1 perspective, how would the Dot developer take that
2 content from -- that ABC is hosting and display it to
3 the user in the Dot?

4 MR. IYER: Objection to form. Vague.
5 You can answer.

6 THE WITNESS: Yeah, I would just point you to
7 the developer materials in one of the exhibits. It's --
8 I think one of them is like a two-pager, front and back.
9 It was actually a one-pager. It was the simplest thing
10 we handed to developers. Everything is right there.

11 You'd define the Dot characteristics. We've
12 talked about that before. It made it really easy to do.
13 You'd point all -- you would tell where the different
14 parts of the Dot would get the content from.

15 Like, where does ABC's title bar image come
16 from? They would have to design it and load it to their
17 server just like they load all other web images.

18 Where does the content that fills out the
19 primary view control sit in, right? We've talked about
20 that already before. They'd have to point that to
21 somewhere to go get some web content. And the developer
22 tools enabled them to define the Dot in that way and
23 point to wherever those resources were.

24 And I would just refer you to the exhibit that
25 shows you the visuals of that. It's super, super clear;

1 super, super simple.

2 BY MR. BALLANCO:

3 Q. Okay. And I did look at that. And one of the
4 things I believe I understood is that the -- the Dot
5 would retrieve the content from a URL that the developer
6 had specified it to retrieve content from. Correct?

7 MR. IYER: Objection to form. Vague.

8 THE WITNESS: Yeah, I'd have to look back at
9 the materials again, but that was my recollection that,
10 you know, you would use a URL to point to, say, the
11 title bar image. You'd use a URL to point to whatever
12 filled the primary view area.

13 That was consistent with the developer
14 experience, I remember, and certainly the materials that
15 we show.

16 BY MR. BALLANCO:

17 Q. Okay.

18 A. The way we set it at marketing is anything
19 that you can show on the web, you can show in a Dot. So
20 that's how we talked about it, and that's what the
21 developer experience is like.

22 Q. You know, we've been talking a lot about the
23 declaration, but I don't believe I've shared it yet in
24 the chat. I'm going to do that now.

25 A. Okay.

1 Q. I have one or two questions that I really
2 wanted to point to the declaration for, so give me one
3 moment.

4 A. Sure.

5 MR. IYER: I think, Mike -- I think that was
6 the first document you put into the chat.

7 MR. BALLANCO: Oh, when we were off the
8 record. Oh, okay.

9 THE WITNESS: When we were testing it.

10 MR. BALLANCO: I now have it in the chat
11 again.

12 THE WITNESS: Is that EX 2021 something or
13 other?

14 MR. BALLANCO: Correct. Yeah, I did drop into
15 the chat, and I had previously, Exhibit 2021 as it's
16 been marked in the '083 IPR proceeding.

17 Just let me know when you're able to access
18 that document.

19 THE WITNESS: I think I have it. EX 2021, my
20 name, '083 declaration. Yeah.

21 Got it.

22 BY MR. BALLANCO:

23 Q. Can you -- do you recognize this document?

24 A. Oh, yeah.

25 Q. And what is this document?

1 A. This is one of my three declarations.

2 Q. Okay. Appears to be a fair and accurate copy
3 of it?

4 A. I haven't reviewed it. Let me see here. Let
5 me -- just scanning through the pages, I see familiar
6 images and formatting, and I see my signature on the
7 end, so it's pretty much like the right thing.

8 Q. Okay. If you would, sir, navigate to page 22
9 of this declaration. It's PDF page 23, but the page
10 number at the bottom of the document is 22.

11 A. I was just going to ask. Is it PDF -- PDF 23,
12 page 22. Yeah.

13 It has a -- kind of a warpy scan at the top.

14 Q. Correct. And the warpy scan is actually what
15 I wanted to chat about.

16 And just for the record, this is -- the top of
17 that page is captioned "Exhibit 2045 at 4"; is that
18 right, sir? Is that what you're looking at?

19 A. I see that, yeah.

20 Q. And what is this wavy scanned image showing?

21 A. Zoom in here. How do I do that?

22 Sorry. Small screen. When I was working on
23 this, I had my big computer screen. Okay. Here we go.

24 Yeah, this looks like -- I believe it's
25 attached as one of the exhibits. It looks like some of

1 the Dot developer documentation.

2 And this looks like it's, you know, one of the
3 pages of the Dot -- the specification for a Dot
4 definition. And it looks like, at the top, it shows --
5 yeah. We had schemas for multiple things.

6 We've talked about shares. I see that. We've
7 talked about Dot templates. I see that there too. It
8 talks about the user --

9 (Reporter clarification.)

10 THE WITNESS: So those are the X amount
11 schemas for those concepts that we've talked about.

12 And it looks like it shows, at least in the
13 table at the top, that it will talk about the schemas
14 for the user configuration, "<ALL_CONFIG>," and the
15 session configuration, "<SESSION_CONFIG>."

16 So think of that as the -- if I recall
17 correctly, the user accounts. You know, my account, my
18 collection of Dots, and whatever session information
19 when I log in.

20 BY MR. BALLANCO:

21 Q. Okay. And do you see in that wavy image where
22 it mentions Dot templates and then, in the column next
23 to it, defines it as capital "<DOT>" within carets?

24 A. The table -- this document defines the
25 structure of the XML used for DoDots, yep. Generally,

1 there are three or four top-level XML structures, and
2 one of those is Dot templates. And it shows a tag, a
3 Dot tag. Yes. And then --

4 Q. Okay.

5 A. -- it looks like the document -- and I
6 remember this when I skimmed through it -- goes through
7 and describes the -- the structure for that. And you
8 can see it's starting right below.

9 Q. Okay. And what's -- and when you say
10 "starting right below," again, we're looking at the
11 image that is on page 22 of your declaration in -- and
12 it's tagged, "Dot," and it begins to define it. Right?

13 A. Yeah. This -- and I'd have to go back and
14 look to see if this is sort of internal documentation or
15 Dot developer documentation. But it looks like it
16 starts to detail out the -- the -- the schema, or what I
17 would think of, the type definition for a Dot, yeah.

18 Q. And is this the -- is what's shown on this
19 page here the complete schema or definition for a valid
20 Dot template?

21 A. Yeah. It's just the -- it's just the first
22 page of a bunch, and it only --

23 Q. Okay.

24 A. -- only starts with -- what? -- two or three
25 variables at the top with one sub tag to frame. That's

1 it. So there's obviously a lot more.

2 Q. Okay.

3 A. I believe that -- I believe that's in the
4 exhibit.

5 Q. Okay.

6 A. This was just to refer to -- to refer to it in
7 the declaration as illustrative.

8 Q. Okay. You can -- you can put that down for
9 the moment, if you'd like.

10 Sir, you, in your declaration, referred to
11 various articles that had come out around the time that
12 you were working on the Dot platform. Right?

13 A. Yeah. I believe I clipped a few and referred
14 to a few. There's one Walt Mossberg that I recall. I
15 recall the meeting. There's one of them from him.

16 Q. And the articles that are cited in your
17 declaration, they were -- you were the source of those
18 articles for the declaration? They weren't provided to
19 you, in other words?

20 A. Source as in I have a box of media from back
21 in the startup days. Yeah, I have a box of, you know,
22 magazines and press clippings. We have a press clip.
23 And a lot of fun to just go through and dig through and
24 just pull out interesting articles and go down memory
25 lane.

1 So, yeah, have those press clippings and
2 things. Yeah.

3 Q. Okay. And those articles that you cited in
4 your declaration, they are all describing the DoDots
5 invention and company, right?

6 A. I'd have to review each one to see if that's
7 categorically true. I know that they talk about other
8 technologies and things at the time, but the reason we
9 kept them and put them in our press kit is because they
10 speak to our company, our vision, our customers, our
11 developers, our technology in different ways. Yeah.

12 Q. And those articles -- again, we can go through
13 them if we need. But fair to say they all are from
14 about the 2000 time period?

15 A. Yeah, I believe that's the ones we kept, and
16 those are the people who covered us when we were in the
17 startup. And obviously they were talking about that
18 experience at that time.

19 You know, and they range from, goodness, you
20 know, newspaper folks, tech folks -- it's a range of
21 folks. Media spread differently back then, right? You
22 had, actually, these tech conferences.

23 So depending on which one you're talking
24 about, they spoke to our company in different ways, and
25 we interacted with them in different ways. But, yeah,

1 they were all contemporaneous with the startup for sure.

2 Q. Sir, at some point along the way, you -- well,
3 let me ask you this -- strike that.

4 What -- what became of your rights in the
5 '083, '545, and '407 patents?

6 MR. IYER: Objection to form. Vague. It
7 calls for a legal conclusion.

8 THE WITNESS: Yeah, I don't -- I don't know
9 exactly what you're asking on that. Do you want to
10 tighten that, or do you want me to just respond as is?

11 BY MR. BALLANCO:

12 Q. Let me ask you this: You transferred your
13 rights to the '083, '454 -- '454 -- I'll get that
14 right -- and -- the '545, and '407 patents, right?

15 A. So I don't remember what the patent numbers
16 are or were or which ones were related to what. But as
17 is standard startup practice, we transfer the
18 intellectual property rights to the startup as part of
19 the startup process and the funding process.

20 And so as a result, the company owned the IP,
21 and that was obviously provisional patent days back
22 then. So -- but as an inventor and as a founder, I
23 transferred rights of the intellectual property to the
24 startup at the time.

25 Q. And as it stands today, what -- what interests

1 do you have in the '083 patent, for example?

2 A. No -- no commercial interest. That's the
3 inventor conundrum. It's -- again, I signed that over a
4 long time ago. To be honest, I don't know who exactly
5 owns them now. But my interest is a good trip down
6 memory lane and a good story.

7 Q. You understand that the '083 patent has been
8 asserted in the litigation against Samsung, right?

9 A. It's been explained to me that there is a
10 process going on. I -- I'm surprised every day at how
11 little I know about the way these processes unfold, so I
12 don't know what "assert" means, and I don't know where
13 it is in the process.

14 But I know we're involved in this dialogue
15 together because of probably what you're talking about.

16 Q. Well, you understand that the current assignee
17 of the '083 patent has alleged that Samsung is
18 infringing on the claims of the '083 patent, right?

19 A. Not a lawyer, but that seems to resonate with
20 what I understand.

21 Q. And you also understand that the current
22 assignee of the '083 patent, as part of that lawsuit,
23 has asked for money damages to be compensated for its
24 alleged -- or for Samsung's alleged infringement, right?

25 A. I -- I'm not sure I've heard that in any

1 specific terms, but that makes sense to me.

2 Isn't that the way these things work?

3 Q. Well, my question, sir, is: Should the
4 current assignee of the '083 patent recover damages for
5 the alleged infringement, what portion of those damages
6 do you stand to recover?

7 A. Oh, none. I have no ownership in these
8 patents.

9 Q. Okay.

10 A. I signed those away a long time ago, as I
11 mentioned.

12 Q. Okay. And as part of signing those patents
13 away, you didn't retain any ability to collect damages
14 that are recovered in a lawsuit?

15 A. No. Again, that was 25 years ago. That was
16 half my age, just to be clear about how young I was as
17 an entrepreneur.

18 Q. And so your testimony here today, sir, is
19 that, to the best of your knowledge, you have no
20 financial stake in the outcome of the patent litigation
21 against Samsung relating to these patents?

22 A. That's correct. Yeah.

23 Again, it's -- it's -- as an inventor, there's
24 reward, and these things get resolved in the startup
25 landscape a lot faster than the patent landscape.

1 Right?

2 Just the way the dot.com -- excuse me --
3 dot.com bubble changed the face of all of our
4 entrepreneurial experiences, the timeline of the way
5 startups work is way different -- obviously I'm
6 learning -- than the timeline of the way patents work.
7 They are not coherent in time.

8 And so as an inventor, I get a good experience
9 as an entrepreneur. I've learned a lot. It's rewarding
10 to see that our invention was not just well received --
11 I mean really well received in the time that we had the
12 company.

13 Companies loved it; analysts loved it; we won
14 awards; we were able to hire in probably one of the
15 tightest talent markets because it was compelling to the
16 people we hired and to developers and engineers to work
17 on our stuff. And that's rewarding there.

18 But we had to shut the company down.

19 So it's neat to see that that vision was
20 prescient, that these things that we were working on
21 25 years ago is almost commonplace now. We completely
22 take it for granted, the concept of apps that are
23 powered not by local software as much as by the
24 Internet. The concept of app ecosystems and app stores.
25 None of that language existed 25 years ago.

1 So it's rewarding, as an inventor, to see the
2 world sort of steer the direction that you had a vision
3 for. And I have four daughters. It makes for a good
4 story at home.

5 Q. Sir, during today's testimony, did you have
6 any notes with you -- I meant to ask you this in the
7 beginning -- that you were referring to at all during
8 your testimony?

9 A. No. I was asked not to bring anything into
10 the room. So it's just me and my clock.

11 Q. Okay. I thought so. I just wanted to confirm
12 that.

13 A. Yeah.

14 MR. BALLANCO: And with that, sir, I have no
15 further questions for you. Your counsel may, but
16 nothing more for me.

17 Thank you for your time.

18 MR. IYER: Nothing for me. Thank you.

19 MR. BALLANCO: I think we can go off the
20 record.

21 COURT REPORTER: Counsel, pardon me.

22 May I get transcript requests on the record,
23 please?

24 MR. BALLANCO: Oh, sure. Gosh.

25 COURT REPORTER: And I have yours,

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1 Mr. Ballanco, with the scheduling.

2 MR. BALLANCO: Oh, okay. Yeah, that's what I
3 was about to say.

4 MR. IYER: Yeah. So then we'll request a
5 transcript as well.

6 COURT REPORTER: Would you like that expedited
7 as well?

8 MR. IYER: What's the regular delivery?

9 COURT REPORTER: Ten days.

10 MR. IYER: Yeah. Regular delivery.

11 (Whereupon the proceedings concluded at
12 11:14 a.m.)

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	ERRATA SHEET		
1	NAME OF CASE: SAMSUNG ELECTRONICS CO, LTD. V. DODOTS		
2	LICENSING SOLUTIONS LLC		
3	DATE OF DEPOSITION: MAY 16, 2024		
4	NAME OF WITNESS: JOHN KEMBEL		
5	Reason Codes:		
6	1: To clarify the record.		
7	2: To conform to the facts.		
8	3: To correct transcription error.		
9	Page	Line	Reason
10	From		to
11	Page	Line	Reason
12	From		to
13	Page	Line	Reason
14	From		to
15	Page	Line	Reason
16	From		to
17	Page	Line	Reason
18	From		to
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25	JOHN KEMBEL		DATED

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DECLARATION UNDER PENALTY OF PERJURY

I, JOHN KEMBEL, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken on May 16, 2024; that I have made such corrections as appear noted on the Deposition Errata Page(s), attached hereto, signed by me; that my testimony as contained herein, as corrected, is true and correct.

This Declaration is executed this _____ day of _____, 20____, at _____, California.

JOHN KEMBEL

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**I, Tamara Houston, RPR, CCRR, CSR No. 7244, a
Certified Shorthand Reporter in the State of California,
duly empowered to administer oaths, do hereby certify:**

That said deposition was taken down by me in shorthand at the time and place therein named, and thereafter reduced to typewriting by computer-aided transcription under my direction;

I further certify that I am not interested in the event of the action.

Dated: 19th of May, 2024.

TAMARA L. HOUSTON
CSR 7244, RPR, CCRR 140

THE SULLIVAN GROUP OF COURT REPORTERS

-	4	ABC 24:9 29:6 30:18 34:25 59:19,20 60:5,11 61:8, 10,14,17,18,19,21,23 62:10,11,20 63:2	align 49:23
--o0o-- 5:2	4 66:17	ABC's 30:25 31:10 63:15	aligned 51:14
0	407 71:5,14	ability 18:12 47:8 48:5 56:3 73:13	ALL_CONFIG 67:14
083 9:5,6,10,20 10:1,4 40:7, 15 41:16 43:8,20 44:7, 8,12,21 45:12 46:3 65:16,20 71:5,13 72:1, 7,17,18,22 73:4	454 71:13	accept 56:13	alleged 72:17,24 73:5
1	5 41:14,16 43:9,21	access 8:22 65:17	allowed 29:25 49:10 52:7 56:22, 24
10 62:11	545 9:22 10:1 71:5,14	accesses 41:21	alternative 49:3
11 40:18,21,24 41:5,7,14, 16 43:8,20	6 61 44:15,17,21	account 67:17	altogether 42:20 52:23 53:13,21
11:14 76:12	63 45:1,13	accounts 38:17 67:17	amazing 29:11 38:1 48:12 50:1 53:3,22 58:16,20
16 5:1	65 45:13	accurate 7:13 10:1 66:2	amount 67:10
1999 11:21	7 10:2	accurately 46:11	analysts 74:13
2	9 44:13,17,20 45:13	address 8:15 55:22	answers 25:8
20 62:12	90s 13:15	addresses 35:1	ants 16:13
2000 10:10,21 11:22 70:14	98 14:15	admonishment 15:3,21 50:13 53:10	apologize 11:5 43:18
2021 65:12,15,19	99 11:9 14:15	advantage 28:17	app 13:17,18 18:4 25:25 27:4 30:23,25 48:23 57:3 74:24
2024 5:1	9:21 5:1	affordance 54:19	app's 35:14
2045 66:17	A a.m. 5:1 76:12	affordances 39:15	app-like 26:21
22 41:6 66:8,10,12 68:11		age 73:16	Appears 66:2
23 66:9,11		ah-ha 16:4 18:8	Apple 6:3
25 11:7 33:15,21 37:15 58:11 59:1 73:15 74:21, 25		ahead 11:6	application 10:9,16,21 11:8,14 13:23 18:6,10,11 19:14 20:24 21:22 27:19 28:8 33:17 39:18 47:5 56:18

Index: --o0o---application

THE SULLIVAN GROUP OF COURT REPORTERS

application-like 14:10 17:16 29:1 47:3,9	aware 36:22	behave 20:23 53:18	brainstorm 15:11
applications 11:21 17:21 20:23 26:9, 14 27:13 28:1,5,10 29:14 47:5,23 50:9 53:18	awesome 61:17	behaved 18:16	brainstorming 14:24
approach 23:13,24	B	behavior 16:12,22 20:24	brand 17:8 24:14,17 62:13
apps 13:17 18:16 74:22	back 11:9 13:15,19 17:6,25 18:6 22:25 24:11 47:7 52:9 55:14 61:16,24 62:18 63:8 64:8 68:13 69:20 70:21 71:21	bell 9:24	branded 17:22 19:4 34:24 47:3 62:8
April 10:9,21	bah 61:18	beneficial 56:9	branding 17:10 28:22 35:8,18 38:9
architecture 46:20,25 47:18 48:14	Ballanco 5:12,14 6:4,22,23 10:19 11:18 12:14,18 19:23 21:13 22:15 30:8 32:19 33:2 34:9 36:2,16 39:20,25 40:2,14 42:1, 10 43:7,17 44:6 46:1 48:22 50:20 51:24 54:4 57:24 60:3 64:2,16 65:7,10,14,22 67:20 71:11 75:14,19,24 76:1, 2	benefit 7:21 53:19	break 8:7 16:18,21 39:22 40:3 47:1
area 37:10 64:12	bar 28:23 34:24 35:8,11 37:10,16 38:9 39:11,12, 15 43:1,2 53:6 63:15 64:11	benefits 56:7	breaking 17:17,19
arrows 17:7	barely 58:24	big 24:10 27:2 28:19 58:16 66:23	breaks 8:1
articles 69:11,16,18,24 70:3,12	bars 35:8	birds 16:14,20	brilliant 16:5
assert 72:12	based 14:8 19:18 21:3	bit 6:19 8:9 33:12 35:20 36:25 38:2 49:9 60:4	bring 21:25 22:8 49:17 50:8 75:9
asserted 72:8	battery 32:15	bits 13:13	bringing 32:25
assignee 72:16,22 73:4	beautiful 6:10 54:3	block 52:12,17 53:1,4,5,13, 21,24 54:9,10,17,18,22, 24	broke 6:19
assume 34:20	beginning 44:20 75:7	blossoming 14:3	brother 14:16
attached 66:25	begins 45:1,2 68:12	blur 54:11	brought 48:19
attorney 46:6	behalf 6:3	boom 56:12	browser 16:18 17:3,5,9,11,18 18:2 19:7,15 23:6 47:2 48:9 49:4 50:3 56:1 60:15,21
audience 56:7 61:3		bottom 35:10 37:16 39:12 43:2 66:10	bubble 74:3
audio 6:22 7:22 12:16,19 13:5,7 43:11		bought 26:6	build 61:2,3,12
auto-update 17:25 26:11		Boulder 6:10	built 22:13 33:16 48:18
automatically 48:4		bounce 62:17	bunch 20:3,6 30:3 68:22
awards 74:14		box 26:6 69:20,21	

Index: application-like-bunch

THE SULLIVAN GROUP OF COURT REPORTERS

bundle 20:7 51:20 52:1 burgeoning 13:20 business 46:14,15,17 60:25 button 37:10 39:11 43:1 55:17 C call 14:22 18:3,19 25:7,25 26:14 32:2 36:13 37:10, 11,16 39:10 62:17 called 5:8 15:6 18:4 25:25 27:24 49:12 59:3 calls 40:10 41:18 42:5 43:12, 23 45:15 71:7 Canino 6:2 capital 44:22 55:10 67:23 captioned 66:17 captured 46:3 51:8 carets 67:23 case 62:20 cases 54:21 categorically 70:7 categories 15:1,12 categorized 33:19 caught 12:20 CD 26:6,7,8,12 28:10,23	CD-ROM 27:19,21 CD-ROMS 27:14,15 CDS 26:4 28:7 certified 32:21 43:14 challenges 14:14 Chandran 5:23 change 29:6,8,9 changed 13:10 29:7,10 74:3 channels 23:14,21,23,25 characteristics 18:15,22 22:4 25:22,23 29:15 34:23 63:11 chat 8:12,21,23 9:4 40:16 64:24 65:6,10,15 66:15 check 30:24 55:22 Chris 5:21 Christina 6:2 circle 20:25 cited 69:16 70:3 claims 10:9,21 46:3,6 72:18 clarification 12:17 13:8 67:9 class 24:18 26:20 59:13 classes 59:11 clear 32:7 33:7 63:25 73:16	click 35:10 51:3 56:12 clicking 55:25 client 27:25 28:14 29:18 31:4 32:25 33:5 client's 36:11 clip 69:22 clipped 69:13 clippings 69:22 70:1 clock 11:24 13:15 75:10 close 29:20 31:24 37:10 39:11 43:1 50:2 54:13 closed 31:11 closing 31:8 co-founder 12:15,23 code 18:25 25:18 26:3 coding 26:3 coherent 74:7 colleagues 5:20 collect 19:9,17 20:15 56:25 61:20 73:13 collected 19:22 24:8 30:14,16 34:20 50:16 collecting 31:8 collection 49:14,22 51:18 52:2,4,5 54:13,19 67:18	colonies 16:13 Colorado 6:10 column 40:18,21,22,24 41:3,14, 16 43:8,20 44:13,20 45:13 53:4,12 67:22 columns 41:9 comfortable 44:4 comment 45:20 commented 23:2 commercial 61:16,17 72:2 commercials 29:7 committed 32:1 commonplace 74:21 communicate 47:11 community 19:2 58:18 companies 14:11,12,13 17:7,11 19:5 23:6 24:4,6,10 25:4 27:1 37:24 49:2,23 56:10 74:13 company 14:5 20:1 23:1 24:15 28:24 33:16 34:16,17 38:4,15 49:13 50:10 51:9 56:6 59:18 60:24 61:15 62:6 70:5,10,24 71:20 74:12,18 company's 30:20,21 57:2 compare 49:3 compelling 74:15
--	---	---	--

Index: bundle-compelling

THE SULLIVAN GROUP OF COURT REPORTERS

compensated 72:23 competitors 22:18,19,20 23:9 48:15 compiled 26:9 compiling 26:3 complete 7:14 68:19 completely 58:25 74:21 components 12:25 13:13 computer 8:13 13:22 17:23 20:14 26:10,23 27:25 28:21 29:19 30:15 31:4,5,16, 18 32:4,14,16,24 33:7 51:3 56:16,25 66:23 computer's 26:8 computers 13:19 26:16 concept 19:20 20:3 21:3,11,14, 20 22:1,6,13 23:17 24:3 26:19 29:22 49:9 54:19, 23 55:20 56:2 57:13,16 74:22,24 concepts 23:18 57:11 67:11 concluded 76:11 conclusion 41:19 42:6 43:24 45:16 71:7 conduit 36:18 37:12,20 38:22 39:11 40:4,8 41:17,21 42:4,8,13,17,23 43:22 45:8,13 conferences 70:22 configurability 24:3 29:14 47:16 51:8, 13 52:6	configurable 18:9 19:3 35:18 37:2 39:6 42:18,19 47:15 configuration 37:17 67:14,15 configured 19:4 28:21 confirm 75:11 connections 28:11 consistent 64:13 construct 19:12 57:19 consulting 14:19 contemporaneous 71:1 content 9:18 18:12,13,24 22:5 24:19 25:2 26:20 27:6 29:1,5,9 34:3,8 35:2,13, 17,18,23 36:8,12 37:4, 5,21,25 38:1,4,7,10,17, 18 39:7,19 42:20 47:12 48:8 56:6 59:22 60:1,7, 17,19,20 61:6,7,8,11 62:3,21,23 63:2,14,18, 21 64:5,6 context 41:23 42:3,9 43:5 44:2, 3 46:13 48:9 contract 46:16 contribute 27:8 control 17:9 19:13 24:14 30:1 31:7,9 36:18 37:12 39:1,5,12,13 40:9 41:17,21 42:4,13 43:22 45:8,14 48:10 62:13,14 63:19 controlled 17:11 62:8 controls	18:10,23 25:23 37:3 38:22 39:7,16 42:19,24 43:3 44:22 conundrum 72:3 convenience 33:1 convenient 31:23 32:3 convert 11:14 converted 11:11,22 cool 37:23 50:12 51:5 copy 66:2 copying 55:24,25 core 48:18 correct 6:14 25:17 27:23 44:18 64:6 65:14 66:14 73:22 correctly 25:17 51:19 67:17 counsel 5:3 11:17 75:15,21 couple 18:7 19:4,25 court 5:5 7:2,19 11:1,4 32:21 43:14 75:21,25 76:6,9 covered 46:3 70:16 create 47:8 49:22,24 53:20 creativity 17:15 48:7 curious 16:11 current 72:16,21 73:4 custom 28:5 33:16 37:24 38:14	customer 61:12 customer's 47:13 customers 19:6 20:18 24:9,14,21 25:5 28:25 38:19 47:20 60:11 70:10 D damages 72:23 73:4,5,13 data 45:9 dates 10:14,15,18 11:10 daughters 75:3 day 49:19 55:19 72:10 day-to-day 25:3 50:6 days 69:21 71:21 76:9 declaration 9:10,13,15 44:7 64:23 65:2,20 66:9 68:11 69:7,10,17,18 70:4 declarations 9:17 66:1 dedicated 47:2 default 36:21 37:18 define 18:18 34:21 39:6 44:21 49:10 62:19 63:11,22 68:12 defined 19:22 20:16,17 25:21, 22 49:7,15 defines 67:23,24 defining 27:5
---	--	---	---

Index: compensated-defining

THE SULLIVAN GROUP OF COURT REPORTERS

definition 18:20,21 19:20 21:4,12, 23 22:3,7 24:4 28:18 46:18 67:4 68:17,19 definitions 20:16 28:15,20 52:10 delivered 28:6 delivery 76:8,10 depending 35:14 37:14 70:23 depends 60:23 deposition 6:9,13 7:17 describe 12:25 22:3 34:11 36:11, 21 54:1 describes 40:8 41:17 43:10,22 45:13 46:11 68:7 describing 34:10 70:4 design 14:16,17,18 16:1,6,8,10 55:1 58:10 61:5 63:16 designer 45:20,23 designers 55:5 desk 49:21 detail 68:16 details 33:24 dev 59:3,7,14,16,17 develop 17:24 22:11,12 24:19 27:10 developed 19:22 20:17 38:11 49:13	developer 18:25 19:1 20:13,18 26:13 34:14,16 35:20 49:7,13 50:10 58:18 59:2,5,6,8,16,18,20 62:25 63:1,7,21 64:5, 13,21 67:1 68:15 developer's 47:13 developers 17:13,14,24 19:2,11 23:7 24:19,21 25:18,25 26:1,2,18,20,21 27:4 37:19 47:8,21 48:8 49:2,23 53:20 56:10 59:10,13 63:10 70:11 74:16 developing 47:22,23 60:5 development 59:7 device 26:22 devices 26:24 50:19 55:18 diagrams 20:12 33:10 dial 13:14 dialogue 72:14 dictionary 49:19 difference 19:1 differentiate 25:11 differentiator 25:14 differently 70:21 dig 69:23 direct 23:9 41:13 44:11 59:21 60:2 61:9	direction 30:6 75:2 directly 17:22 19:6,8 24:14,22 discussed 8:9 discussion 15:25 43:16 display 62:21,23 63:2 disruption 12:16 13:7 43:11 distinct 22:5 distortion 13:6 distributed 19:22 20:19 26:5 29:2 49:13 distributing 26:3 52:8 distribution 26:15 distributive 24:18 divided 11:16 document 8:23 9:3 12:1 13:25 14:6,8,12 49:17 65:6, 18,23,25 66:10 67:24 68:5 documentation 67:1 68:14,15 documents 14:2,4 Dodot 24:12 Dodots 12:8,15,23 13:14 21:1 35:16 67:25 70:4 Dot 18:3,4,7,8,17,18,19,20, 21 19:2,8,20 20:1,4,5,9, 10,12,15,16,22 21:3,6, 7,11,12,14,16,19,20,22	22:1,3,4,6,7,13,17 23:17 24:4 25:14,15,16, 20,21,22,25 26:19 27:5, 16,19,21 28:14,16,18 29:6,10,25 30:1,14,17, 19,20,25 31:1,10,14,18, 19 32:1,5,8 33:4 34:20, 21,24 35:3,4,5 36:12,14 37:1,6,9,19,23,25 38:1, 4,7,12,16,23,24 39:2,6 42:3,9,12,18 45:14 46:20,21,25 47:8,18,19 48:1,2,4,15,18,23 49:15,25 50:2,4,9,14, 18,21 51:1,4,20,25 52:1,5,10,16,19 54:8,9, 12,23 55:7,12,15,16 56:5,23 57:1,6,8,13 58:3,17,18,21 59:2,3,6, 7,10,13,14,16,17,18,20, 21 60:5,12,17,20 61:5 62:3,4,11,21,23,24,25 63:1,3,11,14,22 64:4,19 67:1,3,7,22,23 68:2,3, 12,15,17,20 69:12 Dot's 48:14 Dot-centric 23:13 Dot-enable 20:14 27:24 30:15 31:3, 5,16 32:3,12 56:24 dot-enabled 29:19 32:9 51:4 56:19, 23 57:6 Dot-enabling 32:24 33:7 Dot-initiated 56:16 dot.com 74:2,3 dots 19:17 20:4,15,19,22,23 21:2 24:9,10,20,24 25:19 27:2,11 29:8,12, 20 30:22 31:8,25 33:1,5 34:3 35:12 36:8,19,21, 24 37:17 38:25 41:24 44:5 47:8,10 48:6 49:4, 10,14,22,25 50:16 51:6, 9,12 52:3,4,8,9,12,18,
---	--	---	--

Index: definition-dots

THE SULLIVAN GROUP OF COURT REPORTERS

24 53:1,4,5,11,12,18, 21,25 54:9,10,13,15,18, 21,22,24 55:15,16 56:4, 23 57:17,23 61:5,15,18, 19,20,23 62:7 67:18 download 19:9 27:14,19 28:3,16 32:13 33:4 56:14 downloaded 28:2,3,5,8 29:3 downloading 8:24 27:25 29:12 32:12 56:18 downtown 6:10 drag 53:8 draw 20:25 drive 26:7 drives 26:8 drop 65:14 duly 5:8 E earlier 9:8 easiest 55:14 easy 63:12 ecosystem 13:17 20:13,18 21:4 22:12 24:1 38:16 59:6 ecosystems 74:24 effect 54:6 effectively 22:4 elements	38:24 email 51:2 56:11 embodiment 45:2,4,7 emerge 16:22 emergent 15:20 16:12,22 emerging 26:20 28:4 empty 34:22 enable 24:18 47:10 50:9 60:11 enabled 19:21 20:20,23 21:15 22:8,9,11 24:12 25:18, 24 26:19 27:3,7,10 28:14 29:17,19,23,24 31:10,18 62:7,14 63:22 end 19:5,8,13 23:7 24:22 30:5,9,14 31:14 32:8 34:17,19 37:4 42:20 49:15 51:10 53:19 60:6 66:7 ending 9:5 engage 24:21 25:4 62:7 engagement 24:24,25 61:3,12 engineering 58:17 engineers 74:16 English 55:11 entire 27:7 entrepreneur 73:17 74:9 entrepreneurial 74:4	Erise 6:3 essentially 51:21 event 48:3 evidence 25:7 exact 11:12 61:22 EXAMINATION 5:12 exciting 23:3 56:9 excuse 28:25 31:2 34:8,13 37:19 74:2 executable 18:25 26:9 exhibit 8:19 59:15 63:24 65:15 66:17 69:4 exhibits 8:11,14 20:11 22:24 30:13 33:10 63:7 66:25 exist 18:5 24:11 47:7 53:16 56:2 existed 74:25 expedited 76:6 experience 17:10 19:14 25:3,5 26:22 29:2 30:5,10 31:2 33:8 34:12,14 35:21 39:9,14 44:5 48:19 49:1,2 50:6 53:3 55:14 57:18,22 58:14 62:14 64:14,21 70:18 74:8 experiences 27:5 47:3,9 74:4 experiential 60:25 expert 41:19 43:6,13,24 45:16	explained 72:9 explored 15:11 Explorer 17:13 exploring 14:25 15:2,19 16:15 F face 29:18 74:3 facilitate 48:5 fact 9:14 facts 61:23 fair 7:10,11,24,25 9:12 11:20 20:8 21:6 22:23 25:19 38:23 42:12 43:9, 21 48:13 62:22 66:2 70:13 fairly 28:10 familiar 8:20 42:17 52:13 58:22 66:5 Fantastic 61:16 fast 22:10 28:11 faster 73:25 feature 57:9,10,12 feel 18:10 39:17 47:4 54:2 fell 37:17 fetch 31:20 36:12 37:21 fetchd 34:8,25 35:6,17
--	--	--	--

Index: download-fetched

THE SULLIVAN GROUP OF COURT REPORTERS

fetches 39:7	flocks 16:14,19	fun 22:24 69:23	granted 13:16 41:1 53:14 74:22
fetching 34:7	flourishing 13:20 14:3	function 35:23 36:8	great 14:2 50:16
field 16:6,7 28:6	flow 56:22 61:12	functionality 35:14 36:14	greater 24:25
figure 27:2 53:5	focus 10:4	funding 71:19	ground 6:15
figured 56:24	folks 61:20 70:20,21	future 23:24	group 27:7
file 10:14	follow 34:12 49:11 61:6		growing 58:17
filed 10:9,24 11:8	forgot 32:14	G	guess 36:10,15 42:22 48:13 55:2
filing 10:22	form 10:11 12:9 13:2 21:9,17 24:16 29:25 30:2 34:5 35:24 39:3 40:10 41:18 42:5,14 43:12,23 48:16 51:22 57:15 59:23 63:4 64:7 71:6	game 50:17	guest 46:23
fill 31:21 32:6 35:3 60:4	format 11:14	Generally 67:25	guide 61:25
filled 35:12 38:11 64:12	formatting 66:6	generate 51:1	Gunten 5:21
fills 63:18	found 55:23	genius 16:4	
financial 73:20	founder 71:22	George 5:24	H
find 16:8 60:11,12,20 61:24	frame 18:9,22 28:22 37:2 45:9 68:25	gist 19:19	half 73:16
fine 62:19	friend 30:24 57:4	give 7:1,22 47:5,7 65:2	hand 15:23
finish 7:9	front 63:8	giving 7:13 55:24	handed 63:10
finished 7:7	fronts 47:17	glass 15:9	happen 47:16
finishing 14:16	full 6:5 7:13 54:6	glasses 41:11	happened 30:16 33:10
firm 5:14,22 14:19	fully 18:8 19:3 39:6 42:18 47:15	goal 60:25 62:5	happy 14:22 15:6 20:11 30:12
fish 5:14,21 16:13,20		good 39:21,24 61:15 72:5,6 74:8 75:3	hard 10:13 11:15 17:24 21:2 23:9 54:1,6
flexibility 18:1 24:3 29:11,14		goodness 12:11 14:15 33:21 62:18 70:19	harder 46:7
flexible 18:15 37:2		Gosh 75:24	Hart 6:3
flip 34:13		grab 43:2 53:21	head 33:12

Index: fetches-head

THE SULLIVAN GROUP OF COURT REPORTERS

hear 13:9 58:6	Huge 19:1 28:17	34:17	20:24 26:21 27:4 35:13
heard 6:11 13:10 72:25	hypertext 14:1	index 30:21 57:3	37:4 38:17 39:9,17,18 47:3
hearing 51:19	hypothetical 59:24	information 14:8,12 24:16 31:20 32:5 35:5 37:3 51:7 52:6 67:18	interactivity 25:2 47:24 48:6 53:20
hey 30:17,24 49:8,16 50:15, 23 55:22	Hyun 5:21	infrastructure 19:21 20:5,10 21:8,16 22:7 30:1	interest 72:2,5
highlight 13:12	I	infringement 72:24 73:5	interesting 14:25 69:24
hike 49:21	idea 17:17 49:5	infringing 72:18	interests 71:25
hire 24:20 74:14	identify 9:3 55:16	innovation 14:17 15:18 16:2,3,7	interface 43:3 55:5 58:10
hired 58:16 74:16	illustrative 69:7	inside 48:8,9	internal 68:14
hit 32:16 50:25 55:17	image 35:9,10 63:15 64:11 66:20 67:21 68:11	inspiration 49:20	Internet 13:20 17:13 22:21 23:11,24 28:11 31:20 32:6 34:4,8 35:1,19,23 45:8 74:24
holding 16:14	images 38:10 63:17 66:6	installed 17:23 21:21 26:9	Internet-powered 18:5
home 75:4	imagination 17:14 19:11	instantiate 31:19 32:5 33:5 35:5	interpret 45:22,23 46:13
Homedot 29:16,17,22 30:1 31:6, 15,23 32:1,12 33:1	imagine 12:2 23:11 31:24 48:7	instantiated 34:22 36:13 37:7	intimately 21:22
honest 54:25 55:1 72:4	imagined 18:3	instantly 51:4	introduce 5:13
honored 24:16,17	imagining 23:24	integrate 50:5	invent 58:19
horizontal 53:24	implemented 47:19	intellectual 15:7 71:18,23	inventing 14:19 15:4
host 22:12	important 31:17 47:7,10	intent 14:19 46:16 55:1	invention 10:23 12:8 19:19 70:5 74:10
hosting 60:7 63:2	improve 22:17	interact 47:14	inventor 10:6 12:24 71:22 72:3 73:23 74:8 75:1
hour 8:1 15:6,7 39:21	inbox 50:7	interacted 70:25	involved 72:14
hours 14:21,22	include 24:23	interaction 54:19 61:22	IP 6:3 14:21,22 15:6,7 44:1 71:20
hover 35:9 38:10	included 22:24 59:15 61:7,9	interaction-controlled 62:9	IPR 9:11 65:16
HTML 37:21	Incomplete 59:23	interactive 14:10 17:16 18:12	
	independent		

Index: hear-IPR

THE SULLIVAN GROUP OF COURT REPORTERS

IPR2023-00621 5:18	13:12 25:11,13 59:14	learn 16:7	longer 62:12
IPR2023-00701 5:18	Keynote 52:22	learned 74:9	lose 32:17
IPR2023-00756 5:19	kind 14:20,22 23:11,23 39:8 57:18 66:13	learning 74:6	lot 12:11 14:14 15:11 21:1, 24 22:21,22 23:7,22 24:8,10 28:9 46:14 47:20,21 53:14 64:22 69:1,23 73:25 74:9
issue 7:12,13 8:14 9:7	kinds 15:1 23:15 24:5,6 59:12	left 51:6,14 53:15 62:15	lots 17:2
issues 6:17,22 7:5	kit 70:9	legal 41:19 42:6 43:13,24 45:15,21 46:13 71:7	love 15:15
items 34:25	knowledge 73:19	life 48:20	loved 47:21 48:11,24 74:13
Iyer 5:23 6:1 10:11 12:9 13:2 21:9,17 30:2 32:18 34:5 35:24 36:9 39:3,23 40:10 41:18 42:5,14 43:12,23 45:15 48:16 51:22 57:15 59:23 63:4 64:7 65:5 71:6 75:18 76:4,8,10	L	lightweight 56:4	low 32:15
lyre 11:1,3	landscape 73:25	limitations 17:2 19:12 23:3,6	luck 16:3
J	lane 69:25 72:6	limited 19:7,14	lunch 58:24
Jin 5:21	language 11:12 20:10 32:10 33:6 37:13 74:25	link 30:20 51:1,3 55:24 56:12	M
John 5:7,25 6:1,7 30:24	large 28:10	listed 10:25	machine 27:15 32:8,12
joining 5:20 6:8	largely 20:17	lit 11:4	made 18:7,10 20:17,19 21:4, 19 22:6 25:14 31:23 38:15 52:9 63:12
joke 14:23	larger 21:16	literally 50:3	magazines 69:22
judge 7:2	late 13:15 14:15	litigation 72:8 73:20	magic 13:13 18:8 19:19 21:25 22:6 25:14 52:9
jury 7:2	launched 20:1,3,8 59:5 61:14	load 27:14 63:16,17	magnitude 24:25
justify 53:15,16	law 5:14,22	loaded 29:4,5	main 13:5
K	lawsuit 72:22 73:14	local 74:23	maintains 54:14
Kembel 5:7,24 6:1,5,7,8,24 8:18 11:6 19:24 40:3	lawyer 11:13 41:1,22 44:2 45:21 46:17 72:19	locations 57:5	major 12:7,8,25
key	lawyers 10:15 46:14	locked 47:24 48:9	make 13:14 18:17,18 27:4 38:5 46:8 47:2,4 49:5
	layperson 34:11	log 67:19	
	lead 54:23	long 28:11 56:16 72:4 73:10	

THE SULLIVAN GROUP OF COURT REPORTERS

54:10 57:11 60:8 makes 11:25 15:16 39:8 46:10 73:1 75:3 making 14:5 15:19 man 22:21 24:8 33:15 managed 38:16 marked 65:16 markers 15:10 market 21:25 22:8 49:11 marketing 24:23 30:11 32:10 58:13 64:18 marketplace 25:12 markets 74:15 match 46:16 material 52:11 59:3 materials 23:1 24:24 30:12 58:13 59:8,16 63:7 64:9,14 matter 62:2 means 18:25 20:14 41:23 43:5 44:2 50:8 53:15 57:17, 22 72:12 meant 19:4 75:6 mechanism 55:16 57:21 media 24:1 61:6,11 69:20 70:21 mediated 19:7	medical 7:12 meet 14:10 meeting 69:15 memorable 33:22 memory 10:1 69:24 72:6 mentioned 24:13 27:12 31:4 38:3 45:18 73:11 mentions 67:22 menu 34:25 37:9 39:11,15 43:1 menus 35:8 Merriam-webster 24:9 30:18 messaging 20:22 46:20,21,25 47:16,18 48:14 met 25:1,4 methodologies 14:18 methodology 16:8 metrics 24:24,25 Michael 5:14 Mike 12:11 13:9 32:23 50:15 51:23 55:22 65:5 mind 22:19 25:10 minds 16:15 minimize 12:5 46:21	minimum 38:22 45:8,14 minute 62:11 minutes 39:25 Mm-hmm 11:25 mobile 26:23 mode 49:24 model 14:6 23:4 modern 28:4 module 35:22 36:3,5,7,14 moment 16:4 38:21 40:4 51:13 65:3 69:9 moments 18:8 money 72:23 monitoring 48:4 monolithic 18:11 Mosaic 17:12 Mossberg 69:14 mouse 53:9 move 26:23 53:13 54:16 moving 54:17 multi-select 52:24 multiple 47:17 52:24 54:20 67:5	N named 10:6 12:23 names 33:22 native 17:21 24:20 26:14,17 33:17 native-installed 13:22 natively 26:23 natural 56:8 navigate 8:13 17:3 40:18 66:8 navigating 17:5,6 neat 74:19 necessarily 14:11 needed 13:22 18:18 28:10,17 30:15 news 33:17,19 newscasting 33:16 newspaper 70:20 NIM 18:21 47:14 NIM's 18:22 noes 7:22 non-hover 35:9 nonobvious 15:17 16:8 nontraditional 25:18
--	---	--	---

Index: makes-nontraditional

THE SULLIVAN GROUP OF COURT REPORTERS

nonverbal 7:23	29:20 31:18,23 34:20 50:2 54:13 56:17	Palmpilots 26:25	people 16:3,9 17:2 22:22 23:2, 5,7,10,14 27:7 32:1 48:11 58:18 61:9 62:1, 4,15 70:16 74:16
normal 24:25 34:8 35:12 37:6,9 38:19 55:11	opened 31:11	panel 31:7,9	performed 35:22 36:7
notes 75:6	opening 31:7	paradigm 13:25 14:13 17:18,19 47:1 55:21 56:3	period 70:14
notion 22:1	opinion 41:19 43:13,24 45:16	paragraph 44:24 45:1	perspective 15:17 34:16,18,19 42:22,23,25 62:6 63:1
number 23:5 41:4 66:10	order 31:5 32:4,7,25 33:3	pardon 75:21	perspectives 34:15
numbers 5:16 9:20,21 41:9 71:15	orders 24:24	part 10:17 20:7 21:16 28:13 36:11,14 57:13 59:7 71:18 72:22 73:12	Petitioners 5:15
O			
oath 6:18,20 7:1	organize 19:17 52:20,25	participate 27:9	phones 27:1
object 13:2	organizing 31:8	partners 38:19	phrase 52:11
objection 10:11 11:2 12:9 21:9,17 30:2 34:5 35:24 36:9 39:3 40:10 41:18 42:5, 14 43:12,23 45:15 48:16 51:22 57:15 59:23 63:4 64:7 71:6	outcome 73:20	parts 12:8 35:3 63:14	piece 48:20 59:14
objects 52:23	owned 71:20	pass 57:20	pieces 12:7 16:19,20,21 17:19 30:4
obviated 27:16,17	ownership 73:7	patent 8:25 9:5,6 10:6,8,14,15, 18,20,21 11:13 12:4 40:7,15,19 41:1,2,16, 22,23 42:23 43:5,8,9, 20,21 44:3,8,12,21 45:12,21 46:4,5,22 71:15,21 72:1,7,17,18, 22 73:4,20,25	pin 23:9
obvious 23:25 47:4	owns 72:5	patents 9:7,19,23 10:18,24 11:16 12:24 40:13 71:5, 14 73:8,12,21 74:6	pitching 24:6
offer 26:21			
offered 49:12	P		
offering 24:17	pack 49:12,15,25 50:2,24 51:4,25 54:8,9,12 57:13	Paul 6:3	places 37:5
office 15:9	package 24:15 50:4	pause 32:16	plan 8:12
offices 59:9	packaging 26:15	PDAS 26:25	platform 20:10,20 31:15 32:8 33:4 41:25 42:4,12 47:19 48:15,21 55:8,12 57:14 58:3 69:12
one-pager 63:9	packs 19:18 50:9,14,18,21 52:16 57:8,17	PDF 66:9,11	plug 32:14,16
open	page-by-page 14:6 17:18	pending 8:6	point 7:16 44:1 61:21,22 62:4 63:6,13,20,23 64:10,11 65:2 71:2
	pages 16:19 17:1 20:24 25:1 27:2 37:21 38:8 47:23 53:17 66:5 67:3		Pointcast 28:3 33:13,14,23
	pair 41:11		

Index: nonverbal-Pointcast

THE SULLIVAN GROUP OF COURT REPORTERS

pointed 61:19,23 62:1	31:25	published 30:22	read 5:16 9:8 32:21 43:14 44:3 45:5,6,10,11,21 46:6
pop 48:4	previously 65:15	pull 10:3 25:2 37:3 69:24	reading 46:10
portals 23:14	primary 32:11 35:11 36:21,23 37:10,16,20 38:24 39:17 63:19 64:12	pulled 24:12	ready 9:1,2
portion 43:9,21 44:12 45:9,12 73:5	priority 10:9,21	pulling 8:19	realized 16:24 17:1,20
possibility 56:5	problem 17:1	put 8:12,20,23 9:4 12:1 27:10 54:8 62:3,6 65:6 69:8 70:9	reason 70:8
potential 17:20 23:2	proceeding 5:16 9:11 65:16	putting 47:6 55:25	recall 33:18 34:2 51:1 52:17 59:4 67:16 69:14,15
powered 74:23	proceedings 5:16 9:7,15 76:11		receive 30:23 51:6 56:11 57:6
powerful 21:15,20 29:13	process 15:18 16:2,8,10 71:19 72:10,13	Q	received 33:17 51:16 74:10,11
Powerpoint 52:22	processes 14:17 72:11	question 6:24 7:6,7,8 8:6 11:3 12:13,22 16:17,22 25:9 31:13 36:4,6 40:23,25 42:8,11 43:19 45:17 51:23 73:3	Recess 40:1
practice 71:17	product 12:8 15:1,12 20:2 25:5, 11	questions 7:23 12:3 19:25 65:1 75:15	recognize 65:23
precise 30:4 42:11 46:17	products 14:20 15:5 17:8 19:18 24:15	quickly 28:9 50:2	recognized 17:2 23:5
preferred 45:2,4,7	program 35:22,25 36:4,7	quote 49:19	recollection 33:15 64:9
premise 48:18	programming 29:8 36:13	quote/unquote 18:16 35:2 47:22	reconfigure 47:15
preparing 44:7	properties 18:14	quotes 27:11 47:6	record 5:13,17 6:6,12 8:10 9:8 15:25 32:18,20,22 43:15,16 45:5 65:8 66:16 75:20,22
prescient 74:20	property 15:7 71:18,23		recover 73:4,6
present 5:3	protocols 35:19	R	recovered 73:14
presented 14:14	proverbial 16:4	ran 14:21 26:10 29:7	redistribute 52:7
presents 8:13	provided 69:18	range 70:19,20	reemphasize 25:13
press 22:25 69:22 70:1,9	provisional 10:24 11:8 71:21	rapidly 58:17	refer 39:12 63:24 69:6
pretty 9:18 14:7 34:22 66:7	provisionals 10:17 11:20	rate 62:17	references
prevents 7:13		reach 19:5,6 24:14	
previewing			

Index: pointed-references

THE SULLIVAN GROUP OF COURT REPORTERS

10:15	13:7 15:3,21 32:21	review	66:13,14
referred	43:14 50:13 53:10 67:9	70:6	scanned
58:13 69:10,13	75:21,25 76:6,9	reviewed	66:20
referring	represent	10:16 40:12 44:9 46:8	scanning
75:7	10:20	66:4	66:5
regard	representing	revisit	scheduling
14:14 25:20 27:9 39:10	5:15 17:7	12:2	76:1
42:21	request	reward	schema
regular	76:4	73:24	68:16,19
76:8,10	requests	rewarding	schemas
rejoins	12:16 13:7 75:22	74:9,17 75:1	67:5,11,13
6:22	require	Richardson	school
related	18:24 28:9 38:14	5:15,22	14:16
21:22 52:16 54:23	required	rights	schools
57:11 58:1 71:16	17:24 18:17 26:17	71:4,13,18,23	16:13,20
relates	27:18,21 59:6	rigorous	scientifically
10:8	requires	15:18 16:2,7,8,10	15:19
relating	22:3	Rings	scope
73:21	research	9:24	40:11
relied	14:4,12	rise	screen
11:17	resize	13:21	11:4 51:15 52:21 53:1,
remember	8:25 43:2	role	23 56:13 66:22,23
9:19,20,22 10:2 11:8,	resolved	12:23	screens
23,24 15:24 23:22,23	73:24	room	27:1
26:4,25 28:12 33:24	resonate	75:10	screenshots
38:8,25 40:5,13 52:14	72:19	rose	30:12 58:12
54:25 55:1,3,4,13 57:18	resources	13:24	section
58:9,12,13,14,22,24	63:23	rules	59:10
59:9 61:14,22 64:14	respond	6:15	select
68:6 71:15	71:10	run	52:23 53:5
remotely	responses	32:15 59:11	selected
5:4	7:23		53:11,12
render	responsibility	S	selecting
18:12 37:3	36:12	S-N-A-P-S-H-O-T	53:7
rendered	rest	58:8	sell
37:5	61:6	Samsung	22:9
rendering	result	5:15 72:8,17 73:21	send
45:9	25:24 71:20	Samsung's	51:2
renders	retain	72:24	sense
39:8 42:20	73:13	scalable	11:25 15:16 35:7 45:21
reorganize	retrieve	38:16	46:9,10 49:6 60:8 73:1
51:17 53:24	34:3 64:5,6	scale	sentence
repeat	retrieving	21:25	45:1
36:4,6	35:23 36:8	scan	serve
reporter			
5:5 7:20 11:1,4 12:16			

Index: referred-serve

THE SULLIVAN GROUP OF COURT REPORTERS

21:24 37:25 38:1,4,7,9	25:1 59:16	skimmed 68:6	specification 41:3 67:3
served 38:13,18	showing 62:18 66:20	slam 53:23	speculation 40:11
server 19:21 21:2 37:25 38:6, 14,20 47:13 57:19 63:17	shown 60:21 68:18	slant 52:25	spell 58:6
servers 20:12 28:24,25 29:10 38:14	shows 61:10,18,24 63:25 67:4, 12 68:2	small 27:2,3,25 28:1,8 66:22	spirit 46:16
service 25:5 33:19 34:1	shut 74:18	smaller 16:19,20,21 17:19	split 11:16
services 17:8 24:15	side 12:2 38:15 46:15 50:10, 11 51:15 52:21,25	smoothly 6:16	spoke 70:24
session 67:15,18	signature 66:6	Snapchat 58:6	spoken 57:9 59:20
SESSION_CONFIG> 67:15	signed 72:3 73:10	snapped 54:3	spread 70:21
set 26:17 27:9 48:3,15 49:8,10,12,25 50:15 51:11 52:23 55:4,15 64:18	signing 73:12	snapshot 58:2,3,5,8	spring 11:22
sets 44:21 49:5	silly 40:23,25	soft 20:25	stake 73:20
setup 19:25	similar 26:21	software 17:21,24 19:1 24:20 26:2,3,4,13,14,16,17 28:6,17 29:3,4,12 31:17 52:8 56:14 74:23	stand 13:11 73:6
share 19:17 29:20 50:14,21, 25 51:1,3,12 54:14 55:9,10,12,15,17 56:4, 8,9,14,17,22 57:9,10, 12,13,17,22	simple 16:17 33:6 61:14 64:1	solutions 16:9	standard 35:19 38:13 71:17
shared 30:24,25 31:11 64:23	simplest 35:7 37:1 63:9	solve 24:13	stands 71:25
shares 67:6	simply 27:5	sooner 8:2	start 7:6 8:18 12:22 30:9 31:15 47:2
sharing 51:10 56:2,5	sir 40:18 41:13 42:11 43:18 44:7,12,25 46:20 66:8,18 69:10 71:2 73:3,18 75:5,14	sort 11:14 13:12 14:17 34:21 48:3 55:18 60:25 68:14 75:2	started 11:24 14:4,5,18 61:15
shift 35:20	sit 15:8 63:19	sounds 39:24 57:12	starting 31:1 49:18 54:11 68:8, 10
show 20:12 30:12 53:7 56:13 59:11 60:15 61:25 64:15,19	sitting 26:3	source 69:17,20	starts 49:5 68:16,24
showed	size 28:22	speak 46:2,5 70:10	startup 69:21 70:17 71:1,17,18, 19,24 73:24
	sized 28:22	special 18:17	startups 74:5
	skill 26:17 27:9	specific 12:12 60:1 73:1	state 6:5 8:10 51:6,7 54:15
			static 35:13

Index: served-static

THE SULLIVAN GROUP OF COURT REPORTERS

statistics 22:9,11 stay 62:11 stayed 50:18 steer 75:2 steps 47:4 stipulate 5:3 stock 33:18 48:2 49:8 stop 7:17 store 13:18 26:6 30:23 57:3 stores 74:24 story 72:6 75:4 strategies 61:11 strategy 61:7 streaming 33:19 streams 33:17 strike 22:16 71:3 structure 67:25 68:7 structures 68:1 struggled 19:5 struggling 27:1 stuck 26:7 47:24 study 44:8,9	stuff 46:8,9 74:17 submitted 9:10,13,14 subscription 34:1 substantiate 32:25 substantiated 28:21 super 50:12 63:25 64:1 superior 23:20 24:2 superiority 25:8 supported 59:12 surgery 46:17 surprised 72:10 sweet 53:22 switch 50:6 sworn 5:4,8 system 20:22 26:15 37:8 47:12 systems 15:19 16:11 T T.V. 23:24 61:15,16,25 table 67:13,24 tag 68:2,3,25 tagged 68:12 tailored 17:22	takes 19:15 50:3 talent 74:15 talk 7:21 11:12 15:15 30:4 42:2 44:4 60:8 62:20 67:13 70:7 talked 41:25 42:16 45:24 63:12,19 64:20 67:6,7, 11 talking 22:10 37:14 38:21 40:3 50:4 54:20 57:8,10 60:10 64:22 70:17,23 72:15 talks 67:8 team 58:17,18 59:2 tech 70:20,22 technical 20:21 26:17 technically 25:21 52:5 57:19 technologies 14:20 15:5 21:4 70:8 technologist 45:19,23 46:9,10 technologist's 44:1 technology 7:5 13:14 20:4,7,9 22:17 23:20,23 24:2,12 25:8 27:16,20,22 28:13 35:4,16 36:15 37:24 38:14,20 39:2 41:24 42:3,12,22 46:11 48:21 56:22 61:6 70:11 template 18:19 21:23 22:14 23:17 25:15,16,20,21 26:19 27:5 28:18 31:19 32:5 34:21 35:3 37:18 48:19 56:5 58:21 68:20	templates 20:15,16 38:16 51:20 52:1,6,10 67:7,22 68:2 ten 39:25 76:9 term 23:25 36:20 39:1,5 52:13 54:25 55:10 58:9, 14 terminology 40:13 terms 13:17 14:14 37:15 45:19 46:18 54:11 58:20 73:1 testified 5:10 testimony 7:1,14 25:17 27:13 73:18 75:5,8 testing 65:9 text 41:9 thesaurus 49:18 thin 27:25 28:14 29:18 31:4 32:25 33:4 36:11 thing 7:19 8:5 13:10 29:17 31:17 51:5 63:9 66:7 things 6:16 13:16 14:25 15:11 16:9,14,21,24 17:19,25 19:5,12 20:3,4,7 21:1,3 22:22 23:8,10,15 24:5,7 25:11 27:2 29:13,20 31:11 35:1,6 37:20 38:15 48:6,17 53:3,6,16 56:9 58:11,19,20 59:12 64:4 67:5 70:2,8 73:2, 24 74:20 thought 42:8 75:11 THURSDAY 5:1
---	--	--	---

Index: statistics-THURSDAY

THE SULLIVAN GROUP OF COURT REPORTERS

tickers 33:18 tighten 71:10 tightest 74:15 time 16:15 17:4,12 28:9,11 30:16 31:3 39:21 48:9 52:19 55:6 56:25 69:11 70:8,14,18 71:24 72:4 73:10 74:7,11 75:17 timeframe 10:22 11:21,22 timeline 74:4,6 times 62:12 tiny 15:9 title 28:23 34:24 35:8 37:10 38:9 39:11,15 43:1 63:15 64:11 today 5:20 6:9,16,18 7:1,14, 20 8:12 9:16 53:15 71:25 73:18 today's 30:23 75:5 token 46:2 tools 20:13 53:14 59:7 63:22 top 41:3,5,7 53:23 55:3 66:13,16 67:4,13 68:25 top-level 68:1 trace 10:13 11:15 track 49:20 61:19 tracking 48:3 49:8	trade 48:5 trades 48:3 trading 48:2 49:9 traditional 26:2 27:13 28:7 29:3,4 trained 14:17,21 transcribing 7:20 transcript 75:22 76:5 transfer 71:17 transferred 71:12,23 trapped 14:6 16:25 17:7,14,15 18:1 tree 10:18 trip 72:5 trouble 8:14 true 6:13 47:5,9 70:7 trust 46:16 truth 5:9,10 TV 61:9,10 two-pager 63:8 type 26:16 68:17 types 27:4	9:5 understand 6:17,20,25 7:3 9:6,9 10:8 31:14 33:8 38:2 45:19 46:7,11 49:1 54:5 58:25 72:7,16,20,21 understanding 25:16 46:18 understood 8:8 11:19 64:4 unexpected 16:21 unfold 72:11 Unleashed 19:2 unlock 19:11 unlocks 48:7 unnecessary 6:17 unpack 36:24 update 27:15 updated 26:12 updates 17:25 URL 64:5,10,11 user 17:10,23 19:8 30:5,10, 14 31:14 32:11 33:3,8 34:12,17,19 37:4 38:17 39:8 42:20,25 44:5 49:1,16 50:10 52:3 53:3 55:14 57:17,22 58:14 59:21 60:6,16 62:14,21 63:3 67:8,14,17 user's 26:22 32:8 39:14 users 17:3 19:5,13 23:7 24:22 25:1 26:16 50:12,21	51:10 53:19 62:7 V vague 12:9 13:3 21:9,17 30:2 34:5 35:24 39:3 48:16 57:15 63:4 64:7 71:6 valid 68:19 valuable 48:20 variables 68:25 vernacular 30:23 version 51:8 vertical 53:5,21 vertically 52:24 view 18:24 22:20 25:23 35:11,17 36:21,24 37:11,16 38:11 39:11, 17 44:1 60:16 63:19 64:12 Viewing 60:19 viral 24:18 56:6 virtual 7:4 vision 70:10 74:19 75:2 visualize 54:5 visuals 63:25 von 5:21 W wait 7:6,8
	U U.S.		

Index: tickers-wait

THE SULLIVAN GROUP OF COURT REPORTERS

walk 33:9 Walt 69:14 want-to-be 59:10 wanted 14:9 25:6 29:8 52:20 55:9,15,17 56:25 61:9, 13,21 65:2 66:15 75:11 wanting 25:2 warpy 66:13,14 watching 50:16 wave 15:23 wavy 66:20 67:21 ways 14:25 15:4 21:24 31:1, 24,25 32:11 34:15 39:5 49:11 62:9 70:11,24,25 weather 49:20 web 13:21,23,24 14:13 15:14 16:16,19,25 17:3, 14 18:1,11,13,16,25 19:11,14 21:21 22:2 23:3 24:19 25:1 26:20 29:5,9,15 34:8 35:13,17 36:8,18 37:11,20,21,22, 25 38:4,6,8,11,13,19,21 39:18 40:4,8 41:17,21 42:8,13,17,23 43:22 45:8,13 47:1,3,12,23 53:17 55:21,22,24 56:3 59:13,22 60:1,7 62:9 63:17,21 64:19 web-like 38:10 web-powered 18:5 website 17:6 30:20,21 57:2 60:13,15 61:7,8 62:1,10	websites 14:1,5 19:7 week 14:24 15:8 well-known 24:8 West 22:21 whiteboard 15:10 Wild 22:21 window 17:9 18:23 37:8 39:14 50:3,4 windows 15:9 won 74:13 word 18:4 44:9 49:17 55:11 words 27:18 41:20 44:3 54:9 69:19 work 10:16 13:14,18 16:6,11 18:7,17 19:18 21:5,7 22:6 25:3,15,19 28:15 36:15 46:14 49:24 50:6 73:2 74:5,6,16 workday 50:9 worked 11:13 20:12,13 41:24 48:12 54:2 55:4 58:23 working 10:23 52:18,22 55:6 66:22 69:12 74:20 works 21:7 33:11 world 17:20 25:3 47:7 53:17 75:2 worries 7:18	wrapped 9:18 write 49:18 writer 49:16 writing 50:7 written 41:3 wrong 25:17 X XML 67:25 68:1 Y year 11:11,23,24 26:11 years 11:7 33:15,21 37:15 58:11 59:1 73:15 74:21, 25 yellow 53:6 yeses 7:22 yesterday 58:25 young 73:16 Z ZDNET 24:10 Zoom 6:22 8:12 66:21
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Index: walk–Zoom