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IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

----- :  
GOTV STREAMING, LLC, :  
 :  
Plaintiff, :  
 : Case No.  
vs. : 2:22-CV-07556-RGK-SHK  
 :  
NETFLIX, INC., :  
 :  
 :  
Defendant. :  
----- :

DEPOSITION OF BENJAMIN BEDERSON, PH.D.

DATE: Wednesday, January 10, 2024  
TIME: 9:03 a.m.  
LOCATION: Willkie Farr & Gallagher LLP  
1875 K Street, N.W.  
Washington, D.C. 20006  
  
REPORTED BY: Erick M. Thacker  
Reporter, Notary

Veritext Legal Solutions  
1250 Eye Street, NW, Suite 901  
Washington, D.C. 20005

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A P P E A R A N C E S

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C O N T E N T S

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| Counsel for Plaintiff | 4    |

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P R O C E E D I N G S

WHEREUPON,

BENJAMIN BEDERSON, PH.D.

called as a witness, and having been first duly sworn, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR PLAINTIFF

BY MR. WYDE

Q Good morning, Dr. Bederson. Have you been deposed before?

A Yes, I have.

Q How many times?

A I don't have an exact count, but somewhere around 50 times over the last 15 years.

Q So you're -- so a novice, then? That's a joke. I just ask because -- whether I should go through extensively what a deposition is or not. That's why I ask. So since you're obviously experienced in a deposition, I won't do that.

I would like to ask that you make an effort to let me complete my question before answering, and I will endeavor to do the same

1 when you're answering so that the court reporter,  
2 Mr. Thacker, can accurately capture what we say.

3 Would you agree to this?

4 A Yes.

5 Q Okay. If you do not understand a  
6 question, would you please let me know, and I  
7 will do the best I can to clarify what it is that  
8 I'm asking. Okay?

9 A I'll do my best.

10 Q If you need a break, please let me  
11 know, and I will try to find a good stopping  
12 point relatively quickly. Okay?

13 A Okay.

14 Q However, I'll note that the rules of  
15 the testimony guidelines and the trial practice  
16 guide say that we shouldn't take a break while a  
17 question is pending, so if there's a question  
18 pending, I just ask that you answer the question  
19 before we go on break. Okay?

20 A Yes.

21 Q Do you understand that you are here  
22 today to answer questions regarding your

1 declarations that accompanied Netflix's IPR  
2 petitions regarding U.S. Patent No. 8,989,715 in  
3 IPR No. IPR2023-00757, Patent No. 8,478,245 in  
4 IPR No. IPR2023-00758, and U.S. Patent No.  
5 8,103,865 in IPR No. 2023-00759?

6 A I don't remember all of those numbers,  
7 but that sounds right.

8 Q And will you understand that when I'm  
9 talking about IPRs plural, I'm referring to all  
10 of these IPRs?

11 A Okay.

12 Q What did you do to prepare for this  
13 deposition?

14 A I read documents and talked with  
15 counsel.

16 Q Did you review the expert reports for  
17 these IPRs?

18 A I did review my three expert reports  
19 for these three IPRs.

20 Q And when was that? When was the last  
21 time -- let me start that question over again.

22 When was the last time you reviewed

1 your reports?

2 A I think I reviewed at least part of  
3 those reports yesterday.

4 Q I'm going to refer to the patents using  
5 the last three digits of the patent number like  
6 you did in your expert report.

7 So if I refer to the '715 patent, will  
8 you understand that I'm referring to U.S. Patent  
9 No. 8,989,715?

10 A Yes.

11 Q And like you referred to the prior art  
12 references by the inventor's last name, will you  
13 understand that when I say Hariki, I'm referring  
14 to the prior art reference U.S. Patent  
15 Application Publication No. 2007/0150617?

16 A So I don't remember that publication  
17 number, but I do know that I refer to a document  
18 as Hariki. So assuming that that is the same  
19 document, then I'll understand it's the one that  
20 I refer to as Hariki.

21 Q And I will do the same thing with the  
22 other U.S. patent application publication number.

1 I will refer to -- it's 2003/0023755, and I'm  
2 going to refer to that by the inventor name  
3 Harris.

4 Do you remember that you also had a  
5 reference Harris in your report?

6 A Yes, I do.

7 Q Okay. You used Harris and Hariki as  
8 prior art in all of the IPRs, didn't you?

9 A Yes, I believe I did.

10 Q Did you interpret Hariki the same way  
11 in all of the IPRs?

12 A I believe I did.

13 Q You didn't form an opinion that Hariki  
14 worked one way in the 757 IPR and differently in  
15 the other IPRs?

16 A I may have referred to different  
17 aspects of Hariki in my different declarations,  
18 but I think that I understood its disclosures  
19 consistently across all three IPRs.

20 Q Same question for Harris. Did you  
21 interpret Harris consistently in all of the IPRs?

22 A So, again, I may have referred to

1 different aspects of Harris's disclosure, but I  
2 believe I understood its disclosure consistently  
3 across all three IPRs.

4 Q Do you understand what Wireless  
5 Abstract XML as taught by Harris is?

6 A That's a technology that I believe is  
7 disclosed -- described in Harris and is something  
8 that I described in my report. I think I often  
9 described it as WAX. So I think I have some  
10 understanding of it.

11 Q So Harris refers to Wireless Abstract  
12 XML as WAX for short; is that correct?

13 A That's my recollection.

14 Q Would you agree that Harris does not  
15 teach sending WAX to mobile devices?

16 A Well, my opinion about Harris is in my  
17 declarations. At a high level, I think that  
18 Harris describes a transformation or compilation  
19 process of converting XML with XML style --  
20 sorry -- WAX along with WAX stylesheets and  
21 device stylesheets into other formats such as  
22 HTML that are transmitted to a mobile device,

1 wireless device.

2 I don't know that I formed a specific  
3 opinion that WAX was not transmitted to a  
4 wireless device, but I don't recall relying on  
5 such a transmission.

6 Q So if I understood you correctly -- and  
7 I'm going to say back what I think you said, and  
8 you can correct me if I'm wrong -- Harris  
9 translates the WAX into a language, such as HTML,  
10 before sending the HTML to a wireless device.

11 Is that what your -- is that your  
12 understanding?

13 A That's part of what I said. I think  
14 that translation includes other information such  
15 as WAX stylesheets and device stylesheets.

16 And I'm not thinking of a disclosure  
17 right now in Harris of WAX itself being  
18 transmitted to a mobile device, because I don't  
19 think I relied on that, but I don't think I  
20 formed an opinion that it doesn't.

21 Q Do you know if it does? Do you have an  
22 opinion one way or the other?

1           A     Again, my opinion is in my declaration.  
2     Sitting here without my declaration in front of  
3     me, I don't know that I recall any specific --  
4     such specific disclosure of WAX being transmitted  
5     to a mobile device.

6           Q     All right. I am handing you what has  
7     been premarked as Exhibit 1002 from the 759 IPR,  
8     which is your declaration accompanying that IPR.

9                     Would you please take a look at that --

10                    MR. MARSHALL: Thanks.

11     BY MR. WYDE

12           Q     -- and see if you recognize it as your  
13     report?

14           A     Yes. This does seem to be my -- called  
15     the '865 declaration.

16           Q     Would you turn to paragraph 84 on page  
17     39, please, and let me know when you're there?

18           A     Okay.

19           Q     Take a second to review paragraph 84  
20     and the -- it goes over to page 40 -- and the  
21     figure on page 41.

22                     And then my question to you is: Are

1     you describing in this paragraph the steps that  
2     occur to translate WAX to content for a  
3     requesting device?

4             A     In paragraph 84, I describe in part a  
5     summary or overview of Harris.

6                     My complete opinions regarding Harris  
7     are included in other sections of my declaration,  
8     but I agree that Figure 3 includes in part a flow  
9     chart or block diagram showing that WAX XML  
10    language can be translated to a device-specific  
11    language and then returned to a requesting  
12    device.

13            Q     After the WAX is translated into a  
14    device-specific language, is there any WAX left?

15            A     So, first of all, as I mentioned, I  
16    think the translation process also relies on  
17    other information such as WAX stylesheets and  
18    device stylesheets.

19                     And I'm not sure in your question what  
20    you mean by is there any WAX left. I think it is  
21    likely that there is some content from the  
22    original WAX that would -- at least would end up

1 in the device-specific language.

2 Q Would the device-specific language be  
3 characterized by a person of ordinary skill in  
4 the art as WAX?

5 A I think the example that I focused on  
6 was where the device-specific language was HTML.

7 I think a person of skill in the art  
8 probably would not characterize HTML as WAX.  
9 Even if it -- although it might contain some of  
10 the same content, HTML actually is a form of XML,  
11 as WAX is XML, so there's clearly some overlap  
12 between them.

13 Q Is there any teaching in Harris that a  
14 requesting mobile device understands WAX?

15 A Again, in my analysis of Harris, I  
16 focused on the transmitted device-specific  
17 language being HTML, which is what would be  
18 understood by the requesting wireless device.

19 I don't think I pointed to a disclosure  
20 in Harris of a wireless device understanding WAX  
21 that was transmitted to it, although, again, my  
22 opinion is in my report, so I'm just giving you

1 my general recollection of how things work.

2 Q Would you expect that a mobile device  
3 as disclosed in Harris would understand the WAX  
4 format?

5 A I don't think I formed an opinion about  
6 that.

7 Q Do you have an opinion here today about  
8 that?

9 A I don't think there's anything that  
10 special about WAX. I think it's certainly  
11 possible that a mobile device could understand  
12 WAX. I don't see any technical reason why it  
13 couldn't.

14 Q But my question was: Would you expect  
15 that the mobile device in Harris would understand  
16 a WAX file?

17 A Again, I don't see any technical reason  
18 why a mobile device couldn't understand WAX. WAX  
19 is a straightforward XML language.

20 There may have been architectural  
21 reasons in any particular implementation to have  
22 a mobile device understand WAX for additional

1 purposes, but I don't rely on such a disclosure  
2 in Harris.

3 Q It's your opinion that web browsers are  
4 client applications; is that correct?

5 MR. MARSHALL: Object to form.

6 THE WITNESS: I don't think I  
7 understood your question. Could you repeat it,  
8 please?

9 BY MR. WYDE

10 Q Sure. Is it your opinion that web  
11 browsers are client applications?

12 A To make sure I understand your  
13 question, are you asking me if a web browser  
14 meets a specific claim term such as application  
15 program, or are you asking me generally outside  
16 the context of the '865 patent whether a web  
17 browser would be considered to be a client  
18 application, or something else?

19 Q I am asking you in the context of your  
20 expert report whether you believe web browsers  
21 are client applications.

22 A So, again, to make sure I understand

1 your question, in the context of my report, are  
2 you asking if web browsers meets the claimed  
3 application program term, or are you asking me  
4 generally if I think web browsers are client  
5 applications?

6 Q The second.

7 A Well, there are many different forms of  
8 web browsers. They can be embedded in other  
9 components. But as I described, for example, in  
10 paragraph 117 of my declaration -- and, again,  
11 we're talking about the '865 declaration at the  
12 moment -- there can -- there is a web browser  
13 running on a mobile device that sends a request  
14 to the web server process.

15 So, in this case, I think that web  
16 browser running on a mobile device, in this case,  
17 the one disclosed in Hariki, might be considered  
18 by a POSITA to be a client -- client application,  
19 was that the term?

20 Q Yes.

21 A I don't know that I formed a specific  
22 opinion about that, but I think a web browser can

1 be considered to be an application running on a  
2 client in this context.

3 Q I'm going to hand you another exhibit  
4 marked 1002, but this is in the 757 IPR. You  
5 might want to make different stacks to keep them  
6 organized.

7 MR. MARSHALL: Thank you.

8 MR. WYDE: You're welcome.

9 BY MR. WYDE

10 Q Would you please turn to paragraph 60  
11 on page 28 in the 757 expert report?

12 Do you see that paragraph 60 starts off  
13 and it says, quote, "Web browsers are client  
14 applications"?

15 A I do see that.

16 Q Do you -- is that your opinion that web  
17 browsers are client applications?

18 A As I said in my previous answer and as  
19 I wrote here, it's certainly the case that web  
20 browsers can be client applications. I was just  
21 thinking, more broadly, sometimes they might be  
22 embedded -- maybe part of some other application,

1 so there can be different structures, but if you  
2 have a standalone web browser running on a  
3 client, then it probably -- I think it would be  
4 reasonable to consider it a client application.

5 Q What is a client application?

6 A I wrote paragraph 60 of my '715  
7 declaration as part of a technology background on  
8 client server architectures, and I was referring  
9 to web browsers in this context as being an  
10 application that work as a client that can  
11 communicate with a server. So I was referring to  
12 a client application as an application that can  
13 make client requests to a server.

14 Q And is a server a client application?

15 A It depends. Some applications can work  
16 as both clients and servers, so in that case --  
17 in such a case, a server application might also  
18 be a client application.

19 Q So if I understand you correctly, a  
20 client application is a application that makes a  
21 request to a server. And is that server that  
22 receives the request a client application in that

1 scenario?

2 A I think these terms "client" and  
3 "server" are pretty general terms, and I'm giving  
4 a very high-level description of them.

5 In this very broad context, as I said,  
6 I was referring to web browser as a client  
7 application to the extent that it makes  
8 requests -- client requests of a server.

9 I don't think I have an opinion about  
10 generally whether a server is a client  
11 application, but as I said, it might be  
12 considered to be a client application if it  
13 itself made its own client requests of other  
14 servers.

15 Q When you're talking about web servers  
16 and web browsers, are they separate applications?

17 A I think they often are separate  
18 applications, but I don't think they have to be,  
19 right? The world is a big place. People --  
20 software engineers can architect all kinds of  
21 systems. I certainly could imagine an  
22 application conceptually that was both a web

1 server and a web browser.

2 Q Do you know what HTTP is?

3 A Yes, I do.

4 Q What is HTTP?

5 A I described HTTP in the same section of  
6 my '715 report on client server architectures,  
7 where I explain that it is a protocol.

8 So on paragraph 60, I explain that it  
9 is a protocol that can be used for web browsers  
10 to fetch documents across the Internet from web  
11 servers.

12 Q Do browsers usually transmit HTTP?

13 A I would say that HTTP is a protocol  
14 that is used during requests and transmissions,  
15 including sometimes those requests from --  
16 requests or receipts from browsers.

17 Q I'd just like to back up and ask, are  
18 web browsers and web servers usually separate  
19 applications?

20 A I don't think I've -- I haven't done  
21 any kind of quantitative analysis, and I don't  
22 have any way of giving you a evidence-based

1 answer to that question, but my general  
2 understanding is that web servers and web  
3 browsers are commonly implemented as separate  
4 components or separate applications.

5 Q Do you know what HTML is?

6 A Yes, I do.

7 Q And what is HTML?

8 A I also describe HTML in this section of  
9 my '715 declaration on client server  
10 architectures.

11 I explain in paragraph 60 that HTML is  
12 Hypertext Markup Language, which is a language  
13 that documents are sometimes written in that can  
14 be accessed or often retrieved and displayed by  
15 web browsers.

16 Q Are HTML and HTTP the same thing?

17 A No, they are not. They're often used  
18 together, but they're not the same thing.

19 Q Do browsers transmit HTML?

20 A Well, browsers typically work by  
21 transmitting HTTP requests, which can include a  
22 number of -- which do include a number of

1 components, such as headers and bodies, which can  
2 contain text that is provided within a -- through  
3 various sources, both from -- originating from  
4 the browser, as well as from web pages within the  
5 browser. So I think that it is conceivably  
6 possible that an HTTP request could include some  
7 HTML, for example, in the body of a request.

8 Q When you say some HTML, would that be a  
9 complete HTML page?

10 MR. MARSHALL: Objection to form.

11 THE WITNESS: So my answer was just  
12 describing my general understanding of this web  
13 technology including browsers, servers, HTML,  
14 HTTP.

15 In that answer, I explained that a  
16 browser can transmit an HTTP request that  
17 includes text that is provided by a web page. So  
18 when that web page makes that request, it can  
19 include what's called a body element in the HTTP  
20 request, and my understanding of the technology  
21 is that any text can be inserted in that body.  
22 So it's certainly possible, I believe,

1 technically, to include -- I don't remember your  
2 language -- a complete HTML --

3 MR. WYDE: Page.

4 THE WITNESS: -- page within the body  
5 of an HTTP request. I think that might be  
6 technically -- probably is technically possible.

7 BY MR. WYDE

8 Q Would you in your experience as an  
9 expert understand that to be a common occurrence?

10 A Programs are written in all kinds of  
11 ways. People transmit all kinds of data. I  
12 don't know, for example, how wikis make the  
13 request to post data to a server, but that's an  
14 example of a common situation where a web browser  
15 transmits information to a server. I don't know  
16 what form that data is transmitted in in various  
17 wikis, as an example. So it's certainly possible  
18 that it is common. I just don't really have -- I  
19 don't have an opinion about how often or when  
20 that happens.

21 Q Okay. Would you turn to page 70 in the  
22 '715 report, please?

1 Do you see the heading labeled c?

2 A I do.

3 Q In this section, you're analyzing  
4 limitation 1b that reads, "wherein said custom  
5 configuration is associated with an application  
6 and configures plurality rendering blocks to  
7 render content in a manner customized to said  
8 application," correct?

9 A It actually includes the word "and" at  
10 the end of that, but, yes.

11 Q In forming your opinion regarding  
12 whether the prior art meets this claim  
13 limitation, you considered all the words in this  
14 claim limitation, did you not?

15 A I did consider all these words.

16 Q And you gave the words in the claim  
17 their plain meaning as they would have been  
18 understood by a POSITA at the time of the alleged  
19 invention in light of the specification and file  
20 history, correct?

21 A That's right.

22 Q Do you see the words "customized to

1       said application" in limitation 1c?

2           A       I do.

3           Q       What in your opinion does customized to  
4       said application mean in this limitation to a  
5       person of ordinary skill in the art?

6           MR. MARSHALL:  Objection to form.

7           THE WITNESS:  As you said in your  
8       previous question, I applied the plain -- I think  
9       it was the plain and ordinary meaning.  And so  
10       what I see here is, in this claim limitation, it  
11       it says that there are a plurality of rendering  
12       blocks that render content in a manner customized  
13       to said application.

14                So I understood this term to mean that  
15       the content is rendered in a manner customized to  
16       said application.

17       BY MR. WYDE

18           Q       And you -- can you give me a synonym  
19       for what customized to said application means?  
20       Let me rephrase that.

21                Can you put -- can you tell me in other  
22       words what customized to said application means

1 in this context?

2 A I didn't form a construction of that  
3 term or I didn't provide a definition, so, no, I  
4 don't have another way of saying it. I applied  
5 the plain and ordinary meaning, as I just -- as I  
6 just described.

7 Q Would you agree that customized means  
8 the same as specific to?

9 MR. MARSHALL: Object to form.

10 THE WITNESS: It sounds like you're  
11 offering a construction, and I did not -- as I  
12 said, I did not offer a construction. I don't  
13 think I have a particular opinion that customized  
14 means the same thing as specific, but I did  
15 explain my understanding of that term in this  
16 section of my declaration, where I explained how,  
17 in this example, Hariki showed the elements of  
18 this limitation.

19 BY MR. WYDE

20 Q Would you look at paragraph 179 -- I'm  
21 sorry -- 129 on page 72?

22 And you write, Furthermore, Hariki

1 explains that the UI content package is specific  
2 to the mobile device and the application  
3 programs. Accordingly, a POSITA would have  
4 understood that the content package is customized  
5 to the web server -- web -- sorry -- web --  
6 server-web browser interaction.

7 So are you saying that because the  
8 content package is specific to the mobile device,  
9 it is therefore customized to the mobile device?

10 A I think that helps support my opinion,  
11 but my full opinion is in these three paragraphs,  
12 127 to 129, about this limitation.

13 Q So you do not have a opinion whether  
14 specific to means the same thing as customized?

15 A Well, I think, just generally, they  
16 don't have to mean the same thing for being --  
17 for Hariki's disclosures to teach this  
18 customization, but I do think that Hariki does  
19 explain that, as I said, the UI content package  
20 is specific to the mobile device type and the  
21 application programs, and that along with the  
22 rest of my analysis on the other disclosures on

1 Hariki support my opinion that the content is  
2 rendered in a manner customized to said  
3 application.

4 Q So it is your opinion that a UI content  
5 package as taught by Hariki meets the claim  
6 limitation that it configures a plurality of  
7 rendering blocks to render content in a manner  
8 customized to Hariki's web browser?

9 A My opinion about this limitation is  
10 also, as we already mentioned, described in  
11 paragraph 127, where I explain in further detail  
12 Hariki's disclosure about the converted resources  
13 in the UI package, which I point to as disclosing  
14 a custom configuration, and that they are  
15 associated with a web browser, which is the  
16 application that I pointed to as Hariki  
17 disclosing, and that when a web browser uses  
18 those resources in the UI package to, for  
19 example, render the contents of a web page, that  
20 customizes the application.

21 Q So if I heard you correctly, it's the  
22 use of the resources that makes the UI content

1 package customized to a web browser? Is that  
2 what you're saying?

3 A Well, as I pointed out in paragraph  
4 127, I pointed to the converted resources in the  
5 UI package as the custom configuration, where  
6 it's disclosing the custom configuration, and  
7 that they are associated with the web browser,  
8 which discloses the application of this  
9 limitation, and that a person of skill in the art  
10 reading Hariki would understand that when a web  
11 browser renders content such as a web page, it  
12 uses those converted resources to render that  
13 application, so that is an example of it  
14 rendering content in a manner customized to said  
15 application.

16 Q So, again, is a content package  
17 customized to a web browser? It seems like a yes  
18 or no question to me, sir.

19 A Yes. As I explained, a content package  
20 is customized to a web browser, and I gave  
21 further explanation as to why that is my opinion.

22 Q Thank you. What makes the UN -- UI

1 content package customized to the web browser?  
2 Is it -- is use sufficient?

3 MR. MARSHALL: Object to form.

4 THE WITNESS: Well, Hariki discloses in  
5 one of its figures, for example, how the  
6 application communicates with and makes requests  
7 from a UI content package. So I think that's  
8 further disclosure of this association between  
9 the configuration and the application, and I'm  
10 explaining that Hariki discloses a number of  
11 things.

12 One of them is that there is a  
13 connection between this configuration and the  
14 application, as disclosed in that figure. I  
15 think it might be Figure 5. I would have to  
16 check. I don't have Hariki in front of me. And  
17 as I explained a minute ago, that one of the  
18 things that happens with Hariki is that when a  
19 web page is rendered, that web page uses those  
20 resources or converted resources from the UI  
21 package, which further shows that association  
22 between the configuration and the application.

1 BY MR. WYDE

2 Q Was the UI content package customized  
3 to the web browser before it was installed on the  
4 phone?

5 A I don't recall having a specific  
6 opinion about that.

7 Q Do you have an opinion about that  
8 today?

9 A No.

10 Q Is it possible for a web browser to use  
11 content package -- UI content package resources  
12 that are not customized for the web browser?

13 A I don't recall having a specific  
14 opinion about that.

15 Q Do you have an opinion about that here  
16 today?

17 A That would be possible.

18 Q How would that be possible?

19 A Again, I don't think that's something I  
20 thought about before this moment, so just sitting  
21 here today, there are standard resources that are  
22 the same across everywhere, that perhaps that

1 wouldn't be considered to be customized. I'm not  
2 really sure, but that might be an example.

3 Q I'm going to hand you Exhibit 1001 from  
4 the '715 IPR -- first concerning the '715 patent.  
5 This is the subject matter of the IPR.

6 MR. MARSHALL: Thank you.

7 BY MR. WYDE

8 Q When you get a chance, would you please  
9 turn to column 19, starting on line 25?

10 And do you see where in the  
11 specification it teaches that "in response to  
12 receiving the message, at step 720 the server may  
13 locate the requested application as well as the  
14 corresponding custom configuration for the  
15 requested application by accessing a library of  
16 applications and a library of configuration data  
17 respectively"?

18 A Yes, I see that.

19 Q Do you understand what the '715 patent  
20 is saying here?

21 A I think I do.

22 Q What does it mean that a custom

1 configuration corresponds to the requested  
2 application?

3 A I think this is just using plain  
4 English language, which says that when the server  
5 locates the requested application, it's also  
6 looking for a custom configuration that  
7 corresponds to that requested application.

8 Q And what does correspond to the  
9 requested application mean in your opinion?

10 A Well, I -- as far as any analysis I  
11 did, I would have to look at any claim  
12 limitations, but I would say, outside of the  
13 context of a specific limitation, I would think  
14 of corresponding as having some relationship.  
15 But I would have to analyze a specific limitation  
16 with that to give you any further detail about  
17 it.

18 Q Would you agree that in this context,  
19 correspond to means designed for?

20 A Again, I would have to look at a  
21 specific claim limitation to tell you about my  
22 analysis of this, but just looking at this

1 sentence in column 19, I don't think it's saying  
2 much more about the corresponding -- except that  
3 they correspond, which is -- as I said, I think  
4 means there's at least some kind of relationship.

5 MR. WYDE: Object. Non-responsive.

6 BY MR. WYDE

7 Q My question, sir, was whether you agree  
8 that correspond to in this context means designed  
9 for.

10 A I think I just explained my opinion  
11 that I don't have a further analysis just about  
12 this word in the context of column 19, so I don't  
13 have an opinion about a construction or specific  
14 definition of the term "corresponding" and what  
15 its limitations might be.

16 THE WITNESS: I think it's been  
17 about --

18 MR. WYDE: I see you --

19 THE WITNESS: -- an hour.

20 MR. WYDE: -- looking at your watch.  
21 Would you like to take a break?

22 THE WITNESS: Sure, if this is a good

1 time.

2 MR. WYDE: Is this a good time,  
3 Counsel?

4 MR. MARSHALL: Sure.

5 MR. WYDE: All right. Off the record.  
6 (Recess 10:01 a.m. to 10:12 a.m.)

7 BY MR. WYDE

8 Q Dr. Bederson, during the break, did  
9 anyone consult or confer with you regarding the  
10 substance of your testimony already given or  
11 anticipated to be given?

12 A No.

13 Q Did -- during the break, did anyone  
14 suggest to you the manner in which questions  
15 should be answered?

16 A No.

17 Q Hariki does not provide an example of a  
18 specific browser that a client is running, does  
19 it? For example, Internet Explorer, Chrome.

20 A I think Hariki says what it says, but  
21 I'm not recalling it naming a browser.

22 Q I'll represent to you that Hariki was

1 filed July 25th, 2006, and claims priority to a  
2 provisional application filed December 22nd,  
3 2005.

4 Do you know what browsers were  
5 available to a client in the 2005, 2006 time  
6 frame?

7 A I don't think I performed that analysis  
8 for my declarations.

9 Q Do you know today here what browser  
10 were available to a client in the 2005, 2006 time  
11 frame?

12 A I'm not sure. What do you mean by  
13 client?

14 Q A wireless device as used in Hariki.

15 A Well, sitting here today, I know for  
16 sure at least Microsoft Pocket Explorer was  
17 available and Microsoft Pocket PC platform.

18 I'm pretty confident there were others  
19 built into other -- available for other operating  
20 systems, such as Symbian, but, again, I didn't  
21 perform that analysis for today, so I don't think  
22 I can be 100 percent sure which ones were

1       available at that point.

2           Q       Would any of the browsers you just  
3       listed be designed to process WAX?

4           A       I think, as I said earlier, WAX is a  
5       pretty straightforward XML technology, and I  
6       think browsers may have had the ability to -- at  
7       that point to process XML, and so it may well  
8       have been able to at least process WAX as it --  
9       inasmuch as it is an XML file.

10                  I think it's also possible that there  
11       could have been a web page loaded into a -- one  
12       of those browsers that could have been designed  
13       to process WAX.

14                  So from a technical perspective, I  
15       think that's all possible. I don't think I  
16       pointed to any in my declaration.

17           Q       When I say process WAX, I mean  
18       translate WAX into a mobile-specific language,  
19       such as HTML.

20                  With that explanation, were any of the  
21       browsers that you mentioned designed to process  
22       WAX in that regard?

1           A     So, again, I think my -- at least the  
2     second part of my answer would apply to that  
3     scenario, where I think it could have been  
4     possible, but I didn't point to -- point to one,  
5     and I don't think -- I don't recall Hariki  
6     specifically disclosing that or -- or Harris,  
7     either.

8           Q     When you say it could have been  
9     possible, are you saying somebody could have done  
10    that, or it's possible that those browsers did  
11    that?

12          A     Well, in my mind, I was thinking of the  
13    first one, someone could have done that, which I  
14    think that means the second is also true, that  
15    the browsers could have done that, because a  
16    POSITA could have implemented such a web page.

17          Q     Could you find the '715, Exhibit 1002,  
18    your report, and turn to paragraph 130 on page  
19    72?

20          A     Okay.

21          Q     And that paragraph goes over to page  
22    73, and at the top of the page, you wrote, A

1       POSITA would have understood that HTML files are  
2       sent via web server --

3           A       Oh, wait.  Sorry.  I missed you.  Where  
4       are you?

5           Q       Top of 1 -- sorry.  Top of page 73.

6           A       Okay.

7           Q       And it says, "A POSITA would have  
8       understood that HTML files sent by a web server  
9       are rendered into pages in a web browser on the  
10      mobile device."

11                  Do you see that?

12          A       I do.

13          Q       That's generally how web servers are  
14      designed, isn't it, for transmitting HTML pages  
15      to a browser?

16          A       I think web servers do a lot of things,  
17      but one of the things that they can do is to  
18      transmit HTML files to a browser that requests  
19      such a file.

20          Q       And it's not generally the other way  
21      around; web browsers are not usually in normal  
22      operation designed to transmit HTML files to a

1 web server, are they?

2 A I think, generally, web browsers, as we  
3 discussed earlier, are designed to make requests  
4 of documents. Those requests can go to web  
5 servers as well as other places. They can  
6 display the documents that are retrieved, as well  
7 as other things, such as allowing user  
8 interaction with those documents.

9 And as I mentioned earlier, when a  
10 browser makes a request to a web server, it can  
11 include all kinds of information in that request,  
12 and I think it could be technically possible to  
13 include an HTML file in that request.

14 Q Would you look at paragraph 132 on page  
15 74, please? And you'll see in this paragraph  
16 here described -- describing how Harris could be  
17 combined with Hariki.

18 And the last sentence of that paragraph  
19 says, "Thus, Harris discloses a detailed process  
20 for sending HTML files to a client mobile device  
21 where the HTML files are tailored to the  
22 particular mobile device."

1                   Do you see that?

2           A       I do.

3           Q       So after combining Harris with Hariki,  
4   in your combination, it's still a server that  
5   transmits HTML files to a mobile device; is that  
6   correct?

7           A       I think that's right.

8           Q       Do you rely on Hariki's browser sending  
9   or transmitting HTML files to a web server  
10 anywhere in your report?

11          A       I think my report says what it says,  
12 but I'm not thinking of such a transmission right  
13 now.

14          Q       Would you turn to paragraph 135,  
15 please, on page 75?

16                   Now, you can read the whole thing, but  
17 the last sentence says, "Therefore, a POSITA  
18 would have been motivated to combine Hariki and  
19 Harris because while each discloses sending  
20 content specific to a mobile device, each  
21 describes in detail different aspects of the  
22 customization."

1                   And my question is: Is the  
2                   Harris-specific content you're referring to here  
3                   the HTML files that the server transmits to the  
4                   mobile device?

5                   A        Could you repeat your question, please?

6                   MR. WYDE: Would you read back the  
7                   question, please?

8                   (Whereupon, the reporter read the  
9                   record as requested.)

10                  THE WITNESS: I think that's right.  
11                  Harris discloses a number of languages that a  
12                  requesting device can understand, as I explained  
13                  in paragraph 132, such as WML, HDML, HTML,  
14                  compact HTML, in Palm Web Clippings.

15                  So HTML is an example of files that are  
16                  tailored to a particular mobile device.

17                  BY MR. WYDE

18                  Q        Could you turn to paragraph 137 at the  
19                  top of page 77, please?

20                  And the first sentence says, "Harris  
21                  also contemplates serving multiple pages (e.g.,  
22                  HTML files) to the mobile client."

1           So, again, here you're saying that in  
2           the envisioned Harris-Hariki combination, the  
3           server is transmitting HTML files to the wireless  
4           device, correct?

5           A     I think that's right. On this  
6           sentence, I'm explaining, as we read, that Harris  
7           discloses that you can send HTML files to a  
8           mobile client.

9           Q     Well, you've given an opinion that  
10          Harris and Hariki can be combined to meet the  
11          claim limitations, correct?

12          A     That's right.

13          Q     And you have a vision of how these two  
14          systems would be integrated to meet the claim  
15          limitations?

16          A     I mean, I didn't describe a particular  
17          system that a POSITA would build, but I did  
18          explain how these teachings together teach all of  
19          the elements of the claim limitations.

20          Q     And do you have a vision or an idea in  
21          your head about how the combined system would  
22          operate?

1           A     Again, I did not try and do an  
2     engineering design of what a particular system  
3     looks like, but what I did do is look at whether  
4     a person of skill in the art would read Hariki  
5     and Harris and see that, together, they would  
6     understand and be motivated to learn from these  
7     two sets of disclosures to teach all of the  
8     elements of these limitations.

9           Q     And in that analysis, you've identified  
10    transmitting HTML files to the wireless device;  
11    is that correct?

12          A     I have as part of my analysis, yes.

13          Q     And you haven't identified the wireless  
14    device transmitting HTML files to the server; is  
15    that correct?

16          A     I think that's right. I did not point  
17    to that specifically.

18          Q     Hariki doesn't teach that its browsers  
19    generate HTML, does it?

20          A     I think, generally, Hariki points to  
21    browsers' display of HTML, including the ability  
22    for users, for example, to click on links and

1 request additional HTML pages.

2 Q Well, you said -- and I'm looking at  
3 paragraph 133, page 75 to 76, last sentence.

4 "Hariki discloses sending HTML files to  
5 a mobile device. It does not expressly disclose  
6 how the HTML files are generated."

7 So it's true, then, that Hariki doesn't  
8 expressly disclose how HTML files are generated,  
9 correct?

10 A That's what I wrote. I think that's  
11 right.

12 Q And does the Harris reference disclose  
13 that browsers generate HTML?

14 A I don't recall it doing so.

15 Q Okay. Could you please turn to page  
16 77?

17 Do you see section e, where you're  
18 discussing limitation 1d, "wherein said compiled  
19 content is generated in part from execution of  
20 said application"?

21 A I do.

22 Q And you identified the compiled content

1 as HTML pages. That's correct, isn't it?

2 A Yeah, I think that's right.

3 Q Okay. I'd like to run through a  
4 hypothetical with you. Imagine there is WAX  
5 content at an MCF and a client device that only  
6 understands HTML. The client device requests  
7 HTML content corresponding to the WAX from the  
8 web server for the first time. This is the first  
9 time anybody has ever requested this WAX content.

10 Do you understand the scenario so far?

11 A I think so.

12 Q The browser would transmit HTTP to make  
13 the request for that HTML, would it not?

14 A As I said earlier, I think I would  
15 phrase it differently. I would say the browser  
16 would use HTTP to make a request for HTML.

17 Q Before the request arrives at the MCF,  
18 is there any HTML generated at that point?

19 A I think in this scenario, you  
20 specifically said this is the first request for  
21 this WAX page, so there's no cached HTML pages,  
22 for example.

1           Q     That is why I specified that in this  
2     scenario, yes, so with that caveat.

3           A     While I think generally Harris  
4     describes generated HTML from WAX on demand, I  
5     don't recall if it has the ability to -- may also  
6     have the ability to generate HTML before such a  
7     request. I don't specifically recall having an  
8     opinion about that, so I think my answer is I'm  
9     not sure.

10          Q     Well, the MCF is going to translate the  
11     WAX into some device-specific language for the  
12     requester, is it not?

13          A     That's right, but I don't know for sure  
14     that it might not anticipate such a request and  
15     maybe generate that HTML in advance of a request.

16          Q     So how would it know the  
17     device-specific customization to do before it got  
18     the request?

19          A     Again, I'm just -- I'm not saying that  
20     it does. I'm just saying I don't know that it  
21     doesn't.

22                     So, for example, maybe it just received

1 a request from a particular device, and so now  
2 it's anticipating another request from the device  
3 and so it's trying to get ahead. Servers make  
4 optimizations all the time of anticipating  
5 potential future requests and doing work that may  
6 or may not be needed.

7 So, again, I don't want to rule out --  
8 I'm trying to give you a technically accurate  
9 answer. I don't know for sure that it doesn't do  
10 that.

11 Q So you remember the givens in this  
12 hypothetical are nobody has ever requested this  
13 WAX content ever, so --

14 A That's right, but there --

15 Q -- in --

16 A -- but there might have been a related  
17 WAX page, for example, that was requested.

18 I'm just -- again, you're asking a  
19 hypothetical, so I'm giving you a hypothetical  
20 answer.

21 If there were two pages, A and B,  
22 that -- related, and a device requests page A,

1 maybe the server says, hmm, maybe they're going  
2 to request page B, I'll generate that one in  
3 advance since I've got some extra time.

4 Q Okay. Let's --

5 A I don't think that -- I don't recall  
6 that possibility being excluded in Harris.

7 Q All right. Let's exclude that  
8 anticipatory case and continue.

9 That -- assuming that didn't happen,  
10 the anticipatory creation by the MCF, before the  
11 request got to the MCF, would any HTML be  
12 generated in this scenario?

13 A Well, I've given you a few examples of  
14 how HTML would be generated, and you're saying,  
15 if you don't generate any HTML, then would there  
16 be any HTML generated? So I guess it seems a bit  
17 of a tautological question. You're saying, if  
18 you don't generate any HTML, is any HTML  
19 generated? So at least in that hypothetical, the  
20 answer sounds like maybe not.

21 Q I believe in your report, you stated  
22 that WAX -- scratch that.

1                   So I'm looking at your '865 report. On  
2                   page 28 -- I'm not actually -- I'm looking at the  
3                   petition. One second.

4                   Okay. I'm looking at page 67,  
5                   paragraph 138 of your report. This is the '865.

6                   And you write, "In Harris, the template  
7                   generation process begins when a web server  
8                   accepts a connection and an HTTP request from a  
9                   mobile device... where headers of the HTTP  
10                  request are examined by the MCF in order to  
11                  determine the type of requesting device."

12                  Do you see that?

13                 A     I do.

14                 Q     So do you stand by that statement that  
15                        the template generation process begins when the  
16                        web server accepts the HTTP request from a mobile  
17                        device?

18                 A     I think that's right.

19                 Q     So back to this scenario, before the  
20                        MCF receives a HTTP request from the mobile  
21                        device, is there any template generation?

22                 A     Again, I think there is a -- I think

1 Harris does disclose caching, but as you -- in  
2 your scenario, we've excluded that example.

3 And I agree that Harris does disclose  
4 that the template generation process begins upon  
5 the HTTP request. So I think, generally, the  
6 HTML is generated in response to the request. I  
7 think that's right. I was just painting a broad  
8 picture of the way technology -- web server  
9 technology can work. And, of course, we do know  
10 Harris does specifically disclose caching as an  
11 option.

12 Q So excluding caching -- and I'm just  
13 saying this in another way. This may be  
14 redundant. Sorry to beat a dead horse -- the MCF  
15 does not start generating until it receives the  
16 request?

17 A I think that's primarily what Harris  
18 discloses.

19 Q Would you expect that the MCF would  
20 write the HTML to some sort of storage prior to  
21 sending it to the requesting device?

22 A I don't recall if Harris specifically

1 describes how that HTML might be stored. I think  
2 a person of skill in the art would understand it  
3 at least would be stored in RAM, temporary  
4 storage.

5 So I think the answer is, a person of  
6 skill in the art would expect that it would be  
7 put into at least some kind of storage before it  
8 is transmitted.

9 Q And what's the mechanism by which the  
10 MCF would put it into RAM?

11 A I don't recall Harris specifically  
12 describing that, so I can just give you an answer  
13 generally about how web servers work.

14 Q Please.

15 A If it -- if a web server is running  
16 some code to dynamically generate a response such  
17 as HTML, which happens all the time, then that  
18 would be put in -- that would be stored in some  
19 kind of storage, often into RAM, into a data  
20 structure or variable, and then that data would  
21 be communicated to a HTTP response mechanism to  
22 respond to the HTTP request. So that generated

1 content, such as HTML, would be transmitted to  
2 the requester.

3 Q Would the storage into RAM be some code  
4 running at the server that would store it into  
5 RAM?

6 A Again, I think this is a level of  
7 detail that isn't disclosed in Harris. I'm just  
8 giving you my general understanding of how web  
9 servers work.

10 Q Right.

11 A But, generally, web servers work with  
12 software code, and so that generation would  
13 happen with code and that storage would happen  
14 with code. And the thing that would be stored  
15 would be data, such as HTML, and then further  
16 code would be used to transmit that stored data,  
17 such as HTML, to the requester.

18 Q Would all of the HTML be generated  
19 prior to transmission?

20 A Again, I don't think that's a detail  
21 that I recall Harris disclosing, and I think  
22 servers can operate in different ways. So

1 sometimes they might generate everything up front  
2 and then transmit, or sometimes they might  
3 transmit data as it is being generated.

4 Q Do you remember in the Harris reference  
5 it disclosing that it does further processing  
6 such as targeting the encoding for particular  
7 devices?

8 A I'm not sure I specifically recall  
9 that.

10 Q Okay. I'm handing you Exhibit 1006,  
11 and this is from the 759 IPR.

12 If you turn to paragraph 34, please,  
13 you'll see that Harris is saying that "Once a WAX  
14 stream has been generated, it is fed into the  
15 translation engine. First, the stream of WAX  
16 enters into a set of filters that alters many of  
17 the logical tags into physical tags. Then, WAX  
18 content is translated using any number of  
19 translation sheets."

20 And then, finally, "The stream can then  
21 be filtered through another level of processing  
22 in ordinary to accommodate device requirements

1       such as character encoding."

2               Do you understand what Harris is  
3       discussing here?

4           A     Yes, I think I do.

5           Q     The WAX content being translated using  
6       any number of translation sheets, that's  
7       referring to the step of translating the WAX to a  
8       device-specific language, such as HTML, isn't it?

9           A     Yes, I think that's right.

10          Q     And then that stream is -- can be  
11       filtered through another level of processing in  
12       order to accommodate device requirements such as  
13       character encoding.

14               So would this teaching tell you that  
15       after the translation into the device-specific  
16       language, that would be processed a second time  
17       for character encoding?

18          A     I mean, this looks to me like this is  
19       just describing multiple steps in the overall  
20       processing of WAX into a device-specific  
21       language, such as HTML.

22          Q     Would a person of ordinary skill in the

1 art understand each step to be complete before  
2 the next step occurs?

3 A As similar to my previous answer,  
4 it's -- I think the way an engineer could  
5 actually implement this could vary. It may well  
6 be one step could be completed before the next  
7 step is started, or it could be more streamed.  
8 In fact, it describes it as a stream, in which  
9 case they could well be more continuous.

10 So as data becomes available out of the  
11 output of the first step, that stream might be  
12 consumed from the input of a second step. But I  
13 don't think it clearly specifies one way or the  
14 other, but I think is written -- this is written  
15 in a way that could accommodate an understanding  
16 of both.

17 Q Does the MCF completely generate the  
18 HTML? Let me try to ask that more plainly.

19 It's the MCF that generates the HTML,  
20 isn't it?

21 MR. MARSHALL: Object to form.

22 THE WITNESS: MCF is described in

1 Harris as doing many things. It's the Mobile  
2 Content Framework.

3 It does say in paragraph 14 of Harris  
4 that the MCF exploits the capabilities and  
5 accommodates the limitations of different types  
6 of wireless devices by converting WAX content to  
7 device-specific content.

8 So I think it's fair that MCF, at least  
9 in part, is responsible for the conversion of WAX  
10 to HTML.

11 BY MR. WYDE

12 Q But I guess my question is: What  
13 are -- are you able to identify the other parts,  
14 if it's not solely the MCF, what else generates  
15 the HTML?

16 A I think the MCF is described in Harris  
17 as kind of the overall system that is managing  
18 all of these pieces. I'm not -- don't have  
19 anything else in mind that is converting WAX into  
20 HTML, and I see plenty of disclosures of MCF  
21 converting WAX to HTML.

22 I just want to be careful if I'm -- I

1 don't want to -- there's a lot of words in the --  
2 in the disclosure. I don't know that it  
3 doesn't -- may also say something else that I've  
4 somehow missed. So I can tell you what it does  
5 say. It's a little harder for me to tell you  
6 what it doesn't say.

7 Q Do you remember Harris discussing a  
8 browser producing HTML?

9 A No, I do not.

10 Q Okay. Could you turn back to your  
11 report? And I'm again looking now at the '715,  
12 Exhibit 1002, and particularly paragraph 128 on  
13 page 71.

14 Would you go ahead and read that  
15 paragraph and let me know when you're done, and  
16 then I'll ask you a question about it.

17 A Okay.

18 Q Do you see that the -- you start this  
19 paragraph with "To the extent that the Patent  
20 Owner might contend that the associated  
21 application must be remote to the mobile device,  
22 Hariki discloses this also"?

1           A     I see that.

2           Q     And then you go on to argue that in the  
3     case that the application must be remote to the  
4     mobile device, the claimed application may also  
5     be a web server process that serves HTML files to  
6     the mobile device; is that correct?

7           A     I think that's right.

8           Q     So if I understand you, you're saying  
9     that to the extent that an application must be  
10    remote to the mobile device, a web browser would  
11    not meet this claim limitation, but Hariki's web  
12    server process would.

13                   Did I understand that correctly?

14          A     Well, in this paragraph, I didn't have  
15    an opinion about web browsers. I told you I  
16    don't have a negative opinion about web browsers.  
17    My opinion is additional -- through additional  
18    disclosures of Hariki what would be a associated  
19    application that is remote to the mobile device,  
20    and I explained my opinion about that.

21          Q     So in 127, you say a web browser meets  
22    this limitation, and then in 128, you say to the

1 extent that Patent Owner might contend that an  
2 associated application must be remote, a web  
3 server also meets this application.

4 I infer from this that you're saying a  
5 web browser wouldn't meet this limitation. Do I  
6 have that wrong?

7 A Well, what I infer from this is that I  
8 pointed to the web browser with -- if the  
9 associated application does not need to be remote  
10 to the mobile device, and I pointed to the  
11 disclosures on Hariki related to the web server  
12 process when -- for the situation that an  
13 associated application must be remote to the  
14 mobile device. I just -- I have two independent  
15 opinions. I did not exclude -- did not -- I just  
16 didn't say anything about the relevance of one to  
17 the other.

18 Q Is a web browser remote to the mobile  
19 device?

20 A If the browser is on the mobile -- if  
21 it's running on the mobile device, then I think  
22 it probably is not remote to the mobile device.

1           Q     All right. Switching topics, would you  
2     agree with me that the UI authoring system allows  
3     content providers to create content packages  
4     embodying UI skins for distribution and  
5     downloading to mobile devices on the network?

6                     And I'm quoting you on page 53,  
7     footnote 20.

8           A     I'm not -- in my '715 declaration?

9           Q     I may have the citation wrong. One  
10    second. Page 64. Sorry.

11          A     All right. Footnote 20.

12          Q     Yeah.

13          A     All right. I found it. But could you  
14    repeat your question?

15          Q     Sure. Would you agree with me that the  
16    UI authoring system allows content providers to  
17    create content packages embodying UI skins for  
18    distribution and downloading to mobile devices on  
19    the network?

20          A     In this footnote, I presented that as a  
21    direct quote from Hariki, so assuming I quoted it  
22    correctly, then I agree that Hariki says that.

1           Q     In order for a content provider to  
2     provide content for a particular mobile device,  
3     the content provider would need to know what type  
4     of device it is creating the UI content package  
5     for; isn't that correct?

6           A     Well, when a content provider is  
7     creating content packages embodying UI skins, I  
8     think they would at least need to know  
9     information about the characteristics of a device  
10    or device type that they were creating a UI skin  
11    for, if that was done by a person, for example.

12          Q     And sticking with that example, would  
13    that person know what type of servers that device  
14    would interact with?

15          A     I think in this scenario, this person  
16    would know that the UI skin they are creating  
17    would be used -- or when it is used with a  
18    particular server that it would be used to -- in  
19    combination with the HTML content that is  
20    produced to customize that HTML content and that  
21    all would be associated with that server.

22          Q     Any server?

1           A     Again, the scenario that I just  
2     described is, when an author creates a UI skin,  
3     they would know that that UI skin gets used with  
4     content, and so that skin would be associated  
5     with the content in that server when it is sent  
6     together to a -- to a client.

7           Q     Would that person making the content be  
8     aware of what servers the person using the mobile  
9     device would visit?

10          A     I don't recall if Hariki specifically  
11     discloses that, but as I said, I think what they  
12     would understand is that the UI skin would be  
13     sent to a client along with content such as HTML  
14     content from a server, and those things together  
15     would support the customization of that HTML  
16     content.

17          Q     Regardless of what server was accessed?

18          A     Again, I don't recall Hariki giving a  
19     lot of detail about the specific server  
20     configurations, and I think a person of skill in  
21     the art would understand that there's a number of  
22     standard configurations of servers.

1           So I think there's a content server and  
2   a web server, and they might be separate. I  
3   think a person of skill in the art would know  
4   that those could run together on the same  
5   hardware. So, yeah, I think that's --

6           Q     Well, let's take a specific example.  
7   Would the person creating the UI skin know that  
8   the person using the device would visit  
9   yahoo.com?

10          A     I don't recall that being an example  
11   disclosed in Hariki.

12          Q     Could a UI person -- excuse me. Let me  
13   start that over again.

14                Could a content provider know what  
15   servers a user of the mobile device will visit?  
16   And I'm asking your opinion as a person of  
17   ordinary skill in the art at the effective filing  
18   date.

19          A     I think Hariki -- and certainly my  
20   understanding of the combination of Hariki and  
21   Harris is that these -- I'm describing systems  
22   that are designed to work together.

1           If a person using a mobile device  
2       visits some other server that is not part of the  
3       system, then I don't know that the system would  
4       be relevant. Then they're just using a browser  
5       and a server. They're not using the  
6       Harris-Hariki system that I'm describing or that  
7       a person of skill would understand through these  
8       disclosures.

9           MR. WYDE: Could you read that answer  
10      back to me, please?

11           THE REPORTER: Sure.

12           (Whereupon, the reporter read the  
13      record as requested.)

14           MR. WYDE: Okay. It's been about an  
15      hour. Would you be okay taking a break?

16           MR. MARSHALL: Sure. Sounds good.

17           (Recess 11:09 a.m. to 11:23 a.m.)

18      BY MR. WYDE

19           Q     So I'd like to circle back about  
20      limitation 1b. It's on page 53 in your '715  
21      report. And in particular, if you remember, we  
22      discussed a little bit about what it means for a

1 custom configuration to render content in a  
2 manner customized to said application. I just  
3 want to make sure I have your opinion correct.

4 So -- and correct me if I'm wrong. I  
5 don't want to mischaracterize you, but you said  
6 you used the plain and ordinary meaning of  
7 customized to said application; is that correct?

8 A I think that's right, yes.

9 Q And if I -- do you agree, disagree or  
10 have no opinion as to whether customized to means  
11 designed for or something else?

12 A Well, I think -- first of all, I think  
13 it's -- it's not something I specifically said in  
14 my report.

15 But sitting here today, while I don't  
16 have a construction for the -- for this term, I  
17 think it's a fairly broad term, and my concern  
18 about the language designed for is it sounds like  
19 it might be too specific. I'm not sure that  
20 customized is -- I think it's probably just a  
21 broader term.

22 For example, I don't know that this

1 claim requires customization for -- well, it just  
2 sounds like it's just -- it sounds like that may  
3 be more specific than what plain and ordinary  
4 meaning would be of customized, which I -- which  
5 I, you know, describe my analysis for in my  
6 declarations.

7 Q How about tailored to? Would you say  
8 customized to said application means tailored to  
9 said application?

10 A Again, I'm just -- I'm not going to  
11 offer a construction, certainly not on the fly.  
12 That's -- I don't think that's a term that I  
13 recall using in my declaration, so I don't want  
14 to make a new opinion about the interpretation of  
15 a term sitting here today.

16 Q Okay. So you have no opinion regarding  
17 that today?

18 A That's right.

19 Q Okay. Does customized to application  
20 at least imply that the custom configuration is  
21 aware of the application?

22 A So I didn't -- again, I didn't perform

1 an analysis, so I don't have an opinion about  
2 that, either. I think I showed how the  
3 disclosures do show customization. I obviously  
4 can walk through those, but I didn't try and  
5 characterize what are the limits or bounds of  
6 what customization might require.

7 Q In your examples, do the items you  
8 point to as a custom configuration have awareness  
9 of the application?

10 A Well, I think they're different  
11 scenarios, so we'd have to walk through them,  
12 certainly at least talking about whether we're  
13 talking about the browser application or the  
14 server application.

15 Q Well, let's say the browser  
16 application.

17 A So in the browser application, which  
18 includes the content displayed in the browser, I  
19 think that the generated -- looking at --  
20 thinking about Harris for the moment, thinking  
21 about how WAX is -- is customized for a specific  
22 device, displayed within a browser, I think that

1       that -- that customization is designed with that  
2       specific browser display in mind.

3           Q       Right. So the compiled content is  
4       obviously aware of the device.

5                   Is the custom configuration, which you  
6       point to as the UI skin, not the -- not the  
7       content coming from the MCF, but the UI skin  
8       coming from Hariki's authoring tool, does that as  
9       well have knowledge of the application that will  
10      be used with it?

11          A       Is it possible for you to give me a  
12      copy of Hariki?

13          Q       Absolutely.

14          A       I can answer that question more clearly  
15      with it in front of me. Thank you.

16          Q       So this is Hariki from the 759. It's  
17      Exhibit 1005. I'm sorry. Let me give you  
18      another one.

19                   MR. MARSHALL: Oh, yeah.

20                   MR. WYDE: This one has highlighting in  
21      it by accident, so -- all Harikis are the same,  
22      so I'll just give you one from a different --

1 let's try the '245. This is Hariki '245.

2 MR. MARSHALL: Thank you.

3 MR. WYDE: You're welcome.

4 THE WITNESS: So if we look at, for  
5 example, Figure 3 of Hariki, it shows different  
6 resource profiles with different image  
7 characteristics.

8 For example, in Resource Profile Device  
9 A, item ID\_2 is a PNG image, but item ID\_2 for  
10 Device B is a GIF image. So that at least is an  
11 example of a disclosure where the resource  
12 profile is customized for a particular browser  
13 application that might know how to, for example,  
14 render one kind of image, but perhaps not  
15 another.

16 BY MR. WYDE

17 Q Is there a corresponding example for a  
18 web server?

19 A So I explain my opinion about custom  
20 configuration in the web server scenario related  
21 to limitation 1b in paragraph 128 of the '715  
22 declaration, and while I don't point to a

1 specific example in Hariki, I explain how the EY  
2 package that I point to as the custom  
3 configuration is associated with a web server  
4 process because they work together to serve  
5 content to a client that then renders that  
6 content in a customized fashion.

7 Q And while you're in there, would you  
8 turn to page 53, please? And if you'll hold it  
9 open, I'm going to give you your corresponding  
10 report from the '245, the IPR regarding the '245,  
11 also Exhibit 1002.

12 MR. MARSHALL: Thanks.

13 MR. WYDE: You're welcome.

14 BY MR. WYDE

15 Q And your claims in here are on page 53,  
16 and so have them side by side. I'd just like to  
17 make sure that you agree that limitation 1b is  
18 the same in the '245 IPR and the '715 IPR.

19 A It looks like they are the same with  
20 the addition of the word "and" in the '715, but I  
21 don't think that changes my opinion.

22 Q Did you construe limitation 1b any

1 differently in the '245 patent than you did in  
2 the '715 patent?

3 A Well, I don't think I construed any of  
4 the terms, but I applied the same understanding  
5 of the plain and ordinary meaning of the terms,  
6 of the equivalent terms, in both the '715 and  
7 '245 declarations.

8 Q Is that true of limitation 1b  
9 associated with an application? Did you ascribe  
10 the same meaning in both patents?

11 A Yes.

12 Q Same question for customized to said  
13 application. Did you ascribe the same meaning in  
14 the '245 patent as you did in the '715 patent?

15 A Yes.

16 Q And in the 758 IPR regarding the '245  
17 patent, you compared the Hariki reference with  
18 the claims of the '245 patent, correct?

19 A I think for my '245 declaration, I  
20 similarly looked at a combination of Hariki and  
21 Harris --

22 Q And --

1           A     -- in at least one ground.

2           Q     And these are the same Hariki and  
3     Harris that would be used in the 757 IPR  
4     regarding the '715 patent?

5           A     That's right.

6           Q     Is it fair to say that anything you  
7     said today about Hariki regarding the 757 IPR is  
8     equally true regarding the 758 IPR?

9           A     As I said earlier, I think --  
10    certainly, my intention is to understand Hariki's  
11    disclosures in a way that's consistent across all  
12    three declarations, and there are some slight  
13    variations in the claims of the '715 and '245  
14    patent, so I may have explained my analysis  
15    slightly differently, but I think my  
16    understanding of Hariki's disclosures are  
17    consistent across the two and apply equally in my  
18    two declarations.

19          Q     You didn't identify any functionality  
20    in Hariki's browser in the 758 report regarding  
21    the '245 that isn't equally applicable to  
22    Hariki's browser in the 757 IPR regarding the

1 '715 patent?

2 A I can't think of any.

3 Q Okay. In the '245 report I just handed  
4 you, would you turn to page 94, please? I'm  
5 looking at paragraph 163.

6 And if you look back on page 92, this  
7 is part of the section discussing claim 2,  
8 correct?

9 A Okay.

10 Q So am I reading your report correctly  
11 that you have identified Hariki's engines as the  
12 reader referenced in claim 2?

13 A So as I said in paragraph 163, in  
14 roughly the second sentence on page 95,  
15 "Accordingly, a POSITA would have understood that  
16 Hariki's engines (corresponding to the reader)  
17 communicate with (corresponds to issuing commands  
18 to) the files, links to files, and/or data or  
19 program objects such as buttons (corresponds to  
20 rendering blocks) based on HTML files  
21 (corresponds to compiled content comprising  
22 render commands)."

1           So I agree that Hariki's engines do  
2       correspond to the reader, and those work by  
3       processing any of the content that a server can  
4       send, including HTML files or images or any of  
5       the other content that would be transmitted to  
6       the mobile device.

7           Q     When you say they process the HTML, do  
8       the -- do these engines parse the HTML directly?

9           A     Well, as I said, it's not limited to  
10      HTML. HTML is an example, and it also sends  
11      other kinds of content, including images. So I  
12      think the engines do at least directly process  
13      and parse the image files.

14          Q     So your -- let me formulate a good  
15      question.

16                So while the engines may, in your  
17      opinion, process images from the HTML, do the  
18      engines have the ability to parse the HTML  
19      directly?

20          A     I would characterize what happened just  
21      slightly differently than the way you posed your  
22      question. So while those images may be

1 referenced by HTML, they are transmitted  
2 separately from a server to the client, and the  
3 engines don't need to parse HTML in order to  
4 receive and process an image.

5 Q Is there --

6 A But --

7 Q Go ahead.

8 A But --

9 Q I'm sorry.

10 A -- with that context, I think that  
11 while I don't see any limitation that an engine  
12 couldn't parse HTML in Hariki's disclosure, I  
13 think what Hariki discloses primarily is that the  
14 application processes HTML and that the engines  
15 process various kinds of content that might be  
16 transmitted separately and referenced by the  
17 HTML.

18 And I think a person of skill in the  
19 art would understand that a server can make all  
20 kinds of choices about what kind of content it  
21 transmits. I've already talked about how HTML is  
22 just an example of the kind of image format that

1 Harris, for example -- sorry, not image format --  
2 document format that Harris, for example, can  
3 transmit.

4 And I don't think there's -- I see  
5 anything excluding the possibility that Harris  
6 or -- or Hariki responds to a request by  
7 transmitting just an image.

8 Q You've designed a website, have you  
9 not?

10 A I have.

11 Q Did that website use HTML?

12 A I've designed many websites with many  
13 different technologies, but, certainly, some of  
14 them use HTML.

15 Q So is it fair to say you're pretty  
16 familiar with HTML?

17 A I am.

18 Q If you will look at page -- it's all  
19 over, but 101 is an example.

20 A Okay. We're still on the '245  
21 declaration?

22 Q Yes.

1           A     Page 101?

2           Q     Yes, please.

3           A     Okay.

4           Q     And if you look at item 256, you'll see

5     the description file.

6                     Do you see that?

7           A     Do you mean 526?

8           Q     Yes, I do mean 526. Thank you.

9           A     Sorry. Could you repeat your question

10   and make sure I --

11          Q     Sure. On page 101 in Figure 6, there's

12   an item labeled 526, description file.

13                     Do you see that?

14          A     I do.

15          Q     Okay. And in that description file,

16   you'll see the contents labeled 601, and there's

17   three items, each one starting with item ID and

18   then item ID underscore 1, 2 and 3.

19                     Do you see those items?

20          A     I do.

21          Q     So I guess I should have asked you

22   first: Are you also familiar with HTML tags?

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1           A     I am.

2           Q     Okay. Is item ID a standard HTML tag?

3                 Well, I guess it's item rather --  
4     rather than item ID. Is item a standard HTML  
5     tag?

6           A     I -- it's possible, but I'm not  
7     familiar with item being a standard HTML tag.

8           Q     I know the answer, but I'm going to ask  
9     it anyway. Is this UI content package an HTML  
10    file?

11          A     Sitting here today, I don't see a  
12    specific disclosure in Hariki of what format the  
13    user interface content package is in. It looks  
14    like it might be HTML with custom tags, or it  
15    might be XML.

16          Q     Could you turn to page 55 of that same  
17    report, please? And I'd like to ask you about  
18    claim 11.

19                 Specifically, do you see where the  
20    claim reads, a first block that controls the  
21    rendering of ticker information across the  
22    display of said wireless device?

1           A     It says "across a display screen of  
2     said wireless device," but, yes, I see that.

3           Q     What is a ticker?

4           A     Well, I have the '715 patent in front  
5     of me, but I think it's the same spec as --  
6     essentially the same spec as the '245.

7                     But '715, column 9, starting at around  
8     line 42, it explains that ticker is a rendering  
9     block to display a horizontally scrolling text.

10          Q     Do you agree with that definition?

11          A     That's the patent in question's  
12     description, so, I mean, I agree that's how it  
13     describes it.

14          Q     Well, to one of ordinary skill in the  
15     art, is that your understanding of what a ticker  
16     is as well?

17          A     I think a ticker is a pretty broad  
18     term. I don't know that it has a very specific  
19     meaning. But this description, I think, is at  
20     least consistent with my general understanding of  
21     that term.

22          Q     So it's correct that a ticker needs to

1 scroll?

2 A Again, the -- I would say this is -- as  
3 I said, it's a broad term, and I think this is a  
4 particular example or description of an  
5 embodiment. I don't know that this is a --  
6 necessarily restricts the claim to require  
7 horizontally scrolling.

8 Q It actually says in column 8, starting  
9 around line 37, that it can be up or down or left  
10 or right, so I don't -- would you agree that it's  
11 not limited to scrolling up and -- left and  
12 right, horizontally?

13 A Well, especially because the last  
14 sentence of the paragraph in column 8 starting  
15 around 40 -- line 41 says, "It is appreciated  
16 that the rendering blocks discussed above are  
17 exemplary and are not limited to limit the scope  
18 of the present invention."

19 So, as I said, I think ticker is a  
20 broad term, and, certainly, an example of one is  
21 that can display horizontally scrolling text.

22 Q Would you say text that doesn't scroll

1 is a ticker?

2 A Again, similar to some of the other  
3 questions, I didn't offer a construction of the  
4 term "ticker," so I don't think I formed an  
5 opinion about what the specific limits are.

6 Certainly, I think that it is  
7 commonly -- the term "ticker" is commonly used to  
8 describe scrolling text, whether it's like a  
9 stock ticker or any other kind of information  
10 that might scroll across the screen. That's  
11 certainly the example. But I don't think I have  
12 an opinion about whether it must scroll.

13 Q I'm sorry to put a finer point on it,  
14 but you said I don't think I have an opinion.

15 Do you have an opinion?

16 A I don't recall forming such an opinion  
17 in my report. I don't have any additional  
18 opinions about that today.

19 Q Okay. I think you already have Exhibit  
20 1002 from the '865. Would you find that? It's  
21 IPR 759.

22 A Okay.

1           Q     Would you turn to page 68, please? And  
2     do you see the heading labeled "d"?

3           A     I do.

4           Q     Okay. In this section, you are  
5     analyzing limitation 1c that reads, said custom  
6     configuration -- excuse me. We'll start over.

7                     "Sending a custom configuration to the  
8     wireless device, said custom configuration being  
9     specific to said application program."

10                    Did I read that correctly?

11           A     Yes, you did.

12           Q     And in forming your opinion regarding  
13     whether the prior art meets this claim  
14     limitation, you considered all the words of this  
15     claim limitation, did you not?

16           A     I did.

17           Q     Do you see the words "specific to" in  
18     limitation 1c?

19           A     I do.

20           Q     What is your expert opinion as to what  
21     the meaning of specific to is?

22                   MR. MARSHALL: Object to form.

1 THE WITNESS: So as with the other  
2 terms we've talked about, I did not offer a  
3 specific construction of that term, so I do not  
4 have an opinion about its specific limits, but  
5 what I did do is explain my opinion about how the  
6 combination of Hariki with Harris discloses this  
7 limitation, including that term.

8 BY MR. WYDE

9 Q Then would it be true to say you  
10 haven't formed an opinion as to whether  
11 customized for is synonymous with specific to?

12 A That's right.

13 Q And, similarly, you do not have an  
14 opinion as to whether specific to generally means  
15 the same thing as tailored to?

16 A That's right.

17 Q In this claim, it says "specific to  
18 said application."

19 Is that the same thing as saying  
20 application specific?

21 A I don't think I specifically analyzed  
22 that distinction, but I'm not thinking of any

1 distinction at the moment.

2 Q Could you turn to paragraph 79, please,  
3 on page 37?

4 A Okay.

5 Q And then the last sentence on the page  
6 says, "The customized look and feel is delivered  
7 in a content package and is specific to the type  
8 of device, manufacturer of the device, operating  
9 system, application programs, and other relevant  
10 information regarding the mobile device."

11 Excuse me. And you're quoting Hariki  
12 at paragraph 28. Do you see that?

13 A I do.

14 Q Are you saying that the content package  
15 being specific to -- well, strike that. Let me  
16 start over.

17 Is Hariki using specific to here in the  
18 same manner as in limitation 1c of the '865  
19 patent?

20 MR. MARSHALL: Object to form.

21 THE WITNESS: So my opinion about the  
22 custom configuration being specific to said

1 application program, as we've already discussed,  
2 is in paragraphs 142 through 148 of my '865  
3 declaration, and that is, I think, consistent  
4 with Hariki's overall disclosure, including the  
5 overview section that I wrote describing Hariki,  
6 which is -- which cites to the paragraph 24 of  
7 Hariki in your question.

8 So I think that Hariki's disclosure of  
9 allowing user to customize the look -- the look  
10 and feel -- sorry. Wrong quote. Hariki 28,  
11 where I quoted that the customized look and feel  
12 is specific to the type of device, manufacturer  
13 of the device, operating system and application  
14 programs is consistent with my analysis of  
15 Hariki.

16 I wasn't pointing to this disclosure in  
17 Hariki 28 as the custom configuration by itself,  
18 but that it is part of Hariki's disclosure of how  
19 a customized UI skin is specific to a web server  
20 process, which is the application program that I  
21 pointed to for the '865.

22

1 BY MR. WYDE

2 Q And do you have an understanding as to  
3 why the content package is specific to these  
4 items enumerated here?

5 A Well, I explained my opinion about that  
6 in the section about limitation 1c in paragraphs  
7 142 through 148. And I explained how the UI  
8 content package includes customizations that are  
9 delivered with the HTML files from the server and  
10 that those two things together can configure the  
11 configurable aspects of the user interface, for  
12 example, by changing a display image or color.  
13 And that is -- it is that collection of  
14 disclosures that show that there's a custom  
15 configuration that is specific to the web server  
16 process that I pointed to for the application  
17 program.

18 Q But do you have an understanding as to  
19 why the content package is specific to the type  
20 of device, the manufacturer of the device, the  
21 operating system, application programs and other  
22 relevant information regarding the mobile device,

1 as Hariki teaches in paragraph 28?

2 And we can look at Hariki directly if  
3 you think that would be more productive.

4 A I think this disclosure is completely  
5 consistent with my analysis about 1[c], which is,  
6 as I said, Hariki describes generating this UI  
7 skin that allows customization of all -- many  
8 aspects of the elements of the mobile device --

9 Q So --

10 A -- and it is that customization that is  
11 connected to and associated and specific to the  
12 server transmission of the HTML files.

13 Q So I hear you that you're saying this  
14 disclosure is consistent with your analysis, but  
15 I'm not sure my message is being received the  
16 other way.

17 Do you understand why Hariki is saying  
18 the UI content package -- and let's just take a  
19 single example -- is specific to an operating  
20 system here, as in paragraph 28?

21 A Well, I think Hariki makes it clear  
22 that the UI content package is specific to many

1 different things, and so it can be designed for a  
2 number of different kinds of customizations, and  
3 so, as such, it's a broad disclosure of how many  
4 different things can be customized.

5 So when it says that it can be  
6 customized or that the UI skin can be -- can be  
7 specific to an operating system, but I think that  
8 speaks for -- stands on its own. I think that  
9 says that one of the ways that Hariki works is  
10 that a UI skin can be designed to be specific to  
11 an operating system.

12 Q Can you turn to paragraph 130, please,  
13 on page 64?

14 And here you'll see that you wrote, "It  
15 is my opinion that there is motivation to combine  
16 Hariki and Harris because, while each discloses  
17 sending content specific to a mobile device, each  
18 describes in detail different aspects of the  
19 customization."

20 So my question is: What content  
21 specific to a mobile device does Hariki disclose  
22 sending?

1           A     Well, I think we've already talked  
2     about some of the customizations that Hariki  
3     sends, but I further explain that in the  
4     preceding two paragraphs.

5                 So the last couple sentences of  
6     paragraph 128, I explain -- I say that Hariki  
7     fills this gap in Harris by explaining how,  
8     quote, resource profiles are defined by device  
9     manufacturers for each model of mobile device.  
10    The resource profiles specify the composition  
11    format, and appearance of one or more user  
12    interface elements displayed or executed by the  
13    mobile device, end quote.

14                So some of the content specific to a  
15    mobile device is the composition, format and  
16    appearance of one or more user interface  
17    elements.

18                And then paragraph 129, I further  
19    describe how Hariki allows customization through  
20    the user interface skin by, quote, altering  
21    display and/or sound output aspects of the  
22    device, such as backgrounds, title bars, buttons,

1 alert sounds and so on, end quote.

2 So display and/or sound output aspects  
3 of the device, such as backgrounds, title bars,  
4 buttons and alert sounds are further examples of  
5 Hariki sending content specific to a mobile  
6 device.

7 Q I'd like to ask you about something on  
8 page 102. Would you turn there, please?

9 And this is limitation 12e. It starts  
10 with "eliminate."

11 Do you have an opinion as to the  
12 meaning of the word "eliminate"?

13 A So I did not offer a construction of  
14 the term "eliminate," and I did not try and  
15 understand all of its possible limits, but I did  
16 understand it sufficiently to explain in my  
17 opinion in the following paragraphs how Hariki in  
18 combination with Harris discloses this feature,  
19 including the eliminate.

20 Q Okay. Would you agree that eliminate  
21 means remove?

22 A Again, I did not offer a construction

1 of it, and I didn't offer an equivalency. I  
2 don't have an opinion about the equivalency of  
3 the term "eliminate" and "remove," but I did show  
4 examples of how there is disclosure of  
5 eliminating.

6 Q Would you agree that to eliminate means  
7 to get rid of?

8 A So, similarly, I did not offer an  
9 opinion about the equivalency of the term  
10 "eliminate" and "get rid of," and I don't have  
11 that opinion today because I didn't need to.

12 Q On that same page, in paragraph 224,  
13 you say, It is my opinion that Hariki in  
14 combination with Harris discloses this feature.  
15 For example, Harris discloses --

16 A Wait, wait, I'm sorry. I'm missing  
17 where you are.

18 Q It should be 224 --

19 A Oh, the beginning of 224?

20 Q Yes. Yes. So I'll start over.

21 It says, "It is my opinion that Hariki  
22 in combination with Harris discloses this

1 feature. For example, Harris discloses,  
2 regarding the MCF, that, quote, tags can be added  
3 and removed from the WAX language."

4 So are you pointing to the removal of  
5 tags from the WAX language as meeting the  
6 eliminate limitation in this limitation?

7 A So in paragraph 224, when I cited to  
8 Harris paragraph 28, that tags can be added and  
9 removed from the WAX language, that is context  
10 for my analysis of Harris where, in the next  
11 sentence, I explain some examples that show the  
12 elimination that meet claim limitation 12e, for  
13 example, taking content of text "welcome" and  
14 eliminating it and replacing it with text  
15 "bonjour" in French.

16 Q Okay. So the first part where you  
17 discuss tags being removed from WAX language,  
18 you're not saying that that elimination from the  
19 WAX language meets limitation 12e. That's just  
20 context for the -- the further pointing -- the  
21 further teaching down below?

22 A I think that's right.

1           Q     Okay. And then you say -- and this  
2     is -- I think it's the last sentence in the same  
3     paragraph. "It is my opinion that the content on  
4     the WAX stylesheet can be removed."

5                     So focusing on the word "removed," are  
6     you saying that removal meets the elimination  
7     limitation?

8           A     Well, I gave examples of eliminating,  
9     and I was describing some of those as -- as a  
10    kind of -- well, I gave some examples of  
11    eliminating. There are additional disclosures in  
12    Harris of WAX content being removed, and I think  
13    those are further examples of this eliminating  
14    requirement.

15          Q     So is it fair to say that removal is  
16    elimination?

17          A     Again, I am not equating in all cases  
18    eliminating with removal, but I am saying that  
19    these disclosures of the removal of content from  
20    WAX and the translation to HTML as disclosed in  
21    Harris is a disclosure of claim limitation 12e's  
22    eliminate.

1                   So, in other words, it can teach  
2 something without -- I'm showing it teaches it or  
3 discloses it without specifically forming an  
4 opinion that they are identical.

5           Q     Is removal necessary or just sufficient  
6 to eliminate?

7           A     Again, I didn't form an analysis of  
8 what the limits of the term "eliminate" are or  
9 exactly how in all circumstances how the word  
10 "remove" might map to eliminate. What I showed  
11 is that Harris discloses a specific kind of  
12 removal that meets the eliminate requirement in  
13 12e.

14          Q     And do you --

15          A     Sorry. Just --

16          Q     I'm sorry. Go ahead. I thought you  
17 were done.

18          A     I'm not sure that I cited to one of  
19 those examples, but I recall Harris having  
20 examples of removal of not including some content  
21 at all for a particular device.

22          Q     And is it fair to say that you are not

1 offering an opinion as to the limits of eliminate  
2 today as well?

3 A That's right. I'm not offering a  
4 construction for the term "eliminate."

5 Q Okay.

6 MR. MARSHALL: I think it's been close  
7 to an hour, so --

8 MR. WYDE: That's fine. That's fine.  
9 Sure.

10 MR. MARSHALL: Sounds good.

11 MR. WYDE: Okay. Let's take a break.

12 (Whereupon, at 12:27 p.m., a  
13 luncheon recess was taken.)  
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A F T E R N O O N S E S S I O N

(1:19 p.m.)

WHEREUPON,

BENJAMIN BEDERSON, PH.D.

was called for continued examination, and having  
been previously duly sworn, was examined and  
testified further as follows:

EXAMINATION BY COUNSEL FOR PLAINTIFF  
CONTINUED

BY MR. WYDE

Q Okay. I'd like to start this session  
by looking at the '865 patent itself. I don't  
know whether I gave you that already.

A I don't think so.

Q I don't think so, either. So this is  
Exhibit 1001 from the 759 IPR. In particular,  
I'd like to ask you about the teachings on column  
3, starting around line 44.

And if -- do you see where -- right at  
the beginning of that paragraph, it says,  
"Additionally, a template engine communicates  
with a device-specific profile of the wireless

1 device and may eliminate content of the requested  
2 application that is not supported by the wireless  
3 device based on the capabilities of the wireless  
4 device. For example, if the server determines  
5 that the wireless device has no audio  
6 capabilities, the content related to audio may be  
7 eliminated from the template."

8 Do you see that portion?

9 A I do. I think you may have just read  
10 one thing improperly towards the beginning. It  
11 says with a device profile, and I think you may  
12 have said device-specific profile.

13 Q Quite possibly. With that correction,  
14 do you see that general paragraph?

15 A I do.

16 Q And do you understand the process that  
17 the '865 patent is describing here?

18 A I think so.

19 Q What does it mean that the audio  
20 content is eliminated from the template?

21 A I think, in this example, it means that  
22 the audio is not included in the template.

1           Q     So you said not included. Does that  
2     mean it was never in the template, or is this a  
3     case where it's removed from the template?

4           A     Well, I think that -- I think,  
5     conceptually, the server can have content that  
6     can be used to create different templates for  
7     different wireless device requests, and so this  
8     is a case where the original content might have  
9     included the audio and perhaps that audio would  
10    have been included in a template if it was sent  
11    to one device, but in this case, it is -- creates  
12    a template without that content when it's sent to  
13    a device without audio capability.

14          Q     Is there any trace of the audio content  
15    left in the template when it's sent to the  
16    device?

17          A     I don't think that this provides enough  
18    detail to be sure of that. It does say that the  
19    audio, only the audio content itself has been  
20    eliminated, but it doesn't say whether or not  
21    there is any trace, for example, that there was a  
22    space where there might have been audio but it

1       wasn't included. I think that's just not  
2       specified here.

3           Q       So you don't know one way of the other?

4           A       Again, I don't see that specified in  
5       this disclosure.

6           Q       And a person of ordinary skill in the  
7       art wouldn't know for sure?

8           A       Not based on this paragraph, I don't  
9       see that.

10          Q       Do you have an understanding as to why  
11       the '865 patent is teaching that the template  
12       engine may eliminate content of the requested  
13       application that is not supported by the wireless  
14       device based on the capabilities of the wireless  
15       device?

16          A       Well, I think that is a specific design  
17       choice that comes from the overall -- some of the  
18       overall goals of this patent. So, for example,  
19       the first sentence of the summary, at column 2,  
20       starting at line 21, says, "Accordingly, a need  
21       has arisen to enable software vendors to provide  
22       generic applications regardless of the wireless

1 device type, thereby relieving software vendors  
2 from having to tailor their application for each  
3 given wireless device type."

4 So if the content includes audio and  
5 they want to make this work on different wireless  
6 device types, then the fact that the system can  
7 send audio only to devices that support audio,  
8 but not waste resources by sending it to devices  
9 that don't support audio seems like that would be  
10 useful and consistent with that goal as much as  
11 is stated in that summary sentence.

12 Q What resources would be wasted if it  
13 was sent?

14 A Well, the communication resource, the  
15 bandwidth of sending audio that wasn't used, that  
16 would be a wasted resource.

17 Q Now, could you turn to your Exhibit  
18 1002 in the '865 patent, your expert report in  
19 the '865 patent IPR?

20 A Okay.

21 Q Paragraph 224 on page 102, please.

22 A Okay.

1           Q     Do you see where you write, "It is my  
2     opinion that content on WAX stylesheets can be  
3     removed"?

4           A     I see that.

5           Q     What is a WAX stylesheet?

6           A     Well, WAX stylesheets are described in  
7     Harris paragraph 22 around two thirds of the way  
8     down. It says, "The WAX stylesheets component 42  
9     dictates the presentation of the WAX content, and  
10    the device stylesheets component 40 tailors the  
11    presentation of the content to the requesting  
12    device based on the attributes possessed by the  
13    requesting device."

14          Q     Is the image you show at the top of  
15    page 76 from Harris, paragraph 29, a WAX  
16    stylesheet? It's shown in part, I'll note --

17          A     Right. Yeah. I was going to say, I  
18    think that was a -- call it a typo. It should  
19    include the entire bit of XML code from Harris  
20    29.

21                   But in any case, no, this is WAX or WAX  
22    content, not the stylesheet.

1           Q     Do you have an example of the WAX  
2     stylesheet that you can point me to in Harris?

3           A     I don't think Harris provides a  
4     specific example of a stylesheet, no.

5                     I should probably say, since you  
6     pointed me to that sentence in paragraph 224, I  
7     think that I probably could have written that  
8     sentence more clearly. So when it says, "It is  
9     my opinion that that content on WAX still sheets  
10    can be removed" and then going on further and  
11    continues, it's really talking about the content  
12    from WAX.

13                    And I often talk about WAX stylesheets  
14    and WAX content together, and so I think I  
15    probably just -- essentially is a typo. It's not  
16    written clearly, so I apologize.

17           Q     Thank you for that clarification,  
18    because, frankly, I was lost. All right. We're  
19    on the same page.

20                    And are you pointing to -- well, let me  
21    ask you this: Does the example on page 76 -- or  
22    we could look at the full example in Harris if

1     you want, but is there -- have you identified  
2     content within this WAX?

3           A     Sure. So I think, in paragraph 224, I  
4     gave an example of the string welcome that can be  
5     translated to bonjour as an example of content,  
6     which is in the second section of that WAX  
7     content on -- from paragraph 29, around the third  
8     line of the second portion.

9           Q     That would be labeled Example 3 in the  
10    comments?

11          A     Yes, that's right. And then I believe  
12    that is -- elsewhere in my declaration, I further  
13    describe this paragraph and talk -- walk through  
14    some of the examples.

15          Q     So is this language here the content --  
16    well, actually, let's take -- let's look at the  
17    full example.

18                 Do you have a Harris reference over  
19    there?

20          A     I do.

21          Q     Okay. Can we look at the full example  
22    from paragraph 29? So let's look at, for

1 example, Example 2 here.

2 Do you see the image with the source ID  
3 logo?

4 A I do.

5 Q Would you also say that is content?

6 A Yes. I think the logo image would  
7 be -- in Example 2 is a further example of  
8 content.

9 Q So you said logo image, and here's what  
10 I'm trying to figure out: Is it the image that  
11 this WAX is a placeholder for that's the content,  
12 or is it literally this WAX or both or something  
13 else?

14 A Do you mean specifically as I am  
15 understanding the term "content items" from the  
16 claim limitation? Is that what you're --

17 Q Yes.

18 A -- getting at?

19 Q Yes.

20 A I don't think I formed a specific  
21 opinion about whether the content item is the  
22 text in this example or -- exclusively or whether

1       it includes the referenced image because I didn't  
2       need to. I pointed to other examples here, for  
3       example, like the welcome text as an example of  
4       elimination.

5           Q     All right. Well, let's look at the  
6       welcome text. In the Example 3, it has a text ID  
7       of welcome.

8                   Is the content literally between the  
9       brackets here -- is that the content, or is the  
10      content the text that will -- the MCF will  
11      translate this tag into?

12           A     I think this example from paragraph 29  
13      shows with its four examples different kinds of  
14      content. Some of the content is directly inside  
15      the XML, and so, for example, in Example 4, it  
16      has actual Java code inside the XML starting  
17      after the left bracket percent and ending before  
18      the percent right bracket.

19                   Other times it clearly includes content  
20      that references other resources, such as the  
21      image example, where, clearly, the text L-O-G-O  
22      is not the image itself. That clearly is a

1 reference to an image from Example 2.

2 And in Example 3, it's not completely  
3 clear, I think, from this disclosure whether the  
4 welcome text in this example is itself the text  
5 that gets translated or if it's an ID for an  
6 external resource that gets translated. So I  
7 think it would be fair for a person of skill in  
8 the art to understand that, you know, either one  
9 would be a perfectly acceptable way to do this.  
10 I don't think that detail matters that much.

11 You know, obviously, the text in  
12 paragraph 30 that explains Example 3 says the ID  
13 welcome may be translated to bonjour, so that  
14 implies that is the actual text in the XML that  
15 is the content. On the other hand, it is part of  
16 a property called ID, which a person of skill in  
17 the art would often think is a reference to some  
18 external resource.

19 So I think it's clear that between all  
20 of these examples that Harris discloses both,  
21 including content inside the XML and referencing  
22 content that is outside this particular XML.

1           Q     So I think you earlier were reading  
2     from paragraph 22. I may be wrong, but either  
3     way, could you look at 22 of Harris, please?

4                     And I think it says -- let's see if we  
5     can find it. Yeah. On -- well, there's no line  
6     numbers, but the middle of the paragraph, it  
7     starts off with -- "additionally" is the first  
8     word. "Additionally, the MCF includes WAX  
9     stylesheet components 42, the device stylesheet  
10    component 44," and then it goes on to say "the  
11    WAX stylesheet component 42 dictates the  
12    presentation of the WAX content."

13                    Do you understand what WAX content here  
14    is referring to?

15            A     I think the WAX content referred to  
16    here is the content that is included in the WAX  
17    XML file that we were just looking at in  
18    paragraph 29.

19                    So I think the content is the text that  
20    is displayed or the image that is displayed,  
21    whether it is directly included in the XML or  
22    referenced from the XML.

1           Q     So let's turn back to page 102 in your  
2     '865 report, please. And do you see that the  
3     limitation goes on to say, "eliminate, using said  
4     device profile"?

5                     Do you understand what using said  
6     device profile means?

7           A     Yes.

8           Q     What does that mean to use a device  
9     profile?

10          A     I think it's a broad term, and I think  
11     that just means that the device profile has to be  
12     used in the process of this elimination.

13          Q     Could you give me an example of using a  
14     device profile in the elimination?

15          A     Well, I think when we were looking at  
16     the '865 patent and we were reading that example  
17     of eliminating audio in column 3 in the paragraph  
18     starting at line 44, that explains that the  
19     server determines that the wireless device has no  
20     audio capability, and that comes after a sentence  
21     that says, "Additionally, the template engine  
22     communicates with a device profile of the

1 wireless device and may eliminate content of the  
2 requested application that is not supported by  
3 the wireless device based on the capabilities of  
4 a wireless device."

5 So this looks like an example in the  
6 '865 patent of using a device profile to  
7 eliminate a content item.

8 Q So this example shows communication  
9 with a device profile as use?

10 A I think that's right.

11 Q Okay. Could you turn to page 72 of  
12 your expert report?

13 So do you see the heading f, and in the  
14 section analyzing limitation 1e, which reads,  
15 "said page description having at least one  
16 discreet low level rendering command that is  
17 within said rendering capability wireless device  
18 but that is of a syntax that is wireless device  
19 generic; and."

20 And in paragraph 144, the entire  
21 paragraph is -- it's your opinion that Hariki in  
22 combination with Harris discloses this feature;

1       isn't that correct?

2           A       That's what it says in my paragraph  
3       154, but you may have said 144. I may have  
4       misheard you.

5           Q       Okay. And you identified HTML files as  
6       the page description in this limitation; isn't  
7       that correct?

8           A       That's right. I state that in  
9       paragraph 153, where I say, "It is my opinion  
10      that the Hariki-Harris combination discloses  
11      generating HTML files (corresponding to  
12      generating a page description)."

13          Q       And you further identified that HTML  
14      files include tags that include low level  
15      commands to render content on a device. I'm  
16      looking at paragraph 163.

17                  Isn't that true?

18          A       Yes, I do say that.

19          Q       So you say tags include low level  
20      commands. Are you mapping those to the claimed  
21      low level -- discreet low level rendering  
22      commands?

1           A     Yes.

2           Q     Do you have an example of a discreet  
3     low level rendering command that an HTML tag  
4     might include?

5           A     Well, first of all, I think a person of  
6     skill in the art would understand that HTML  
7     includes a wide variety of commands and tags that  
8     include low level rendering commands, such as the  
9     location of objects on the screen.

10           And that is supported by my analysis of  
11     claim 6, which requires a specific set of  
12     discreet low level rendering commands, including  
13     a specification of a location and a size of a  
14     screened area and an identification of a  
15     rendering block from said plurality of rendering  
16     blocks. And so in my analysis of claim 6, I  
17     provide more information about some disclosures  
18     of HTML that support that -- those requirements  
19     such as a location.

20           And then I further provide an  
21     additional ground in combination with Dees where  
22     I show an additional piece of art that provides

1 more express disclosure of some of those  
2 requirements, all of which are consistent with  
3 what a person of skill in the art would  
4 understand about HTML, including the ability to  
5 specify the locations of things, which is quite  
6 well known. I think someplace I talk about  
7 including the ability to center content, which is  
8 another further example of providing a location  
9 of content.

10 Q So let's take the center example. You  
11 talk about it in paragraph 246. I'm on page 109.

12 The center command is a discreet low  
13 level discrete rendering command?

14 A So I point to a disclosure in paragraph  
15 246 of how Harris -- Harris shows that WAX  
16 includes a button that is center aligned, and  
17 then I go on to explain why the center of the  
18 screen is a physical screen position, and that in  
19 order to represent this request from -- or the  
20 specification from WAX that the device-specific  
21 generated HTML file would include comparable  
22 alignment commands, which, since HTML also

1 includes center, that would be well known. And,  
2 again, I further explain how Dees shows us as  
3 well --

4 Q Right. But I believe --

5 A -- or shows additional disclosure about  
6 that.

7 Q Sorry. I thought you were done. But I  
8 thought you used that in example of a discreet  
9 low level rendering command. That's why I just  
10 pointed to that, so you could see it.

11 A Yeah.

12 Q Is that center an example of a discrete  
13 low level rendering command?

14 A Yes, with the understanding that the  
15 specific disclosure I pointed to was in WAX, but  
16 that a person of skill reading this would  
17 understand that H -- that generated HTML would  
18 include a comparable alignment command.

19 Q What makes the center command discrete?

20 A Well, first of all, it is one command.  
21 It's one specific thing. So I think that is an  
22 example of why it is one discrete command and

1 not, for example, one combination of multiple  
2 commands.

3 Q And what makes the center command low  
4 level?

5 MR. MARSHALL: Object to form.

6 THE WITNESS: Again, I pointed to  
7 center from WAX. The low level rendering command  
8 that I'm pointing to is in HTML, and what I -- my  
9 opinion is that HTML would include a comparable  
10 alignment command. It may actually be another  
11 single, discrete command called center, but the  
12 disclosure I have is from WAX, but the low level  
13 rendering command I'm pointing to is in the  
14 generated HTML file.

15 BY MR. WYDE

16 Q Right. And in that generated HTML  
17 file, how do you know that that center command is  
18 low level?

19 And this might help you out. On page  
20 113, you're pointing to Dees, which also has  
21 center -- well, it has line commands.

22 A So, as I explained earlier, while the

1 '865 patent doesn't -- and I said this, actually,  
2 in footnote 27 to my paragraph 158 that the '865  
3 patent does not disclose how to distinguish a low  
4 level rendering command from any other type of  
5 rendering command.

6 I did look at claim 6, which gives an  
7 example of a low level rendering command. And so  
8 that provides me with at least an example, and so  
9 I showed that the prior art teaches information  
10 that is equivalent to this example of a low level  
11 rendering command.

12 Q Are you able to distinguish a low level  
13 rendering command from any other type of  
14 rendering command?

15 MR. MARSHALL: Object to form.

16 THE WITNESS: So I did not offer a  
17 construction of the term "low level rendering  
18 command." I certainly don't have -- did not  
19 perform an analysis on what its boundaries were  
20 and how it might be distinguished from another  
21 kind of command, and as I said, I don't think the  
22 '865 patent discloses it.

1                   So, no, I don't have an opinion about  
2                   that distinction, but what I do have is an  
3                   example, so I did my analysis based on -- at  
4                   least in part on that example.

5                   BY MR. WYDE

6                   Q       What was the example in the patent that  
7                   you were pointing to?

8                   A       Claim 6 of the '865 patent says that at  
9                   least one discrete low level rendering command  
10                  includes a specification of a location and a size  
11                  of a screen area. It goes on, but -- so that's  
12                  an example of a low level rendering command.

13                  MR. WYDE: Okay. That concludes my  
14                  examination. So I pass the witness.

15                  MR. MARSHALL: No questions.

16                  (Whereupon, at 2:00 p.m., the  
17                  deposition of BENJAMIN BEDERSON, PH.D.  
18                  was concluded.)

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CERTIFICATE OF NOTARY PUBLIC

I, ERICK M. THACKER, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenotype and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



ERICK M. THACKER

Notary Public in and for the  
District of Columbia

My commission expires:  
June 30, 2024

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ACKNOWLEDGMENT OF DEPONENT

I, BENJAMIN BEDERSON, PH.D., do hereby acknowledge  
I have read and examined the foregoing pages of  
testimony, and the same is a true, correct and  
complete transcription of the testimony given by  
me, and any changes or corrections, if any, appear  
in the attached errata sheet signed by me.

-----

Date

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BENJAMIN BEDERSON, PH.D.

1 Stephen A. Marshall, Esquire  
2 smarshall@willkie.com

3 January 15, 2024

4 RE: GoTV Streaming, LLC vs. Netflix, Inc.

5 1/10/2024, Benjamin Bederson, Ph.D. (6341426)

6 The above-referenced transcript is available  
7 for review.

8 Within the applicable timeframe, the witness  
9 should read the testimony to verify its accuracy.  
10 If there are any changes, the witness should note  
11 those with the reason, on the attached Errata  
12 Sheet.

13 The witness should sign the Acknowledgment of  
14 Deponent and Errata and return to the deposing  
15 attorney. Copies should be sent to all counsel,  
16 and to Veritext at [errata-tx@veritext.com](mailto:errata-tx@veritext.com).

17 Return completed errata within 30 days of  
18 receipt of testimony.

19 If the witness fails to do so within the time  
20 allotted, the transcript may be used as if signed.

21 Yours,

22 Veritext Legal Solutions

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[42 - additionally]

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[additionally - asking]

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[asking - browsers]

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[browsers - combination]

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[combination - contemplates]

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[contend - customized]

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[customized - device]

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**[device - effective]**

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[previously - recall]

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**[recall - represent]**

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[request - scenarios]

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[scope - signature]

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[signed - stated]

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[statement - teaching]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

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