

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

NETFLIX, INC.,

Petitioner,

-against-

VL COLLECTIVE IP LLC,

Patent Owner.

Case IPR2023-00891

Patent No. 8,605,794

June 13, 2024

9:18 a.m.

VIDEOCONFERENCE DEPOSITION of
MICHAEL T. GOODRICH, taken by Petitioner,
pursuant to Notice, held at the offices of
REICHMAN JORGENSEN LEHMAN & FELDBERG LLP,
400 Madison Avenue, New York, New York
before Wayne Hock, a Notary Public of the
State of New York.

Netflix v. VL Collective
IPR2023-00891
Netflix Ex. 1024

A P P E A R A N C E S:

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AUTUMN KLEIN

(via videoconference)

* * *

1

2 M I C H A E L T. G O O D R I C H, having
3 been first duly sworn by a
4 Notary Public of the State of
5 New York, upon being examined,
6 testified as follows:

7 EXAMINATION BY

8 MS. CARRANO:

9 Q. Good morning, Dr. Goodrich.

10 A. Good morning.

11 Q. I'm Aliza Carrano. I am
12 representing the petitioner and Netflix in
13 this proceeding, and I'm with the law firm
14 Willkie, Farr and Gallagher. And also
15 with me in this deposition are my
16 colleagues Dane Sowers and Autumn Klein.

17 Dr. Goodrich, can you please
18 state your full legal name and location
19 for the record?

20 A. Michael Truman Goodrich. New
21 York, New York.

22 Q. You've been deposed before;
23 right, Dr. Goodrich?

24 A. Yes.

25 Q. And approximately how many times

1 M. T. Goodrich

2 have you been deposed?

3 A. I've lost count, but I believe
4 it is over fifty.

5 Q. You understand that you're under
6 oath and are required to answer truthfully
7 just as if you were testifying before the
8 board or in a court of law?

9 A. Yes.

10 Q. Is there any reason why you
11 can't give useful and accurate answers to
12 my questions today?

13 A. No.

14 Q. And you've been deposed remotely
15 before; correct?

16 A. Yes.

17 Q. Other than the Zoom conference
18 that we are on, do you have any other
19 windows open on your screen?

20 A. Yes.

21 Q. And what windows do you have
22 open?

23 A. I have a window to the Exhibit
24 Share for this proceeding.

25 Q. Any other windows that are open

1 M. T. Goodrich

2 on your computer?

3 A. Yes. I also have a window for
4 Adobe Acrobat that currently has
5 Exhibit 1001 open.

6 Q. Other than the window for the
7 Exhibit Share, the Zoom, and Adobe, you
8 any other windows or programs -- any other
9 windows that are open on your screen?

10 A. No, no other windows.

11 Q. So other than the Zoom
12 conference that we are on, are you
13 communicating with anyone else in any
14 other way, like through a chat or via
15 text?

16 A. No.

17 Q. And if someone is communicating
18 with you while we're on the record, do you
19 agree to let me know?

20 A. Yes, I agree.

21 Q. Is there anyone else physically
22 present in the room where you're located?

23 A. No.

24 Q. If that changes, will you let me
25 know?

1 M. T. Goodrich

2 A. Yes.

3 Q. Did you bring any notes or other
4 materials relevant to this case with you?

5 A. No.

6 Q. Are there any notes in the room,
7 like on the wall?

8 A. No.

9 Q. And no notes on your screen?

10 A. Correct.

11 Q. Do you understand that, in this
12 IPR proceeding, Netflix, the petitioner,
13 is challenging U.S. patent number
14 8,605,794?

15 A. Yes.

16 Q. And is it okay if I refer to
17 U.S. patent number 8,605,794 as the '794
18 patent?

19 A. Yes.

20 Q. And I believe you have a copy of
21 that patent as Exhibit 1001 from the
22 Exhibit Share; correct?

23 A. That's right. It's open on my
24 screen now.

25 Q. Are you aware that the '794

1 M. T. Goodrich

2 patent is currently involved in several
3 pending district court litigations?

4 A. Yes.

5 Q. Are you familiar with the Stars
6 Entertainment versus VL Collective IP
7 district court litigation?

8 MR. HASAN: Objection.
9 Relevance.

10 THE WITNESS: I believe I am
11 familiar with a case that's involving
12 those parties. I don't know if it's
13 exactly that one, but yes, I know of a
14 case that involves those parties.

15 Q. Have you submitted any expert
16 reports relating to the '794 patent?

17 MR. HASAN: Objection.
18 Relevance. Scope.

19 THE WITNESS: I have submitted a
20 report with respect to the matter you
21 just mentioned. I don't immediately
22 recall if it would involve the '794
23 patent. I think it did. I'm not
24 immediately recalling if that was the
25 number though.

1 M. T. Goodrich

2 Q. Have you provided infringement
3 opinions with respect to the '794 patent
4 in an expert report?

5 MR. HASAN: Objection.

6 Relevance. Scope.

7 THE WITNESS: Same answer. I
8 submitted a report that did involve
9 infringement, but I'm not immediately
10 recalling if it involved the '794
11 patent or something similar to it.

12 Q. And is that in the Stars
13 Entertainment district court litigation?

14 MR. HASAN: Objection.

15 Relevance. Scope.

16 THE WITNESS: It was involving
17 litigation involving Stars.

18 Q. You are aware that -- are you
19 familiar with Unified Patents?

20 MR. HASAN: Objection. Scope.

21 THE WITNESS: I have heard of
22 that name.

23 Q. And you're aware that Unified
24 Patents also challenged the '794 patent in
25 an IPR proceeding; correct?

1 M. T. Goodrich

2 MR. HASAN: Same objection.

3 THE WITNESS: That's my
4 recollection, yes.

5 Q. And that proceeding is IPR
6 2022-01086, and for clarity, I'll refer to
7 that IPR proceeding as the Unified '794
8 IPR proceeding; correct?

9 MR. HASAN: Same objection.

10 THE WITNESS: I don't recall the
11 IPR number for that.

12 Q. But I'll refer to that
13 proceeding, the Unified IPR proceeding, as
14 the '794 IPR proceeding just for ease of
15 reference.

16 Is that okay?

17 A. I will accept your
18 representation.

19 Q. You submitted an expert
20 declaration in the Unified '794 IPR
21 proceeding; correct?

22 A. Yes.

23 Q. And a final written decision was
24 obtained on the Unified '794 IPR, and that
25 issued recently.

1 M. T. Goodrich

2 Are you aware of that?

3 MR. HASAN: Objection. Scope.

4 THE WITNESS: I don't recall
5 having seen that.

6 Q. So you're not aware of the
7 board's decision on whether the '794
8 patent was valid or invalid in the Unified
9 '794 IPR proceeding?

10 MR. HASAN: Objection. Scope.
11 Relevance.

12 THE WITNESS: I only have
13 recollections of statements that were
14 made to me by attorneys, but I'm not
15 even recalling the details of that.

16 Q. Are you aware that the board in
17 the Unified '794 IPR proceeding found
18 seven claims of the '794 patent to be
19 invalid?

20 MR. HASAN: Objection. Scope.
21 Relevance.

22 THE WITNESS: I'm not recalling
23 that as I sit here today.

24 Q. Dr. Goodrich, did you prepare
25 for today's deposition?

1 M. T. Goodrich

2 A. Yes, I did.

3 Q. What did you do to prepare?

4 A. I met yesterday and the day
5 before with attorneys Naveed Hasan, who's
6 here today, I met with him two days ago on
7 Zoom, and then met that day as well as
8 yesterday with Jaime Cardenas-Navia.

9 Q. About how many hours did you
10 spend working with the attorneys to
11 prepare for today's deposition?

12 MR. HASAN: Objection.

13 Privileged.

14 Dr. Goodrich, you can answer the
15 question so long as you don't divulge
16 any privileged information.

17 MS. CARRANO: Counsel, is it your
18 position that the number of hours he
19 spent is privileged information?

20 MR. HASAN: Dr. Goodrich can
21 answer as long as he doesn't divulge
22 any privileged information.

23 MS. CARRANO: That doesn't answer
24 my question.

25 Is the number of hours that he

1 M. T. Goodrich
2 spent considered privileged
3 information, in your view?

4 MR. HASAN: The number of hours
5 specifically, no, but any privileged
6 conversations would be privileged.

7 Q. SO just to re-ask my question,
8 Dr. Goodrich, about how many hours did you
9 spend preparing for today's deposition
10 with attorneys?

11 A. It was five to six hours each
12 day.

13 Q. Did you review any documents
14 outside of what's in the record for this
15 proceeding to prepare for today's
16 deposition?

17 A. Not that I recall.

18 Q. Did you do any research outside
19 of the record in preparation for today's
20 deposition?

21 A. I'm not understanding what you
22 mean by research.

23 Q. Did you look at any materials
24 outside of what's been provided in the
25 record in this proceeding to prepare for

1 M. T. Goodrich

2 today's deposition?

3 A. No.

4 Q. So your preparation for today's
5 deposition was limited to information
6 that's in the record?

7 A. Correct.

8 Q. When formulating your opinions
9 that you put into your declaration, did
10 you conduct any research to help you
11 arrive at those opinions?

12 A. I don't understand what you mean
13 by research.

14 Q. For example, did you read any
15 books, articles, research the Internet to
16 help you formulate your opinions that are
17 in your declaration?

18 MR. HASAN: Objection.

19 THE WITNESS: If by research
20 you're including reading materials,
21 documents that are cited as exhibits
22 in this matter, yes, I did read and
23 study those materials, such as a
24 tutorial on the MIDI or MIDI standard.

25 Q. How did you find those tutorials

1 M. T. Goodrich

2 on the MIDI standard?

3 A. Those were provided by
4 attorneys.

5 Q. So Dr. Goodrich, so you
6 submitted a declaration in this IPR
7 proceeding; correct?

8 A. Yes.

9 MS. CARRANO: I'm going to put
10 that into the Exhibit Share so you
11 have it.

12 So I'm dropping into the Exhibit
13 Share what's been marked as
14 Exhibit 2011.

15 (Whereupon, a document entitled
16 Declaration of Dr. Michael T. Goodrich
17 was marked Exhibit 2011
18 for identification.)

19 Q. Let me know when you get it.

20 A. Yes, I have that in front of me.

21 Q. I'm going to refer to your
22 expert declaration during this deposition
23 as either Exhibit 2011 or your expert
24 declaration or your declaration.

25 Is that okay?

1 M. T. Goodrich

2 A. Yes.

3 Q. On page seventy-four of your
4 declaration, is that your signature?

5 A. Yes.

6 Q. And the declaration is dated
7 May 4, 2024?

8 A. No.

9 Q. I'm sorry, the declaration which
10 is Exhibit 2011, that's dated May 22,
11 2024; correct?

12 A. Yes.

13 Q. And will you confirm that
14 Exhibit 2011 is the expert declaration
15 that you submitted in this IPR proceeding?

16 A. It appears to be that document.

17 Q. Are you aware of any corrections
18 that you need to make to your declaration?

19 A. I noticed, when I was reviewing
20 my declaration, that there were several
21 typos. But I believe their corrections
22 are clear from context.

23 Nevertheless, if we stumble
24 across any today, I'll be happy to
25 clarify.

1 M. T. Goodrich

2 Q. Thank you.

3 Does your declaration have all
4 of your opinions based on the record as of
5 when you signed it?

6 A. Yes, as of the date that I
7 signed it, that's correct.

8 Q. Let's go to section four of your
9 declaration, which is page nine.

10 A. I'm there.

11 Q. Does section four of your
12 declaration, contain all the legal
13 principles that you applied in formulating
14 your opinions?

15 A. I believe so. I received
16 understandings from counsel that they're
17 now reflected here in this section. I
18 believe it is complete. There may be some
19 other places where I say things that are
20 understandings of the law that would also,
21 you know, be my understandings from
22 counsel. But I believe this is the list
23 of the things that would be relevant for
24 this matter.

25 Q. And so you have a section of

1 M. T. Goodrich

2 legal principles relating to claim
3 construction that starts on page ten of
4 your declaration; right?

5 A. Yes.

6 Q. And so that section is the
7 extent of all the legal principles
8 relating to the claim construction that
9 you applied in your declaration; is that
10 right?

11 A. It appears to be that, yes.

12 Q. Dr. Goodrich, if you could go to
13 paragraph fifty-two of your declaration.
14 Let me know when you're there.

15 A. I am there.

16 Q. In your declaration, you opine
17 that one of ordinary skill in the art is a
18 an individual with at least a bachelor's
19 degree in computer science or a related
20 area and two years of experience
21 developing software tools and/or computer
22 systems for use in the area of audio or
23 visual creation encoding and/or
24 distribution; correct?

25 A. That's close. I said video

1 M. T. Goodrich

2 creation here, and then I added this
3 description is approximate and more work
4 experience could compensate for less
5 education or more education could
6 compensate for less work experience.

7 Q. And you note that Petitioner's
8 expert, Dr. Bederson, offers a slightly
9 different but similar definition of a
10 POSITA, the acronym for a person of
11 ordinary skill in the art?

12 A. Yes, I mention that in paragraph
13 fifty-four.

14 Q. Dr. Goodrich, what's an audio
15 file format?

16 A. An audio file format is just
17 that, it would be a format for audio
18 files. It depends on the context, of
19 course, the details of that, but that's
20 generally what that phrase would refer to.

21 Q. Would it be fair to say an audio
22 file format is a file format for storing
23 audio data in a computer system?

24 MR. HASAN: Objection. Calls for
25 speculation.

1 M. T. Goodrich

2 THE WITNESS: It depends on the
3 context.

4 Are you asking this in the
5 context of the '794 patent or some
6 other document?

7 Q. I'm just asking in general just
8 what's the general understanding of what's
9 an audio file format?

10 MR. HASAN: Objection. Asked and
11 answered.

12 THE WITNESS: Yeah, like I said
13 before, it would depend on the
14 context. But generally it's a format
15 for dealing with audio.

16 Q. So at the time of the '794
17 patent which is April, 2005, what would a
18 -- how would a person of ordinary skill in
19 the art understand what's an audio file
20 format?

21 MR. HASAN: Objection. Asked and
22 answered.

23 Q. One second, Dr. Goodrich.

24 MS. CARRANO: Counsel, the board
25 discourages speaking objections, so

1 M. T. Goodrich

2 I'd like you not to do speaking
3 objections during this proceeding.

4 Okay?

5 MR. HASAN: Okay.

6 Q. Let me ask the question again.

7 At the time of the '794 patent,
8 which is in April, 2005, what would a
9 person of ordinary skill in the art
10 understand what's an audio file format to
11 be?

12 MR. HASAN: Objection.

13 THE WITNESS: Is there a place
14 in the patent where that term is used?

15 Q. I'm not sure. I'm just asking
16 you generally what a person of ordinary
17 skill in the art would know at the time of
18 the patent as to what's an audio file
19 format.

20 MR. HASAN: Objection.

21 THE WITNESS: Is there a place
22 in my declaration where you believe
23 I've addressed this?

24 Q. Again, Dr. Goodrich, I'm asking
25 you questions relating to what your view

1 M. T. Goodrich
2 is on what a person of ordinary skill in
3 the art would know. And the question is:
4 What would a person of ordinary skill in
5 the art at the time of the '794 patent
6 understand an audio file format to be.

7 MR. HASAN: Objection.

8 THE WITNESS: I don't see that
9 term used in the patent or in my
10 declaration. I don't recall that that
11 was a question I was asked to opine
12 on, so to answer your question, it
13 would require more time.

14 Q. So sitting here today, you don't
15 have any opinion as to what a person of
16 ordinary skill in the art would understand
17 an audio file format to be?

18 MR. HASAN: Objection.

19 THE WITNESS: I would only have
20 preliminary thoughts on that, but I'm
21 not comfortable under oath speculating
22 further. As I said, I don't recall
23 this being a specific question that I
24 was asked. The word "file format" or
25 "audio file format", I just did a

1 M. T. Goodrich

2 search in the patent in my
3 declaration. I could not find that
4 term. So unless you would like to
5 point me to a place where you feel
6 that concept is being addressed, that
7 would require more time for me to
8 consider and analyze.

9 Q. Dr. Goodrich, you've submitted
10 an expert declaration in this proceeding;
11 correct?

12 A. Yes, that is Exhibit 2011.

13 Q. And you've opined to what's the
14 skill level of a person of ordinary skill
15 in the art with respect to the patent at
16 issue; correct?

17 A. Yes.

18 Q. And yet sitting here today, you
19 don't have any opinion as to how a person
20 of ordinary skill in the art would
21 understand what an audio file format would
22 be?

23 MR. HASAN: Objection.

24 THE WITNESS: As I mentioned
25 earlier, that phrase depends on the

1 M. T. Goodrich

2 context. I understood your question
3 to be asking in the context of the
4 patent and my declaration. And so
5 since that phrase, that term does not
6 appear in either the patent or my
7 declaration, I'm not quite following
8 your question, and to answer would
9 require more time, in any case.

10 Q. At the time of the '794 patent,
11 which is April of 2005, you would agree
12 though that there were numerous file
13 formats relating to audio; correct?

14 MR. HASAN: Objection.

15 THE WITNESS: I'm not quite
16 following that either.

17 What are you referring to now?

18 MS. CARRANO: Let me ask the
19 question again.

20 Q. So at the time of the '794
21 patent, a person of ordinary skill in the
22 art would have been aware of numerous
23 different types of file formats relating
24 to sound; right?

25 MR. HASAN: Objection.

1 M. T. Goodrich

2 THE WITNESS: So for example, if
3 we go in the '794 patent and we go to
4 column four and beginning at line
5 five, it gives examples of codings for
6 audio data streams and it states, "the
7 audio data stream has been coded, for
8 example, using the audio coding
9 standard ITU G.723.1 or MPEG-4-AAC.
10 The audio data stream is designated in
11 figure one by way of a name second
12 data file D2".

13 Q. Is it your opinion then --

14 A. No, go ahead.

15 Q. Is it your opinion then that
16 those coding standards that you just read
17 off from the patent, are those examples of
18 audio file formats?

19 A. Again, that phrase "audio file
20 format" does not appear in the patent.
21 Those are examples of audio coding
22 standards.

23 Q. What's a WAV file?

24 A. A WAV file is another type of
25 file for storing audio content data. I

1 M. T. Goodrich

2 speak to this, for example, in paragraph
3 eighty-three of my declaration.

4 Q. What other types of files for
5 storing audio content data were available
6 at the time of the '794 patent?

7 MR. HASAN: Objection.

8 THE WITNESS: None other than
9 these that I just said are coming
10 immediately to mind.

11 Q. You can't think of any other
12 file types for storing audio content data
13 at the time of the '794 patent sitting
14 here today?

15 MR. HASAN: Objection.

16 THE WITNESS: Nothing else is
17 coming to mind, as I sit here today.

18 Q. Would a POSITA have been
19 familiar with various video formats at the
20 time of the '794 patent?

21 MR. HASAN: Objection.

22 THE WITNESS: Yes. So for
23 example, if we go in the '794 patent
24 and go to column four, beginning at
25 line one, it says, "the video data

1 M. T. Goodrich

2 stream has been compressed, for
3 example, according to the video coding
4 standard MPEG-2, MPEG-4, or ITU
5 H.264".

6 Q. And those are video file
7 formats, in your view?

8 A. That phrase does not appear in
9 the '794 patent, but they are video coding
10 standards.

11 Q. Let's go to paragraph seventy of
12 your declaration.

13 A. I am there.

14 Q. At paragraph seventy of your
15 declaration you offer construction for the
16 assignment rule limitations; correct?

17 MR. HASAN: Objection.

18 THE WITNESS: I'm stating that I
19 agree with the constructions that were
20 offered by the patent owner.

21 Q. So the patent owner came up with
22 these constructions for the assignment
23 rule limitations that are in your
24 declaration?

25 A. That's my understanding with

1 M. T. Goodrich
2 respect to this proceeding. So for
3 example, I have paragraph fifty-seven
4 where, after I list the patent owner's
5 offered constructions, so that's already
6 there in paragraph fifty-six that I
7 understand these are being offered by the
8 patent owner, I then state in paragraph
9 fifty-seven, "I agree with patent owner
10 with respect to these constructions".

11 Q. So let me understand how this
12 works.

13 So the patent owner came up with
14 these constructions and you reviewed them
15 and agreed with them; is that correct?

16 A. That sounds accurate, according
17 to my understanding.

18 Q. And at paragraph seventy-one of
19 your declaration, in your view, the
20 assignment rules do not involve adjusting
21 timing information for the content data
22 segments but instead assign each segment
23 within one data stream to segments of the
24 other; right?

25 A. That's right. And then I also

1 M. T. Goodrich

2 speak to understandings I got from the
3 file history in paragraph seventy-two.

4 Q. You offered a construction for
5 the assignment rule's limitations in the
6 Unified '794 IPR as well; correct?

7 MR. HASAN: Objection.

8 THE WITNESS: That's not exactly
9 my understanding. Instead, my
10 understanding is, at least my
11 recollection, is that, similar to this
12 matter, there was a construction that
13 was offered by the patent owner and I
14 agreed with that construction for that
15 matter.

16 Q. You're aware that the claim
17 construction offered for the assignment
18 rule limitations in the Unified '794 IPR
19 are different than the claim construction
20 offered for the assignment rule
21 limitations in this proceeding?

22 A. Yes.

23 MR. HASAN: Objection.

24 Q. Are you aware that the board in
25 the Unified '794 IPR rejected the patent

1 M. T. Goodrich

2 owner's construction of the assignment
3 rule limitations?

4 MR. HASAN: Objection.

5 THE WITNESS: I heard that the
6 board made some modifications. They
7 didn't accept it word for word.

8 Q. Let's go to the patent,
9 Exhibit 1001.

10 A. I'm there.

11 Q. So you reviewed the '794 patent;
12 correct?

13 A. Yes.

14 Q. And you reviewed the claim
15 specification?

16 A. Yes.

17 Q. Can you turn to figure one of
18 the '794 patent.

19 A. I am there.

20 Q. Figure one of the '794 patent
21 shows a device for performing the method
22 according to an embodiment of the
23 invention; right?

24 A. It's a schematic of that
25 process, yes.

1 M. T. Goodrich

2 Q. And figure one's just one
3 embodiment of the '794 patent; right?

4 A. I agree.

5 Q. In your view, are the claims of
6 the '794 patent limited to this embodiment
7 depicted in figure one?

8 MR. HASAN: Objection.

9 THE WITNESS: I'm not following
10 your question, I'm sorry.

11 Q. You understand there's claims in
12 the '794 patent; right?

13 A. Of course.

14 Q. And are those claims of the '794
15 patent limited in scope based on this
16 embodiment that's depicted in figure one?

17 MR. HASAN: Objection.

18 THE WITNESS: I'm not quite
19 following your question. But if by
20 your question are you asking if I
21 understand that the scope of the
22 claims of the '794 patent are informed
23 by figure one, I agree, because that's
24 part of the intrinsic evidence that
25 goes into claim construction.

1 M. T. Goodrich

2 Q. Is the scope of --

3 MS. CARRANO: Let me start over.

4 Q. Are the scope of the claims of
5 the '794 patent just limited to this
6 embodiment as depicted or can other
7 embodiments also fall within the scope of
8 the claims as long as it's within the
9 spirit of the '794 patent's disclosure?

10 MR. HASAN: Objection.

11 THE WITNESS: I'm not quite
12 following.

13 So if by your question are you
14 asking is it limited to a scenario
15 where there's only ten segments in the
16 first file and five segments in the
17 second file, I do not believe that the
18 claims of the '794 patent are limited
19 to files of those sizes as depicted in
20 figure one.

21 Q. And figure one, which we've
22 established is just an exemplary
23 embodiment, that covers a video data
24 stream and an audio data stream that are
25 to be synchronized; right?

1 M. T. Goodrich

2 A. I believe that was the intent of
3 the inventors, to be illustrating an
4 embodiment that is combining and
5 synchronizing an audio stream and a video
6 stream, because that's what it says in the
7 text when it's describing figure one, for
8 example, beginning in column three, line
9 sixty-five and going at least to column
10 four, line fifty-three.

11 Q. Are the claims of the '794
12 patent limited to synchronizing only video
13 and audio data streams?

14 MR. HASAN: Objection.

15 THE WITNESS: I disagree that
16 they're limited to only audio and
17 video.

18 Q. In your view, the '794 patent is
19 directed to synchronizing content data
20 segments; right?

21 A. Say that again? I'm not quite
22 following the question.

23 Q. In your view, the '794 patent is
24 directed to synchronizing content data
25 segments; right?

1 M. T. Goodrich

2 A. That's not quite the way the
3 phrasing of the patent is. It's instead
4 referring to content-related data
5 segments.

6 Q. What's the difference between
7 content data segments and content-related
8 data segments?

9 MR. HASAN: Objection.

10 THE WITNESS: Yeah, so this goes
11 to the claim construction for the
12 phrase content-related data segments
13 for which patent owner has offered,
14 based on express lexicography from the
15 patent, that those mean segments of
16 content data that have a syntactic
17 meaning within the respective data
18 file.

19 So when I, in my declaration,
20 refer to content data segments, that's
21 what I'm referring to, the segments of
22 -- that that is the understanding of
23 what is content-related data segments,
24 and that again is based on express
25 lexicography because, in column four

1 M. T. Goodrich
2 of the patent beginning at line
3 fourteen, it says, "the term
4 content-related' is understood to mean
5 that the first and second data
6 segments have a syntactical meaning
7 within the respective data file, such
8 as e.g. a plurality of succeeding
9 second data segments represent the
10 speech signal of a specific speaker
11 within the dialogue sequence.
12 Furthermore, sections of the data file
13 can also be understood thereby, such
14 as e.g. individual images of a video
15 sequence".

16 Q. That doesn't really answer my
17 question, Dr. Goodrich, so let's try this
18 again.

19 There's a term "content data
20 segments" and a term "content-related data
21 segments".

22 What's the difference in scope
23 between those two terms?

24 MR. HASAN: Objection.

25 Q. If there is a difference.

1 M. T. Goodrich

2 A. To be clear, the phrase "content
3 data segments" does not appear, at least
4 to my querying now, in the '794 patent in
5 that exact order of the words. But
6 nevertheless, that's consistent with the
7 express lexicography for content-related
8 data segments because then it says that
9 the term "content-related" is understood
10 that the meaning of the first and second
11 data segments have a syntactic meaning
12 within the respective data file and hence
13 that is support for patent owner's
14 proposed construction for content-related
15 data segments as segments of content data
16 that have a syntactical meaning within the
17 respective data file.

18 Q. And the answer you provided is
19 nonresponsive.

20 I'm simply asking what's the
21 difference in scope, if there is any --
22 and there may not be one -- I'm trying to
23 find out from you as the expert what
24 difference in scope is there between
25 content-related data segments and content

1 M. T. Goodrich

2 data segments?

3 MR. HASAN: Objection.

4 THE WITNESS: So when I refer in
5 my declaration to the phrase "content
6 data segments", I am referring to
7 content-related data segments
8 according to the proposed construction
9 of the patent owner, which I believe
10 is also the plain and ordinary meaning
11 of this phrase because of express
12 lexicography that I just read
13 previously.

14 Q. So you referred to just now in
15 these answers to this line of questioning
16 to column four, lines fourteen through
17 nineteen of the patent; right?

18 A. Yes.

19 Q. And in there, there's the term
20 in quotes "content-related".

21 Do you see that?

22 A. Yes.

23 Q. And nowhere in that sentence
24 does it use the term "content data
25 segments"; right?

1 M. T. Goodrich

2 A. Not that exact phrase. Like I
3 said, that exact phrase does not appear,
4 according to my querying, in the '794
5 patent. But instead what it does say is
6 the term "content-related" is understood
7 to mean that the first and second segments
8 have a syntactical meaning, and hence this
9 is, in my opinion, supporting as express
10 lexicography this proposed construction of
11 content-related data segments as segments
12 of content data that has a syntactic
13 meaning within the respective data file.
14 Hence, when I, in my declaration, refer to
15 content data segments, that is what I'm
16 referring to.

17 Q. Right.

18 But the patent, what you just
19 read, actually says that "content-related"
20 is understood to mean that the first and
21 second data segments have a syntactical
22 meaning within the respective data file;
23 right?

24 A. That's right.

25 Q. It doesn't use the term "content

1 M. T. Goodrich

2 data"; right?

3 A. Not there, no.

4 Q. And it doesn't -- the patent
5 does use the term "content data segments"
6 at all?

7 A. Again, that's my shorthand for
8 content-related data segments based on the
9 construction offered by patent owner and
10 likewise supports -- and there's
11 additional support for that in the
12 preferred embodiments that we read earlier
13 from column four, lines one through eight,
14 where it's giving specific examples that a
15 person of ordinary skill in the art would
16 understand are content data -- contain
17 content data segments. And likewise,
18 figure one is illustrating a preferred
19 embodiment where the squares that are
20 numbered are referring to content data
21 segments. A person of ordinary skill in
22 the art would understand that.

23 Q. So you're equating content data,
24 the term that the patent owner came up
25 with, with content-related data segments?

1 M. T. Goodrich

2 MR. HASAN: Objection.

3 MS. CARRANO: Let me start that
4 over.

5 And counsel, if you could wait
6 until I finish my question before you
7 object, I'd appreciate that.

8 Let me start over.

9 Q. So you're equating content data
10 segments with -- a term that came up that
11 was derived by the patent owner with the
12 claim term "content-related data
13 segments"; is that right?

14 MR. HASAN: Objection.

15 THE WITNESS: No, that's not --

16 MR. HASAN: Sorry, let me get my
17 objection in.

18 Go ahead, you can go ahead and
19 answer.

20 THE WITNESS: No, that's not
21 quite right.

22 Q. So you don't equate the term
23 "content data segments" that patent owner
24 came up with the claim term
25 "content-related data segments"; is that

1 M. T. Goodrich

2 fair?

3 MR. HASAN: Objection.

4 THE WITNESS: No. Again, to be
5 clear, the phrase that the patent
6 owner came up with was segments of
7 content data that have a syntactical
8 meaning within the respective data
9 file. And then when I in my
10 declaration refer to content data
11 segments, what I'm referring to is
12 segments of content data phraseology
13 from this construction.

14 Q. So in your view, are the claims
15 of the '794 patent limited to
16 synchronizing content data segments?

17 MR. HASAN: Objection.

18 THE WITNESS: Yes, according to
19 this construction. Absolutely.

20 Q. Let's go to figure one of the
21 '794 patent.

22 A. I'm there.

23 Q. So in figure one, you see
24 there's something there marked D1; right?

25 A. Yes.

1 M. T. Goodrich

2 Q. In figure one, D1 represents a
3 data file containing a video data stream;
4 right?

5 A. I agree.

6 Q. The video data stream to be
7 synchronized in figure one is identified
8 as the first data file, D1; right?

9 A. I agree.

10 Q. And a video data stream can
11 correspond to individual images in a video
12 sequence; right?

13 MR. HASAN: Objection.

14 THE WITNESS: Yes. The patent
15 states in column four beginning at
16 line nineteen, picking up where we had
17 left off earlier, "furthermore,
18 section of the data file can also be
19 understood thereby, such as e.g.
20 individual images of a video
21 sequence".

22 Q. What are individual images?

23 A. Just that, individual images.
24 So not to be too elementary, but a video
25 file comprises individual images that are

1 M. T. Goodrich
2 shown in sequence and provide the illusion
3 of movement for the user.

4 Q. Could individual images be JPEG
5 images?

6 MR. HASAN: Objection.

7 THE WITNESS: So I understand
8 that Petitioner is viewing JPEG images
9 as individual images. I don't have a
10 dispute with that per se. But instead
11 I disagree with the petitioner that in
12 a reference called Comps, C O M P S,
13 that in a file where it's referring to
14 things such as JPEG-1 or JPEG-2, that
15 those are actual JPEG images but
16 instead are commands for showing JPEG
17 images. And so in those files, as
18 disclosed in Comps, those would not be
19 content-related data segments, in my
20 view.

21 Q. So Dr. Goodrich, I need you to
22 answer the question that I ask you, and so
23 I asked you a very simple question.

24 The question was simply -- had
25 nothing to do with Comps or anything the

1 M. T. Goodrich
2 petitioner said. The question was simply:
3 Can individual images be JPEG images.

4 So I'm going to ask you again,
5 so we have a precise answer to that, could
6 individual images be JPEG images?

7 MR. HASAN: Objection.

8 THE WITNESS: It depends on the
9 context, but that's what a JPEG
10 generally is. A JPEG file is an
11 individual image. I thought you were
12 asking a broader question and that's
13 why I answered the way I did.

14 Q. Just to clarify, so you'd agree
15 then, based on your answer, that
16 individual images in a video sequence can
17 correspond to a sequence of JPEG images;
18 right?

19 A. Now it sounds like you're asking
20 a different question.

21 So your first question is
22 whether or not an individual image can be
23 a JPEG file. I agree, a JPEG file is an
24 individual image, generally.

25 And now I'm not quite following

1 M. T. Goodrich

2 this new line of questioning. It sounds
3 much broader than that.

4 Could you clarify your question,
5 please?

6 Q. Sure.

7 I'm asking you -- so you said
8 individual images can be JPEG images;
9 right?

10 A. I agree.

11 Q. And so if you have individual
12 images in a video sequence, can that
13 correspond to a sequence of JPEG images?

14 MR. HASAN: Objection.

15 THE WITNESS: And when you say
16 individual images in a sequence, what
17 are you now referring to? Because a
18 JPEG file is just one image, so then
19 what is this hypothetical now that
20 you're envisioning where you'd have
21 multiple JPEGs in the same file? What
22 does that look like?

23 Q. So the '794 patent uses the
24 phrase "individual images in a video
25 sequence"; right?

1 M. T. Goodrich

2 A. Yes, we just read a passage that
3 refers to that.

4 Q. And so I'm trying to just
5 understand what that means, and so I'm
6 asking you a specific question.

7 Individual images in a video
8 sequence, can that correspond to a
9 sequence of JPEG images?

10 MR. HASAN: Objection.

11 THE WITNESS: Yeah, that's the
12 part that I'm not quite following,
13 because JPEG is not mentioned in the
14 patent. Instead, it mentions other
15 standards for video that themselves a
16 person of ordinary skill in the art
17 would understand comprise individual
18 images, such as MPEG 2, MPEG-4, or
19 H.264. And now you're asking a
20 hypothetical that's it's not something
21 that I have thought about. I would
22 need to think more about this
23 hypothetical. I had referenced Comps
24 only because it also refers to JPEG
25 images but is referring to data that

1 M. T. Goodrich

2 are commands for then illustrating or
3 showing JPEG images, which are
4 separate files to a person of ordinary
5 skill in the art from that file in
6 Comps.

7 Q. Can a file that is a sequence of
8 JPEG images, can that be considered video
9 data?

10 MR. HASAN: Objection.

11 THE WITNESS: And that's the part
12 I'm not quite following. What is such
13 a file format? I'm not familiar with
14 this file format that would be a
15 sequence of JPEG actual images. I'm
16 familiar with the Comps commands that
17 then are viewing JPEG files, but I'm
18 not familiar with this file format
19 just sitting here today.

20 Do you have a place in my
21 declaration or the patent that speaks
22 to this?

23 Q. I need you to listen to my
24 questions really carefully. I didn't use
25 the term "format" in the question, and I'm

1 M. T. Goodrich

2 also not asking about Comps. I'm just
3 asking in general.

4 So let me try this again.

5 Can a file that has a sequence
6 of JPEG images be considered video data?

7 MR. HASAN: Objection.

8 THE WITNESS: I'm not
9 understanding your question.

10 What is that file -- I'm using
11 this file format, but what do you mean
12 by this, a file that contains JPEG
13 images, what does that mean? It's not
14 something that I recall coming up.

15 Q. So sitting here today, you don't
16 know what a file of JPEG images would be?

17 A. Not in the context of these
18 proceedings. If you give me more details
19 and, like I said, a format as an example,
20 I might be able to answer your question,
21 but I think that would require more time.

22 Q. Well, what's a video sequence?

23 A. Just that, it's a sequence that
24 forms a video, in this case a sequence of
25 individual images -- again, going back to

1 M. T. Goodrich

2 the days of Edison -- refer to that if you
3 show this sequence of individual images
4 quickly enough, it provides an illusion of
5 motion for the viewer.

6 Q. And how would individual images
7 in a video sequence be stored?

8 A. We have several examples from
9 the patent, such as MPEG-2, MPEG-4, or
10 H.264. And I could go into more details
11 about this, but that would just be the
12 general understanding of a POSITA.

13 Q. And are those standards that you
14 referenced of individual images in a video
15 sequence?

16 A. That's what they contain. They
17 have the actual content in them, what I
18 called content data segments of what the
19 patent refers to as content-related data
20 segments.

21 Q. Do any of those standards have
22 JPEG images in a video sequence?

23 A. I don't think they refer to them
24 as JPEGs in the standard. That's my
25 recollection just sitting here today.

1 M. T. Goodrich

2 Q. The audio data stream is
3 identified in figure one as the second
4 data file D2 of the '794 patent; right?

5 A. I agree.

6 Q. The '794 patent claims recite
7 content-related first data segments and
8 content-related second data segments;
9 right?

10 A. I agree.

11 Q. Looking at figure one of the
12 '794 patent, you see there's S1 and S2?

13 A. Yes.

14 Q. S1 and S2 are content-related
15 first and second data segments that are
16 obtained from respective data files D1 and
17 D2; right?

18 A. Yes, it's referring to that in
19 column one beginning at line -- column
20 four rather beginning at line nine.

21 Q. The first data segments in S1
22 and the second data segments in S2 in
23 figure one, those are then passed to
24 synchronization module MS; right?

25 A. I agree.

1 M. T. Goodrich

2 Q. In the synchronization module
3 MS, the first and second data segments S1
4 and S2 are respectively synchronized on
5 the basis of a predefinable assignment
6 rule Z; right?

7 A. I agree.

8 Q. And the '794 patent discusses an
9 example assignment rule that could be
10 based on a number A; right?

11 A. Where are you now in the patent?

12 Q. Just looking at figure one, that
13 discusses an example of assignment rule,
14 and that could be based on A.

15 Do you see there's the letter A?

16 A. I do see the letter A. I'm just
17 not recalling where that's also in the
18 text.

19 MR. HASAN: Counselor, just to
20 let you know, we've been going a
21 little bit over an hour. Whenever
22 you're ready for a break, that would
23 be good.

24 THE WITNESS: I could keep going
25 for a little longer.

1 M. T. Goodrich

2 MR. HASAN: It sounds good.

3 Q. Let's start with this. Let's
4 break this down just a little bit.

5 So in the '794 patent, you have
6 an assignment rule Z --

7 A. I found the A.

8 Sorry, go ahead.

9 MS. CARRANO: Let me back up
10 again.

11 Q. So in figure one, there's an
12 assignment rule Z; right?

13 A. Yes.

14 Q. And that assignment rule can be
15 based on a number like A equals two;
16 right?

17 A. I found that, yes. That's in
18 the patent specification preferred
19 embodiment beginning in column five
20 starting at line thirty-eight.

21 MS. CARRANO: If you want, we can
22 go on a short break now, if that works
23 for everybody.

24 MR. HASAN: That works for me.

25 Ten minutes?

1 M. T. Goodrich

2 MS. CARRANO: That sounds great.

3 (Whereupon a break was taken)

4 Q. Dr. Goodrich, welcome back.

5 A. Thank you.

6 Q. Did you talk to anyone during
7 the break?

8 A. No.

9 Q. Before the break, we were
10 looking at figure one.

11 Do you recall that?

12 A. Yes.

13 Q. And we talked about an
14 assignment rule Z; right?

15 A. Yes, that's shown in figure one.

16 Q. Right.

17 And that assignment rule Z can
18 be based on a number A, such as A equals
19 two; right?

20 A. Yes. We saw that from the
21 specification column five beginning at
22 line thirty-five.

23 Q. And figure one is an
24 illustration of when an assignment rule
25 equals A equals two; right?

1 M. T. Goodrich

2 A. In this example, yes.

3 Q. Can you describe how the
4 content-related second data segments in
5 figure one get assigned to the
6 content-related first data segments?

7 A. Sure. That's exactly as
8 described in the patent as I mentioned in
9 column five beginning at line thirty-five.
10 In fact, skipping down to line
11 thirty-eight, it says, "thus, for example,
12 the second data segment S2 is assigned a
13 first data segment S1 and a further
14 assignment is carried out after number A
15 of output sequentially succeeding first
16 data segmented S1. If the number A equals
17 two, this means that in each case, the
18 second data segment S1 is to be output
19 with the second data segment S2. This
20 constellation is illustrated in figure
21 one. The first and second data segments
22 S1/S2 are output in their chronological
23 sequence R1/R2 by the synchronization
24 module MS at the latter's data output G".

25 And then it goes into more

1 M. T. Goodrich

2 detail. I could keep reading if you'd
3 like.

4 Q. Thank you.

5 So let me just understand how
6 this works in reference to figure one.

7 So when the assignment rule is A
8 equals two, you have one data segment in
9 S2 get assigned to two data segments in
10 S1; is that accurate?

11 A. Yes, I agree.

12 Q. So --

13 A. In sequence.

14 Q. So would that mean that, for
15 data segment zero in S2, that gets
16 assigned to data segments zero and one in
17 S1?

18 A. I agree.

19 Q. Does data segment one in S2 get
20 assigned to data segments two and three in
21 S1?

22 A. Yes.

23 Q. And then data segment two in S2
24 gets assigned to data segments four and
25 five in S1; right?

1 M. T. Goodrich

2 A. That's right.

3 Q. And just to continue on, so data
4 segment three in S2 gets assigned to data
5 segments six and seven in S1; right?

6 A. Yes.

7 Q. Finally, data segment four in S2
8 gets assigned to data segments eight and
9 nine in S1; right?

10 A. That sounds right.

11 Q. And S1 is content-related data
12 segments of a video data stream; right?

13 A. I agree.

14 Q. And S2 is content-related data
15 segments of an audio data stream; right?

16 A. I agree.

17 Q. And these data segments get
18 output together in figure one at data
19 output G; right?

20 A. I agree.

21 Q. So can you describe what that
22 output looks like when you've got the data
23 segments from S1 and S2 getting output?

24 A. Yes. So if for example,
25 continuing the reading from column five

1 M. T. Goodrich

2 but now picking up at line forty-three, it
3 says, "this constellation is illustrated
4 in figure one", as we read earlier. "The
5 first and second data segments S1 and S2
6 are output in their chronological sequence
7 R1/R2 which the synchronization module MS
8 at the latter's data output G. First the
9 respective first content-related first and
10 second data segments S1/S2 with the
11 numeral zero are forwarded. Since the
12 number is A equals two, the next first
13 data segment S1 with numeral one is now
14 output. Next a first and second data
15 segment S1 and S2 about a numeral two and
16 one respectively are in each case output
17 together in the data output G", and then
18 it continues and even goes on to the one
19 with numeral four.

20 So it's just as illustrated in
21 figure one that there's a stream of data
22 coming out from this output G in that
23 order with the audio and video segments
24 coming out together in that sequence.

25 Q. So just so I can understand it,

1 M. T. Goodrich

2 when data segment zero of S1 and zero S2
3 [sic] are output together, the output's
4 going to have audio and video; right?

5 A. Yeah. At a high level, that is
6 correct.

7 Q. And those segments are for a
8 duration of time; right? There's going to
9 be some sort of time.

10 A. Let's see. Presumably they'll
11 have some time component, but of course
12 that is now coming after the assignment,
13 and that is a part of the assignment.

14 Q. Right.

15 But these data segments have
16 some amount of time associated with them;
17 right? Because the output's going to
18 output these data segments for a certain
19 period of time; right?

20 A. It depends on the
21 implementation, of course. So that
22 requires a little bit more analysis. But
23 it's clear from the description that any
24 time-related data such as durations for
25 those segments is coming after the

1 M. T. Goodrich

2 assignment.

3 Q. So it would be -- just to
4 understand how these data segments are
5 output, so it's possible that, just to
6 assign some values to these just to
7 understand how this works, so S1 data
8 segment one could be a segment that lasts
9 five seconds; right?

10 A. I don't -- I mean, generally
11 that's not how it would work, but I'm not
12 -- I mean, that's not the typical thing,
13 but it could be in principle something
14 along those lines. I'm just, just of
15 sitting here today, thinking of an example
16 that does that. But I'm also not thinking
17 of an example that would rule that out.

18 Q. I'm just trying to understand
19 what this output looks like.

20 So we've got these two segments
21 that are going to get output together from
22 S1 and S2 and they may or may not have the
23 same amount of time associated with each
24 data segment; right?

25 A. There may not even be a time

1 M. T. Goodrich

2 necessarily. It's often the case that
3 you'd want to show them for specific
4 times, but I don't see how that is
5 expressly required.

6 Q. So there may not be an actual
7 time value associated with it; right? But
8 when it's output, the output's going to be
9 for some period of time; right?

10 A. We have to be a little careful
11 there, actually. Because a person of
12 ordinary skill in the art would understand
13 that outputting in the context of the '794
14 patent includes both or either rendering
15 of the content or storing of the now
16 sequenced first and second data segments.

17 Q. Is rendering the content the
18 same thing as the output, like what's
19 getting output?

20 A. That's one example of how you
21 can output.

22 Q. Because what I'm trying to
23 understand is these data segments may have
24 some variable length of time at some
25 point; right? Like when they're getting

1 M. T. Goodrich

2 output or being rendered; right?

3 A. They may depending on the format
4 and how we're doing the outputting.

5 Q. Well, it's not going to be
6 endless; right? It's not going to be once
7 the data segment gets output, it's just
8 going to continue for the length of time.
9 It has a -- if you've got a video sequence
10 in S1 and it's a segment of a video
11 sequence, that video sequence, when it
12 gets output, it's only going to be for
13 some duration of time; right?

14 A. Again, it depends on what we
15 mean by "output". There's at least two
16 examples of output that are contemplated
17 by the '794 patent. One is the rendering,
18 which we just talked about, and the other
19 is storing, storing the format of the file
20 so that, for example, it could be played
21 later.

22 Q. That's helpful.

23 Let's just talk about the
24 rendering aspect. I just want to get a
25 better understanding of practically how

1 M. T. Goodrich

2 this ends up working.

3 When the output is the rendering
4 of these different data segments, that
5 rendering is, for each data segment,
6 there's going to be some time for the
7 output of that data segment; right?

8 A. Typically that's true that there
9 will be some time that each segment is
10 rendered, but it's also possible for
11 videos to be shown in a loop and then they
12 would have to be interrupted by the viewer
13 to stop.

14 Q. So for figure one, let's assume
15 it's not on a loop and we've got -- if we
16 could assign some time values so I could
17 understand how this works, maybe that
18 could help you answer the question.

19 So say if we say that S1 segment
20 -- data segment zero is five seconds long;
21 all right? And data segment one from S1
22 is also five seconds long. And then
23 you've got data segment zero from S2 is
24 two seconds long.

25 Are you following me so far?

1 M. T. Goodrich

2 A. No.

3 Q. Would it help if I had an image
4 of this marked up?

5 A. If you want to share such a
6 marked-up image, I'd be happy to view it.

7 MS. CARRANO: So I'm dropping
8 into the Exhibit Share what we can
9 call Exhibit A, which is a marked-up
10 image of figure one, an annotated
11 image of figure one.

12 (Whereupon, a document entitled
13 Figure 1 was marked Exhibit A
14 for identification.)

15 Q. Do you see that?

16 A. I do, yes.

17 Q. So do you see what I'm doing
18 here is we've got -- and these are just
19 examples, but just to kind of illustrate
20 what I want to find out is what happens
21 between S2 data segment zero and one.

22 So if you've got S1 data segment
23 zero and one, each take five seconds, so
24 that's a total of ten seconds. And you've
25 got S2 data segment zero is two seconds,

1 M. T. Goodrich

2 what is being output in that space between
3 data segment zero and one of S2 while the
4 data segments from S1 are still being
5 rendered?

6 MR. HASAN: Objection.

7 THE WITNESS: Is there a place
8 in my declaration where you feel I
9 addressed this? I don't recall having
10 been asked this question.

11 Q. It's a hypothetical to
12 understand, beyond the text of the patent,
13 what the patent -- how the patent
14 practically works.

15 So let me ask you a different
16 question. Maybe this will be hopefully
17 easier to answer.

18 So if data segment zero from S2
19 finishes rendering or being output before
20 data segment zero and one from S1, is
21 anything at that point being rendered from
22 S2?

23 MR. HASAN: Objection.

24 THE WITNESS: I don't recall
25 this question that came up.

1 M. T. Goodrich

2 Is there a place in my
3 declaration where you feel I've
4 addressed this?

5 Q. This is a hypothetical that I'm
6 asking you to understand practically how
7 the '794 patent works.

8 A. I understand. It just doesn't
9 seem like this is something that I was
10 asked to opine on, and it didn't seem to
11 come up in the analysis of the prior art I
12 was asked to consider. So this would
13 require more time for me to answer that,
14 unless you believe there's a place in my
15 declaration where I have addressed
16 something along these lines.

17 Q. So right now you can't answer
18 the question of if data segment zero from
19 S2 finishes rendering or before data
20 segment zero and one from S1, whether
21 anything at that point is being rendered
22 from S2?

23 MR. HASAN: Objection.

24 Q. Does it go straight to --

25 MR. HASAN: I apologize.

1 M. T. Goodrich

2 MS. CARRANO: Counsel, please. I
3 know they're very interesting
4 questions.

5 Let's try that again.

6 Q. So let me try it this way. I
7 want to understand practically how the
8 '794 patent works and I'm hoping that you,
9 as the expert, you provide a declaration,
10 you can help us understand that.

11 So what I want to know is what
12 happens if S2 data segment zero finishes
13 rendering and there's still data that
14 needs to be rendered from S1, either data
15 segment zero or S1, what's happening with
16 S2, does it go straight to data segment
17 one while the data segments from S1 zero
18 and one are still being rendered or does
19 it wait until S1 zero and one are
20 completed rendering before going to the
21 next data segment?

22 MR. HASAN: Objection.

23 THE WITNESS: This question
24 seems to be based on the hypothetical
25 that I am not recalling having been

1 M. T. Goodrich

2 asked about. Instead, the '794 patent
3 talks about content-related data
4 segments and how the output chronology
5 is content-related. So for example,
6 if we go to column four beginning in
7 line fifty-four, it talks about this
8 chronology and how it's
9 content-related, not time-related.

10 And indeed, the assignment rule is not
11 -- in preferred embodiments has
12 examples where it's not even based on
13 timestamps at all. And then it says,
14 beginning at line fifty-four in column
15 four, in this case, the chronological
16 sequence identifies that sequence of
17 individual first data segments S1 in
18 which, for example, the latter are
19 played back visually or made audible.
20 For example, one data segment contains
21 the word "good" and a further data
22 segment the word "morning", so that
23 the data segment containing "good" is
24 output first and then the data segment
25 containing "morning". This

1 M. T. Goodrich
2 chronological sequence is represented
3 symbolically in figure one by an arrow
4 with the reference R1. And then it
5 talks about the numbering scheme that
6 goes along with that.

7 So the premise for your
8 hypothetical is dealing with part of
9 the pipeline of rendering that would
10 be coming after even what the '794
11 patent is calling output, at least in
12 this embodiment. It's talking about
13 doing content-related data segment
14 outputting.

15 Q. So let me ask you this. Maybe
16 this will be simpler.

17 So does data segment one from S2
18 get outputted after data segments zero and
19 one of S1 are completed getting outputted?

20 MR. HASAN: Objection.

21 THE WITNESS: I'm not following.
22 Could you repeat the question,
23 please?

24 Q. Sure.

25 What I'm basically trying to get

1 M. T. Goodrich

2 at is you've got these data segments from
3 S2, right, zero and one, and they're
4 assigned, we went through the assignments
5 for this figure one; right?

6 A. Yes.

7 Q. So you've got -- when does data
8 segment one from S2 get output? Does it
9 get output after data segment zero in S2
10 is completed or does it wait until data
11 segment zero and one from S1 are
12 completed?

13 MR. HASAN: Objection.

14 THE WITNESS: So the chronology,
15 as we just read from the patent
16 specification, indicates that, when
17 the synchronized data streams are
18 being output in output G, the S2 data
19 segment zero is output before the S2
20 segment one because segment zero could
21 be the word "good" in audio and the
22 segment one could be "morning", and
23 that ordering is important.

24 Q. So would -- going along with
25 your example if S2 data segment is "good"

1 M. T. Goodrich

2 and S2 data segment one is "morning",
3 would "morning" get output when S1 data
4 segments one and zero are still getting
5 output or would it wait until they're
6 completed and it will get output when S1
7 data segment two is ready to be output?

8 MR. HASAN: Objection.

9 THE WITNESS: Yeah, that was not
10 a question that I was asked to opine
11 on. Unless there's a place in my
12 report that requires or that you feel
13 I've addressed that, that will require
14 more time. Instead, there's this
15 content-related sequencing that is
16 absolutely disclosed.

17 Q. Right.

18 And we're fine that there's
19 sequencing and, as I've been trying to
20 discuss this hypothetical with you, we're
21 sticking to what the sequencing is, so
22 this is not a question of like the
23 sequencing, it's just how does the data
24 segments that are synchronized get output,
25 especially if some of the data segments

1 M. T. Goodrich

2 take longer to output than the data
3 segment that it's assigned to.

4 Do you understand?

5 So I'm trying to see there's
6 this thing in figure one between data
7 segments zero and one of S2A.

8 Do you see there's like a line
9 here with two arrows?

10 A. Yes. No, I understand that.

11 Q. What's going on there?

12 A. So I think the apparent
13 confusion in your question has to do again
14 with this word "output". So output in the
15 '794 patent refers to the output that's
16 coming from the -- in this example, the MS
17 unit, the thing that is doing the
18 synchronization, the thing that's applying
19 the assignment rule to assign the
20 different data segments to each other.
21 That output necessarily has to go to other
22 units that then would do further
23 processing, and those other units in
24 preferred embodiments can either be
25 storage units that are storing this

1 M. T. Goodrich

2 synchronized file as a single file, for
3 example, or they could be doing to
4 rendering units. And we've been talking
5 about the hypothetical example where
6 they're going to the rendering units.

7 But now you're asking questions
8 to my ears about what happens in the
9 rendering unit and what happens when it is
10 processing a synchronized file that has
11 been output -- past tense -- from the
12 invention of the '794 patent. And as I
13 mentioned earlier, that question was not a
14 question that I was asked to opine on. I
15 was asked to opine on how the output works
16 from what would be in this embodiment the
17 MS unit, not the rendering unit.

18 Q. So you don't know what -- so let
19 me ask you this.

20 So data segment zero from S2,
21 that's assigned to data segments zero and
22 one of S1; right?

23 A. I agree.

24 Q. Those are synchronized together;
25 right?

1 M. T. Goodrich

2 A. I agree.

3 Q. And so how does that work when
4 one's video, one's audio, and so if the
5 audio, as it's getting rendered and
6 output, is only for like say two seconds
7 long and the others are five seconds long,
8 does -- is the next thing that gets output
9 -- is there a time in between before the
10 output gets to S2 data segment one?

11 MR. HASAN: Objection.

12 THE WITNESS: So again, we have
13 to see this -- a person of ordinary
14 skill in the art would understand
15 figure one to be illustrating data
16 flow going from top to bottom where
17 you have the D1 and D2 files at the
18 top, they have the segments that are
19 illustrated in the middle, then the MS
20 unit uses the assignment rule Z to
21 then combine them into this combined
22 stream using the assignment rule Z,
23 and then that would be further passed
24 on -- it's not shown in this figure
25 because it's not really a part of this

1 M. T. Goodrich

2 invention per se. That would be
3 passed on to either a storage unit say
4 or to a rendering unit.

5 Now, you're asking questions, in
6 my ears at least, about the rendering
7 unit functionality, but that's already
8 sort of past what happens in the
9 invention. It's already done the
10 sequencing, it's already done the
11 assignment, it's now passed on to
12 rendering, and that's not a question
13 that I was asked to opine on, how
14 would rendering occur under various
15 scenarios.

16 Q. So what does this A in figure
17 one that is pointing to -- has like the
18 double-sided arrows, what is that?

19 A. So in this preferred embodiment,
20 it's referring to this example where the
21 audio segment zero, for example, would be
22 assigned to video segment zero and one.
23 And the most common instance where, at
24 least to a person of ordinary skill in the
25 art, that that would be contemplated is

1 M. T. Goodrich

2 where the audio segment needs to
3 correspond to what would be two segments
4 of video when it finally is either stored
5 or rendered. For example, if indeed
6 duration is a part of the scenario, a
7 person of ordinary skill in the art would
8 think this could be, for example, achieved
9 where the audio signals are twice as -- or
10 the audio segments are twice as long in
11 duration or should be rendered twice as
12 long in duration than each of the video
13 segments.

14 So your premise where they're
15 just a fraction of the video length is not
16 something that I have considered and would
17 require more time to analyze.

18 Q. So let me see if I understand
19 this.

20 So you're saying that the
21 segment in -- as to data segment zero
22 could be rendered twice as long as data
23 segments zero and one?

24 A. For example, if the rendering
25 unit, which now is after the assignment

1 M. T. Goodrich

2 rule has already worked and done its
3 thing, a rendering unit, I don't see how
4 that would be ruled out, that a rendering
5 unit could, for example, render the
6 segment zero for ten seconds, let's say,
7 whereas each of the video segments zero
8 and one are rendered for five seconds,
9 say.

10 Q. Right.

11 It could go either way; right?
12 What's happening in S2, each of those
13 segments could be twice as long as an
14 individual segment in S1 and it could go
15 the other way where an S2 data segment is
16 shorter than a data segment of S1; right?

17 A. So if by your example, are you
18 anticipating where the letter A number
19 would apply to the S1 sequence rather than
20 the S2? I think that's perfectly within
21 scope. So you could have the A equals two
22 apply to S1, and this is an example of an
23 assignment rule rather than applying to
24 S2.

25 Q. Because the data segments in

1 M. T. Goodrich

2 figure one, they don't need to all be the
3 same time duration; right? There's no
4 requirement that they're all the same time
5 duration. They could be all different
6 time. Because it's actually not
7 necessarily assigned by time; right?

8 A. I agree that the assignment is
9 not necessarily based on time at all. In
10 fact, we have dependent claims that say
11 they don't even use timestamps in that
12 assignment.

13 Q. So if the data segments in S2,
14 so like zero, don't take as much time as
15 the data segments in S1, what happens in
16 S2? Like what's happening in between zero
17 and one while S1 data segments are getting
18 rendered?

19 A. Again, that's a question about
20 the rendering unit. I wasn't asked
21 questions about an alleged rendering unit.
22 And indeed storage could include -- output
23 could include storing this file which then
24 could be passed on to other units and
25 ultimately rendered. That's further down

1 M. T. Goodrich

2 the pipeline. This is about the
3 sequencing and about the alignment that is
4 happening based on that sequencing.

5 Q. So the patent --

6 A. Based on the assignment rule.

7 Q. The patent does disclose that,
8 you know, column five, that data segment
9 zero gets output together with data
10 segments --

11 MS. CARRANO: Let me start over.

12 Q. The patent does disclose in
13 column five that data segment zero from S2
14 gets output together with data segments
15 S1, zero and one; right?

16 A. I agree. Output now is output
17 from the MS unit. It's not necessarily
18 for rendering at this point yet.

19 Q. And so data segment S1 from S2
20 gets output together with data segments
21 two and three from S1; right?

22 A. Yes, in this example.

23 Q. Right.

24 So there's not a scenario where,
25 in this embodiment, where data segment one

1 M. T. Goodrich

2 from S2 gets output with data segments
3 zero and one from S1; right? It's not
4 synchronized with those data segments;
5 correct?

6 A. That's right, it's not assigned
7 to them. It's not synchronized with two
8 and three in this example.

9 Q. So in that example there you
10 talked about before where you said let's
11 just say S2 data segment zero is good;
12 right?

13 A. The word "good", yes.

14 Q. So that's the audio is for
15 "good". And then you've got some video
16 for data segment zero and one of S1,
17 right, that's synchronized with "good"?

18 A. I agree.

19 Q. Now, if those video segments
20 from S1 take a lot of time, more than time
21 than saying "good", what happens during
22 S1? It waits until the video is completed
23 from data segments zero and one from S1
24 before moving on to data segment one of
25 S2; right?

1 M. T. Goodrich

2 MR. HASAN: Objection.

3 THE WITNESS: That depends on
4 the rendering unit. Like I said,
5 output could also just be storing this
6 file itself. So it's up to the
7 rendering unit now how to handle this
8 scenario where one segment would have
9 a duration that needs to -- it's not
10 exactly lined up with the durations of
11 the things that it is assigned to.
12 But that's again a separate question
13 from this assignment rule. That's
14 happening further down the pipeline,
15 so literally off the page on the
16 bottom of figure one.

17 Q. So right now there's no content
18 data between the zero and one of S2;
19 right? That's just -- there's nothing in
20 between there. Like this arrow doesn't
21 mean there's data in between those two
22 data segments; right?

23 A. I agree.

24 I'm hearing a binging.

25 MS. CARRANO: Sorry, my laptop

1 M. T. Goodrich

2 was all of a sudden dinging and going
3 crazy. I just turned off the sound.
4 I didn't realize that was going on.

5 Q. So just to confirm, so in S2,
6 we've got data segment zero and we've got
7 data segment one and that space in between
8 does not represent a content-related data
9 segment; right?

10 A. I agree.

11 Q. In your declaration, you
12 provided opinions about U.S. patent number
13 7,386,782 to Comps; is that right?

14 A. I'm not exactly remembering the
15 number, but there was a reference called
16 Comps that I studied.

17 MS. CARRANO: Let me put into the
18 exhibit data share, I'm sharing you
19 Exhibit -- what's been previously
20 marked as Exhibit 1004, U.S. patent
21 number 7,386,782 to Comps.

22 Q. Do you have that?

23 A. Yes, I have that in front of me
24 now.

25 Q. So I'll refer to this patent as

1 M. T. Goodrich

2 Comps or just the Comps reference during
3 this deposition, if that's okay.

4 A. Yes. I have it worked as
5 Exhibit 1004.

6 Q. Have you reviewed the Comps
7 reference?

8 A. Yes.

9 Q. And have you reviewed every
10 single word in Comps?

11 A. That's my recollection, as I sit
12 here today.

13 Q. About how many times have you
14 read Comps thoroughly?

15 A. I didn't keep track. It was
16 multiple times.

17 Q. Did you read Comps in
18 preparation for today's deposition?

19 A. Yes.

20 Q. And how much time did you spend
21 reading Comps in preparation for today's
22 deposition?

23 A. I didn't log that time.

24 Q. Do you have an approximation,
25 like one hour, ten hours, any

1 M. T. Goodrich

2 approximation?

3 A. I'm not comfortable speculating
4 about that, as I sit here today.

5 Q. In your declaration you've
6 submitted for this IPR proceeding, you've
7 included citations to certain portions of
8 Comps; right?

9 A. Yes.

10 Q. Are those portions of Comps that
11 you cite to in your declaration the
12 disclosures that you rely on in
13 formulating your opinions on Comps?

14 A. They're exemplary. I was not
15 trying to be exhaustive in my citations.
16 Instead, I was trying to be accurate and
17 provide evidence that I found from Comps
18 that supported my conclusions, but I was
19 not trying to be exhaustive, if that's
20 your question.

21 Q. In your opinion, is there any
22 disclosure in Comps that you relied on
23 that contradicts any of your opinions on
24 Comps?

25 A. I don't believe so, just sitting

1 M. T. Goodrich

2 here today.

3 Q. As part of your review of Comps,
4 did you have review its file history?

5 A. I'm not recalling every detail
6 as I sit here today.

7 Q. I understand you may not be able
8 to recall the details, but did you
9 actually read the file history, the
10 prosecution file history associated with
11 Comps?

12 A. I don't recall.

13 Q. Now, Comps is directed to the
14 method of synchronizing different types of
15 data in a multimedia file; right?

16 A. Yes.

17 Q. And if you go to figure three of
18 Comps, you see that there's something
19 called track one?

20 A. Yes.

21 Q. And if figure three, track one
22 contains data relating to sound; right?

23 A. I agree.

24 Q. Go to figure -- so sticking with
25 figure three, there's a first field Nf sub

1 M. T. Goodrich

2 one.

3 Do you see that?

4 A. Yes.

5 Q. And that Nf sub one represents
6 the frequency of a first note; correct?

7 A. I agree.

8 Q. And there's a second field NDd
9 sub one that represents its duration;
10 correct?

11 A. Yes. I believe that that is a
12 separate data segment.

13 Q. So the fields Nf sub -- so
14 looking at track one, do you see there's a
15 field Nf2?

16 A. Yes.

17 Q. And do you see there's Nd2?

18 A. Yes, I see that box which I
19 believe a person of ordinary skill in the
20 art would understand to be a different
21 data segment, and in either case neither
22 one is content-related data segments.

23 Q. So again, Dr. Goodrich, you're
24 getting ahead of the question here. My
25 question's very simple and I just need to

1 M. T. Goodrich
2 have the clear record of you answering my
3 question. And so all I asked is if you
4 saw them. I didn't ask anything else. So
5 please just try to answer my question.
6 We'll get to the rest of it or your
7 counsel can ask you those questions.

8 So the field Nf sub two and Nd
9 sub two define a second note; right?

10 A. Can you repeat the question,
11 please?

12 Q. Sure.

13 The fields Nf sub two and Nd sub
14 two define a second note; right?

15 A. I agree. There's a typo in the
16 specification that has an H instead of the
17 two in column three, line twenty-four.

18 Q. Do you see in figure three of
19 Comps there's a field capital D sub one?

20 A. Yes.

21 Q. The field capital D sub one
22 represents a waiting time before
23 presenting the subsequent notes of the
24 soundtrack; right?

25 A. I agree.

1 M. T. Goodrich

2 Q. So let's focus on the second
3 note in figure three of Comps.

4 When track one is being output,
5 it's going to output sound that is a note
6 at the frequency specified in NF sub two
7 for a duration Nd2; right?

8 A. Can you say that again, please?

9 Q. When track one is being output,
10 it's going to output sound that is a note
11 at the frequency specified in Nf sub two
12 for a duration of Nd sub two; right?

13 A. And what is "it" here in this
14 question? What is "it" that's doing the
15 outputting in your question?

16 Q. What would output, in your view,
17 track one?

18 A. It would typically be a music
19 synthesizer, but it could also be a sound
20 card that understands and has a way of
21 producing sound for MIDI content, MIDI
22 commands. So these MIDI commands would go
23 to either a music synthesizer or to a
24 sound card on a computer which would then
25 understand those commands and output sound

1 M. T. Goodrich

2 in response to those commands.

3 Q. So with that understanding, we
4 have a note at frequency Nf sub two and
5 that's going to be for a duration of Nd2;
6 right?

7 A. I agree.

8 Q. And then when track one gets to
9 D1, there's no sound data there; correct?

10 A. I disagree with that premise.
11 Instead, a person of ordinary skill in the
12 art would understand that silence is a
13 valid value for sound, that is the sound
14 of zero hertz, and hence this duration D1
15 to a person of ordinary skill in the art
16 would be for a sound of silence.

17 Q. So you're saying D1 would be
18 assigned zero hertz?

19 A. Not necessarily as a frequency.
20 That's the way that either the sound card
21 or the synthesizer would respond when
22 there is the lack of a command or a
23 command that says don't output any sound.
24 It's the sound of silence for that
25 duration.

1 M. T. Goodrich

2 Q. So what value would be in D1?

3 There's no data in D1; correct?

4 A. I disagree. There is data that
5 describes D1 sufficiently for the system
6 to function. It says so -- we just read
7 that from the specification that says D1
8 is a duration that represents -- it's a
9 field, so it's data, actual data, that
10 represents a waiting time before
11 presenting the subsequent notes of the
12 track, which is why, in my opinion and to
13 a person of ordinary skill in the art,
14 that would be considered some kind of a
15 data segment. It's data in a segment that
16 represents, you know, the sequence of data
17 that's in track one. It's just, in my
18 view, not a content-related data segment.
19 There's no content there.

20 Q. D1 is not a content-related data
21 segment; correct?

22 A. I agree. In fact, all of the
23 blocks shown in figure one are not
24 content-related data segments. They're
25 commands.

1 M. T. Goodrich

2 Q. So going along with your view,
3 it's your view that D1 is a command;
4 right?

5 A. Yes, a command for waiting time.

6 Q. And what is waiting time?

7 A. In this example, it's a duration
8 of silence.

9 Q. Does it always have to be a
10 duration of silence? Could it just be
11 void of data?

12 A. No, no, because it says
13 affirmatively that D1 is a field, to a
14 person of ordinary skill in the art would
15 understand that to be a data field that
16 has data. It's just that this data
17 describes a time period of silence.

18 Q. So looking at that part of Comps
19 which is column three, lines twenty-five
20 and twenty-six, Comps says the field D sub
21 one represents a waiting time before
22 presenting the subsequent notes of the
23 track.

24 Do you see that?

25 A. Yes.

1 M. T. Goodrich

2 Q. So it talks about there is a
3 waiting time, but it doesn't say there is
4 any sound associated with that waiting
5 time; correct?

6 A. The person of ordinary skill in
7 the art from the whole of the
8 specification would understand that this
9 is the sound of silence.

10 Q. I'm not asking you what a person
11 of ordinary skill in the art would think.
12 I'm simply just asking you what Comps
13 discloses.

14 So Comps, in column three, lines
15 twenty-five through twenty-six, only
16 discloses that the field D sub one
17 represents a waiting time before
18 presenting subsequent notes to the --

19 A. There's an alarm going off in
20 this room.

21 Can we go off the record and
22 take a break?

23 MS. CARRANO: Okay.

24 (Whereupon a break was taken)

25 Q. Before the break, Dr. Goodrich,

1 M. T. Goodrich

2 we were talking about track one of figure
3 three of Comps saying specifically D sub
4 one.

5 Do you remember that?

6 A. I do.

7 Q. And so Comps in column three,
8 lines twenty-five through twenty-six says,
9 "the field D1 represents the waiting time
10 before presenting the subsequent notes of
11 the track".

12 Do you see that?

13 A. Yes.

14 Q. And so Comps discloses that D1
15 represents a waiting time. It does not
16 explicitly or expressly disclose that D1
17 means silence; right?

18 A. I disagree. I believe a person
19 of ordinary skill in the art would
20 understand that D1 is representing a
21 waiting time before presenting another
22 note, hence it's representing silence, a
23 time of silence.

24 Q. That's not my question. I
25 didn't ask what a person of ordinary skill

1 M. T. Goodrich

2 in the art would understand from this
3 disclosure. I just asked what's expressly
4 disclosed in Comps.

5 And you would agree with me that
6 at column three, lines twenty-five through
7 twenty-six Comps does not disclose that D1
8 represents silence; right?

9 A. It says what it says. I told
10 you what a person of ordinary skill in the
11 art would understand. We already read the
12 words. We could read them again.

13 Q. So you would agree Comps does
14 not disclose there that D1 represents
15 silence; right?

16 A. No, I disagree with that. I
17 believe that Comps discloses -- we're
18 using the word "disclose" in the way it's
19 usually used in these proceedings that
20 it's teaching to a person of ordinary
21 skill in the art that D1 is representing a
22 time where there is silence, a sound of
23 silence, if you will.

24 But instead if your question is
25 what are the little words in lines

1 M. T. Goodrich

2 twenty-five and twenty-six, the little
3 words are "the field D1 represents a
4 waiting time before presenting the
5 subsequent notes of the track".

6 Q. Does Comps disclose that there's
7 a specific duration for D sub one?

8 A. Yes.

9 Q. What's the duration for D sub
10 one?

11 A. It's the data that is for the
12 waiting time.

13 Q. So in your view, D1 has a
14 defined waiting time associated with it?

15 A. Yes, of course, just like the
16 little D sub ones have a defined time for
17 their durations.

18 Q. Just to be clear, so looking at
19 Nd sub one, the patent expressly says that
20 that represents a duration.

21 Is there any similar language
22 that says -- in Comps -- that D sub one
23 represents a duration of waiting time or
24 just simply a waiting time?

25 A. It would be understood. That's

1 M. T. Goodrich

2 the disclosure. To a person of ordinary
3 skill in the art, when it says it's a
4 field, it's a data field, it's not
5 nothing, it's a data field, there's data
6 there. In this case, the data represents
7 the waiting time. It just doesn't say,
8 for example, a waiting period or a waiting
9 unspecified or some, you know, region.
10 It's an actual waiting time. Hence it is
11 disclosing a specific amount of time that
12 is being represented by the field D sub
13 one.

14 Q. Is there any disclosure in Comps
15 that says that D sub one represents a
16 duration of waiting time?

17 A. That's kind of a cumbersome way
18 to say it. To a person of ordinary skill
19 in the art, it's sufficient to say that it
20 is an actual data field, so it does say
21 that, that represents a waiting time, not
22 just a vague waiting period. So when it
23 says that time, in this context, after it
24 had had just talked about the duration for
25 the note field Nd sub one that represents

1 M. T. Goodrich

2 a duration, it would understand that it's
3 similar types of data that's talking about
4 a duration of time. In the case of Nd sub
5 one, it's the duration that a note is
6 played. And in D sub one, it's a time for
7 silence.

8 Q. At Comps column three, line
9 eleven, Comps discloses that sound data in
10 track one is MIDI sound data; right?

11 A. Yes, I agree.

12 To kind of follow up on my
13 previous answer, if we go to the very
14 subsequent teachings in Comps --

15 Q. Dr. Goodrich, your counsel can
16 ask you that question. I've moved on to
17 the next question. So if you could answer
18 my question.

19 A. I don't understand the premise
20 of your question then. I thought I was
21 allowed to answer questions completely.

22 Q. You've completed your answer and
23 I've moved on, and if you have follow-up,
24 your counsel can ask you those questions.

25 A. Then I retract my previous

1 M. T. Goodrich

2 answer. It was incomplete.

3 May I complete the answer?

4 Q. Your counsel can ask you that
5 question.

6 A. I retract the answer. It's no
7 longer my answer. I do not stand by that
8 testimony unless you allow me to finish my
9 answer.

10 Are you withdrawing your
11 question that you asked previously?

12 Q. So now I'm confused as to which
13 question you're talking about.

14 A. Me, too.

15 May I complete the answer to the
16 question that was previous to the one you
17 just asked?

18 MS. CARRANO: Let me look at the
19 record and see what's going on here.

20 So I'll re-ask question.

21 Q. Is there any disclosure in Comps
22 that says that D sub one represents a
23 duration in waiting time?

24 A. Yes. So as you see from the
25 specification, column three beginning at

1 M. T. Goodrich

2 line twenty-two, it has a paragraph where
3 it describes duration for the field Nd sub
4 one, and then it says that the field D sub
5 one represents a waiting time before
6 presenting the subsequent notes of the
7 track. And then beginning in line
8 twenty-nine it says, "thus fields defining
9 a note or a waiting time can follow on
10 from each other in track one". So to a
11 person of ordinary skill in the art, this
12 is disclosing that the types of data,
13 namely times for these periods that either
14 have a capital D or a small D, are actual
15 times.

16 Q. So in your view, the field D1
17 defines a specific waiting time?

18 A. Yes. Capital D1.

19 Q. So at Comps column three, line
20 eleven, Comps discloses that the
21 soundtrack -- the sound data track in
22 track one is MIDI sound data; right?

23 A. I agree.

24 Q. And in your view, does that mean
25 that track one is in the MIDI format?

1 M. T. Goodrich

2 A. It has the MIDI commands. It
3 contains only MIDI sound data. That's
4 what it says.

5 Q. In figure three of Comps, track
6 two is video data; right?

7 A. Actually, what it says is, in
8 column three, "that track seventy or track
9 two contains only data corresponding to
10 sequences of JPEG images". And then it
11 says, "this data could equally be video
12 data". But the example that is shown is
13 actually sequences of JPEG images, not
14 video data.

15 Q. But track two could equally be
16 video data is what Comps is saying; right?

17 A. It could be equally video data.
18 It's just that what is shown and hence
19 what we're learning from the figure itself
20 is with respect to sequences of JPEG
21 images.

22 Q. Is that video data in track two
23 stored in a MIDI format?

24 MR. HASAN: Objection.

25 THE WITNESS: I don't understand

1 M. T. Goodrich

2 your question. It's presuming two
3 things that I don't believe are true.

4 Q. So Comps does not disclose that
5 the video data in track two is stored in a
6 MIDI format; right?

7 A. Again, I'm not following your
8 question. What's being shown in track two
9 of figure three is a sequence of JPEG
10 images. So if your question is: Is that
11 sequence of JPEG images stored in the MIDI
12 format, no, it's its own format that it's
13 commands that then are referencing
14 referring to JPEG images that are outside
15 of this file, hence they're not
16 content-related data segments.

17 Q. Would you agree that music is
18 content?

19 A. Depending on the context, music
20 can be content. It's just that these are
21 not content. They're not the content.
22 They're the commands for then having some
23 other thing.

24 Q. So again, Dr. Goodrich, my
25 questions are very simple and you keep

1 M. T. Goodrich

2 answering beyond the scope of the
3 questions. So I just need you to listen
4 to the questions very carefully.

5 So would you agree that sound is
6 content?

7 A. I would not dispute that. Sound
8 can be content depending on the context.

9 Q. What about a piece of sheet
10 music with notes on it, is that content?

11 A. Not the way that you described
12 it, no. Just sheet music itself is not
13 quite content.

14 If you're talking about the
15 image, like a picture of that, that could
16 be content, but it's an image, not sound
17 or representing sound anymore.

18 Q. Well, do the notes on a piece of
19 sheet music represent content?

20 A. They are not themselves the
21 content, they are just representations of
22 the content, in the same way that the
23 notes in track one of Comps are
24 representing the notes but they are
25 themselves not the notes, they're not the

1 M. T. Goodrich

2 content.

3 Q. So with respect to audio, is it
4 your opinion that only data representing
5 actual sounds falls within the scope of
6 content-related data segments?

7 A. For audio, yes, there has to be
8 content. It has to be that the content
9 itself of the sound, not just some
10 reference to it in the way that MIDI is.

11 Q. In your opinion -- is it your
12 opinion that then the claims of the '794
13 patent are limited to only sampled audio,
14 such as WAV files?

15 MR. HASAN: Objection.

16 THE WITNESS: No, that's not
17 what I'm saying.

18 Q. So with respect to audio, is it
19 your opinion that the claims of the '794
20 patent are limited to only sampled audio?

21 MR. HASAN: Objection.

22 THE WITNESS: I think I just
23 answered that question.

24 Q. Could you answer again? I
25 couldn't hear with you two speaking over

1 M. T. Goodrich

2 each other.

3 A. I would answer it the same way
4 that I did before, that -- yeah, the same
5 way I did before.

6 Q. What was your answer?

7 A. Could you read it back to me,
8 please? I don't have real-time on my
9 computer.

10 MS. CARRANO: I'll ask the
11 question again.

12 Q. So with respect to audio, is it
13 your opinion that the claims of the '794
14 patent are limited to only sampled audio?

15 MR. HASAN: Objection.

16 THE WITNESS: I'm not quite
17 following the question then. I
18 thought I answered it before.

19 What do you mean by "sampled
20 audio"?

21 Q. So you refer to sampled audio in
22 your declaration; isn't that right?

23 A. I have a quote about what MIDI
24 is and how it -- yeah, so there's
25 references to sampled audio from a quote

1 M. T. Goodrich
2 from a MIDI document called A Tutorial on
3 MIDI and Wavetable Music Synthesis,
4 Exhibit 2016.

5 Q. So I'm asking you, with respect
6 to audio, is it your opinion that the
7 claims of the '794 patent are limited to
8 only sampled audio?

9 MR. HASAN: Objection.

10 THE WITNESS: And that's a part
11 I'm not understanding.

12 Q. What part of the question don't
13 you understand?

14 A. What do you mean by "sampled
15 audio"?

16 Q. What's your understanding of
17 what "sampled audio" means?

18 A. So in this context, what sampled
19 audio is referring to is in the context of
20 the MIDI format where you can have sampled
21 audio files such as a WAV file that are
22 not part of the MIDI sequence, that's not
23 a part of the MIDI command. Instead what
24 can occur is that, when a MIDI command
25 says play a note at a certain frequency,

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2 that the rendering the device, either the
3 sound card or the music synthesizer, can
4 play the sound from a WAV file, it can
5 play a sampled sound. So if you ever
6 watched the movie Ferris Bueller's Day
7 Off, he had a digital synthesizer in this
8 room and sometimes he would push keys.
9 Instead of playing music notes, it would
10 play a sampled sound of a cough or a
11 sneeze. But those commands were not a
12 part of the MIDI data that would be in
13 this hypothetical being played by that
14 synthesizer. The MIDI file just has the
15 frequency of that note and that note
16 corresponds to a sampled audio.

17 Q. So would sampled audio fall
18 within the scope of the '794 patent
19 claims?

20 MR. HASAN: Objection.

21 THE WITNESS: In my opinion, it
22 would if it were the actual
23 content-related data segments if they
24 were audio components or sampled audio
25 snippets. We see from the

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2 specification that it could be audio
3 for just a word like "good" or just a
4 word for "morning". And those
5 examples, that falls within the scope.
6 But what is outside the scope is if
7 you have segments of data that are not
8 content-related, like you have with
9 MIDI.

10 Q. So for audio, in your view,
11 sound data would fall within the claims of
12 the '794 patent; correct?

13 MR. HASAN: Objection.

14 THE WITNESS: I would not
15 dispute that.

16 Q. Earlier you testified that you
17 were given some MIDI files that you
18 included in your declaration; correct?

19 A. Do you see that in my
20 declaration?

21 Q. Earlier I asked you if this
22 deposition if you were the one who found
23 those exhibits relating to MIDI that are
24 referenced in your declaration.

25 Do you remember that?

1 M. T. Goodrich

2 A. I misunderstood your question.
3 I thought you were referring to MIDI sound
4 files, not MIDI sound documents.

5 Q. So I'm just asking about those
6 MIDI documents that you've referenced in
7 your declaration.

8 A. Yes.

9 Q. And so you didn't find those
10 documents; right?

11 A. No, those were provided by
12 counsel.

13 Q. And you -- before counsel gave
14 that to you, had you read those documents
15 before or come across them in your line of
16 work?

17 A. I don't recall. I was familiar
18 with MIDI before this. I'm just not
19 recalling exactly from where.

20 Q. Well, are you familiar with MIDI
21 channel messages?

22 MR. HASAN: Objection.

23 THE WITNESS: Could you refer to
24 a place in my declaration where I
25 refer to that?

1 M. T. Goodrich

2 Q. I know you're supposed to be the
3 expert on this. I'm just asking now if
4 you're familiar with MIDI channel
5 messages.

6 A. I'm not following your question.
7 I'm not recalling that phraseology, but if
8 there's a place in my declaration where
9 you feel I've addressed it, I'd be happy
10 to address your question.

11 Q. Do you know what MIDI channel
12 messages are?

13 MR. HASAN: Objection.

14 THE WITNESS: I'm not recalling
15 as I sit here today.

16 Is there a place where either in
17 my declaration or one of the exhibits
18 that is discussing that? If so,
19 please upload that exhibit.

20 Q. Do you know how many types of
21 MIDI channel messages there are?

22 MR. HASAN: Objection.

23 THE WITNESS: We have to be
24 careful, also, when we talk about MIDI
25 because MIDI has gone through multiple

1 M. T. Goodrich

2 revisions and updates and hence, when
3 I was referring to MIDI in the context
4 of my declaration I was referring to
5 what a person of ordinary skill in the
6 art would understand to be MIDI. And
7 so we also have to be careful about
8 the version numbers and the question
9 you're asking so far at least it
10 hasn't been established that it would
11 be something that would be in a
12 document that I referenced.

13 Q. So considering MIDI at the time
14 of the '794 patent, do you know what the
15 bit structure of the middle message would
16 be?

17 MR. HASAN: Objection.

18 THE WITNESS: I have seen that.
19 I'm just not recalling the exact
20 mapping. I do recall that from at
21 least one of the documents that I cite
22 to. So if you could please upload
23 those and we can discuss it.

24 MS. CARRANO: Let's go on a
25 little break.

1 M. T. Goodrich

2 MR. HASAN: Do you want to break
3 for lunch or do you want to want a
4 short break?

5 MS. CARRANO: Let's just do a
6 short break.

7 MR. HASAN: 11:55?

8 MS. CARRANO: That sounds great.
9 Thanks.

10 (Whereupon a break was taken)

11 MS. CARRANO: I have no further
12 questions for you, Dr. Goodrich.

13 MR. HASAN: Can I ask for a
14 ten-minute break?

15 MS. CARRANO: Sure.

16 MR. HASAN: Thank you.

17 THE WITNESS: Back in ten.

18 (Whereupon a break was taken)

19 MR. HASAN: No questions.

20 MS. CARRANO: Thank you, Dr.
21 Goodrich.

22 (CONTINUED ON NEXT PAGE)

23

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M. T. Goodrich

THE WITNESS: Thank you. Time
noted 12:01 p.m.

(TIME NOTED: 12:01 p.m.)

MICHAEL T. GOODRICH

Subscribed and sworn to before me

this ___ day of _____, 2024.

Notary public

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WITNESS	EXAMINED BY	PAGE
M. T. Goodrich	Ms. Carrano	3

E X H I B I T S

FOR ID	DESCRIPTION	PAGE
Exhibit 2011	Document entitled Declaration of Dr. Michael T. Goodrich	14
Exhibit A	Document entitled Figure 1	62

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CERTIFICATION BY REPORTER

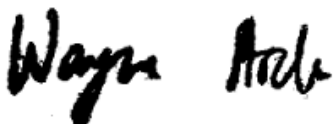
I, Wayne Hock, a Notary Public of the State of New York, do hereby certify:

That the testimony in the within proceeding was held before me at the aforesaid time and place;

That said witness was duly sworn before the commencement of the testimony, and that the testimony was taken stenographically by me, then transcribed under my supervision, and that the within transcript is a true record of the testimony of said witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, that I am not interested directly or indirectly in the matter in controversy, nor am I in the employ of any of the counsel.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of June, 2024.

A handwritten signature in black ink that reads "Wayne Hock". The signature is written in a cursive, slightly slanted style.

WAYNE HOCK

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ERRATA SHEET
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CASE NAME: Netflix, Inc. v. VL Collective IP LLC
DATE OF DEPOSITION: 6/13/2024
WITNESSES' NAME: Dr. Michael T. Goodrich

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Dr. Michael T. Goodrich

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&	3	60:17 64:7	actually 37:19
& 1:19 2:3,10	3 111:6	65:8 66:2	59:11 76:6
1	3922 112:24	67:10 70:15	83:9 98:7,13
1 42:14 62:13	4	71:12 101:12	added 18:2
111:14	4 15:7 24:9	101:19 102:13	additional
1001 5:5 6:21	26:4 45:18	103:7 104:18	38:11
29:9	48:9	105:12 108:14	address 107:10
10017 2:11	400 1:20 2:11	8	addressed
10019 2:5	6	8,605,794 1:9	20:23 22:6
1004 80:20	6/13/2024	6:14,17	63:9 64:4,15
81:5	113:3	9	69:13 107:9
11:55 109:7	62 111:14	9:18 1:12	adjusting 27:20
12:01 110:3,4	7	a	adobe 5:4,7
13 1:12	7,386,782 80:13	a.m. 1:12	affirmatively
14 111:12	80:21	aac 24:9	89:13
14th 112:23	787 2:4	able 47:20 83:7	aforesaid 112:8
2	794 6:17,25	absolutely	ago 11:6
2 26:4 42:14	7:16,22 8:3,10	40:19 69:16	agree 5:19,20
45:18 48:9	8:24 9:7,14,20	acarrano 2:6	23:11 26:19
20 113:22	9:24 10:7,9,17	accept 9:17	27:9 30:4,23
2005 19:17	10:18 19:5,16	29:7	41:5,9 43:14
20:8 23:11	20:7 21:5	accurate 4:11	43:23 44:10
2011 14:14,17	23:10,20 24:3	27:16 54:10	49:5,10,25
14:23 15:10,14	25:6,13,20,23	82:16	50:7 54:11,18
22:12 111:10	26:9 28:6,18	achieved 74:8	55:13,16,20
2016 103:4	28:25 29:11,18	acrobat 5:4	71:23 72:2
2022-01086 9:6	29:20 30:3,6	acronym 18:10	76:8 77:16
2024 1:12 15:7	30:12,14,22	action 112:18	78:18 79:23
15:11 110:9	31:5,9,18	actual 42:15	80:10 83:23
112:23	32:11,18,23	46:15 48:17	84:7 85:15,25
22 15:10	35:4 37:4	59:6 88:9	87:7 88:22
	40:15,21 44:23	94:10,20 97:14	92:5,13 95:11
	49:4,6,12 50:8	101:5 104:22	97:23 99:17
	51:5 59:13		100:5

agreed 27:15 28:14 ahead 24:14 39:18,18 51:8 84:24 alarm 90:19 alignment 77:3 aliza 2:6 3:11 alleged 76:21 allow 96:8 allowed 95:21 amount 57:16 58:23 94:11 analysis 57:22 64:11 analyze 22:8 74:17 annotated 62:10 answer 4:6 8:7 11:14,21,23 21:12 23:8 34:16 35:18 39:19 42:22 43:5,15 47:20 61:18 63:17 64:13,17 85:5 95:13,17,21,22 96:2,3,6,7,9,15 101:24 102:3,6 answered 19:11,22 43:13 101:23 102:18 answering 85:2 100:2	answers 4:11 36:15 anticipating 75:18 anymore 100:17 apologize 64:25 apparent 70:12 appeal 1:2 appear 23:6 24:20 26:8 35:3 37:3 appears 15:16 17:11 applied 16:13 17:9 apply 75:19,22 applying 70:18 75:23 appreciate 39:7 approximate 18:3 approximately 3:25 approximation 81:24 82:2 april 19:17 20:8 23:11 area 17:20,22 arrive 13:11 arrow 67:3 79:20 arrows 70:9 73:18	art 17:17 18:11 19:19 20:9,17 21:3,5,16 22:15,20 23:22 38:15,22 45:16 46:5 59:12 64:11 72:14 73:25 74:7 84:20 87:12,15 88:13 89:14 90:7,11 91:19 92:2,11,21 94:3,19 97:11 108:6 articles 13:15 asked 19:10,21 21:11,24 42:23 63:10 64:10,12 66:2 69:10 71:14,15 73:13 76:20 85:3 92:3 96:11,17 105:21 asking 19:4,7 20:15,24 23:3 30:20 31:14 35:20 43:12,19 44:7 45:6,19 47:2,3 64:6 71:7 73:5 90:10,12 103:5 106:5 107:3 108:9 aspect 60:24	assign 27:22 58:6 61:16 70:19 assigned 53:5 53:12 54:9,16 54:20,24 55:4 55:8 68:4 70:3 71:21 73:22 76:7 78:6 79:11 87:18 assignment 26:16,22 27:20 28:5,17,20 29:2 50:5,9,13 51:6,12,14 52:14,17,24 53:14 54:7 57:12,13 58:2 66:10 70:19 72:20,22 73:11 74:25 75:23 76:8,12 77:6 79:13 assignments 68:4 associated 57:16 58:23 59:7 83:10 90:4 93:14 assume 61:14 attorneys 2:4 2:10 10:14 11:5,10 12:10 14:4
--	---	---	---

audible 66:19 audio 17:22 18:14,16,17,21 18:23 19:9,15 19:19 20:10,18 21:6,17,25 22:21 23:13 24:6,7,8,10,18 24:19,21,25 25:5,12 31:24 32:5,13,16 49:2 55:15 56:23 57:4 68:21 72:4,5 73:21 74:2,9 74:10 78:14 101:3,7,13,18 101:20 102:12 102:14,20,21 102:25 103:6,8 103:15,17,19 103:21 104:16 104:17,24,24 105:2,10 autumn 2:18 3:16 available 25:5 avenue 1:20 2:4 2:11 aware 6:25 8:18,23 10:2,6 10:16 15:17 23:22 28:16,24	b b 111:8 bachelor's 17:18 back 47:25 51:9 52:4 66:19 102:7 109:17 based 16:4 30:15 33:14,24 38:8 43:15 50:10,14 51:15 52:18 65:24 66:12 76:9 77:4,6 basically 67:25 basis 50:5 bederson 18:8 beginning 24:4 25:24 32:8 34:2 41:15 49:19,20 51:19 52:21 53:9 66:6,14 96:25 97:7 believe 4:3 6:20 7:10 15:21 16:15,18,22 20:22 31:17 32:2 36:9 64:14 82:25 84:11,19 91:18 92:17 99:3 better 60:25	beyond 63:12 100:2 binging 79:24 bit 50:21 51:4 57:22 108:15 blocks 88:23 blood 112:18 board 1:2 4:8 10:16 19:24 28:24 29:6 board's 10:7 books 13:15 bottom 72:16 79:16 box 84:18 break 50:22 51:4,22 52:3,7 52:9 90:22,24 90:25 108:25 109:2,4,6,10,14 109:18 bring 6:3 broader 43:12 44:3 bueller's 104:6 c c 2:2 3:2,2 42:12 call 62:9 called 42:12 48:18 80:15 83:19 103:2 calling 67:11 calls 18:24	capital 85:19 85:21 97:14,18 card 86:20,24 87:20 104:3 cardenas 2:14 11:8 careful 59:10 107:24 108:7 carefully 46:24 100:4 carrano 2:6 3:8 3:11 11:17,23 14:9 19:24 23:18 31:3 39:3 51:9,21 52:2 62:7 65:2 77:11 79:25 80:17 90:23 96:18 102:10 108:24 109:5,8 109:11,15,20 111:6 carried 53:14 case 1:9 6:4 7:11,14 23:9 47:24 53:17 56:16 59:2 66:15 84:21 94:6 95:4 113:2 certain 57:18 82:7 103:25 certification 112:2
---	--	---	---

certify 112:5,16 challenged 8:24 challenging 6:13 change 113:5 changes 5:24 channel 106:21 107:4,11,21 chat 5:14 chronological 53:22 56:6 66:15 67:2 chronology 66:4,8 68:14 citations 82:7 82:15 cite 82:11 108:21 cited 13:21 claim 17:2,8 28:16,19 29:14 30:25 33:11 39:12,24 claims 10:18 30:5,11,14,22 31:4,8,18 32:11 40:14 49:6 76:10 101:12,19 102:13 103:7 104:19 105:11 clarify 15:25 43:14 44:4	clarity 9:6 clear 15:22 35:2 40:5 57:23 85:2 93:18 close 17:25 coded 24:7 coding 24:8,16 24:21 26:3,9 codings 24:5 colleagues 3:16 collective 1:7 7:6 113:2 column 24:4 25:24 32:8,9 33:25 36:16 38:13 41:15 49:19,19 51:19 52:21 53:9 55:25 66:6,14 77:8,13 85:17 89:19 90:14 91:7 92:6 95:8 96:25 97:19 98:8 combine 72:21 combined 72:21 combining 32:4 come 64:11 106:15 comfortable 21:21 82:3 coming 25:9,17 47:14 56:22,24	57:12,25 67:10 70:16 command 87:22,23 89:3 89:5 103:23,24 commands 42:16 46:2,16 86:22,22,25 87:2 88:25 98:2 99:13,22 104:11 commencem... 112:10 commission 113:25 common 73:23 communicating 5:13,17 compensate 18:4,6 complete 16:18 96:3,15 completed 65:20 67:19 68:10,12 69:6 78:22 95:22 completely 95:21 component 57:11 components 104:24 compressed 26:2	comprise 45:17 comprises 41:25 comps 42:12,18 42:25 45:23 46:6,16 47:2 80:13,16,21 81:2,2,6,10,14 81:17,21 82:8 82:10,13,17,22 82:24 83:3,11 83:13,18 85:19 86:3 89:18,20 90:12,14 91:3 91:7,14 92:4,7 92:13,17 93:6 93:22 94:14 95:8,9,14 96:21 97:19,20 98:5,16 99:4 100:23 computer 5:2 17:19,21 18:23 86:24 102:9 concept 22:6 conclusions 82:18 conduct 13:10 conference 4:17 5:12 confirm 15:13 80:5 confused 96:12 confusion 70:13
--	--	---	--

consider 22:8 64:12 considered 12:2 46:8 47:6 74:16 88:14 considering 108:13 consistent 35:6 constellation 53:20 56:3 construction 17:3,8 26:15 28:4,12,14,17 28:19 29:2 30:25 33:11 35:14 36:8 37:10 38:9 40:13,19 constructions 26:19,22 27:5 27:10,14 contain 16:12 38:16 48:16 containing 41:3 66:23,25 contains 47:12 66:20 83:22 98:3,9 contemplated 60:16 73:25 content 24:25 25:5,12 27:21 32:19,24 33:4 33:7,7,12,16,20 33:23 34:4,19	34:20 35:2,7,9 35:14,15,25,25 36:5,7,20,24 37:6,11,12,15 37:19,25 38:5 38:8,16,17,20 38:23,25 39:9 39:12,23,25 40:7,10,12,16 42:19 48:17,18 48:19 49:7,8 49:14 53:4,6 55:11,14 56:9 59:15,17 66:3 66:5,9 67:13 69:15 79:17 80:8 84:22 86:21 88:18,19 88:20,24 99:16 99:18,20,21,21 100:6,8,10,13 100:16,19,21 100:22 101:2,6 101:8,8 104:23 105:8 context 15:22 18:18 19:3,5 19:14 23:2,3 43:9 47:17 59:13 94:23 99:19 100:8 103:18,19 108:3 continue 55:3 60:8	continued 109:22 continues 56:18 continuing 55:25 contradicts 82:23 controversy 112:20 conversations 12:6 copy 6:20 correct 4:15 6:10,22 8:25 9:8,21 13:7 14:7 15:11 16:7 17:24 22:11,16 23:13 26:16 27:15 28:6 29:12 57:6 78:5 84:6 84:10 87:9 88:3,21 90:5 105:12,18 corrections 15:17,21 correspond 41:11 43:17 44:13 45:8 74:3 corresponding 98:9 corresponds 104:16	cough 104:10 counsel 11:17 16:16,22 19:24 39:5 65:2 85:7 95:15,24 96:4 106:12,13 112:21 counselor 50:19 count 4:3 course 18:19 30:13 57:11,21 93:15 court 4:8 7:3,7 8:13 covers 31:23 crazy 80:3 creation 17:23 18:2 cumbersome 94:17 currently 5:4 7:2 d d 3:2 85:19,21 89:20 90:16 91:3 93:7,9,16 93:22 94:12,15 95:6 96:22 97:4,14,14 111:4 d1 40:24 41:2,8 49:16 72:17 87:9,14,17 88:2,3,5,7,20
--	---	--	---

89:3,13 91:9 91:14,16,20 92:7,14,21 93:3,13 97:16 97:18 d2 24:12 49:4 49:17 72:17 dane 2:7 3:16 data 18:23 24:6 24:7,10,12,25 25:5,12,25 27:21,23 31:23 31:24 32:13,19 32:24 33:4,7,8 33:12,16,17,20 33:23 34:5,7,9 34:12,19,20 35:3,8,11,12,15 35:15,17,25 36:2,6,7,24 37:11,12,13,15 37:21,22 38:2 38:5,8,16,17,20 38:23,25 39:9 39:12,23,25 40:7,8,10,12,16 41:3,3,6,8,10 41:18 42:19 45:25 46:9 47:6 48:18,19 49:2,4,7,8,15 49:16,21,22 50:3 53:4,6,12 53:13,16,18,19 53:21,24 54:8	54:9,15,16,19 54:20,23,24 55:3,4,7,8,11 55:12,14,15,17 55:18,22 56:5 56:8,10,13,14 56:17,21 57:2 57:15,18,24 58:4,7,24 59:16,23 60:7 61:4,5,7,20,21 61:23 62:21,22 62:25 63:3,4 63:18,20 64:18 64:19 65:12,13 65:14,16,17,21 66:3,17,20,21 66:23,24 67:13 67:17,18 68:2 68:7,9,10,17,18 68:25 69:2,3,7 69:23,25 70:2 70:6,20 71:20 71:21 72:10,15 74:21,22 75:15 75:16,25 76:13 76:15,17 77:8 77:9,13,14,19 77:20,25 78:2 78:4,11,16,23 78:24 79:18,21 79:22 80:6,7,8 80:18 83:15,22 84:12,21,22 87:9 88:3,4,9,9	88:15,15,16,18 88:20,24 89:11 89:15,16,16 93:11 94:4,5,5 94:6,20 95:3,9 95:10 97:12,21 97:22 98:3,6,9 98:11,12,14,16 98:17,22 99:5 99:16 101:4,6 104:12,23 105:7,11 date 16:6 61:7 113:3 dated 15:6,10 day 11:4,7 12:12 104:6 110:9 112:23 113:22 days 11:6 48:2 dealing 19:15 67:8 decision 9:23 10:7 declaration 9:20 13:9,17 14:6,16,22,24 14:24 15:4,6,9 15:14,18,20 16:3,9,12 17:4 17:9,13,16 20:22 21:10 22:3,10 23:4,7 25:3 26:12,15 26:24 27:19	33:19 36:5 37:14 40:10 46:21 63:8 64:3,15 65:9 80:11 82:5,11 102:22 105:18 105:20,24 106:7,24 107:8 107:17 108:4 111:11 define 85:9,14 defined 93:14 93:16 defines 97:17 defining 97:8 definition 18:9 degree 17:19 depend 19:13 dependent 76:10 depending 60:3 99:19 100:8 depends 18:18 19:2 22:25 43:8 57:20 60:14 79:3 depicted 30:7 30:16 31:6,19 deposed 3:22 4:2,14 deposition 1:16 3:15 10:25 11:11 12:9,16 12:20 13:2,5 14:22 81:3,18
--	--	--	---

81:22 105:22 113:3 derived 39:11 describe 53:3 55:21 described 53:8 100:11 describes 88:5 89:17 97:3 describing 32:7 description 18:3 57:23 111:9 designated 24:10 detail 54:2 83:5 details 10:15 18:19 47:18 48:10 83:8 developing 17:21 device 29:21 104:2 dialogue 34:11 difference 33:6 34:22,25 35:21 35:24 different 18:9 23:23 28:19 43:20 61:4 63:15 70:20 76:5 83:14 84:20 digital 104:7	dinging 80:2 directed 32:19 32:24 83:13 directly 112:19 disagree 32:15 42:11 87:10 88:4 91:18 92:16 disclose 77:7,12 91:16 92:7,14 92:18 93:6 99:4 disclosed 42:18 69:16 92:4 discloses 90:13 90:16 91:14 92:17 95:9 97:20 disclosing 94:11 97:12 disclosure 31:9 82:22 92:3 94:2,14 96:21 disclosures 82:12 discourages 19:25 discuss 69:20 108:23 discusses 50:8 50:13 discussing 107:18 dispute 42:10 100:7 105:15	distribution 17:24 district 7:3,7 8:13 divulge 11:15 11:21 document 14:15 15:16 19:6 62:12 103:2 108:12 111:10,13 documents 12:13 13:21 106:4,6,10,14 108:21 doing 60:4 62:17 67:13 70:17 71:3 86:14 double 73:18 dr 3:9,17,23 10:24 11:14,20 12:8 14:5,16 17:12 18:8,14 19:23 20:24 22:9 34:17 42:21 52:4 84:23 90:25 95:15 99:24 109:12,20 111:11 113:3 113:21 dropping 14:12 62:7	dsowers 2:8 duly 3:3 112:9 duration 57:8 60:13 74:6,11 74:12 76:3,5 79:9 84:9 86:7 86:12 87:5,14 87:25 88:8 89:7,10 93:7,9 93:20,23 94:16 94:24 95:2,4,5 96:23 97:3 durations 57:24 79:10 93:17
e			
e 2:2,2 3:2 111:4,8 e.g. 34:8,14 41:19 earlier 22:25 38:12 41:17 56:4 71:13 105:16,21 ears 71:8 73:6 ease 9:14 easier 63:17 edison 48:2 education 18:5 18:5 eight 38:13 51:20 53:11 55:8 eighty 25:3			

either 14:23 23:6,16 59:14 65:14 70:24 73:3 74:4 75:11 84:21 86:23 87:20 97:13 104:2 107:16 elementary 41:24 eleven 95:9 97:20 embodiment 29:22 30:3,6 30:16 31:6,23 32:4 38:19 51:19 67:12 71:16 73:19 77:25 embodiments 31:7 38:12 66:11 70:24 employ 112:21 encoding 17:23 endless 60:6 ends 61:2 entertainment 7:6 8:13 entitled 14:15 62:12 111:10 111:13 envisioning 44:20 equally 98:11 98:15,17	equals 51:15 52:18,25,25 53:16 54:8 56:12 75:21 equate 39:22 equating 38:23 39:9 errata 113:1 especially 69:25 esq 2:6,7,12,14 established 31:22 108:10 everybody 51:23 evidence 30:24 82:17 exact 35:5 37:2 37:3 108:19 exactly 7:13 28:8 53:7 79:10 80:14 106:19 examination 3:7 examined 3:5 111:5 example 13:14 24:2,8 25:2,23 26:3 27:3 32:8 47:19 50:9,13 53:2,11 55:24 58:15,17 59:20 60:20 66:5,18 66:20 68:25	70:16 71:3,5 73:20,21 74:5 74:8,24 75:5 75:17,22 77:22 78:8,9 89:7 94:8 98:12 examples 24:5 24:17,21 38:14 48:8 60:16 62:19 66:12 105:5 exemplary 31:22 82:14 exhaustive 82:15,19 exhibit 4:23 5:5 5:7 6:21,22 14:10,12,14,17 14:23 15:10,14 22:12 29:9 62:8,9,13 80:18,19,20 81:5 103:4 107:19 111:10 111:13 exhibits 13:21 105:23 107:17 experience 17:20 18:4,6 expert 7:15 8:4 9:19 14:22,23 15:14 18:8 22:10 35:23 65:9 107:3	expires 113:25 explicitly 91:16 express 33:14 33:24 35:7 36:11 37:9 expressly 59:5 91:16 92:3 93:19 extent 17:7 f f 2:14 fact 53:10 76:10 88:22 fair 18:21 40:2 fall 31:7 104:17 105:11 falls 101:5 105:5 familiar 7:5,11 8:19 25:19 46:13,16,18 106:17,20 107:4 far 61:25 108:9 farr 2:3 3:14 feel 22:5 63:8 64:3 69:12 107:9 feldberg 1:19 2:10 ferris 104:6 field 83:25 84:8 84:15 85:8,19 85:21 88:9 89:13,15,20
--	--	--	--

90:16 91:9 93:3 94:4,4,5 94:12,20,25 97:3,4,16 fields 84:13 85:13 97:8 fifty 4:4 17:13 18:13 27:3,6,9 32:10 66:7,14 figure 24:11 29:17,20 30:2 30:7,16,23 31:20,21 32:7 38:18 40:20,23 41:2,7 49:3,11 49:23 50:12 51:11 52:10,15 52:23 53:5,20 54:6 55:18 56:4,21 61:14 62:10,11,13 67:3 68:5 70:6 72:15,24 73:16 76:2 79:16 83:17,21,24,25 85:18 86:3 88:23 91:2 98:5,19 99:9 111:14 file 18:15,16,22 18:22 19:9,19 20:10,18 21:6 21:17,24,25 22:21 23:12,23 24:12,18,19,23	24:24,25 25:12 26:6 28:3 31:16,17 33:18 34:7,12 35:12 35:17 37:13,22 40:9 41:3,8,18 41:25 42:13 43:10,23,23 44:18,21 46:5 46:7,13,14,18 47:5,10,11,12 47:16 49:4 60:19 71:2,2 71:10 76:23 79:6 83:4,9,10 83:15 99:15 103:21 104:4 104:14 files 18:18 25:4 31:19 42:17 46:4,17 49:16 72:17 101:14 103:21 105:17 106:4 final 9:23 finally 55:7 74:4 find 13:25 22:3 35:23 62:20 106:9 fine 69:18 finish 39:6 96:8 finishes 63:19 64:19 65:12	firm 3:13 first 3:3 31:16 34:5 35:10 37:7,20 41:8 43:21 49:7,15 49:21 50:3 53:6,13,15,21 56:5,8,9,9,12 56:14 59:16 66:17,24 83:25 84:6 five 12:11 24:5 31:16 32:9 51:19 52:21,22 53:9,9 54:25 55:25 58:9 61:20,22 62:23 72:7 75:8 77:8 77:13 89:19 90:15 91:8 92:6 93:2 flow 72:16 focus 86:2 follow 95:12,23 97:9 following 23:7 23:16 30:9,19 31:12 32:22 43:25 45:12 46:12 61:25 67:21 99:7 102:17 107:6 follows 3:6 format 18:15 18:16,17,22,22	19:9,14,20 20:10,19 21:6 21:17,24,25 22:21 24:20 46:13,14,18,25 47:11,19 60:3 60:19 97:25 98:23 99:6,12 99:12 103:20 formats 23:13 23:23 24:18 25:19 26:7 forms 47:24 formulate 13:16 formulating 13:8 16:13 82:13 forty 56:2 forwarded 56:11 found 10:17 51:7,17 82:17 105:22 four 15:3 16:8 16:11 18:13 24:4 25:24 32:10 33:25 36:16 38:13 41:15 49:20 54:24 55:7 56:19 66:6,7 66:14,15 85:17 fourteen 34:3 36:16
--	--	--	--

fraction 74:15 frequency 84:6 86:6,11 87:4 87:19 103:25 104:15 front 14:20 80:23 full 3:18 function 88:6 functionality 73:7 further 21:22 53:13 66:21 70:22 72:23 76:25 79:14 109:11 112:16 furthermore 34:12 41:17	give 4:11 47:18 given 105:17 gives 24:5 giving 38:14 go 16:8 17:12 24:3,3,14 25:23,24 26:11 29:8 39:18,18 40:20 48:10 51:8,22 64:24 65:16 66:6 70:21 75:11,14 83:17,24 86:22 90:21 95:13 108:24 goes 30:25 33:10 53:25 56:18 67:6 going 14:9,21 32:9 43:4 47:25 50:20,24 57:4,8,17 58:21 59:8 60:5,6,8,12 61:6 65:20 68:24 70:11 71:6 72:16 80:2,4 86:5,10 87:5 89:2 90:19 96:19 good 3:9,10 50:23 51:2 66:21,23 68:21 68:25 78:11,13 78:15,17,21	105:3 goodrich 1:17 3:9,17,20,23 4:1 5:1 6:1 7:1 8:1 9:1 10:1,24 11:1,14,20 12:1,8 13:1 14:1,5,16 15:1 16:1 17:1,12 18:1,14 19:1 19:23 20:1,24 21:1 22:1,9 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 34:17 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1,21 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 52:4 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 84:23 85:1	86:1 87:1 88:1 89:1 90:1,25 91:1 92:1 93:1 94:1 95:1,15 96:1 97:1 98:1 99:1,24 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1,12,21 110:1,6 111:6 111:12 113:3 113:21 great 52:2 109:8
g g 3:2 53:24 55:19 56:8,17 56:22 68:18 g.723.1 24:9 gallagher 2:3 3:14 general 19:7,8 47:3 48:12 generally 18:20 19:14 20:16 43:10,24 58:10 george 2:6 getting 55:23 59:19,25 67:19 69:4 72:5 76:17 84:24	g	h	h 3:2,2 85:16 111:8 h.264 26:5 h.264. 45:19 48:10 hand 112:23 handle 79:7 happening 65:15 75:12 76:16 77:4 79:14 happens 62:20 65:12 71:8,9 73:8 76:15 78:21 happy 15:24 62:6 107:9

hasan 2:12 7:8 7:17 8:5,14,20 9:2,9 10:3,10 10:20 11:5,12 11:20 12:4 13:18 18:24 19:10,21 20:5 20:12,20 21:7 21:18 22:23 23:14,25 25:7 25:15,21 26:17 28:7,23 29:4 30:8,17 31:10 32:14 33:9 34:24 36:3 39:2,14,16 40:3,17 41:13 42:6 43:7 44:14 45:10 46:10 47:7 50:19 51:2,24 63:6,23 64:23 64:25 65:22 67:20 68:13 69:8 72:11 79:2 98:24 101:15,21 102:15 103:9 104:20 105:13 106:22 107:13 107:22 108:17 109:2,7,13,16 109:19 hear 101:25	heard 8:21 29:5 hearing 79:24 held 1:18 112:7 help 13:10,16 61:18 62:3 65:10 helpful 60:22 hereunto 112:22 hertz 87:14,18 high 57:5 history 28:3 83:4,9,10 hock 1:21 112:4,25 hopefully 63:16 hoping 65:8 hour 50:21 81:25 hours 11:9,18 11:25 12:4,8 12:11 81:25 hypothetical 44:19 45:20,23 63:11 64:5 65:24 67:8 69:20 71:5 104:13	illusion 42:2 48:4 illustrate 62:19 illustrated 53:20 56:3,20 72:19 illustrating 32:3 38:18 46:2 72:15 illustration 52:24 image 43:11,22 43:24 44:18 62:3,6,10,11 100:15,16 images 34:14 41:11,20,22,23 41:25 42:4,5,8 42:9,15,17 43:3,3,6,6,16 43:17 44:8,8 44:12,13,16,24 45:7,9,18,25 46:3,8,15 47:6 47:13,16,25 48:3,6,14,22 98:10,13,21 99:10,11,14	include 76:22 76:23 included 82:7 105:18 includes 59:14 including 13:20 incomplete 96:2 indicates 68:16 indirectly 112:19 individual 17:18 34:14 41:11,20,22,23 41:25 42:4,9 43:3,6,11,16,22 43:24 44:8,11 44:16,24 45:7 45:17 47:25 48:3,6,14 66:17 75:14 information 11:16,19,22 12:3 13:5 27:21 informed 30:22 infringement 8:2,9 instance 73:23 intent 32:2 interested 112:19 interesting 65:3
	i	immediately 7:21,24 8:9 25:10 implementati... 57:21 important 68:23	

internet 13:15 interrupted 61:12 intrinsic 30:24 invalid 10:8,19 invention 29:23 71:12 73:2,9 inventors 32:3 involve 7:22 8:8 27:20 involved 7:2 8:10 involves 7:14 involving 7:11 8:16,17 ip 1:7 7:6 113:2 ipr 6:12 8:25 9:5,7,8,11,13 9:14,20,24 10:9,17 14:6 15:15 28:6,18 28:25 82:6 ipr2023-00891 1:9 issue 22:16 issued 9:25 itu 24:9 26:4	43:23,23 44:8 44:13,18 45:9 45:13,24 46:3 46:8,15,17 47:6,12,16 48:22 98:10,13 98:20 99:9,11 99:14 jpegs 44:21 48:24 june 1:12 112:23	laptop 79:25 lasts 58:8 latter's 53:24 56:8 law 3:13 4:8 16:20 learning 98:19 left 41:17 legal 3:18 16:12 17:2,7 lehman 1:19 2:10 length 59:24 60:8 74:15 letter 50:15,16 75:18 level 22:14 57:5 lexicography 33:14,25 35:7 36:12 37:10 likewise 38:10 38:17 limitations 26:16,23 28:5 28:18,21 29:3 limited 13:5 30:6,15 31:5 31:14,18 32:12 32:16 40:15 101:13,20 102:14 103:7 line 24:4 25:25 32:8,10 34:2 36:15 41:16 44:2 49:19,20	51:20 52:22 53:9,10 56:2 66:7,14 70:8 85:17 95:8 97:2,7,19 106:15 113:5 lined 79:10 lines 36:16 38:13 58:14 64:16 89:19 90:14 91:8 92:6,25 list 16:22 27:4 listen 46:23 100:3 literally 79:15 litigation 7:7 8:13,17 litigations 7:3 little 50:21,25 51:4 57:22 59:10 92:25 93:2,16 108:25 llc 1:7 113:1,2 llp 1:19 2:3,10 located 5:22 location 3:18 log 81:23 long 11:15,21 31:8 61:20,22 61:24 72:7,7 74:10,12,22 75:13 longer 50:25 70:2 96:7
j	k		
jaime 2:14 11:8 jcardenas 2:14 jorgensen 1:19 2:10 jpeg 42:4,8,14 42:14,15,16 43:3,6,9,10,17	keep 50:24 54:2 81:15 99:25 keys 104:8 kind 62:19 88:14 94:17 95:12 klein 2:18 3:16 know 5:19,25 7:12,13 14:19 16:21 17:14 20:17 21:3 47:16 50:20 65:3,11 71:18 77:8 88:16 94:9 107:2,11 107:20 108:14		
	l		
	l 3:2 lack 87:22 language 93:21		

look 12:23 44:22 96:18 looking 49:11 50:12 52:10 84:14 89:18 93:18 looks 55:22 58:19 loop 61:11,15 lost 4:3 lot 78:20 lunch 109:3	68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:6 made 10:14 29:6 66:19 madison 1:20 2:11 make 15:18 mapping 108:20 marked 14:13 14:17 40:24 62:4,6,9,13 80:20 marriage 112:18 materials 6:4 12:23 13:20,23 matter 7:20 13:22 16:24 28:12,15	112:20 mean 12:22 13:12 33:15 34:4 37:7,20 47:11,13 54:14 58:10,12 60:15 79:21 97:24 102:19 103:14 meaning 33:17 34:6 35:10,11 35:16 36:10 37:8,13,22 40:8 means 45:5 53:17 91:17 103:17 mention 18:12 mentioned 7:21 22:24 45:13 53:8 71:13 mentions 45:14 message 108:15 messages 106:21 107:5 107:12,21 met 11:4,6,7 method 29:21 83:14 michael 1:17 3:20 14:16 110:6 111:12 113:3,21 middle 72:19 108:15	midi 13:24,24 14:2 86:21,21 86:22 95:10 97:22,25 98:2 98:3,23 99:6 99:11 101:10 102:23 103:2,3 103:20,22,23 103:24 104:12 104:14 105:9 105:17,23 106:3,4,6,18,20 107:4,11,21,24 107:25 108:3,6 108:13 mind 25:10,17 minute 109:14 minutes 51:25 misunderstood 106:2 modifications 29:6 module 49:24 50:2 53:24 56:7 morning 3:9,10 66:22,25 68:22 69:2,3 105:4 motion 48:5 moved 95:16 95:23 movement 42:3 movie 104:6 moving 78:24
m			
m 3:2 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 42:12 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1			

mpeg 24:9 26:4 26:4 45:18,18 48:9,9 multimedia 83:15 multiple 44:21 81:16 107:25 music 86:18,23 99:17,19 100:10,12,19 103:3 104:3,9	needs 65:14 74:2 79:9 neither 84:21 netflix 1:4 3:12 6:12 113:2 nevertheless 15:23 35:6 new 1:20,20,22 2:5,5,11,11 3:5 3:20,21 44:2 112:5 113:1 nf 83:25 84:5 84:13 85:8,13 86:6,11 87:4 nf2 84:15 nhasan 2:13 nine 16:9 49:20 55:9 97:8 nineteen 36:17 41:16 nonresponsive 35:19 notary 1:21 3:4 110:11 112:4 113:25 note 18:7 84:6 85:9,14 86:3,5 86:10 87:4 91:22 94:25 95:5 97:9 103:25 104:15 104:15 noted 110:3,4 notes 6:3,6,9 85:23 88:11	89:22 90:18 91:10 93:5 97:6 100:10,18 100:23,24,25 104:9 notice 1:18 noticed 15:19 number 6:13 6:17 7:25 9:11 11:18,25 12:4 50:10 51:15 52:18 53:14,16 56:12 75:18 80:12,15,21 numbered 38:20 numbering 67:5 numbers 108:8 numeral 56:11 56:13,15,19 numerous 23:12,22	25:7,15,21 26:17 28:7,23 29:4 30:8,17 31:10 32:14 33:9 34:24 36:3 39:2,14 39:17 40:3,17 41:13 42:6 43:7 44:14 45:10 46:10 47:7 63:6,23 64:23 65:22 67:20 68:13 69:8 72:11 79:2 98:24 101:15,21 102:15 103:9 104:20 105:13 106:22 107:13 107:22 108:17 objections 19:25 20:3 obtained 9:24 49:16 occur 73:14 103:24 offer 26:15 offered 26:20 27:5,7 28:4,13 28:17,20 33:13 38:9 offers 18:8 office 1:2 offices 1:18
n	nf 83:25 84:5 84:13 85:8,13 86:6,11 87:4 nf2 84:15 nhasan 2:13 nine 16:9 49:20 55:9 97:8 nineteen 36:17 41:16 nonresponsive 35:19 notary 1:21 3:4 110:11 112:4 113:25 note 18:7 84:6 85:9,14 86:3,5 86:10 87:4 91:22 94:25 95:5 97:9 103:25 104:15 104:15 noted 110:3,4 notes 6:3,6,9 85:23 88:11	o	
n 2:2 111:4 name 3:18 8:22 24:11 113:2,3 naveed 2:12 11:5 navia 2:14,14 11:8 nd 85:8,13 86:12 93:19 94:25 95:4 97:3 nd2 84:17 86:7 87:5 ndd 84:8 necessarily 59:2 70:21 76:7,9 77:17 87:19 need 15:18 42:21 45:22 46:23 76:2 84:25 100:3	nf 83:25 84:5 84:13 85:8,13 86:6,11 87:4 nf2 84:15 nhasan 2:13 nine 16:9 49:20 55:9 97:8 nineteen 36:17 41:16 nonresponsive 35:19 notary 1:21 3:4 110:11 112:4 113:25 note 18:7 84:6 85:9,14 86:3,5 86:10 87:4 91:22 94:25 95:5 97:9 103:25 104:15 104:15 noted 110:3,4 notes 6:3,6,9 85:23 88:11	o 3:2,2 42:12 oath 4:6 21:21 object 39:7 objection 7:8 7:17 8:5,14,20 9:2,9 10:3,10 10:20 11:12 13:18 18:24 19:10,21 20:12 20:20 21:7,18 22:23 23:14,25	

okay 6:16 9:16 14:25 20:4,5 81:3 90:23 once 60:6 one's 30:2 72:4 72:4 ones 93:16 open 4:19,22 4:25 5:5,9 6:23 opine 17:16 21:11 64:10 69:10 71:14,15 73:13 opined 22:13 opinion 21:15 22:19 24:13,15 37:9 82:21 88:12 101:4,11 101:12,19 102:13 103:6 104:21 opinions 8:3 13:8,11,16 16:4,14 80:12 82:13,23 order 35:5 56:23 ordering 68:23 ordinary 17:17 18:11 19:18 20:9,16 21:2,4 21:16 22:14,20 23:21 36:10 38:15,21 45:16 46:4 59:12	72:13 73:24 74:7 84:19 87:11,15 88:13 89:14 90:6,11 91:19,25 92:10 92:20 94:2,18 97:11 108:5 output 53:15 53:18,22,24 55:18,19,22,23 56:6,8,14,16,17 56:22 57:3,18 58:5,19,21 59:8,18,19,21 60:2,7,12,15,16 61:3,7 63:2,19 66:4,24 67:11 68:8,9,18,18,19 69:3,5,6,7,24 70:2,14,14,15 70:21 71:11,15 72:6,8,10 76:22 77:9,14 77:16,16,20 78:2 79:5 86:4 86:5,9,10,16,25 87:23 output's 57:3 57:17 59:8 outputted 67:18,19 outputting 59:13 60:4 67:14 86:15	outside 12:14 12:18,24 99:14 105:6 own 99:12 owner 1:8 2:10 26:20,21 27:8 27:9,13 28:13 33:13 36:9 38:9,24 39:11 39:23 40:6 owner's 27:4 29:2 35:13	passed 49:23 72:23 73:3,11 76:24 past 71:11 73:8 patent 1:2,2,8,9 2:10 6:13,17 6:18,21 7:2,16 7:23 8:3,11,24 10:8,18 19:5 19:17 20:7,14 20:18 21:5,9 22:2,15 23:4,6 23:10,21 24:3 24:17,20 25:6 25:13,20,23 26:9,20,21 27:4,8,9,13 28:13,25 29:8 29:11,18,20 30:3,6,12,15,22 31:5,18 32:12 32:18,23 33:3 33:13,15 34:2 35:4,13 36:9 36:17 37:5,18 38:4,9,24 39:11,23 40:5 40:15,21 41:14 44:23 45:14 46:21 48:9,19 49:4,6,12 50:8 50:11 51:5,18 53:8 59:14 60:17 63:12,13 63:13 64:7
		p p 2:2,2 42:12 p.m. 110:3,4 page 15:3 16:9 17:3 79:15 109:22 111:5,9 113:5 paragraph 17:13 18:12 25:2 26:11,14 27:3,6,8,18 28:3 97:2 part 30:24 45:12 46:11 57:13 67:8 72:25 74:6 83:3 89:18 103:10,12,22 103:23 104:12 parties 7:12,14 112:17 passage 45:2	

65:8 66:2 67:11 68:15 70:15 71:12 77:5,7,12 80:12,20,25 93:19 101:13 101:20 102:14 103:7 104:18 105:12 108:14 patent's 31:9 patents 8:19,24 pending 7:3 perfectly 75:20 performing 29:21 period 57:19 59:9 89:17 94:8,22 periods 97:13 person 18:10 19:18 20:9,16 21:2,4,15 22:14,19 23:21 38:15,21 45:16 46:4 59:11 72:13 73:24 74:7 84:19 87:11,15 88:13 89:14 90:6,10 91:18,25 92:10 92:20 94:2,18 97:11 108:5 petitioner 1:5 1:17 2:4 3:12 6:12 42:8,11	43:2 petitioner's 18:7 phrase 18:20 22:25 23:5 24:19 26:8 33:12 35:2 36:5,11 37:2,3 40:5 44:24 phraseology 40:12 107:7 phrasing 33:3 physically 5:21 picking 41:16 56:2 picture 100:15 piece 100:9,18 pipeline 67:9 77:2 79:14 place 20:13,21 22:5 46:20 63:7 64:2,14 69:11 106:24 107:8,16 112:8 places 16:19 plain 36:10 play 103:25 104:4,5,10 played 60:20 66:19 95:6 104:13 playing 104:9 please 3:17 44:5 65:2 67:23 85:5,11	86:8 102:8 107:19 108:22 plurality 34:8 point 22:5 59:25 63:21 64:21 77:18 pointing 73:17 portions 82:7 82:10 posita 18:10 25:18 48:12 position 11:18 possible 58:5 61:10 practically 60:25 63:14 64:6 65:7 precise 43:5 predefinable 50:5 preferred 38:12,18 51:18 66:11 70:24 73:19 preliminary 21:20 premise 67:7 74:14 87:10 95:19 preparation 12:19 13:4 81:18,21 prepare 10:24 11:3,11 12:15 12:25	preparing 12:9 present 2:17 5:22 presenting 85:23 88:11 89:22 90:18 91:10,21 93:4 97:6 presumably 57:10 presuming 99:2 previous 95:13 95:25 96:16 previously 36:13 80:19 96:11 principle 58:13 principles 16:13 17:2,7 prior 64:11 privileged 11:13,16,19,22 12:2,5,6 proceeding 3:13 4:24 6:12 8:25 9:5,7,8,13 9:13,14,21 10:9,17 12:15 12:25 14:7 15:15 20:3 22:10 27:2 28:21 82:6 112:7
--	--	---	---

proceedings 47:18 92:19	32:22 34:17 39:6 42:22,23 42:24 43:2,12 43:20,21 44:4 45:6 46:25 47:9,20 61:18 63:10,16,25 64:18 65:23 67:22 69:10,22 70:13 71:13,14 73:12 76:19 79:12 82:20 84:24 85:3,5 85:10 86:14,15 91:24 92:24 95:16,17,18,20 96:5,11,13,16 96:20 99:2,8 99:10 101:23 102:11,17 103:12 106:2 107:6,10 108:8	quite 23:7,15 30:18 31:11 32:21 33:2 39:21 43:25 45:12 46:12 100:13 102:16 quote 102:23 102:25 quotes 36:20	recall 7:22 9:10 10:4 12:17 21:10,22 47:14 52:11 63:9,24 83:8,12 106:17 108:20 recalling 7:24 8:10 10:15,22 50:17 65:25 83:5 106:19 107:7,14 108:19 received 16:15 recently 9:25 recite 49:6 recollection 9:4 28:11 48:25 81:11 recollections 10:13 record 3:19 5:18 12:14,19 12:25 13:6 16:4 85:2 90:21 96:19 112:14 refer 6:16 9:6 9:12 14:21 18:20 33:20 36:4 37:14 40:10 48:2,23 80:25 102:21 106:23,25 reference 9:15 42:12 54:6
process 29:25			
processing 70:23 71:10			
producing 86:21			
programs 5:8			
proposed 35:14 36:8 37:10			
prosecution 83:10			
provide 42:2 65:9 82:17			
provided 8:2 12:24 14:3 35:18 80:12 106:11			
provides 48:4			
public 1:21 3:4 110:11 112:4 113:25			
pursuant 1:18			
push 104:8			
put 13:9 14:9 80:17			
q			
querying 35:4 37:4			
question 11:15 11:24 12:7 20:6 21:3,11 21:12,23 23:2 23:8,19 30:10 30:19,20 31:13	question's 84:25 questioning 36:15 44:2 questions 4:12 20:25 46:24 65:4 71:7 73:5 76:21 85:7 95:21,24 99:25 100:3,4 109:12 109:19 quickly 48:4	r r 2:2 3:2 r1 53:23 56:7 67:4 r2 53:23 56:7 rather 49:20 75:19,23 read 13:14,22 24:16 36:12 37:19 38:12 45:2 56:4 68:15 81:14,17 83:9 88:6 92:11,12 102:7 106:14 reading 13:20 54:2 55:25 81:21 ready 50:22 69:7 real 102:8 realize 80:4 really 34:16 46:24 72:25 reason 4:10 113:5	

67:4 80:15 81:2,7 101:10 referenced 45:23 48:14 105:24 106:6 108:12 references 102:25 referencing 99:13 referred 36:14 referring 23:17 33:4,21 36:6 37:16 38:20 40:11 42:13 44:17 45:25 49:18 73:20 99:14 103:19 106:3 108:3,4 refers 45:3,24 48:19 70:15 reflected 16:17 region 94:9 reichman 1:19 2:10 reichmanjorg... 2:13,15 rejected 28:25 related 17:19 33:4,7,12,23 34:4,20 35:7,9 35:14,25 36:7 36:20 37:6,11 37:19 38:8,25 39:12,25 42:19	48:19 49:7,8 49:14 53:4,6 55:11,14 56:9 57:24 66:3,5,9 66:9 67:13 69:15 80:8 84:22 88:18,20 88:24 99:16 101:6 104:23 105:8 112:17 relating 7:16 17:2,8 20:25 23:13,23 83:22 105:23 relevance 7:9 7:18 8:6,15 10:11,21 relevant 6:4 16:23 relied 82:22 rely 82:12 remember 91:5 105:25 remembering 80:14 remotely 4:14 render 75:5 rendered 60:2 61:10 63:5,21 64:21 65:14,18 72:5 74:5,11 74:22 75:8 76:18,25 rendering 59:14,17 60:17	60:24 61:3,5 63:19 64:19 65:13,20 67:9 71:4,6,9,17 73:4,6,12,14 74:24 75:3,4 76:20,21 77:18 79:4,7 104:2 repeat 67:22 85:10 report 7:20 8:4 8:8 69:12 reporter 112:2 reporting 113:1 reports 7:16 represent 34:9 80:8 100:19 representation 9:18 representations 100:21 represented 67:2 94:12 representing 3:12 91:20,22 92:21 100:17 100:24 101:4 represents 41:2 84:5,9 85:22 88:8,10,16 89:21 90:17 91:9,15 92:8 92:14 93:3,20 93:23 94:6,15	94:21,25 96:22 97:5 require 21:13 22:7 23:9 47:21 64:13 69:13 74:17 required 4:6 59:5 requirement 76:4 requires 57:22 69:12 research 12:18 12:22 13:10,13 13:15,19 respect 7:20 8:3 22:15 27:2 27:10 98:20 101:3,18 102:12 103:5 respective 33:17 34:7 35:12,17 37:13 37:22 40:8 49:16 56:9 respectively 50:4 56:16 respond 87:21 response 87:2 rest 85:6 retract 95:25 96:6 review 12:13 83:3,4
--	---	---	--

reviewed 27:14 29:11,14 81:6 81:9 reviewing 15:19 revisions 108:2 right 3:23 6:23 17:4,10 23:24 27:24,25 29:23 30:3,12 31:25 32:20,25 36:17 36:25 37:17,23 37:24 38:2 39:13,21 40:24 41:4,8,12 43:18 44:9,25 49:4,9,17,24 50:6,10 51:12 51:16 52:14,16 52:19,25 54:25 55:2,5,9,10,12 55:15,19 57:4 57:8,14,17,19 58:9,24 59:7,9 59:25 60:2,6 60:13 61:7,21 64:17 68:3,5 69:17 71:22,25 75:10,11,16 76:3,7 77:15 77:21,23 78:3 78:6,12,17,25 79:17,19,22 80:9,13 82:8 83:15,22 85:9	85:14,24 86:7 86:12 87:6 89:4 91:17 92:8,15 95:10 97:22 98:6,16 99:6 102:22 106:10 room 5:22 6:6 90:20 104:8 rule 26:16,23 28:18,20 29:3 50:6,9,13 51:6 51:12,14 52:14 52:17,24 54:7 58:17 66:10 70:19 72:20,22 75:2,23 77:6 79:13 rule's 28:5 ruled 75:4 rules 27:20	67:19 68:11 69:3,6 71:22 75:14,16,19,22 76:15,17 77:15 77:19,21 78:3 78:16,20,22,23 s2 49:12,14,22 50:4 53:12,19 53:22 54:9,15 54:19,23 55:4 55:7,14,23 56:5,10,15 57:2 58:22 61:23 62:21,25 63:3,18,22 64:19,22 65:12 65:16 67:17 68:3,8,9,18,19 68:25 69:2 71:20 72:10 75:12,15,20,24 76:13,16 77:13 77:19 78:2,11 78:25 79:18 80:5 s2a 70:7 sampled 101:13,20 102:14,19,21 102:25 103:8 103:14,17,18 103:20 104:5 104:10,16,17 104:24	saw 52:20 85:4 saying 74:20 78:21 87:17 91:3 98:16 101:17 says 25:25 32:6 34:3 35:8 37:19 53:11 56:3 66:13 87:23 88:6,7 89:12,20 91:8 92:9,9 93:19 93:22 94:3,15 94:23 96:22 97:4,8 98:4,7 98:11 103:25 scenario 31:14 74:6 77:24 79:8 scenarios 73:15 schematic 29:24 scheme 67:5 science 17:19 scope 7:18 8:6 8:15,20 10:3 10:10,20 30:15 30:21 31:2,4,7 34:22 35:21,24 75:21 100:2 101:5 104:18 105:5,6 screen 4:19 5:9 6:9,24
--	--	--	--

se 42:10 73:2 search 22:2 second 19:23 24:11 31:17 34:5,9 35:10 37:7,21 49:3,8 49:15,22 50:3 53:4,12,18,19 53:21 56:5,10 56:14 59:16 84:8 85:9,14 86:2 seconds 58:9 61:20,22,24 62:23,24,25 72:6,7 75:6,8 section 16:8,11 16:17,25 17:6 41:18 sections 34:12 see 21:8 36:21 40:23 49:12 50:15,16 57:10 59:4 62:15,17 70:5,8 72:13 74:18 75:3 83:18 84:3,14 84:17,18 85:18 89:24 91:12 96:19,24 104:25 105:19 seem 64:9,10 seems 65:24 seen 10:5 108:18	segment 27:22 53:12,13,18,19 54:8,15,19,23 55:4,7 56:13 56:15 57:2 58:8,8,24 60:7 60:10 61:5,7,9 61:19,20,21,23 62:21,22,25 63:3,18,20 64:18,20 65:12 65:15,16,21 66:20,22,23,24 67:13,17 68:8 68:9,11,19,20 68:20,22,25 69:2,7 70:3 71:20 72:10 73:21,22 74:2 74:21,21 75:6 75:14,15,16 77:8,13,19,25 78:11,16,24 79:8 80:6,7,9 84:12,21 88:15 88:15,18,21 segmented 53:16 segments 27:22 27:23 31:15,16 32:20,25 33:5 33:7,8,12,15,20 33:21,23 34:6 34:9,20,21 35:3,8,11,15,15	35:25 36:2,6,7 36:25 37:7,11 37:11,15,21 38:5,8,17,21,25 39:10,13,23,25 40:6,11,12,16 42:19 48:18,20 49:7,8,15,21,22 50:3 53:4,6,21 54:9,16,20,24 55:5,8,12,15,17 55:23 56:5,10 56:23 57:7,15 57:18,25 58:4 58:20 59:16,23 61:4 63:4 65:17 66:4,17 67:18 68:2 69:4,24,25 70:7,20 71:21 72:18 74:3,10 74:13,23 75:7 75:13,25 76:13 76:15,17 77:10 77:14,20 78:2 78:4,19,23 79:22 84:22 88:24 99:16 101:6 104:23 105:7 sentence 36:23 separate 46:4 79:12 84:12 sequence 34:11 34:15 41:12,21	42:2 43:16,17 44:12,13,16,25 45:8,9 46:7,15 47:5,22,23,24 48:3,7,15,22 53:23 54:13 56:6,24 60:9 60:11,11 66:16 66:16 67:2 75:19 88:16 99:9,11 103:22 sequenced 59:16 sequences 98:10,13,20 sequencing 69:15,19,21,23 73:10 77:3,4 sequentially 53:15 set 112:23 seven 10:18 27:3,9 55:5 seventh 2:4 seventy 15:3 26:11,14 27:18 28:3 98:8 several 7:2 15:20 48:8 share 4:24 5:7 6:22 14:10,13 62:5,8 80:18 sharing 80:18 sheet 100:9,12 100:19 113:1
--	---	--	--

short 51:22 109:4,6 shorter 75:16 shorthand 38:7 show 48:3 59:3 showing 42:16 46:3 shown 42:2 52:15 61:11 72:24 88:23 98:12,18 99:8 shows 29:21 sic 57:3 sided 73:18 signal 34:10 signals 74:9 signature 15:4 112:24 signed 16:5,7 silence 87:12 87:16,24 89:8 89:10,17 90:9 91:17,22,23 92:8,15,22,23 95:7 similar 8:11 18:9 28:11 93:21 95:3 simple 42:23 84:25 99:25 simpler 67:16 simply 35:20 42:24 43:2 90:12 93:24	single 71:2 81:10 sit 10:23 25:17 81:11 82:4 83:6 107:15 sitting 21:14 22:18 25:13 46:19 47:15 48:25 58:15 82:25 six 12:11 27:6 55:5 89:20 90:15 91:8 92:7 93:2 sixty 32:9 sizes 31:19 skill 17:17 18:11 19:18 20:9,17 21:2,4 21:16 22:14,14 22:20 23:21 38:15,21 45:16 46:5 59:12 72:14 73:24 74:7 84:19 87:11,15 88:13 89:14 90:6,11 91:19,25 92:10 92:21 94:3,18 97:11 108:5 skipping 53:10 slightly 18:8 small 97:14 sneeze 104:11	snippets 104:25 software 17:21 sorry 15:9 30:10 39:16 51:8 79:25 sort 57:9 73:8 sound 23:24 80:3 83:22 86:5,10,19,21 86:24,25 87:9 87:13,13,16,20 87:23,24 90:4 90:9 92:22 95:9,10 97:21 97:22 98:3 100:5,7,16,17 101:9 104:3,4 104:5,10 105:11 106:3,4 sounds 27:16 43:19 44:2 51:2 52:2 55:10 101:5 109:8 soundtrack 85:24 97:21 sowers 2:7 3:16 space 63:2 80:7 speak 25:2 28:2 speaker 34:10 speaking 19:25 20:2 101:25 speaks 46:21 specific 21:23 34:10 38:14	45:6 59:3 93:7 94:11 97:17 specifically 12:5 91:3 specification 29:15 51:18 52:21 68:16 85:16 88:7 90:8 96:25 105:2 specified 86:6 86:11 speculating 21:21 82:3 speculation 18:25 speech 34:10 spend 11:10 12:9 81:20 spent 11:19 12:2 spirit 31:9 squares 38:19 stand 96:7 standard 13:24 14:2 24:9 26:4 48:24 standards 24:16,22 26:10 45:15 48:13,21 stars 7:5 8:12 8:17 start 31:3 39:3 39:8 51:3 77:11
--	--	---	--

starting 51:20 starts 17:3 state 1:22 3:4 3:18 27:8 112:5 statements 10:13 states 1:2 24:6 41:15 stating 26:18 stenographic... 112:12 sticking 69:21 83:24 stop 61:13 storage 70:25 73:3 76:22 stored 48:7 74:4 98:23 99:5,11 storing 18:22 24:25 25:5,12 59:15 60:19,19 70:25 76:23 79:5 straight 64:24 65:16 stream 24:7,10 26:2 27:23 31:24,24 32:5 32:6 41:3,6,10 49:2 55:12,15 56:21 72:22 streams 24:6 32:13 68:17	structure 108:15 studied 80:16 study 13:23 stumble 15:23 sub 83:25 84:5 84:9,13 85:8,9 85:13,13,19,21 86:6,11,12 87:4 89:20 90:16 91:3 93:7,9,16,19,22 94:12,15,25 95:4,6 96:22 97:3,4 submitted 7:15 7:19 8:8 9:19 14:6 15:15 22:9 82:6 subscribed 110:7 113:22 subsequent 85:23 88:11 89:22 90:18 91:10 93:5 95:14 97:6 succeeding 34:8 53:15 sudden 80:2 sufficient 94:19 sufficiently 88:5 supervision 112:13	support 35:13 38:11 supported 82:18 supporting 37:9 supports 38:10 supposed 107:2 sure 20:15 44:6 53:7 67:24 85:12 109:15 sworn 3:3 110:7 112:9 113:22 symbolically 67:3 synchronizati... 49:24 50:2 53:23 56:7 70:18 synchronized 31:25 41:7 50:4 68:17 69:24 71:2,10 71:24 78:4,7 78:17 synchronizing 32:5,12,19,24 40:16 83:14 syntactic 33:16 35:11 37:12 syntactical 34:6 35:16 37:8,21 40:7	synthesis 103:3 synthesizer 86:19,23 87:21 104:3,7,14 system 18:23 88:5 systems 17:22 t t 1:17 3:2 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 14:16 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1
---	---	---	--

82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1,6 111:6 111:8,12 113:3 113:21 take 62:23 70:2 76:14 78:20 90:22 taken 1:17 52:3 90:24 109:10 109:18 112:11 talk 52:6 60:23 107:24 talked 52:13 60:18 78:10 94:24 talking 67:12 71:4 91:2 95:3 96:13 100:14 talks 66:3,7 67:5 90:2 teaching 92:20 teachings 95:14 ten 17:3 31:15 51:25 62:24 75:6 81:25	109:14,17 tense 71:11 term 20:14 21:9 22:4 23:5 34:3,19,20 35:9 36:19,24 37:6,25 38:5 38:24 39:10,12 39:22,24 46:25 terms 34:23 testified 3:6 105:16 testifying 4:7 testimony 96:8 112:6,10,11,15 text 5:15 32:7 50:18 63:12 thank 16:2 52:5 54:4 109:16,20 110:2 thanks 109:9 thing 58:12 59:18 70:6,17 70:18 72:8 75:3 99:23 things 16:19,23 42:14 79:11 99:3 think 7:23 25:11 45:22 47:21 48:23 70:12 74:8 75:20 90:11 101:22	thinking 58:15 58:16 thirty 51:20 52:22 53:9,11 thoroughly 81:14 thought 43:11 45:21 95:20 102:18 106:3 thoughts 21:20 three 25:3 32:8 32:10 54:20 55:4 56:2 77:21 78:8 83:17,21,25 85:17,18 86:3 89:19 90:14 91:3,7 92:6 95:8 96:25 97:19 98:5,8 99:9 time 19:16 20:7 20:17 21:5,13 22:7 23:9,10 23:20 25:6,13 25:20 47:21 57:8,9,11,16,19 57:24 58:23,25 59:7,9,24 60:8 60:13 61:6,9 61:16 64:13 66:9 69:14 72:9 74:17 76:3,4,6,7,9,14 78:20,20 81:20	81:23 85:22 88:10 89:5,6 89:17,21 90:3 90:5,17 91:9 91:15,21,23 92:22 93:4,12 93:14,16,23,24 94:7,10,11,16 94:21,23 95:4 95:6 96:23 97:5,9,17 102:8 108:13 110:2,4 112:8 times 3:25 59:4 81:13,16 97:13 97:15 timestamps 66:13 76:11 timing 27:21 today 4:12 10:23 11:6 15:24 21:14 22:18 25:14,17 46:19 47:15 48:25 58:15 81:12 82:4 83:2,6 107:15 today's 10:25 11:11 12:9,15 12:19 13:2,4 81:18,21 together 55:18 56:17,24 57:3 58:21 71:24 77:9,14,20
---	---	--	---

told 92:9 tools 17:21 top 72:16,18 total 62:24 track 81:15 83:19,21 84:14 86:4,9,17 87:8 88:12,17 89:23 91:2,11 93:5 95:10 97:7,10 97:21,22,25 98:5,8,8,15,22 99:5,8 100:23 trademark 1:2 transcribed 112:12 transcript 112:14 trial 1:2 true 61:8 99:3 112:14 truman 3:20 truthfully 4:6 try 34:17 47:4 65:5,6 85:5 trying 35:22 45:4 58:18 59:22 67:25 69:19 70:5 82:15,16,19 turn 29:17 turned 80:3 tutorial 13:24 103:2	tutorials 13:25 twenty 85:17 89:19,20 90:15 90:15 91:8,8 92:6,7 93:2,2 97:2,8 twice 74:9,10 74:11,22 75:13 two 11:6 17:13 17:20 28:3 34:23 51:15 52:19,25 53:17 54:8,9,20,23 56:12,15 58:20 60:15 61:24 62:25 69:7 70:9 72:6 74:3 75:21 77:21 78:7 79:21 85:8,9,13,14,17 86:6,11,12 87:4 97:2 98:6 98:9,15,22 99:2,5,8 101:25 type 24:24 types 23:23 25:4,12 83:14 95:3 97:12 107:20 typical 58:12 typically 61:8 86:18 typo 85:15	typos 15:21 u u.s. 6:13,17 80:12,20 ultimately 76:25 under 4:5 21:21 73:14 112:13 understand 4:5 6:11 13:12 19:19 20:10 21:6,16 22:21 27:7,11 30:11 30:21 38:16,22 42:7 45:5,17 54:5 56:25 58:4,7,18 59:12,23 61:17 63:12 64:6,8 65:7,10 70:4 70:10 72:14 74:18 83:7 84:20 86:25 87:12 89:15 90:8 91:20 92:2,11 95:2 95:19 98:25 103:13 108:6 understanding 12:21 19:8 26:25 27:17 28:9,10 33:22 47:9 48:12 60:25 87:3	103:11,16 understandings 16:16,20,21 28:2 understands 86:20 understood 23:2 34:4,13 35:9 37:6,20 41:19 93:25 unified 8:19,23 9:7,13,20,24 10:8,17 28:6 28:18,25 unit 70:17 71:9 71:17,17 72:20 73:3,4,7 74:25 75:3,5 76:20 76:21 77:17 79:4,7 united 1:2 units 70:22,23 70:25 71:4,6 76:24 unspecified 94:9 updates 108:2 upload 107:19 108:22 use 17:22 36:24 37:25 38:5 46:24 76:11 used 20:14 21:9 92:19
---	--	--	--

useful 4:11 user 42:3 uses 44:23 72:20 using 24:8 47:10 72:22 92:18 usually 92:19	60:11 72:4 73:22 74:4,12 74:15 75:7 78:15,19,22 98:6,11,14,16 98:17,22 99:5 videoconfere... 1:16 2:7,8,13 2:15,19 videos 61:11 view 12:3 20:25 26:7 27:19 30:5 32:18,23 40:14 42:20 62:6 86:16 88:18 89:2,3 93:13 97:16,24 105:10 viewer 48:5 61:12 viewing 42:8 46:17 visual 17:23 visually 66:19 vl 1:7 7:6 113:2 void 89:11	94:7,8,8,10,16 94:21,22 96:23 97:5,9,17 waits 78:22 wall 6:7 want 51:21 59:3 60:24 62:5,20 65:7 65:11 109:2,3 109:3 watched 104:6 wav 24:23,24 101:14 103:21 104:4 wavetable 103:3 way 5:14 24:11 33:2 43:13 65:6 75:11,15 86:20 87:20 92:18 94:17 100:11,22 101:10 102:3,5 wayne 1:21 112:4,25 we've 31:21 50:20 58:20 61:15 62:18 71:4 80:6,6 welcome 52:4 went 68:4 whereof 112:22 willkie 2:3 3:14 willkie.com 2:6 2:8	window 4:23 5:3,6 windows 4:19 4:21,25 5:8,9 5:10 withdrawing 96:10 witness 7:10,19 8:7,16,21 9:3 9:10 10:4,12 10:22 13:19 19:2,12 20:13 20:21 21:8,19 22:24 23:15 24:2 25:8,16 25:22 26:18 28:8 29:5 30:9 30:18 31:11 32:15 33:10 36:4 39:15,20 40:4,18 41:14 42:7 43:8 44:15 45:11 46:11 47:8 50:24 63:7,24 65:23 67:21 68:14 69:9 72:12 79:3 98:25 101:16 101:22 102:16 103:10 104:21 105:14 106:23 107:14,23 108:18 109:17 110:2 111:5
v			
v 113:2 vague 94:22 valid 10:8 87:13 value 59:7 87:13 88:2 values 58:6 61:16 variable 59:24 various 25:19 73:14 veritext 113:1 version 108:8 versus 7:6 video 17:25 25:19,25 26:3 26:6,9 31:23 32:5,12,17 34:14 41:3,6 41:10,11,20,24 43:16 44:12,24 45:7,15 46:8 47:6,22,24 48:7,14,22 55:12 56:23 57:4 60:9,10	wait 39:5 65:19 68:10 69:5 waiting 85:22 88:10 89:5,6 89:21 90:3,4 90:17 91:9,15 91:21 93:4,12 93:14,23,24		
	w		

112:9,15,22 witnesses' 113:3 word 21:24 29:7,7 66:21 66:22 68:21 70:14 78:13 81:10 92:18 105:3,4 words 35:5 92:12,25 93:3 work 18:3,6 58:11 72:3 106:16 worked 75:2 81:4 working 11:10 61:2 works 27:12 51:22,24 54:6 58:7 61:17 63:14 64:7 65:8 71:15 written 9:23	york 1:20,20,22 2:5,5,11,11 3:5 3:21,21 112:5 113:1
	z
	z 50:6 51:6,12 52:14,17 72:20 72:22 zero 54:15,16 56:11 57:2,2 61:20,23 62:21 62:23,25 63:3 63:18,20 64:18 64:20 65:12,15 65:17,19 67:18 68:3,9,11,19,20 69:4 70:7 71:20,21 73:21 73:22 74:21,23 75:6,7 76:14 76:16 77:9,13 77:15 78:3,11 78:16,23 79:18 80:6 87:14,18
x	zoom 4:17 5:7
x 111:4,8	5:11 11:7
y	
yeah 19:12 33:10 45:11 57:5 69:9 102:4,24 years 17:20 yesterday 11:4 11:8	

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.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

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

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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