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Transcript of David Crane

Date: July 1, 2024

Case: Sony Interactive Entertainment LLC -v- Quantum Imaging LLC (PTAB)

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

Transcript of David Crane
Conducted on July 1, 2024

1 (1 to 4)

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 UNITED STATES PATENT AND TRADEMARK OFFICE ----- BEFORE THE PATENT TRIAL AND APPEAL BOARD ----- SONY INTERACTIVE ENTERTAINMENT LLC, Petitioner v. QUANTUM IMAGING LLC, Patent Owner ----- Case No. IPR2023-00954 Patent No. 8,458,028 ----- VIDEOTAPED DEPOSITION OF DAVID CRANE MONDAY, JULY 1, 2024 Sacramento, California 9:06 a.m. PDT to 11:59 a.m. PDT Stenographically Reported by: Burgundy B. Ryan, RPR, CSR No. 11373 Job No. 543758 Pages 1-108	3 DEPOSITION SUPPORT INDEX QUESTIONS INSTRUCTED NOT TO ANSWER: PAGE LINE (None) REQUEST FOR PRODUCTION OF DOCUMENTS PAGE LINE (None) STIPULATIONS PAGE LINE (None) QUESTIONS MARKED PAGE LINE (None) REPORTER'S NOTE: QUOTATION MARKS ARE USED FOR CLARITY AND DO NOT NECESSARILY REFLECT A DIRECT QUOTE.
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	2 A P P E A R A N C E S ON BEHALF OF THE PETITIONER: MORRISON & FOERSTER LLP By: BRYAN BLUMENKOPF, Esquire MEHRAN ARJOMAND, Esquire 707 Wilshire Boulevard Suite 5000 Los Angeles, California 90017-3543 Bblumen@mofo.com marjomand@mofo.com ON BEHALF OF THE PATENT OWNER: SPENCER FANE LLP By: HOMAYOON RAFATIJO, Esquire PATRIK DUNN, Esquire (Remote) 1000 Walnut Suite 1400 Kansas City, Missouri 64106 hrafatijo@spencerfane.com Pdunn@spencerfane.com ALSO PRESENT JACK SCHECTER, In-House Counsel Sony Interactive Entertainment LLC PETER YAROSCHUK, Videographer Planet Depos	4 I N D E X PAGE EXAMINATION BY MR. RAFATIJO..... 6 --o0o-- E X H I B I T S EXHIBIT DESCRIPTION PAGE 1001 U.S. Patent No. 8,458,028 20 1003 Prosecution History of 44 U.S. Patent No. 8,458,028 1025 Supplemental Declaration of 11 Mr. David Crane 2015 "Microsoft Computer Dictionary" 53 --o0o--

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2 (5 to 8)

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1 BE IT REMEMBERED that, pursuant to Notice 2 of Taking Deposition, and on Monday, July 1, 2024, 3 commencing at 9:06 a.m. PDT thereof, at Regus, 333 4 University Avenue, Sacramento, California, before 5 me, Burgundy B. Ryan, a Certified Shorthand Reporter 6 in and for the State of California, personally 7 appeared 8 DAVID CRANE, 9 a witness called on behalf of PATENT OWNER, and who, 10 having been first duly sworn by me to testify to the 11 truth, was examined and testified as follows: 12 THE VIDEOGRAPHER: Here begins Media No. 1 13 in the videotaped deposition of David Crane in the 14 matter of Sony Interactive Entertainment LLC versus 15 Quantum Imaging LLC before the Patent Trial and 16 Appeal Board, case number IPR2023-00954. 17 Today's date is July 1st, 2024. 18 The time on the video monitor is 9:06 a.m. 19 The videographer today is Peter Yaroschuk, 20 representing Planet Depos. 21 This video deposition is taking place at 22 333 University Avenue, Suite 200, Sacramento, 23 California. 24 Would Counsel please voice-identify 25 themselves and state whom they represent?	1 It is my understanding that you have been 2 deposed before; correct? 3 A. Correct. 4 Q. So I'm not going to rehash what you already 5 know about the procedural postures that cover the 6 deposition today. I'm going to just raise a few 7 points. 8 Do you understand that I'm going to ask 9 questions and you're going to answer them? 10 A. Yes. 11 Q. And you are going to give the counsel 12 opportunity to object as he sees fit, but otherwise, 13 you are going to answer the questions unless the 14 counsel instructs you not to answer the question; 15 correct? 16 A. Correct. 17 Q. And I'm going to ask -- so I'm cautioning 18 you that I'm not trying to get any privileged 19 information from you. That's not my intent and 20 that's not what my questions are directed at. But 21 in any case if you feel that in order to answer my 22 questions you are about to reveal privileged 23 information, please let us know and counsel and I 24 will work it out. Is that good with you? 25 A. Okay. Sure.
6	8
1 MR. RAFATIJO: Sure. My name is Homayoon 2 Rafatijo. I am representing the patent owner 3 Quantum Imaging LLC. I'm affiliated with the firm 4 Spencer Fane. 5 With me today on the Zoom is my colleague 6 and good friend Mr. Patrick Dunn. 7 MR. BLUMENKOPF: Bryan Blumenkopf from 8 Morrison & Foerster on behalf of the Petitioner 9 Sony. 10 Joining me are my colleagues Mehran 11 Arjomand, also from Morrison & Foerster, and Jack 12 Schecter from Sony. 13 THE VIDEOGRAPHER: Thank you. 14 The court reporter today is Brooke Ryan, 15 representing Planet Depos. 16 The witness will now be sworn. 17 (Whereupon, the witness was sworn.) 18 COURT REPORTER: Thank you very much. 19 Counsel, you may proceed. 20 DAVID CRANE, 21 having been first duly sworn to tell the whole 22 truth, testified as follows: 23 EXAMINATION 24 By MR. RAFATIJO: 25 Q. Good morning, Mr. Crane.	1 Q. And do you understand that you cannot 2 consult with any materials while the 3 cross-examination is ongoing unless I present it to 4 you as an exhibit in this deposition? 5 A. I understand. 6 Q. And you understand that you can take a 7 break if you need to? 8 A. Yes. 9 Q. And do you understand that during the break 10 you're not allowed to talk to the counsel about the 11 content of the deposition and the manner in which it 12 is conducted? 13 A. I understand. 14 Q. Okay. Great. Do you understand that you 15 are being deposed today on the IPR2023-00954? 16 A. I believe that's correct. 17 Q. Do you understand that this proceeding that 18 I just mentioned involves U.S. Patent No. 8,458,028, 19 which I'm going to refer to as the '028 patent? 20 A. Yes. 21 Q. Has your compensation rate changed since 22 the last time you've been deposed in this 23 proceeding? 24 A. No. 25 Q. How did you prepare for this deposition

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3 (9 to 12)

9 1 today? 2 MR. BLUMENKOPF: I caution Mr. Crane not to 3 disclose any privileged communications with 4 Counsel. 5 THE WITNESS: Reread my supplemental 6 declaration, reviewed some exhibits that I included 7 with my supplemental declaration, and had a few 8 hours of discussions with counsel. 9 By MR. RAFATIJO: 10 Q. And would you please identify the counsel 11 you met for the preparations? 12 A. They are all in the room today. 13 Q. Including Sony's in-house counsel? 14 A. He was occasionally on calls. 15 Q. Okay. Did you also -- well, you mentioned 16 that you reviewed your supplemental declaration and 17 cited exhibits that you have cited in the 18 supplemental declaration; correct? 19 MR. BLUMENKOPF: Objection. Form. 20 THE WITNESS: That's basically what I 21 said. 22 By MR. RAFATIJO: 23 Q. So you remember that you have prepared the 24 supplemental declaration in this proceeding? 25 A. I did --	11 1 Q. Okay. Did you review the board's 2 institutional decision? 3 MR. BLUMENKOPF: Objection. Form. 4 THE WITNESS: Similarly, I may have looked 5 at it but I don't recall doing so. 6 By MR. RAFATIJO: 7 Q. Okay. So I would like to mark this Exhibit 8 1025 which was submitted by Petitioner with the -- 9 oh, let me first -- sorry. And one copy for you. 10 COURT REPORTER: I have marked Exhibit 11 1025. 12 (Whereupon, Crane Exhibit 1025 was marked for 13 identification.) 14 MR. RAFATIJO: Can I have that back just to 15 look at it? Thank you so much. 16 By MR. RAFATIJO: 17 Q. So I would like -- so do you recognize this 18 document, Mr. Crane? 19 MR. BLUMENKOPF: Counsel, I believe 20 Mr. Crane is not reviewing the version that has been 21 stamped and marked. 22 By MR. RAFATIJO: 23 Q. Oh, so can I -- 24 A. At a glance, as best I can tell, it is a 25 25 copy of my signed supplemental declaration.
10 1 MR. BLUMENKOPF: Objection. Form. 2 THE WITNESS: -- in fact prepare a 3 supplemental declaration in this proceeding. 4 By MR. RAFATIJO: 5 Q. Do you remember what materials you reviewed 6 in order to prepare that supplemental declaration? 7 MR. BLUMENKOPF: Objection. Form. 8 THE WITNESS: I listed in my supplemental 9 declaration materials that I reviewed. 10 By MR. RAFATIJO: 11 Q. Did you -- did you review the '028 12 patent? 13 A. I did. 14 Q. Did you review the Petition and cited 15 exhibits? 16 MR. BLUMENKOPF: Objection. Form. 17 THE WITNESS: I don't recall reviewing the 18 Petition. 19 By MR. RAFATIJO: 20 Q. Did you review the response and the cited 21 exhibits? 22 MR. BLUMENKOPF: Objection. Form. 23 THE WITNESS: I may have, but as I said, I 24 don't recall reviewing them. 25 By MR. RAFATIJO:	12 1 Q. Great. So I would like to direct your 2 attention to paragraph six. 3 A. I have it. 4 Q. Does this paragraph list all of the 5 materials that you have reviewed to prepare this 6 supplemental declaration? 7 A. I would say it does. 8 Q. Okay. Do you see that you have stated here 9 that you've reviewed portions of the Microsoft 10 Computer Dictionary, Fifth Edition? 11 A. Yes. 12 Q. Is Microsoft Computer Dictionary, Fifth 13 Edition a reliable reference in the field of 14 computer science and engineering? 15 MR. BLUMENKOPF: Objection. Form. 16 THE WITNESS: I would consider the 17 Microsoft Computer Dictionary to be a reliable 18 definition of computer terms. 19 By MR. RAFATIJO: 20 Q. Is it a known reference? 21 MR. BLUMENKOPF: Objection. Form. 22 THE WITNESS: By -- what do you mean is it 23 a "known reference"? 24 By MR. RAFATIJO: 25 Q. To a POSITA?

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4 (13 to 16)

13	1 MR. BLUMENKOPF: Same objection. 2 THE WITNESS: I would expect it to be known 3 by a POSITA. 4 By MR. RAFATIJO: 5 Q. Have you ever consulted with other 6 dictionaries prior to -- have you consulted with 7 this dictionary prior to this proceeding? 8 MR. BLUMENKOPF: Objection. Form. 9 THE WITNESS: I don't recall if I have or 10 have not. 11 By MR. RAFATIJO: 12 Q. So you did not get to know about this 13 dictionary just for this proceeding; correct? 14 MR. BLUMENKOPF: Objection. Form. 15 THE WITNESS: I was provided with excerpts 16 from this dictionary as part of this proceeding. 17 By MR. RAFATIJO: 18 Q. Did you know about this dictionary prior to 19 this proceeding? 20 MR. BLUMENKOPF: Objection. Form. 21 THE WITNESS: I don't recall. 22 By MR. RAFATIJO: 23 Q. I didn't ask if you recall something. I 24 asked if you knew about this dictionary prior to 25 this proceeding.	15	1 this case? 2 MR. BLUMENKOPF: Objection. Form. 3 THE WITNESS: I don't recall any particular 4 reason. 5 By MR. RAFATIJO: 6 Q. Did you consult with any other dictionaries 7 to prepare your supplemental declaration? 8 MR. BLUMENKOPF: Objection. Form. 9 THE WITNESS: As stated in my paragraph 10 six, I also consulted the Merriam-Webster's 11 Collegiate Dictionary in preparing this 12 declaration. 13 By MR. RAFATIJO: 14 Q. Any other dictionaries besides 15 Merriam-Webster's Collegiate Dictionary and 16 Microsoft Computer Dictionary that you have 17 consulted for this supplemental declaration? 18 MR. BLUMENKOPF: Objection. Form. 19 THE WITNESS: In preparing my supplemental 20 declaration, I don't recall specifically consulting 21 any other dictionaries. 22 By MR. RAFATIJO: 23 Q. Let's go to paragraph nine. So -- so here 24 the second sentence reads, "The phrase code game 25 application end code does not expressly appear in
14	1 A. And that was my answer, I don't recall 2 knowing about this dictionary. 3 Q. So you never heard of this dictionary prior 4 to this proceeding? 5 MR. BLUMENKOPF: Objection. Form. 6 THE WITNESS: I don't believe that's what I 7 said. I don't recall if I knew about this 8 dictionary prior to this proceeding. 9 By MR. RAFATIJO: 10 Q. Have you heard about this dictionary prior 11 to this proceeding? 12 MR. BLUMENKOPF: Objection. Form. 13 THE WITNESS: As I said, I don't recall if 14 I had heard about this dictionary prior to this 15 proceeding. 16 By MR. RAFATIJO: 17 Q. So how did you -- how do you know that it's 18 a reliable reference in the field? 19 MR. BLUMENKOPF: Objection. Form. 20 THE WITNESS: Microsoft is certainly a 21 reliable company, I would expect a dictionary 22 provided by Microsoft to be a reliable dictionary. 23 By MR. RAFATIJO: 24 Q. Okay. Is there any particular reason that 25 you picked this dictionary for your declaration in	16	1 the Microsoft Computer Dictionary or any other 2 dictionary that I've consulted." 3 Do you see that? 4 A. I do. 5 Q. So by any "other dictionary," what you do 6 mean? 7 A. I think plain and ordinary meaning any 8 other dictionary that I consulted. 9 Q. So -- but you did not consult with any 10 dictionaries other than the two that you just named; 11 correct? 12 MR. BLUMENKOPF: Objection. Form. 13 THE WITNESS: As I said, I don't recall 14 specifically referencing any other dictionaries but 15 there are two dictionaries referenced in this 16 document, so that statement is a true statement. 17 By MR. RAFATIJO: 18 Q. I'm not asking about if you reference any 19 other dictionary in the supplemental declaration. 20 I'm asking you if you consulted with any other 21 dictionary besides the two that you just named? 22 MR. BLUMENKOPF: Objection. Form. 23 THE WITNESS: I believe I answered that. 24 By MR. RAFATIJO: 25 Q. Is that a yes or a no?

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5 (17 to 20)

17 1 A. I don't recall referencing any dictionaries 2 other than these two that I named. 3 Q. And you did not consult with any other 4 dictionaries besides the two? 5 MR. BLUMENKOPF: Objection. Form. 6 THE WITNESS: As I said, I don't recall 7 referencing any dictionaries other than the two on 8 this list. 9 By MR. RAFATIJO: 10 Q. Are you familiar with the IEEE 11 dictionary? 12 MR. BLUMENKOPF: Objection. Form. 13 THE WITNESS: I'm familiar with the 14 organization IEEE. 15 By MR. RAFATIJO: 16 Q. Did you know if they have a dictionary -- 17 MR. BLUMENKOPF: Objection. Form. 18 By MR. RAFATIJO: 19 Q. -- of electrical terms? 20 A. I was not aware of one. I wouldn't be 21 surprised if they did. 22 Q. Okay. So -- I mean, you picked Microsoft 23 dictionary for this case because it was more 24 reliable than the other dictionaries? 25 MR. BLUMENKOPF: Objection. Form.	19 1 By MR. RAFATIJO: 2 Q. Do you have a copy of the Microsoft 3 Computer Dictionary? 4 A. I -- 5 MR. BLUMENKOPF: Objection. Form. 6 THE WITNESS: As I said, I don't believe 7 so. I'm not sure. Let's put it that way. 8 By MR. RAFATIJO: 9 Q. So how did you pick the portions that you 10 reviewed from the Microsoft Computer Dictionary? 11 MR. BLUMENKOPF: Objection. Form. 12 THE WITNESS: The excerpt from the 13 Microsoft dictionary was provided to me by 14 counsel. 15 By MR. RAFATIJO: 16 Q. Okay. Is there any particular reason that 17 you picked Merriam-Webster's Collegiate Dictionary 18 for this case? 19 MR. BLUMENKOPF: Objection. Form. 20 THE WITNESS: No particular reason -- 21 reason. 22 By MR. RAFATIJO: 23 Q. Are you familiar with Oxford English 24 Dictionary? 25 MR. BLUMENKOPF: Objection. Form.
18 1 THE WITNESS: I felt that the Microsoft 2 Dictionary Computer would be reliable. 3 By MR. RAFATIJO: 4 Q. Okay. Let's go back to paragraph six. The 5 very next portion of your testimony here, it says 6 that you have "reviewed portions of 7 Merriam-Webster's Collegiate Dictionary, Tenth 8 Edition." 9 Do you see that? 10 A. I do. 11 Q. And do you consider this dictionary a 12 reliable source? 13 MR. BLUMENKOPF: Objection. Form. 14 THE WITNESS: I do. 15 By MR. RAFATIJO: 16 Q. Was it a known reference? 17 MR. BLUMENKOPF: Objection. Form. 18 THE WITNESS: I believe so. 19 By MR. RAFATIJO: 20 Q. Have you ever consulted with this 21 dictionary prior to this proceeding? 22 MR. BLUMENKOPF: Objection. Form. 23 THE WITNESS: I owned a copy of the 24 Merriam-Webster Collegiate Dictionary when I was in 25 college.	20 1 THE WITNESS: By what do you mean 2 "familiar"? 3 By MR. RAFATIJO: 4 Q. Do you know that it exists? 5 MR. BLUMENKOPF: Objection. Form. 6 THE WITNESS: I believe there is an Oxford 7 English Dictionary. 8 By MR. RAFATIJO: 9 Q. Do you have a copy of that one? 10 MR. BLUMENKOPF: Objection. Form. 11 THE WITNESS: I would have to check my 12 bookcase at home. I'm not sure. 13 By MR. RAFATIJO: 14 Q. What about Cambridge English Dictionary? 15 MR. BLUMENKOPF: Objection. Form. 16 THE WITNESS: Same answer. 17 By MR. RAFATIJO: 18 Q. Why did you not pick those dictionaries for 19 this proceeding? 20 MR. BLUMENKOPF: Objection. Form. 21 THE WITNESS: As I said, no particular 22 reason. 23 MR. RAFATIJO: So let's mark this Exhibit 24 1001. 25 (Whereupon, Crane Exhibit 1001 was marked for

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6 (21 to 24)

21	23
1 identification.)	1 from?
2 COURT REPORTER: I've marked Exhibit	2 MR. BLUMENKOPF: Objection. Form.
3 1001.	3 THE WITNESS: That definition is a quote
4 By MR. RAFATIJO:	4 from the Microsoft Computer Dictionary on, I
5 Q. Do you recognize this document,	5 believe, page 31.
6 Mr. Crane?	6 By MR. RAFATIJO:
7 A. This appears to be the '028 patent.	7 Q. Is there any part of this definition that
8 Q. Okay. Okay. So, Mr. Crane, what is an	8 you disagree with?
9 application in the context of the '028 patent?	9 MR. BLUMENKOPF: Objection. Form.
10 MR. BLUMENKOPF: Objection. Form.	10 THE WITNESS: I consider this a reasonable
11 THE WITNESS: I discuss the definition of	11 definition of the term application.
12 application in my supplemental declaration.	12 By MR. RAFATIJO:
13 By MR. RAFATIJO:	13 Q. So the definition says that "application is
14 Q. So sitting here today as a POSITA you're	14 a program designed to assist."
15 not able to articulate a definition without	15 Assist whom, Mr. Crane?
16 consulting your declaration?	16 MR. BLUMENKOPF: Objection. Form.
17 MR. BLUMENKOPF: Objection. Form.	17 THE WITNESS: In context it says it's
18 THE WITNESS: I didn't say that.	18 "designed to assist in the performance of a specific
19 By MR. RAFATIJO:	19 task."
20 Q. So what is the definition of application?	20 By MR. RAFATIJO:
21 MR. BLUMENKOPF: Objection. Form.	21 Q. So assisting whom?
22 By MR. RAFATIJO:	22 MR. BLUMENKOPF: Objection. Form.
23 Q. What are you reviewing, Mr. Crane?	23 THE WITNESS: Assist in the performance of
24 A. I have my declaration in front of me.	24 a specific task.
25 Q. So you're reviewing your declaration to	25 By MR. RAFATIJO:
22	24
1 find an answer to my question?	1 Q. Okay. Assisting whom?
2 MR. BLUMENKOPF: Objection. Form.	2 MR. BLUMENKOPF: Objection. Form.
3 THE WITNESS: Not at this time.	3 THE WITNESS: Assisting in the performance
4 By MR. RAFATIJO:	4 of a specific task.
5 Q. Well, on what page of your declaration you	5 By MR. RAFATIJO:
6 are?	6 Q. Okay. And I'm asking a program is designed
7 A. My declaration is open to page six.	7 to assist whom?
8 Q. Okay. And page six is the page that you	8 MR. BLUMENKOPF: Counsel, you've asked this
9 define the word application; correct?	9 three times. You need to move on.
10 MR. BLUMENKOPF: Objection. Form.	10 MR. RAFATIJO: I haven't gotten my answer.
11 THE WITNESS: There is a definition of the	11 Sorry.
12 term application on page six of my supplemental	12 THE WITNESS: There is no mention in this
13 declaration.	13 definition of a whom.
14 By MR. RAFATIJO:	14 By MR. RAFATIJO:
15 Q. So what's that definition, if you can tell	15 Q. A program assists a user?
16 me?	16 MR. BLUMENKOPF: Objection. Form.
17 MR. BLUMENKOPF: Objection. Form.	17 THE WITNESS: Outside of the context of
18 THE WITNESS: "Referring to the Microsoft	18 this supplemental declaration, a program -- an
19 Computer Dictionary, it provides the following	19 example of who a program can assist might be a
20 definition for application which is a program	20 user.
21 designed to assist in the performance of a specific	21 By MR. RAFATIJO:
22 task, such as word processing, accounting, or	22 Q. Who else a program might assist?
23 inventory management."	23 MR. BLUMENKOPF: Objection. Form.
24 By MR. RAFATIJO:	24 THE WITNESS: Again, outside the contest --
25 Q. So where did you get this definition	25 context of my supplemental declaration, one example

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7 (25 to 28)

25 1 might be assisting the computer itself. 2 By MR. RAFATIJO: 3 Q. Okay. So the examples provided in this 4 definition after the term such as is "word 5 processing, accounting, or inventory management;" 6 correct? 7 A. Those three examples were included in this 8 definition. 9 Q. Okay. So are you saying that a computer 10 has, for example, bank accounts -- 11 MR. BLUMENKOPF: Objection. Form. 12 MR. RAFATIJO: I have not finished my 13 question. 14 By MR. RAFATIJO: 15 Q. -- has bank accounts and needs assistance 16 with accounting? 17 MR. BLUMENKOPF: Objection. Form. 18 THE WITNESS: I don't draw any specific 19 inference from the fact that these three examples 20 are included in the -- in the definition. 21 By MR. RAFATIJO: 22 Q. Who does the word processing? 23 MR. BLUMENKOPF: Objection. Form. 24 THE WITNESS: Again, as I say, outside of 25 the context of my supplemental declaration the word	27 1 By MR. RAFATIJO: 2 Q. Great. Does a computer have a bank 3 account? 4 MR. BLUMENKOPF: Objection. Form. 5 THE WITNESS: What do you mean by "have a 6 bank account"? 7 By MR. RAFATIJO: 8 Q. Can a computer have a bank account? 9 MR. BLUMENKOPF: Same objection. 10 THE WITNESS: What do you mean by "have a 11 bank account"? 12 By MR. RAFATIJO: 13 Q. Can you have a bank account that is named 14 to a personal computer? 15 MR. BLUMENKOPF: Objection. Form. 16 THE WITNESS: I don't know. 17 By MR. RAFATIJO: 18 Q. Can a computer open a bank account? 19 MR. BLUMENKOPF: Objection. Form. 20 THE WITNESS: I would think that 21 unlikely. 22 By MR. RAFATIJO: 23 Q. So given that a computer cannot open a bank 24 account, does a computer need assistance with 25 accounting?
26 1 processing program is assisted in the performance 2 thereof. 3 By MR. RAFATIJO: 4 Q. So a user needs assistance with word 5 processing or a computer needs assistance with word 6 processing? 7 MR. BLUMENKOPF: Objection. Form. 8 THE WITNESS: As I previously testified, a 9 user or a computer are two examples that might be 10 assisted in the performance of a specific task. 11 By MR. RAFATIJO: 12 Q. I'm talking about word processing. 13 A. My answer was a specific task. If you 14 would like to use word processing as that specific 15 task, that is my answer. 16 Q. Does a computer need assistance to do -- to 17 draft an article? 18 MR. BLUMENKOPF: Objection. Form. 19 THE WITNESS: Does a computer require 20 assistance to draft an article, is that the 21 question? 22 MR. RAFATIJO: Yes. Yes. 23 THE WITNESS: Well, certainly in the time 24 frame of around 2002 I would say that a computer 25 would not draft an article unattended.	28 1 MR. BLUMENKOPF: Objection. Form. 2 THE WITNESS: That question conflates 3 opening a bank account with accounting. Those are 4 two different things. 5 By MR. RAFATIJO: 6 Q. Can a computer -- well, accounting does not 7 need to manage the accounts? 8 MR. BLUMENKOPF: Objection. Form. 9 THE WITNESS: Managing an account is 10 probably a feature involved in accounting. 11 By MR. RAFATIJO: 12 Q. So does -- given that a computer cannot 13 have a bank account, does it need assistance with 14 managing accounts? 15 MR. BLUMENKOPF: Objection. Form. 16 THE WITNESS: And, again, what did you mean 17 by have an account -- "have a bank account"? By MR. 18 RAFATIJO: 19 Q. You just testified that it would be highly 20 unlikely for a bank account to be named to a 21 computer. So given that a computer cannot have a 22 bank account, does a computer need assistance with 23 managing that account? 24 MR. BLUMENKOPF: Objection. Form. 25 THE WITNESS: To be clear, I believe I

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8 (29 to 32)

29 1 testified that it would be unlikely for a computer 2 to open a bank account. 3 By MR. RAFATIJO: 4 Q. So if a computer cannot open a bank 5 account, does that mean a computer doesn't have the 6 bank account? 7 MR. BLUMENKOPF: Objection. Form. 8 THE WITNESS: What do you mean by "have a 9 bank account"? 10 By MR. RAFATIJO: 11 Q. If you can't open a bank account, so you 12 don't have a bank account? 13 MR. BLUMENKOPF: Objection. Form. 14 THE WITNESS: If you can't open a bank 15 account you haven't opened a bank account. I'm 16 still not sure what you mean by "have a bank 17 account." 18 By MR. RAFATIJO: 19 Q. Is there any way you could have a bank 20 account without first opening it? 21 MR. BLUMENKOPF: Objection. Form. 22 THE WITNESS: Yes. 23 By MR. RAFATIJO: 24 Q. How? 25 A. If the bank account had been previously	31 1 By MR. RAFATIJO: 2 Q. In 2002, could there be a bank account in a 3 computer's name? 4 MR. BLUMENKOPF: Objection. Form. 5 THE WITNESS: I don't know. 6 By MR. RAFATIJO: 7 Q. So let's move on to paragraph nine of your 8 declaration where you define the word "application" 9 using Microsoft Computer Dictionary. Do you 10 understand the meaning of every term that appears in 11 this definition? 12 MR. BLUMENKOPF: Objection. Form. 13 THE WITNESS: I understand the plain 14 English meaning of each of those terms. 15 By MR. RAFATIJO: 16 Q. So based on this definition application is 17 a type of program; correct? 18 MR. BLUMENKOPF: Objection. Form. 19 THE WITNESS: Yes. 20 By MR. RAFATIJO: 21 Q. And in this context program is software? 22 MR. BLUMENKOPF: Objection. Form. 23 THE WITNESS: I think that's a safe 24 assumption. 25 By MR. RAFATIJO:
30 1 opened would be one example I can think of sitting 2 here on the fly. 3 Q. Previously opened by whom? 4 MR. BLUMENKOPF: Objection. Form. 5 THE WITNESS: I wouldn't speculate. 6 By MR. RAFATIJO: 7 Q. Can a computer own a bank account? 8 MR. BLUMENKOPF: Objection. Form. 9 THE WITNESS: What do you mean by "own"? 10 By MR. RAFATIJO: 11 Q. Do you own a bank account? 12 MR. BLUMENKOPF: Objection. Form. 13 THE WITNESS: That's a legal question about 14 what ownership is. I have opened bank accounts and 15 I use bank accounts. 16 By MR. RAFATIJO: 17 Q. Do you have a bank account? 18 MR. BLUMENKOPF: Objection. Form. 19 THE WITNESS: There are bank accounts in my 20 name. 21 By MR. RAFATIJO: 22 Q. Okay. So are there bank accounts in 23 computers' names? 24 MR. BLUMENKOPF: Objection. Form. 25 THE WITNESS: I don't know.	32 1 Q. Okay. So what does "performance of a 2 specific task" mean in the definition of 3 application? 4 MR. BLUMENKOPF: Objection. Form. 5 THE WITNESS: I read those based on their 6 plain and ordinary meaning that it is a performance 7 of a specific task. 8 By MR. RAFATIJO: 9 Q. Does it mean accomplishing a specific 10 task? 11 MR. BLUMENKOPF: Objection. Form. 12 THE WITNESS: The act of performing a task 13 might include accomplishing a task. 14 By MR. RAFATIJO: 15 Q. Does it mean carrying out a specific 16 task? 17 MR. BLUMENKOPF: Objection. Form. 18 THE WITNESS: I wouldn't say that carrying 19 out is synonymous with performing. 20 By MR. RAFATIJO: 21 Q. So how would you define the word 22 "performance" in this context? 23 MR. BLUMENKOPF: Objection. Form. 24 THE WITNESS: With its ordinary meaning of 25 performing a task.

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33 1 By MR. RAFATIJO: 2 Q. And what does that mean to a native 3 speaker? 4 MR. BLUMENKOPF: Objection. Form. 5 THE WITNESS: Performing a task. 6 By MR. RAFATIJO: 7 Q. Does that mean completing that task? 8 MR. BLUMENKOPF: Objection. Form. 9 THE WITNESS: As I said, accomplishing the 10 task could be part of performing a task. 11 By MR. RAFATIJO: 12 Q. Okay. So let's move to paragraph ten of 13 your supplemental declaration. 14 In the middle of the paragraph do you see 15 that you define the word "game application"? 16 A. Yes. 17 Q. And would you please read aloud the 18 definition for the record? 19 A. "Specifically, the POSITA would have 20 understood a game application to mean a program 21 designed to assist in the performance of a game." 22 Q. And you define game application here by 23 relying on the definition of application in the 24 Microsoft Computer Dictionary that we just 25 discussed; correct?	35 1 By MR. RAFATIJO: 2 Q. Now I'm asking if it would be a game 3 application if it's a program designed to assist the 4 user in the performance of a game? 5 MR. BLUMENKOPF: Objection. Form. 6 THE WITNESS: And as I said, it would be a 7 game application if it is a program designed to 8 assist in the performance of a game. 9 By MR. RAFATIJO: 10 Q. I'm asking you a yes-or-no question. 11 If a program assists a user in the 12 performance of a game, would that program be a game 13 application? 14 MR. BLUMENKOPF: Objection. Form. 15 THE WITNESS: And my answer is that if it 16 is a program designed to assist in the performance 17 of a game, it is a game application. 18 By MR. RAFATIJO: 19 Q. Okay. And if it assists the user, is it 20 still a game application? 21 MR. BLUMENKOPF: Objection. Form. 22 THE WITNESS: A requirement is that it 23 assists in the performance of a game. 24 By MR. RAFATIJO: 25 Q. Yeah, but I'm just asking if a program
34 1 MR. BLUMENKOPF: Objection. Form. 2 THE WITNESS: I applied the definition from 3 the Microsoft Computer Dictionary of application to 4 a game application. Game being an adjective 5 describing the type of application. 6 By MR. RAFATIJO: 7 Q. So if a program assists a user in the 8 performance of a game, that program is a game 9 application? 10 MR. BLUMENKOPF: Objection. Form. 11 THE WITNESS: There is no user mentioned in 12 the definition of application. 13 By MR. RAFATIJO: 14 Q. If a program assists you -- so if a program 15 assists a user to -- in the performance of the game, 16 that program is not an application? 17 MR. BLUMENKOPF: Objection. Form. 18 THE WITNESS: I didn't say that. 19 By MR. RAFATIJO: 20 Q. So would that be falling under the 21 definition of game application? 22 MR. BLUMENKOPF: Objection. Form. 23 THE WITNESS: It would be a game 24 application if it is a program designed to assist in 25 the performance of a game.	36 1 assists a user would that be also a game application 2 if it assists in the performance of the game? 3 MR. BLUMENKOPF: Objection. Form. 4 THE WITNESS: Just to be clear, I did not 5 limit that definition to refer to assisting anything 6 in particular, whether it is a user or a computer. 7 As long as it is designed to assist in the 8 performance of a game, I believe a person of 9 ordinary skill in the art would have understood it 10 to be a game application. 11 By MR. RAFATIJO: 12 Q. Okay. So does graphical user interface, 13 for example, assist -- assist in the performance of 14 a game application? 15 MR. BLUMENKOPF: Objection. Form. 16 THE WITNESS: A graphical user interface 17 could be an example of a part of a program that is 18 designed to assist in the performance of a game. 19 By MR. RAFATIJO: 20 Q. Okay. And, therefore, under your 21 definition graphical user interface is a game 22 application? 23 MR. BLUMENKOPF: Objection. Form. 24 THE WITNESS: That misstates what I just 25 said.

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10 (37 to 40)

37 1 By MR. RAFATIJO: 2 Q. Is graphical user interface assisting in 3 the performance of a game application? 4 MR. BLUMENKOPF: Objection. Form. 5 THE WITNESS: And as I said, a graphical 6 user interface could be an example of a portion of a 7 program that is designed to assist in the 8 performance of a game. 9 By MR. RAFATIJO: 10 Q. So graphical user interface does not exist 11 without a program? 12 MR. BLUMENKOPF: Objection. Form. 13 THE WITNESS: As I said, a graphical user 14 interface could be a portion of a program. 15 By MR. RAFATIJO: 16 Q. What about operating system? 17 MR. BLUMENKOPF: Object -- sorry. 18 MR. RAFATIJO: Sure. Go ahead. 19 MR. BLUMENKOPF: Are you finished asking 20 your question? 21 MR. RAFATIJO: No, I haven't. 22 MR. BLUMENKOPF: Okay. Objection. Form. 23 By MR. RAFATIJO: 24 Q. What about operating system? 25 MR. BLUMENKOPF: Same objection.	39 1 Q. In the performance of a game? 2 MR. BLUMENKOPF: Objection. Form. 3 THE WITNESS: A game application which 4 includes assisting in the performance of a game. 5 By MR. RAFATIJO: 6 Q. What I'm asking is if an operating system 7 indirectly assists in the performance of a game? 8 A. And what I said is it could be argued that 9 an operating system assists a game application which 10 is a program designed to assist in the performance 11 of a game. 12 Q. Can a user -- can -- can you play a game on 13 a computer that doesn't have an operating system? 14 MR. BLUMENKOPF: Objection. Form. 15 THE WITNESS: I don't know. 16 By MR. RAFATIJO: 17 Q. So you can play a game on a computer 18 without an operating system? 19 MR. BLUMENKOPF: Objection. Form. 20 THE WITNESS: As I sit here today, I'm 21 saying I would have to consider lots of options so I 22 can't say yes or no. 23 By MR. RAFATIJO: 24 Q. Okay. Is it your opinion that a web 25 browser meets the definition of a game application
38 1 THE WITNESS: Do we have a question there? 2 MR. RAFATIJO: Yes. 3 By MR. RAFATIJO: 4 Q. Is operating system assisting in the 5 performance of a game? 6 MR. BLUMENKOPF: Objection. Form. 7 THE WITNESS: I would say an operating 8 system could be a program designed to assist a 9 program to assist in the performance of a game. 10 By MR. RAFATIJO: 11 Q. Therefore, an operating system assists in 12 the performance of a game; correct? 13 MR. BLUMENKOPF: Objection. Form. 14 THE WITNESS: Again, as I said, I think an 15 operating system could assist a program to assist in 16 the performance of a game. 17 By MR. RAFATIJO: 18 Q. So, therefore, indirectly an operating 19 system assists in the performance of a game; 20 correct? 21 MR. BLUMENKOPF: Objection. Form. 22 THE WITNESS: One might argue that an 23 operating system indirectly assists a game 24 application. 25 By MR. RAFATIJO:	40 1 that you just provided in your declaration? 2 MR. BLUMENKOPF: Objection. Form. 3 THE WITNESS: I believe that a web browser 4 meets the definition of a game application if it is 5 a program designed to assist in the performance of a 6 game. 7 By MR. RAFATIJO: 8 Q. Can a web browser assist a user to watch a 9 movie? 10 MR. BLUMENKOPF: Objection. Form. 11 THE WITNESS: That's one example of what a 12 web browser can do. 13 By MR. RAFATIJO: 14 Q. Does that make a web browser a streaming 15 application? 16 MR. BLUMENKOPF: Objection. Form. 17 THE WITNESS: What do you mean by 18 "streaming application"? 19 By MR. RAFATIJO: 20 Q. Are you familiar with Netflix? 21 MR. BLUMENKOPF: Objection. Form. 22 THE WITNESS: What part of Netflix? 23 By MR. RAFATIJO: 24 Q. What is Netflix? 25 MR. BLUMENKOPF: Objection. Form.

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11 (41 to 44)

41 1 THE WITNESS: Netflix is a company. 2 By MR. RAFATIJO: 3 Q. Does it have an application? 4 MR. BLUMENKOPF: Objection. Form. 5 THE WITNESS: I have Netflix app or 6 application downloaded on my smart TV, my DVR and my 7 iPad. So, yes, Netflix does offer applications. 8 By MR. RAFATIJO: 9 Q. And what does the job of the application? 10 MR. BLUMENKOPF: Objection. Form. 11 By MR. RAFATIJO: 12 Q. What is the job of that application? 13 Sorry. 14 MR. BLUMENKOPF: Same objection. 15 THE WITNESS: That application provides 16 access to the Netflix service. 17 By MR. RAFATIJO: 18 Q. Does that application allow you to watch or 19 stream movies? 20 MR. BLUMENKOPF: Objection. Form. 21 THE WITNESS: It does. 22 By MR. RAFATIJO: 23 Q. Okay. So can you access Netflix on a web 24 browser? 25 MR. BLUMENKOPF: Objection. Form.	43 1 YouTube application -- 2 MR. RAFATIJO: Yeah. 3 THE WITNESS: -- or the YouTube service? 4 By MR. RAFATIJO: 5 Q. YouTube application? 6 A. A user uses the YouTube application to 7 access YouTube. 8 Q. To do what on YouTube? 9 A. One of the features that YouTube provides 10 is to show videos. 11 Q. Show videos. So if a user accesses YouTube 12 on web browser, does that mean that the web browser 13 is the YouTube application? 14 MR. BLUMENKOPF: Objection. Form. 15 THE WITNESS: I don't know. 16 By MR. RAFATIJO: 17 Q. Can a web browser assist a user to perform 18 word processing? 19 MR. BLUMENKOPF: Objection. Form. 20 THE WITNESS: I don't now. 21 By MR. RAFATIJO: 22 Q. Are you familiar with Google Doc? 23 MR. BLUMENKOPF: Objection. Form. 24 THE WITNESS: I am. 25 By MR. RAFATIJO:
42 1 THE WITNESS: I don't know. 2 By MR. RAFATIJO: 3 Q. What about YouTube, can you access YouTube 4 on a web browser? 5 MR. BLUMENKOPF: Objection. Form. 6 THE WITNESS: You can. 7 By MR. RAFATIJO: 8 Q. And when you are accessing YouTube on a web 9 browser, can you watch a video on the YouTube? 10 MR. BLUMENKOPF: Objection. Form. 11 THE WITNESS: Yes. 12 By MR. RAFATIJO: 13 Q. And how would you characterize YouTube? 14 What type of application is YouTube? 15 MR. BLUMENKOPF: Objection. Form. 16 THE WITNESS: What type of application? 17 MR. RAFATIJO: Yes. 18 THE WITNESS: Well, if it's loaded on my 19 desktop it would be a desktop application. If it 20 was loaded on my iPad, it would be a mobile 21 application. 22 By MR. RAFATIJO: 23 Q. For what purpose do users use YouTube? 24 MR. BLUMENKOPF: Objection. Form. 25 THE WITNESS: By that do you mean the	44 1 Q. What is Google Doc? 2 A. Google Doc is a service-based document 3 system that Google hosts. 4 Q. Is it a word processor? 5 MR. BLUMENKOPF: Objection. Form. 6 THE WITNESS: I believe Google Docs 7 contains some word processing functionality. 8 By MR. RAFATIJO: 9 Q. So if you access Google Doc -- Google Doc 10 on the web browser, does that make the web browser a 11 word processing application? 12 MR. BLUMENKOPF: Objection. Form. 13 THE WITNESS: I would would say that word 14 processing is an example of a task that a web 15 browser can perform. 16 By MR. RAFATIJO: 17 Q. And, therefore, web browser is a word 18 processing application? 19 MR. BLUMENKOPF: Objection. Form. 20 THE WITNESS: As I say, it's a task that a 21 web browser can perform. 22 MR. RAFATIJO: Okay. Let's mark this 23 exhibit. Okay. This is Exhibit 1003. 24 (Whereupon, Crane Exhibit 1003 was marked for 25 identification.)

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12 (45 to 48)

1 COURT REPORTER: I have marked Exhibit 2 1003. 3 MR. RAFATIJO: Sure. 4 By MR. RAFATIJO: 5 Q. So, Mr. Crane, this exhibit -- I represent 6 to you that this exhibit was filed by Petitioner, 7 Exhibit 1003, which is the prosecution history of 8 the '028 patent. 9 A. And I will take your word for it rather 10 than reading through all 800 pages. 11 Q. Sure. And you have consulted with this 12 document before; correct? 13 MR. BLUMENKOPF: Objection. Form. 14 THE WITNESS: I have reviewed this document 15 in the past. 16 By MR. RAFATIJO: 17 Q. So to guide your attention, I have used 18 some flags, the green flags here, to direct your 19 attention to the page that I would like for you to 20 go. And I -- because the document doesn't have page 21 numbers, so I represent to you that this is page 125 22 of the prosecution history. So if you can go to 23 that page. 24 A. I have two different flags here. Oh, they 25 are both on the same page.	45	1 Q. Sure. And I will represent to you that 2 this is page 125 of the prosecution history. 3 A. Okay. 4 Q. Do you see -- so on page 125 do you see an 5 Internet Explorer title bar? 6 MR. BLUMENKOPF: Objection. Form. 7 THE WITNESS: This exhibit -- well, part of 8 other exhibits does not display the Internet 9 Explorer title bar. 10 By MR. RAFATIJO: 11 Q. Okay. So to be clear, page 125 does not 12 display an Internet Explorer title bar; correct? 13 MR. BLUMENKOPF: Objection. Form. 14 THE WITNESS: That is correct. 15 By MR. RAFATIJO: 16 Q. So can we go to the next page which would 17 be slide 45 and in the prosecution history page 126. 18 On this page do you see an Internet Explorer title 19 bar? 20 MR. BLUMENKOPF: Objection. Form. 21 THE WITNESS: This slide does not depict 22 the Internet Explorer title bar. 23 By MR. RAFATIJO: 24 Q. Let's go to the next page which is page 127 25 of the prosecution history. Do you see an Internet	47
1 Q. Yes. 2 A. Okay. 3 Q. Okay. Do you see an Internet Explorer 4 title bar on this page? 5 MR. BLUMENKOPF: Counsel, I just want to be 6 clear, I want to make sure we are looking at the 7 same page here. 8 What page exactly are you referring to? 9 MR. RAFATIJO: This one. 10 MR. BLUMENKOPF: Can you describe it for 11 the record? 12 MR. RAFATIJO: This is -- it says page 44 13 on the bottom. Do you see that? And on top it 14 says, "Cronos Demo." 15 For the record, C-r-o-n-o-s space D-e-m-o. 16 MR. BLUMENKOPF: Mr. Crane, is that the 17 page you're looking at? 18 THE WITNESS: It's also numbered 44 in the 19 slide -- 20 MR. RAFATIJO: Yes. 21 THE WITNESS: -- is that correct? 22 MR. RAFATIJO: Yes. 23 THE WITNESS: I have that page in front of 24 me as well as the ones in front of it. 25 By MR. RAFATIJO:	46	1 Explorer title bar on this page? 2 A. This page does not display an Internet 3 Explorer title bar. 4 Q. Let's go to the next page which is page 128 5 of the prosecution history. Do you see an Internet 6 Explorer title bar on this page? 7 MR. BLUMENKOPF: Objection. Form. 8 THE WITNESS: This page does not appear to 9 depict the Internet Explorer title bar. 10 By MR. RAFATIJO: 11 Q. Let's go to page 129 of the prosecution 12 history. Does this page depict an Internet Explorer 13 title bar? 14 MR. BLUMENKOPF: Objection. Form. 15 THE WITNESS: This page does not appear to 16 reflect the Internet Explorer title bar. 17 By MR. RAFATIJO: 18 Q. Let's go to page 130 of the prosecution 19 history. Does this page display an Internet 20 Explorer title bar? 21 MR. BLUMENKOPF: Counsel, are you on the 22 page that says 49 at the bottom? 23 MR. RAFATIJO: Yes. 24 MR. BLUMENKOPF: Thank you. 25 Mr. Crane, is that the page you're looking	48

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13 (49 to 52)

49 1 at? 2 THE WITNESS: I am. 3 MR. RAFATIJO: There is a pending question. 4 5 THE WITNESS: This slide does not appear to 6 display the Internet Explorer title bar. 7 By MR. RAFATIJO: 8 Q. And let's go to page 131 of the prosecution 9 history which is page -- this is slide number 50. 10 Do you see an Internet Explorer title bar on this 11 page? 12 MR. BLUMENKOPF: Objection. Form. 13 THE WITNESS: This slide does not appear to 14 depict the Internet Explorer title bar. 15 By MR. RAFATIJO: 16 Q. Okay. So let's go to page 123 of the 17 prosecution history which is two pages prior to the 18 page that I flagged for you. Okay. And that page 19 has a slide number 42 on the left-hand side; 20 correct? 21 A. I have the slide that is labeled number 42 22 in front of me. 23 Q. Okay. So do you see a URL on this page? 24 MR. BLUMENKOPF: Objection. Form. 25 THE WITNESS: I do not see the letters URL	51 1 Q. So in your opinion this is a uniform 2 resource locator? 3 MR. BLUMENKOPF: Objection. Form. 4 THE WITNESS: What I said is this takes the 5 place of a resource locator but it also tells the 6 Internet Explorer what to open. 7 By MR. RAFATIJO: 8 Q. Well, I'm asking if this is a uniform 9 resource locator. 10 MR. BLUMENKOPF: Objection. Form. 11 THE WITNESS: I don't have at hand the 12 definition of a universal resource locator. 13 By MR. RAFATIJO: 14 Q. So as a POSITA you do not know the 15 definition of uniform resource locator? 16 MR. BLUMENKOPF: Objection. Form. 17 THE WITNESS: I didn't say that. 18 By MR. RAFATIJO: 19 Q. So what is the definition of a uniform 20 resource locator? 21 MR. BLUMENKOPF: Objection. Form. 22 THE WITNESS: As I said, I don't have the 23 actual definition of a universal resource locator in 24 front of me nor was it part of my supplemental 25 definition.
50 1 on this slide. 2 By MR. RAFATIJO: 3 Q. By URL I mean uniform resource locator. 4 MR. BLUMENKOPF: There is a question, 5 Counsel? 6 MR. RAFATIJO: Yeah. 7 By MR. RAFATIJO: 8 Q. Do you see anything that represents a 9 uniform resource locator on this page? 10 MR. BLUMENKOPF: Objection. Form. 11 THE WITNESS: In this slide there is a -- 12 what looks like a file name in the search bar with a 13 navigation bar of Internet Explorer that represents 14 a resource locator. 15 By MR. RAFATIJO: 16 Q. So would you please tell me what is the -- 17 what is the thing that you are referring to as a 18 resource locator? 19 MR. BLUMENKOPF: Objection. Form. 20 THE WITNESS: TZ flash index new -- 21 Microsoft Internet Explorer provided by Compaq -- 22 working online is the contents of that bar -- I had 23 the name of the bar in my previous answer, but I 24 don't remember what it is right now. 25 By MR. RAFATIJO:	52 1 By MR. RAFATIJO: 2 Q. So would that help if you -- if you had to 3 consult with the definition of uniform resource 4 locator, would that help you to answer this 5 question? 6 MR. BLUMENKOPF: Objection. Form. 7 THE WITNESS: If I was asked to provide a 8 definition of universal resource locator, I would 9 refer to a industry authority on the definition of 10 universal resource locator. 11 By MR. RAFATIJO: 12 Q. Well, I'm asking you, as a POSITA, if you 13 see a universal or uniform resource locator on this 14 slide? 15 MR. BLUMENKOPF: Objection. Form. 16 THE WITNESS: And my answers were I do not 17 see the letters URL on this slide, and I see in the 18 search bar or the location bar a file name that 19 takes the place of a universal resource locator in a 20 web browser like Internet Explorer. 21 By MR. RAFATIJO: 22 Q. But that is not the universal resource 23 locator; correct? 24 MR. BLUMENKOPF: Objection. Form. 25 THE WITNESS: As I said, it takes the place

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14 (53 to 56)

1 of a resource locator. 2 By MR. RAFATIJO: 3 Q. Okay. Does a URL or universal resource -- 4 resource locator point to an address for a resource 5 on the Internet? 6 MR. BLUMENKOPF: Objection. Form. 7 THE WITNESS: I would have to consult with 8 a definition of URL to determine if it requires that 9 it be connected to a -- to the Internet. 10 MR. RAFATIJO: So I will mark this Exhibit 11 2015. 12 (Whereupon, Crane Exhibit 2015 was marked for 13 identification.) 14 COURT REPORTER: I have marked Exhibit 15 2015. 16 MR. RAFATIJO: Yes. 17 By MR. RAFATIJO: 18 Q. And we will go to page 5 -- sorry. 19 Do you see the cover page, Mr. Crane? 20 A. I do. 21 Q. What does the cover page say? 22 A. This appears to be a copy of the Microsoft 23 Computer Dictionary, Fifth Edition. 24 Q. Okay. And do you recognize this 25 dictionary?	53	1 By MR. RAFATIJO: 2 Q. Okay. And do you see that it provides a 3 definition for this term? 4 MR. BLUMENKOPF: Objection. Form. 5 THE WITNESS: It does. 6 By MR. RAFATIJO: 7 Q. What's that definition, sir? Please read 8 it aloud for the record. 9 MR. BLUMENKOPF: Objection. Form. 10 THE WITNESS: This document states, "The 11 URL is an acronym for" universal resource locator -- 12 By MR. RAFATIJO: 13 Q. It says universal? 14 A. Uniform. Sorry. -- "uniform resource 15 locator. An address for a resource on the 16 Internet." 17 Q. Please continue. 18 A. "URLs are used by web browsers to locate 19 Internet resources. A URL specifies the protocol to 20 be used in accessing the resource, such as HTTP for 21 worldwide web page or FTP for an FTP site, the name 22 of the server on which the resource resides, such as 23 www.whitehouse.gov, and optionally, the path to a 24 resource such as an HTML document or a file on that 25 server. See also FTP definition of HTML, HTTP, path
1 MR. BLUMENKOPF: Objection. Form. 2 THE WITNESS: I reviewed a Microsoft 3 Computer Dictionary, Fifth Edition. 4 By MR. RAFATIJO: 5 Q. Okay. Let's go to page 542. That was -- 6 that is the last page of this document. 7 MR. BLUMENKOPF: Counsel, I just want to 8 clarify, this is not the complete dictionary, this 9 appears to be an excerpt? 10 MR. RAFATIJO: Correct. That is an 11 excerpt, yes. 12 By MR. RAFATIJO: 13 Q. So the right-hand column, the word before 14 the last is URL. Do you see that? 15 A. I do. 16 MR. BLUMENKOPF: Counsel, this -- this 17 portion of the exhibit is nowhere in the record. 18 This is -- this is a new exhibit and we would object 19 to its introduction. 20 MR. RAFATIJO: Okay. Sure. 21 By MR. RAFATIJO: 22 Q. Okay. So do you see that it says, "Acronym 23 for uniform resource locator?" 24 MR. BLUMENKOPF: Objection. Form. 25 THE WITNESS: I see that here.	54	1 definition, server definition, virtual path 2 definition, and web browser." 3 Q. Great. So do you agree with this 4 definition? 5 MR. BLUMENKOPF: Objection. Form. 6 THE WITNESS: I don't have a problem with 7 this definition. 8 By MR. RAFATIJO: 9 Q. Okay. So based on this definition a URL 10 points to an address for a resource on the Internet; 11 correct? 12 MR. BLUMENKOPF: Objection. Form. 13 THE WITNESS: Based on this definition this 14 defines the definition of URL as a uniform resource 15 locator which is an address for a resource on the 16 Internet. 17 By MR. RAFATIJO: 18 Q. Okay. And does a URL specify the protocol 19 to be used to access the resource on the Internet? 20 MR. BLUMENKOPF: Objection. Form. 21 THE WITNESS: According to this definition 22 the protocol is one of the things specified in the 23 URL. 24 By MR. RAFATIJO: 25 Q. Okay. So let's go back to page 123 of the

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15 (57 to 60)

57 1 prosecution history. That is exactly the page right 2 in front of you, sir. 3 Does what you identified as URL on that 4 page specify the protocol to be used to access the 5 resource on the Internet? 6 MR. BLUMENKOPF: Objection. Form. 7 THE WITNESS: Based on this slide alone I 8 can't tell you what that -- 9 MR. RAFATIJO: Okay. 10 THE WITNESS: -- line represents in a 11 protocol standpoint. 12 By MR. RAFATIJO: 13 Q. Do you see HTTP on this slide? 14 MR. BLUMENKOPF: Objection. Form. 15 THE WITNESS: The letters HTTP -- 16 MR. RAFATIJO: Correct. 17 THE WITNESS: -- do not show up. 18 By MR. RAFATIJO: 19 Q. Do you see FTP? 20 MR. BLUMENKOPF: Objection. Form. 21 THE WITNESS: I do not see FTP on that 22 bar. 23 By MR. RAFATIJO: 24 Q. Do you see HTML? 25 MR. BLUMENKOPF: Objection. Form.	59 1 MR. BLUMENKOPF: It's up to you, Counsel. 2 MR. RAFATIJO: Sure. 3 THE WITNESS: Are we going to return to the 4 prosecution history? 5 MR. RAFATIJO: Not -- not -- 6 MR. BLUMENKOPF: On second thought, 7 Counsel, maybe this is a good time for a break. 8 MR. RAFATIJO: Sure. Sure. 9 MR. BLUMENKOPF: Okay. 10 THE VIDEOGRAPHER: This marks the end of 11 Media No. 1 -- 12 MR. RAFATIJO: Ten minutes is okay? 13 THE VIDEOGRAPHER: -- in the deposition of 14 David Crane. The time is 10:07 a.m. We are off the 15 record. 16 (Recess.) 17 THE VIDEOGRAPHER: This marks the beginning 18 of Media No. 2 in the deposition of David Crane. 19 The time is 10:21 a.m. We are on the record. 20 By MR. RAFATIJO: 21 Q. So, Mr. Crane, how familiar are you with 22 Microsoft Internet Explorer? 23 MR. BLUMENKOPF: Objection. Form. 24 THE WITNESS: I have used Microsoft 25 Internet Explorer.
58 1 THE WITNESS: I do not see HTML. 2 By MR. RAFATIJO: 3 Q. Okay. So the Microsoft Internet Explorer 4 on this page is working off-line; correct? 5 MR. BLUMENKOPF: Objection. Form. 6 THE WITNESS: That is what it says. 7 By MR. RAFATIJO: 8 Q. Can a Microsoft Internet Explorer that is 9 working off-line access a resource on the 10 Internet? 11 MR. BLUMENKOPF: Objection. Form. 12 THE WITNESS: A Microsoft Internet Explorer 13 can access online or off-line elements. If it is 14 working off-line -- at the time it's working 15 off-line, it is probably not accessing the 16 Internet. 17 By MR. RAFATIJO: 18 Q. Okay. Let's go back to your supplemental 19 declaration. 20 Oh, by the way, any time you want to take 21 your break, I -- just let me know. The witness -- 22 MR. BLUMENKOPF: Do you need a break, 23 Mr. Crane? 24 THE WITNESS: I'm fine. 25 MR. RAFATIJO: Okay. So continue?	60 1 By MR. RAFATIJO: 2 Q. So what's the level of familiarity? 3 MR. BLUMENKOPF: Objection. Form. 4 THE WITNESS: I'm not sure how to put a 5 percentage or level of familiarity on that. 6 By MR. RAFATIJO: 7 Q. Have you read any tutorial on Microsoft 8 Internet Explorer? 9 MR. BLUMENKOPF: Objection. Form. 10 THE WITNESS: I don't know. 11 By MR. RAFATIJO: 12 Q. Have you read any material published about 13 Microsoft Internet Explorer? 14 MR. BLUMENKOPF: Objection. Form. 15 THE WITNESS: Nothing comes to mind. 16 By MR. RAFATIJO: 17 Q. Have you ever read any report that talks 18 about functionalities and capabilities of Microsoft 19 Internet Explorer? 20 MR. BLUMENKOPF: Objection. Form. 21 THE WITNESS: I don't recall what I may or 22 may not have read about Microsoft Explorer. 23 By MR. RAFATIJO: 24 Q. Are you familiar with the functionalities 25 and capabilities of Microsoft Internet Explorer?

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Conducted on July 1, 2024

16 (61 to 64)

61 1 MR. BLUMENKOPF: Objection. Form. 2 THE WITNESS: I have some familiarity with 3 the operation of browsers like Microsoft Explorer. 4 By MR. RAFATIJO: 5 Q. Are you expressing an opinion on Microsoft 6 Internet Explorer as a POSITA or as a lay person? 7 MR. BLUMENKOPF: Objection. Form. 8 THE WITNESS: My opinions are captured in 9 my supplemental declaration. If there is some part 10 of my supplemental declaration that you want to ask 11 me about my characterization of Microsoft Explorer, 12 I would be happy to -- 13 MR. RAFATIJO: Sure. If we can go to 14 paragraph -- 15 MR. BLUMENKOPF: Counsel, if you can just 16 let Mr. Crane finish his testimony before asking a 17 new question. 18 MR. RAFATIJO: Sure. 19 MR. BLUMENKOPF: Thank you. 20 By MR. RAFATIJO: 21 Q. Let's go to paragraph 16. So on line 7 22 toward the end, do you see that you have stated 23 here, "Further, I am personally familiar with 24 Microsoft Internet Explorer having used that 25 computer application prior to October 16th, 2002."	63 1 "As the POSITA would recognize." So do you mean 2 that a POSITA would recognize your personal 3 knowledge? 4 MR. BLUMENKOPF: Objection. Form. 5 THE WITNESS: No. My supplemental 6 declaration states that the "POSITA would recognize 7 that Microsoft Internet Explorer is an application 8 that was executed on an electronic device such as a 9 user's personal computer." 10 By MR. RAFATIJO: 11 Q. So in order for a POSITA to recognize that, 12 does the POSITA need to have the level of knowledge 13 that you had about Microsoft Internet Explorer? 14 MR. BLUMENKOPF: Objection. Form. 15 THE WITNESS: I state here my opinion of 16 what a POSITA would recognize based on working with 17 people who qualify as POSITAs under the mutually 18 agreed definition of a POSITA. And I state in my 19 opinion that a POSITA would recognize Microsoft 20 Internet Explorer as an application that was 21 executed on an electronic device such as a user's 22 personal computer. 23 MR. RAFATIJO: That was not my question, 24 Mr. Crane. 25 Would the court reporter please repeat the
62 1 Do you see that language? 2 A. That is my testimony. 3 Q. And please let's go to paragraph 18. 4 Do you see the paragraph begins with, "As I 5 know from my personal knowledge of Microsoft 6 Internet Explorer and as the POSITA would 7 recognize." 8 Do you see that language? 9 A. I do. 10 Q. Okay. So are you -- are you stating that a 11 POSITA as of the priority date of the '028 patent, 12 which is October 16th, 2002, would be -- would have 13 the same level of familiarity that you did about 14 Microsoft Internet Explorer? 15 MR. BLUMENKOPF: Objection. Form. 16 THE WITNESS: I don't say that here. 17 By MR. RAFATIJO: 18 Q. So did you know more than a POSITA about 19 Microsoft Internet Explorer? 20 MR. BLUMENKOPF: Objection. Form. 21 THE WITNESS: I don't make any claim one 22 way or the other in my supplemental declaration. 23 By MR. RAFATIJO: 24 Q. Well, on paragraph 18 you are first 25 referencing your personal knowledge and then say,	64 1 question? 2 (Whereupon, the last question was read back as 3 requested.) 4 THE WITNESS: And I answered that question 5 previously that I make no comparison between my 6 knowledge or the knowledge of a POSITA regarding 7 Microsoft Internet Explorer in my supplemental 8 declaration. 9 By MR. RAFATIJO: 10 Q. So is -- does a POSITA as of the priority 11 date know about features and capabilities of 12 Microsoft Internet Explorer? 13 MR. BLUMENKOPF: Objection. Form. 14 THE WITNESS: I don't offer an opinion 15 as to what a POSITA would know about features and 16 capabilities of the Microsoft Internet Explorer. At 17 least in this paragraph I point out that a POSITA 18 would recognize that Microsoft Internet Explorer was 19 an application that was executed on an electronic 20 device such as a user's personal computer. 21 By MR. RAFATIJO: 22 Q. Mr. Crane, can a user use as a web browser 23 to browse files and folders on a computer? 24 MR. BLUMENKOPF: Objection. Form. 25 THE WITNESS: I don't believe I offer any

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17 (65 to 68)

65 1 opinion in my supplemental declaration about 2 Microsoft Internet Explorer's capabilities of 3 browsing files or folders. 4 By MR. RAFATIJO: 5 Q. Well, I'm asking you a question now. Does 6 it have that capability? 7 MR. BLUMENKOPF: Objection. Form. 8 THE WITNESS: I believe that as of 2002 one 9 of the features that Microsoft Internet Explorer was 10 capable of was loading files from a computer. 11 By MR. RAFATIJO: 12 Q. Okay. Let's -- okay. Let's go back to the 13 prosecution history of page 123 that would -- please 14 use the green flags to drive your attention to that 15 page. And, for the record, the green flag is page 16 125. 17 MR. BLUMENKOPF: Counsel, this is the page 18 labeled 44 on the bottom; right? 19 MR. RAFATIJO: That is page 125, yes, 44, 20 but I am directing Mr. Crane's attention to page 142 21 which is page 123 of the prosecution history. 22 MR. BLUMENKOPF: Okay. Mr. Crane, is it 23 the page you're looking at? 24 THE WITNESS: I believe so. 25 By MR. RAFATIJO:	67 1 reviewing that deck of slides, which is eight of 2 them I guess, which game did the user choose? 3 MR. BLUMENKOPF: Objection. Form. 4 THE WITNESS: Well, let's see what the 5 applicant has to say about these slides. I'm not 6 seeing the pages that I site to from my 7 declaration. 8 By MR. RAFATIJO: 9 Q. So, Mr. Crane, to be clear, looking at 10 those slides you're not able to identify what game 11 is selected by the user; correct? 12 MR. BLUMENKOPF: Objection. Form. 13 THE WITNESS: That is not what I said. 14 By MR. RAFATIJO: 15 Q. Well then -- 16 A. I said these slides would be taken in 17 concert with the description of those slides in this 18 document, and I would like to review not just the 19 slides but -- 20 Q. Okay. 21 A. -- what the applicant says about these 22 slides. I'm unable to find what I'm looking for, so 23 if I can take some time. 24 Q. Sure. 25 A. Which is even harder without page numbers.
66 1 Q. Okay. So, Mr. Crane, please review slide 2 number 42 to slide number 50 and then I will ask my 3 question. 4 A. I have briefly reviewed them here. 5 Q. Great. So, Mr. Crane, reviewing those 6 slides, what is the game? 7 MR. BLUMENKOPF: Objection. Form. 8 THE WITNESS: I believe that this slide 9 starting numbered 42 -- 10 MR. RAFATIJO: Uh-huh. 11 THE WITNESS: -- depicts a web-based -- 12 Internet browser-based gaming platform in which the 13 user uses his web browser to select from multiple 14 games and play them. 15 By MR. RAFATIJO: 16 Q. So what is the game that the user selects 17 in those slides? 18 MR. BLUMENKOPF: Objection. Form. 19 THE WITNESS: Well, in this slide the web 20 browser is an example of a game application in which 21 a player is going to be playing games and he has the 22 ability to choose between games and other genres 23 within that game application. 24 By MR. RAFATIJO: 25 Q. So I'm not just talking about that slide --	68 1 You represented to me that the slide labeled 44 -- 2 now, let's take the slide labeled 42 -- 3 Q. Is page 123. 4 A. Is page 123. This is such a mess without 5 having page numbers. All right. Let's see if it 6 helps to find this. 7 So I found the page I was looking for where 8 the applicant describes the TerraZones storyboard. 9 Q. Uh-huh. 10 A. So if you would repeat your question. 11 MR. RAFATIJO: Would the court reporter 12 please repeat the question? 13 (Whereupon, the last question was read back as 14 requested.) 15 THE WITNESS: Well, in order for this 16 storyboard to appear on a consumer's computer the 17 consumer would have to choose this browser-based 18 gaming system which is described by the applicant as 19 a locally executed game. So you would have had to 20 have chosen this web-based game initially. 21 By MR. RAFATIJO: 22 Q. So the game that is chosen is that browser; 23 correct? 24 MR. BLUMENKOPF: Objection. Form. 25 THE WITNESS: One of the game applications

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18 (69 to 72)

69 1 that he has chosen is this browser-based game 2 application. 3 By MR. RAFATIJO: 4 Q. What are the other game applications that 5 the user has chosen? 6 MR. BLUMENKOPF: Objection. Form. 7 THE WITNESS: Throughout this storyboard, 8 which appears to be a sequential step of user 9 interactions, in slide 42 he chooses a game or genre 10 in which case I believe he chooses a mystery game 11 Cronos. So that is another example of a game 12 application that the user chooses. 13 By MR. RAFATIJO: 14 Q. Okay. So you said Cronos Demo is another 15 example of the game application that the user 16 chooses; correct? 17 MR. BLUMENKOPF: Objection. Form. 18 THE WITNESS: I believe that's what this 19 shows. 20 MR. RAFATIJO: Okay. 21 By MR. RAFATIJO: 22 Q. So looking at these slides, at what point 23 the game Cronos Demo is initiated? 24 MR. BLUMENKOPF: Objection. Form. 25 THE WITNESS: I'm not able to tell that	71 1 Q. Slide 44. 2 A. I have stated before that slide 44 has not 3 reproduced the Internet Explorer title bar. 4 Q. Okay. So let's go to paragraph 15 of your 5 declaration. Do you see that you have cited an 6 exhibit, which is Exhibit 1020, on this paragraph? 7 A. I do cite to that exhibit, yes. 8 Q. And toward the middle of the paragraph do 9 you see that you have stated, "I also believe 10 Exhibit 1020 to likely be the document that the 11 applicant provided to the patent examiner in the 12 October 8, 2008, interview." 13 Do you see that statement? 14 A. Yes. 15 Q. Let's go to paragraph 24 of your 16 declaration. 17 The first sentence says, "The color version 18 of this storyboard, Exhibit 1020, includes 19 additional various additional slides BT00014843-44, 20 BT00014854-78 that are not in the portion of the 21 TerraZone's storyboard provided in the prosecution 22 history." 23 Do you see that statement, Mr. Crane? 24 A. I do. 25 Q. Given that you have admitted that many
70 1 just from these slides. 2 By MR. RAFATIJO: 3 Q. Would you please go to page 125 which is 4 the page that I flagged with the green stickers? 5 Would you say that the game was initiated 6 at this point? 7 MR. BLUMENKOPF: Counsel, you're referring 8 to the slide labeled 44 at the bottom? 9 MR. RAFATIJO: Correct. 10 MR. BLUMENKOPF: And, Mr. Crane, is that 11 the page you're looking at? 12 THE WITNESS: It is. 13 I believe in this sequence that the Cronos 14 Demo would have been initiated on or around the time 15 this slide would have been captured. 16 By MR. RAFATIJO: 17 Q. Okay. And you're talking about slide 44, 18 page 125 of the prosecution history; correct? 19 A. I'm looking at slide 44 -- 20 Q. Okay. 21 A. -- in making that answer. 22 Q. And do you see a Microsoft Internet 23 Explorer title bar in that slide, slide 44? 24 MR. BLUMENKOPF: Objection. Form. 25 By MR. RAFATIJO:	72 1 pages of this Exhibit 1020 is not in the prosecution 2 history, how do you know if this exhibit was 3 provided to the examiner during the prosecution? 4 MR. BLUMENKOPF: Objection. Form. 5 THE WITNESS: I don't believe that is what 6 I stated about this document in the previous 7 paragraph we were looking at. 8 By MR. RAFATIJO: 9 Q. That was paragraph 15. 10 A. Uh-huh. 11 Q. You stated, "I also believe Exhibit 1020 to 12 likely be the document that the applicant provided 13 to the patent examiner;" correct? 14 A. That's what I state, I believe it's 15 likely. 16 Q. How do you know of that? 17 MR. BLUMENKOPF: Objection. Form. 18 THE WITNESS: My testimony is that I 19 believed that it's likely to be the document after a 20 visual comparison. 21 By MR. RAFATIJO: 22 Q. Okay. So there is a possibility that this 23 document, Exhibit 1020 that you have cited here, was 24 not provided to the examiner; correct? 25 MR. BLUMENKOPF: Objection. Form.

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19 (73 to 76)

73 1 THE WITNESS: There is a possibility -- 2 MR. RAFATIJO: Okay. 3 THE WITNESS: -- that that exhibit was not 4 provided to the examiner. 5 By MR. RAFATIJO: 6 Q. So what is your basis for forming your 7 belief? 8 MR. BLUMENKOPF: Objection. Form. 9 THE WITNESS: As I said, from performing a 10 visual comparison they appear to be capturing the 11 same image, one very high resolution with color and 12 the other almost unreadable in the prosecution 13 history. 14 By MR. RAFATIJO: 15 Q. But you are not 100 percent sure that this 16 document was produced in the prosecution history? 17 MR. BLUMENKOPF: Objection. Form. 18 THE WITNESS: I don't believe I state that 19 it was produced. I simply state that it was likely 20 that it was an original from which the form that was 21 produced may have come from. 22 By MR. RAFATIJO: 23 Q. So you have compared the slides in the 24 prosecution history against an exhibit that you're 25 not sure whether or not it is produced; correct?	75 1 above or the sentence above? 2 A. The sentence above. 3 Q. Okay. But -- and using the sentence above 4 you have admitted that some of these slides -- you 5 call them additional various slides -- are not in 6 the prosecution history; correct? 7 MR. BLUMENKOPF: Objection. Form. 8 THE WITNESS: That is correct. 9 By MR. RAFATIJO: 10 Q. Okay. So how can slides that are not in 11 the prosecution history corroborate a POSITA's 12 understanding of a patent? 13 MR. BLUMENKOPF: Objection. Form. 14 THE WITNESS: That's not what I say. 15 By MR. RAFATIJO: 16 Q. Well, you said, "These slides further 17 corroborate;" correct? 18 A. These slides. 19 Q. Okay. And these slides -- you said you are 20 referring to the slides in the sentence just above, 21 and you admitted that these slides are not in the 22 prosecution history; correct? 23 MR. BLUMENKOPF: Objection. Form. 24 THE WITNESS: No. I said that some of the 25 slides are not reflected in the copy that is in the
74 1 MR. BLUMENKOPF: Objection. Form. 2 THE WITNESS: I visually compared them, 3 yes. 4 By MR. RAFATIJO: 5 Q. And you're not sure that Exhibit 1020 was 6 actually produced during the prosecution history; 7 correct? 8 MR. BLUMENKOPF: Objection. Form. 9 THE WITNESS: My testimony is very clear, I 10 just believe it's likely. 11 By MR. RAFATIJO: 12 Q. Okay. Let's go back to paragraph 24 of 13 your declaration. 14 The last sentence of that paragraph states, 15 "These slides further corroborate the POSITA's 16 understanding of the TerraZones's storyboard 17 described above." 18 So by "these slides," are you referring to 19 the slides BT00014843-44 and BT00014854-78? 20 MR. BLUMENKOPF: Objection. Form. 21 THE WITNESS: When I said "these slides," I 22 am referring to the slides in the paragraph above -- 23 or the sentence above. 24 By MR. RAFATIJO: 25 Q. Okay. So you are not -- the paragraph	76 1 prosecution history. 2 By MR. RAFATIJO: 3 Q. Okay. And my question is, how can slides 4 that are not in the prosecution history or that are 5 not reflected in the prosecution history corroborate 6 a POSITA's understanding of the patent? 7 MR. BLUMENKOPF: Objection. Form. 8 THE WITNESS: That's a legal question I 9 can't answer. 10 By MR. RAFATIJO: 11 Q. Okay. Could a POSITA access these 12 slides -- 13 MR. BLUMENKOPF: Objection. Form. 14 By MR. RAFATIJO: 15 Q. -- if they are not in the prosecution 16 history? 17 MR. BLUMENKOPF: Same objection. 18 THE WITNESS: I don't know. 19 By MR. RAFATIJO: 20 Q. How could you access these slides? 21 MR. BLUMENKOPF: Objection. Form. 22 THE WITNESS: As I said, I don't know how 23 they could be accessed. 24 By MR. RAFATIJO: 25 Q. No. I'm asking how you personally accessed

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20 (77 to 80)

77 1 these slides. 2 MR. BLUMENKOPF: Objection. Form. 3 THE WITNESS: These slides were provided to 4 me by counsel. 5 By MR. RAFATIJO: 6 Q. Okay. Let's go to paragraph six of your 7 declaration, line 4 in the middle. 8 Do you see you have stated that you also 9 reviewed portions of Dr. Medvidovic's textbook? 10 A. Yes. 11 Q. Okay. So you did not review the entire 12 book; correct? 13 MR. BLUMENKOPF: Objection. Form. 14 THE WITNESS: That is correct. 15 By MR. RAFATIJO: 16 Q. How did you decide what portions of the 17 book to review? 18 MR. BLUMENKOPF: Objection. Form. 19 THE WITNESS: I was provided a portion of 20 that textbook and asked to form an opinion based 21 upon what I read there. 22 MR. BLUMENKOPF: I'll caution you, 23 Mr. Crane, do not reveal any privileged 24 communications with counsel. 25 By MR. RAFATIJO:	79 1 Q. Could a POSITA in 2002 understand a 2 textbook that he or she does not have access to? 3 MR. BLUMENKOPF: Objection. Form. 4 THE WITNESS: A POSITA in 2002 understood 5 the concept of a web browser meeting the limitation 6 locally executed game application that is accessible 7 at a primary device. 8 By MR. RAFATIJO: 9 Q. But not Dr. Medvidovic's textbook -- 10 MR. BLUMENKOPF: Objection. Form. 11 By MR. RAFATIJO: 12 Q. -- correct? 13 A. He understood the concept that is captured 14 in the published version of Dr. Medvidovic's 15 textbook. 16 Q. So in this particular sentence where you 17 said, "The POSITA would understand Dr. Medvidovic's 18 textbook," are you opining based on a hypothetical 19 situation that could not be true; correct? 20 MR. BLUMENKOPF: Objection. Form. 21 THE WITNESS: No. What I'm saying is were 22 a POSITA to read Dr. Medvidovic's textbook he would 23 find it to be consistent with his knowledge of this 24 state of the art in 2002. 25 By MR. RAFATIJO:
78 1 Q. Do you know when this book was first 2 published? 3 A. I understand it was published in 2009. 4 Q. Do you know the priority date of the '028 5 date? 6 A. I don't know exactly but I know it's in 7 2002. 8 Q. Could a POSITA in 2002 have access to 9 Dr. Medvidovic's book? 10 MR. BLUMENKOPF: Objection. Form. 11 THE WITNESS: A POSITA in 2002 would not 12 have access to a book that did not get published 13 until 2009. 14 By MR. RAFATIJO: 15 Q. Okay. Let's go to your supplemental 16 declaration, paragraph 34, first sentence. Would 17 you please read it aloud for the record? 18 A. I reviewed a portion of Dr. Medvidovic's -- 19 Q. 34. 20 A. 34. Sorry. "For the reasons described 21 below, the POSITA would understand Dr. Medvidovic's 22 textbook to be consistent with a web browser meeting 23 the limitation locally executed game application 24 that is accessible at said primary electronic device 25 that appears in claim one of the '028 patent."	80 1 Q. Could a POSITA in 2002 read 2 Dr. Medvidovic's textbook? 3 MR. BLUMENKOPF: Objection. Form. 4 THE WITNESS: A POSITA in 2002 could not 5 have read a textbook -- 6 MR. RAFATIJO: Okay. 7 THE WITNESS: -- that was published in 8 2009. 9 By MR. RAFATIJO: 10 Q. Let's go to paragraph 36. You have begun 11 that paragraph by saying the POSITA -- "The POSITA 12 would understand Figure 4-19 of the textbook." 13 Do you see that language? 14 A. I do. 15 Q. Could a POSITA in 2002 see Figure 4-19 of 16 the textbook? 17 MR. BLUMENKOPF: Objection. Form. 18 THE WITNESS: A POSITA in 2002 would not 19 see Figure 4-19 of the textbook that was published 20 in 2009. 21 By MR. RAFATIJO: 22 Q. So in this particular sentence you are 23 opining again based on a hypothetical situation that 24 could not be true; correct? 25 MR. BLUMENKOPF: Objection. Form.

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21 (81 to 84)

1 THE WITNESS: Not true. It might be more 2 clear to say that should a POSITA read 3 Dr. Medvidovic's textbook he would find this to be 4 consistent with his understanding from 2002. 5 By MR. RAFATIJO: 6 Q. But a POSITA could not read 7 Dr. Medvidovic's textbook in 2002; correct? 8 MR. BLUMENKOPF: Objection. Form. 9 THE WITNESS: A POSITA could not read a 10 book published in 2009 in 2002. 11 By MR. RAFATIJO: 12 Q. Let's go to paragraph 38, last sentence. 13 You have stated, "A POSITA in 2002 consulting the 14 Medvidovic textbook." Do you see that language? 15 A. Yes. 16 Q. Could a POSITA consult Dr. Medvidovic's 17 textbook in 2002? 18 MR. BLUMENKOPF: Objection. Form. 19 THE WITNESS: A POSITA in 2002 could not 20 consult a textbook that was published in 2009. 21 By MR. RAFATIJO: 22 Q. Let's go to paragraph 39. And the second 23 sentence, would you please read it aloud for the 24 record? 25 A. "The POSITA would understand	81	1 MR. BLUMENKOPF: Objection. Form. 2 THE WITNESS: The portions of the 3 Medvidovic textbook that I reviewed would not have 4 been readable in 2002. 5 By MR. RAFATIJO: 6 Q. But were they known to a POSITA? 7 MR. BLUMENKOPF: Objection. Form. 8 THE WITNESS: The excerpts from 9 Dr. Medvidovic's textbook that I cite in my 10 supplemental declaration were all concepts that were 11 well known in the art and to a POSITA in 2002. 12 By MR. RAFATIJO: 13 Q. So if the content of Dr. Medvidovic's book 14 was well known to a POSITA in 2002, should it not be 15 some evidence of such knowledge from 2002 or 16 earlier? 17 MR. BLUMENKOPF: Objection. Form. 18 THE WITNESS: I don't understand that 19 question. 20 By MR. RAFATIJO: 21 Q. If the content of Dr. Medvidovic's textbook 22 was known to a POSITA back in 2002, should there be 23 some evidence showing that knowledge exists in 24 2002? 25 MR. BLUMENKOPF: Objection. Form.	83
1 Dr. Medvidovic's description of demonstration 2 software to be inconsistent with the patent owner's 3 position that demonstration software is not a 4 working copy of the software and cannot meet the 5 limitation 'initiating' in claim one of the '028 6 patent." 7 Q. Could a POSITA in 2002 have access to 8 Dr. Medvidovic's description of demonstration 9 software in his book? 10 MR. BLUMENKOPF: Objection. Form. 11 THE WITNESS: A POSITA in 2002 would not 12 have access to Dr. Medvidovic's textbook that was 13 published in 2009. 14 By MR. RAFATIJO: 15 Q. So earlier, Mr. Crane, you testified that 16 the POSITA would -- would be familiar with the 17 concepts disclosed in Dr. Medvidovic's textbook in 18 2002; correct? 19 MR. BLUMENKOPF: Objection. Form. 20 THE WITNESS: I don't recall exactly what I 21 testified to. 22 By MR. RAFATIJO: 23 Q. So is that your testimony that the portions 24 of Dr. Medvidovic's book that you relied upon was 25 not known to a POSITA in 2002?	82	1 THE WITNESS: I don't understand what 2 evidence you are looking for. 3 By MR. RAFATIJO: 4 Q. Have you cited to any reference from 2002 5 or earlier in your supplemental declaration to 6 establish that the content of Dr. Medvidovic's book 7 that you are relying on was known to a POSITA in 8 2002? 9 MR. BLUMENKOPF: Objection. Form. 10 THE WITNESS: My opinion, which is captured 11 in my supplemental declaration, is my opinion as an 12 expert with 40 years of experience in the field of 13 gaming as to whether a person of ordinary skill in 14 the art would understand relating to the concepts 15 that were eventually published by Dr. Medvidovic in 16 2009. 17 By MR. RAFATIJO: 18 Q. But have you cited to any reference 19 corroborating your opinion that in 2000 -- that 20 Dr. Medvidovic's book content was known to a POSITA 21 in 2002? 22 MR. BLUMENKOPF: Objection. Form. 23 THE WITNESS: I provide my opinion as an 24 expert in those issues. 25 By MR. RAFATIJO:	84

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22 (85 to 88)

85 1 Q. So you have not cited to any reference for 2 that; correct? 3 MR. BLUMENKOPF: Objection. Form. 4 THE WITNESS: As I sit here today, I can't 5 tell you what citations exist. My declaration 6 speaks for itself. 7 By MR. 8 Q. Okay. So let's go to paragraph 35. That 9 paragraph starts on page 15 and continues on page 10 16. So let's go to the last sentence of this 11 paragraph. You have stated, "Even though I 12 understand the textbook was not published until 13 2009, the POSITA in 2002 would have been familiar 14 with the code-on-demand style and would have 15 understood pages 116 to 119 of the textbook to 16 describe that style;" correct? 17 A. I was not looking at the correct paragraph 18 while you were reading that. 19 Q. Okay. So please take your time to review 20 the last sentence on paragraph 35, page 16. 21 A. The last paragraph? 22 Q. No. Paragraph 35, last sentence. 23 A. Last sentence -- 24 Q. Yes. 25 A. -- in paragraph 35?	87 1 MR. BLUMENKOPF: Objection. Form. 2 THE WITNESS: It's my understanding as an 3 expert in the field. I am a fact witness. 4 By MR. RAFATIJO: 5 Q. Other than referencing to yourself as an 6 expert, is there any other fact or reference that 7 could corroborate this sentence that is on your 8 declaration? 9 MR. BLUMENKOPF: Objection. Form. 10 THE WITNESS: I don't know. 11 By MR. RAFATIJO: 12 Q. Okay. Let's go to paragraph 37. Again, 13 the last sentence. Would you please read it for the 14 record? 15 A. "These web browser configurations depicted 16 in the Medvidovic textbook existed in 2002 and would 17 have been familiar to the POSITA in 2002." 18 Q. Have you supported this sentence by a 19 citation? 20 MR. BLUMENKOPF: Objection. Form. 21 THE WITNESS: This statement is supported 22 by my expertise as an expert in the field for more 23 than 40 years, and there is no citation attached to 24 that sentence. 25 By MR. RAFATIJO:
86 1 Q. Correct. 2 A. As stated in my supplemental declaration 3 that I understand the textbook was not published in 4 2009 -- until 2009 but the POSITA in 2002 would have 5 been familiar with the code-on-demand style 6 described by Dr. Medvidovic and would have 7 understood these pages of the textbook to describe 8 that style were he to read it. 9 Q. Have you -- well, you added the last few 10 words; right? It's not in your declaration. 11 A. The last few words were added. 12 Q. And they are not in the declaration; 13 correct? 14 A. That's correct. 15 Q. Okay. Have you supported this assertion by 16 citation? 17 MR. BLUMENKOPF: Objection. Form. 18 THE WITNESS: That statement is based upon 19 my expertise in the video game field for more than 20 40 years. That specific sentence does not include a 21 citation after it. 22 By MR. RAFATIJO: 23 Q. Have you disclosed any reference or facts 24 that enable someone who is reading your supplemental 25 declaration to access the truth of this statement?	88 1 Q. So -- okay. So let's go to paragraph 41. 2 Would you please read out loud the last sentence on 3 paragraph 41? The last two sentences, actually. 4 A. More than just the last two sentences. I 5 wouldn't take anything out of context from this 6 entire paragraph. 7 Q. Sure. 8 A. I would start it, "By 2002, demonstration 9 software was commonly used as a promotional device 10 for game applications. As the POSITA would 11 recognize, a primary purpose of a demonstration 12 software was to entice potential customers to 13 purchase a paid version of the software. 14 "Accordingly, the demonstration software 15 would frequently -- or would frequently include many 16 or all features of the paid version to demonstrate 17 the value of those features to the potential 18 customer. As described in the textbook, such 19 demonstration software would frequently include a 20 time limiting feature preventing the user from 21 making use of those features outside of a limited 22 time window; thus, encouraging the user to purchase 23 the paid version. 24 "Even if the demonstration software is only 25 a partial version of the game, the POSITA would

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23 (89 to 92)

89 1 understand demonstration software to teach a working 2 version of the game application, including the 3 ability to initiate the game application." 4 Q. That last sentence, does it have a 5 citation? 6 MR. BLUMENKOPF: Objection. Form. 7 THE WITNESS: This is my opinion as an 8 expert. There is no citation attached to that last 9 sentence. 10 By MR. RAFATIJO: 11 Q. So it is your opinion as an expert that in 12 2002 a POSITA would understand the concept discussed 13 in a 2009 textbook; correct? 14 MR. BLUMENKOPF: Objection. Form. 15 THE WITNESS: I would reverse that and I 16 would say that in 2009 Dr. Medvidovic's published 17 textbook captures information well known in the art 18 and to the POSITA as of 2002. 19 By MR. RAFATIJO: 20 Q. And for that statement you have not 21 provided a citation to a reference; correct? 22 MR. BLUMENKOPF: Objection. Form. 23 THE WITNESS: There is no citation attached 24 to the last sentence of that paragraph. 25 By MR. RAFATIJO:	91 1 correct? 2 A. I do have that. 3 MR. RAFATIJO: Okay. Can we take a 4 five-minute break, if possible? 5 MR. BLUMENKOPF: Is that okay with you, 6 Mr. Crane, to take a short break? 7 THE WITNESS: Sure. 8 MR. BLUMENKOPF: Sure. 9 THE VIDEOGRAPHER: This is the end of Media 10 No. 2 in the deposition of David Crane. The time is 11 11:10 a.m. We are going off the record. 12 (Recess.) 13 THE VIDEOGRAPHER: This marks the beginning 14 of Media No. 3 in the deposition of David Crane. 15 The time is 11:26 p.m. We are on the record. 16 By MR. RAFATIJO: 17 Q. So, Mr. Crane, if I take the term 18 demonstration software and add the preposition "of" 19 between demonstration and software, would the 20 meaning change? 21 MR. BLUMENKOPF: Objection. Form. 22 THE WITNESS: I suppose so. One is an 23 adjective and one is an adverb. 24 By MR. RAFATIJO: 25 Q. Okay. So a POSITA would understand
90 1 Q. Okay. So let's go to paragraph 39. Do you 2 see that you have used the word -- the term 3 "demonstration software" three times throughout that 4 paragraph? 5 A. I see the term demonstration software three 6 times in that paragraph. 7 Q. Let's go to paragraph 41. By my count, you 8 have used the term "demonstration software" in that 9 paragraph eight times. Please take a look and 10 confirm. 11 A. At first count I have seven. 12 Q. Okay. Is demonstration software a term of 13 art? 14 MR. BLUMENKOPF: Objection. Form. 15 THE WITNESS: It is a term that was well 16 known in the art as of 2002. 17 By MR. RAFATIJO: 18 Q. So if a POSITA hears this term he 19 definitely understands what it is; correct? 20 MR. BLUMENKOPF: Objection. Form. 21 THE WITNESS: Yes, he would. 22 By MR. RAFATIJO: 23 Q. In fact, in paragraph 41 you have stated 24 that, "This term "demonstration software" is also 25 known as, a.k.a., feature limited software;"	92 1 demonstration of software to be different from 2 demonstration software; correct? 3 MR. BLUMENKOPF: Objection. Form. 4 THE WITNESS: I think the two terms are 5 different. 6 By MR. RAFATIJO: 7 Q. Okay. So have you ever seen a video that 8 demonstrates features and capability of a product? 9 MR. BLUMENKOPF: Objection. Form. 10 THE WITNESS: I'm sure I have. 11 By MR. RAFATIJO: 12 Q. Would you say that that video is a 13 demonstration of that product? 14 MR. BLUMENKOPF: Objection. Form. 15 THE WITNESS: Do you have a specific 16 example you would like me to opine on? 17 By MR. RAFATIJO: 18 Q. Okay. Well, suppose you see an ad for a 19 car and somebody is talking about the different 20 features and capabilities of the car. Would that 21 video demonstrate the features and capabilities of 22 the car? 23 MR. BLUMENKOPF: Objection. Form. 24 THE WITNESS: I can imagine some scenarios 25 where there is a video showing the demonstration of

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24 (93 to 96)

93 1 features of a car. 2 By MR. RAFATIJO: 3 Q. So have you ever heard the word "plug-in," 4 Mr. Crane? 5 MR. BLUMENKOPF: Objection. Form. 6 THE WITNESS: I understand there is a term 7 plug-in, yes. 8 By MR. RAFATIJO: 9 Q. What does it mean in the context of 10 software engineering and program development? 11 MR. BLUMENKOPF: Objection. Form. 12 THE WITNESS: A plug-in in the context of a 13 browser, where it's most commonly used, is an 14 additional program that gets downloaded to increase 15 the functionality of that browser. 16 By MR. RAFATIJO: 17 Q. Is it -- is it also called an add-on? 18 MR. BLUMENKOPF: Objection. Counsel, where 19 is the basis in Mr. Crane's declaration for your 20 question? 21 MR. RAFATIJO: Well, he used the word 22 plug-in in his declaration. I can give you the 23 exact paragraph number, if you would want. 24 That is paragraph 17, line 4. 25 MR. BLUMENKOPF: Okay. Thank you,	95 1 By MR. RAFATIJO: 2 Q. Would the plug-in extend the capabilities 3 of the main application or an application? 4 MR. BLUMENKOPF: Objection. Form. 5 THE WITNESS: One of the features or 6 functions of a plug-in would be to extend the 7 capabilities of a program. 8 By MR. RAFATIJO: 9 Q. Okay. So can we pull up Exhibit 2015? 10 I kind of would like to direct your 11 attention to page 19. 12 A. I am on page 19. 13 Q. The last word on the left-hand column. 14 MR. BLUMENKOPF: Objection, Counsel. 15 Object to the extent that this is outside the scope 16 of 17 Mr. Crane's supplemental declaration. This portion 18 of this exhibit has not been previously introduced. 19 MR. RAFATIJO: I have asked him to compare 20 add-on with plug-in and he said he doesn't have a 21 definition, so I am providing the definition so that 22 he could make that comparison. 23 MR. BLUMENKOPF: We are just making our 24 objection for the record. 25 MR. RAFATIJO: Sure.
94 1 Counsel. 2 MR. RAFATIJO: Sure. 3 By MR. RAFATIJO: 4 Q. Is it also sometimes referred to as 5 add-on? 6 MR. BLUMENKOPF: Objection. Form. 7 THE WITNESS: As I stated in my 8 declaration, I'm referring to plug-ins such as Shock 9 or Red Flash. Plug-in was the standard term used 10 for those. 11 Add-ons -- I don't have a definition for 12 add-on as I sit here today. 13 By MR. RAFATIJO: 14 Q. Have you ever heard the term "add-on" in 15 the context of game development and software 16 engineering? 17 MR. BLUMENKOPF: Objection. Form. 18 THE WITNESS: I've heard the term add-on. 19 by MR. RAFATIJO: 20 Q. What's the difference between add-on and 21 plug-in? 22 MR. BLUMENKOPF: Objection. Form. 23 THE WITNESS: As I said, I don't, as I sit 24 here today, have a definition of add-on nor did I 25 formulate one in preparing this definition.	96 1 By MR. RAFATIJO: 2 Q. So the last word on the left-hand side is 3 "add-on." 4 Do you see that, Mr. Crane? 5 A. I do. 6 Q. And for that word there are two definitions 7 offered in this -- in the Microsoft Computer 8 Dictionary; correct? 9 MR. BLUMENKOPF: Objection. Form. 10 THE WITNESS: There are definitions one and 11 two. There is also some see alsos. 12 By MR. RAFATIJO: 13 Q. Sure. Would you please read the definition 14 two for me? 15 A. Definition two reads: "A supplemental 16 program that can extend the capabilities of an 17 application program. See also utility program." 18 Q. Okay. And you testified plug-in also 19 extends the capabilities of an application program; 20 correct? 21 MR. BLUMENKOPF: Objection. Form. 22 THE WITNESS: I don't remember exactly how 23 I characterized it in my testimony. 24 By MR. RAFATIJO: 25 Q. So a plug-in cannot extend the capabilities

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25 (97 to 100)

97 1 of an application program? 2 MR. BLUMENKOPF: Objection. Form. 3 THE WITNESS: I didn't say that either. 4 By MR. RAFATIJO: 5 Q. So can it? 6 MR. BLUMENKOPF: Objection. Form. 7 THE WITNESS: Your question asked me about 8 my previous testimony. 9 By MR. RAFATIJO: 10 Q. Can plug-in extend the capabilities of an 11 application program? 12 MR. BLUMENKOPF: Objection. Form. 13 THE WITNESS: And as I believe I did state 14 that, in fact, a plug-in can extend the capabilities 15 of a program. 16 By MR. RAFATIJO: 17 Q. Okay. What does an avatar mean to you, 18 Mr. Crane? 19 MR. BLUMENKOPF: Objection. Form. 20 THE WITNESS: I discuss the avatar in the 21 section of my declaration, if you would like to go 22 there. 23 By MR. RAFATIJO: 24 Q. Sure. Let's go. I believe that is 25 paragraph 49 and 50. I might be wrong.	99 1 Q. I'm asking you what the definition of 2 avatar is because you used that word in your 3 declaration. 4 MR. BLUMENKOPF: Objection. Form. 5 THE WITNESS: And as I state, it's 6 something that would be recognized by a POSITA and I 7 would -- I did not take the time and effort to 8 prepare a concise definition of what avatar is for 9 this supplemental declaration. 10 By MR. RAFATIJO: 11 Q. As a POSITA sitting here today, you do not 12 have a definition for avatar? 13 MR. BLUMENKOPF: Objection. Form. 14 THE WITNESS: I didn't say that. 15 By MR. RAFATIJO: 16 Q. So what's the definition for avatar? 17 MR. BLUMENKOPF: Same objection. 18 THE WITNESS: What I said was that I did 19 not provide a definition for avatar in my 20 supplemental declaration, and I'm reluctant to on 21 the fly create a definition without having spent the 22 same amount of time I spent working on this 23 declaration and figuring out what I believe a good 24 definition of avatar to be. 25 By MR. RAFATIJO:
98 1 A. I do have a heading labeled "Avatars" on 2 page 36. 3 Q. Okay. What does avatar mean? 4 MR. BLUMENKOPF: Objection. Form. 5 THE WITNESS: As captured in my 6 supplemental declaration, "Avatar has a widespread 7 use in video games since at least the 1980s, if not 8 earlier. By 2002, avatars were a common element of 9 video games, games such as Quick and Diablo are 10 examples of games that were popular and in 11 widespread use by 2002 and that made use of avatars 12 to represent players in the game. By 2002, the 13 state of the art was thus advanced." 14 By MR. RAFATIJO: 15 Q. Okay. So what is an avatar? 16 MR. BLUMENKOPF: Objection. Form. 17 THE WITNESS: To be clear, I do not provide 18 a definition of avatar or rely on a particular 19 definition of avatar in forming my opinion for this 20 declaration. I do state that, "In my view, a POSITA 21 in 2002 would have known how to implement avatars, 22 known what they were and been able to recognize a 23 avatar," but I did not provide a specific definition 24 of avatar in preparing this declaration. 25 By MR. RAFATIJO:	100 1 Q. Would avatar be the virtual representation 2 of a user? 3 MR. BLUMENKOPF: Objection. Form. 4 THE WITNESS: A virtual representation of a 5 user? What do you mean by "virtual representation"? 6 By MR. RAFATIJO: 7 Q. A representation of a user in a virtual 8 world? 9 A. A representation in what way? 10 Q. Embody the user in the virtual world such 11 as a game application? 12 A. Embody a user? What aspects of a user does 13 it embody? 14 Q. User's body? 15 MR. BLUMENKOPF: Objection. Form, Counsel. 16 THE WITNESS: Can we get that asked as a 17 question in its entirety? 18 By MR. RAFATIJO: 19 Q. Can an avatar represent a user? 20 MR. BLUMENKOPF: Objection. Form. 21 THE WITNESS: Representing what aspects of 22 the user? 23 By MR. RAFATIJO: 24 Q. User's body? 25 MR. BLUMENKOPF: Objection. Form.

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26 (101 to 104)

101 1 THE WITNESS: Can you give me an example of 2 what you're asking? In other words, if there were a 3 representation of a user's body, would it be 4 considered an avatar or something -- something more 5 specific that I can answer? 6 By MR. RAFATIJO: 7 Q. I will propose a generic picture animation 8 of a human that the user -- that represents the user 9 in playing a game. 10 MR. BLUMENKOPF: Objection. Form. 11 THE WITNESS: A character on the screen -- 12 game character -- or character on a screen could be 13 one example of an avatar. I'm not sure what your 14 use of the term "representing a character" and what 15 that means. 16 By MR. RAFATIJO: 17 Q. Associated to the user who plays the game. 18 Can a character on the screen be associated 19 to the user playing the game? 20 MR. BLUMENKOPF: Objection. Form. 21 THE WITNESS: It is possible in a video 22 game for a character on the screen to be associated 23 with a user. 24 By MR. RAFATIJO: 25 Q. Okay. Great. So let's go to Exhibit 1001	103 1 inside the box labeled secondary electronic device 2 20. 3 By MR. RAFATIJO: 4 Q. So what does that mean to a POSITA? 5 MR. BLUMENKOPF: Objection. Form. 6 THE WITNESS: A POSITA would understand 7 that to be business-related content inside the box 8 labeled secondary electronic device. 9 By MR. RAFATIJO: 10 Q. Can business-related content 24 be on 11 secondary electronic device 26? 12 MR. BLUMENKOPF: Objection. Form. 13 THE WITNESS: This figure doesn't say that 14 it can and doesn't say that it can't. 15 By MR. RAFATIJO: 16 Q. Business-related content 24, can it be 17 provided by secondary electronic device 32? 18 MR. BLUMENKOPF: Objection. Form. 19 THE WITNESS: This figure doesn't say 20 whether it can or can't. 21 By MR. RAFATIJO: 22 Q. Do you see business-related content 24 in 23 device -- secondary electronic device 32? 24 MR. BLUMENKOPF: Objection. Form. 25 THE WITNESS: There is no box labeled
102 1 which is the '028 patent. I would like to direct 2 your attention to Figure 1. 3 A. I have it. 4 Q. Looking at this figure, Mr. Crane, which 5 devices provide the business-related content? 6 MR. BLUMENKOPF: Objection. Form. 7 THE WITNESS: This figure, which I 8 understand is an example within the patent, mentions 9 business-related content 40, business-related 10 content 24, business-related content number 30, and 11 business-related content number 36, if I'm not 12 missing one. 13 By MR. RAFATIJO: 14 Q. Correct. And which device is 15 business-related content 24 associated with? 16 MR. BLUMENKOPF: Objection. Form. 17 THE WITNESS: The term "business-related 18 content 24" is in a box that is ultimately inside a 19 box labeled secondary electronic device 20. 20 By MR. RAFATIJO: 21 Q. So the secondary electronic device 20 22 provides business-related content 24; correct? 23 MR. BLUMENKOPF: Objection. Form. 24 THE WITNESS: What this figure shows is 25 that there is business-related content in a box	104 1 business-related content 24 in the box that's 2 identified as secondary electronic device 32. 3 By MR. RAFATIJO: 4 Q. So looking at this figure, where is 5 characterize profiles located? 6 MR. BLUMENKOPF: Objection. Form. 7 THE WITNESS: There is a box labeled 8 character profile 6 in the box labeled primary 9 electronic device 2. 10 By MR. RAFATIJO: 11 Q. Okay. So how can character profile 6 be 12 sent to providers of business-related content 24? 13 MR. BLUMENKOPF: Objection. Form. 14 THE WITNESS: From this figure all we can 15 see is their character profile 6 inside the box 16 labeled primary electronic device 2. And if your 17 question was about business-related content 24, that 18 is depicted inside the box that is labeled secondary 19 electronic device 20. 20 By MR. RAFATIJO: 21 Q. So character profiles is not in the same 22 box as the business-related content 24; correct? 23 MR. BLUMENKOPF: Objection. Form. 24 THE WITNESS: It's fair to say that 25 specific to this figure character profile 6, which

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27 (105 to 108)

105 1 is within primary device number 2 or depicted in a 2 box labeled primary electronic device 2, is not 3 pictured or depicted in the box labeled secondary 4 device 20 or the box labeled business related 5 content 24 as depicted. 6 By MR. RAFATIJO: 7 Q. So character profile 6 and business-related 8 content 24 are associated with two different 9 devices; correct? 10 MR. BLUMENKOPF: Objection. Form. 11 THE WITNESS: What do you mean by 12 "associated"? 13 By MR. RAFATIJO: 14 Q. They are under different -- they are -- 15 they are under different devices? 16 MR. BLUMENKOPF: Objection. Form. 17 THE WITNESS: As I testified, they are in 18 different boxes in this figure. 19 By MR. RAFATIJO: 20 Q. And each box represents a different device; 21 correct? 22 MR. BLUMENKOPF: Objection. Form. 23 THE WITNESS: Each box represents what is 24 labeled as representing. 25 By MR. RAFATIJO:	107 1 THE VIDEOGRAPHER: Okay. This concludes 2 today's deposition of David Crane. The number of 3 media used was four. The time is 11:59 a.m. We're 4 off the record. 5 (Proceedings concluded.) 6 ---o0o--- 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
106 1 Q. So the character profile 6 is in a box that 2 is labeled primary electronic device 2; correct? 3 A. That is correct. 4 Q. And business-related content 24 is in a box 5 that is labeled secondary electronic device 20; 6 correct? 7 A. That is correct. 8 MR. RAFATIJO: Okay. I pass the witness. 9 MR. BLUMENKOPF: Thank you, Counsel. 10 Can we take a short break? 11 MR. RAFATIJO: Sure. 12 THE VIDEOGRAPHER: This marks the end of 13 Media NO. 3 in the deposition of David Crane. The 14 time is 11:46 a.m. We are off the record. 15 (Recess.) 16 THE VIDEOGRAPHER: This marks the beginning 17 of Media No. 4 in the deposition of David Crane. 18 The time is 11:59 a.m. We are on the record. 19 MR. BLUMENKOPF: The Petitioner has nothing 20 further. 21 THE VIDEOGRAPHER: May I conclude? 22 MR. RAFATIJO: Yes. 23 THE VIDEOGRAPHER: And, Counsel, may I ask 24 if you wanted video? 25 MR. BLUMENKOPF: Sure.	108 1 CERTIFICATE OF STENOGRAPHIC REPORTER 2 3 4 I, BURGUNDY B. RYAN, a Certified Shorthand 5 Reporter, hereby certify that the witness in the 6 foregoing deposition, 7 DAVID CRANE, 8 was by me duly sworn to tell the truth, the whole 9 truth, and nothing but the truth, in the 10 within-entitled cause; that said deposition was 11 taken at the time and place therein named; that the 12 testimony of said witness was stenographically 13 reported by me, a disinterested person, and was 14 thereafter transcribed into typewriting. 15 I further certify that I am not of counsel 16 or attorney for either or any of the parties to said 17 deposition, nor in any way interested in the outcome 18 of the cause named in said caption. 19 20 DATED: Monday, July 1, 2024. 21  22 23 Burgundy B. Ryan, CSR No. 11373, RPR 24 25

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