UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,

Petitioner,

v.

ZILKR CLOUD TECHNOLOGIES, LLC,

Patent Owner.

IPR2023-00822
Patent No. 9,883,047

ZOOM VIDEOTAPED DEPOSITION OF DR. VIJAY K. MADISETTI

(Taken by Petitioner)

May 30, 2024

10:04 a.m.

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Deposition held via Zoom Videoconference

Reported by:

F. Renee Finkley, RPR, RMR, CRR, CLR, CCR-B-2289

(Via Videoconference)

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CONTENTS

THE WITNESS: DR. VIJAY K. MADISETTI

(Via Videoconference)

EXAMINATION Page

By Mr. Goryunov 6

THE VIDEOGRAPHER: Here begins volume I in the video deposition of Vijay Madisetti, taken in the matter of Cisco Systems, Incorporated v. Zilkr Cloud Technologies, LLC, in the United States Patent and Trademark Office before the Patent Trial and Appeal Board, Patent Number 9,883,047. Today's date is May 30th, 2024. The time on the video monitor is 10:04 a.m.

This deposition is being held remotely. The witness is located in Atlanta, Georgia. The court reporter is Renee Finkley on behalf of Henderson Legal Services. And I'm the videographer, Dewey Nelson, also on behalf of Henderson Legal Services.

Will counsel please introduce themselves and state whom they represent, beginning with the party noticing the deposition?

MR. GORYUNOV: Good morning. Eugene Goryunov from Haynes and Boone, on behalf of Cisco.

MR. STEPHENS: Hi, this is Jeffrey Stephens. I represent Zilkr Cloud Technologies, and from the law firm of Carter, Arnett, Bennett & Perez.

THE VIDEOGRAPHER: Will the court reporter

please swear in the witness?

(The witness was sworn.)

THE VIDEOGRAPHER: Please proceed.

DR. VIJAY K. MADISETTI,

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

EXAMINATION

BY MR. GORYUNOV:

Q. Good morning, Dr. Madisetti. How are you today?

A. Good morning, sir. How are you?

Q. Doing well. We've been involved with depositions against one another, but I will ask some standard questions, just to get us rolling. Is that okay?

A. Yes.

Q. Obviously, you've sat for depositions before, correct?

A. Yes.

Q. Would you be able to give me an estimate of how many you've sat for this year, 2024?

A. I don't know the exact number. It could be a dozen, maybe a bit more.

Q. So fair to say, you know how depositions are conducted, and you know the rules of play,

correct?

A. Yes.

Q. So I will do my best to ask questions that are comprehensible. And you will let me know if you don't understand them, right?

A. I will.

Q. And if you answer my question, it's fair for me to understand that you understood my question, correct?

A. Yes.

Q. Now, we're going to try to take a break every hour or so, but if you need a break earlier, no problem, just let me know, and we'll do so. But I do ask that if there's a question pending, that you answer that first. Is that all right?

A. Okay.

Q. All right. I'm going to share with you through the chat feature in our Zoom here, what has been previously marked as Exhibit 2004. Please let me know when you have downloaded that.

A. Okay, I have downloaded it. And I've opened it, counsel.

Q. Excellent. And I'm going to make one more exhibit available to you also through the Zoom. This has been previously marked as Paper 16 -- rather, it

has not been marked. It does not need to be marked because this is a pleading entered in the case as Paper 16.

A. Okay.

Q. Let's just start by looking at Paper 16. Can you focus on that for a moment?

A. Okay.

Q. All right. This paper is titled Patent Owner's Response. Do you see that on page 1?

A. I do.

Q. Have you seen this document before?

A. I reviewed it after my -- after I submitted my declaration, more recently.

Q. So I'm sorry, you said you did review this document, correct?

A. Yes. Recently, yes.

Q. Okay. If you scroll forward with me to PDF page 7?

A. Okay.

Q. Do you see there's a table with "independent claim 1" as its heading?

A. Yes.

Q. And you see it extends into the next page, and it shows all together, the limitations of claim 1 from the preamble, which is labeled 1.0 through the

last limitation, which is labeled as 1.13. Do you see that?

A. Yes.

Q. Since this is your client's and your counsel's rendition of claim 1 from the '047 patent, can we agree that this is a fair recitation of all the claim limitations from the '047 patent in claim 1?

A. Yes, it's number for convenience that I use in my declaration.

Q. All right. So when you and I are talking about claim limitations, I'd like to use these numbers, you know, 1.0 through 1.13, just to make easier for us to have a conversation about them; is that okay?

A. Okay.

Q. And then, you know, just so it's easier for us to kind of have the claim language in front of us, in my mind, it would be helpful if you had this page -- this page being PDF page 7 -- in front of you while we talk about your declaration. Just -- it will make it easier for us to kind of talk about the Riley limitations; is that okay?

A. That sounds good. I'll open it on a separate viewer.

Q. Perfect. And that way, we don't have to worry about pulling up the '047 patent and worrying about, what is limitation 1.3 versus 1.5. All right. Let's turn to what has previously been marked as Exhibit 2004.

A. Okay.

Q. Based on the cover, this is your declaration submitted in this case; is that correct?

A. Yes.

Q. Now, if you'll scroll forward with me please to PDF page 41?

A. Yes.

Q. Is that your signature?

A. Yes, on March 18th, 2024.

Q. And you signed it on or around March 18th, 2024; is that correct?

A. On March 18th, yes.

Q. And what follows your signature page is -- as appendix A is your curriculum vitae; is that right?

A. Yes.

Q. Are there any changes that you've made to your CV since you've attached this copy as appendix A to your declaration?

A. This is pretty recent. I mean, there may

be some new publications I can add, but it's pretty recent.

Q. In your opinion, do you think there's anything material to this case that has been added to your CV that is not reflected in the current version of your CV, as we see it here?

A. As I said, just a few more papers in the past six, seven months, I think. But other than that, not much has changed.

Q. Do you think those papers are relevant to our conversation today on the '047 patent?

A. I don't think so, but these are just technical papers.

Q. Got it. All right. So you've submitted declarations in multiple cases before. We can agree on that?

A. Yes.

Q. When was the last time you reviewed your declaration, which has been previously marked as Exhibit 2004?

A. Yesterday and today.

Q. I took a look in your declaration, and I couldn't find a section where you are asking -- or providing an explicit claim construction; is that correct? Like, you don't have a claim construction

section in your declaration; is that accurate?

A. I don't have an explicit one. I believe I applied the plain and ordinary meaning of the claims, in view of a person of ordinary skill in the art.

Q. Let's start by going to paragraph 82 of your declaration. This would be PDF page 40.

A. Yes.

Q. You're there?

A. Yeah, I'm there.

Q. It's a pretty short paragraph, right?

A. Which paragraph?

Q. 82.

A. Yes.

Q. This is the paragraph where you state that it is your opinion that the petition has not shown that Riley teaches or renders obvious claims 4 through 7; is that correct?

A. That's the title of the section, and I incorporate by reference the other sections in my declaration to make that statement.

Q. You don't provide any independent reasons for why the petition allegedly hasn't satisfied your analysis of claims 4 through 7, you're relying on your reasons for claim 1; is that correct?

A. As of this declaration, I'm relying on the

reasons in the preceding paragraphs that are incorporated.

Q. Okay. Let's take a look at paragraph 81. It's the paragraph that starts on the previous page.

A. Okay.

Q. In the middle of the paragraph, there's a sentence that begins with "in addition." Do you see that?

A. Yes.

Q. So let's read the whole sentence, and then we'll talk about that. "In addition, claim element 1.10 explicitly recites sending 'a second activation request for the service,' emphasizing that the activation request refers back to the service and is not met by an activation related to selecting a service provider as alleged in the petition." Do you see that?

A. Yes.

Q. Okay. So if you take a look with me at this sentence, I'm trying to understand what you mean by, you know, your italics for the service term. Would you be able to tell me that?

A. I believe I am reciting the claim language. And limitation 1.10 says, "sending by the unified services platform system a second activation

request for the service to the second third-party application service provider system."

I believe that the petition and its accompanying declaration by Dr. Huff shows and relies upon an activation procedure in Riley that is only selecting a service provider, not a service, or it's only sending some sort of activation for selecting a service provider, not for a service, as required in the claim.

Q. So by italicizing "for the service," you're trying to make a distinction between an activation request for a service versus a service provider selection; is that it?

A. I'm just highlighting what the claim requires when the claim explicitly says that the activation request -- the second activation request is for the service.

Q. Okay. In the next line, not in the next sentence, in the next line of this sentence that we're talking about, you have -- you state that the activation request refers back to the service, okay? Do you see that portion of the sentence?

A. Yes.

Q. So are you suggesting that the service that is recited in limitation 1.10 is the same

service that was first introduced in limitation 1.1? And you can take a look at the claim listing that is in the patent owner's response for convenience.

A. I'm referring, I think, back to 1.8 and 1.9.

Q. Okay. So you're not saying the service recited in 1.10 is the same service that's introduced in 1.1, correct?

A. I am not referring back to 1.1. I am referring to the service that is recited in limitations 1.8 and 1.9 as described in the petition, page 7.

Q. So then when you see the service in limitation 1.10, you're saying that it is the same service that's recited in 1.8 and 1.9, am I understanding correct?

A. It's referring back to 1.8, 1.9, the service there.

Q. Now, you see in 1.8, it introduce introduces a second service. And 1.9 also refers to the second service. So you're saying that the service in 1.10 should really be the second service, right?

A. I'm saying that the service in 1.10 refers back to the service of 1.8 and 1.9.

Q. Well, 1.8 doesn't say the service, right? If you take a look at the limitation, it says, "a second service." And 1.9 says -- 1.9 doesn't really refer to -- oh, sorry, 1.9 is referring to the second service as well. Do you see that, too?

A. My understanding is that 1.10 refers back to the service of 1.8 and 1.9. And one of ordinary skill in the art would understand the language of the claim to inform them that 1.10 refers to 1.8 and 1.9, because it talks about the second and third-party.

Q. So in 1.10, it's the same service that is being subscribed in 1.8, correct?

A. The service in 1.10 is referring back to the service of 1.8 and 1.9, around the second and third-party application service provider system.

Q. Let's, in your declaration, go to paragraph 55, please. Please let me know when you're there.

A. Okay. I'm on page 25. Yes, I'm on page 25, paragraph 55.

Q. Perfect. Thank you. All right. In paragraph 55 is where you start discussing the receiving of a subscription request, correct?

A. I discuss it in a lot of places, so this is one of the places in my declaration.

Q. Okay. Let's look at the second sentence in your paragraph. It's the sentence that begins with "interpreted in light of." Do you see that?

A. Yes.

Q. So "interpreted in light of at least the specification passages noted above, and the claim as a whole, the claimed subscription request for a service for a group plan at least includes a request to subscribe each member of a group to a service." Do you see that?

A. I do. You're reading from paragraph 55.

Q. Yes, sir. Did I read that correctly?

A. Yes, you read the second sentence.

Q. So it's your opinion that in limitation 1.1, the subscription request must include a request to subscribe each member of a group to a service. Do I understand your position?

A. As I describe here, that in light of the specification, and the claim as a whole, the subscription request for a service for a group plan at least includes a request to subscribe each member of the group to a service.

Q. So does that mean that the subscription request must identify by name or some identifier each member of that group?

A. The way I testified here is that it should include a request that indicates that each member of the group to a service must be subscribed, so that's how I represent that.

Q. Okay. Let me ask you a question, then, just so you and I are on the same page as far as terminology. A group plan, as used throughout this '047 patent, could we analogize that to, like, a family plan for cellular service?

A. No, that's not how I would analyze it. I provide a description of the group plan here.

Q. Okay. How do you understand what is a group plan?

A. A group plan is -- for example, the claim term is subscription request for a service for a group plan. So the subscription request should be a request to subscribe each member of a group to a service. It cannot be a case where other devices on the plan are sharing the service.

Q. Okay. What is a group plan?

A. A group plan is where -- a subscription request for a service for a group plan is where a every member are -- it's a request where you subscribe each member of a group to a service.

Q. That's not my question, sir. I would like

to know, what is a group plan?

A. As used in the claim, the group plan would be -- would include the ability -- would include subscribing each member of the group to the service.

Q. Let's look at limitation 1.0. Remember, we have the Patent Owner's Response?

A. Yes.

Q. "A method of provisioning a service for use with a group plan, the method comprising," okay? Do you see that?

A. Yes.

Q. What is a group plan?

A. An example of the group plan is what I said here, is that it is where every member of the group is subscribed to a service.

Q. Let's try this a different way. Would you agree that a group plan has a number of members, one or more members?

A. I would say that the group plan would have -- in the light of the claim, it would have two or more members.

Q. Thank you. Two or more members, that's a group plan?

A. A group plan would be two or more members, where each member is a subscriber.

Q. So a group plan, it's a plan that has two or more members, all right.

A. No, that's not what I said. It has two or more members, who are each a subscriber.

Q. Which limitation in claim 1 tells you that each member of the group plan is a subscriber?

A. The claim as a whole and the specification, as I describe in my declaration. I go through a number of examples. I describe what the specification discloses to one of ordinary skill in the art.

The claim as a whole, for example, even the later limitations of the claim, for example, 1.8, further confirms that a subscriber that is part of the subscribers in the group plan can request a second service. So that further confirms that each member of the group plan is also a subscriber.

Q. I'm going to share with you what has been previously marked as Exhibit 1001. Please let me know when you have downloaded it, and when you are ready to look at it.

A. Okay, I have opened it.

Q. Get us to the right place. Okay. Again, so before we start looking at the -- sorry, what I just shared with you and has been previously marked

as Exhibit 1001, do you recognize this as U.S. Patent 9,883,047?

A. Yes, it's the '047 patent.

Q. And this is the patent that you analyzed and the patent that we've been talking about so far, correct?

A. Yes.

Q. Now, again, is your testimony -- and I want to make sure I get this correctly -- that a group plan is a plan which has two or more subscribers, which according to you means that each one of those subscribers is a subscriber, correct?

A. A group plan is one where each member of the group plan is also a subscriber.

Q. Let's go to column 30. It's PDF page 39.

A. Okay.

Q. Line 41 in column 30. Do you see that, there's a reference to figure 12?

A. Yes.

Q. Figure 12 illustrates an embodiment of an activation process in which an enterprise administrator is responsible for activating a service for one or more subscribers. Do you see that?

A. Yes.

Q. It doesn't say each subscriber, right?

A. Again, I defer to the language there, which says, "activating a service for one or more subscribers." I understand that to mean that each of them is a subscriber.

Q. Well, a few minutes ago, you testified that a group plan has two or more subscribers. Here the '047 patent is saying it could be one or more subscribers. Which is right?

A. My understanding is that a group would be, in the context of the claim, two or more.

Q. So you're saying the specification is wrong, then?

A. No, I don't see the word group in that particular portion.

Q. It talks about activating a service for one or more subscribers?

A. It doesn't use the word group for one or more, not at least in that portion you're pointing to.

Q. So then you're saying that we have to look at the words of the specification very closely before we attribute it to any disclosure in the claim; is that correct?

A. Again, my declaration speaks for itself. I provide a rationale that a group, in my opinion, is

two or more.

Q. So if there are examples in the '047 patent where a group has one or more, that falls outside of your opinions, right?

A. As I said, the specification speaks for itself. In my opinion, based on my review of the specification, and as analyzed in my declaration, a group here would be two or more.

Q. So let me ask this a different way. You're not saying that the specification is wrong, you're just saying that a person of skill in the art would have read the specification, and understood that a group plan must be two or more subscribers?

A. Again, I said that that portion of the specification you referred me to does not refer to one or more as a group. My review of the specification, in light of the disclosures there, and also my understanding, in view of a person of ordinary skill in the art, would understand that a group, as used in the claim and in the specification, would be two or more subscribers to a service.

Q. Okay. Do you have a family plan for your cellular provider?

MR. STEPHENS: Objection, relevance.

THE WITNESS: As I said, I don't believe

that a family plan is a group plan, because in some sense, the additional devices can share. They don't -- the additional devices are not subscribers, so I do have a family plan.

Q. (By Mr. Goryunov) So in your mind, what distinguishes the '047 patent from a cellular family plan is that, in a family plan, devices are just sharing a service that's been added to the group -- to the family plan, rather, whereas in the '047 patent, each member of a group becomes a subscriber of each and every service that's added to that group. Is that my understanding?

A. As I said, I don't wish to compare the group plan to a family plan. I have not offered such an opinion. But all I'm saying is that, as used in the '047 claims that we are discussing in my declaration, my understanding is that a group plan would have two or more subscribers within it.

Q. Does every member of a group plan -- let me rephrase that question.

Must every single member of a group plan in the '047 patent also be a subscriber to each and every service that is added to that group plan?

A. My opinion is that, as I describe in paragraph 56, that there has to be a subscription

request for a service for a group plan, which means that there's a request to subscribe each member of a group to a service.

Individual subscribers in the group may subscribe to services, individually, but insofar as a subscription request for a service for a group plan, it must at least include a request to subscribe each member of a group to a service.

Q. You're referring to paragraph 55, right?

A. Yes, 55 and 56, and so on in the rest of my declaration.

Q. Let's look at the recitation of the claim 1 in the Patent Owner Response. Let me know when you're there.

A. Yeah, I'm going back to it, please.

Q. I'm sorry, sir, are you there?

A. I'm there. I thought you were asking something.

Q. No, I was waiting for you to tell me that you're there.

A. Yeah, I'm there. I put it on a separate monitor, so I can always see that.

Q. Let's look at limitation 1.1.

A. Okay.

Q. Limitation 1.1 in the '047 patent recites

"receiving, by a unified services platform system, a subscription request for a service for a group plan." Do you see that?

A. I do. You're referencing to limitation 1.1.

Q. Yes. Please point to me where the words "each member" shows up in limitation 1.1?

A. The claim, as a whole, and the specification, when viewed by a person of ordinary skill in the art, would understand that a subscription request for -- for a group plan at least includes a request to subscribe each member of a group to a service. And that's what I stated in paragraphs 55 and 56, and so on.

Q. I understand that's your opinion, sir. My question is a little different. Limitation 1.1 includes the words that we just read together, right?

A. Yes.

Q. Okay. I would like for you to tell me -- I'm looking for the actual words "each member." Do those words appear in limitation 1.1 as it appears in the patent?

A. When viewed by a person of ordinary skill in the art, limitation 1.1, when viewed within the claim as a whole, for example, looking at limitations

like other limitations 1.8, and so on, where it refers to each member of the group as a subscriber, in light of the specification, it tells me that that's how a person of ordinary skill in the art would understand this limitation.

Q. I understand your testimony about how you believe a person of skill in the art would understand the limitation. My question is, do the words "each member," those two words, appear anywhere in limitation 1.1?

A. The English words "each member" may not appear, but one of ordinary skill in the art, as I describe in paragraphs 56 and 56, would understand that a request -- a subscription request for a service for a group plan would include at least a request to subscribe each member of a group to a service.

Q. But the English words "each member" do not appear in limitation 1.1?

A. They do not appear explicitly, but when interpreted by one of ordinary skill in the art, in light of the specification and the claim as a whole, would include the interpretation that the subscription request for a service for a group plan would at least include a request to subscribe each

member of a group to a service.

Q. Aren't you asking the Board to construe limitation 1.1 to add the two words "each member" into limitation 1.1?

A. All I am saying here, counsel, is that one of ordinary skill in the art would interpret the language of the claim to mean what I said, that based on the specification and the claim as a whole, the claimed subscription request for a service for a group plan at least includes a request to subscribe each member of a group to a service. It cannot include a case where a single -- where a group includes those who are sharing a service.

Q. How do you understand the process of claim construction, sir?

A. I'm not sure what you're asking me, counsel.

Q. When we first started speaking today, you testified that you were applying the plain and ordinary meaning as understood by a person of skill in the art to all the terms in the claims. Do I recall that testimony correctly?

A. I said that I applied the plain and ordinary meaning, in light of the claims -- the language of the claims and in light of the

specification. And that's exactly what I told you a few minutes ago, that a person of ordinary skill in the art, viewing the claims -- the language of the claims, in light of the specification and the language of the claims, would understand it as I describe in paragraphs 55, for example.

Q. Earlier, you testified that limitation 1.8 also includes the concept that each subscriber -- I'm sorry, that each member must become a subscriber of the plan. Is that my recollection?

A. I said that 1.8 provides additional confirmation that when viewed -- the claim is viewed as a whole, confirms that each member of a group plan would also be a subscriber.

Q. But again, we can agree that the English words "each member" do not appear anywhere in claim 1? I'm just talking about the English words, sir.

A. As described earlier, the English words may not explicitly appear, but one of ordinary skill in the art, viewing the claim language as a whole, and viewing it in light of the specification, as I described in my declaration, would interpret the plain and ordinary meaning, as I said, that a subscription request for the service for a group plan

would include at least a request to subscribe each member of a group to a service.

Q. Let's go forward in your declaration, please?

A. Okay.

Q. To paragraph 60?

A. 6-0.

Q. 6-0. That is PDF page 28.

A. Yes. Okay, I'm there.

Q. Give me a second. I'm sorry, let's go back to your paragraph 55. I apologize to make you jump back and forth.

A. 55, okay. I'm back at paragraph 55 of my declaration, which is Exhibit 10 -- 2004.

Q. Again, I just want to make sure I completely understand your testimony with regard to limitation 1.1. We're talking about, in 1.1, receiving a subscription request for a service for a group plan. And it is your testimony that a subscription request must be a request to subscribe each and every member of that group to the service; is that correct?

A. As I describe here, a subscription request for a service for a group plan must at least include the request to subscribe each member of a group to a

service.

Q. So we're talking about each and every member of that group, not like a subset of those, correct?

A. I would be comfortable with the language I had, rather than read it different. All I would like to say is that it's a subscription request for service for a group plan that at least includes a request to subscribe each member of group to a service.

Q. Let's take a look at limitation 1.6.

A. Okay.

Q. Actually, let's start with 1.4, actually. 1.4 talks about sending an activation request. Do you see that?

A. Yes, as claimed.

Q. I'm sorry?

A. It's sending an activation request for a group plan to the third-party application service provider system. So it's an activation request for the group plan.

Q. Again, the words "for each member" doesn't appear in 1.4?

A. Again, if you're talking the English language, the explicit English language words don't

appear. But as I said, the claim language clearly says it's an activation request for the group plan to the third-party application service provider system would be, as I describe in my declaration, where the activation request, again, similar to the subscription request, is described in my declaration.

Q. Let's take a look at limitation 1.6 and 1.7. I think we can look at those together for the purposes of my next couple of questions.

A. Okay.

Q. 1.6 talks about "associating the service with each telephone number of the plurality of telephone numbers." Do you see that?

And then 1.7 says, "providing access to the service for each telephone number based on the associating." Do you see that?

A. Yes.

Q. Okay. Neither 1.6 or 1.7 refer back to the subscription request that was first discussed in limitation 1.1, correct?

A. It refers back -- for example, it says, "associating the service." And the service goes back to what is that? It is a service that is provided by the third-party application service provider system. And it's a service for a group plan.

So it is a request -- a subscription request for the service for a group plan. So it is a service for the group plan that's referred back to limitation 1.1.

Q. That's not quite my question. My question for 1.6 and 1.7, neither 1.6 or 1.7 state or refer directly to a subscription request. They refer to a service, but they don't refer to a subscription request; is that correct?

A. I would say that 1.6 and 1.7 explicitly say, "the service." And the service refers back to the service of 1.1, which is a subscription request for the service for a group plan.

Q. But again, the English words "subscription request" do not appear anywhere in 1.6 or 1.7, correct?

A. The English words do not appear, but one of ordinary skill in the art would understand that 1.6 and 1.7 are referring back at least to 1.1, which refers to a request for a service for a group plan.

Q. I don't disagree with you that 1.6 and 1.7 refer to the service. And the service in 1.6 and 1.7 has antecedent basis in 1.1. My question is specific to the subscription request.

A. I believe that 1.6 and 1.7 are referring

to the service that is referenced in the request for a service for a group plan -- a subscription request for a service for a group plan in 1.1.

Q. Okay. Let's look at limitation 1.2.

A. Okay.

Q. At the very end of limitation 1.2, there is an introduction of the term "a subscriber." Do you see that?

A. The claim term reads that "where each telephone number of the plurality of telephone numbers is associated with a subscriber," so that confirms that the group plan comprises a plurality. And a plurality means two or more.

And further it says that "wherein each telephone number of the plurality of telephone numbers is associated with a subscriber." So that means that there is a subscriber for each of those telephone numbers.

Q. I'm just wondering if you see the word "a subscriber" in 1.2, sir. It's a yes or a no.

A. As described in the claim, yes, 1.2 has the term "subscriber" in the context it was shown.

Q. Okay. How do you understand the word "subscriber"?

A. An example of a subscriber is one who that

has subscribed to a service. So, for example, they are able to use the full service without sharing it with anyone, as an example.

Q. Well, on that note, let me ask you this. I subscribe to this magazine called the Robb Report. It arrives at my house once a quarter. Have you ever heard of the Robb Report journal?

A. No.

Q. Okay. So I am a subscriber, but the name on the subscription is the Goryunov family, okay? There are multiple people in the Goryunov family who live at my address. Because a subscription is for the Goryunov family, does that mean that each one of my family members is also a subscriber to the Robb Report?

A. No. You have to have each member of your family as a subscriber, a named subscriber, for example. That's how I understand the group plan of the '047, as used in the claims of the '047, that it's not what you said in your example.

Again, I'm not opining specifically on those examples and analogies. As for the group plan, it means that there are two or more members, each of whom is a subscriber. It cannot be something that is shared.

Q. So if we continue to run with my Robb Report example, I need to have an individual subscription for each person in the Goryunov family for it to be a group plan as somewhat analogous to the '047 patent?

A. Again, I don't wish to comment on analogies. The way I understand the group plan in the claim is that each member of the two or more members would be a subscriber. And a subscription request would be, as I described in paragraph 55 and 56. It must at least include a request to subscribe each member of a group to a service.

MR. GORYUNOV: Let's take a break.

THE WITNESS: Okay.

THE VIDEOGRAPHER: We are off the record. The time is 10:59 a.m.

(A recess was taken.)

THE VIDEOGRAPHER: We are back on the record. The time is 11:15 a.m.

Q. (By Mr. Goryunov) Welcome back, Dr. Madisetti.

A. Thank you. Welcome back.

Q. During the break, did you speak with counsel about the subject matter of your testimony?

A. I haven't spoken to him at all.

Q. Let's go in your declaration to paragraph 69. Let me know when you're there.

A. Okay, I'm getting there. Okay, I'm at 69.

Q. 69 talks about limitation 1.4; is that right?

A. It's one of the places, yes.

Q. Closer to the bottom of the page, but still in paragraph 69, there's a sentence that begins with "a request." Let me read it to you. It's right after the citation to Riley paragraph 1840.

The sentence reads, "a request for such an association is not a request to activate a subscription for a service, let alone a request to activate the subscription for the service for each member of the group." Do you see that?

A. I'm referring to the discussion of Riley as to what the petitioner is providing. So the petitioner is pointing to figure 35A as activating an association. So I'm commenting that that association does not meet -- that association alleged in Riley does not meet the claim limitation.

Q. Let's look at limitation 1.4.

A. Okay.

Q. Limitation 1.4 sends an activation request for the group plan to the third-party application

service provider system. Do you see that?

A. It says, "sending by the unified services platform system, an activation request for the group plan to the third-party application service provider system."

Q. Okay. So the activation request is for the group plan, correct?

A. It's an activation request for the group plan as described in limitation 1.4.

Q. Limitation 1.4 does not recite the words "for a service," correct?

A. It -- actually, in the context of the claims, one would understand that it is an activation request for the service that is referenced in section 1.1.

So I understand that as a subscription request for a service for a group plan. And in response to that, it sends the unified platform -- the unified services platform system sends an activation request for the group plan to the third-party application service provider. So that refers to -- back to the subscription request for the service for a group plan.

Q. We can agree that the words "for a service" do not appear in 1.4, correct?

A. The English words may not appear, but one of ordinary skill in the art, viewing the claim as a whole, would understand that limitation 1.4 is an activation request for the service for a group plan referenced, for example, in limitation 1.1.

Q. Let me ask you this. Look at limitation 1.1. Do you see the later portion of 1.1 talks about a subscription request for a service for a group plan. Do you see that?

A. Yes, it says, "receiving by a unified services platform system a subscription request for a service for a group plan."

Q. Right. So the subscription request has two modifiers in 1.1 for a service, and then for a group plan. Do you see that?

A. I'm not sure. All I would say is that it's a subscription request for a service for a group plan.

Q. Okay. In 1.4, the activation request is just for the group plan. The words "for a service" don't appear, like they do in 1.1, right?

A. The English language word may not appear, but when you look at the context of the claim as a whole, 1.4 refers to the third-party application service provider system, in that it requires -- then

it says, the group plan, which references back to 1.1.

So one of ordinary skill in the art would understand that to mean it's referencing back to a subscription request for a service for a group plan, as I describe in my declaration.

Q. In limitation 1.1, the patentee was able to articulate for a service for a group plan, because those words appear in 1.1. Do we agree?

A. Again, I'm not sure what you're asking, counsel. I'm saying the claim says what it says. And one of ordinary skill in the art would understand what the plain and ordinary meaning meant, in light of the claim language as a whole, and in light of the specification, which provides a guide. So my answers are based on those two principles.

Q. My question for you is this. In 1.1, you can clearly see the eight words -- sorry, the seven words, "for a service for a group plan." I mean, those are clear as day recited in limitation 1.1, right?

A. Again, the claim says what it says, counsel. I don't wish to characterize it any other way.

Q. Good. So you see those seven words, yes

or no?

A. I see those seven words as described in the context of the claim as a whole in limitation 1.1.

Q. My question is not the context. I just want to know if you can see them. Do we need to magnify the page? Do we need to do something? I just want to know if you see those seven words in 1.1.

A. I see the seven words in 1.1, in the context of the claim as part of section 1.1.

Q. Okay. When we look at 1.4, we don't have those seven words in the same order. We don't even have those seven words in 1.4, correct?

A. As I said, explicit English language words may not appear, but one would understand that there is antecedent basis. And you don't have to repeat every single term and every time it's used. You can go back and reference it using antecedents.

In this case, one of ordinary skill in the art would understand that limitation 1.4 is referring back to the request for the service for a group plan.

Q. Okay. Do you understand that the language of the claim controls its scope?

A. As I said, counsel, I explained to you

what my technical understanding is. I don't wish to argue legal terms.

Q. I'm not arguing. I just want to make sure that you understand that the language of the claim defines its scope.

MR. STEPHENS: Object to form.

THE WITNESS: As I said, counsel, all I can say is that I'm expressing to you how a person of ordinary skill in the art would understand the language of the claims, as its plain and ordinary meaning.

Q. (By Mr. Goryunov) Are you suggesting that your opinions about how a person of skill in the art would understand the claim should be used to change the claim language?

A. All I'm saying is that this is how I understand, as I described in my declaration, the plain and ordinary meaning of the claim, claim 1, for example.

Q. And based on your understanding of how a person of skill in the art would understand the claim, correct?

A. As I said, all I'm saying is I'm providing an interpretation in my declaration as how one of ordinary skill in the art would view the plain and

ordinary meaning of the terms in the claim, based on the claim as a whole, and in view of the specification.

Q. And if the Board were to find that your opinions about how a person of skill in the art would understand the claim is incorrect, would you think that the Board is also incorrect?

A. As I said, the Board is -- I believe that the Board is -- makes its own decisions. I don't provide any opinion on that issue.

Q. Well, what if the Board finds that 1.4, the activation request, is only for the group plan and doesn't implicate the service. Would you think that the Board's conclusion on that matter is wrong?

MR. STEPHENS: Objection, relevance.

THE WITNESS: As I said, counsel, my understanding is that based on what I've said in my declaration, based on what I said to you today, that limitation in 1.4 refers back to the service for a group plan. But that's my technical opinion. I don't have any other opinions about what the Board may or may not do.

Q. (By Mr. Goryunov) Tell me how you prepared for today's deposition.

A. I reviewed my declaration. And I believe

I reviewed the patent, as well as I believe I reviewed Riley.

Q. How much time did you spend preparing?

A. A few hours.

Q. Did you speak with counsel?

A. Yes.

Q. When did you meet with counsel?

A. Yesterday, for a couple of hours.

MR. GORYUNOV: All right. Well, I have nothing further.

THE WITNESS: Thank you. I would like to review the transcript before I sign.

MR. STEPHENS: If we could, we don't have anything further from our end either.

THE VIDEOGRAPHER: We are off the record. The time is 11:27 a.m.

(Discussion off the record.)

(After asking counsel off the record if he would like to purchase a copy of the transcript, counsel replied with the following:)

MR. STEPHENS: No, I would not like to purchase a copy. We just reserve the right to review and sign once we eventually see it. Thank you.

(Whereupon, at 11:28 a.m., the deposition

concluded.)

E R R A T A S H E E T

Pursuant to Rule 30(e) of the Federal Rules of Civil Procedure and/or Official Code of Georgia Annotated 9-11-30(e), any changes in form or substance which you desire to make to your deposition testimony shall be entered upon the deposition with a statement of the reasons given for making them.

To assist you in making any such corrections, please use the form below. If supplemental or additional pages are necessary, please furnish same and attach them to this errata sheet.

* * *

I, the undersigned, DR. VIJAY K. MADISETTI, do hereby certify that I have read the foregoing deposition, and that to the best of my knowledge, said deposition is true and accurate (with the exception of the following corrections listed below).

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Signature

_____, Notary Public.
This, the_____day of_____, 2024.
My Commission Expires:_____.

D I S C L O S U R E

STATE OF GEORGIA) DEPOSITION OF

HENRY COUNTY) DR. VIJAY K. MADISETTI

Pursuant to Article 10.B of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, I make the following disclosure:

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F. Renee Finkley, RPR, RMR, CRR, CLR
Georgia CCR-B-2289

C E R T I F I C A T E

STATE OF GEORGIA:
COUNTY OF HENRY:

I, F. Renee Finkley, a Certified Court Reporter in and for the State of Georgia, do hereby Certify:

That prior to being examined, the witness named in the foregoing deposition was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth.

That said deposition was taken before me at the time and place set forth and was taken down by me in shorthand and thereafter reduced to computerized transcription under my direction and supervision, and I hereby certify the foregoing deposition is a full, true and correct transcript of my shorthand notes so taken.

I further certify that I am not of kin or counsel to the parties in the case, and I am not in the regular employ of counsel for any of the said parties, nor am I in any way financially interested in the result of said case.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 30th day of May, 2024.

F. Renee Finkley, RPR, CRR, CLR
Georgia CCR-B-2289

A

a.m 1:21 2:6 5:8 36:16,19 44:16,25
ability 19:3
able 6:20 13:22 35:2 40:7
access 32:14
accompanyi... 14:4
accurate 12:1 46:17
activate 37:12 37:14
activating 21:22 22:2 22:15 37:18
activation 13:12,14,15 13:25 14:5,7 14:12,16,16 14:21 21:21 31:14,18,20 32:2,5 37:24 38:3,6,8,13 38:20 39:4 39:19 43:12
actual 26:20
add 11:1 28:3
added 11:4 24:8,11,23
addition 13:7 13:11
additional 24:2,3 29:11 46:10
address 35:12
administrator 21:22
agency 48:15
ago 22:5 29:2
agree 9:6 11:15 19:17 29:15 38:24 40:9
agreement 48:14
alleged 13:16 37:20
allegedly 12:22
analogies 35:22 36:7
analogize 18:8
analogous 36:4
analysis 12:23
analyze 18:10
analyzed 21:4 23:7
and/or 46:3
Annotated 46:4
answer 7:7,15
answers 40:15
antecedent 33:23 41:17
antecedents 41:19
apologize 30:11
Appeal 1:3 5:6
appear 26:21 27:9,12,19 27:20 29:16 29:20 31:23 32:1 33:15 33:17 38:25 39:1,21,22 40:9 41:16
APPEARAN... 3:1
appears 26:21
appendix 10:19,23
application 14:2 16:15 31:19 32:3 32:24 37:25 38:4,21 39:24
applied 12:3 28:23
applying 28:19
argue 42:2
arguing 42:3
Arnett 3:14 5:23
arrives 35:6
art 12:4 16:8 20:11 23:11 23:19 26:10 26:24 27:4,7 27:12,21 28:6,21 29:3 29:21 33:18 39:2 40:3,12 41:21 42:9 42:13,21,25 43:5
Article 48:5
articulate 40:8
asking 11:23 25:17 28:2 28:16 40:10 44:18
assist 46:8
associated 34:11,16
associating 32:11,16,22
association 37:12,19,19 37:20
Atlanta 5:10
attach 46:11
attached 10:23
attribute 22:22
available 7:24

B

back 13:14 14:21 15:4,9 15:17,25 16:6,13 25:15 30:11 30:12,13 32:18,21,22 33:3,11,19 36:18,20,22 38:22 40:1,4 41:19,22 43:19
based 10:7 23:6 28:7 32:15 40:16 42:20 43:1 43:17,18
basis 33:23 41:17
beginning 5:16
begins 5:1 13:7 17:2 37:8
behalf 3:3,12 5:11,13,19
believe 12:2 13:23 14:3 23:25 27:7 33:25 43:8 43:25 44:1
Bennett 3:14 5:23
best 7:3 46:16
bit 6:23
Board 1:3 5:6 28:2 43:4,7,8 43:9,11,22 48:6
Board's 43:14
Boone 3:5 5:19 48:10
bottom 37:7
break 7:11,12 36:13,23

C

c 48:1,12 49:1 49:1
called 35:5
Campbell 3:15
Carter 3:14 5:23
case 8:2 10:8 11:4 18:18 28:12 41:20 48:14,17 49:12,13
cases 11:15
CCR-B-2289 2:24 48:22 49:20
cellular 18:9 23:23 24:6
Central 3:16
Centre 3:15
Certified 48:8 49:4
certify 46:15 49:5,10,11
change 42:14 46:21,23,25 47:2,4,6,8,10 47:12,14
changed 11:9
changes 10:22 46:4
characterize 40:23
charge 48:16
chat 7:18
Chicago 3:8
Cisco 1:6 5:3 5:20
citation 37:10
Civil 46:3
claim 8:21,24 9:5,7,8,12,18

11:24,25 12:24 13:11 13:23 14:9 14:14,15 15:2 16:9 17:6,19 18:14 19:2 19:20 20:5,7 20:12,13 22:10,22 23:20 25:13 26:8,25 27:22 28:7,8 28:14 29:12 29:17,21 32:1 34:9,21 36:8 37:21 39:2,23 40:11,14,22 41:3,11,24 42:4,14,15 42:18,18,22 43:1,2,6
claimed 17:7 28:9 31:16
claims 12:3,16 12:23 24:16 28:21,24,25 29:3,4,5 35:19 38:13 42:10
clear 40:20
clearly 32:1 40:18
client's 9:4
closely 22:21
Closer 37:7
Cloud 1:10 5:4 5:22
CLR 2:24 48:22 49:19
Code 46:3
column 21:15 21:17
comfortable 31:5
comment 36:6
commenting 37:19
Commission 47:20
compare 24:13
completely 30:16
comprehens... 7:4
comprises 34:12
comprising 19:9
computerized 49:9
concept 29:8
concluded 45:1
conclusion 43:14
conducted 6:25
confirmation 29:12
confirms 20:14,16 29:13 34:12
construction 11:24,25 28:15
construe 28:2
contacted 48:10
CONTENTS 4:1
context 22:10 34:22 38:12 39:23 41:3,5 41:11
continue 36:1
contract 48:12 48:13
controls 41:24
convenience 9:9 15:3
conversation 9:14 11:11
copy 10:23 44:19,22
correct 6:18 7:1,9 8:15 10:8,16 11:25 12:17 12:24 15:8 15:16 16:12 16:23 21:6 21:12 22:23 30:22 31:4 32:20 33:9 33:16 38:7 38:11,25 41:14 42:22 49:10
corrections 46:9,18
correctly 17:12 21:9 28:22
Council 48:6
counsel 3:1 5:15 7:22 28:5,17 36:24 40:11 40:23 41:25 42:7 43:16 44:5,7,18,20 49:12,12
counsel's 9:5
COUNTY 48:3 49:2
couple 32:9 44:8
court 5:11,25 48:6,8,10,14 49:4
cover 10:7 48:15
CRR 2:24 48:22 49:19
current 11:5
curriculum 10:19
customary 48:17
CV 10:23 11:5 11:6

D

D 48:1
Dallas 3:17
date 5:7
day 40:20 47:20 49:14
decisions 43:9
declaration 8:13 9:10,21 10:8,24 11:19,22 12:1,6,20,25 14:4 16:16 16:25 20:8 22:24 23:7 24:17 25:11 29:23 30:3 30:14 32:4,6 37:1 40:6 42:17,24 43:18,25
declarations 11:15
defer 22:1
defines 42:5
deposition 1:18 2:3,12 5:2,9,17 43:24 44:25 46:5,6,16,17 48:2,11,12 48:15 49:6,8 49:10
depositions 6:13,17,24
describe 17:18 20:8,9 24:24 27:13 29:6 30:23 32:4 40:6
described 15:11 29:19 29:23 32:6 34:21 36:10 38:9 41:2 42:17
description 18:11
desire 46:5
devices 18:18 24:2,3,7
Dewey 3:21 5:13
different 19:16 23:9 26:16 31:6
direction 49:9
directly 33:7
disagree 33:21
discloses 20:10
disclosure 22:22 48:7
disclosures 23:17
discount 48:17
discuss 16:24
discussed 32:19
discussing 16:22 24:16
discussion 37:16 44:17
distinction

14:11
distinguishes 24:6
document 8:11,15
Doing 6:12
downloaded 7:20,21 20:20
dozen 6:23
Dr 1:18 2:3 4:2 6:4,9 14:4 36:21 46:14 48:3
duly 6:5 49:6

E

E 46:1,1,1 48:1 49:1,1
earlier 7:12 29:7,19
easier 9:14,17 9:22
eight 40:18
either 44:14
element 13:11
embodiment 21:20
emphasizing 13:13
employ 49:12
English 27:11 27:18 29:15 29:17,19 31:24,25 33:14,17 39:1,22 41:15
entered 8:2 46:6
enterprise 21:21
errata 46:11
Esq 3:4,13
estimate 6:20
Eugene 3:4 5:18
eugene.gory... 3:10
eventually 44:23
exact 6:22
exactly 29:1
EXAMINATI... 4:4 6:7
examined 6:5 49:6
example 18:14 19:13 20:12 20:13 26:25 29:6 32:21 34:25 35:1,3 35:18,20 36:2 39:5 42:19
examples 20:9 23:2 35:22
Excellent 7:23
exception 46:18
exhibit 7:19,24 10:5 11:20 20:19 21:1 30:14
Expires 47:20
explained 41:25
explicit 11:24 12:2 31:25 41:15
explicitly 13:12 14:15 27:20 29:20 33:10
expressing 42:8
Expressway 3:16
extends 8:23

F

F 2:24 48:22 49:1,4,19
fair 6:24 7:7 9:6
falls 23:3
family 18:9 23:22 24:1,4 24:6,7,9,14 35:10,11,13 35:14,17 36:3
far 18:6 21:5
feature 7:18
Federal 46:2
figure 21:18 21:20 37:18
financial 48:17
financially 49:13
find 11:23 43:4
finds 43:11
Finkley 2:24 5:11 48:22 49:4,19
firm 5:23
first 6:5 7:15 15:1 28:18 32:19
focus 8:6
following 44:20 46:18 48:6
follows 6:6 10:18
foregoing 46:16 49:6 49:10
form 42:6 46:4 46:9
forth 30:12 49:8
forward 8:17 10:10 30:3
front 9:18,20
full 35:2 49:10
furnish 46:11
further 20:14 20:16 34:14 44:10,14 49:11

G

Georgia 5:10 46:4 48:2,6,8 48:22 49:2,4 49:20
getting 37:3
give 6:20 30:10
given 46:7 48:17
go 16:16 20:8 21:15 30:3 30:10 37:1 41:19
goes 32:22
going 7:11,17 7:23 12:5 20:18 25:15
good 5:18 6:9 6:11 9:24 40:25
Goryunov 3:4 4:5 5:18,19 6:8 24:5 35:10,11,13 36:3,13,20 42:12 43:23 44:9
group 17:8,9 17:16,20,22 17:25 18:3,7 18:11,13,14 18:16,17,20 18:21,22,24 19:1,2,4,9,12 19:13,15,17 19:19,23,24 20:1,6,15,17 21:10,13,14 22:6,9,13,17 22:25 23:3,8 23:13,16,20 24:1,8,10,11 24:14,17,19 24:21,23 25:1,3,4,6,8 26:2,11,13 27:2,15,16 27:24 28:1 28:10,11,12 29:13,25 30:2,19,21 30:24,25 31:3,8,9,19 31:21 32:2 32:25 33:2,3 33:13,20 34:2,3,12 35:18,22 36:4,7,12 37:15,25 38:3,7,8,17 38:20,23 39:4,8,12,15 39:17,20 40:1,5,8,19 41:22 43:12 43:20
guide 40:15

H

H 46:1
Haynes 3:5 5:19 48:10
heading 8:21
heard 35:7
held 2:12 5:9
helpful 9:19

48:10,11,13 48:16
HENRY 48:3 49:2
hereunto 49:14
Hi 5:21
highlighting 14:14
hour 7:12
hours 44:4,8
house 35:6
Huff 14:4

I

identifier 17:24
identify 17:24
II 3:15
Illinois 3:8
illustrates 21:20
implicate 43:13
include 17:15 18:2 19:3,3 25:7 27:15 27:23,25 28:12 30:1 30:24 36:11
includes 17:8 17:21 26:12 26:17 28:10 28:13 29:8 31:8
incorporate 12:19
incorporated 5:3 13:2
incorrect 43:6 43:7
independent 8:21 12:21
indicates 18:2
individual 25:4 36:2
individually 25:5
inform 16:9
insofar 25:5
interested 49:13
interpret 28:6 29:23
interpretation 27:23 42:24
interpreted 17:3,5 27:21
introduce 5:15 15:19
introduced 15:1,7
introduces 15:20
introduction 34:7
involved 6:12
IPR2023-008... 1:14
issue 43:10
italicizing 14:10
italics 13:21

J

Jeffrey 3:13 5:21
journal 35:7
Judicial 48:6
jump 30:12

K

K 1:18 2:3 4:2 6:4 46:14 48:3
kin 49:11
kind 9:18,22
know 6:22,24 6:25 7:4,13 7:20 9:13,17 13:21 16:17 19:1 20:20 25:13 37:2 41:6,8
knowledge 46:17

L

L 48:1
labeled 8:25 9:1
language 9:18 13:24 16:8 22:1 28:7,25 29:3,5,21 31:5,25,25 32:1 39:22 40:14 41:15 41:23 42:4 42:10,15
LaSalle 3:6
law 5:23
legal 5:12,14 42:2 48:8,10 48:11,13,16
let's 8:5 10:4 12:5 13:3,10 16:16 17:1 19:5,16 21:15 25:12 25:23 30:3 30:10 31:11 31:13 32:7 34:4 36:13 37:1,22
light 17:3,5,18 19:20 23:17 27:3,22 28:24,25 29:4,22 40:13,14
limitation 9:1 10:3 13:24 14:25 15:1 15:14 16:2 17:14 19:5 20:5 25:23 25:25 26:4,7 26:16,21,24 27:5,8,10,19 28:3,4 29:7 30:17 31:11 32:7,20 33:4 34:4,6 37:4 37:21,22,24 38:9,10 39:3 39:5,6 40:7 40:20 41:3 41:21 43:19
limitations 8:24 9:7,12 9:23 15:11 20:13 26:25 27:1
line 14:18,19 21:17 46:20 46:22,24 47:1,3,5,7,9 47:11,13
listed 46:18
listing 15:2
litigation 48:18
little 26:16
live 35:12
LLC 1:10 5:4
located 5:10
look 11:22 13:3,19 15:2 16:2 17:1 19:5 20:21 22:20 25:12 25:23 31:11 32:7,8 34:4 37:22 39:6 39:23 41:12
looking 8:5 20:24 26:20 26:25
lot 16:24

M

Madisetti 1:18 2:3 4:2 5:2 6:4,9 36:21 46:15 48:3
magazine 35:5
magnify 41:7
making 46:7,8
March 10:14 10:15,17
marked 7:19 7:25 8:1,1 10:4 11:19 20:19,25
material 11:4
matter 5:3 36:24 43:14
mean 10:25 13:20 17:23 22:3 28:7 35:13 40:4 40:19
meaning 12:3 28:20,24 29:24 40:13 42:11,18 43:1
means 21:11 25:1 34:13 34:17 35:23
meant 40:13
meet 37:20,21 44:7
member 17:9 17:16,21,25 18:2,17,23 18:24 19:4 19:14,25 20:6,17 21:13 24:10

24:19,21 25:2,8 26:7 26:12,20 27:2,9,11,16 27:18 28:1,3 28:11 29:9 29:13,16 30:2,21,25 31:3,9,22 35:16 36:8 36:12 37:15
members 19:17,18,21 19:22,24 20:2,4 35:14 35:23 36:9
met 13:15
method 19:8,9
middle 13:6
mind 9:19 24:5
minutes 22:5 29:2
modifiers 39:14
moment 8:6
monitor 5:8 25:22
months 11:8
morning 5:18 6:9,11
multiple 11:15 35:11

N

N 3:6,16
name 17:24 35:9 49:14
named 35:17 49:6
necessary 46:10
need 7:12 8:1 36:2 41:6,7
neither 32:18 33:6
Nelson 3:21 5:13
new 11:1
Notary 47:19
note 35:4
noted 17:6
notes 49:11
noticing 5:17
number 5:6 6:22 9:9 19:17 20:9 32:12,15 34:10,15
numbers 9:13 32:13 34:11 34:16,18

O

O 48:1
O.C.G.A 48:12
Object 42:6
Objection 23:24 43:15
obvious 12:16
Obviously 6:17
offered 24:14
Office 1:1 5:5
offices 48:10
Official 46:3
oh 16:4
okay 6:15 7:16 7:21 8:4,7,17 8:19 9:15,16 9:23 10:6 13:3,5,19 14:18,21 15:6 16:19 17:1 18:5,12 18:20 19:9 20:22,23 21:16 23:22 25:24 26:19 30:5,9,13 31:12 32:10 32:18 34:4,5 34:23 35:9 35:10 36:14 37:3,3,23 38:6 39:19 41:12,23
once 35:6 44:23
open 9:24
opened 7:22 20:22
opining 35:21
opinion 11:3 12:15 17:14 22:25 23:6 24:15,24 26:15 43:10 43:21
opinions 23:4 42:13 43:5 43:22
order 41:13
ordinary 12:3 12:4 16:7 20:10 23:19 26:9,23 27:4 27:12,21 28:6,20,24 29:2,20,24 33:18 39:2 40:3,12,13 41:20 42:9 42:11,18,25 43:1
outside 23:4
Owner 1:11 3:12 25:13
owner's 8:9 15:3 19:6

P

page 4:4 8:9 8:18,23 9:20 9:20,20 10:11,18 12:6 13:4 15:12 16:19 16:19 18:6 21:15 30:8 37:7 41:7 46:20,22,24 47:1,3,5,7,9 47:11,13
pages 46:10
paper 7:25 8:3 8:5,8
papers 11:7,10 11:13
paragraph 12:5,10,11 12:14 13:3,4 13:6 16:17 16:20,22 17:2,11 24:25 25:9 30:6,11,13 36:10 37:1,8 37:10
paragraphs 13:1 26:14 27:13 29:6
part 20:14 41:11
particular 22:14
parties 48:17 49:12,13
party 5:17 48:14,18
passages 17:6
patent 1:1,3,11 1:14 3:12 5:5 5:6,6 8:8 9:5 9:7 10:2 11:11 15:3 18:8 19:6 21:1,3,4,5 22:7 23:3 24:6,10,22 25:13,25 26:22 36:5 44:1
patentee 40:7
PDF 8:18 9:20 10:11 12:6 21:15 30:8
pending 7:14
people 35:11
Perez 3:14 5:24
Perfect 10:1 16:21
person 12:4 23:11,18 26:9,23 27:4 27:7 28:20 29:2 36:3 42:9,13,21 43:5
petition 12:15 12:22 13:16 14:3 15:11
petitioner 1:7 1:19 2:4 3:3 37:17,18
place 20:23 49:8
places 16:24 16:25 37:6
plain 12:3 28:19,23 29:24 40:13 42:11,18,25
plan 17:8,20 18:7,9,11,13 18:14,16,19 18:20,21,22 19:1,2,9,12 19:13,17,19 19:23,24

20:1,1,6,15 20:17 21:10 21:10,13,14 22:6 23:13 23:22 24:1,1 24:4,7,7,9,14 24:14,17,19 24:21,23 25:1,6 26:2 26:11 27:15 27:24 28:10 29:10,13,25 30:19,24 31:8,19,21 32:2,25 33:2 33:3,13,20 34:2,3,12 35:18,22 36:4,7 37:25 38:4,7,9,17 38:20,23 39:4,9,12,15 39:18,20 40:1,5,8,19 41:22 43:12 43:20
platform 13:25 26:1 38:3,19 38:19 39:11
play 6:25
pleading 8:2
please 5:15 6:1,3 7:19 10:11 16:17 16:17 20:19 25:15 26:6 30:4 46:9,11
plurality 32:12 34:10,12,13 34:15
point 26:6
pointing 22:18 37:18
portion 14:22 22:14,18 23:14 39:7
position 17:17
preamble 8:25
preceding 13:1
prepared 43:24
preparing 44:3
Present 3:20
pretty 10:25 11:1 12:10
previous 13:4
previously 7:19,25 10:4 11:19 20:19 20:25
principles 40:16
prior 49:6
problem 7:13
procedure 14:5 46:3
proceed 6:3
process 21:21 28:14
prohibited 48:12
provide 12:21 18:11 22:25 43:10 48:10 48:14
provided 32:23
provider 13:16 14:2,6,8,13 16:15 23:23 31:20 32:3 32:24 38:1,4 38:21 39:25
provides 29:11 40:15
providing 11:24 32:14 37:17 42:23
provisioning 19:8
Public 47:19
publications 11:1
pulling 10:2
purchase 44:19,22
purposes 32:9
Pursuant 46:2 48:5
put 25:21

Q

quarter 35:6
question 7:7,8 7:14 18:5,25 24:20 26:16 27:8 33:5,5 33:23 40:17 41:5
questions 6:14 7:3 32:9
quite 33:5

R

R 46:1,1 48:1 49:1
rates 48:17
rationale 22:25
read 13:10 17:12,13 23:12 26:17 31:6 37:9 46:15,20,22 46:24 47:1,3 47:5,7,9,11 47:13
reading 17:11
reads 34:9 37:11
ready 20:21
really 15:22 16:3
Reason 46:21 46:23,25 47:2,4,6,8,10 47:12,14
reasons 12:21 12:24 13:1 46:7
recall 28:22
receiving 16:23 26:1 30:18 39:10
recess 36:17
recitation 9:6 25:12
recite 38:10
recited 14:25 15:7,10,15 40:20
recites 13:12 25:25
reciting 13:23
recognize 21:1
recollection 29:10
record 36:15 36:19 44:15 44:17,18
reduced 49:9
refer 16:4 23:15 32:18 33:6,7,8,22
reference 12:19 21:18 41:19
referenced 34:1 38:14 39:5
references 40:1
referencing 26:4 40:4
referral 48:15
referred 23:15 33:3
referring 15:4 15:9,10,17 16:4,13 25:9 33:19,25 37:16 41:21
refers 13:14 14:21 15:20 15:24 16:6,9 27:2 32:21 33:11,20 38:22 39:24 43:19
reflected 11:5
regard 30:16
regular 49:12
Regulations 48:6
related 13:15
relevance 23:24 43:15
relevant 11:10
relies 14:4
relying 12:23 12:25
Remember 19:5
remotely 5:9
renders 12:16
rendition 9:5
Renee 2:24 5:11 48:22 49:4,19
repeat 41:17
rephrase 24:20
replied 44:20
Report 35:5,7 35:15 36:2
Reported 2:23
reporter 5:11 5:25 48:8,14 49:4
reporting 48:6

48:11,14,14
represent 5:16 5:22 18:4
representative 48:8
request 13:13 13:14 14:1 14:12,16,16 14:21 16:23 17:7,8,15,15 17:20,21,24 18:2,15,16 18:17,22,23 20:15 25:1,2 25:6,7 26:2 26:11,12 27:14,14,16 27:24,25 28:9,10 29:25 30:1 30:18,20,20 30:23,25 31:7,9,14,18 31:20 32:2,5 32:6,19 33:1 33:2,7,9,12 33:15,20,24 34:1,2 36:10 36:11 37:9 37:11,12,13 37:24 38:3,6 38:8,14,17 38:20,22 39:4,8,11,13 39:17,19 40:5 41:22 43:12
required 14:8
requires 14:15 39:25
reserve 44:22
response 8:9 15:3 19:6 25:13 38:18
responsible 21:22
rest 25:10
result 49:13
review 8:14 23:6,16 44:12,23
reviewed 8:12 11:18 43:25 44:1,2
right 7:5,15,17 8:8 9:11 10:3 10:20 11:14 12:10 15:23 16:1,21 20:2 20:23 21:25 22:8 23:4 25:9 26:17 37:5,9 39:13 39:21 40:21 44:9,22
Riley 9:23 12:16 14:5 37:10,16,20 44:2
RMR 2:24 48:22 49:19
Robb 35:5,7 35:14 36:1
rolling 6:14
RPR 2:24 48:22 49:19
Rule 46:2
rules 6:25 46:3 48:5
run 36:1

S

S 46:1 48:1,1
sat 6:17,21
satisfied 12:22
saying 15:6,14 15:21,24 22:7,11,20 23:10,11 24:15 28:5 40:11 42:16 42:23
says 13:24 14:15 16:2,3 22:2 32:2,14 32:21 34:14 38:2 39:10 40:1,11,11 40:22,22
scope 41:24 42:5
scroll 8:17 10:10
second 13:12 13:25 14:1 14:16 15:20 15:21,22 16:3,4,10,14 17:1,13 20:16 30:10
section 11:23 12:1,18 38:14 41:11
sections 12:19
see 8:9,20,23 9:2 11:6 13:7 13:17 14:22 15:13,19 16:5 17:3,10 19:10 21:17 21:23 22:13 25:22 26:3 31:15 32:13 32:16 34:8 34:19 37:15 38:1 39:7,9 39:15 40:18 40:25 41:2,6 41:8,10 44:23
seen 8:11
selecting 13:15 14:6,7
selection 14:13
sending 13:12 13:24 14:7 31:14,18 38:2
sends 37:24 38:18,20
sense 24:2
sentence 13:7 13:10,20 14:19,19,22 17:1,2,13 37:8,11
separate 9:25 25:21
service 13:14 13:16,21 14:1,2,6,6,8 14:8,10,12 14:12,17,21 14:24 15:1,6 15:7,10,13 15:15,18,20 15:21,22,22 15:24,25 16:1,3,5,7,11 16:13,14,15 17:8,9,16,20 17:22 18:3,9 18:15,18,19 18:22,24 19:4,8,15 20:16 21:22 22:2,15 23:21 24:8 24:11,23 25:1,3,6,8 26:2,13 27:15,17,24 28:1,9,11,13 29:25 30:2 30:18,21,24 31:1,8,10,19 32:3,11,15 32:22,22,23 32:24,25 33:2,3,8,11 33:11,12,13 33:20,22,22 34:1,2,3 35:1 35:2 36:12 37:13,14 38:1,4,11,14 38:17,21,23 38:25 39:4,8 39:12,14,17 39:20,25 40:5,8,19 41:22 43:13 43:20
service,' 13:13
services 5:12 5:14 13:25 25:5 26:1 38:2,19 39:11 48:8 48:10,11,11 48:13,14,16
set 49:8
seven 11:8 40:18,25 41:2,8,10,13 41:14
share 7:17 20:18 24:2
shared 20:25 35:25
sharing 18:19 24:8 28:13 35:2
sheet 46:12
short 12:10
shorthand 49:9,11
shown 12:15 34:22

shows 8:24 14:4 26:7
sign 44:12,23
signature 10:13,18 47:17
signed 10:15
similar 32:5
single 24:21 28:12 41:18
sir 6:11 17:12 18:25 25:16 26:15 28:15 29:18 34:20
six 11:8
skill 12:4 16:8 20:10 23:11 23:19 26:10 26:23 27:4,7 27:12,21 28:6,20 29:2 29:20 33:18 39:2 40:3,12 41:20 42:9 42:13,21,25 43:5
somewhat 36:4
sorry 8:14 16:4 20:24 25:16 29:9 30:10 31:17 40:18
sort 14:7
sounds 9:24
speak 36:23 44:5
speaking 28:18
speaks 22:24 23:5
specific 33:23
specifically 35:21
specification 17:6,19 20:8 20:10 22:11 22:21 23:5,7 23:10,12,15 23:17,20 26:9 27:3,22 28:8 29:1,4 29:22 40:15 43:3
spend 44:3
spoken 36:25
standard 6:14
start 8:5 12:5 16:22 20:24 31:13
started 28:18
starts 13:4
state 5:16 12:14 14:20 33:6 48:2 49:2,4
stated 26:13
statement 12:20 46:7
States 1:1 5:5
Stephens 3:13 5:21,22 23:24 42:6 43:15 44:13 44:21
Street 3:6
subject 36:24
submitted 8:13 10:8 11:14
subscribe 17:9,16,21 18:17,24 25:2,5,7 26:12 27:16 27:25 28:10 30:1,20,25 31:9 35:5 36:11
subscribed 16:12 18:3 19:15 35:1 49:14
subscriber 19:25 20:4,6 20:14,17 21:12,14,25 22:4 24:10 24:22 27:2 29:8,9,14 34:7,11,16 34:17,20,22 34:24,25 35:9,14,17 35:17,24 36:9
subscribers 20:15 21:11 21:12,23 22:3,6,8,16 23:13,21 24:4,18 25:4
subscribing 19:4
subscription 16:23 17:7 17:15,20,23 18:15,16,21 24:25 25:6 26:2,11 27:14,24 28:9 29:25 30:18,20,23 31:7 32:6,19 33:1,7,8,12 33:14,24 34:2 35:10 35:12 36:3,9 37:13,14 38:16,22 39:8,11,13 39:17 40:5
subset 31:3
substance 46:5
suggesting 14:24 42:12
Suite 3:7,16
supervision 49:10
supplemental 46:10
sure 21:9 28:16 30:15 39:16 40:10 42:3
swear 6:1
sworn 6:2,5 49:7
system 13:25 14:2 16:15 26:1 31:20 32:3,24 38:1 38:3,5,19 39:11,25
Systems 1:6 5:3

T

T 46:1,1 49:1,1
table 8:20
take 7:11 13:3 13:19 15:2 16:2 31:11 32:7 36:13
taken 1:19 2:4 5:2 36:17 49:8,8,11
talk 9:21,22 13:11
talking 9:11 14:20 21:5 29:17 30:17 31:2,24
talks 16:10 22:15 31:14 32:11 37:4 39:7
teaches 12:16
technical 11:13 42:1 43:21
Technologies 1:10 5:4,22
telephone 32:12,13,15 34:10,10,15 34:15,18
tell 13:22 25:19 26:19 43:23
tells 20:5 27:3
term 13:21 18:15 34:7,9 34:22 41:18
terminology 18:7
terms 28:21 42:2 43:1
testified 6:6 18:1 22:5 28:19 29:7
testify 49:7
testimony 21:8 27:6 28:22 30:16,19 36:24 46:6
Texas 3:17
Thank 16:21 19:22 36:22 44:11,24
think 11:3,8,10 11:12 15:4 32:8 43:6,13
third-party 14:1 16:10 16:15 31:19 32:3,24 37:25 38:4 38:21 39:24

thought 25:17
time 5:8 11:18 36:16,19 41:18 44:3 44:16 49:8
title 12:18
titled 8:8
today 6:10 11:11,21 28:18 43:19
today's 5:7 43:24
told 29:1
Trademark 1:1 5:5
transcript 44:12,19 49:10
transcription 49:9
Trial 1:3 5:6
true 46:17 49:10
truth 49:7,7,7
try 7:11 19:16
trying 13:20 14:11
turn 10:4
two 19:20,22 19:24 20:1,3 21:10 22:6 22:10 23:1,8 23:13,21 24:18 27:9 28:3 34:13 35:23 36:8 39:14 40:16

U

U 48:1
U.S 21:1
undersigned 46:14
understand 7:5,8 13:20 16:8 17:17 18:12 22:3 23:19 26:10 26:15 27:5,6 27:7,13 28:14 29:5 30:16 33:18 34:23 35:18 36:7 38:13 38:16 39:3 40:4,12 41:16,21,23 42:4,10,14 42:17,21 43:6
understandi... 15:16 16:6 22:9 23:18 24:12,17 42:1,20 43:17
understood 7:8 23:12 28:20
unified 13:25 26:1 38:2,18 38:19 39:10
United 1:1 5:5
use 9:10,12 19:9 22:17 35:2 46:9
usual 48:17

V

v 1:9 5:3
version 11:5
versus 10:3 14:12
video 5:2,8
Videoconfer... 2:12,25 3:4 3:13,21 4:3
videographer 3:21 5:1,13 5:25 6:3 36:15,18 44:15
VIDEOTAPED 1:18 2:3
view 12:4 23:18 42:25 43:2
viewed 26:9 26:23,24 29:12,12
viewer 9:25
viewing 29:3 29:21,22 39:2
Vijay 1:18 2:3 4:2 5:2 6:4 46:14 48:3
vitae 10:19
volume 5:1

W

waiting 25:19
want 21:9 30:15 41:6,8 42:3
way 10:1 18:1 19:16 23:9 36:7 40:24 49:13
we'll 7:13 13:11
we're 7:11 14:20 30:17 31:2
we've 6:12 21:5
Welcome 36:20,22
WHEREOF 49:14
wish 24:13 36:6 40:23 42:1
witness 4:2 5:10 6:1,2 23:25 36:14 42:7 43:16 44:11 49:6 49:14
wondering 34:19
word 22:13,17 34:19,23 39:22
words 22:21 26:6,17,20 26:21 27:8,9 27:11,18 28:3 29:16 29:17,19 31:22,25 33:14,17 38:10,24 39:1,20 40:9 40:18,19,25 41:2,8,10,13 41:14,15
worry 10:2
worrying 10:2
wrong 22:12 23:10 43:14

X

Y

Yeah 12:9 25:15,21
year 6:21
Yesterday 11:21 44:8

Z

Zilkr 1:10 5:4 5:22
Zoom 1:18 2:3 2:12 7:18,24

0

047 9:5,7 10:2 11:11 18:8 21:3 22:7 23:2 24:6,9 24:16,22 25:25 35:19 35:19 36:5

1

1 8:9,21,24 9:5 9:8 12:24 20:5 25:13 29:17 42:18
1.0 8:25 9:13 19:5
1.1 15:1,8,9 17:15 25:23 25:25 26:5,7 26:16,21,24 27:10,19 28:3,4 30:17 30:17 32:20 33:4,12,19 33:23 34:3 38:15 39:5,7 39:7,14,21 40:2,7,9,17 40:20 41:4,9 41:10,11
1.10 13:12,24 14:25 15:7 15:14,22,24 16:6,9,11,13
1.13 9:1,13
1.2 34:4,6,20 34:21
1.3 10:3
1.4 31:13,14 31:23 37:4 37:22,24 38:9,10,25 39:3,19,24 41:12,14,21

43:11,19
1.5 10:3
1.6 31:11 32:7 32:11,18 33:6,6,10,15 33:19,21,22 33:25
1.7 32:8,14,18 33:6,6,10,15 33:19,21,22 33:25
1.8 15:4,11,15 15:17,19,25 16:1,7,9,12 16:14 20:13 27:1 29:7,11
1.9 15:5,11,15 15:17,20,25 16:3,3,4,7,9 16:14
10 30:14
10.B 48:5
10:04 1:21 2:6 5:8
10:59 36:16
1001 20:19 21:1
11:15 36:19
11:27 44:16
11:28 44:25
12 21:18,20
16 7:25 8:3,5
180 3:6
1840 37:10
18th 10:14,15 10:17

2

2004 7:19 10:5 11:20 30:14
2024 1:20 2:5 5:7 6:21 10:14,16 47:20 49:14
214 3:18
216-1630 3:9
2215 3:7
25 16:19,20
28 30:8

3

30 1:20 2:5 21:15,17
30(e) 46:2
30th 5:7 49:14
312 3:9
35A 37:18
39 21:15

4

4 12:16,23
40 12:6
41 10:11 21:17

5

500 3:16
55 16:17,20,22 17:11 25:9 25:10 26:14 29:6 30:11 30:13,13 36:10
550-8188 3:18
56 24:25 25:10 26:14 27:13 27:13 36:11

6

6 4:5
6-0 30:7,8
60 30:6
60601 3:8
69 37:2,3,4,8

7

7 8:18 9:20 12:17,23 15:12
75206 3:17

8

81 13:3
8150 3:16
82 12:5,12

9

9-11-28 48:12
9-11-30(e) 46:4
9,883,047 1:14 5:7 21:2