

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

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|                         |   |                       |
|-------------------------|---|-----------------------|
| META PLATFORMS, INC.;   | ) |                       |
| INSTAGRAM INC.;         | ) |                       |
| WHATSAPP LLC; META      | ) |                       |
| PLATFORMS TECHNOLOGIES, | ) |                       |
| LLC; AND GIPHY, INC.,   | ) |                       |
| Petitioners,            | ) |                       |
| v.                      | ) | Case IPR2023-00923    |
|                         | ) | U.S. Patent 7,266,682 |
| VL COLLECTIVE IP LLC,   | ) |                       |
| Patent Owner.           | ) |                       |

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DEPOSITION OF SYLVIA HALL-ELLIS, PH.D.

July 18, 2024

9:30 a.m. Mountain Daylight Time

Reported by: Lori J. Goodin, RPR, CRR, RSA,  
California CSR #13959

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1 INDEX TO EXAMINATION

2 WITNESS: SYLVIA HALL-ELLIS, PH.D.

3

4 EXAMINATION BY

PAGE

5 MR. CARDENAS-NAVIA

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1 INDEX TO EXHIBITS  
2 SYLVIA HALL-ELLIS, PH.D.  
3 Meta Platforms, Inc. v. VL Collective IP LLC  
4 Thursday, July 18, 2024  
5 Lori J. Goodin, RPR, CLR, CRR,  
6 RSA, California CSR #13959  
7

8 PREVIOUSLY MARKED EXHIBITS  
9 FIRST REFERRAL  
10

| 11 | EXHIBIT      | PAGE |
|----|--------------|------|
| 12 | Exhibit 1019 | 13   |
| 13 | Exhibit 1007 | 13   |
| 14 | Exhibit 1010 | 52   |

15  
16  
17  
18  
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20  
21  
22

1 THURSDAY, JULY 18, 2024, 9:30 a.m. MDT

2 PROCEEDINGS

3 \* \* \*

4 Whereupon,

5 SYLVIA HALL-ELLIS, PH.D.,

6 a witness called for examination, having been  
7 first duly sworn, was examined and testified as  
8 follows:

9 \* \* \*

10 EXAMINATION

11

12 BY MR. CARDENAS-NAVIA:

13 Q. Could you please state your full  
14 name for the record?

15 A. My name is Sylvia Hall-Ellis.

16 Q. Thank you. And, Dr. Hall-Ellis,  
17 have you had your deposition taken before?

18 A. Yes.

19 Q. About how many times?

20 A. 36.

21 Q. Have you had a deposition over Zoom  
22 before?

1 A. Yes.

2 Q. Okay. Then, I will just remind you  
3 of some of the ground rules we follow.

4 So, to make sure we are not talking  
5 over one another, can you make sure to wait until  
6 I finish asking my question before you begin  
7 answering?

8 A. Yes.

9 Q. Okay. And you are already doing it.  
10 But, just to make sure you give a verbal answer  
11 instead of, you know, nodding your head or  
12 shaking your head. Can you do that as well?

13 A. Yes.

14 Q. Is there any -- you understand that  
15 you are under oath today?

16 A. Yes.

17 Q. Okay. Is there any reason that you  
18 cannot testify truthfully and fully today?

19 A. No.

20 Q. You are not on any medication or  
21 anything like that that would affect your ability  
22 to testify truthfully?

1 A. I take nothing.

2 Q. Okay.

3 A. Absolutely nothing.

4 Q. Okay. And can you -- is anyone else  
5 in the room with you right now?

6 A. My cat.

7 Q. Okay. Besides your cat, anyone  
8 else?

9 A. No. There is no one here but me.

10 Q. Okay. Great. And do you have  
11 any -- I know on your computer screen you have  
12 this Zoom session we are having?

13 A. Uh-huh.

14 Q. Do you have any other documents open  
15 on your computer?

16 A. No. But I do have a printout of the  
17 reports that I filed. I have them in paper. It  
18 is easier for me.

19 Q. Okay.

20 A. They are not marked; they are not  
21 marked in any way. But they are printed out.

22 Q. Okay. And for purposes of this

1 proceeding, we are going to be focused on the  
2 supplementals, titled the Supplemental  
3 Declaration of Sylvia D Hall-Ellis, Ph.D.,  
4 Related to PacketCable (EX 1007).

5 Do you have that document in front  
6 of you?

7 A. I do. I do.

8 Q. Okay. And for the record, this  
9 document is marked as Exhibit 1019?

10 A. Yes. And it is ten pages long.

11 Q. That is -- mine is the same length.  
12 So that is perfect.

13 A. Okay.

14 Q. And I will refer to this document as  
15 either Exhibit 1019 or the supplemental or your  
16 supplemental declaration. Is that okay?

17 A. Sounds good.

18 Q. Okay. And besides your  
19 declarations, do you have any other documents in  
20 front of you?

21 A. No.

22 Q. Okay. And do you have any other

1 documents open on your computer?

2 A. No, I don't. I am just trying to  
3 make sure we are good here.

4 Q. Okay. And your video froze just  
5 now. It sounds like you can still hear us. But,  
6 oh, okay.

7 A. I can hear you. Yeah, I think it  
8 is, it is taxing the internet probably in this  
9 hot weather.

10 But we will be okay.

11 Q. Okay. Great. And where are you  
12 located right now?

13 A. I am in Arapahoe County which is  
14 next door to the County of Denver in Colorado.

15 Q. Oh, okay. Okay. Well, we are  
16 definitely getting a heat wave in New York right  
17 now, so, it sounds like you guys might be getting  
18 one as well.

19 A. We are sending it to you, should you  
20 need it.

21 Q. We do not. But I don't know if we  
22 have a choice?

1 A. Uh-uh, no.

2 Q. So, Dr. Hall-Ellis, could you please  
3 turn to Page 9 of your supplemental declaration.

4 A. Sure. I see it. It starts with  
5 Paragraph 20 at the top.

6 Q. Okay. And actually let's turn back  
7 one page to Page 8.

8 A. Okay.

9 Q. And do you see the heading,  
10 subheading Section 4 it says Document 1  
11 Exhibit 1007, and then PacketCable in  
12 parentheses?

13 A. Yes.

14 Q. Okay. And I'm just going to start  
15 reading a few parts and then ask you some  
16 questions.

17 Paragraph 18 it says, "Exhibit 1007  
18 is a document titled PacketCable 1.0 architecture  
19 framework technical report prepared by the Cable  
20 Television Laboratory Staff."

21 Do you see that?

22 A. Yes.

1 Q. Okay. And your statement that it  
2 was prepared by The Cable Television Laboratory  
3 Staff, what is that based on?

4 A. There is no single author or creator  
5 identified on the document. So, the publication  
6 came from this organization and therefore it is  
7 their folks who did that to me, they are staff or  
8 a team at the organization.

9 Q. Okay. Do you know who at Cable  
10 Television Laboratories wrote this document?

11 A. No, an individual, no, I don't.

12 Q. Do you know how many people wrote  
13 this document, I say this document, let me say --

14 A. No.

15 Q. And let me re-ask that a little  
16 better to make sure I get a better answer.

17 We are going to be talking a lot  
18 about this PacketCable reference which is  
19 Exhibit 1000 --

20 A. No, I don't know.

21 Q. Okay. And, I'm going to refer to  
22 PacketCable 1.0 Architecture Framework Technical

1 Report?

2 A. Uh-huh.

3 Q. Either as Exhibit 1007 or  
4 PacketCable, is that okay?

5 A. That is fine.

6 Q. Okay. And we may have spoken over  
7 each other a little bit so maybe I'm asking the  
8 same question.

9 A. Uh-uh.

10 Q. But, do you know how many people  
11 wrote the PacketCable reference?

12 A. I do not know.

13 Q. Okay. And your knowledge about who  
14 prepared PacketCable comes from what is written  
15 in PacketCable, correct?

16 A. I believe they know that. And yes,  
17 they are forthcoming and putting that information  
18 on the front of the document.

19 Q. And it is not that you have any of  
20 your own personal knowledge about who drafted  
21 PacketCable, correct?

22 A. I do not know who did it, no.

1           Q.     Okay. And let me go ahead and enter  
2     some exhibits. I know you already have a copy in  
3     front of you but I'm going to share your  
4     supplemental declaration through the Chat Box  
5     here?

6                     (Previously marked Exhibit  
7                     Number 1019  
8                     first referral.)

9           THE WITNESS: Okay. Fine.

10    BY MR. CARDENAS-NAVIA:

11           Q.     This is Exhibit 1019.

12           A.     Okay. I see that.

13           Q.     And I'm also going to share the  
14    PacketCable reference which is Exhibit 1000 --

15                     (Previously marked Exhibit  
16                     Number 1007  
17                     first referral.)

18           THE WITNESS: Oh, all right, fine.

19    BY MR. CARDENAS-NAVIA:

20           Q.     And Dr. Hall-Ellis, do you have a  
21    copy of PacketCable in front of you, a paper  
22    copy?

1           A.     I do not have a copy of the actual  
2     exhibit, no.

3           Q.     Okay. Then could you please open up  
4     the document I just shared which is Exhibit 1007.

5           A.     Let me see. I can save that and  
6     then I think I can open that here. Let me put it  
7     on the desktop. And it should be -- here it is  
8     on the desktop.

9                     Okay, I have it open on my desktop  
10    and now it is all black again.

11          Q.     We will wait some seconds and hope  
12    that it comes back.

13          A.     I hope it comes back. This is very  
14    frustrating.

15                    I'm not seeing anything. I don't  
16    see any of you. I don't see it. I don't see the  
17    document.

18                    So, I'm sitting here looking at a  
19    black screen.

20          Q.     All right. Let's just wait another  
21    maybe 30 seconds and let us know if your screen  
22    comes back?

1           A.     It came back. I'm not sure why.

2     But it is magic.

3           Q.     It sounds like an internet

4     connection issue. But we will --

5           A.     Probably. Probably. But we are

6     okay.

7           Q.     Okay. Great.

8           A.     Oh, so, I have that open on my

9     desktop.

10          Q.     Okay. And I'm going to refer to  
11     your supplemental declaration and then refer back  
12     to the PacketCable reference.

13                 So I'm going to continue reading the  
14     next sentence of Paragraph 18 of your  
15     supplemental declaration.

16                 It says, "The document is identified  
17     as PKT-TR-ARCH-V01-991201 (as shown on the cover  
18     of Exhibit 1007), and the 'document status sheet'  
19     (as indicated on Page 3 of Exhibit 1007)."

20                 Did I read that correctly?

21          A.     Yes.

22          Q.     Okay. And so this sentence from

1 your declaration is just stating how the  
2 PacketCable reference is identified, how the  
3 PacketCable reference identifies itself, correct?

4 A. Yes.

5 Q. Okay. And the next sentence in  
6 Paragraph 18 says, "The 'document status sheet'  
7 indicates a December 1st, 1999 release date."

8 Do you see that?

9 A. I do.

10 Q. And so now, if you could turn to  
11 Page 3 of Exhibit 1007, do you see that the  
12 heading of that document says Document Status  
13 Sheet?

14 A. Let me try. I don't know. Let me  
15 try over here.

16 And I want to go to Page 3 and let  
17 me go to Page 3, that is what it says on Page 3.  
18 Uh-huh.

19 Q. And then below that heading,  
20 Document Status Sheet, there is a box with some  
21 additional information, correct?

22 A. Yes. There is a box.

1 Q. And it says Revision History,  
2 D01-991201:release.

3 Do you see that?

4 A. Yes.

5 Q. And is that, and then below that it  
6 says date December 1st, 1999, do you see that?

7 A. Yes.

8 Q. And so is Page 3 of PacketCable, is  
9 that your basis for saying in Paragraph 18 that  
10 there is indicated December 1st, 1999 release  
11 date?

12 A. Well, that is certainly is the first  
13 indication of the date.

14 And it makes sense. And, to me, it  
15 is highly likely that the organization knows the  
16 date it released the document. And they have  
17 stated that, therefore, that date to me makes  
18 sense.

19 Q. Okay. And what is, does the  
20 PacketCable reference say anything about what it  
21 means for the document to be released?

22 A. Well, it doesn't say that

1 specifically.

2 Q. Well, does it say anything at all?

3 A. Well, you have to understand the  
4 organization in order to understand what this  
5 means.

6 And I think that that is pretty  
7 straightforward information but to look at the  
8 document yes, and then to understand the  
9 organization, yes. And taking those two pieces  
10 of information together it makes sense.

11 Your screen is black again but I'm  
12 going to talk anyway.

13 Q. And let me know when your screen  
14 gets black, but I'm not going to need to refer  
15 you to the -- or when your screen turns black?

16 A. No, that is fine.

17 Q. But I think we can keep going  
18 because I'm not going to ask you to look at  
19 anything on the screen right now.

20 A. Okay, fine.

21 Q. So, do you have any -- well, let me  
22 ask this.

1                   Were you ever part of Cable

2   Television Laboratories?

3               A.     No.

4               Q.     Do you have any personal knowledge  
5   of the policies for releasing technical documents  
6   of Cable Television Laboratories?

7               A.     That is an interesting question.  
8   When I got this document, I took a look at the  
9   website of this organization for a couple of  
10   reasons.

11              One is they are down the road from  
12   me about 30 miles. They are not very far away.

13              And they are not particularly  
14   interested in interacting with the public but  
15   they have been around quite a long time.

16              And their work is critical in the  
17   cable television industry.

18              So, I did some reading about them,  
19   although I have not worked there.

20             Q.     Well, what reading -- well, did your  
21   reading that you did about PacketCable -- well,  
22   let me first ask.

1                   You did that reading before you  
2   provided this supplemental declaration?

3           A.     Uh-huh, yes.

4           Q.     And is this based on materials you  
5   reviewed that are online?

6           A.     Yes, there is nothing printed that I  
7   have seen from them or for them or about them.

8                   Everything is internet based.

9           Q.     Okay. Okay. And let me ask you,  
10   did you do any research into what PacketCable's  
11   procedures were for releasing technical documents  
12   in the 1999-2000 time frame?

13          A.     Specifically -- well, we are dancing  
14   around the issue. So I would say specifically to  
15   that question, no.

16          Q.     So, assuming, let's assume for a  
17   moment that PacketCable was released in  
18   December 1st, 1999.

19          A.     Uh-huh.

20          Q.     Do you know who the technical  
21   document would have been released to?

22          A.     Yeah, I think I do. From reading on

1     their website, it is pretty clear to me how the  
2     group works and the way in which they prepare and  
3     distribute the reports that they prepare.

4             Q.     That is based on reading their  
5     website today?

6             A.     That and, remember, this is a  
7     professional organization, and they work the way  
8     professional organizations tend to operate and  
9     they seem to be parallel in those activities.

10            Q.     So, what did you learn based on  
11    reviewing the online materials about how cable  
12    television laboratories releases technical  
13    documents?

14            A.     Well, remember they were founded in  
15    1988. They are, according to the Internal  
16    Revenue Service, a 501(c)(6) . Which is a  
17    professional organization.

18                    They have members which are  
19    companies and providers of cable and streaming  
20    television. And they released their documents to  
21    their members.

22                    So, to me, that would be their

1 public and that would make sense.

2 Q. I'm -- okay.

3 A. Uh-huh.

4 Q. You said that would be their public,  
5 if I heard you correctly?

6 A. Right. Their membership, this is a  
7 membership organization. Companies belong, not  
8 individuals.

9 And they release their documents to  
10 their constituents who are their members. And  
11 they fund, they are, it appears to be primarily  
12 self-funded, that is their member organizations  
13 pay to belong and that pays for their activities.

14 Q. Okay. And none of that is in your  
15 supplemental declaration, correct?

16 A. No. Because that really doesn't  
17 influence my opinion and it is outside the scope  
18 of looking at the document.

19 It helps me understand. Does that  
20 date make sense, is that reasonable, was this  
21 released?

22 Yes, yes, and yes.

1 Q. So, let me direct you to  
2 Paragraph 21 of your supplemental declaration.

3 A. Okay.

4 Q. And then you say, "In view of the  
5 foregoing, it is my opinion that the publication  
6 described above were publically available no  
7 later than the corresponding date listed in the  
8 table below."

9 Do you see that?

10 A. I do.

11 Q. And then in the table below, you  
12 identify PacketCable as being a publically  
13 available earlier than December 1, 1999, correct?

14 A. I do see that, yes.

15 Q. Okay. So, in Paragraph 21, when you  
16 say it was publicly available --

17 A. Uh-huh.

18 Q. -- what did you mean by that?

19 A. Well, if you go back to my original  
20 declaration relating to this document, you will  
21 see that we described the person who is  
22 interested in this particular document, and that

1 individual has a degree that is appropriate for  
2 work in the cable television industry.

3 Therefore, that is the public that  
4 we are talking about, they work for the companies  
5 that belong to this organization. This document  
6 is released to them.

7 To me, that makes sense. And we are  
8 seeing that date of December 1st, 1999.

9 Q. So, you are saying, you are saying  
10 that it was released to members of Cable  
11 Television Laboratories?

12 A. That's correct.

13 Q. You are not saying it was available  
14 to the general public, correct?

15 A. It is on their website and the  
16 general public, I suppose, could get it.

17 Why they would want it, outside the  
18 scope of my understanding.

19 But it is on the website. If you,  
20 if you wanted it, you could get it. And it is  
21 still there.

22 Q. Well, let's be careful about talking

1 about a specific time period.

2 Are you saying that this PacketCable  
3 reference was available on the website as of  
4 December 1st, 1999?

5 A. I am saying that, yes.

6 Q. Do you have any evidence of that?

7 A. The organization continues to list  
8 that date as recently as following the revision  
9 of this document, and the document is no longer  
10 being revised.

11 December 1st is the date. It is the  
12 only date I can find associated with this  
13 document.

14 Q. Well, my question was, do you have  
15 any evidence that PacketCable was available on a  
16 website as of December 1st, 1999?

17 A. Only the website for the company.  
18 So, nothing else, no.

19 Q. Well, did you try to -- have you  
20 ever heard of the Wayback Machine?

21 A. I am very familiar with the Wayback  
22 Machine. The websites that are on it are

1 archived, something is currently on the internet,  
2 it is not in the Wayback Machine.

3 Q. Did you ever check if the  
4 PacketCable reference was on the Wayback Machine  
5 as of December 1st, 1999?

6 A. I always check.

7 Q. And was it there?

8 A. No.

9 Q. Okay. So then, and then -- okay.  
10 So then why do you believe this document was on a  
11 website as of December 1st, 1999, if it is not on  
12 there on the Wayback Machine?

13 A. Well, remember, the Wayback  
14 Machine's purpose is not to archive things for  
15 people to use at all.

16 It is a way to preserve information,  
17 accurate and not accurate, for people to see  
18 because the Wayback Machine thinks it is a  
19 digital repository and I guess that is fairly  
20 accurate.

21 It is not the purpose of the Wayback  
22 Machine to collect everything. There are sites

1 that don't want to be collected. Current sites  
2 are not collected.

3 Everything is not there. All of the  
4 links on it don't work. The deeper you go, the  
5 more the probability that something will not be  
6 operational anymore.

7 The Wayback Machine serves a  
8 purpose; it is not something that I rely on if I  
9 can find something different. I do use it. It  
10 is a useful tool.

11 But, if something isn't there, I am  
12 not always very surprised. It is okay that it is  
13 not there. It doesn't matter.

14 When you think about how this  
15 document was released, remember this is a group  
16 that is internet-based. Streaming television,  
17 cable television, it is a very digital  
18 environment. And it makes perfect sense to me  
19 that releasing their documents to their  
20 organizational members as a digital product  
21 online is the way they go.

22 There is no indication of getting a

1 paper copy, there is no indication of call this  
2 person.

3 If you call a person, you will get a  
4 person, but they are not particularly insightful.  
5 They work for their members and do R&D and that  
6 they release their documents online.

7 I have no reason to think that they  
8 would release this any other way.

9 Q. Dr. Hall-Ellis, is it your opinion  
10 that in 1999 PacketCable was releasing its  
11 documents by putting them online?

12 A. Yes.

13 Q. Okay. And have you seen any  
14 evidence whatsoever that PacketCable reference  
15 was online in 1999 other than the date printed on  
16 the paper?

17 A. I do see on their current website  
18 the revision of this document and an indication  
19 that December 1st, 1999, was the release date of  
20 the document that we are describing as 1007.

21 Q. And then you are just assuming that  
22 the release was on the internet?

1           A.     I don't like the use of the term  
2     assuming. I think it is highly likely that that  
3     is the way it was done. I have no evidence to  
4     the contrary.

5           Q.     Do you have any evidence supporting  
6     it?

7           A.     Everything else is only online.

8           Q.     Well, this is the year 2024,  
9     correct?

10          A.     I think so.

11          Q.     A lot of businesses operated very  
12     differently in terms of their use of online in  
13     1999 versus 2024, right?

14          A.     I don't know. I started using the  
15     internet in the 1980s. So, I suppose that is  
16     true.

17          Q.     So, you are agreeing with my  
18     statement?

19          A.     I am saying that businesses have  
20     evolved in the last 25 years regarding their use  
21     of the internet or using it at all.

22          Q.     Okay. And have you seen any

1 evidence specifically showing that in 1999 Cable  
2 Television Laboratories was publishing its  
3 documents online?

4 A. I have seen nothing to the contrary.

5 Q. Could you please answer my question?

6 A. I have seen nothing to the contrary.  
7 That is my answer.

8 Q. Have you seen anything affirmatively  
9 supporting that in 1999 Cable Television  
10 Laboratories was releasing its documents online?

11 A. I think I have answered that. And I  
12 have nothing else to say about that.

13 Q. Okay. I am understanding from that  
14 that you have no evidence. But please correct me  
15 if I'm wrong.

16 A. I have nothing else to say about  
17 that.

18 Q. Do you know who the member companies  
19 of Cable Television Laboratories were in  
20 December 1999?

21 A. No.

22 Q. Do you know any people who were

1 members of Cable Television Laboratories in  
2 December 1999?

3 MR. BAKER: Objection, outside of  
4 the scope of direct.

5 THE WITNESS: I do not. And it is  
6 my understanding this is an institutional  
7 organizer, organizational membership group,  
8 not individuals per se.

9 BY MR. CARDENAS-NAVIA:

10 Q. Do you believe that the Wayback  
11 Machine is reliable?

12 A. That is an interesting question. I  
13 think that they do the best they can with their  
14 web crawlers capturing websites that allow  
15 themselves to be captured.

16 I don't believe that they offer any  
17 guarantee of anything other than an accurate  
18 capture on the day that they do so.

19 Q. And have you personally relied on  
20 the Wayback Machine in declarations before?

21 A. I have definitely cited to the  
22 Wayback Machine. I have written declarations

1 using websites from the Wayback Machine.

2 I have seen affidavits from people  
3 who work at the Wayback Machine. And I am  
4 confident that I understand how it works, how the  
5 timing works, and exactly the purpose of their  
6 captures.

7 Q. Okay. And you know that PacketCable  
8 wasn't on the Wayback Machine on December 1st,  
9 1999, correct?

10 MR. BAKER: Objection, asked and  
11 answered.

12 THE WITNESS: That is correct.

13 BY MR. CARDENAS-NAVIA:

14 Q. Why didn't you note that in your  
15 declaration?

16 A. Why would I?

17 Q. You don't think it is relevant  
18 that --

19 A. No. I am not looking for these  
20 things don't work.

21 I'm looking for what can I find to  
22 give me a basis for forming an opinion.

1                   And things that aren't present don't  
2   help me with that at all.

3                   Q.     You don't think that a lack of a  
4   document on Wayback is at least some evidence  
5   that the document didn't exist at that time?

6                   A.     No, I don't. I think that people  
7   who go down that road ascribe importance and  
8   credibility to the Wayback Machine that in my  
9   opinion as a professional in my discipline for  
10  more than 50 years, it does not merit.

11                  Q.     Well, you are not an expert in the  
12  Wayback Machine, right?

13                  MR. BAKER: Objection, relevance.

14                  THE WITNESS: I don't know what I  
15   think about that. I think that people in my  
16   profession, I am as skilled in using it and  
17   researching it as anybody you will find.

18  BY MR. CARDENAS-NAVIA:

19                  Q.     Okay. But you weren't, you weren't  
20  able to retrieve a PacketCable from -- well,  
21  never mind.

22                         Let's keep looking at your

1 declaration. Let's look at Paragraph 19 on  
2 Page 8.

3 A. I would like to make one  
4 typographical error correction.

5 Q. Sure.

6 A. The last line -- you've gone black  
7 again --

8 In the last line of that paragraph  
9 the word federal appears, and that should be  
10 stricken and is not accurate. It is not a  
11 federal document.

12 Q. Okay. Thank you for clarifying  
13 that.

14 Are there any other corrections of  
15 any kind you would like to make to your  
16 supplemental declaration?

17 A. No, sir.

18 Q. Okay. Are you with me in  
19 Paragraph 19 of your supplemental declaration?

20 A. I am. I am also looking at a white  
21 board from the -- let me get rid of the white  
22 board.

1 Yes, I am looking at Page 8,  
2 Paragraph 19. I am there.

3 Q. Okay. It says, "Exhibit 1007 is a  
4 true and accurate copy of the document titled  
5 PacketCable 1.0 Architecture Framework Technical  
6 Report that was and issued 'for the benefit of  
7 the cable industry' (Page 1)."

8 A. Uh-huh.

9 Q. Do you see that?

10 A. Uh-huh, I do.

11 Q. Is that language towards the end,  
12 that was and issued, is there a typo there or did  
13 you mean to say --

14 A. 'And' should come out, I think.  
15 That was, yeah, 'and' could come out.

16 Q. Okay.

17 A. That doesn't change anything except  
18 it is easier to read.

19 Q. Okay. You say then the next  
20 sentence, "The technical report is available from  
21 the Cable Television website." Correct?

22 A. I do say that, yes.

1 Q. But the only time you actually were  
2 able to retrieve PacketCable from the Cable  
3 Television website was in 2024, correct?

4 A. It is the only time I looked for it.  
5 So, of course, it is when I found it.

6 Q. Okay. You never found the document  
7 in 1999 or 2000, right?

8 A. I was doing other things at that  
9 time.

10 Q. So, that is a no, you did not?

11 A. That is a no, I did not even worry  
12 about it at that time, no.

13 Q. Besides the Wayback Machine, did you  
14 do any other investigation to try to determine if  
15 PacketCable was available on a website back in  
16 December, 1999?

17 A. Yes, I did.

18 Q. What did you do?

19 A. I know it is not in WorldCat. I  
20 know that typing the title of the document into a  
21 web browser brings up this site. And that is  
22 where it is at Cable Labs.

1                   And it is not anywhere else that I  
2    can find.

3                   So, you know, I do a pretty thorough  
4    search for documents, that is my practice, that  
5    is my procedure. I write about what I can  
6    identify, not what I can't identify.

7           Q.     What is WorldCat?

8           A.     WorldCat is the public interface for  
9    the OCLC bibliographic database.

10          Q.     Okay. And why would you search  
11   WorldCat?

12          A.     If this item were in a library,  
13   anywhere in the world in any language, the  
14   probability is about 99 percent that it would be  
15   in that database, and it is not there.

16          Q.     So, then as best you can tell, if --  
17   well, strike that.

18                 So, I want to ask you a little bit  
19   more about your testimony about the release date  
20   of PacketCable.

21                 You don't have any personal  
22   knowledge of Cable Television Laboratories'

1 processes for releasing its technical documents,  
2 correct?

3 A. No.

4 Q. And that is true today and that was  
5 also true in 1999, correct?

6 A. I'm not sure I had heard of this  
7 place in 1999.

8 Q. And you are not, you don't have  
9 personal knowledge of Cable Television  
10 Laboratories' processes for releasing technical  
11 documents back in 1999, correct?

12 A. The only information I have about  
13 that, which I think I have already said, is based  
14 on their description of their mission and their  
15 work as expressed on their internet site.

16 Q. Okay. Isn't it possible that the  
17 release was to a smaller subset of people, rather  
18 than within Cable Television Laboratories?

19 A. I don't understand, what are you  
20 asking?

21 Q. Well, I'm just wondering, isn't it  
22 possible that release has different meanings?

1           A.     I suppose it could. But I would be  
2     hard pressed to understand the differences  
3     without more information.

4           Q.     I want to direct you back to the  
5     first sentence of Paragraph 19.

6           A.     Uh-huh, okay.

7           Q.     Or, actually, let me -- well, okay.

8                     You say at the end and you're citing  
9     PacketCable that the document was issued, "for  
10    the benefit of the cable industry."

11                    Do you see that?

12          A.     I do.

13          Q.     Okay. And just because it was, and  
14    even if it were created for the benefit of the  
15    cable industry, that doesn't necessarily mean  
16    that PacketCable was itself shared with everyone  
17    in the cable industry, right?

18          A.     Are you asking me if every cable  
19    company belonged to the organization?

20          Q.     No.

21          A.     Okay, good.

22          Q.     Let me try asking it a little

1 different.

2                   You agree that -- well, what  
3 industry would you say that you are in?

4           A.     Me? I am in the information  
5 business.

6           Q.     Okay. And you can benefit the  
7 information business industry without, by having  
8 some great idea, right?

9           A.     I suppose so.

10          Q.     But, for the industry to benefit,  
11 you wouldn't necessarily have to tell everyone  
12 your great idea, right? You could turn it into a  
13 product that you then sell to people, or there is  
14 other ways in which you could benefit the whole  
15 industry without you sharing whatever your idea  
16 is with everyone, correct?

17          A.     I suppose but I would be hard  
18 pressed to understand if I had a great idea, why  
19 I wouldn't share it.

20          Q.     Okay. Well, I believe people in the  
21 patent world will understand the pros and cons of  
22 sharing.

1           A.       Probably a different view than I  
2    have.

3           Q.       Okay. Can we turn back to  
4    Paragraph 21 of your supplemental declaration.

5           A.       Sure.

6           Q.       And I believe you -- okay, so you  
7    say, "In view of the foregoing, it is my opinion  
8    that the publication described above were  
9    publically available no later than the  
10   corresponding date listed in the table below."

11                   Do you see that?

12          A.       I do.

13          Q.       And, when you say public, you are  
14   referring only to members of Cable Television  
15   Laboratories in December 1999; is that correct?

16          A.       No. I think I have told you that.  
17   The answer is no.

18          Q.       You are referring to the entire  
19   general public, is that it?

20          A.       No, I'm not doing that, either.

21          Q.       Then who are you referring to?

22          A.       I am going back to my original

1 declaration for this particular document, in  
2 which I describe the people who would be  
3 interested in this document and its content.

4 And those were folks with education  
5 and training in engineering who were working in  
6 the cable television field, they are the people  
7 who are interested, they make up the public that  
8 I am describing here.

9 Q. Well, let's say, let's go back to  
10 December 1st, 1999.

11 A. Uh-huh.

12 Q. And you've got, you've got a person  
13 of that type.

14 A. Okay.

15 Q. How would they have found  
16 PacketCable?

17 A. Well, I have to tell you, people who  
18 work in their own industries tend to know who are  
19 the research and development sites, who are the  
20 people, the individuals, leading that research  
21 and development. And they know where they are.

22 And they communicate either directly

1 or indirectly with them.

2 At least that is how every other  
3 profession works.

4 I see no reason that this would be  
5 different.

6 Q. So, could you just walk me through  
7 how that person would have found PacketCable?

8 A. If you work at a cable television  
9 entity of some sort, and they belong to Cable  
10 Television Laboratories as a member organization,  
11 it is evident that there is a reason your group  
12 has belonged and pays whatever the fee is to be  
13 part of that.

14 Therefore, it would make sense that  
15 there would either be announcements, internal --  
16 I don't know if we still had paper memos at that  
17 time, we might have in 2000, I don't know, 1999.

18 Indication and announcements  
19 probably through an intranet as well as internet,  
20 that release information, new developments, new  
21 research was made available. And that would be  
22 shared.

1                   There were listservs at that time,  
2   there were bulletin boards at that time. There  
3   were groups that came together in an industry and  
4   shared information.

5                   Folks knew each other. I know that  
6   for a fact having been a computer dealer at  
7   around -- before that time but as a member of  
8   that type of organization, sharing the  
9   information is important.

10                  If the research didn't matter,  
11   organizations wouldn't have joined Cable  
12   Television Laboratories and they would have no  
13   work to do.

14                  And that is not the case. They had  
15   a lot of work to do with cable television at that  
16   time. It was not as developed as we see now.  
17   Not as many channels, not as many shows. And  
18   they have moved towards streaming. And we  
19   certainly did not talk about streaming of any  
20   kind in 1999.

21                  We didn't stream anything. We were  
22   lucky to digitize in 1999 and scan and build big

1 digital repositories.

2 All of those were coming into  
3 prominence at that point in time. So, 25 years  
4 ago, the world is very different. And the way we  
5 communicated was very different.

6 We actually picked up telephones and  
7 knew telephone numbers at that time. Called  
8 people, e-mailed people.

9 We had some issues in the '80s, I  
10 think in the '80s, teaching people how to use  
11 e-mail, that it wouldn't bite. And that you  
12 could do it, and no terrible thing happened to  
13 you.

14 We learned how to send documents.  
15 The world was really evolving at that time. And  
16 this was part of it.

17 So, these people knew each other and  
18 they know each other now. Just like engineers  
19 know each other, lawyers know each other.  
20 Librarians know each other.

21 It is kind of a small world within  
22 your discipline. And this kind of information

1 would be known and shared in that way because  
2 those communities have practiced, at least that  
3 is what we call them, are designed for that  
4 purpose.

5 We want people to share that  
6 information. You have gone black screen again.  
7 Oh well.

8 Q. That was a long answer. Is that --  
9 are you done?

10 A. Well, unless you ask me something  
11 else.

12 Q. Okay. I just wanted to make sure  
13 you were done before I asked you something else.

14 A. I can talk for hours.

15 Q. Okay. So, I want to make sure I  
16 understood your answer.

17 A. Uh-huh.

18 Q. Because my question was about how  
19 the person of ordinary skill in the art would  
20 have found PacketCable back in December of 1999.

21 And I believe you were saying  
22 something along the lines of some of those people

1 would have been working at cable companies that  
2 were members of Cable Television Laboratories.

3 A. Uh-huh.

4 Q. And they would have thereby somehow  
5 found out about PacketCable, possibly by intranet  
6 postings within their companies or talking to  
7 other engineers.

8 Is that -- do I have that about  
9 right?

10 A. I think that was actually what did  
11 happen.

12 Q. Okay. And do you have any evidence,  
13 any more concrete evidence that any of that  
14 actually ever happened, specifically for  
15 PacketCable?

16 A. Well, I have to say that if you look  
17 at the first page of the exhibit, 1007, they say  
18 that they have written this for the benefit of  
19 their industry.

20 Which to me implies, and is pretty  
21 clear, were it not for their industry, they  
22 wouldn't do this. And they want the industry to

1 know what they have determined and have issued  
2 this technical report to convey that new  
3 information.

4 Q. Okay. Well, PacketCable does  
5 nowhere on it says that it is, you know, has been  
6 shared or is now being shared with everyone who  
7 is a member of Cable Television Laboratories,  
8 right? It doesn't say that?

9 A. I don't think it does say that  
10 directly, no.

11 Q. And, it also nowhere in PacketCable,  
12 there is no evidence in PacketCable or cited in  
13 your declaration that any companies that were  
14 members of Cable Television Laboratories were  
15 sending e-mails or posting internally about how  
16 PacketCable was now available, right?

17 A. Right. Nor does it say this is  
18 embargoed and please don't tell anybody.

19 Q. What about, in your hypothetical of,  
20 you know, how people of ordinary skill in the art  
21 would have found out about PacketCable, if  
22 someone who is interested in this kind of

1 technology but you don't work at a company that  
2 is a member of Cable Television Laboratories?

3 A. Uh-huh.

4 Q. Those people don't need to find  
5 PacketCable in December of 1999?

6 A. I suppose if you went to your web  
7 browser and you knew enough to search the web  
8 browser efficiently and effectively, you would  
9 find this organization.

10 Q. And you would then reach out to them  
11 and ask them to share their recent publications  
12 with you?

13 A. I would look at their website and  
14 see what was there. And, almost every website,  
15 not every website, but almost every website says  
16 if you want to contact us, click here.

17 There is an e-mail address, there is  
18 a phone number, there is sometimes a street  
19 address. It is not like people are hiding.

20 And that is, you know, the first  
21 step. Pick up the phone. Send a letter. Send  
22 an e-mail. Do something. Back in 1999 you might

1 have even sent a fax.

2 Q. Okay. And, just to be clear, about  
3 a few things, I believe you -- I believe you  
4 have -- correct me if I'm wrong about any of  
5 this, but I believe you stated that you believe  
6 that PacketCable was available on a website as of  
7 December 1st, 1999; is that correct?

8 A. Yes. Yes.

9 Q. Are you aware of any indexing or  
10 cataloguing of PacketCable in December 1999?

11 A. I think I said before, I looked in  
12 WorldCat. This is not the kind of document you  
13 would find in a library.

14 You might find it in a corporate  
15 library, which would be closed to the public, for  
16 people doing work that would be embargoed or  
17 would be held as corporate confidential, you  
18 might find it in those places.

19 But again, there would be a reason  
20 for that. I think we talked about money has a  
21 role in all of this.

22 But in a general library, no. This

1 is not the kind of document. If it were in a  
2 library, it would probably not be there now  
3 anyway because this document had been superceded.

4 And because of that, unless  
5 libraries have more space than any I know, the  
6 newer version would have replaced the older  
7 version. So there would only be a newer one  
8 available.

9 Q. What do you mean this -- well, thank  
10 you for explaining your answer. But, I think I  
11 understood you to agree that there was no  
12 indexing or cataloguing of PacketCable back in  
13 December 1999.

14 A. No, because I looked. And I can  
15 find records for materials from the 19th century  
16 in WorldCat, and I can't find this.

17 So, no. No cataloguing, no  
18 indexing, and no library presence that I can  
19 identify.

20 Q. Did you find any evidence of other  
21 websites or resources directing people to the  
22 PacketCable reference as of December 1999?

1           A.     I did not look for that and I had no  
2     reason to do so.

3           Q.     Okay. And I think this is  
4     probably -- it is obvious from what you say, but  
5     I will ask it anyway, you didn't look for that  
6     type of evidence and you are also not aware of  
7     any of that type of evidence, correct?

8           A.     That is correct.

9           Q.     And you were not -- well, maybe let  
10    me --

11                   Do you know what I'm referring to  
12    when I say the person of ordinary skill in the  
13    art?

14           A.     I do know that term, yes.

15           Q.     Okay. And, let me just admit your  
16    initial declaration and make sure we are on the  
17    same page.

18           A.     Uh-huh.

19                   (Previously marked Exhibit  
20                   Number 1010  
21                   first referral.)

22    BY MR. CARDENAS-NAVIA:

1           Q.     I just entered Exhibit 1010 into the  
2 Chat. And please let me know when you have it  
3 open.

4           A.     Let me see if I can do that. 1010.  
5 I will try. Heaven knows, the screen has gone  
6 black. Let me try. No, don't do that to me.

7                   Well, I can't see it but you can  
8 read it to me maybe.

9           Q.     Is your screen still black?

10          A.     It is all black. So, yeah, you will  
11 have to read it to me.

12          Q.     Well, let's wait another 30 seconds  
13 and hopefully it comes back.

14          A.     Yeah, sometimes, I don't know why it  
15 does this, this is really strange to me. But,  
16 okay.

17                   And I don't recall this happening  
18 before. No, I'm trying everything I tried  
19 before -- there you are, you are back. Well,  
20 isn't that amazing. I don't know how that  
21 happens. But, okay.

22                   All right. So, in the Chat and you

1 wanted to me to load the declaration.

2 All right, let me try here on the  
3 desktop and then I will attempt to open it. Oh,  
4 it went black again. No, can't see it.

5 Q. Do you have a paper copy of  
6 Exhibit 1010 in front of you?

7 A. I do not. But I am going to try to  
8 open it now. I have opened it. All right. I  
9 have opened it. This is a document, 169 pages.

10 Q. Yes.

11 A. This is it. Where do you need me to  
12 look?

13 Q. Okay. So, you've got Exhibit 1010,  
14 it is your original declaration in front of you.

15 Please turn to Page 9.

16 A. All right. Let me get there before  
17 anything else happens.

18 Q. And let me remind you again, please  
19 don't talk over me. Please wait until I finish  
20 my question before you begin answering.

21 A. Yeah, I talk to myself a lot; it is  
22 a bad habit.

1 All right. I am on Page 9.

2 Paragraph 15. Persons of ordinary skill in the  
3 art is the heading.

4 Q. Okay. That's right. And today we  
5 have been talking about, I guess, the person who  
6 might be interested in a reference like  
7 PacketCable.

8 A. Okay.

9 Q. In regards to your understanding as  
10 you set out in this declaration of the person of  
11 ordinary skill in the art; is that right?

12 A. Yes.

13 Q. Were you -- did you have the  
14 qualifications of a person of ordinary skill in  
15 the art as of December 1999?

16 A. Oh, no, I have never had these, no.

17 Q. Okay.

18 A. No.

19 Q. We've been going about an hour, why  
20 don't we go ahead and take a break.

21 A. Okay. That sounds good.

22 (Recess taken -- 10:20 a.m.)

1 (After recess -- 10:38 a.m.)

2 BY MR. CARDENAS-NAVIA:

3 Q. Dr. Hall-Ellis, what did you do to  
4 prepare for today's deposition?

5 A. I read my documents, both of them,  
6 because, you know, we have the two things.

7 I read those. I looked at my  
8 original declaration for the '682 patent. And I  
9 looked at the Cable Television Laboratories  
10 website again to be sure I had seen that  
11 correctly.

12 And that is -- and then I did talk  
13 with the lawyers from the, my firm.

14 Q. That would be Kirkland & Ellis?

15 A. That's correct.

16 Q. And about how long did you meet with  
17 your attorneys?

18 A. An hour, maybe. An hour and a half.  
19 Not too long. A little bit.

20 Q. And, specifically for your  
21 supplemental declaration, about how long did you  
22 spend in finalizing that declaration?

1 A. You mean writing it?

2 Q. Yes. Your whole total of work, from  
3 the start and until when it was completed.

4 A. For the supplemental, a couple of  
5 hours. Those are a little less time consuming  
6 than a full declaration.

7 Q. Okay. We talked about some  
8 investigation that you did, that at least I  
9 didn't see in your supplemental declaration like  
10 taking a look at WorldCat.

11 A. Uh-huh.

12 Q. Is there any other investigative  
13 work that you did that is not in your  
14 supplemental declaration that we haven't already  
15 discussed?

16 A. No. I, I generally look in, you  
17 know, a pretty standard list of places.

18 And this one just doesn't appear in  
19 things like, when it is not in WorldCat and it is  
20 not in the database at the copyright office. And  
21 it is only one site that comes up on a web  
22 browser.

1                   You begin to see that it is a little  
2   more limited in places to look. But it doesn't  
3   mean you can't find it; it means you have fewer  
4   places to check.

5           Q.     Understood.

6           A.     So, no.

7           Q.     Okay. About how many declarations  
8   for attorneys do you do per year?

9           A.     I don't know.

10          Q.     Can you give me a ballpark?

11          A.     Well, it ebbs and flows. I've got  
12   to tell you. Some years people are a little more  
13   litigious.

14                   When we had the pandemic where  
15   people were a little calmer. I don't know.  
16   Maybe 50, 55, maybe. I don't know.

17                   I don't count, I have an accountant  
18   for that. You know. I don't know.

19          Q.     Do you know, and it completely makes  
20   sense that it would vary year to year.

21          A.     Uh-huh.

22          Q.     So, do you have like a range or an

1 average or a high/low, if that makes sense? I  
2 just want to get an idea of how many hours per  
3 year you spend on declarations.

4 A. Oh, well, I try to work three and a  
5 half days a week, if that helps you.

6 I would say a low of 55 and a high  
7 of maybe 70 in a year, yes.

8 Because we also have depositions in  
9 there and appearances at trial. So, we would  
10 have a related activity, so, I would say that is  
11 a fair average.

12 Q. And were you talking about  
13 declarations per year?

14 A. Uh-huh.

15 Q. Okay. Are you able to estimate  
16 hours per year or the hours worked on this type  
17 of work per year?

18 A. Well, I've got my calculator here.  
19 Let me see what I can tell you. Because I don't  
20 pay any attention. I just do what people ask.

21 It is a puzzle kind of thing and I  
22 like doing puzzles. Oh, let me think here.

1 That, times 3.5 times, I don't know, maybe  
2 1,200 hours a year. Maybe 13.

3 Q. Okay.

4 A. Not full-time. I'm trying to  
5 retire. I have tried a couple of times. And I  
6 have failed a couple of times.

7 Q. Well, as long as you still enjoy the  
8 work, then, you know, no reason not to keep  
9 going.

10 A. Right.

11 Q. I thank you Dr. Hall-Ellis. I have  
12 no further questions for you about this  
13 proceeding at this time.

14 A. Okay, great.

15 (Recess taken -- 10:58 a.m.)

16 (After recess -- 11:02 a.m.)

17 MR. BAKER: Thank you. I have no  
18 redirect. We can go off the record.

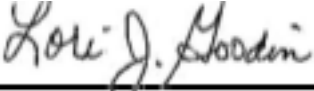
19 (Whereupon, signature not having been waived,  
20 the deposition ended at 11:02 a.m.)

21 \* \* \*

22

1 CERTIFICATE OF COURT REPORTER  
I, LORI J. GOODIN, RPR, CRR,  
2 CA CSR # 13959, the reporter before whom the  
foregoing deposition was taken, do hereby certify  
3 that the witness whose testimony appears in the  
foregoing deposition was sworn by me; that the  
4 testimony of said witness was taken by me in  
machine shorthand and thereafter transcribed by  
5 computer-aided transcription; that said  
deposition is a true record of the testimony  
6 given by said witness; that I am neither counsel  
for, related to, nor employed by any of the  
7 parties to the action in which this deposition was taken;  
and, further, that I am not a relative or  
8 employee of any attorney or counsel employed by  
the parties hereto, or financially or otherwise  
9 interested in the outcome of this action.

10  
11

  
LORI J. GOODIN, RPR, CLR, CRR  
Notary Public in and for:

12  
13  
14  
15  
16  
17

STATE OF FLORIDA, COUNTY OF SARASOTA  
Notary Commission Number: GG987804

My Commission expires: May 12, 2028

STATE OF CALIFORNIA, CA CSR# 13959

My Commission expires: February 22, 2025

STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL

My Commission expires: August 2, 2025

18  
19  
20

DISTRICT OF COLUMBIA, WASHINGTON DC

My Commission expires: May 31, 2026

STATE OF DELAWARE: COUNTY OF KENT

My Commission expires: September 9, 2025

21  
22

STATE OF PENNSYLVANIA, COUNTY OF LEHIGH

My Commission expires: April 5, 2025

1 Sylvia Hall-Ellis, Ph.D., c/o  
2 KIRKLAND & ELLIS LLP  
3 1301 Pennsylvania Avenue, Northwest  
4 Washington, D.C. 20004  
5

6 Case: Meta Platforms, Inc. et al. v. VL Collective IP LLC

7 Date of deposition: July 18, 2024

8 Deponent: Sylvia Hall-Ellis, Ph.D.  
9

10 Please be advised that the transcript in the above  
11 referenced matter is now complete and ready for signature.  
12 The deponent may come to this office to sign the transcript,  
13 a copy may be purchased for the witness to review and sign,  
14 or the deponent and/or counsel may waive the option of  
signing. Please advise us of the option selected.  
15 Please forward the errata sheet and the original signed  
signature page to counsel noticing the deposition, noting the  
16 applicable time period allowed for such by the governing  
Rules of Procedure. If you have any questions, please do  
17 not hesitate to call our office at (202)-232-0646.

18 Sincerely,

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7 Case: Meta Platforms, Inc. et al. v. VL Collective IP LLC  
8 Witness Name: Sylvia Hall-Ellis, Ph.D.  
9 Deposition Date: July 18, 2024  
10

11 I do hereby acknowledge that I have read  
12 and examined the foregoing pages  
13 of the transcript of my deposition and that:

14 (Check appropriate box):

15 ( ) The same is a true, correct and  
16 complete transcription of the answers given by  
17 me to the questions therein recorded.

18 ( ) Except for the changes noted in the  
19 attached Errata Sheet, the same is a true,  
20 correct and complete transcription of the  
21 answers given by me to the questions therein  
22 recorded.

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Case: Meta Platforms, Inc. et al. v. VL Collective IP LLC

9

Witness Name: Sylvia Hall-Ellis, Ph.D.

10

Deposition Date: July 18, 2024

11

Page No. Line No. Change

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Signature\_\_\_\_\_  
Date

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